

REGULAR MEETING
MONDAY AUGUST 30, 2021

AGENDA

1. Minutes of August 16, 2021
2. Business Arising
3. Request to Speak- Ms. Janet Harron regarding application to operate a vinegar manufacturing business (A2021-32)
4. Request to Speak- Ms. Janet Hamilton regarding condition of laneway behind 10B Main Road, Petty Harbour
5. Application to build a chain link fence at 10D Main Road, Petty Harbour (A2021-51)
6. Application to increase height to building at 56-58 Main Road (Ocean Quest) on Application A2020-01
7. Condition of property at 36B Long Run Road, Petty Harbour
8. Application to operate an online mindfulness & meditation instruction and coaching business at 52 Southside Road (A2021-52)
9. Guardrail on Skinner's Hill
10. Site Specific Safety Plan – Ice Control 2021-2022
11. Foreperson's Report
12. Expense Claims
13. Bills
14. New Business
15. Adjourn

Bills

1. Formac 2002 Ltd. (Paving)	\$110,130.90
2. SNC Lavalin (Old Maddox Cove Road – Gas Tax)	\$8,103.69
3. Bennett’s Home Hardware (Cleaning Supplies)	\$48.29
4. East Chem (Water Expense)	\$1,725.00
5. Atlantic Purification Systems (Water Expense)	\$214.94
6. Afonso Group (Sewer Expense)	\$724.50
7. Bell Aliant (Telephone Expense)	\$599.11
8. Apex Construction (Road Maintenance)	\$1,565.15
9. Bennett’s Home Hardware (Truck Exp. & Water Exp.)	\$42.52
10. Harry Summers (Truck Exp.)	\$1,725.00
11. Impact Signs (Road Signs)	\$142.60
12. Xylem (Sewer Expense)	\$407.10
13. Rogers (Office Exp.)	<u>\$240.32</u>
TOTAL	\$125,669.12

TOWN OF PETTY HARBOUR/MADDOX COVE

REGULAR MEETING

MONDAY AUGUST 30, 2021

PRESENT: Sam Lee, Sam Stack, Harry Chafe, Kim Orren, Lynn Hearn, Rick Raymond and Stephanie Stack

ABSENT: David Green

#		ITEM
1		Mayor Lee brought the meeting to order at 6:30pm.
2		Minutes of August 16, 2021 were tabled. There were changes made to item #24 and #26. Motion #241 Rick Raymond/ Harry Chafe Proposed minutes of August 16, 2021 be approved with changes. All in favor, motion carried.
	BUSINESS ARISING	
3		#3 Staff received pricing for wooden fence and guard rail at the parking area off Skinner's Hill. The cost to have this work completed is \$4,500.00 for the wooden fence, approximately \$1,000.00 for the guard rail and the cost for the backhoe to dig the holes for the posts. Deputy Mayor Stack noted that this money was already budgeted in the 2021 budget. There was also revenue generated from the parking area this year take can go toward these upgrades. Motion #242 Lynn Hearn/Sam Stack Proposed to move forward with the construction of the fence and guard rail at the parking area off Skinner's Hill. All in favor, motion carried.
4		#4 The sand underneath the guard rail by the Co-op is not completed yet.
5		#6 Paving should be completed this week.
6		#7 The Commissionaires were not available for ticketing due to the short notice and their holiday schedule.
7		#9 The sewer overflow will be repaired once the town has a storage container and boat moved from the area.
8		#12 There is a senior's New Horizon grant that the town may be able to avail of to assist seniors in the town. This grant is currently closed but staff will check to see when it will be available again.
9		#14 Mayor Lee confirmed that the applicant has received approval/permit from the Department of Environment. Mayor Lee also inspected the structure for the second time and signed off on the application.
10		#18 The rodent issue and debris at 33 Motion Bay Road has been addressed by the property owner. Debris/food source was removed from the area. If there are any issues in the future council will address.
11		#25 The security guard for the election has not been hired yet. Staff will look into this after the nomination period has ended.
12		#36 The gravel/crush stone to be shoveled out of the culverts has not been completed. This work should be done in the next week or so.
13		#38 The fill has been pushed off on the look out in Maddox Cove.
14		#44 The Hannaford's Lane sign has been moved to the other side of the road.
	TONIGHT'S AGENDA	
15		Request to speak- Ms. Janet Harron regarding application to operate a vinegar manufacturing business. Mayor Lee, Councillor Chafe and Councillor Hearn left chambers due to a conflict of interest at 6:47pm. Ms. Harron addressed council to speak regarding parking for her business. Ms. Harron noted that the space that she has leased from the co-op is very small (only 240 sq. ft). She noted that she was never asked about the hours the business would be open or if employees would require parking. She stated that the business would only be open to the public for information to visitors and then possibly sell some vinegar but it is not intended to be open to the public for regular hours. She also noted that she did understand the parking issues in the town but she didn't feel that her business would add to the

