

## TOWN OF PORTUGAL COVE-ST. PHILIP'S

August 12, 2008

Public Council Meeting was called to order at 7:30 pm.

**IN ATTENDANCE:** Mayor: Norm Collins  
Deputy Mayor: Keith Mercer  
Councillors: Jon Seary  
Steve Andrews  
Bill Fagan  
Adrienne King  
Town Clerk: Loretta Tucker – Acting Town Manager

**Also in Attendance:** Gallery of 9 persons.

### ADOPTION OF AGENDA

Motion: Andrews/Seary  
Resolved that the Agenda dated August 12, 2008, be adopted.

Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Andrews/Seary  
#08-225 Resolved that the Minutes of the **Regular Public Meeting of July 29, 2008**, be adopted as presented and reviewed with the following explanations from Councillor Fagan - under:  
(a) "Business Arising from the Minutes- Page 2, with an explanation as to his question regarding the words "Town must pay for any invoices" and how this related to the topic of Peace Bonds;  
(b) Quarterly Newsletter, Item d - page 9, explaining that he never refused but wished clarification.

Carried  
Unanimously.

### BUSINESS ARISING

Town Manager's Report was presented and is as reported.

It was noted by the Acting Town Manager that all items were addressed under the Action Report dated August 12, 2008 which was presented by Mayor Collins and reviewed in detail, by Council.

## COMMITTEE REPORTS

### Planning and Development Committee Report

August 5, 2008

#### 1. Civic # 137 A Beachy Cove Road

Revised concept plan to develop a fully serviced, 39 lot residential subdivision off Beachy Cove Road – Zoning: RMD/RR/RUR

Motion:  
#08-226

Andrews/King

Resolved that the revised concept plan for a fully-serviced residential subdivision with approximately 39 building lots located at Civic # 137A Beachy Cove Road be conditionally approved in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The development must have regard for the physical features of the site by ensuring, wherever possible, that the lots and roads conform to the topography of the land so as to reduce the need for excessive cut and fill. A portion of the property must be rezoned in order for the development to proceed; Council will evaluate the suitability of any land to be rezoned in terms of the local soils, drainage and/or slope conditions.

Carried

For: Collins, Mercer, Andrews, Fagan, and King

Against: Seary.

#### 2. 1095-1097 Indian Meal Line

Application to construct a single dwelling - Zoning: RI

Motion:  
#08-227

Andrews/King

Resolved that the application to construct a single dwelling at Civic 1095-1097 Indian Meal Line be rejected, in accordance the Municipal Plan and Development Regulations, as the development does not meet the minimum standards for a building lot as established in Schedule C: Residential Infill zone. Furthermore, the proposed development raises health and environmental concerns as the property is located immediately adjacent to an existing dwelling that is also situated on a substandard lot (approximately 1140 sq. m.). A second dwelling in this area could seriously impact public health and the environment.

Carried

For: Collins, Mercer, Seary, Andrews, and King

Against: Fagan

#### 3. #22 Abbott's Road

Application to construct an accessory building (78 m<sup>2</sup>) - Zoning: RMD

Motion:  
#08-228

Andrews/King

Resolved that the application to construct an accessory building at Civic # 22 Abbott's Road be conditionally approved, with a 10 % variance that will allow a maximum building size of 77 sq. m., in accordance with the Municipal Plan and Development Regulations. A notice of the variance is required.

Carried

Unanimously

#### 4. Benson, Myles

Copy of an Appeal Regarding a Decision of Council  
Submitted for information

**5. Farm Animals - Chesley Van Heights**

Motion:  
#08-229

Andrews/King  
Resolved that Council permit the keeping of a small number of roosters (approximately 6-10) at Civic # 17-19 Chesley Van Heights, provided that the roosters are not kept for the purpose of breeding or for the production of food or similar agricultural purposes, in accordance with Development Regulation 10, Discretionary Powers of Authority.

Carried

For: Mercer, Seary, Andrews, Fagan, and King  
Against: Collins

The resident who brought this to the attention of Council is to be written and advised of the decision outlined in #08-229.

*Councillor Andrews left Council Chambers due to a possible Conflict of Interest on item #6. (Neighboring property owner)*

**6. Stop Work Order – 126-134 Oliver’s Pond Road**

Motion:  
#08-230

Mercer/Seary  
Resolved that Council accept and approve the Stop Work Order issued to Property Owner at Civic #126-134 on today’s date, August 12, 2008 for construction of roadway/crossway over a wetland without first obtaining approval, and/or necessary permits.

