

TOWN OF PETTY HARBOUR/MADDOX COVE

REGULAR MEETING

MONDAY JULY 19, 2021

PRESENT: Sam Lee, Sam Stack, David Green, Harry Chafe, Lynn Hearn, Rick Raymond and Stephanie Stack

ABSENT: Kim Orren

#	ITEM
1	Mayor Lee brought the meeting to order at 6:31pm.
2	Minutes of June 28, 2021 were tabled. Motion #175 Harry Chafe/Rick Raymond Proposed minutes of June 28, 2021 be approved. All in favor, motion carried.
	BUSINESS ARISING
3	#3 Staff is still working on getting prices for wooden fence and guard rail at the parking area off Skinner's Hill.
4	#7 The sand underneath the guard rail by the Co-op is not completed yet. There are posts that need to be replaced.
5	#16 Mayor Lee noted that the stop work order that was issued against Permit #2020-32 was issued in error due to the fact that the permit was already expired. A Stop Work Order was not required due to the expired permit. Motion #176 Rick Raymond/Lynn Hearn Proposed to rescind Motion # 157 to issue a stop work order on Permit #2020-32 as the permit was already expired. All in favor, motion carried.
6	#23 The "special needs child in the area" sign at Long Run Road has been purchased and will be erected soon.
7	#25 Paving should be started this week depending on weather.
8	#32 Recreation in conjunction with the town has applied for a grant for upgrades at the Sarah Chafe Memorial Playground. The grant will include paving the area to the park with new playground equipment. The town recently was informed that they received some funding for the paving through a different grant.
9	#35 It was noted that the town has not received any complaints with regard to parking. Mayor Lee noted that he did not see many parking infractions. Motion #177 David Green/Sam Stack Proposed to move forward with hiring the Commissioners if required. Council will decide the amount of time required over email. All in favor, motion carried.
10	#36 A quote to have the shoulder of the road from 69 Main Road to 91 Main Road levelled to allow for people to walk on the shoulder was tabled in the amount of \$2,000.00 plus tax. Motion #178 Sam Stack/Rick Raymond Proposed to approve quote to have the shoulder of the road from 69 Main Road to 91 Main Road levelled and graded in the amount of \$2,000.00. All in favor, motion carried.
	TONIGHT'S AGENDA
11	Request to discuss changing location of right of way at 54-56 Cribbies Road. Mr. Larry Chafe was present in chambers to discuss this issue. Mr. Chafe noted that he would like to have the pathway to watch hill that is on the land he acquired from Crown Lands moved. Mayor Lee noted that this pathway was a condition of Mr. Chafe acquiring the land when he purchased it through Crown Land and should stay on the property. Mayor Lee noted that the pathway could possibly be moved but would have to stay on the Mr. Chafe's property. Mayor Lee also noted that if the pathway was to be moved off the property it would have to be approved by Crown land and go out to the public for comment. There was some discussion on moving the pathway to the back boundary of the property. Councillor Chafe asked why the town is getting involved in this right of way when it doesn't get involved in any others. It was noted that this was a pathway/right of way that the town implemented on this property through the Crown Land application and that is why the town is involved.