		parking issues. Mr. Harron stated that if she is required to have 3 spaces then she would not be able to operate & be open to the public. The COA noted that she spoke to Billy Lee of the Co-op and he wanted to inform council that the co-op gives permission for Ms. Harron to share some of the spaces that were allotted for the Mini Aquarium. Mr. Lee felt that there were more than enough parking spaces for both businesses. This application will be addressed at the next meeting as there was not a quorum to vote on the application.
16		Request to speak- Ms. Janet Hamilton regarding condition of laneway behind 10B Main Road, Petty Harbour. Ms. Hamilton did not attend the meeting.
17		<p>Application to build a chain link fence at 10D Main Road, Petty Harbour (A2021-51). Councillor Orren left chambers at 6:56pm due to a conflict of interest. It was noted that council was sent documentation with regard to a right of way in the area and a letter with regard to this application. There were also emails forwarded to council with regard to this application. Mayor Lee asked if there were any questions with regard to the letters that were sent to council. There were no questions. Mayor Lee stated that the town cannot prove the right of way in this area. Mayor Lee stated that he saw proof that the property was sold. Councillor Chafe stated that council needs to deal with right of ways. Deputy Mayor Stack noted that he read all documents pertaining to this application.</p> <p>Motion #243 Sam Stack/ Proposed to approve the application to erect a chain link fence on the front of the property from north to west providing that the town take into account Policy G-9 and 4.30 and 4.31. No fence will block access to the shoreline. There was no seconder for this motion. Motion defeated.</p> <p>Deputy Mayor Stack noted that council should not be basing their decisions on the grounds of not liking something. It should be based on the town plan and regulations. Deputy Mayor Stack noted that fences are permitted under the town plan as long as they abide by the town's regulations. Mayor Lee stated that if this application is turned down because the town didn't like it then it will be appealed by the applicant and the town has to answer why it was turned down. Deputy Mayor Stack noted that he has no problem with the fence, but access should be left to the shoreline. Councillor Hearn noted that when the application for a fence first came to council the applicant stated that access to the area would not be blocked. Mayor Lee stated that Crown Lands has informed the town that they have no claim on the property and that it is private property. Mayor Lee stated that if this is private property then people should be allowed to fence it, otherwise what is the purpose of having private property. Deputy Mayor Stack noted that the town plan does reference keeping access to the shoreline. Mayor Lee stated that council cannot pick and choose parts from the town plan. Council needs to have a good reason to say no to this application. Mayor Lee also noted that that chain link fences are in other areas of the town.</p> <p>Motion #244 Lynn Hearn/Rick Raymond Proposed not to approve the application to build a chain link fence at 10D Main Road, Petty Harbour (A2021-51) due to the amount of negative feedback from residents of the community. Councillor Raymond, Councillor Hearn and Councillor Chafe in favor. Mayor Lee and Deputy Mayor Stack not in favor. Councillor Orren returned to chambers at 7:18pm.</p>
18		<p>Request to increase height to building at 56-58 Main Road (Ocean Quest) on Application A2020-01 from 13' to 14 1/2'. Councillor Raymond and Councillor Chafe asked if the increase in height should go out to the public. Mayor Lee and Councillor Orren stated that they didn't think this needed to go out to the public. Councillor Orren noted that the Department of Environment and Climate Change confirmed that a new permit from their department was not required for an increase in height. Councillor Orren asked if a new drawing with the elevation is required. Mayor Lee stated that he didn't think it was necessary.</p> <p>Motion #245 Kim Orren/Sam Stack Proposed to approve the increase in height on application # A2020-01 from 13' to 14 1/2'. Mayor Lee, Deputy Mayor Stack, Councillor Heran and Councillor Orren in favor. Councillor Raymond and Councillor Chafe not in favor. Motion carried.</p>
19		<p>Condition of property at 36B Long Run Road, Petty Harbour. The house on this property has been demolished but there is a large amount of debris that has been left on the property. Pictures of the condition of the property were tabled. Mayor Lee stated that the property owner should be given an order to have the property cleaned up. Deputy Mayor Stack stated that the area is a fire hazard and dangerous.</p> <p>Motion #246 Harry Chafe/Lynn Hearn</p>

