



All redacted text in this document is according to Section 40 of ATIPPA, 2015

Public Council Meeting
Tuesday, August 1, 2017 at 5:00 pm
Location: Council Chambers

1. Call of Meeting to order
2. Adoption of Agenda for August 1, 2017
3. Delegations/Presentations
4. Adoption of Minutes of July 18, 2017
5. Business Arising from Minutes
6. Committee Meeting Reports

a) Planning & Development Committee – Agenda:

Applications:

- 1) Civic # 1767A Portugal Cove Road – Raise Dwelling, Subsidiary Apartment & Weeping Tile
- 2) Civic # 12 Kittiwake Place – Accessory Buildings
- 3) Civic # 10 Prince George Drive – Accessory Building
- 4) Civic # 79-97 Tuckers Hill Road – Patio/Deck
- 5) Civic # 34-36 Mitchells Pond Place – Wharf
- 6) Civic # 49-51 Round Pond Road – Wharf
- 7) Civic # 1056-1080 Indian Meal Line - Landscaping

Correspondence:

- 8) Civic # 317 Bennetts Road – Proposed Street Name

Discussion:

- 9) Civic # 17-19 Hibbs Place – Condition of Building
- 10) Civic # 6 Eileen Place – Development without Permit
- 11) Outstanding Orders

Permits Issued:

- 12) Permits issued from July 7th to July 20th, 2017

b) Recreation/Community Services Agenda:

- 1) Lifestyle Centre
- 2) Sports Coordinator- Contact Extension
- 3) Indian Meal Line – ROW
- 4) AV Equipment
- 5) Outdoor Grill
- 6) Community Grants

c) Public Works Agenda:

- 1) Manager, Streets, Fleet and Waste Management
- 2) Mini Excavator & Trailer – Tender PCSP-2017-002
- 3) Town Depot – Concept Design & Delivery Model
- 4) Discussion items

d) Economic Development, Marketing & Communications Agenda:

- No meeting held

e) Protective Services Agenda:

- 1) Commissionaires – Municipal Enforcement
- 2) FES Updates
- 3) Lower Thorburn Road Traffic Issues
- 4) FireSmart Presentation
- 5) Burning Regulations and Forest Fire Index

f) Administration and Finance Agenda:

- 1) Accounts for Payment
- 2) Water and Sewer Recovery Policy
- 3) Federal Assistance

g) Other Reports

- Committee of the Whole, July 20, 2017

7. Correspondence

- Correspondence received from July 17 to July 28, 2017

8. New/General/Unfinished Business

- Communications Coordinator position

9. Agenda items/Notice of Motions etc.

10. Adjournment



DELEGATIONS / PRESENTATIONS



MINUTES



TOWN OF PORTUGAL COVE-ST. PHILIP'S

July 18, 2017

Regular Public Council Meeting - 5:10 p.m.

IN ATTENDANCE:

Mayor

Deputy Mayor

Councillors:

Moses Tucker

Gavin Will

Dave Bartlett

Joe Butler

Aaron Facey

Johnny Hanlon

Town Manager

Director of Financial Operations

Director of Public Works

Planning Coordinator

Deputy Town Clerk

Chris Milley

Tony Pollard

Gail Tucker

Les Spurrell

Claudine Murray

Mayor Tucker called the meeting to order and welcomed the gallery of 16 persons in attendance for the meeting noting regrets from Councillor Collins.

ADOPTION OF AGENDA

Motion: Will/Facey

2017-340 Resolved that the agenda dated July 18, 2017, be adopted as circulated with an amended Recreation and Community report and the addition of a Protective Services report.

Carried Unanimously

DELEGATIONS/PRESENTATIONS

- None for this meeting.

ADOPTION OF MINUTES

Motion: Facey/Bartlett

2017-341 Resolved that the minutes of July 4, 2017 be adopted as circulated.

Carried Unanimously

BUSINESS ARISING

1. Action Item List

Partially updated and available for review. Expecting to have full review by end of the week. Will send an electronic copy of the remaining items to council by the weekend.

2. Funding Options for Proposed Water and Sewer Project on Drover's Heights

In response to council decisions to try and direct any available excess funding money from the Clean Water & Waste Water Fund and the Multi Year Capital Works Fund 2014-2017, the Director of Finance, a representative from Vigilant Management, and I met with representatives of the Department of Municipal Affairs and Environment met to discuss best approach to obtain this funding and possibly other sources for this project. We are expecting more information from the Department to assist with our efforts.

3. New Manager of Fleet, Streets, and Waste Management

The talent search for the new Fleet, Streets, and Waste Management position has concluded and the chosen applicant will start work on Monday, July 24, 2018. All detail will first be shared with the Public Works Committee Members and then with the rest of Council and Staff over the next day or two. The new Manager will be introduced at the next Council meeting.

4. Meeting with MP Nick Whalen

Council was invited to meet with MP Nick Whalen just prior to tonight's council meeting to discuss a number of current issues with Federal interest. A meeting report may be forthcoming at a future council meeting.

5. Maggie's Place Project Driven Plan Amendments

Tract Consulting met with Town Staff including myself today to provide an update on the progress of the proposed municipal and regional plan amendments being made as a result of the work being done with the Maggies Place Development Area Project. They are preparing to take the first step for a regional plan amendment which is expected to be the longest process. They will attempt to complete the municipal plan amendments independently of the regional plan amendment.

6. TM Vacation

I will be away from July 24, 2017 to August 14, 2017. I will be naming the Director of Finance the Acting Town Manager while I am away.

COMMITTEE REPORTS

Planning & Development Report of July 11, 2017 – presented by Deputy Mayor Will

1. Civic # 616-620 Old Broad Cove Road – Accessory Building

Motion: Will/Butler

2017-342 Resolved that the application to construct an accessory building at Civic # 616-620 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

2. Permits Issued

There were twenty three (23) permits issued from June 23rd to July 6th, 2017 as per Appendix A: Tabled Report.

Recreation & Community Report of July 11, 2017 - presented by Councillor Facey

1. Voisey's Brook Walking Trail Phase II

- A. The developer of Chesley-Van Heights Stage V Residential Sub-Division, Inspiration Enterprises, agreed to convey the future road reserve, located off Jera Street, ahead of schedule according to the subdivision agreement. With this agreement, the Town will pay for the cost of the survey and registration of the documents in order to obtain the road reserve. This will give the Town the access they need to proceed with the construction of Phase II Voisey's Brook Walking Trails.

Motion: Facey/Bartlett

2017-343 Resolved that the Town pay for the cost of the survey and registration of the documents in order to obtain the road reserve ahead of schedule as agreed to by the developer of the Chesley-Van Heights Stage V Residential Sub-Division, Inspiration Enterprises.

Carried Unanimous

- B. Committee discussed the ROW located between civic number 850-852 and 854-856 Indian Meal Line owned by Inspiration Enterprises. The Town is interested in purchasing this property as an emergency access and maintenance road for Voisey's Brook walking trails. Committee would like to make the following recommendation:

Motion: Facey/Will

2017-344 Resolved that the Town give the Recreation Department permission to enter into negotiations with Inspiration Enterprises. Staff has been given limitations on the amount to offer to purchase.

Carried Unanimous

2. Lifestyle Centre Charter

At the previous Council meeting, staff provided council members with a copy of the Lifestyle Centre Charter and concept design for the Lifestyle Centre for review and asked for feedback to be presented before the Recreation and Community Services Committee meeting on July 11th. With edits to the document, the revised Charter is attached for council approval. The Recreation Committee would like to make the following recommendation:

Motion: Facey/Bartlett

2017-345 Resolved that the Town adopt the Lifestyle Centre Charter as presented by Vigilant Management.

Carried Unanimous

Public Works Committee Report of July 12, 2017 - presented by Councillor Bartlett

1. Newbury Street Resident Group – Signage Request

Committee has agreed to the request by the Newbury Street Resident Group to install “no left turn” signage at both entrances of Taunton Street for the purpose of eliminating the traffic shortcutting through the area. Warning signs will also be required prior to the entrances of Blagdon Hill, indicating no exit to Portugal Cove Road, and Newbury Street, indicating no exit to Indian Meal Line. The RNC will also be notified of these turning restrictions and asked to assist with enforcement of same.

2. Sidewalk Project – Thorburn Road / Dogberry Hill Road

An update was provided to Committee on the progress of the project. At the time of the writing of this report, Public Works was advised that all work should be completed by July 20th pending no further changes to the project scope.

Further to the previous Committee report with respect to the location change of the sidewalk by the provincial Department of Transportation and Works at the entrance of the school, an update on the options was provided to Committee. Further discussion is required by Council of the Whole to determine next steps, if any. The item was referred to Council of the Whole following the Public Works Committee.

3. Roads Maintenance 2017 – Tender PCSP-2017-001

Six (6) tender bids were received in response to the tender for the 2017 road maintenance. This tender includes various patch and repair work throughout Town. S&L Paving was the lowest qualified bidder.

Motion: Bartlett/Hanlon
2017-346 Resolved that the tender for Road Maintenance 2017 PCSP-2017-001 be awarded to S&L Paving at a cost of \$68,177 HST included.
Carried Unanimous

4. Quote – Portable Solar Power Digital Sign

Quote was received for the purchase of a portable solar powered digital speed minder sign. This sign will have the capability of being moved to various areas throughout the Town and will be able to provide data collection as well as have a message board. This is 2017 a budgeted item.

Motion: Bartlett /Hanlon
2017-347 Resolved that the purchase of a portable solar power digital sign be approved at a cost of \$16,097.70 HST included.
Carried Unanimous

Note: Councillor Butler pointed out that the digital sign can also manage traffic counts for future use in Planning & Development areas.

5. Roads Updates

a) Transportation and Works Roads in PCSP / Letter to Minister – Correspondence was sent to Minister of Transportation and Works on behalf of Council requesting the provincial department’s cooperation in undertaking necessary repairs to provincially owned roads within the Town’s boundaries.

b) Traffic Calming Review Update – An update was provided to Committee on the three areas recently referred for traffic calming assessment - Country Garden Road, Olivers Pond Road and Western Gully Road.

Country Garden Road – Further data is being collected on Country Garden Road to determine if there is a shortcutting issue in the area as this was part of the original complaint to the Town. Based on the initial data collected, there are no issues with traffic volumes or speeds in the area. As part of the traffic calming review process, the current speed limit was assessed based on the Town's new speed limit policy and it has been determined that the speed limit should be set at 50 km/hour.

Olivers Pond Road – The data indicates that traffic volumes on this road are very low, however there are some concerns with speeding. Given that this road is a cul-de-sac, the majority of the traffic would be residents of the area. To move forward in the traffic calming process, the threshold for speed and traffic volume both have to be met, which is not the case with Olivers Pond Road. Public Works will work with the Town's Communications Division to make the residents of the area aware of the findings and ask for their cooperation in reducing speeds. The Town will also position a speed feedback sign in the area to heighten driver awareness. As part of the traffic calming review process, the current speed limit was assessed based on the Town's new speed limit policy and it has been determined that the speed limit should be set at 50 km/hour.

Western Gully Road – Traffic volumes and speed data in this area both meet the threshold to proceed to the next steps of the Town's Traffic Calming Policy. This work is underway. As part of the traffic calming review process, the current speed limit was assessed based on the Town's new speed limit policy and it has been determined that the speed limit should remain at 40 km/hour.

