

TOWN OF PORTUGAL COVE-ST. PHILIP'S

November 4, 2008

Public Council Meeting called to order at 7:45 pm.

IN ATTENDANCE: Mayor: Norm Collins
Deputy Mayor: Keith Mercer
Councillors: Jon Seary
Steve Andrews
Bill Fagan
Darrell Butler
Town Manager: Rodney Cumby
Town Clerk/Treasurer: Loretta Tucker
Town Planner: Geralyn Lynch

Also in Attendance: Gallery of 17 persons

ADOPTION OF AGENDA

Motion: Andrews/Seary
08-317 Resolved that the Agenda dated November 4, 2008 be adopted with the following addition: Under *Unfinished Business* add MNL Report.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Andrews/Seary
08-318 Resolved that the Minutes of the Public Meeting of October 21, 2008 be adopted as presented.
Carried
Unanimously

BUSINESS ARISING

Town Manager's Report – dated November 4, 2008 was presented and read by the Town Manger.

Under topic Atippa

It was noted to advise the Office of the Privacy Commissioner the exact cost of retrieving requested information when tabulating the cost in accordance with the Attip Regulations.

Expense Report

Councillor Fagan was advised that a copy of the expense report could be available upon request and that an up to date expense report would be available tomorrow.

Town Planner responded to Councillor Fagan on the Old Broad Cove Road Comprehensive Development Study and advised that we are hoping to have something before year end.

COMMITTEE REPORTS

Planning and Development Committee Report dated: October 28, 2008

1. Property off Knapp's Road

Application to construct single dwelling - Zoning: RMD/DS

Motion: Andrews/Mercer
#07-319 Resolved that the application to construct a single dwelling on property located in the vicinity of Knapp's Road be rejected, as the proposed lot does not front onto a public street and is therefore, contrary to the Municipal Plan and Development Regulations. The specific sections include: Municipal Plan section 3.3 (x) Access to a Public Street; Development Regulation 48, Lot Frontage; and, Schedule C: Development Scheme Area Use Zone.

Furthermore the applicant will be advised that the Town will prepare a comprehensive development plan for the area, which may enable the development to proceed at a later date.

Carried For: Collins, Mercer, Seary, and Andrews
Against: Fagan, and Butler.

2. 933 St. Thomas Line

Application to construct an accessory building - Zoning: HC

Application is held for further consideration.

3. 98 Bennett's Road

Application to construct an accessory building - Zoning: WAT

Motion: Andrews/Mercer
#07-320 Resolved that the application to construct a 29.7 sq. m. accessory building on property zoned Watershed at Civic #98 Bennett's Road be conditionally approved, in accordance the Municipal Plan and Development Regulations and all other regulatory bodies of government.

Carried
Unanimously

4. 820B St. Thomas Line

Proposed Accessory Building Zoning - RMD

Motion: Andrews/Mercer
#08-321 Resolved that Council conditionally approve the replacement of an accessory building at Civic #820B St. Thomas Line, in accordance the Municipal Plan and Development Regulations and all other regulatory bodies of government. The replacement building shall not exceed 112 sq. m. in floor area with a maximum height of 5 meters, which is in keeping with the size of the building that was destroyed.

Carried For: Collins, Mercer, Seary, and Andrews
Against: Fagan, and Butler.

5. 1395-1399 Thorburn Road

Variance Notice to Area Residents - Zoning: RMD

Motion:
#08-322

Andrews/Mercer
In consideration of the issues raised by area residents concerning storm water runoff on the property, Council resolved that no development be permitted at Civic # 1395-1399 Thorburn Road until a storm water drainage plan is prepared and approved by the Town. The drainage plan shall take into account any possible future flooding of the neighboring properties.

Carried
Unanimously

6. Permits Issued from October 10, to October 24, 2008

#	DATE:	CIVIC ADDRESS	DEVELOPMENT
1	Oct. 10/08	58-62 Dogberry Hill Road	Occupation Business
2	Oct. 14/08	1-7 Marion Place	Occupancy
3	Oct. 14/08	29-31 Goat Cove Lane	Single Dwelling
4	Oct. 15/08	1087-1089 Indian Meal Line	General Repairs & Mtce.
5	Oct. 16/08	23 Skinners Road	Accessory Building
6	Oct. 16/08	32-34 Abbott's Road	Occupancy
7	Oct. 16/08	8 Salty Place	Accessory Building
8	Oct. 21/08	1453 Thorburn Road	General Repairs & Mtce.
9	Oct. 21/08	13 Lamswood Lane	General Repairs & Mtce.
10	Oct. 23/08	1767 Portugal Cove Road	General Repairs & Mtce.
11	Oct. 24/08	377 Dogberry Hill Road	Single Dwelling

Parks, Recreation, & Community Services Report – October 30, 2008

1. Halloween Party

Halloween Party held on Saturday, October 25th was a huge success, with over 80 youth and their families at the Recreation Centre. It is recommended that next year we move the location of the party to a larger location.

