

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

October 7, 2009

Public Council Meeting 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  
Darrell Butler  
Town Manager Rodney Cumby  
Town Clerk/Treasurer: Loretta Tucker

Prior to this meeting Council met with Fire Chief Spurrell, Deputy Fire Chief Mercer, and Assistant Deputy Fire Chief Picco to review the constitution for the Town of Portugal Cove-St.Philip's Volunteer Fire Department.

**Also in Attendance:** Gallery of 12 persons

### ADOPTION OF AGENDA

Motion: Andrews/Seary  
08-281 Resolved that the Agenda dated October 7, 2008 be adopted as presented.  
Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Andrews/Seary  
08-282 Resolved that the Minutes of the Public Meeting of September 23, 2008, be adopted with the following corrections: Page 5, item 14 insert the word "*with*" to read in accordance "*with*" the Municipal Plan; page 9, item 4 to rename the Report to "*Policy and Development Committee*"; Page 7, item 7 Correct to read "B" D" & "C".  
Carried  
Unanimously

### BUSINESS ARISING

**Town Manager's Report** – dated October 7, 2008.  
Report was presented and read by the Town Manger.  
It was noted that the Dispute Resolution Policy work is basically taking a full time position.

Business Arising from Minutes of September 23, 2008

(a) Town Manager advised Councillor Fagan that the Superintendent of Works and an individual (re the Anglican Cemetery Road issue) are in discussions and this is an ongoing issue.

(b) Councillor Fagan was advised that the 50 purchased road signs have been installed. He was further advised that signs are being replaced as they need to be replaced. Councillor Fagan noted Motion #08-028.

**COMMITTEE REPORTS**

**Planning and Development Committee – September 30, 2008**

**1. 99-101 Bennett’s Road**

General repairs and maintenance to single dwelling - Zoning: WAT

Motion: Andrews/King  
#08-283 Resolved that Council approve this application to renovate the existing dwelling, located at 99-101 Bennett’s Road in accordance with the Municipal Plan and Development Regulations and all other regulatory bodies of government.

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

**2. 915-921 St. Thomas Line**

Subdivision of land to create two infill lots - Zoning: HC  
Held pending assessment of soil and slope characteristics.

*Councillor Seary and Councillor King left the Council Chambers due to any possible perceived Conflict of Interest and to expedite the application.*

**3. 309-313 & 309A Old Broad Cove Road**

Application to renovate, change use of building and construct accessory building - Zoning: RI/MIX.

Motion: Andrews/Mercer  
#08-284 Resolved that the application to renovate and change the use of two existing buildings (from commercial to residential and residential to commercial) at Civic 309-313 & 309A Old Broad Cove Road be conditionally approved in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government, specifically Regulation 49, Non Conforming Use. It is further resolved that the application to construct a 67 square meter accessory building on the property be conditionally approved, in accordance with the Municipal Plan and Development Regulations.

Carried  
Unanimously

*Councillor Seary and Councillor King were advised that the item had been dealt with and returned to Council Chambers.*

**4. 640 Indian Meal Line**

Application: Construct barn to house horses on property - Zoning: AG

Held for further consideration on the proposed siting of the farm building and the proximity of nearby residential developments.

**5. Municipal Recommendation Form**  
 For Crown Land, Butler’s Pond - Zoning AG

Motion: Andrews/Mercer  
 #08-285 In view of the recommendations from the Report of the Commission on the Agricultural Development Area boundary review it is Resolved that Council reject any proposal for large tracts of Crown land, at this time. Further information is required on the lands to be deleted from the ADA zone and, the Municipal Plan review process must consider the implications of the proposed changes on the Town’s future development potential.

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

During the above discussion on Motion #08-285 Councillor Seary called a point of order.

**6. Department of Municipal Affairs (Eastern NL Regional Appeal Board)**

- (a) ERAB – File #SEP08-E33  
 Board request information for an appeal (Chesley-Van Heights - Roosters)
- (b) ERAB – File #SEP08-E36  
 Board request information for an appeal (117-119 Beachy Cove Road)

Submitted for information.

**7. 208-214 Neary’s Pond Road**

Resident writes regarding the use of recreational vehicles on local ponds. Regulations regarding boating safety will be considered during the review of the Town Plan.