Note: Discussion on item 1 continued with clarification that emergency vehicles and snow clearing vehicles will be permitted to turn left.

Economic Development, Marketing & Comm. Report of July 12, 2017 – presented by Clr. Butler

1. Agriculture Strategic Session

The committee discussed the agriculture strategic planning session that was held on July 4th. The final report will be prepared by a small group of members of the agriculture community for Councils review in the coming weeks.

2. Tickle Swim for Mental Health

The swim will take place on Saturday, August 19th. This is the 5th anniversary of the event. Depending on weather and tidal conditions it will start or finish in Portugal Cove. We will again be involved in hosting the post swim reception.

3. ACE - Invertebrates Study

As a complement to the Green Teams work on baseline water testing, going on this summer, ACE has worked with a grad student to develop a complementary piece of work that will also look at the biodiversity of those same sample sites. Water testing is a budgeted item and the project will take place in the next couple weeks.

4. SAM Scholarship

We have received the funds for the scholarship by the Stewardship Association of Municipalities and will be awarding the successful recipient at a date to be determined.

5. Communications Position

The committee discussed the Communications Coordinator position and the decision around the future of the role.

Motion: Bartlett /Facey

Resolved that the position of Communications Coordinator become permanent full-time with the previously approved salary scale

Withdrawn by mover and seconder as Council agreed to deferred this item to the July 20, 2017 Committee of the Whole

Protective Services Committee Report of July 11, 2017 – presented by Councillor Hanlon

Committee meeting consisted of a presentation on the FireSmart program by Mr. Russell and discussion thereafter.

The FireSmart program is an initiative that is being promoted and advocated provincially by the Dept. of Fisheries and Land Resources. FireSmart is a national program committed to helping Canadians reduce their wildfire risk and become fire adapted through community based solutions.

Prior to the presentation, Mr. Russell, accompanied by the chiefs, spent some time looking at and assessing certain areas of the community.

It is recognized by council already, that the wildland urban interface threat (forest fires that can or may impact populated areas) is a risk in Portugal cove St. Philips. In 2015, an exercise was conducted based on the wildland urban interface fire threat.

Mr. Russell provided information for council consideration. It is anticipated that at the next committee meeting, a discussion can ensue on possible follow-up actions or next steps council may wish to consider.

Note: Mayor Tucker added it is important for residents to cut shrubs, e.g. junipers & cedars, away from houses and not store combustible material, e.g. firewood, under porches or patio decks.

Further information will be coming from the Fire Department.

Admin. and Finance Committee Report of July 11, 2017 presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Butler

- 2017-348 Resolved that Council approve payment of regular accounts in the amount of \$35,690.34 and capital accounts in the amount of \$246,507.84 for a total of \$282,198.18 as tabled.
- Carried Unanimously

2. Capital Works Cost Share Ratios Correspondence

Committee reviewed a response from Department of Municipal Affairs and Environment to the Town's May 23, 2017 letter regarding the new cost-share ratios introduced in the Multi-Year Municipal Infrastructure Plan. This item is attached for information.

3. Information Report

Committee reviewed reports on *Access to Information and Protection of Privacy Act* requests for the period of January 1, 2017 to June 30, 2017 and a report on the Office of the Information Privacy Commissioner complaints for the period of January 1, 2017 to June 30, 2017 as tabled. Committee discussed the time spent on these tasks and the amount of information we proactively post on our website. Committee will continue to monitor information requests and as well as complaints.

4. Cost Recovery Policy Proposal

Committee reviewed a draft of the Cost Recovery Policy proposal and discussed the levy amount per projects. Further discussions with Committee of the Whole will take place July 20, 2017.

Other Reports

- None for this meeting

COUNCIL CORRESPONDENCE

RECEIVED	CONTRIBUTOR	REGARDING	DISTRIBUTION
July 6, 2017	Dept. of Municipal Affairs	Response to Mayor's letter expressing concerns regarding the new cost-share ratios introduced in the Multi-Year Municipal Infrastructure Plan	AF Cmte
July 12, 2017	Resident	Conflict of Interest in Council	COW
July 13, 2017	Canadian Mental Health Association	Invitation to support the Tickle Swim for Mental Health	EDMC Cmte
July 13, 2017	Resident	Complaint regarding Bayview Hgts Road	PW Cmte

NEW/GENERAL/UNFINISHED BUSINESS

1. Correspondence

Correspondence from Municipal Assessment Agency as presented by Mayor Tucker – received July 17, 2017

Tidy Towns is an initiative of Municipalities Newfoundland and Labrador (MNL) and is funded by the Department of Municipal Affairs and Environment. The Tidy Towns competition is launching an exciting new version at MNL's 2017 Convention in Corner Brook. So in the interim, MNL decided to launch a photo challenge for the months of July and August 2017.

The Photo Challenge is for residents to take them behind-the-scenes pictures of our community to show off the "personality" of PCSP. The pictures should tell the story behind why PCSP is so special.

Council is challenging our residents to share pics through Instagram, Twitter, and Facebook using the hashtag #mytidytown mentioning our PCSP community.

Winning entries will be announced at the convention and will receive \$1000

2. Project extension approval

Approval for Water Metering project extension was received from Department of Municipal Affairs and Environment. The extension to complete the project was granted to March 31, 2019.

AGENDA ITEMS/NOTICE OF MOTIONS ETC.

- None for this meeting

ADJOURNMENT

Motion: Will/Facey
2017-349 Resolved that this meeting be adjourned. Time is 6:00 p.m.
Carried Unanimously

Moses Tucker, Mayor

Claudine Murray, Deputy Town Clerk

Appendix A - Planning & Development Report

**Appendix A: Tabled Report
July 11th, 2017**

Applications:

Item # 1:

Civic # 616-620 Old Broad Cove Road

Accessory Building

Zoning: Residential Medium Density (RMD) – Unserviced

The Committee recommends that the application for Civic # 616-620 Old Broad Cove Road be granted approval in principle, permitting the construction of an accessory building. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Development Regulation 39 (Accessory Buildings) and Schedule C: Residential Medium Density.

The Administrator recommended that Council use their discretion to grant approval in principle to this application.

Permits Issued:

Item # 2:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	17-167	06/23/2017	17-21	Hogans Pond Road	Test Holes
2	17-168	06/23/2017	65	Nearys Pond Road	Accessory Building
3	17-169	06/23/2017	556-560	Old Broad Cove Road	Advertising Sign
4	17-170	06/27/2017	40-46	Jera Street	Test Holes
5	17-171	06/27/2017	245-247	Olivers Pond Road	Site Preparation
6	17-172	06/27/2017	109-131	Witch Hazel Road	Agricultural Building
7	17-173	06/28/2017	49-55	Beachy Cove Road	Subdivide Property
8	17-174	06/28/2017	10	Prince George Drive	Single Dwelling
9	17-175	06/29/2017	1	Prince George Drive	Single Dwelling
10	17-176	06/29/2017	182-194	Beachy Cove Road	Repairs to Rock/Retaining Walls
11	17-177	06/29/2017	182-194	Beachy Cove Road	Demolition
12	17-178	06/29/2017	182-194	Beachy Cove Road	Dwelling Renovations
13	17-179	06/29/2017	14-36	Bickerstaffe Road	Second Driveway
14	17-180	06/30/2017	5	Hammond Estates	Accessory Building
15	17-181	06/30/2017	249-253	Olivers Pond Road	Accessory Building
16	17-182	06/30/2017	28	Ursula Crescent	Second Driveway
17	17-183	06/30/2017	1180	Thorburn Road	Site Preparation

18	17-184	06/30/2017	18-20	Pendergast Road	Site Preparation
19	17-185	06/30/2017	22-28	Belbins Road	Subdivide Property
20	17-186	06/30/2017	616	Old Broad Cove Road	Patio/Deck
21	17-187	07/05/2017	182-194	Beachy Cove Road	Geothermal Wells
22	17-188	07/05/2017	893-895	Thorburn Road	Accessory Building
23	17-198	07/06/2017	1550	Portugal Cove Road	Accessory Building

**Appendix A: Tabled Report
July 11th, 2017**

Applications:

Item # 1:

Civic # 616-620 Old Broad Cove Road

Accessory Building

Zoning: Residential Medium Density (RMD) – Unserviced

The Committee recommends that the application for Civic # 616-620 Old Broad Cove Road be granted approval in principle, permitting the construction of an accessory building. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Development Regulation 39 (Accessory Buildings) and Schedule C: Residential Medium Density.

The Administrator recommended that Council use their discretion to grant approval in principle to this application.

Permits Issued:

Item # 2:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	17-167	06/23/2017	17-21	Hogans Pond Road	Test Holes
2	17-168	06/23/2017	65	Nearys Pond Road	Accessory Building
3	17-169	06/23/2017	556-560	Old Broad Cove Road	Advertising Sign
4	17-170	06/27/2017	40-46	Jera Street	Test Holes
5	17-171	06/27/2017	245-247	Olivers Pond Road	Site Preparation
6	17-172	06/27/2017	109-131	Witch Hazel Road	Agricultural Building
7	17-173	06/28/2017	49-55	Beachy Cove Road	Subdivide Property
8	17-174	06/28/2017	10	Prince George Drive	Single Dwelling
9	17-175	06/29/2017	1	Prince George Drive	Single Dwelling
10	17-176	06/29/2017	182-194	Beachy Cove Road	Repairs to Rock/Retaining Walls
11	17-177	06/29/2017	182-194	Beachy Cove Road	Demolition
12	17-178	06/29/2017	182-194	Beachy Cove Road	Dwelling Renovations
13	17-179	06/29/2017	14-36	Bickerstaffe Road	Second Driveway
14	17-180	06/30/2017	5	Hammond Estates	Accessory Building
15	17-181	06/30/2017	249-253	Olivers Pond Road	Accessory Building
16	17-182	06/30/2017	28	Ursula Crescent	Second Driveway
17	17-183	06/30/2017	1180	Thorburn Road	Site Preparation

18	17-184	06/30/2017	18-20	Pendergast Road	Site Preparation
19	17-185	06/30/2017	22-28	Belbins Road	Subdivide Property
20	17-186	06/30/2017	616	Old Broad Cove Road	Patio/Deck
21	17-187	07/05/2017	182-194	Beachy Cove Road	Geothermal Wells
22	17-188	07/05/2017	893-895	Thorburn Road	Accessory Building
23	17-198	07/06/2017	1550	Portugal Cove Road	Accessory Building



BUSINESS ARISING



PLANNING & DEVELOPMENT

Planning and Development Committee Report Agenda

July 25th, 2017

In Attendance: Councillor Norm Collins (Chairperson)
Deputy Mayor Gavin Will
Les Spurrell, Planning & Development Coordinator
Holly Duffett, Planning Technologist

Also in Attendance: Mayor Moses Tucker (Items # 1-7)
Councillor Dave Bartlett (Items # 1-10)

Applications:

- 1) Civic # 1767A Portugal Cove Road – Raise Dwelling, Subsidiary Apartment & Weeping Tile**
- 2) Civic # 12 Kittiwake Place – Accessory Buildings**
- 3) Civic # 10 Prince George Drive – Accessory Building**
- 4) Civic # 79-97 Tuckers Hill Road – Patio/Deck**
- 5) Civic # 34-36 Mitchells Pond Place – Wharf**
- 6) Civic # 49-51 Round Pond Road – Wharf**
- 7) Civic # 1056-1080 Indian Meal Line - Landscaping**

Correspondence:

- 8) Civic # 317 Bennetts Road – Proposed Street Name**

Discussion:

- 9) Civic # 17-19 Hibbs Place – Condition of Building**
- 10) Civic # 6 Eileen Place – Development without Permit**
- 11) Outstanding Orders**

Permits Issued:

- 12) Permits issued from July 7th to July 20th, 2017**

Planning and Development Committee Report

July 25th, 2017

In Attendance: Councillor Norm Collins (Chairperson)
Deputy Mayor Gavin Will
Les Spurrell, Planning & Development Coordinator
Holly Duffett, Planning Technologist

Also in Attendance: Mayor Moses Tucker (Items # 1-7)
Councillor Dave Bartlett (Items # 1-10)

Motion: 1. Civic # 1767A Portugal Cove Road – Raise Dwelling, Subsidiary Apartment & Weeping Tile
The Committee recommends that the application to raise an existing dwelling, construct a subsidiary apartment and install weeping tile at Civic # 1767A Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.