2. ACT

Alliance for the Control of Tobacco Conference was held October 22nd and 23rd. The Province and ACT released the Provincial Tobacco Reduction Strategy 2009-2011 which is attached for reference.

3. 50+ Application

The Rainbow 50+ Club with the Town of Portugal Cove-St. Philip's is applying for funding to New Horizon Senior Program for assistance with the upgrade to the Recreation Centre. The budget will be attached to the application for the kitchen upgrade which will be prepared by the Recreation department and the Public Works department. The 50+ Club are hoping to hear on this grant money prior to year end.

The Town will proceed with work in January to redo the bathrooms.

4. Department Budget for 2009

Committee advises their Budget review is ongoing. The capital recommendations will be also be listed for Council's review during its budgetary process.

Public Works Committee Report – October 30, 2008

1. Site location for Water Disinfection Building. (80/20 cost shared with the Town and the Provincial Government)

Two locations were reviewed: (a) Bemister's Road and (b) Intersection of Dogberry Hill Road Extension at the Subdivision being developed by Remington Homes. The area requires connection to an existing Water Transmission Line. Both parcels of property are accessible with location (b) being less of a distance which would be less of a cost. Location (a) borders two parcels of private property, the area required for the proposed building and buffer would result in one of the lots being made nonconforming therefore costing the Town \$40,000.00 for the purchase of the land. Location (b) a partial of the subdivision, borders on the intersection, is designated for recreational use. Making a minor change at the intersection and acquiring land to the North would allow ample room for the recreation area and this additional building. The reconstruction of the intersection would be the responsibility of the developer. The project would have to bear the cost of engineering for the intersection at an estimated amount of \$4,000 for the trade off of a parcel of property located at Kiddy Lane to the same developer.

Motion:
#08-323

Butler/Mercer
Resolved that the Town accept location (b) as identified above for the Site location for Water Disinfection Building. This is conditional that the Committee review the option of purchasing the land versus trading.

Carried
Unanimously

**2. Public Works Department
Seasonal Employee Recreation Facilities, Snow Snowclearing operations,
and maintenance Position.**

Motion:
#08-324

Butler/Seary
Resolved that Council make the position full time and that job descriptions be drawn up and advertised in accordance with the Collective Agreement.

Carried
Unanimously

3. Budget 2009.

Committee advises that its budget preparations for 2009 are ongoing.

4. Grand opening Waste Water Treatment Plant West Point Road in the Portugal Cove section of the Community.

The date selected for the Grand Opening of the Waste Water Treatment Plant is not a good date. Superintendent will review and coordinate a suitable date and advise all of the new date for the opening.

5. Report of Water Quality from the Regional Water Board.

Circulated for information

6. Correspondence from Newfoundland Light and Power re: Repairs to Main Transmission Lines feeding Bell Island. Circulated for information is a copy of approvals from all Governing Body's and details outlined work.

7. Salt and Sand order.

The committee advises that the salt and sand for the winter season is now being trucked to the storage facility, located at the wharf in the Portugal Cove.

8. Correspondence from E. Kent Consultant from the Town of Wabana.

Mr. Kent, Mayor Collins, and Mr. Burry met October 30, 2008 and discussed the work that was ongoing at the Ferry Terminal in Portugal Cove. It was explained that the existing set up at the Ferry Terminal is not working for the ferry traffic or for the residents of the Town.

