

TOWN OF PORTUGAL COVE-ST. PHILIP'S

July 15, 2008

Public Council Meeting was called to order at 7:40 pm.

IN ATTENDANCE: Deputy Mayor: Keith Mercer (chair)
Councillors: Jon Seary
Steve Andrews
Bill Fagan
Town Manager: Rodney Cumby
Town Clerk: Loretta Tucker

Also in Attendance: Gallery of 9 persons

ADOPTION OF AGENDA

Motion: Andrews/Seary
08-191 Resolved that the Agenda dated **July 15, 2008**, be adopted.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Andrews/Seary
#08-192 Resolved that the Minutes of the **Regular Public Meeting of July 3, 2008**, be adopted as presented and reviewed with the following addition: under Motion #08-183: add the General Contingency Account #7580-7200 as per the adopted budget is \$42,768.00.
Carried
Unanimously.

Councillor Fagan requested that his questions relating to Business Arising be included. (Councillor Fagan explained that he wished to have his questions of the June 17th meeting included in the minutes of that meeting) The Town Clerk advised that she was not at the meeting and she had misunderstood his comment, her interpretation was that he wished his questions recorded at the July 3rd meeting, which was done. The Town Clerk explained that she would be unable to record verbal questions from past meeting of June 17th because she was not in attendance.

BUSINESS ARISING

Town Manager's Report – was presented and read by the Town Manager.

Business Arising from the Minutes

a) Town Manager advised Councillor Andrews that he would check on the status of item #7 FCM Green Municipal Funding tomorrow.

b) Councillor Jon Seary, Chair of Public Works Committee responded to Councillor Fagan's question that the Speedminder was not yet received, that it had gone through modifications and when the Town receives the Speedminder it will be a new and improved model.

c) Town Manager in response to Councillor Fagan's questions advised that he would review the questions with the Superintendent of Works and would respond by answering as many questions as possible. The referenced questions were tabled at the meeting of July 3, 2008, titled: *"Supplementary to Questions re Selection of Roads/Paving and Upgrades.*

Deputy Mayor Mercer advised that when he is presented with questions from the Public, where possible will provide answers, but would advise the person(s) that it may be more beneficial in order expedite a response, that they contact the staff person involved.

COMMITTEE REPORTS

Finance and Administration Committee Report – July 8, 2008

1. Accounts for Payment

Motion: Andrews/Seary
#08-193 Resolved that Council pay the accounts (over \$5000) which total \$13,210.45.
Carried
Unanimously

2. Portugal Cove-St. Philips Rowing Club

- a) Request to Council from Mr. C. Greeley for the following:
- To supply garbage cans again this year;
 - To supply some barricades again this year;
 - To go under insurance as was done last year;
 - A stage for presentation of trophies.

Motion: Andrews/Fagan
#08-194 Resolved that Council supply the above referenced materials to the Portugal Cove-St. Philips Rowing Club.
Carried
Unanimously

(b) Request from Mr. C. Greeley for the following:
To have the Town sponsor a race for the St. John's Regatta.

Motion: Andrews/Seary
#08-195 Resolved that that Council donate \$50.00 as per Council's practice re donations.

Carried
Unanimously

Councillor Fagan's suggestion that the Town draw up a *Public Relations Policy* is referred to the Finance and Administration Committee.

3. Winner's Walk for Hope – Ovarian Cancer

Motion: Andrews/Seary
#08-196 Resolved that Council deny this request as it is contrary to the Town of Portugal Cove-St. Philips Donation Policy.

Carried
Unanimously

Noting: All funds for allotted Cancer donations allowed under the Policy have been exhausted for 2008.

4. Administration Support Staff - 6 month Tenure

Motion: Andrews/Seary
#08-197 Whereas the extra work load placed on staff as a direct result of the Ministerial Directive as it relates to the Dispute Resolution, and coupled with the sensitivity and confidentiality of the topic it is resolved that Council hire an Administrative Support Staff Person for a 6 month period to assist with general office duties.