Motion: 2. Civic # 12 Kittiwake Place – Accessory Buildings
The Committee recommends that the application to construct two accessory buildings at Civic # 12 Kittiwake Place be granted approval in principle as per Appendix A: Tabled Report.

Motion: 3. Civic # 10 Prince George Drive – Accessory Building
The Committee recommends that the application to construct an accessory building at Civic # 10 Prince George Drive be granted approval in principle as per Appendix A: Tabled Report.

Motion: 4. Civic # 79-97 Tuckers Hill Road – Patio/Deck
The Committee recommends that the application to construct a patio/deck at Civic # 79-97 Tuckers Hill Road be granted approval in principle as per Appendix A: Tabled Report.

Motion: 5. Civic # 34-36 Mitchells Pond Place - Wharf
The Committee recommends that the application for a wharf at Civic # 34-36 Mitchells Pond Place be granted approval in principle as per Appendix A: Tabled Report.

Motion: 6. Civic # 49-51 Round Pond Road - Wharf
The Committee recommends that the application for a wharf at Civic # 49-51 Round Pond Road be granted approval in principle as per Appendix A: Tabled Report.

Motion: 7. Civic # 1056-1080 Indian Meal Line - Landscaping
The Committee recommends that the application for landscaping at Civic # 1056-1080 Indian Meal Line be granted approval in principle as per Appendix A: Tabled Report.

8. Civic # 317 Bennetts Road – Proposed Street Name

Motion: The Committee recommends that “Moses Place” be used within the Moses Tucker Residential Subdivision off Bennetts Road.

9. Civic # 17-19 Hibbs Place – Condition of Building

Motion: The Committee recommends that Council revoke Motion # 2017-331 where Council was to hire a restoration company to secure the safety of the site by securing access to the building and securely storing the building materials on-site at Civic # 17-19 Hibbs Place as the property owner has completed the required work.

10.Civic # 6 Eileen Place – Development without Permit

Motion: The Committee recommends that Council place a Removal Order on an accessory building at Civic # 6 Eileen Place which was constructed without a permit from the Town.

11.Outstanding Orders

The Committee completed a review of Removal Orders that are currently outstanding and identified a number that had been complied with to the satisfaction of the Town years ago but had not been revoked through Motion of Council. AS these Orders are no longer active on the properties and since the work has been completed, the Committee recommends the following motion:

Motion: The Committee recommends that Council revoke Removal Orders as per Appendix A: Tabled Report.

12.Permits Issued

There were twenty four (24) permits issued from July 6th to July 20th, 2017 as per Appendix A: Tabled Report.

**Appendix A: Tabled Report
July 25th, 2017**

Applications:

Item # 1:

**Civic # 1767A Portugal Cove Road
Raise Dwelling, Subsidiary Apartment & Weeping Tile
Zoning: Mixed Use (MIX) – Serviced**

The Committee recommends that the application for Civic # 1767A Portugal Cove Road be granted approval in principle, permitting the raising of an existing single dwelling, the construction of a subsidiary apartment, and the installation of weeping tile. Approval in principle is subject to approval from the Department of Municipal Affairs and Environment. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Development Regulation 33 (Notice of Application), Development Regulation 49 (Non-Conforming Use), Development Regulation 60 (Subsidiary Apartments), Development Regulation 102 (Discretionary Uses), Schedule C: Mixed Use, Schedule D: Off-Street Parking Requirements), and Schedule E: Environmental Protection Overlay.

The Administrator recommended that Council use their discretion to grant approval in principle to this application.

Item # 2:

**Civic # 12 Kittiwake Place
Accessory Buildings
Zoning: Residential Low Density (RLD) – Semi-Serviced**

The Committee recommends that the application for Civic # 12 Kittiwake Place be granted approval in principle, permitting the construction of two accessory buildings. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Development Regulation 39 (Accessory Buildings) and Schedule C: Residential Low Density.

The Administrator recommended that Council use their discretion to grant approval in principle to this application.

Item # 3:

**Civic # 10 Prince George Drive
Accessory Building
Zoning: Residential Low Density (RLD) – Semi-Serviced**

The Committee recommends that the application for Civic # 10 Prince George Drive be granted approval in principle, permitting the construction of an accessory building. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development

Regulations and all other regulatory bodies of government, specifically Development Regulation 11 (Variances), Development Regulation 12 (Notice of Variance), Development Regulation 39 (Accessory Buildings), and Schedule C: Residential Low Density.

The Administrator recommended that Council use their discretion to grant approval in principle to this application.

Item # 4:

**Civic # 79-97 Tuckers Hill Road
Patio/Deck
Zoning: Traditional Community (TC) – Unserviced**

The Committee recommends that the application for Civic # 79-97 Tuckers Hill Road be granted approval in principle, permitting the construction of a patio/deck.

The Administrator recommended that this application be rejected as the proposed patio/deck will be located within an identified steep slope area for which development is not permitted in accordance with Schedule E: Environmental Protection Overlay.

Item # 5:

**Civic # 34-36 Mitchells Pond Place
Wharf
Zoning: Residential Low Density (RLD) – Unserviced**

The Committee recommends that the application for Civic # 34-36 Mitchells Pond Place be granted approval in principle, permitting the construction of a wharf. Approval in principle is subject to approval from Fisheries and Oceans Canada, the Department of Fisheries and Land Resources, and the Department of Municipal Affairs and Environment. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Development Regulation 19 (Watercourse and Wetland Protection) and Schedule E: Environmental Protection Overlay.

The Administrator recommended that this application be granted approval in principle.

Item # 6:

**Civic # 49-51 Round Pond Road
Wharf
Zoning: Residential Low Density (RLD) – Unserviced**

The Committee recommends that the application for Civic # 49-51 Round Pond Road be granted approval in principle, permitting the construction of a wharf. Approval in principle is subject to approval from Fisheries and Oceans Canada, the Department of Fisheries and Land Resources, and the Department of Municipal Affairs and Environment. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all

other regulatory bodies of government, specifically Development Regulation 19 (Watercourse and Wetland Protection) and Schedule E: Environmental Protection Overlay.

The Administrator recommended that this application be granted approval in principle.

Item # 7:

**Civic # 1056-1080 Indian Meal Line
Landscaping
Zoning: Mixed Use (MIX) – Unserviced**

The Committee recommends that the application for Civic # 1056-1080 Indian Meal Line be granted approval in principle, permitting landscaping. Approval in principle is subject to approval from Fisheries and Oceans Canada and the Department of Fisheries and Land Resources. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Plan Policy RES-19 (Watercourse and Wetland Protection) and Schedule E: Environmental Protection Overlay.

The Administrator recommended that this application be rejected as the intent of Schedule E: Environmental Protection Overlay is to preserve the environmental integrity of the Town by defining the necessary terms and conditions to protect environmentally sensitive areas from the negative impacts and influences of development. However, in accordance with Schedule E: Environmental Protection Overlay Condition # 3 (Waterbodies), development activity is allowed at Council's discretion.

Discussion:

Item # 11:

Outstanding Orders

The Committee recommends that Council revoke the following 'Removal Orders':

- **Civic # 20-30 Coadys Road (Motion # 2011-114);**
- **Civic # 10-12 Hilltop Lane (Motion # 2011-122);**
- **Civic # 1059-1061 Indian Meal Line (Motion # 2013-080);**
- **Civic # 44-46 Beachy Cove Road (Motion # 2012-299);**
- **Civic # 1-5 Conatti Place (Motion # 2014-161);**
- **Civic # 75-85B Round Pond Road (2014-287), and;**
- **Civic # 131-137 Bennetts Road (Motion # 2015-268).**

Permits Issued:

Item # 13:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	17-190	07/07/2017		Summerwood Place	Road Work & Sewer Stub
2	17-191	07/07/2017	43-47A	Anglican Cemetery Road	Carport
3	17-192	07/07/2017	46-48	Woodland Drive	Backfilling/Landscaping
4	17-193	07/11/2017	81-83	Hughs Pond Road	Accessory Building
5	17-194	07/12/2017	17-21	Hogan's Pond Road	Site Preparation
6	17-195	07/12/2017	180-182	Neary's Pond Road	Replace Septic Tank
7	17-196	07/13/2017	18-20	Pendergast Road	Single Dwelling
8	17-197	07/13/2017	9	Oceans Edge	Site Preparation
9	17-198	07/13/2017	19	Sunset Way	Single Dwelling
10	17-199	07/14/2017	1180	Thorburn Road	Single Dwelling & Accessory Building
11	17-200	07/14/2017	1904	Portugal Cove Road	Structural Repairs
12	17-201	07/14/2017	277-281	Old Broad Cove Road	Occupancy
13	17-202	07/14/2017	97-101	Round Pond Road	Test Holes
14	17-203	07/14/2017	40-46	Jera Street	Site Preparation
15	17-204	07/17/2017	25	West Point Road	Occupancy
16	17-205	07/17/2017	182-194	Beachy Cove Road	Reconstruct Mechanical Room
17	17-206	07/17/2017	182-194	Beachy Cove Road	Replace Septic Tank
18	17-207	07/17/2017	19	Blagdon Hill	Single Dwelling
19	17-208	07/17/2017	15	Brentwood Avenue	Accessory Building & Patio/Deck
20	17-209	07/18/2017	8-10	Summerwood Place	Test Holes
21	17-210	07/19/2017	616-620	Old Broad Cove Road	Accessory Building
22	17-211	07/19/2017	16-18	Dawn Allen Road	Accessory Building
23	17-212	07/19/2017	21-25	Anglican Church Road	Accessory Building



RECREATION & COMMUNITY SERVICES

In Attendance: Chairperson, Councilor Aaron Facey
Councilor Johnny Hanlon
Councilor David Bartlett

Staff: Dawn Sharpe, Director of Recreation and Community Services
Nick Miller, Sports Coordinator (Item #2 only)

1. Lifestyle Centre

The Recreation Committee met with Grant Horwood, Vice President of Vigilant to discuss the next steps to further the Lifestyle Centre project. Mr. Horwood will provide a short list of architects for the Town to engage to provide proposals. The Committee will then recommend an architect to provide a detailed conceptual design for the purpose of submitting funding applications.

