



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

March 11, 2014

Regular Public Council Meeting 7:30 p.m.

<b>IN ATTENDANCE:</b>	Mayor	Moses G. Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Joe Butler
		Dave Bartlett
		Aaron Facey
		Johnny Hanlon
	Town Manager/Engineer	Chris Milley
	Director of Financial Operations	Tony Pollard
	Director of Economic Development	Jeff Lawlor
	Director of Public Works	Gail Tucker
	Planning Coordinator	Les Spurrell
	Recreation	Nicole Clancey
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order and welcomed the gallery of 24 persons in attendance and noted regrets from Councillors Collins, absent from this meeting.

**ADOPTION OF AGENDA**

Motion:	Bartlett/Facey
2014-053	Resolved that the Agenda dated <b>March 11, 2014</b> , be adopted as circulated.
Carried	Unanimously

**PRESENTATIONS**

Councillor Facey and Nicole presented the following Winter Carnival awards:  
Coloring contest winner grades K to 3 – Simon Perry  
Coloring contest winner grades 4 to 6 – Emily Whelan  
Drawing contest winner – Junior High – Grace Currie  
(for the record .. Nicole provided the Town Clerk with the following information to be included for winners not in attendance:  
Lesley Tucker and Family (snow Sculpture winners)  
Sharon Hall and Family (snow sculpture winner)  
Nicole Gerhart and Family (snowman contest winners)  
Jim Pender (photo contest winner)

Deputy Mayor Will, on behalf of Council, extended a thank you to Nicole, Robin and Julie and congratulations on a very successful Winter Carnival.

## ADOPTION OF MINUTES

Motion: Will/Hanlon  
2014-054 Resolved that the minutes of **February 25, 2014**, be adopted as circulated.  
Carried Unanimously

## BUSINESS ARISING

The Town Manager reported on several items which included:

- the updated Action item list circulated with 4 new, 5 completed and 16 remaining items
- specifications changes for the new Fire Truck were reviewed prior to this meeting by most Councillors, and it was agreed that further to recommendations by the Fire Department consultants to accept these changes, the new Fire Truck will be ordered this week in order to meet the province's funding deadline
- updates were provided on the capital works projects (see also Admin/Finance report for details)
- questions from the last Open Session on February 25<sup>th</sup> will be responded to at tonight's session as per the guidelines.

## COMMITTEE REPORTS

### Planning & Development Report of March 4, 2014 – presented by Councillor Butler

#### **1. Municipal Plan and Development Regulations Amendments**

Motion: Butler/Will  
2014-055 Resolved that in light of the fact that the Town did not receive objections or submissions on the proposed amendment and the Public Hearing scheduled for March 6<sup>th</sup>, 2014 was cancelled, that Council approve Municipal Plan Amendment Nos. 21, 2013 and 22, 2013, and Development Regulations Amendment Nos. 50, 2013 and 51, 2013 (**Chesley-Van Heights and Tuckford Road**) as adopted and forward the amendments to Municipal Affairs for registration as per Section 24 (Government Policy Review and Plan Registration) under the Urban and Rural Planning Act, 2000.  
Carried Unanimously

#### **2. Correspondence/Discussion items:**

The Committee also discussion the following items as detailed in Appendix A: Tabled Report:

- a) Department of Natural Resources – Completion of Referral Letter for a Proposed Quarry Operation Permit
- b) Eastern Newfoundland Regional Appeal Board – Notice of Appeals
- c) Department of Municipal Affairs – Notice of Registration of St. John's Urban Region Regional Plan Amendment No. 5, 2013 and Development Regulations Amendment No. 48, 2012 (Old Broad Cove Road)
- d) Benson Buffett – Rejected Residential Subdivision Development at Civic # 85-89 Dogberry Hill Road Extension
- e) Civic # 131 Witch Hazel Road – Proposed Licensed Medical Marijuana Agriculture Operation
- f) Civic # 1-5 Conatti Place – Trailer on Property

### **3. Update – Town Plan**

Department of Municipal Affairs – Comments on Updated Municipal Plan & Development Regulations: The Planning Department is in receipt of comments from the Department of Municipal Affairs regarding the updated Municipal Plan & Development Regulations currently under review.