Carried

For: Mercer, Seary, and Andrews
Against: Fagan

5. Tender Award 2008 Road Upgrading & Paving

This is a follow up to an Agreement between the Town and the Dept. of Works Services and Transportation for the Take over of 9 Roads; the Agreement is dated February 27, 2008. The Town had subsequently agreed to accept \$500,000 (conditional) to upgrade the roads. The tender for upgrading the roads in Part F of Provincial Tender #57-08 PHP Project is for the tendered amount of \$519,800 however total available funding for this project is \$500,000.

Motion: Andrews/Seary
\$08-198 Resolved that Council award the Tender (2008 Road Upgrading and Paving) to Farrell's excavating in the amount of \$490,307.46. This award is in accordance with the information attached to the minutes.

Carried
Unanimously

Planning and Development Committee – July 8, 2008

1. 1455 Portugal Cove Road

Application to add a basement to an existing dwelling and carry-out general repairs Zoning RI

Motion:
#08-199

Andrews/Seary
Resolved that Council conditionally approve the application to renovate an existing dwelling at Civic 1455 Portugal Cove Road, in accordance with Development Regulation 49, subject also to full compliance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The building extension shall not exceed 50 % of the existing building.

Carried
Unanimously

2. Hugh's Pond Road

Application to construct single dwelling on a waterfront lot with insufficient frontage Zoning RI

Held for further consideration, however staff to check the correct size of the proposed dwelling. .

3. 219 A Old Broad Cove Road

Application to subdivide land to create four building lots on a new cul-de-sac Zoning RR

Motion:
#08-200

Andrews/Seary
Resolved that the application to subdivide property at Civic 219A Old Broad Cove Road to create four building lots fronting on a new cul-de-sac off Oliver's Pond Road be conditionally approved, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The engineering drawings for the proposed development must take into consideration local stream; proper setbacks from existing dwellings; sufficient road frontage for both waterfront lots; and, further information is required on a narrow strip of vacant land located between lots 1 and 2.

Carried
Unanimously

4. 94 Bauline Line

Application to subdivide land to create three building lots and build one single dwelling with an accessory building. Zoning RMD

Motion:
#08-201

Andrews/Seary
Resolved Council conditionally approve the application to subdivide property at Civic 94 Bauline Line Extension to create three waterfront lots, two of which will front on Copper Head Road. Further resolved that the application to construct one single dwelling with an accessory building that will be located beyond the maximum building line setbacks, be conditionally approved in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The subdivision must ensure all lots have 30 metres road frontage with a minimum of 45 metres fronting on the pond.

Carried
Unanimously

5. 311-321 Bennett’s Road - Stop Work Order

Motion:
#08-202

Andrews/Seary
Resolved that Council accept and approve a Stop Work Order, issued July 3, 2008, to property owner of 311-321 Bennett’s Road concerning the development of a road that is being constructed without a permit.

Carried

For: Mercer, Seary, and Andrews
Against: Fagan

6. Correspondence from the Harbour Authority

Regarding a shed on St. Philip’s Beach
Staff will correspond with details on the Development Regulations.

7. Correspondence from 129-131 Tucker’s Hill Road

Resident writes with concerns about a dilapidated structure on adjacent property
Staff will investigate and correspond with the resident.