2. Sports Coordinator- Contact Extension

Nick Miller, Sports Coordinator with the Recreation Department discussed the role that he played throughout the year and the positive outcomes that were accomplished. Details of some of the measurable are attached. Due to the fact that one of the largest factors that did not allow the Sports Coordinator position to see its full potential was the fact that the Rainbow Gully Soccer Pitch was under construction for the summer. With the field in full capacity, as well as the addition of lights to the Rainbow Softball Pitch, it is anticipated that the revenue potential would be 50% higher. For this reason the Recreation Committee would like to make the following recommendation:

Motion: The committee recommends that Council extend the Sports Coordinator position for one year to ensure that staff has the opportunity to work with the facilities at their full capacity.

3. Indian Meal Line – ROW

Committee held discussions regarding the land on Indian Meal Line that accesses the Walking Trails in Voisey's Brook Park. Committee will continue to explore the options for ROW to the trail system.

4. AV Equipment

The Recreation Director obtained 3 quotes for a portable projector and a wireless microphone. Recreation Committee reviewed the quotes and would like to make the following recommendations:

Motion: The committee recommends that Council purchase a portable projector from Tucker Electronics for the amount of \$1470.50 + HST.

Motion: The committee recommends that Council purchase a wireless microphone from Tucker Electronics for the amount of \$459.00 + HST.

5. Outdoor Grill

The Recreation Department obtained quotes for an Outdoor Grill. Recreation Committee reviewed the quotes and would like to make the following recommendations:

Motion: The committee recommends that Council purchase a Charbroiler, Gas, Outdoor Grill from Big Erics in the amount of \$3742.78 taxes included.

6. Community Grants

After reviewing the Community Grant Applications, the Committee would like to put forward the following recommendations:

Motion: Committee recommends that Council donate \$100.00 to Brianna Butler to assist with her travels to Winnipeg, Manitoba from July 28th to August 5th with the U17 Team NL Canada Games Team.

Motion: Committee recommends that Council donate prizes and staff resources to the Jacobs Landing Street Party organized by Heather Rowe.

Sponsorship Money Earned

Canada 150 Grant

Verlin Family Trust: \$2000.00

Winter Carnival Grant

Lions Club : \$750.00

Facey Financial \$750.00

Sharpes/ Sharpes Garage \$750.00

Elaines Convenice \$100.00

Country Convenice \$400.00

Beachy Cove Café \$650.00 Space rental / Wine In kind

Firewood Factory\$200.00 In kind

Tucker Electronics\$100.00 In Kind

Elaines Convenice \$100.00

\$3,800.00

Volunteer Awards:

Facey Finacal\$300.00

Canadian Av\$ 500

\$350

Regatta

Facey financial \$400.00

Lions Club:\$200.00

Sharps Store \$700.00

Windco \$100.00

Frontline\$700 In Kind

Budgens \$ 300

Johnny Hanlon \$100.00

Moses Tucker \$100.00

Aaron Facey \$100.00

Norm Collins \$100.00

Elaine \$100.00

Country Convenice \$400

Fire Works fx \$1500 in kind

Canadian Av \$1400 in kind

Joe Bulter\$100

Gatherals \$200.00 In kind

Tickle Trunk\$200

\$6,700.00

Overall Sponsor Ship for 2017

Vocm/ Hits Fm \$17,400.00

Signage:

Facey Financial \$1500.00

Fall Family Festival

Facey Financial \$300

Total \$31,050.00



PUBLIC WORKS



Public Works Committee

July 26, 2017

In attendance: Councillor Dave Bartlett, Chair
Councillor Johnny Hanlon
Councillor Norm Collins
Staff: Gail Tucker, Director of Public Works

1. Manager, Streets, Fleet and Waste Management

Dwayne Abbott was introduced as the Town's new Manager of Streets, Fleet and Waste Management. Mr. Abbott will be responsible for the management of the day-to-day operations of the Streets, Fleet and Waste Management Division of Public Works. Specifically, he will oversee:

- roads maintenance, snow clearing/ice control and traffic management operations;
- fleet acquisition, disposition and maintenance; and,
- garbage and recycling collection and disposal.

Mr. Abbott brings to the Town extensive experience in the fields of public works, civil construction and heavy equipment training and operation. He has been employed in municipal operations management for the past 20 years, having worked the majority of that time with the City of St. John's. Mr. Abbott has been involved in the development and implementation of various trade training programs specific to Heavy Equipment Operation and has significant knowledge and expertise in occupational health and safety standards as it relates to the public works field. We are pleased to welcome Mr. Abbott to our team.

2. Mini Excavator & Trailer – Tender PCSP-2017-002

Two bids were received in response to the tender for a mini excavator and trailer. This piece of equipment was budgeted for the Water and Wastewater Division to support maintenance and repair activities. NL Kubota was the lowest, qualified bidder.

Motion: Committee recommends that the mini excavator and trailer tender PCSP-2017-002 be awarded to the lowest, qualified bidder, NL Kubota, at a cost of \$75,072 HST included.

3. Town Depot – Concept Design & Delivery Model

Committee was presented with a project flow process outlining milestone steps for the development of a new Town Depot. Vigilant Management will be the Town's project managers on this project. Staff is seeking approval to move forward with the development of a project charter, budget and space planning requirements on the flow chart. This is a budgeted item for 2017. The flow chart is included as part of the Committee report.

Motion: Committee recommends that approval be given for the development of a project charter, budget and space planning requirements for a new Town Depot and the associated project management fees (Vigilant Management) of \$10,000 plus HST.

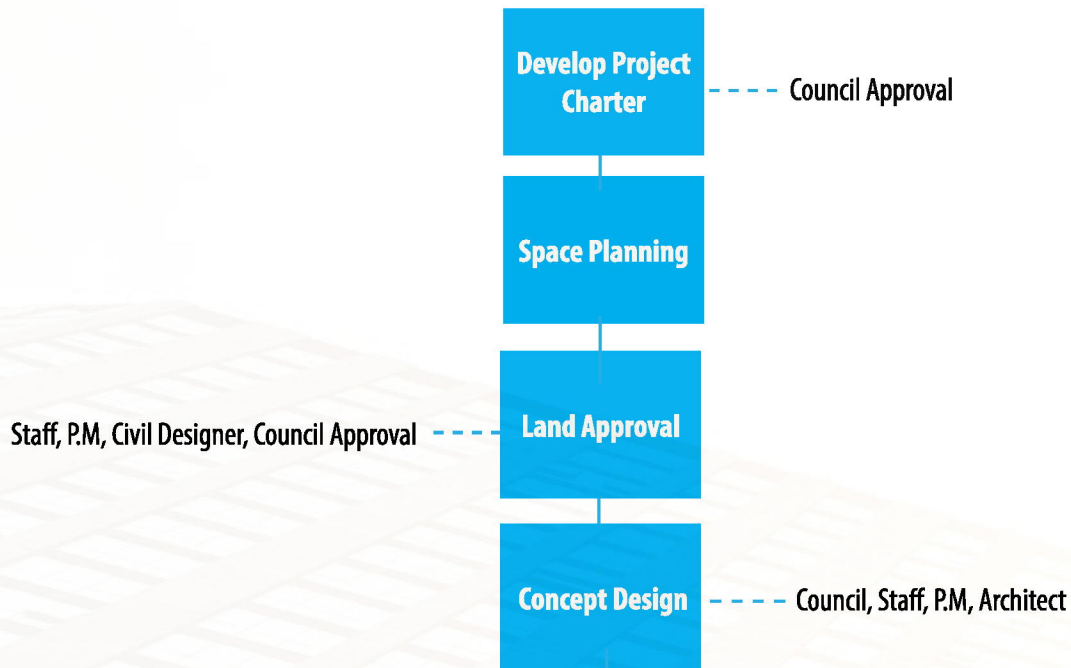


DISCUSSION ITEMS

- a) Compact Diesel Tractor Tender PCSP-2017-003 – under review by staff
- b) Correspondence, Minister, Transportation & Works – Committee requested a letter be prepared on behalf of Council to the Minister thanking him for the expedient response to the Town's request for repairs to provincial roads within its municipal boundaries. This has been referred to the Town's communications staff for action.

SELECT DELIVERY MODEL

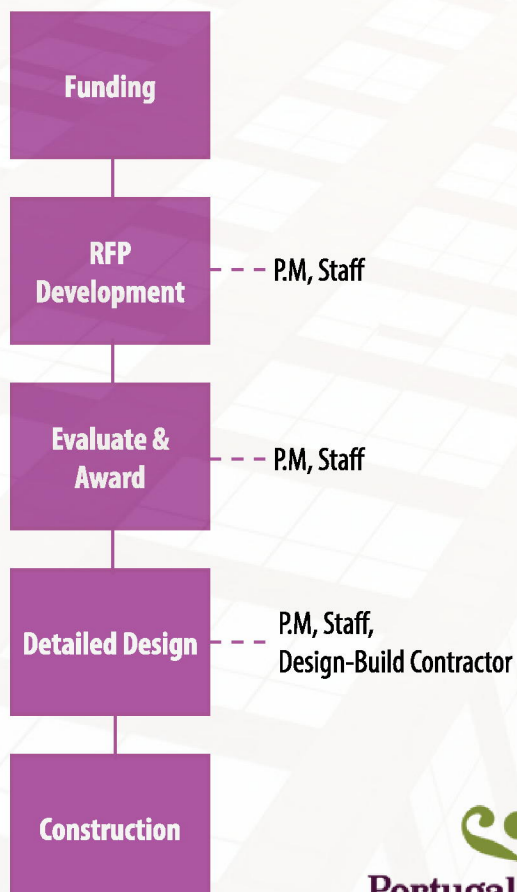
Town Depot
As proposed July 26, 2017



Evaluation of Delivery Method

Delivery Method Decision - Council

DESIGN-BUILD



BID-BUILD



Evaluation of Bid-Build vs Design-Build



PROTECTIVE SERVICES



Protective Services Committee

Tuesday, July 25, 2017

5:30PM

IN ATTENDANCE: Councilor Johnny Hanlon
 Deputy Mayor Gavin Will
 Councilor Norm Collins
 Heather Coughlan, Employee & Public Relations Administrator
 Fred Hollett, Co-Chief – Volunteer Fire Department
 Peter Morey, Commissionaires NL (Item #1)

1. Commissionaires – Municipal Enforcement

The Committee reviewed the report as provided by the Municipal Enforcement Officer. This report has been tabled as Appendix A.

The MEO has been working closely with the Royal Newfoundland Constabulary (RNC) on a number of issues and they (the RNC) have been very hands on and appreciative of the Municipal Enforcement presence in both communities.

2. FES Updates

- 8 members have expressed interest in attending the Fire Services Convention in August. Funding for their attendance is covered in the budget.
- The Co-chiefs have visited the new school and are in the process of scheduling a walkthrough inspection within the month of August.

3. Lower Thorburn Road Traffic Issues

The Committee discussed the ongoing traffic concerns, including speeding and failure to obey the stop sign, around the lower portion of Thorburn Road. These concerns have been brought to the attention of the Municipal Enforcement Officer.

4. FireSmart Presentation

On July 11th, Mr. Joe Russell of the Department of Forestry gave a presentation to members of Council and staff on the FireSmart program. FireSmart is a program of information for communities and home owners with regards to preparation in the threat of wildfires. This information will be forwarded to the Planning and Development department. Chief Hollett has offered to meet with the department to assist in this regard.