Carried  
Unanimously

*Councillor Andrews was advised that Item 6 had been dealt with and returned to Council Chambers.*

**PERMITS ISSUED: (July 28 – August 04, 2008)**

#	DATE:	CIVIC ADDRESS	DEVELOPMENT
1	July 28/08	1-5 Anglican Cemetery Road	General Repairs & Mtce.
2	July 28/08	201 Beachy Cove Road	Dwelling Extension
3	July 28/08	746 Old Broad Cove Road	General Repairs & Mtce.
4	July 28/08	10 Fitzgerald Place	Dwelling Ext. /& Access. Bldg
5	July 29/08	4 White Ash Drive	Occupancy
6	July 30/08	12 White Ash Drive	Occupancy
7	July 31/08	49 Dawn Allen Road	Accessory Bldg.
8	Aug. 01/08	2 Plumtree Place	Occupancy
9	Aug. 04/08	72-76 Neary’s Pond Road	Dwelling Extension
10	Aug. 04/08	813-817 St. Thomas Line	Accessory Bldg. & Gazebo
11	Aug. 04/08	866 Indian Meal Line	Accessory Bldg.

## **Public Works Committee Report - August 7, 2008**

### **1. Copy of Environmental Science Engineering National Magazine**

Committee circulated a copy of an article posted in the Environmental Science Engineering National Magazine, on the Waste Water Treatment Plant located in St. Philip's. The article showcased the Town for its achievement in making a cleaner and greener environment.

### **2. Correspondence from resident of Oliver's Pond Road**

Re: Blocking the access to the pond and providing garbage containers. Committee advised that the Town can not block public access to ponds, however, will contact the RNC to increase patrols in this area to deter any illegal activities. In addition the committee will investigate and endeavor to place the appropriate garbage containers in the area of concern, and will include the emptying of the containers during the regular scheduled garbage collection days.

### **3. Correspondence from residents of Anglican Church Road**

Re: Parking on Anglican Church Road. The Town will install NO PARKING signs in the area of concern. In addition: the owner of the business in question will be requested to inform his patrons not to park in restricted zones but to park in the designated parking area.

### **4. List of Roads to be carried out under the M-Yr 4 (2008-2011 Capital Works Program)**

*Schedule "A" Listing of:  
Work outlined in Muti-Yr #4 (2008-2011)  
Excerpt from the minutes of May 20<sup>th</sup>, 2008*

- 1) Public Water Supply Improvements – Chlorine Booster Station
- 2) Miller's Road W/S – Extension of Services
- 3) Rainbow Gully Road P/R
- 4) Bickerstaff Road P/R
- 5) Copperhead Road P/R
- 6) Mallborough Place P/R
- 7) Somerton's Lane - PR
- 8) Tuckford Road – P/R
- 9) Carrigan Place - PR
- 10) Neary's Pond Road – P/R
- 11) Alfred's Drung – P/R
- 12) May's Lane – P/R
- 13) Jones's Place – P/R
- 14) Dan's Road – P/R
- 15) Parrott Place - PR
- 16) Jenny-Lynn Drive – P/R
- 17) Churchill's Road – P/R
- 18) Brookside Road –P/R
- 19) Miller's Road – P/R
- 20) Dogberry Hill Road –P/R

Motion:  
#08-231

Seary/Mercer

Resolved that due to the lateness of the construction season it does not allow enough time to carry out all the work outlined under this project that the Town carry out the following work in 2008 under the M-Yr#4 Capital Works 2008-2011.

- a) Millers Road: Installation of Water and Sewer and Road upgrading
- b) Installation of Satellite Chlorination Building Bemister's Road
- c) Alfred's Drung: Road upgrading & paving
- d) Rainbow Gully Road: Road upgrading to depot including parking area around Recreation Center
- e) Bickerstaff Road: Road upgrading & paving
- f) Copperhead Road: Road upgrading & paving
- g) Mallborough Place: Road upgrading and paving
- h) Carrigan Place: Road upgrading and paving
- I) Tuckford Place: Road upgrading and paving
- j) Somerton's Lane. Road upgrading and paving
- k) May's Lane: Road upgrading & paving.

Note: Items a, b and c may be delayed due to possible land acquisition.

The Balance of the roads will be completed under this funding at a later date.

Carried  
Unanimously

**5. Update on Waster Water Treatment Plant Portugal Cove.**

Council advises that the WWTP in the Portugal Cove section of the community is in operation. Test show that the effluent being discharged from the plant meet all expectations. Date for the grand opening will be announced.

**6. Update on upgrading of 9 Roads from Department of Transportation And Works.**

Work is scheduled to commence on August 18 on the first 5 of the 9 roads. Council has received \$500.000 for this project. Information is also posted on the Town's website as following:

**2008**

Olympic Drive  
Princeton Place  
Power's Road  
Healey's Pond Crescent  
Healey's Pond Road Extension

**2009**

Hogan's Pond Road  
Hogan's Pond Road Extension  
Oliver's Pond Road  
Oliver's Pond Place.