The Town, through its consultants, is in the process of reviewing and implementing the required changes identified in this correspondence and will forward the revised documentation to the Department of Municipal Affairs for review.

### **4. Permit stats**

There were three (3) permits issued from February 14<sup>th</sup> to February 27<sup>th</sup>, 2014.

## **Recreation Committee Report –March 4, 2014 – presented by Councillor Facey**

### **1. Volunteer Week**

Volunteer Week 2014 runs from Sunday April 6<sup>th</sup> – Saturday April 12<sup>th</sup>. The Town's celebration will take place on Saturday April 5<sup>th</sup> at the St. Philip's Church and include an afternoon fair open to the public, and an awards ceremony in the evening. Nominations have begun for three categories:

Overall Volunteer  
Youth Volunteer  
Senior Volunteer of the year

### **2. Winter Carnival Report**

Winter Carnival 2014 was a huge success. There were two events postponed due to bad weather, they were pushed to the following week. All events were well attended. Parents and tots enjoyed both the Snow Play day and the Storytime event, Bingo at the Legion and the movie night were at full capacity, all events were great. Communication of events with residents was well received: the Town's website and the Recreation Facebook page were updated on a daily basis with all the daily events, as well as radio ad's throughout the week.

### **3. St. Patrick's Day at Murrays Pond**

Registration for the St. Patrick's Day event for Senior's at Murray's pond is now full. Social will include tea, coffee, desserts and entertainment, on Thursday March 13<sup>th</sup>.

### **4. Other**

The committee discussed various other ongoing items including: the Town Sign

## **Public Works Committee Report – March 5, 2014 – presented by Councillor Bartlett**

### **1. Traffic Lanes – Ferry Terminal**

This issue was also discussed in the Protective Services Committee meeting this week. Council has made contact with the Council of Wabana to set up a meeting to develop a joint approach for the Minister of Transportation and Works as a next step toward a resolution.

**2. Residential Freeze Ups**

A number of calls came in today regarding frozen pipes leading up to residences around Town. While this issue is outside the Town's boundary of curb stop, there is a piece of equipment that can be purchased by the Town that could be used to alleviate the problem, approximate cost \$2900. The Town could then use this equipment and provide a service to tax-payers, as well it would be on hand for servicing Town buildings with the same issue. Town Foreman to research this possibility and discuss with the Director of Public Works.

Note: In response to questions arising, the Town Manager noted this equipment is safe for thawing plastic pipes using steam injected into the pipes.

**3. Bridge and Road Conditions**

The bridge on St. Thomas Line and Dogberry Hill Road are in a poor condition. Councillor Bartlett has contacted MHA David Brazil, and a letter has been sent to Minister of Transportation and Works McGrath regarding these conditions.

Note: In response to questions arising, the Town Manager advised that in 2010, following the storm Igor, Town bridges were looked at for structural soundness.

**Economic Development, Marketing & Communications Report – March 5, 2014 – presented by Councillor Butler**

**1. Town Signage**

The Committee reviewed three mock-ups for town signage themes. Upon their feedback alterations will be made. The goal is to approve a theme for future implementation on all signs in the community, particularly for parks and gateways to the town.

**2. Trapping Policy**

The committee reviewed the information that has been prepared over the last year regarding a trapping policy in the community. The issue is now being forwarded to the Protection Services Committee.

**3. Environment Committee**

Upon a meeting with interested residents for the Environment Committee appointments are put forward as follows:

Motion: Butler/Will

2014-056 Resolved that the following persons be appointed to the Environment Committee:

Marlene Creates,

Bill Montevecchi,

Rex Porter

Fran Vokey

Luise Hermanutz

Dick Whitaker

Carried Unanimously

#### **4. Place Builder**

PlaceBuilder is a process developed by Tract Consulting that uses a combination of place branding and place making to support Community Economic Development. After a meeting between Tract and Council it was determined that this process could act as the basis for the town strategic plan. The Town is currently in the process of submitting a proposal to ACOA to act as one of two communities for a pilot project. Details of the proposal are being worked out now.