5. Burning Regulations and Forest Fire Index

The Co-chiefs have been continuously monitoring the Forest Fire Index throughout the season and will continue to do so. Should the index rating become very high or extreme, the chiefs will consider exercising article 7(b) of the PCSP Open Air Fire Regulations, 2015, and initiate a Town fire ban.

Protective Services Committee
APPENDIX A: TABLED MEO REPORT

PROTECTIVE SERVICES:

July 25, 2017

- We had a few issues at Voisey's Brook Park with drinking after softball games are over.
- Complaints about noise coming from 116 Bennett's Road.
- Speeding on Old Broad Cove Road ongoing. As well as other areas in town.
- Patrols through Summerwood still ongoing
- Chesley Van Heights resident complaining about dog barking, no evidence to support this.
- ATV's and Dirt Bikes, RNC advises that they are trying to work on a solution to Policing this activity.
- Noise complaint from Oliver's Pond Drive
- White Ash Drive parking commercial vehicle on vacant lot.
- Noise complaint from Dogberry Hill Ext.

July 26 – Aug 8, 2017

- Meeting with RNC and other MEO's in the area to discuss issues, concerns and networking strategies.
- Radio for vehicle to monitor the Fire Dept.'s.



ADMINISTRATION & FINANCE



Administration & Finance Committee Report

July 20, 2017 - 7:00 p.m.

In attendance:	Chairperson, Deputy Mayor Will Mayor Tucker Councillor Bartlett Councillor Butler Councillor Facey Councillor Hanlon
Staff:	Chris Milley, Town Manager/Engineer Tony Pollard, Director of Financial Operations Claudine Murray, Deputy Town Clerk

1. Accounts for Payment

MOTION: Committee recommends that Council approve payment of regular accounts in the amount of \$26,578.05 and capital accounts in the amount of \$30,378.21 for a total of \$56,956.26 as tabled.

2. Water & Sewer Recovery Policy

The attached Water & Sewer Recovery Policy is a consistent approach for cost recovery measures for capital water and sewer infrastructure projects. The Town intends to provide a policy under which citizens are equitably charged local improvement assessments and service levies in order to recover the costs of improving services and infrastructure that benefit those citizens.

During the 2015 budget consultations, the Council learned that the cost of providing water service to those that it is available, was greater than what was being received in water taxes. The remainder of the cost was being paid for through general tax revenue from all tax payers including those not benefiting from the service. Council heard dislike of this practice and has adopted the principle that members of the community benefiting from services provided by new capital water and sewer infrastructure works should pay a fair share of the project costs. The inverse statement, that those not receiving benefit from a project should not have to contribute toward the cost of the project such as through general taxes, was also adopted.

As most water and sewer capital works projects are cost shared with the Provincial and Federal Governments, it is understood that the costs allocated to the residents would only be a portion of the project cost and will be no more than the Municipal share of the project cost.

Further to a directive from the Committee of the Whole meeting held on July 20th, the following recommendation is being put forward:

MOTION:

The committee recommends the Water and Sewer Recovery Policy, applicable to the installation of new water or sanitary sewer infrastructure, be adopted.

3. Federal Assistance

Committee members had met with MP Nick Whalen to discuss some issues for which it was thought that Federal assistance may be available. One of the topics was discussion around reallocation of funds under the Clean water Waste water funding and the ability to combine unused amounts with Multi Year Capital works funding to go towards Drover Heights water and sewer project.

A letter to MP Whalen was to be drafted highlighting the areas where we would require federal assistance.

Accounts for Payment - July 20, 2017

REGULAR ACCOUNTS:

75299	6/1/2017	Benson Buffett Legal fees-tax matter	\$	8,233.35
8576	6/8/2017	BSB Electrical Services Repairs to main u/g service - Voiseys Park	\$	7,206.87
12765	7/1/2017	City of St. John's Landfill use - Jun17	\$	11,137.83
TOTAL REGULAR ACCOUNTS:			\$	<u>26,578.05</u>

CAPITAL ACCOUNTS:

PCSP-1635-WP2-02	6/30/2017	Tract Consulting Inc. Maggies place work package two	\$	10,950.30
528	7/1/2017	Twells Consulting Ltd. Level of Service review	\$	9,309.34
944	6/30/2017	Vigilant Management Inc. Dogberry hill road sidewalks	\$	10,118.57
TOTAL CAPITAL ACCOUNTS:			\$	<u>30,378.21</u>

GRAND TOTAL:	\$	56,956.26
---------------------	-----------	------------------

Town of Portugal Cove-St.Philips
BNK1 - BNS CURRENT ACCT
 Cheques from 045443 to 045485 dated between 07/08/2017 and 07/20/2017

CHEQUE REGISTER

Printed: 9:27:55AM 07/20/2017

Page 1 of 3

Number	Issued		Amount	SC	Status	Status Date
045444	07/11/2017	Kaitlyn Hall	100.00	G/L	OUT-STD	07/11/2017
	7340-6400	Motion #2017-313 Kaitlyn Hall	100.00			
045445	07/11/2017	Jenna Maloney	100.00	A/P	OUT-STD	07/11/2017
	regatta17	regatta 2017	100.00			
045446	07/11/2017	Len Collins	300.00	A/P	OUT-STD	07/11/2017
	Regatta17	Regatta 2017	300.00			
045447	07/11/2017	Tickle Trunk Entertainment	200.00	A/P	OUT-STD	07/11/2017
	Regatta17	regatta17 face painter	200.00			
045448	07/13/2017	B & B Sales Ltd.	68.95	A/P	OUT-STD	07/13/2017
	000578671	popcorn-canada day	68.95			
045449	07/13/2017	Bro-Dart	513.19	A/P	OUT-STD	07/13/2017
	990336	library card key tags	513.19			
045450	07/13/2017	Canadian AV Inc.	7,915.45	A/P	OUT-STD	07/13/2017
	7568	stage	2,967.00			
	7575	sound system-canada day	4,948.45			
045451	07/13/2017	Catherine Hooper	34.43	A/P	OUT-STD	07/13/2017
	reib-green team	reimb-green team supplies	34.43			
045452	07/13/2017	Commissionaires	2,028.60	A/P	OUT-STD	07/13/2017
	25542	Canada Day security	2,028.60			
045453	07/13/2017	Corporate Express	39.09	A/P	OUT-STD	07/13/2017
	44810281	commissioner of oaths stamp-c.murray	39.09			
045454	07/13/2017	D & S Vacuum Truck Services Ltd.	402.50	A/P	OUT-STD	07/13/2017
	10232	port-a-pottys - regatta	402.50			
045455	07/13/2017	Daren Janes	72.98	A/P	OUT-STD	07/13/2017
	mileage-bay roberts	mileage claim-bay roberts fire service leade	72.98			
045456	07/13/2017	East-Chem Inc.	328.58	A/P	OUT-STD	07/13/2017
	015206101	nitrate, phosephate-Green team	328.58			
045457	07/13/2017	E C Boone	3,804.03	A/P	OUT-STD	07/13/2017
	13029	FD clothing order	3,804.03			
045458	07/13/2017	Ed Sharpe	131.55	A/P	OUT-STD	07/13/2017
	Reimb-Fireworks	Reimb-fireworks supplies	131.55			
045459	07/13/2017	Frederick Hollett	977.50	A/P	OUT-STD	07/13/2017
	Jul2-8	fd consultations - Jul2-8	977.50			
045460	07/13/2017	Gatherall's Boat Tours Ltd.	1,352.40	A/P	OUT-STD	07/13/2017
	2241	boat tour-seniors	1,352.40			
045461	07/13/2017	Irving Oil Limited	1,836.34	A/P	OUT-STD	07/13/2017
	122733	Gas	1,836.34			
045462	07/13/2017	MDB Insight Inc.	3,162.50	A/P	OUT-STD	07/13/2017
	369-005-001	census made simple	3,162.50			
045463	07/13/2017	Michael Conway	300.00	A/P	OUT-STD	07/13/2017
	2017	magic shows-day camp	300.00			
045464	07/13/2017	Mikaila Rodgers	555.96	A/P	OUT-STD	07/13/2017
	Reimb-daycamp	reimb-day camp supplies	555.96			
045465	07/13/2017	NL Association of Fire Services	4,278.00	A/P	OUT-STD	07/13/2017
	5269	regsitration for convention - 8 members, 5 s	4,278.00			
045466	07/13/2017	O, the Oprah Magazine	17.97	A/P	OUT-STD	07/13/2017
	2017sub	magazine subscription 2017	17.97			
045467	07/13/2017	Pik-Fast Express Inc.	58.17	A/P	OUT-STD	07/13/2017

* - Partial payment was made on Invoice

** - Name on Check was modified

Town of Portugal Cove-St.Philips
BNK1 - BNS CURRENT ACCT
 Cheques from 045443 to 045485 dated between 07/08/2017 and 07/20/2017

CHEQUE REGISTER

Printed: 9:27:55AM 07/20/2017

Page 2 of 3

Number	Issued		Amount	SC	Status	Status Date
	DC-1178	courier service	58.17			
045468	07/13/2017	Richard Murphy	1,322.50	A/P	OUT-STD	07/13/2017
	Jul3-9	fd consultations - Jul3-9	1,322.50			
045469	07/13/2017	SaltWire Network Inc.	3,033.24	A/P	OUT-STD	07/13/2017
	TM00002468	notice of expropriation ad-nearys pond	3,033.24			
045470	07/13/2017	SingSong Inc.	1,150.00	A/P	OUT-STD	07/13/2017
	01323	Jim Payne & Fergus O'Byrne-Regatta17	1,150.00			
045471	07/13/2017	Steele Communications	5,589.00	A/P	OUT-STD	07/13/2017
	214561-1	canada day/regatta ads	2,001.00			
	214564-1	canada day/regatta ads	1,449.00			
	215141-1	boat launch closed ad	1,069.50			
	215142-1	boat launch closed ad	1,069.50			
045472	07/13/2017	The Candy Castle	195.50	A/P	OUT-STD	07/13/2017
	2017004	cotton candy machine rental-regatta	195.50			
045473	07/13/2017	The Hub	603.75	A/P	OUT-STD	07/13/2017
	25176	envelopes	603.75			
045474	07/13/2017	Tract Consulting Ltd.	1,616.61	A/P	OUT-STD	07/13/2017
	PCSP-1635-WP1-06	Maggies place	1,616.61			
045475	07/13/2017	Vigilant Management Inc.	16,289.10	A/P	OUT-STD	07/13/2017
	942	water loss program	743.19			
	943	water metering project	1,993.82			
	945	meadow heights	3,398.26			
	947	strategic plan support	2,012.50			
	948	Road maint package	2,754.26			
	949	healeys pond cres	609.50			
	950	Newbury Street walkway	1,110.50			
	953	Nearys Pond Road project	3,667.07			
045476	07/13/2017	VinoPittura	3,454.75	A/P	OUT-STD	07/13/2017
	11009	Canada on canvas paint night	1,080.00			
	11010	paint night-regatta	2,374.75			
045477	07/13/2017	Windco Enterprises	660.10	A/P	OUT-STD	07/13/2017
	20171156	repair/nstall movie screen, flag	660.10			
045478	07/13/2017	Xerox Canada Ltd.	632.72	A/P	OUT-STD	07/13/2017
	F51067191	copier maint	632.72			
045479	07/13/2017	Mikaila Rodgers	80.50	G/L	OUT-STD	07/13/2017
	5150-6100	Refund - Paint night Mikaila Rodgers	80.50			
045480	07/13/2017	Kenna Pennell	40.25	G/L	OUT-STD	07/13/2017
	5150-6100	Refund - Paint Night Kenna Pennell	40.25			
045481	07/13/2017	Michael & Teresa Freeman	80.50	G/L	OUT-STD	07/13/2017
	5150-6100	Refund - Paint Night Michael & Teresa Fre	80.50			
045482	07/13/2017	Nick Miller	200.00	A/P	OUT-STD	07/13/2017
	YouthAdv17	Petty cash - youth adventure camp	200.00			
045483	07/17/2017	Martin, Deon	120.00	A/R	OUT-STD	07/17/2017