8. PERMITS ISSUED: (June 19, 2008 – July 11, 2008)

#	CIVIC ADDRESS	DEVELOPMENT
1	6-10 Bradbury’s Road	General Repairs
2	106 Dogberry Hill Road Extension	Accessory Building
3	405 Tolt Road	Dwelling Extension
4	3 Salty Place	Single Dwelling
5	1009-1011 Indian Meal Line	Accessory Building
6	170-174 Old Broad Cove Road	Occupancy
7	10-12 Jendarmie Place	Accessory Building
8	1570 Thorburn Road	Occupancy
9	13-15 Hibbs Place	Occupancy
10	103-109 Neary’s Pond Road	General Repairs
11	10-16 Marian Place (Lot 15)	Occupancy
12	48-54 Healy’s Pond Road	Dwelling Extension
13	108 Beachy Cove Road	Single Dwelling
14	631-639 Old Broad Cove Road	Dwelling Extension
15	45-55 Witch Hazel Road	Occupancy
16	1845 Portugal Cove Road	Advertising
17	7-9 Oliver’s Pond Road (Lot 2)	Single Dwelling
18	10-16 Meadow heights	General Repairs
19	350-360 Beachy Cove Road	General Repairs
20	878 Indian Meal Line	Accessory Building
21	1015 Indian Meal Line	Accessory Building
22	874-876 Indian Meal Line	Occupancy
23	7 Newbury Street	Occupancy
24	6 Newbury Street	Occupancy
25	45-47 Western Gully Road	General Repairs
26	23-25 Emberley’S Road	Single Dwelling
27	1314 Portugal Cove Road	Dwelling Extension
28	866 Indian Meal Line	Accessory building
29	1162 Thorburn Road	Dwelling Extension

Public Works Committee – July 10, 2008

1. Policy on Disposal of Grass Cuttings and Leaves.

Motion: Seary/Andrews
#08-203 Resolved that Council adopt the following Policy:

POLICY
Disposal of Grass Cuttings, Leaves
And
Asscoiated Lawn and Garden Waste

Grass Cuttings shall mean any grass, hay weeds, leaves and all other associated lawn and garden waste.

As of June 1, 2008 the Town of Portugal Cove-St. Philips will no long collect grass cuttings, hay weeds, leaves and or any other garden material that can be readily composted.

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

NB: Policy has been duly signed and posted in the Regulations Binder.

Compost Bins

The Public Works Committee would also like to mention that The Town is still providing **Compost Bins** to residents at a reduced cost.

2. Flooding at 33 Anglican Cemetery Road Property

Committee reports that in a conversation with the developer this summer and questioning when the work was to commence, staff were informed that the developer had a change of mind and is not interested in completing the work as was outlined in the building application and the attached description of work. This conversation was contrary to a conversation held with the developer last winter when he had every intention of making the necessary repairs to the ditch.

Motion: Seary/Andrews
#08-204 Resolved that based on this information a registered letter is to be sent to the developer of Civic #33 Anglican Cemetery Road informing them that they have thirty (30) days to complete the work as outlined. Failure to comply will result in the Town carrying out the work and all cost will be charged back to the Developer.

Carried
Unanimously

- 3. Update on Site Visit – Civic #355 Dogberry Hill Road**
Seary/Andrews
Motion: #08-205 Following a site visit and a subsequent report from the Town’s Engineer it is resolved that the resident of #355 Dogberry Hill Road be advised of the results from reports that are attached to the minutes. Furthermore that the previous offer made to the resident in the amount of \$1,227.00 be reiterated as a final offer from the Town, and is as outlined in a letter dated November 24, 2006.
Carried For: Mercer, Seary, Andrews
Against: Fagan

4. Update on WWTP - Portugal Cove
Committee advises that the final commissioning of the WWTP and the associated Sewer Lift Station in Portugal Cove was completed as of Friday, July 11, 2008. As of last Friday the plant was producing high quality effluent. A time and date for the official opening will be announced.

5. New Designed Road Signs
Committee reports that the first order of 50 newly designed road signs have been received and are in the process of being installed. A road sign was displayed at the Council Meeting.

Parks, Recreation & Community Services Committee
Deputy Mayor Mercer advised that the Regatta Chair, Ms. D. Chaulk did a great job on a very successful regatta, and in spite of 2 bands canceling Ms. Chaulk was able to get those two voids filled with other entertainers.

He also noted that it was disappointment to a lot of people that the Spirit of NL Dinner Theater had to be cancelled due to the low number of tickets (28) being sold. He also noted that our Dinner Theater scheduled time conflicted with other Dinner Theaters.