Motion:
#08-325

Butler/Mercer

Resolved that the Town of Portugal Cove St. Philip's write the Minister of Transportation and Works indicating the Town's support with the Town of Wabana on all the issues as outlined on page 8(f) below:

1. Remedy grinding noise at docks as ferry ramps steel grind against steel deafening and disturbing people far and wide;
2. Ask for an action plan to keep terminal areas clean and free of debris and Keep in line with Tidy Towns philosophy;
3. Clean up ditches along ferry line up land;
4. Improve ferry area signage;
5. Seek clean up of breakwater and pavement etc;
6. Seek commitment for Department to ensure terminal is tourism friendly;
7. Request Government to address the lack of adequate parking in Portugal Cove ferry terminal area;
8. Request that garbage be removed daily and done locally as opposed to bring staff from Foxtrap twice a week;
9. Gateway Terminal buildings – next steps
10. Ferry Line Lane and ticketing improvement plans and options.

Carried
Unanimously

**Public Relations, Economic Development & Tourism Report
October 17, 2008**

1. Welcome Wagon

Work is ongoing on this topic and updates will be given as progress is made.

3. West Point Cemetery Heritage Designation/ Monument

The naming of the West Point Cemetery as a Municipal Heritage Site will be posted on the website and in the next Town newsletter. The Committee advises its plan is to liaise with the Heritage Advisory Committee to investigate the potential designation of other historical cemeteries in the Town. The Heritage Committee will also be drafting a design for the placement of a monument at the newly named Municipal Heritage Site.

4. Website

Changes regarding the new Town Logo are already live on the website and can be viewed by visiting the Town's website at www.pesp.ca. Coupled with this the Committee has added a Google site search tool so that users can search minutes and the entire site content with greater results.

5. Budget

Committee advises its proposed budget for 2009 is ongoing.

6. Mural at Waste Water Treatment Centre

Committee advises it will be corresponding with the Heritage Committee to garner ideas as to what should be depicted on the Wastewater Treatment Centre. The mural is to cover the large area of cement wall located on the south east side of the building.

Finance & Administration Committee Report dated October 31, 2008

1. Accounts for Payment

Motion:
#08-326
Carried

Mercer/Andrews
Resolved that Council pay the accounts in the amount of \$83,153.12.
For: Collins, Mercer, Seary, Andrews, and Butler
Against: Fagan

2. C. O’Toole:- Requesting support

Ms. O’Toole is seeking support from the Town of Portugal Cove-St. Philips to represent the Killick Coast regional municipal seat on the Board of Directors for the Capital Coast Development Alliance.

3. Capital Coast Development Alliance

It was the consensus of Council that the voting representative for Portugal Cove St. Philip’s be Colleen O’Toole.

4. CTC – Commodity Tax Consultants

Motion:
#08-327

Mercer/Andrews
Resolved that Council accept the offer from Commodity Tax Consultants Inc. and advise them to conduct a Confidential Commodity Tax Review on the Town’s operations. Furthermore, this project will be carried out in February of 2009.

Carried
Unanimously

5. 2009 Assessment Service Fees

Circulated for information: Notification of an increase in Assessment Fees for the Town of Portugal Cove-St. Philips to \$28.00 per account.

6. Kids Help Line

Motion:
#08-328

Mercer/Andrews
Resolved that Council donate \$100.00 to the kids Help Line as this is considered an exceptional request, however advising this item is outside the Donation Guidelines.

Carried
Unanimously

7. Gas Tax

Town of Portugal Cove-St. Philips	Budget	Received &/or Comments
Year One - 2006	\$182,577.75	Rec Feb. 20, 2008
Year Two - 2007	120,710.48	Rec Feb. 20 th . \$60,355.24
Year Three 2008	146,950.51 revised to \$133,830.24	Budget figure 2008 \$133,830.24
Year Four Budget 2009	285,364.60	
TOTALS	722,483.07	

Motion: Mercer/Andrews
#08-329 Resolved that Council use its Gas Tax Funds to upgrade Local Roads.
Carried
Unanimously

8. Annual Senior's Party

Motion: Mercer/Andrews
#08-330 Resolved that Council continue its practice and partner with the Royal Canadian Legion and the Portugal Cove-St. Phillip's Lions Club for the Annual Senior's Party which is not to exceed \$1,000. This amount will come from the Public Relations Budget.
Carried
Unanimously

9. Property Ayre's Lane

Motion: Mercer/Andrews
#08-331 Resolved that at the request of the property owner of Parcel I.D. 183-836 and in consideration of the potential for future use of this property to the Town, that the Town forward documentation to the Town's solicitor to transfer this property to the Town in lieu of outstanding taxes.
Carried
Unanimously

Councillor Butler left Council Chambers due to Conflict of Interest on item #10.