* - Partial payment was made on Invoice

** - Name on Check was modified

Town of Portugal Cove-St.Philips
BNK1 - BNS CURRENT ACCT
Cheques from 045443 to 045485 dated between 07/08/2017 and 07/20/2017

CHEQUE REGISTER

Printed: 9:27:55AM 07/20/2017

Page 3 of 3

Number	Issued	Amount	SC	Status	Status Date
Cheque Totals Issued:		63,646.71			
Void:		0.00			
Total Cheques Generated:		63,646.71			
Total # of Cheques Listed:		40			

* - Partial payment was made on Invoice

** - Name on Check was modified

July 30, 2017

Report to: Committee of the Whole Council

From: Town Manager

Reference: Policy to guide a consistent approach to the application of Levies and Local Improvement Assessments as cost recovery measures for water and sewer capital infrastructure projects.

Issue: The Town Council has adopted the principle that members of the community benefiting from services provided by new capital infrastructure works should pay a fair share of the project costs. The inverse statement that those not receiving benefit from a project should not have to contribute toward the cost of the project such as through general taxes.

Background: During the 2015 budget consultations, the council learned that the cost of providing water service to those that it is available was greater than what was being received in water taxes. The remainder of the cost was being paid through general tax revenue from all tax payers including those not benefiting from the service. Council heard dislike of this practice from tax payers who do not benefit and therefore increased the fixed water tax to bring cost and revenue closer in line. The idea of pay for benefit was extended to the process of selecting new capital works projects.

The council selected water and sewer projects based on the understanding that those receiving benefit of the capital works would pay the cost of the projects. Water and Sewer projects are easier to allocate costs as clear benefactors are often easier to determine with these types of projects.

As most capital works projects are cost shared with the Provincial and Federal Governments, it is understood that the costs allocated to the residents would only be a portion of the project cost and will be no more than the Municipal share of the project cost. It is understood that financing charges on the Town's cost can also be recovered. This can be accounted for in the finance arrangements offered to the payer.

Option: Recommend a cost recovery policy as attached that will consistently and fairly calculate the levies and assessments for water & sewer projects.

Town Manager
Chris Milley, P.Eng.

Portugal Cove-St.Philip's Water & Sewer Capital Works Cost Recovery Policy (2017)

Policy Statements:

1. Intent of Policy

It is the intent to provide a policy under which citizens of the Town are equitably charged local improvement assessments and service levies in order to recover the costs of constructing water and sewer infrastructure necessary to improve or expand services benefiting those citizens.

This policy applies to the upgrading of existing or the installation of new water or sanitary sewer infrastructure. It does not apply to similar works performed by independent developers during the development of subdivisions or other types of work that municipalities have the ability to charge assessments or levies.

2. Legal Empowerment

The Municipalities Act , SNL 1999, c.M-24, Part VI is the enabling legislation that provides to the Town of Portugal Cove-St.Philip's its duties and powers respecting local improvement assessments and service levies.

3. Recovery Methods

The enabling legislation does not allow a municipality to recover from its citizens more cost than it incurred to perform the work. This policy considers how to fairly calculate and distribute Service Levies and Local Improvement Assessments. In doing so it will provides a means to allocate portions of the municipal share of the project cost to other traditional funding sources such as permit assessment fee funds, water & sewer taxes, and general taxes. This policy does not contemplate how those funding sources are impacted by the allocation. For the purpose of this policy, the cost to be recovered by means of Service Levies and Local Improvement Assessments will be the municipal share of the project cost minus the allocations to the other municipal funding sources appropriate for the project.

4. Costs

The Total Project Cost includes all required for labour, material, and professional services. Financing charges are a recoverable cost but will not be included in the calculations until collection options are considered. For the purpose of this policy, costs will include applicable taxes.

4.1. Project Estimates

Project estimates can be used in the project decision making process. Estimates can be used in place of total project costs to calculate estimated assessments and levies. When decisions are made by council it should be noted which project estimate was used in making the decision.

4.1.1. Feasibility Estimates

These are total project estimated costs that are used to compare project priority and make decisions about project feasibility. The feasibility estimates are used in applications for project funding arrangements. These estimates would have the greatest degree of uncertainty.

4.1.2. Pre-Tender Estimates

These are generated throughout the design stage of the project and are expected to become more accurate as the design is completed and are primarily only subject to market uncertainty by the time the project is issued for tender.

4.1.3. Award Estimates

These are based on the awarded construction contract and should be the most accurate estimate of total project cost.

4.2. Project Cost Sharing

Many projects that may be subject to this cost recovery policy are partially funded by the Provincial or Federal Governments or other non-government bodies. The portion of the project cost that is funded by these external entities is not a municipal cost and therefore is not recoverable and must be subtracted from the Total Project Cost. The remainder can be called the Municipal Project Cost.

4.3. Municipal Allocations

Not all the municipal project costs attribute to benefits received by land owners in the service area due to the new service or infrastructure improvement. All the following cost allocations should be quantified as a percentage of the project municipal cost and subtracted from it to obtain a Recovery Cost. Rationale for the allocations should be provided by council when considered.

4.3.1. Permit Assessment Fee Allocation

Development Permit Assessment Fees are obtained from every residential and commercial lot that is developed. It is collected to contribute toward capacity building infrastructure improvements that become necessary as a result of added development. An example project would be increasing the size of an existing sewer main to cope with increased capacity needs.

4.3.2. General Tax Base Allocation

When the work being performed has benefit to the municipality as a whole, the portion of the cost suitable for the benefit should be allocated. Some project examples would be ones with significant economic development benefit or ones that require the reconstruction of a municipal collector road as a necessity of the new service or infrastructure improvement. Collector roads serve a benefit to the overall community.

4.3.3. Water or Sewer Tax Base Allocation

Some projects will improve the function, reliability, or effectiveness of the water or sewer system. This benefit should be allocated to the repair, maintenance, and operating cost of the respective system to be recovered through the Water and Sewer taxes that all recipients of the service receive.

4.4. Recovery Cost

The Recovery Cost can also be represented as a rate. The Recovery Cost Rate is simply Recovery Cost divided by the Service Area.

5. Service Areas

The area within five hundred meters (500m) of the new or improved sanitary sewer main that drains to the main, as determined by the Town Engineer, shall be used for the project's Total Service Area. This area shall be used for the water service as well, even when the project is limited to water only. In this case, the water main will be used as an approximation of a sanitary sewer main for the purpose of determining the area.

The proportions of the Recovery Cost that is directed to Service Levies and Local Improvement Assessments is to be determined respectively by the ratio of Service Levy Area and Local Improvement Area to the Total Service Area.

5.1. Service Levy Area

The area of land subject to a Service Levy is the Total Service Area minus the Local Improvement Assessment Area.

5.2. Local Improvement Assessment Area

The area of land subject to a Local Improvement Assessment within the service area shall be approximated by the total serviced frontage times the minimum lot depth for the land use zone plus the area of the serviced length of the road. The minimum lot depth is calculated by dividing the minimum lot area by the minimum lot frontage. Minimum lot area and minimum lot frontage are obtained from the land use zone tables in the Municipal Development Regulations for the land use zone that is present in the service area at the time that the project starts. The area of the road is approximated by multiplying a standard 15m road reserve by half of the total serviced frontage.

6. Service Levy

Service levies are applied to all parcels of land, within the service area of new or improved water and sewer infrastructure, which do not have frontage on the way containing the piped infrastructure or are deemed unserviceable. As existing parcels of land with frontage are subdivided to contain parcels without frontage, the service levy will apply to the ones without serviceable frontage.

6.1. Service Levy Rate

The service levy rate is the same as the Recovery Cost Rate.

6.2. Service Levy Calculation

A service levy is calculated by multiplying the area of the parcel of land to be developed within the service area by the service levy rate.

6.3. Application

The service levy rate will be added to the annual schedule of fees as a development fee to be applied during the development permit process. A service levy must be paid with other development fees prior to the issuance of a development permit.

7. Local Improvement Assessments

Local improvement assessments are applied to all existing parcels of land with frontage on the way containing the new or improved infrastructure and are deemed serviceable and developable. Local Improvement Assessments for water and sewer projects will be comprised of two separate parts: a Service Lateral Assessment and; a Main Assessment.

7.1. Total Local Improvement Assessment

The total local improvement assessment is calculated by multiplying the Local Improvement Assessment Area by the Recovery Cost Rate.

7.2. Service Lateral Assessment

Parcels of land will be charged a Service Lateral Assessment if the land is serviced by installing any service laterals up to the front property boundary.

7.2.1. Service Lateral Assessment Rate

The Total Service Lateral Assessment for a project is determined by multiplying the Recovery Cost by the percentage of the total project cost dedicated to the installation of service laterals. This percentage is approximated by the Town Engineer from the project cost data. The Service Lateral Assessment Rate is calculated by dividing the Total Service Lateral Assessment by the number of planned service laterals.

7.2.2. Service Lateral Assessment Calculation

A service lateral assessment is calculated by multiplying the number of installed service laterals by the Service Lateral Assessment Rate.

7.2.3. Application

The service lateral assessment is applied as soon as the project is complete and the property is serviced by the lateral. All principle buildings on a parcel of land deemed to be serviceable will receive service mains for each service being provided with the project. Properties installing service

laterals after the project will pay the assessment as a development fee when a permit to install the lateral is obtained.

7.3. Main Assessments

Parcels of land will be charged a Main Improvement Assessment if the project includes the installation of new or improved service mains.

7.3.1. Main Assessment Rate

The Total Main Assessment will equal the Total Local Improvement Assessment minus the Total Service Lateral Assessment. The Main Assessment Rate is the Total Main Assessment divided by the Total Serviced Frontage.

7.3.1.1. Determination of Frontage

The total frontage of the land serviced by the local improvement must be determined. It will be equal to the sum of the frontage for each parcel of property that is serviced by the local improvement. For the purpose of this policy only frontage is defined as the shortest property boundary line that fronts on a public street or way containing the service infrastructure. Where the front property boundary of the parcel being assessed is curved, the length of the chord will be used in the determination of frontage.

7.3.1.2. Partial Frontage

Where local improvement works have not been installed across the entire frontage of a property, the frontage to be used in determining the assessment will be the frontage along which the works have been installed, with the exception that minimum frontage requirements shall apply.

7.3.1.3. Minimum Frontage

A minimum frontage will be applied to back lots or other parcels that have less frontage than is required by the zone standards. The minimum frontage will be equal to the zone's minimum frontage standard. The zone and frontage standard that will be used in the determination are those in effect at the time of the start of the work.