Public Relations, Economic Development & Tourism
Councillor Seary gave a report on the Farmer’s Market (2nd Event). He noted that although only one vendor had signed on it went fairly well but would like to see more people setting up. The Committee is planning to put a push toward this by encouraging persons with baked good, crafts, farm grown food, etc. to purchase a table at the reduced price of \$25.00 per table.

CORRESPONDENCE

- 1. MNL Convention 2008**
 - (a) Deadline for MNL Resolutions – August 29, 2008
 - (b) Revised 2008 delegates agendaCirculated for information
- 2. MNL Info Note - Dated July 4, 2008**
Circulated for information
- 3. Summer Safety – Top 10 Summer Driving Tips**
Circulated for information

4. CSTD – Partners for Learning and Performance

Proclamation: Learn @ Work Week in your community – September 22nd – 26th.

Motion:

Andrews/Seary

#08-206

Resolved that Council Proclaim **Learn @ Work Week September 22-26, 2008**

That the Town of Portugal Cove-St. Philips recognizes that:

1. Lifelong learning of Canadians impacts our economy, thereby ensuring the quality and security of jobs and raising our standard of living
2. Creating a culture of learning in the workplace positively impacts key measures such as job performance and productivity
3. “Learning organizations” which exemplify best practices in workplace learning must be celebrated.

Now, therefore, The Town of Portugal Cove-St. Philips do hereby proclaim September 22 - 26, 2008 as **Learn @ Work Week** and urge Canadian organizations to join CSTD and **Learn @Work Week**, Champions in our community to celebrate that investing in developing people benefits the Canadian workforce and impacts our economic well-being.

Carried

Unanimously

4. Doors Open – Newfoundland and Labrador

Councillor Fagan made reference to the following locations:

(a) Holy Rosary Parish (b) Ferry Last Stop (c) Old St. Philip’s Church suggesting that these properties could possibly be reviewed under the topic of Doors Open Newfoundland and Labrador and the Heritage Foundation of Newfoundland and Labrador who are inviting communities to participate.

5. Communities in Bloom

Circulated for information

GENERAL/NEW/UNFINISHED BUSINESS

1. Dispute Resolution Committee

Deputy Mayor Mercer gave a verbal report on the Dispute Resolution activity to date, circulating a list of 17 complaints, each complaint been assigned to a member of the Dispute Resolution Committee. The particular member is responsible only for ensuring time lines are adhered to. He further advised that each of the complainants will now receive a letter from the Chairperson of the Committee. The Complainant will be given the opportunity to withdraw or proceed with the process.

Deputy Mayor Mercer responded to questions from Councillor Fagan regarding the steps outlined in the Dispute Resolution Policy advising that everyone is in possession of the Dispute Resolution Policy and the Ministers Directive advising that these are the documents that Committee must adhere to.

2. Councillor Fagan Asked the Following Questions:

What is the Policy on the issuance of Peace Bonds?

Who pays for this?

Do Councillors need to be advised?

Town Manager responded to Councillor Fagan's questions by advising that:

a) The Town does not have a Policy; that this comes under the Criminal Code of Canada and it is anyone's right to make application for a Peace Bond.

b) In his opinion all employees have a right to a safe workplace without fear of intimidation, threats, and/or harassment.

c) As Town Manager he has a responsibility to ensure that all Staff has a safe workplace, and the Town must pay for any invoices incurred as a result of staff being placed in a situation whereby they have no other alternative than to make application for a Peace Bond, especially since would be as a result of the employee carrying his duties as directed by The Town Council and/or the Town Manger.

d) Council will be informed of any such situation.

ADJOURNMENT

Motion: Seary/Andrews
08-207 Resolved to adjourn this meeting.
Time: 9:20 p.m.

Carried
Unanimously

Mayor Norm Collins

Town Clerk, Loretta Tucker