**8. St. Thomas Line**

Resident writes regarding unkempt property.  
 Staff will investigate

**9. PERMITS ISSUED: (September 17, to September 26, 2008)**

	DATE	CIVIC ADDRESS	DEVELOPMENT
1	Sept. 17/08	5 Dogberry Hill Road Extension	Single Dwelling
2	Sept. 17/08	23 Old Cart Road	General Repairs & Mtce.
3	Sept. 17/08	19 School Road	Single Dwelling
4	Sept. 17/08	301-303 Bennetts Road	General Repairs & Mtce.
5	Sept. 18/08	34 Bauline Line Extension	Accessory Building
6	Sept. 19/08	5 Jenny-Lynn Drive	Single Dwelling
7	Sept. 22/08	17-19 Alfred’s Drung	Dwelling Extension
8	Sept. 24/08	21-23 Princes Mountain Drive	Accessory Building
9	Sept. 24/08	6 Thorpe’s Road	General Repairs & Mtce.
10	Sept. 24/08	1395-1399 Thorburn Road	General Repairs & Mtce.
11	Sept. 25/08	1-5 Hussey Place	Dwelling Extension
12	Sept. 25/08	1829 Portugal Cove Road	General Repairs & Mtce.
13	Sept. 25 /08	945-947 Indian Meal Line	General Repairs & Mtce.
14	Sept. 26/08	9 White Ash Drive	Accessory Building
15	Sept. 26/08	664-666 Old Broad Cove Road	Single Dwelling

**Parks, Recreation, & Community Services – No Meeting**

**Public Works Committee Report – No Meeting**

**Public Relations, Economic Development & Tourism**

Committee submitted the *Heritage Report* from our Summer Heritage Student, Ian Murphy. Report titled: ***“West Point Cemetery Summary Report September 2008”***.

**Finance & Administration Committee – September 18, 2008**

**1. Accounts for Payment**

Motion: Mercer/Andrews  
#08-286 Resolved that Council pay the accounts in the amount of \$234,743.76. Three invoices in the amount of \$220,590.51 are for on M-Yr3 and will be reimbursed from the overrun funds.

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

**2. Quotes for Audio System**

Several quotes have been received; however will need further review and investigation. Committee will bring forward an update at the next F & A Meeting.

**3. CBLC Limited – Terms of Reference**

Attached to the report was a copy of the Terms of Reference as outlined in the CBLC LTD. proposal to the Town which was circulated at the last Council Meeting.

Motion: Mercer/Andrews  
#08-287 Resolved that CBLC Limited be advised to proceed with the project of carrying out a review of the Town’s Planning and Development Department. Items: 1. 2. 3. and 4 outline the tasks.

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

**4. Capital Works/MRIF Applications- Privileged Session (3 Proposals)**

Motion: Mercer/Andrews  
#08-288 Resolved that Council go into a privileged session for approximately 5 minutes to review the details of the financing for the below captioned applications.

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

*Privileged Session was closed (took approximately 5 minutes) and the Public were invited back to the gallery.*

**4. (a) Application for Funding for the Recreation/Leisure/Education Center**

Motion: Mercer/Andrews  
#08-289 Resolved that Council submit its application under Capital Works/MRIF 2008 to the Provincial Government for \$7,129,350 for the **Education Recreation Center**.

Carried  
Unanimously

4. (b) Application for Funding for the Wind Generation Project.

Motion: Mercer/Andrews  
#08-290 Resolved that Council submit its application under Capital Works/MRIF 2008 to the Provincial Government for **\$1,000,000** for **The Wind Generation Energy Project.**

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

4. (c). Application for Funding for Roads

Motion: Mercer/Andrews  
#08-291 Resolved that Council submit its application under Capital Works/MRIF 2008 to the Provincial Government for **\$2,361,550** for **Road Upgrading and Paving.**

Carried  
Unanimously

**5. Grand Opening of the Waste Water Treatment Plan- Portugal Cove.**  
Town Manager will coordinate a suitable time for the Grand Opening of the WWTP.

**5. Request from the Town's Volunteer Fire Department**

Motion: Mercer/Seary  
#08-292 Resolved that Council call tenders for the purchase of one Thermal Image Camera for use by the Town's Volunteer Fire Department. (Item has been budgeted for in our 2008 Budget.

Carried  
Unanimously

**7. Town of Portugal Cove-St. Philips Volunteer Fire Department Constitution.**

Motion: Mercer/Seary  
#08-293 Resolved that Council accept and adopt the Town of Portugal Cove-St. Philips Volunteer Fire Department's Constitution as amended.

Carried  
Unanimously

**8. Dispute Resolution Committee Report. Dated October 2, 2008**

Motion: Andrews/Fagan  
#08-294 Resolved that Council grant Councillor Butler permission to abstain from voting due to the fact that this was his first meeting back from a 6 month Leave of Absence.