	<p>Motion #179 Sam Stack/David Green Proposed to allow the property owner to move the pathway/right of way on the survey to the back boundary of the property at the property owner's cost. Once the final survey is completed council will review for final approval. Mayor Lee, Deputy Mayor Stack, Councillor Hearn, Councillor Raymond and Councillor Green in favor. Councillor Chafe not in favor. Motion carried.</p>
12	<p>Application to build a fence at Island Rooms (10D Main Road) A2021-44. Mr. Jerry Hearn was present in council chambers to discuss the application. Mr. Hearn distributed some old pictures of the area for council's review. Mr. Hearn also gave a history of the area. Mr. Hearn stated that he has a right of way to his property and he is being blocked from accessing his property. Mayor Lee noted that himself and the foreman inspected the area and there were very few markings. Mayor Lee stated that they went by the measurements on the application and they had no issue with the application. Mr. Hearn noted that the fence will be a traditional Newfoundland fence constructed of posts and longers. Mr. Richard Clarke was present in chamber and asked to speak on the buildings that are currently on this property. Mr. Clarke asked how council could approve a building on this property and he also asked where the washroom facilities were on the property. Mayor Lee stated that the applicant had a registered deed on the property and that is why they were given an approval. Mayor Lee also informed Mr. Clarke that the washroom on this property was located in the building at the front of the property. Ms. Janet Hamilton was also present in chamber and asked to speak. Ms. Hamilton stated that the chain link fence that is currently erected in the area is not tight to the ground and this allows her dog to get underneath the fence. She noted it causing a problem for her as she cannot get past the fence to retrieve her dog. Ms. Hamilton also note that the building at the tip of the property is bigger than the original building that was there. Ms. Hamilton stated that the fence will cause snow clearing issues. Mayor Lee stated that animals should not be running free and should be on a lease. Ms. Hamilton also stated that the town should notify residents of the process to speak at a meeting. Staff will add this to the newsletter.</p> <p>Motion #180 Sam Stack/Lynn Hearn Proposed to approve a traditional newfoundland fence made from spruce posts and longers. All in favor, motion carried.</p>
13	<p>Application to build a fence at 10D Main Road, Petty Harbour A2021-45. The Inspections and Development Committee have inspected the area and signed off on the application. Ms. Alicia Burry was present in chambers and asked to speak on this issue. Ms. Burry asked that once Mr. Jerry Hearn erects a fence how is he going to access his property. Ms. Burry noted that there should be a historic right of way in the area. Ms. Burry noted that there was no notice that went out to the public. Mayor Lee noted that council doesn't send anything out for a fence. Ms. Burry noted that there are violations to the permit such as structures are over their boundary line and the fence is over 6ft in places. Mayor Lee noted that staff checked the structures and they are not too close to the boundary line. Mayor Lee also noted that the fence is 6ft in most places but 6'4" where the lay of the land drops. Ms. Burry stated that council approved a rope fence not a chain link fence. Ms. Burry also tabled a petition with regard to the chain link fence. Mayor Lee stated that the application was for a continuation of the wooden fence currently started on the property. Councillor Chafe asked why is the applicant putting up a fence on property they don't own. Mayor Lee stated that the town does not determine ownership of land. Councillor Chafe noted that the current fence has been erected illegally. Councillor Raymond noted that the application did not have the plot plan drawing filled out.</p> <p>Motion #181 Rick Raymond/Sam Stack Proposed to defer the application until the plot plan has been filled out. All in favor, motion carried.</p>
14	<p>Email from resident regarding a councillor speaking with the media regarding the fence at 10D Main Road, Petty Harbour. Mayor Lee noted that the councillor could speak to the media as long as she doesn't speak on behalf of the town. Mayor Lee stated that she spoke on behalf of Fishing for Success. Councillor Hearn, Councillor Green, Councillor Raymond, Mayor Lee and Deputy Mayor Stack all stated that they listened to the broadcast and felt that Ms. Orren did not speak on behalf of the town. Councillor Chafe stated he did not listen to the broadcast.</p>
15	<p>Application for excavation at 51 Main Road, Petty Harbour A2021-38.</p> <p>Motion #182 Rick Raymond/David Green Proposed to approve the application for excavation at 51 Main Road, Petty Harbour A2021-38. All in favor, motion carried.</p>

16	<p>Application to operate a convenience store at 3 Southside Road A2021-29. One letter of support was received.</p> <p>Motion #183 Rick Raymond/Harry Chafe Proposed to approve the convenience store at 3 Southside Road Application # A2021-29. All in favor, motion carried.</p>
17	<p>Application to add storey to garage at 53 Long Run Road A2021-42. This application meets all the regulations in the Residential Zone. The Inspections and Development Committee have inspected the area and signed off on the application with the condition that the applicant get approval from Newfoundland Power with regard to the overhead power lines.</p> <p>Motion #184 Rick Raymond/Harry Chafe No one in favor, motion defeated.</p> <p>It was noted that the plot plan is not filled out on the application and the building description is not filled out.</p> <p>Motion #185 Rick Raymond/Harry Chafe Proposed to defer until the information is filled out on the application. All in favor, motion carried.</p>
18	<p>Application to build extension to fence at 15 O'Brien's Lane A2021-40. The Inspections and Development Committee have inspected the area and signed off on the application.</p> <p>Motion #186 Harry Chafe/Rick Raymond Proposed to approve the application to build extension to fence at 15 O'Brien's Lane A2021-40 as long as it only extends to the applicant's property boundary. All in favor, motion carried.</p>
19	<p>Application to build at deck/ pergola at 30 Main Road Petty Harbour A2021-43. Mayor Lee noted that he inspected the area with staff and informed the applicant that the posts for the building would have to go inside the building as to not increase the footprint. The building footprint would not be able to be increased. Mayor Lee also noted that there is some rot at the base of the building. He stated that he would like to re-inspect once the holes are cut for the posts. Mayor Lee noted that the plot plan on this application was not filled out.</p> <p>Motion #187 Sam Stack/Rick Raymond Proposed to defer until all the information is filled out on the application. All in favor, motion carried.</p>
20	<p>Application from Don Clarke Hydroseeding to have business tax for the second half of 2021 wrote off due to the fact that the business was closed.</p> <p>Motion #188 Rick Raymond/Sam Stack Proposed that the town write off the business tax for the second half of 2021 for Don Clarke Hydroseeding. All in favor, motion carried.</p>
21	<p>Request from Beachfront Convenience to have business tax for the second half of 2021 wrote off as the business is closed.</p> <p>Motion #189 Lynn Hearn/David Green Proposed that the town write off the business tax for Beachfront Convenience for the second half of 2021. All in favor, motion carried.</p>
22	<p>Application to have commercial property tax, commercial water and sewer tax and commercial garbage fee wrote off for the second half of 2021 for 2-8 Main Road, Maddox Cove as business has closed. Deputy Mayor Stack noted that this property was original approved by council as a commercial property. He asks does writing this off mean that council no longer considers it a commercial property. Deputy Mayor Stack note that there are section of the Town plan and regulations that relate to this property.</p> <p>Motion #190 Rick Raymond/Lynn Hearn Proposed to defer this request until council gets clarification on the property. All in favor, motion carried.</p>
23	<p>Alternate returning Officer</p> <p>Motion #191 Sam Stack/Rick Raymond Proposed to appoint the Administrative Assistant to be the Alternate Returning Officer. All in favor, motion carried.</p>
24	<p>Sewer overflow</p> <p>Motion #192 Rick Raymond/Harry Chafe Proposed to have the sewer overflow on the northside repaired. All in favor, motion carried.</p>
25	<p>Email requesting to have laneway repaired behind 10B Main Road, Petty Harbour. Councillor Hearn noted that this is a private property and the town should not be repairing it. Councillor Green noted that it is private property and the property owner may not want the town placing fill and working in the area.</p>