**7. Security Cameras – Depot.**

Committee notes there is reason to believe person(s) climbed the chain link fence at the depot yard and attempted to remove gasoline from the Town vehicles. Committee further suggested that we seek prices to install closed circuit cameras at the rear of the depot to help in deter any persons from entering the property.

When the Committee has obtained prices for these proposed installation of security cameras at the Depot it will bring forward its findings.

**Parks, Recreation & Community Services Committee**

No Meeting was held.

**Public Relations, Economic Development & Tourism Committee Report – No meeting was held.**

**Finance and Administration Committee Report – August 7, 2008**

**1. Accounts for Payment**

Motion:  
#08-232  
Carried  
Unanimously

Mercer/Andrews  
Resolved that Council pay the accounts (over \$5,000) for \$119,383.83

**2. 2007 Municipal Capital Works Program – Project #07095**

Motion  
#08-233

Mercer/Andrews  
Resolved that Council enter into an Agreement between the Province and the Town for \$800,000 to finance the completion of the WWTP. The funding is based on a cost sharing arrangement of 50/50 Provincial/Municipal ratio.

The Mayor and Clerk are authorized to sign the Agreement for the 2007 Municipal Capital Works Program - Project #0709 on behalf of the Town of Portugal Cove-St. Philips.

Carried  
Unanimously

**3. Item # 3 in the Minister’s Directive**

Motion:  
#08-234

Mercer/Andrews  
Resolved that Council solicit the services of Ian F. Kelly Q.C, of the law Firm of Curtis Dawe, to obtain a legal opinion as to the enforceability of the progressive disciplinary action under the Dispute Resolution Policy. It was also suggested that we request an estimate of cost and that should the work exceed the estimate Council will review.

Carried  
Unanimously

**4. New Employee – for P. & D. Department**

Council advises that Ms. Holly Duffett has accepted the position of Planning Technologist with the Town of Portugal Cove St. Philips and is scheduled to commence employment September 2, 2008.

**5. Civic #117-119 Beachy Cove Road - Illegal Structure**

Motion: Mercer/Andrews  
#08-235 Resolved that Council Order owner of Civic #117-119 Beachy Cove Road to remove the illegal structure on the property located at 117-119 Beachy Cove Road within 14 days from the date of the service of *Order to Remove*. Further resolved should the owner fail to comply with the *Order to Remove* that the Town's Legal Counsel be authorized to make an application before the Supreme Court requesting the Court to order the unlawful construction be removed.

Carried For: Collins, Mercer, Seary, Andrews, and King  
Against: Fagan

**6. Tax settlement - MILLS03**

Motion: Mercer/Andrews  
#08-236 Resolved that Council settle the tax account MILLS03 for \$6,000 providing that taxes are kept in good standing for subsequent years, failing this Council will proceed with the Tax Sale Process.

Carried  
Unanimously

**7. Northeast Urban Regional Plan Review Committee**

Motion: Mercer/Andrews  
#08-237 Resolved that Council authorize its representative Councillor Steve Andrews, to advise that The Town of Portugal Cove-St. Philips Council approves the Financial Management Structure as put forward in an attached document.

Carried  
Unanimously

It was noted that the project is estimated to cost \$450,000 of which the Province is to pay 50% and the balance will be shared on a per capita basis, by the 17 Municipalities involved.

Town Clerk to bring forward the past motion regarding this item.

**8. New Standing Committee – Policy Development Committee**  
(Bylaws, Regulations, Policies)

Motion: Mercer/Seary  
#08-238 Resolved that Council appoint the following persons to sit on the New Standing Committee "*Policy Development Committee*" (to review Bylaws, Regulations and Policies)

Councillor: W. Fagan – Chairperson  
Deputy Mayor: K. Mercer  
Mayor: N. Collins  
Staff: Rodney Cumby  
Staff: Sheree Kent

Carried  
Unanimously

**CORRESPONDENCE**

None

**GENERAL/NEW/UNFINISHED BUSINESS**

**a) Town Plan Review**

Councillor Andrews advised that the method proposed by P & D for reviewing the Town's Municipal Plan may cost extra money. The Town Planner is investigating the cost and the Committee will bring forward its findings.

**b) Committee Structure**

Mayor Collins advised that the Committee Structure is being reviewed and that he would appreciate receiving emails from Council members with suggestions.

**c) Softball Committee**

Councillor Fagan brought forward a thank you from the Softball Committee for having the bleachers fixed prior to the softball tournament taking place.

**ADJOURNMENT**

Motion: Andrews/Seary  
08-239 Resolved to adjourn this meeting. Approximate time 8:45 pm.  
Carried  
Unanimously

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Mayor Norm Collins

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Town Clerk, Loretta Tucker