		Proposed to send an order to the resident that the area must be cleaned up within 2 weeks or the town will have it cleaned up at the property owner's expense. Mayor Lee, Deputy Mayor Stack, Councillor Hearn, Councillor Chafe and Councillor Raymond in favor. Councillor Orren not in favor and stated that the applicant should be given 30 days. Motion carried.
20		Application to operate a home-based online mindfulness & meditation instruction and coaching business at 52 Southside Road (A2021-52). Deputy Mayor Stack noted that there is no designated parking for this application. He asked is this going to be a problem. Councillor Orren noted that the application states that the business will be using outside venues in other locations and there would be no foot traffic. This could be stated in the letter of approval to the applicant. Council could also state in the letter that if anything changes with the business that the applicant would have to reapply to council. Deputy Mayor Stack noted that it would only be a problem if clients are coming to the home. Motion #247 Kim Orren/Harry Chafe Proposed to send this application out to the public for comment. All in favor, motion carried.
21		Guard rail on Skinner's Hill The guard rail on Skinner's Hill is very low and needs to be repaired. Mayor Lee inspected the area and the guard rail needs to be raised. Motion #248 Rick Raymond/Harry Chafe Proposed to have the guard rail on Skinner's Hill repaired. All in favor, motion carried.
22		Site Specific Safety Plan for Ice Control Motion #249 Sam Stack/Kim Orren Proposed to approve the Site Specific Safety Plan for Ice Control. All in favor, motion carried.
23		Foreperson's Report The Foreperson's Report was tabled. Motion #250 Sam Stack/Harry Chafe Proposed to purchase a mini fridge for the town depot at a cost of less than \$500.00 tax included. All in favor, motion carried. Swale on Oceanview Boulevard Mayor Lee stated that there is a home on Oceanview Boulevard that has culverts the full length of the property. Mayor Lee noted that there should be an access point for water to drain into the culverts. He stated there should have been a clean-out required. He stated if the town constructs asphalt swale, then it would have to be about 100ft in length. Deputy Mayor Stack asked if this is needed now or can it be discussed for the 2022 budget. Deputy Mayor Stack also noted that there has not been many problems with wash-outs since Oceanview Boulevard was constructed. Mayor Lee suggested and council agreed that the town will fix the shoulder for now with class A and keep an eye on the area. Water on Cribbies Road by Catholic cemetery. Mayor Lee stated that staff will be fixing a water issue on Cribbies Road. There is a natural spring in the area that is causing water to come up through the middle of the road. This will cause ice issues in the winter. Staff will have this area dug up and fixed. Motion #251 Rick Raymond/Harry Chafe Proposed to accept the Foreperson's Report. All in favor, motion carried.
24		Expense Claim Motion #252 Harry Chafe/Rick Raymond Proposed expense claim in the amount of \$44.60 for Stephanie Stack be approved. All in favor, motion carried.
25		Bills in the amount of \$125,669.12 were tabled. Motion #253 Kim Orren/Rick Raymond Proposed to pay bills in the amount of \$125,669.12 . All in favor, motion carried.
	NEW BUSINESS	

26		Councillor Raymond stated that Ocean Quest should be sent a letter stating that he has to allow access to the shoreline as per Policy 4.30 and Policy 4.31. Councillor Orren noted that if this is private property then it does not require public access to the shoreline. Councillor Orren asked if someone has a stream behind their property is council saying that there should be public access. Mayor Lee stated that he never knew of a right of way that extended past this property. Mayor Lee asked Councillor Raymond to show him this on a survey. Councillor Raymond presented a survey of the area. Mayor Lee stated that this right of way was only for the property owners back in the day to get to their fishing premises. He stated fishing premises was at the end of this property. Mayor Lee stated that the current property owner purchased all the property in the area that the right of way is on, therefore owning the right of way. Deputy Mayor Stack agreed that the area that the right of way is on is belong to the current property owner. There was also some discussion with regard to the possible right of way on 10D Main Road, Petty Harbour.
27		Deputy Mayor Stack noted that he received a call from a resident with regard to garbage from local businesses around the community. The resident also noted that there are dog owners that do not pick up dog feces from their dogs. Staff will notify businesses in the area with regard to having extra garbage bins next to their businesses.
28		Mayor Lee noted that there is a water break on Cribbies Road that has been broken for about three weeks. The break is on the resident's side and has to be fixed by the property owner. The town has been in contact with the property owner and are waiting to hear when it will be repaired.
29		The Museum Committee is currently working on a proposal for a new "Bark Pot" display that will be placed at the front of the museum and connected to the town office deck. A draft drawing of the "Bark Pot" display was presented. Mayor Lee noted that he and staff inspected the town's deck and there are some concerns with regard to the condition of the deck. Mayor Lee stated that the deck needs to be replaced and should be budgeted for next year. Mayor Lee also stated that he would like to see the "Bark Pot" display continued over to the end of the current deck. The Museum Committee will be looking for funding to complete this project so they can include the complete deck replacement in the application. Council wishes to extend to the Museum Committee their support of the project and would like to meet with the committee before the final draft and application is submitted.
30		Motion #254 Rick Raymond/Harry Chafe Proposed meeting be adjourned. All in favor, motion carried. Meeting adjourned at 8:10pm.

Sam Lee, Mayor _____

Stephanie Stack, Chief Administrative Officer _____