#### **5. Sponsorship Package**

A draft of the sponsorship package for the Lifestyle Centre, Rainbow Gully Park and Voisey's Brook Park was presented to the committee. Final edits should take place over the next two weeks with the finalized product next committee meeting.

#### **6. Surveys**

The Pedestrian Survey has been closed with 183 residents filling it out. The new PCSP Future Development Survey is now on the website. Residents are encouraged to fill it out.

#### **7. Stewardship Agreement**

A representative of the Division of Wildlife will be meeting with council on Tuesday, March 11 to present the final draft of the stewardship agreement.

#### **8. Economic Development Accord**

At the Urban Municipalities meeting in Deer Lake the UMC Economic Development Accord was presented. You can find the accord attached. As a result the Town wishes to pass the following resolution:

WHEREAS the Town of Portugal Cove St. Philip's believes collaboration between the urban centres of Newfoundland and Labrador will lead to more productive and successful economic development efforts; and,

WHEREAS the Town of Portugal Cove St. Philip's recognizes its regional leadership role and acknowledges the strength it brings to and draws from its surrounding region; and,

WHEREAS the Town of Portugal Cove St. Philip's believes building on the current MNL Urban Municipalities Caucus network is the best route to further collaboration on sharing best practices and research on economic development;

Motion: Butler/Bartlett

2014-057 BE IT THEREFORE RESOLVED that Town of Portugal Cove St. Philip's wishes to benefit from these activities and authorizes participation in the Urban Accord for Economic Development; and,  
BE IT FURTHER RESOLVED that Town of Portugal Cove St. Philip's authorizes the Mayor or designate to sign the Accord on behalf of the Council, representing our commitment to the initiative.

Carried Unanimously

## **9. Community Garden**

Councillor Joe Butler and staff members met with a resident who was advocating for the development of a Community Garden in PCSP. The Recreation Department will be researching next steps while the Town will look to get feedback and interest from residents who would like to be involved in the project in the coming months.

## **10. Metasoft**

The first application for the Metasoft funding software is being developed. It will involve the creation of a specific trail in the community.

## **Protective Services Committee Report – March 4, 2014 – presented by Councillor Hanlon**

### **1. Terms of Reference**

A discussion was held around the draft Terms of Reference, some items were agreed upon. Revisions include the addition of the Fire Chief as a member of the Committee, and the Town Manager to attend in the absence of the Fire Chief, and the addition of a note of responsibility under duties regarding ad hoc committees / advisory committees / community groups.

Motion: Hanlon/Bartlett

2014-058 Resolved that the Town adopt the Protection Services Committee Terms of Reference as tabled.

Carried Unanimously

Note: the staff liaisons for this committee will be the Town Manager and the Fire Chief.

### **2. Update on Fire Department Operations**

Brian Bailie resigned from his position as Fire Chief effective February 28, 2014. In order to continue providing uninterrupted Fire and Emergency Services to the Town, the responsibilities and duties of the Fire Chief's position have been assumed by two fire and emergency service consultants, Mr. Fred Hollett and Mr. Richard Murphy. This short term contract will carry us through the period of time necessary to get the department back in operational order. The contract will be for three months with provision to extend as necessary, and will include the delivery of a report outlining operational options for Council's consideration in order to guide the department into the future.

For the record:

Further to this item, the Councillor Hanlon introduced the following recommendation from the Committee of the Whole meeting held on February 14<sup>th</sup> for ratification by Council:

Motion: Hanlon/Facey

2014-059 Resolved that Mr. Fred Hollett and Mr. Richard Murphy are collectively/and co-operatively appointed to the position of Fire Department Head effective Monday March 3, 2014, whereby they will share the responsibilities and duties of the Fire Chief.