Carried  
Unanimously

Motion: Mercer/King  
#08-295 Resolved that Council adopt the Dispute Resolution Committee Report and its recommendations as per the following detailed listing. Please note that Councillor Butler has been granted permission by the above resolution to abstain from voting on this motion:

1. Terms of Reference for the Committee.  
***Resolved that Council adopt the Terms of Reference and upload them to the Town's website.***
2. Procedures for the Acceptance or Rejection of Notices of an Issue and Responses.  
***Resolved that Council adopt the Procedures for the Acceptance or Rejection of Notices of an Issue and Responses and upload them to the Town's website.***
3. Combining of the following issues #001 2005, #007 2006, #009 2006, & #016 2008 as all four issues involve the same parties.  
***Resolved that Council combine issues #001 2005, #007 2006, #009 2006, & #016 2008 and move the issue to mediation.***
4. Combining the following issues: #010 2008, #014 2008, #036 2008 & #041 2008 as all four issues involve the same parties.  
***Resolved that Council combine Issues #010 2008, #014 2008, #036 2008 & #041 2008 and move to mediation.***
5. Issue #017 2008  
***Resolved that Council move issue #017 2008 to mediation.***
6. Issue #025 2008  
***Resolved that Council forward issue #025 2008 to the Planning & Development Committee for review.***
7. Investigate Installing a Tape Recording Device for Taping Meeting.  
***Resolved that Council review the necessity, practicality, and feasibility of installing a tape recording device for taping Meetings of Council as illustrated in issue #032 2008.***
8. Issue #035-2008  
***Resolved that Council refer issue #035 2008 to the Policy Development and Review Committee for review.***
9. Issue #023 2008  
***Resolved that Council close and withdraw issue #023 2008 as two requests for a completed Notice of Issue have not been responded to.***
10. Issue #029-2008  
***Resolved that Council close and withdrawn issue #029 2008 as two requests for a complete Notice of Issue have not been responded to.***

Carried

For: Collins, Mercer, Seary, Andrews, and King  
Against: Fagan  
Abstained: Butler (see motion #08-294)

**Policy Development Committee Report - September 29, 2008.**

Councillor Fagan submitted and circulated a report from the Policy Development Committee dated Sept. 29, 2008.

**CORRESPONDENCE`**

**1. Department of Municipal Affairs – Office of the Minister**  
Hon. Minister Dave Denine advises that there will be no funding forthcoming from the Department of Municipal Affairs to reimburse Council for the cost incurred in complying with his directive.

Town Manager will write a letter to Minister Denine on behalf of Council requesting a meeting to discuss and elaborate on his stand on his rejection of Council's request.

**2. City of Corner Brook re rotation of MNL Convention.**  
Circulated for information.

**GENERAL/NEW/UNFINISHED BUSINESS**

**1. MNL Voting Delegate at the Upcoming Convention**  
Motion: Butler/King  
#08-296 Resolved that Council appoint Councillor Andrews as the Voting Delegate for the upcoming MNL Convention. He will replace Deputy Mayor Mercer, who is unable to attend due to work commitments.

Carried  
Unanimously

**2. Email from L. Marshall regarding Safety – School Parking.**  
Motion: Andrews/Seary  
#08-297 Resolved that Mayor Collins write a letter of support, on behalf of Council. Regarding: Safety – School Parking.

Carried  
Unanimously

**3. Town Plan Review Meeting**  
Town Planner will be contacted to determine a time that is suitable for the meeting with Mr. Baird, Ms. Lynch, and Council.

**4. MNL Resolutions**  
Town Manager advised Council Fagan that the Town would not be putting any resolutions forward for discussion at MNL because both issues had already been dealt with. The issues were payroll tax and the provincial tax on insurance.

**5. Question regarding Hardings Hill**  
Councillor Fagan was advised that Hardings Hill Road would definitely not be turned into a one way road.

**6. Bennett's Road.**  
Mayor Collins advised Council that Bennett's Road would only be paved to City limits that the remaining portion of road would be done in 2009.

**7. Public Tendering Act – RSNL 1990 Chapter P.45**

Councillor Fagan submitted one page from the Public Tendering Act. The sections submitted were captioned “Tenders required and “Where no tender called”.

He stated that the document did not show the section about tendering for services for consultants and asked the Town Manager to show him where it was as he had stated at the last meeting.

**8. Miss Newfoundland and Labrador**

It was noted that Miss Newfoundland and Labrador is a resident of Portugal Cove – St. Philips.

**9. Town Manager’s Response to # 7 – Councillor Fagan**

Town Manager requested and responded to Councillor Fagan’s submission and his question re Consultants as it relates to the Public Tendering Act. He felt it was inappropriate for Council Fagan to bring this to the table, that if Councillor Fagan had called him he would have been pleased to provide him with the appropriate section. To this Councillor Fagan responded that the Town Manager should have provided it at the last meeting.

**ADJOURNMENT**

Motion:	Fagan/Butler
08-298	Resolved to adjourn this meeting.
	Time: 9:20 p.m.
Carried	
Unanimously	

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Mayor Norm Collins

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Town Clerk, Loretta Tucker