7.3.2. Main Assessment Calculation

A main assessment is calculated by multiplying the parcel's frontage, partial frontage, or minimum frontage by the Main Assessment Rate.

7.3.3. Application

The main assessment is applied as soon as the project is complete and the property becomes capable of being serviced by the mains. If the parcel is deemed undevelopable or unserviceable the

application of the main assessment may be deferred indefinitely or until the status of the parcel development or servicing potential changes.

8. Use of Estimates/notices

All the Levy and Assessment Calculations will be run with feasibility estimates when making the decision to proceed with a project.

First notice to land owners expected to receive an assessment will be given assessment estimates prior to the start of construction. This letter will use the most accurate pre-tender or tender award estimates available.

The notice giving the landowners their assessments shall use award estimates in the calculations.

Assessments and levies will use award estimates and not actual costs.

Impacted land owners will be notified of levies through public notice and fee schedules which will only be applied when owners apply for a development permit on parcels of land within the service area

9. Third Party Assessments

Infrastructure improvements by developers are not recovered by the Town. 3rd party assessments are incorporated into the sales price of land that they service and develop. If the Town does not incur a cost in providing or improving water or sewer service infrastructure, the Town will not charge levies or assessments.

10. Adoption by Council

All the calculations for a project will be saved in the project file and when the assessment rates are finalized they will be adopted by council for implementation. Council will adopt the: Service Levy Rate; Main Assessment Rate, and; Service Lateral Rate for the project.

The rates will be recorded in future annual fee schedules for continued application.

11. Property Already Serviced

Properties already serviced or capable of being serviced by water and sewer infrastructure installed prior to the implementation of this policy will be subject to a connection fee to be paid at the time an application to connect to the water or sanitary sewer is made.

The connection fees for pre-recovery connections will be recorded in the schedule of fees and subject to annual review during the budget process.

12. Formula:

Municipal Project Cost = Project Cost – Cost Share

Recovery Cost = Municipal Project Cost - Permit Assessment Fee Allocation - General Tax Base Allocation - Water or Sewer Tax Base Allocation

Recovery Cost Rate = Recovery Cost / Total Service Area

Service Levy Rate = Recovery Cost Rate

Service Levy Area = Total Service Area – Local Improvement Assessment Area

Local Improvement Assessment Area = Total Serviced Frontage x Minimum Lot Depth + 15m x 0.5 x Total Serviced Frontage

Minimum Lot Depth = Minimum Lot Area/Minimum Lot Frontage

Service Levy = Service Levy Rate x Land Parcel Area

Total Local Improvement Assessment = Recovery Cost Rate x Local Improvement Assessment Area

Total Service Lateral Assessment = (Approximate Total Lateral Cost/Project Cost) x Recovery Cost

Service Lateral Assessment Rate = Total Service Lateral Assessment/Number of project's planned laterals

Service Lateral Assessment = Number of Service Laterals to Parcel x Service Lateral Assessment Rate

Total Main Assessment = Total Local Improvement Assessment – Total Service Lateral Assessment

Main Assessment Rate = Total Main Assessment/Total Serviced Frontage

Main Assessment = Parcel Frontage x Main Assessment Rate

Local Improvement Assessment = Service Lateral Assessment + Main Assessment

13. Effective Date

This policy has been adopted and came into effect on 1st day of August, 2017 through resolution of council #2017-____.

In witness whereof the Seal of the Town of Portugal Cove - St Philip's has been affixed hereto and this Policy has been signed by the Mayor and the Town Manager on behalf of Council on this _____ day of _____, 2017.

Moses Tucker

Mayor

Chris Milley

Town Manager



Other Reports



Committee of the Whole Report

July 20, 2017 – 4:30 p.m.

In attendance:	Chairperson, Mayor Tucker Deputy Mayor Will Councillor Bartlett Councillor Butler Councillor Facey Councillor Hanlon
Staff:	Chris Milley, Town Manager/Engineer Tony Pollard, Director of Financial Operations Claudine Murray, Deputy Town Clerk

Mayor Tucker called the meeting to order and noted regrets from Councillor Collins.

Note: Deputy Mayor Will left the meeting prior to discussion of item #1.

1. Conflict of Interest

On July 12, 2017, Council received correspondence from a resident contending Deputy Mayor Will was in conflict of interest for reading a Nearys Pond Road project report during a Regular Council Meeting. The Committee of the Whole reviewed the letter, the minutes and then discussed the topic.

The March 8, 2016 Regular Council Meeting resolved, through motion 2016-061, that Deputy Mayor Will was in potential conflict for the matter of road reconstruction for Nearys Pond Road. A New/General Business report was written by staff for the December 13, 2016 Regular Council meeting which included a Nearys Pond Road construction matter. Deputy Mayor Will began to read down through the New/General Business report as far as item #2, titled Change Order, up to the words Nearys Pond Road construction model. After realizing the subject, the Deputy Mayor instantly reminded Council of the ruling in motion 2016-061 and left the room. Councillor Butler continued the report by reading item #2 and Deputy Mayor Will returned to the meeting after item #2 was resolved.

For the record, the audio version of the meeting is no longer available in accordance with the Town's Records Retention policy.

MOTION:

Committee of the Whole recommends the issues outlined in a July 12, 2017 letter from a resident concerning Deputy Mayor Will's possible conflict of interest was reviewed and it is this committee's opinion that no obvious breach occurred. No further action is required.

Note: Deputy Mayor Will returned to the meeting after discussion of item #1.

2. Communications Coordinator

The Committee discussed moving the Communications Coordinator position into a permanent position with the Town. The realities that social media is the most widely used form of business communication and that there will be a need for a communications coordinator were discussed. Reasons for not developing a permanent position at this moment were also discussed, including the in-progress Service Level Review project, which has the possibility of recommending changes to priorities, positions or to the Town's communication systems as a whole.

Committee of the Whole agreed to extend the Communications Coordinator contract to February 1, 2018 and so the EDMC Committee will bring forward a recommendation to the next Regular Council meeting.

3. Proposed Cost Recovery Policy for Water and Sewer Projects

A proposal to implement a Cost Recovery policy for water and sewer projects was brought to the Committee of the Whole for discussion. The proposal offers a better way for Council to calculate and distribute costs based on the benefit a home owner will receive from the service area development. The policy allows for an assessment fee for existing lots as well as a levy fee for future development.

Administration and Finance will bring forward a recommendation to adopt the policy to the next Regular Council meeting.

TOWN OF PORTUGAL COVE-ST-PHILIP'S

JUL 12 2017

RECEIVED

12 July, 2017

The Mayor and Councillors
The Town of Portugal Cove – St. Philip's
1119 Thorburn Road
Portugal Cove – St. Philip's, NL
A1M 2T6

12 July, 2017

Re: Conflict of Interest – Deputy Mayor Gavin Will.

Dear Sirs:

At a Regular Meeting of the Town Council of Portugal Cove – St. Philip's, convened at approximately 5:00 p.m. on 8 March, 2016, Council passed the following Resolution by a unanimous vote:

“Resolved that Deputy Mayor Will is in a potential conflict of interest in the matter of road reconstruction for Neary's Pond Road”.

On 13 December, 2016, Deputy Mayor Will, under “New/General Business” moved Resolution number 2016-467 which relates to “the scope of work for servicing of Meadow Heights”. Council passed the motion by a unanimous vote.

The Official Minutes of Council for 13 December, 2016, state, immediately following the vote on the Meadow Heights project:

“For The Record: Deputy Mayor Will declared he was in a conflict of interest on this next item and left the chambers. Councillor Butler read the following Motion:

Resolved that Council approve Change Order 1 to D.M.A. Project 17-MYCW-00116 in the amount of \$6,673.52 plus H.S.T. FOR A PEDESTRIAN WALKWAY FOR NEARY'SPOND ROAD. Reconstruction.

Carried unanimously

For The Record : Deputy Mayor Will returned to the Council meeting and presented the remaining item”.

An Audio Recording of that meeting reveals that Deputy Mayor Will did not declare that "he was in a conflict of interest" as is stated above but that he continued to speak immediately following the vote on Meadow Heights, saying:

"two, or second motion; Committee Recommends that Council approve Change Order one to Department of Municipal Affairs Project 17-MYCW-00116 in the amount of \$6,673.52, plus H.S.T. For pedestrian walkway option design for Neary's Pond Road construction model".

Deputy Mayor Will then said (having already spoken to the matter by reading the Committee's entire recommendation) "before I move this particular one here, I was judged to be in a position of conflict of interest in dealing with this when the motion was originally put to Council ... it just occurred to me".

The Municipalities Act very clearly prescribes that when a councillor has been determined to be in a conflict of interest in a matter before council, he or she **MUST NOT SPEAK TO** (Sec. 207(1) but "**SHALL IMMEDIATELY LEAVE** the meeting while the matter in which he or she has a conflict of interest is being discussed". Excerpts from court cases (copies attached) confirm and re-inforce the mandatory requirement that a councillor who is in a conflict of interest immediately leave the meeting when the related matter arises.

The Official Minutes for 13 December, 2016, are totally silent regarding Deputy Mayor Will's having read the Committee's entire Recommendation affecting the Neary's Pond Road project. This glaring omission conveys a false and inaccurate account to the citizens of the Town of the true proceedings of the Meeting of 13 December, 2016.

Council failed, also, to invoke the provisions of Section 206(2) of the Act when the deputy mayor breached the legislated requirement that he (1) declare his existing conflict of interest and (2) immediately leave the meeting when the Neary's Pond Road matter came up for discussion. A review of the Town's Minutes for the period 8 March, 2016 to 28 June, 2017 indicates that the Neary's Pond Road matter arose at ten public council meetings other than on 13 December, 2016 (list of dates attached). The Minutes for these meetings indicate that Deputy Mayor Will was present at all ten meetings and there is no indication that he declared a conflict of interest or left any of the meetings when the matter arose.

Deputy Mayor Will is Chair of the Administration and Finance Committee and was or should have been fully aware of his conflict of interest regarding the Neary's Pond Road matter. His failure to remove himself immediately when the matter came up for discussion is a clear breach of Section 208(3) of the Act. His reading of the Committee's

Resolution regarding Neary's Pond Road constitutes a similar breach of Section 207(1). As a result of (1) the Deputy Mayor's conflict of interest in this matter as determined by Council on 8 March, 2016, and (2) because of his breaches of the stringent requirements of the Municipalities Act Council has no alternative but to declare the office of Deputy Mayor Will vacant pursuant to the provisions of Section 206 of the Act.

Council must be very cognizant, also, of the provisions of Section 419 of the Act which states that anyone who does not comply with the provisions of the Act is guilty of an offense and liable on summary conviction to a fine of up to \$1,000.00 or imprisonment for up to three months. The provision of Section 206(2) of the Act which states that a council **MUST DECLARE VACANT** the office of a councillor when that councillor **FAILS TO DISCLOSE A CONFLICT OF INTEREST OR DISCUSSES A MATTER** in which he or she has a conflict of interest **IS MANDATORY**. Council must recognize, accept and comply with the Law that prescribes this mandatory action and must act in accordance with that Law.