Carried Unanimously

For the record: Councillor Facey requested that for background information, it be noted on record that Mr. Hollett is the former Fire Commissioner for Fire and Emergency Services NL and Mr. Murphy is the former Fire Chief of Conception Bay South. Both men bring extensive experience in the field of Fire Services. The Town Manager also noted they are consultants and not employed by or representatives of the province.

### **3. FES-NL Fire Protection Vehicle and Firefighting Equipment Program Application**

The Town Manager has informed Fred Hollett and Richard Murphy (Consultants in the Fire Chief Position) of these programs and the new application process including the March 31, 2014 deadline. They will bring back application recommendations for discussion at the next committee meeting.

### **4. RNC Municipal Liaison**

Contact has been made with Staff Sergeant Sean Ennis, the current Municipal Liaison, and he is in the process of transitioning out of this position and a new Liaison will be in place before April 1, 2014. He has confirmed that as a means of introduction and overlap, both he and the new Liaison will attend the Committees April 1, 2014 meeting.

### **5. Municipal Ticketing Abilities**

The 2012 provincial response to the Town's original request for ticketing authority was reviewed. The Committees meeting with the RNC will help produce some further information on this. We had a discussion regarding the Town's current Snow Clearing Regulations and the need to review and ensure there is an enforceable provision to tow repeat offenders at the owner's expense. Committee agreed to review the regulation for enforcement content when available from Public Works and prior to the next winter snow clearing season.

### **6. Animal Health and Protection Act & Animal Protection Concerns**

This was discussed as a means of enforcement and may create a liaison opportunity with another governing body. Item deferred to the next Protection Services Committee meeting.

### **7. Meeting with Bell Island Council re: Wharf and Line Up Areas in Portugal Cove**

Deputy Mayor Gavin Will made contact with Deputy Mayor Brian Kent of Wabana to discuss the traffic related issues around the ferry terminal traffic. Deputy Mayor Will agreed to make further contact with Wabana Mayor Gary Gosine to arrange for a meeting next week to develop a joint approach for the Minister of Transportation and Works. It is suggested that the proposed survey to residents will be put on hold pending the results of this meeting.

### **8. RNC Initiative**

The correspondence was reviewed from Ken Morrissey, Director of Communications for the Newfoundland and Labrador English School District regarding the RNC initiative on January 28 & 29, and February 5 & 6, to focus their patrols specifically around school zones in their jurisdiction to increase police presence as an attempt to emphasize the safety of students, staff and motorists. This correspondence was to ensure administrators were aware of the initiative so as not to surprise them by the increased police presence in school zones and within schools.

### **9. Pedestrian Survey**

The interested volunteers will be asked if a meeting on either April 9<sup>th</sup> or 10<sup>th</sup> is a good time to meet.

Note: Deputy Mayor Will noted the meeting will take place on April 9<sup>th</sup>, 7:30 p.m. at the Recreation Center.

**Administration and Finance Committee Report – March 4, 2014**

Prior to addressing the (committee) agenda items, the Clerk advised that the formality of moving and seconding recommendations is not required at committee meetings. The Chair disagreed with this statement.

**1. Accounts for Payment**

Motion: Will/Hanlon  
2014-060 Resolved that the accounts for payment be approved as follows:  
Regular Accounts - \$ 5,650.00  
Capital Accounts - \$282,089.30  
Total - \$287,739.30  
Carried Unanimously

**2. Recreation Department staff request**

Motion: Will/Facey  
2014-061 Resolved that further to the request from the Recreation Department, that the 2014 Recreation budget be re-aligned to provide the financial resources in house to fund the position of an additional programs and events staff person for the Recreation Department.  
Carried Unanimously

Note: Councillor Facey, in response to questions, explained that the second position is being created as a result of the increased demand for programing and events. This additional staff person will also allow the Director of Recreation to take on a more fiscal roll.

**3. Donation request – Janeway Telethon**

Committee reviewed the request and, as suggested by the Town Manager, the information will be forwarded to the Recreation Department to see if they can incorporate the request as a fundraiser during one of their activities.

**4. Fire and Emergency Services**

Notification was received that the application process for Fire Protection Vehicles and Fire Fighting Equipment has been improved and revised applications and guidelines were received. The Town Manager will provide this information to the Fire Department administrators for consideration.