10. Account Holder Parcel Id# 139895

Motion: Mercer/Andrews
#08-332 Resolved that Council forward this "Confidential" item to the lawyer for Municipalities of Newfoundland and Labrador for an opinion.
Carried
Unanimously

Councillor Butler was advised the item had been dealt with and returned to Council Chambers.

11. Dispute Resolution Item/Conflict of Interest (Vote).

Motion: Mercer/Andrews
#08-333 In accordance with the investigation carried out by the Dispute Resolution Committee on issues directly relating to Conflict of Interest matters referenced as: Issue #017F 2008; Issue #034 2008 & Issue #038 2008, It is resolved that the persons identified in the Conflict of Interest Issues are not in Conflict of Interest.

Tabling a document

During discussion on the above motion Councillor Fagan presented Council with a document regarding Conflict of Interest items and his interpretation.

Letter written to Mayor Collins from Chairperson of Dispute Resolution.

Councillor Fagan publicly criticized the report from Dispute Resolution Committee Chairperson. He voiced his opinion by saying that the contents were poorly written and that the investigation was the worst he had ever seen.

Mayor Collins responded to Councillor Fagan by saying the chairperson of the Dispute Resolution Committee was well educated and is doing an excellent job.

Councillor Fagan responded by saying the letter (report) did not show this.

Lack of Decorum

Section 15 of the Rules and Regulations Governing the Procedure of Meeting

Mayor Collins in his attempts to maintain decorum asked a member of the Gallery to refrain from making comments which resulted in the member being asked to leave. The member's failure to comply with this order resulted in the following motion.

Temporary Adjournment

Motion: Andrews/Mercer
#08-334 Resolved that the meeting be temporarily adjourned until decorum has been restored.

Carried For: Collins, Mercer, Seary, and Andrews
Against: Fagan, and Butler.

Motion: Andrews/Butler
#08-335 Resolved that Council reconvene the Meeting.
Carried
Unanimously

The question was called on Motion #08-333 and the vote followed. For clarity the motion is reprinted below:

Motion: Mercer/Andrews
#08-333 *In accordance with the investigation carried out by the Dispute Resolution Committee on issues directly relating to Conflict of Issue matters referenced as: Issue #017F 2008; Issue #0134 2008 & Issue #038 2008, It is resolved that the persons identified in the Conflict of Interest Issues are not in Conflict of Interest.*

Carried For: Collins, Mercer, and Andrews
Against: Fagan, and Butler.

9. Organizational Review

Whereas Council has previously agreed to move forward with implementing the Organizational Review received from AEM Human Recourses:

Whereas Council is in Receipt of a Classification Review from AEM Human Resources.

Whereas The Town Manager has prepared a subsequent report to the Classification Review, with a purpose to aid in the implementation of both reports.

Whereas the Committee accepts the basic recommendations provided in the Classification Review, and the Town Manager's subsequent report.

Motion: Mercer/Andrews
#08-336 Resolved that Council proceed with the hiring of senior positions and that these positions be paid in accordance with the recommendations in the Classification Review. Furthermore, the pay for the positions be retroactive to January 2008.

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

Committee advises that the Town Manager will be hiring a person to fill the Administration Support Position as follows:

Award the position to the persons with the #1 ranking and in the event this person does not accept then to award the position to the person with the #2 ranking.

CORRESPONDENCE`

1. Dept. of Municipal Affairs

Re: Provincial Solid Waste Management Strategy (PSWMS)
Circulated for information

2. MNL – Lucy Stoyles

Thanking Councillors for support in electing her as the Avalon Director to the Board of Directors of MNL.

GENERAL/NEW/UNFINISHED BUSINESS

1. MNL Convention Report

Councillor Andrews compiled a detailed 10 page report on the MNL Convention which he had previously emailed to all members of Council.

2. Councillor Butler requested to have it recorded on the Dispute Resolution Committee Reports that he was on Leave of Absence not recorded as absent.

3. Town Manager responded to Councillor Fagan’s question regarding the ongoing issue on Anglican Cemetery Road advising that the Superintendent of Works was taking care of this. Councillor Fagan was further advised to email or contact the Superintendent for an update.

ADJOURNMENT

Motion: Andrews/Mercer
08-337 Resolved to adjourn this meeting.
Time: Approximately 10:00 p.m.

Carried
Unanimously

Mayor Norm Collins

Town Clerk, Loretta Tucker