I believe that, under the circumstances, Council should immediately call a special meeting for the sole purpose of dealing with this matter and that appropriate action as prescribed by the Act must be taken, following correct procedures, such as providing the Deputy Mayor with Procedural Fairness and Natural Justice as detailed in Department of Municipal Affairs policy and guidelines concerning conflict of interest procedures.

Yours truly,



Home Telephone: 

Cell: 

Email: 

- c.c. Hon. Eddie Joyce, Minister of Municipal Affairs and Environment.
- c.ci. Hon. Andrew Parsons, Minister of Justice and Public Safety.
- c.cii. David Brazil, M.H.A for Conception Bay East – Bell Island

The definition of conflict of interest in relation to town councillors falls within the exclusive purview of the *Act*. Courts interpreting such provisions recognize that conflict of interest legislation addresses important public policy, the assurance to the electors that decisions impacting upon their day to day lives and their property within their towns are made by their elected officials in an atmosphere of complete neutrality. In *Crane v. Upper Island Cove Wells, J.* reflects upon these significant values:

Generally speaking, the courts in Canada have taken a strict view in interpreting conflict of interest legislation. (paragraph 34)

In considering a provision virtually identical to subsection 206(2)(a) Wells, J. states further:

I am of the opinion that the provisions of section 513 are so strict, that once councillors found a conflict of interest no matter how slight, they were obliged to vacate his seat. (paragraph 44)

LeBlanc, J. in *Payne v. Cow Head (Town)* (2001), 207 Nfld. & P.E.I.R.108, 2001 CanLII 33790 (N.L.S.C.T.D.), 112 A.C.W.S. (3d) 959 (Nfld. S.C.(T.D.)) states at paragraph 33:

While I recognize that the job of an elected representative in the community is in many ways a thankless task, the importance of maintaining some degree of integrity and fairness to ensure the citizens trust in a municipal council's actions must be an overriding concern in cases such as this.

At paragraph 45 he refers to a decision of the Ontario General Division in *Halton Hills (Town) v. Equity Waste Management of Canada* (1995), 30 M.P.L.R. (2d) 232, 59 A.C.W.S. (3D) 770, (Ont. Ct. J. (Gen. Div.)):

The Act is crystal clear. It is harsh. It must be. It controls the actions of Council members. They are the repositories of the citizens highest trust. ... They must not only be unshirkingly honest - they must be seen to be so - by those who voted for them, and those who voted against them. Their role, though noble in its calling, is demanding in its execution. It is onerous in the extreme.

Likewise, Orsborn, J. (as he then was) in *Fewer v. Harbour Main-Chapel's Cove-Lakeview (Town)*, 2007 NLTD 91 (CanLII), 36 M.P.L.R. (4th) 135 writes:

... once the necessary pre-conditions are established under subs. 206(2), the *Act* requires that Council declare the councillor's office vacant. Thus a lesser sanction is not available. (paragraph 35)

The following provisions of the *Act* are relevant here:

206. (1) The office of a councillor becomes vacant where
- (i) the council declares the councillor's office vacant under subsection (2).
- (2) A council shall, by resolution, declare vacant the office of an elected councillor where that councillor
- (a) fails to disclose that he or she has a conflict of interest in a matter being discussed by the council; or
 - (b) discusses or votes on a matter on which he or she has a conflict of interest.
- (3) A councillor in respect of whom a resolution is made under subsection (2), shall not vote on that resolution.

- (4) A councillor shall not sit or act as a councillor after his or her office becomes vacant.

207. (1) A councillor shall not vote on or speak to a matter before the council or a committee of the council where

- (a) the councillor has a monetary interest in the matter distinct from an interest arising from his or her functions as a councillor;
- (b) the councillor has a monetary interest directly or indirectly in the matter;
- (c) a relative of the councillor has a monetary interest in the matter; or
- (d) the councillor is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a monetary interest in the matter.

(2) For the purpose of subsection (1) a relative of a councillor means a father, mother, spouse, cohabiting partner, sister, brother, child, step-child, ward, mother-in-law, father-in-law, sister-in-law, or brother-in-law of the councillor.

- (3) For the purpose of subsection (2)

- (a) "cohabiting partner" means a person with whom a councillor is living in a conjugal relationship outside marriage; and
- (b) "spouse" means a person to whom a councillor is married, unless the person and the councillor have made a separation agreement or their support obligations and family property have been dealt with by a court order.

(4) In order for an interest to be considered as one falling within the prohibition set out in subsection (1) it shall be an interest distinct from an interest held in common with the other citizens or classes of citizens of the municipality.

208. (1) Where a councillor has an interest described in subsection 207(1), the councillor shall

- (a) state that he or she has that interest; and
- (b) state the nature of the interest at the beginning of discussion on the matter in which he or she has that interest,

and that statement respecting his or her interest shall be recorded in the minutes of the council, or a committee of the council, where that statement was made at a committee meeting.

(2) Where a councillor declaring a conflict of interest under subsection (1) is the presiding officer, he or she shall vacate the chair.

(3) Where a councillor declares a conflict of interest under subsection (1) he or she shall immediately leave the meeting while the matter on which he or she has a conflict of interest is being discussed.

(4) Where one or more councillors have declared a conflict of interest under subsection (1) and there is no longer a quorum to vote on a matter, the minister may direct that the remaining councillors make a decision on the matter as if those remaining councillors constituted a quorum.

(5) Where all councillors have declared a conflict of interest under subsection (1), the minister may require that an official of his or her department prepare a report respecting the matter and where the report indicates that the councillors should proceed with making a decision, the minister may exempt the council from the application of section 207, and the councillors may vote on the matter.

209. (1) Where a councillor is in doubt as to whether or not he or she has a monetary interest that is a conflict of interest under section 207, he or she shall make a disclosure and the council may decide the question by majority vote and its decision on the matter is final.

- (2) A councillor whose possible conflict of interest is being voted on is not entitled to vote.

Orsborn, J. considered a similar submission seeking to exonerate conduct amounting to conflict of interest in *Fewer*:

34 In argument, counsel for Fewer suggested that it was unfair - and contrary to the intention of the *Act* - that Fewer should in October 2006 be declared to be in a conflict of interest and subject to removal for participation in meetings going back to late 2005. That is, said counsel, Fewer sat through and participated in, for example, the meeting of September 14, 2005 - and it is not disputed that all knew that Fewer and his son lived in the project area - and then over a year later became subject to removal for participating in that meeting.

35 It is not difficult to sympathize with this argument. The intention of the relevant provisions in the *Act* is to identify any conflict of interest so as to allow councillors to govern their subsequent conduct and participation. Clearly, non-disclosure is a different issue, but in this case, Fewer's address was well-known to Council and to the community. Being removed from Council for circumstances which were known and evident to Council the year before may be an unfair sanction. But I note that once the necessary pre-conditions are established under subs. 206(2), the *Act* requires that Council declare the councillor's office vacant. Thus a lesser sanction is not available.

36 Further, the obligation to identify and disclose a conflict or a potential conflict rests with the individual councillor. Even though a councillor's circumstances may be common knowledge, each councillor should be aware of the provisions of the *Act* and at the earliest opportunity should seek a determination whether a conflict of interest exists. The provisions of the *Act* are quite clear; they prohibit a councillor's participation in matters where a conflict of interest exists. It is not sufficient for a councillor, if no one else chooses to raise the issue, to simply sit back and participate in discussions when a conflict may exist. In large measure the proper working of the conflict of interest provisions depends on the integrity of the councillors; the onus is on each individual councillor to recognize any potential conflict and act accordingly. If the councillor is in any doubt, the onus is on the councillor to seek a determination of Council pursuant to s. 209.

The Court in *Fewer* made the following comments with respect to whether an interest may be characterized as one "in common with all residents":

49. I agree with the reasoning of Wells J. Subsection 207(4) refers to "classes of citizens." This would suggest that the features which constitute the particular citizens as a class would be features or characteristics of the citizens themselves. I do not think that the legislature intended that citizens living on a particular street could constitute one class, while those on another street would constitute a different class. If one accepts Fewer's position, then two or more citizens would constitute a class. All that would be needed to circumvent a councillor's prohibited interest would be to apply the decision in question to at least one other citizen on the same street. Given the strictness with which Canadian courts have interpreted conflict of interest legislation⁴, I am not prepared to interpret "classes of citizens" as including a group of sixteen home owners who happened to live on Chapel's Cove Road.

Orsborn, J. in *Fewer* at paragraphs 41 through 43 also speaks to the appropriate inferences which a court may make on an appeal pursuant to subsection 410:

Since this appeal is being treated as a *de novo* hearing, the question of the proof of the existence of a monetary interest is one for the Court; it is not a matter of reviewing Council's decision. Given the broad definition of monetary interest, I am quite comfortable in concluding that Fewer had a monetary interest in the water and sewer extension project. That the value of a house may potentially be enhanced by the provision of municipal water and sewer services is an inference that I am quite prepared to draw from the fact of the project and the location of Fewer's residence.

Should it be considered necessary to treat the matter as a review of Council's decision, I am also of the opinion that the Council, knowledgeable as it would be of local circumstances and conditions, was quite able to draw the same inference without having to hear evidence directly on the point.

To conclude that the addition of municipal water and sewer services may potentially affect the value of a residence is to almost state the obvious.

From: [REDACTED]

Date: 7/10/2017 11:32 PM

To: [REDACTED]

List of P.C.S.P. Council Meetings at which the Neary's Pond Road Project was discussed and the Deputy Mayor failed to leave the meeting:

31 May, 2016

12 July, 2016

26 July, 2016

18 October, 2016

17 January, 2017

16 February, 2017

25 April, 2017

23 May, 2017

6 June, 2017

28 June, 2017



CORRESPONDENCE

Council Correspondence for July 17-28, 2017

RECEIVED	CONTRIBUTOR	REGARDING	DISTRIBUTION
July 17, 2017	MNL	Tidy Towns	July 18, 2017 Council mtg
July 17, 2017	MAA	Changes to the Assessment Roll	AF Cmte
July 19, 2017	Town of Flatrock	The Town of Flatrock 2017 Come Home Year Invite	Sent to Mayor
July 20, 2017	Department of Municipal Affairs and Environment	Acceptance of Tender – Pyramid Construction – Meadow Hgts Water and Sewer Serving Project No. 17-MYCW-17-00117	AF Cmte
July 24, 2017	Red Cross	Request to host a preparedness & volunteer recruitment session	PS Cmte
July 26, 2017	Ronald McDonald House	Request for donation for 4th annual Red Shoe Crew Walk for Families Killick Coast	AF Cmte
July 27, 2017	Heart & Stroke	Reminder to register for Heart & Stroke Mayor's March	Rec.Comm. Cmte & Council
July 27, 2017	Trans. & Works Dept.	Invitation for the Welcome Ceremony for the MV Legionnaire, Bell Island.	All Staff and Council
July 28, 2017	Town of Pouch Cove-Flatrock	Invitation to the Killick Coast 2017 Opening Ceremonies	Sent to Mayor



NEW/GENERAL/ UNFINISHED BUSINESS

New/General/Unfinished Business

1. Communications Coordinator - EDMC Committee

Further to a directive from the Committee of the Whole meeting held on July 20th, to extend the Communications Coordinator position for 6 months, the following recommendation is being put forward:

MOTION: Committee recommends Council extend the Communications Coordinator contract to February 1, 2018.



AGENDA ITEMS/ NOTICE OF MOTIONS