**5. Council Meeting times**

The Town Manager advised that in the very near future (possibly April or May) the Council meeting times will need to be changed to accommodate the upcoming Town Office building renovations. The Council meetings will take place in the Recreation Center and due to recreation program activity taking place at 8:15 p.m. on Tuesday evenings, committee agreed that a 6:30 p.m. start time will be necessary for Council meetings. Appropriate notice will be given to Council and advertised to the public when the date is determined.



**6. Update on Projects:**

The Town Manager provided the following information:

- 2011 Road upgrades have gone to tender and should be closed in the next 3-4 weeks. Residents on the affected roads, will receive letters regarding the project.
- Sanitary Sewer project for Thorburn Road was delayed due to the Dept. of Education inquiries regarding the capability of servicing for the new school. Our engineers have provided a positive response and we expect to receive the approval to go to tender.
- Dogberry Hill Road Bridge project funding deadline of March 31<sup>st</sup> needs to be extended due to problems as a result of the Dept. of Environment storm calculations for the bridge being delayed. Therefore,

Motion: Will/Bartlett

2014-062 Resolved that the Mayor be directed to contact the Dept. of Municipal and Intergovernmental Affairs to request an extension to the funding deadline for the Dogberry Hill Bridge Replacement project #08372.

Carried Unanimously

Additional agenda items added at (committee) meeting:

**7. Town Credit Cards**

Motion: Will/Butler

2014-063 Resolved that the Director of Financial Operations negotiate with Scotiabank to reinstitute Town credit cards with a cumulative borrowing limit of \$20,000.

Carried Unanimously

**8. Occupational Health and Safety update**

The Director of Financial Operations briefed committee on the quarterly review of the Town's facilities and noted that Service NL took part in the most recent review. An update will also be provided to the other Council members.

Note: The Director responded to inquiries from several councillors providing further details.

**9. Correspondence**

Committee discussed the public disclosure of correspondence and the implications of the Access to Information and Privacy legislation. Committee agreed on ideas which were put forward to hopefully improve this process and make some of the requested correspondence more readily available to the public.

Note: Councillor Butler elaborated noting that, in particular, this referred Councillors being provided with accessing to responses to residents from the Town.

**10. Open Sessions following the Council meeting**

It was noted that the guidelines established for these sessions need to be clarified and adhered to.

**Additional Finance item for Council approval:**

Motion: Will/Hanlon  
2014-063 Resolved that the Town bid on the Logy Bay-Middle Cove-Outer Cove tender for Lot 1 Pumper and Equipment, as per the recommendations of consultants currently managing the PCSP Volunteer Fire Department.  
Carried Unanimously

The Town Manager noted that the deadline was March 13<sup>th</sup> to bid, and if successful, the Town could return the vehicle currently leased and use our own.

**CORRESPONDENCE**

**Proclamation**

Mayor Tucker read and signed the document to proclaim the week of **March 17-23, 2014** to be **Multiculturalism Week** in the Town of Portugal Cove-St. Philip's.

**NEW/GENERAL/UNFINISHED BUSINESS** - None

**NOTICE OF MOTION** - None

**ADJOURNMENT**

Motion: Will/Hanlon  
2014-064 Resolved that this meeting be adjourned. Time 8:35 p.m.  
Carried Unanimously.

---

Moses Tucker, Mayor

---

Judy Squires, Town Clerk

**Attachments: (1) Planning & Development, Appendix) A, Tabled Report  
(2) Terms of Reference – Protective Services Committee**

## **Appendix A: Tabled Report**

**March 4<sup>th</sup>, 2014**

### **Correspondence:**

#### **Department of Natural Resources – Referral Letter for Quarry Permit**

The Planning Department is in receipt of a referral letter from the Department of Natural Resources seeking comments from Council regarding a potential horticultural peat quarry operation to be run by Kings Farm at Civic # 378-456 Bauline Line Extension. Material extracted in the quarry operation will be used solely by Kings Farm as bedding for livestock and will not be retailed for third party use. This referral letter was held by the Committee on February 4<sup>th</sup>, 2014 pending additional information.

The Committee advises Planning Staff to complete the Quarry Referral Letter and return it to the Department of Natural Resources.

#### **Eastern Newfoundland Regional Appeal Board – Notice of Appeals**

The Planning Department is in receipt of notices from the Eastern Newfoundland Regional Appeal Board that appeals have been filed against the following decisions of Council:

- a) Rejection of an application to subdivide property and construct a double dwelling (backlot) at Civic # 46-50A Old Cart Road on January 28<sup>th</sup>, 2014, and;
- b) Approval of an application to construct a single dwelling and accessory building at Civic # 8 Rosemary Rise on February 11<sup>th</sup>, 2014.

Item Submitted for Information. Planning Staff has forwarded correspondence to the applicants regarding the notice of appeal.

#### **Department of Municipal Affairs – St. John’s Urban Region Regional Plan Amendment No. 5, 2013, & Development Regulations Amendment No. 48, 2012 (Riviera Drive)**

The Planning Department is in receipt of correspondence from the Department of Municipal Affairs stating Notice of Registration for these Amendments must be advertised. The Notice of Registration was published in the Newfoundland Gazette on February 21<sup>st</sup>, 2014 and The Telegram on February 22<sup>nd</sup>, 2014.

Item Submitted for Information.

**Benson Buffett - Civic # 85-89 Dogberry Hill Road Extension**

The Planning Department is in receipt of correspondence from Benson Buffett regarding their clients proposed residential subdivision development at Civic # 85-89 Dogberry Hill Road Extension that was rejected by Council on November 5<sup>th</sup>, 2013.

The Committee advises Planning Staff to respond to the correspondence.

**Civic # 131 Witch Hazel Road - Proposed Agriculture Operation**

The Planning Department is in receipt of correspondence from a local agricultural operation notifying the Town of their intent to gain approval from the Department of Health to become a licensed medical marijuana producer. The business owner is requesting correspondence from the Town granting "conceptual approval" of the proposal to forward to Health Canada as part of the process to gain approval from the Department for this proposed operation. This item was held by the Committee on February 18<sup>th</sup>, 2014 pending a meeting between the Committee and the business owner for more information regarding the proposal.

The Committee advises Planning Staff to provide the business owner with a letter detailing zoning information and Regulations applicable to the proposed site.

**Discussion:**

**Civic # 1-5 Conatti Place - Trailer on Property**

Planning Staff discussed a trailer currently being used for storage at Civic # 1-5 Conatti Place.

The Committee advises Planning Staff to correspond the property owner requesting that the trailer be removed from the property as it does not comply with the Town's Municipal Plan & Development Regulations.

## **TERMS OF REFERENCE**

### **Protective Services Committee**

#### Structure

The committee is comprised of three elected officials, one of whom who serves as chairperson, and the Fire Chief. The Town Manager may attend in the absence of the Fire Chief.

Chairperson: Councilor Johnny Hanlon

Members: Councilor Aaron Facey, Deputy Mayor Gavin Will

Staff Liaison: Town Manager Chris Milley

#### Committee's Mandate:

To provide direction and recommendations to council and staff regarding matters related to the functions and operations of Fire and Emergency Services, Public Safety including Pedestrian Safety, and Municipal Enforcement.

#### Committee's Duties

- To communicate with the Municipal Liaison of the Royal Newfoundland Constabulary.
- To liaise with community groups, advisory and other ad hoc committees within the community and bring their concerns to Council.
- To provide an avenue for residents of the community to approach Council and the various departments of the Town on concerns of public safety.
- To review all Town regulations and policies for the purposes of enforcement.
- To keep Council up to date on activities and issues within the fire and emergency services department.
- To ensure that appropriate services are maintained or initiated and recommended to Council and then developed to meet the identified safety and protection needs of residents.
- To bring recommendations to council as needed to satisfy concerns of the committee.
- To conduct meetings on a regular basis to fulfill the mandate of the committee.