		<p>Motion #193 Lynn Hearn/Sam Stack Proposed not to complete repairs in the area. All in favor, motion carried.</p>
26		<p>Request to install additional speed bump on Cribbies Road. Deputy Mayor Stack noted that there is a need for another speed bump in the area, as there is a lot of speeding in the area. Mayor Lee noted that in the past there were other areas that had no speed bumps that requested speed bumps and the town did not put any speed bumps down. He noted this road already has two speed bumps. Deputy Mayor Stack noted that maybe permanent asphalt speed bumps would be better. Staff will get a price on these speed bumps.</p>
27		<p>Fence Regulation The fence regulation was reviewed and changes made to spelling and grammar. Motion #194 Sam Stack/Rick Raymond Proposed to approve the fence regulation with the changes to spelling and grammar. All in favor, motion carried.</p>
28		<p>Request to operate free yoga classes at Bidgood's Cove. Motion #195 Rick Raymond/Harry Chafe Proposed to approve the request to operate free yoga classes at Bidgood's Cove. The applicant will have to book the times with the town office. The applicant will also have to provide proof of liability insurance with the town listed on the policy. All in favor, motion carried.</p>
29		<p>Request for grant from the PHMC Heritage Museum Motion #196 Sam Stack/David Green Proposed to approve the grant for the PHMC Heritage Museum in the amount of \$2,000.00. All in favor, motion carried.</p>
30		<p>Request for donation – St. John's Fire Fighters Association Motion #197 Lynn Hear/Sam Stack Proposed not to donate to the St. John's Fire Fighters Association. All in favor, motion carried.</p>
31		<p>Request from Newfoundland Power for general permit for work throughout community. It was noted that the request is very vague. Council would need more details before approving. Motion #198 David Green/Sam Stack Proposed that Mayor Lee call NL Power for clarification and if everything is satisfactory Mayor Lee would sign off on the permit. All in favor, motion carried.</p>
32		<p>Foreperson's Report The Foreperson's Report was tabled. Councillor Chafe noted that the town should have a ride on lawn mower. It was noted that a building and a trailer would be required as well. This item will be discussed at the 2022 budget meeting.</p>
33		<p>Expense Claims</p> <p>Motion #199 Sam Stack/David Green Proposed expense claim in the amount of \$20.00 for Glen Whitten be approved. All in favor, motion carried.</p> <p>Motion #200 Rick Raymond/Harry Chafe Proposed expense claim in the amount of \$20.00 for Mandy Dinn be approved. All in favor, motion carried.</p> <p>Motion #201 Harry Chafe/Rick Raymond Proposed expense claim in the amount of \$40.00 for Stephanie Stack be approved. All in favor, motion approved.</p> <p>Motion #202 Rick Raymond/David Green Proposed expense claim in the amount of \$153.79 for Matthew Chafe be approved. All in favor, motion approved.</p> <p>Motion #203 Rick Raymond/David Green Proposed expense claim in the amount of \$387.33 for Stephanie Stack be approved. All in favor, motion approved.</p> <p>There was some discussion on the credit limit of \$500 that is on the town's credit card. Motion #204 Harry Chafe/Rick Raymond Proposed to increase the credit card limit to \$2,500.00 on the town's visa. All in favor, motion carried.</p>

34		Bills in the amount of \$52,659.71 were tabled. Motion #205 Sam Stack/Rick Raymond Proposed to pay bills in the amount of \$52,659.71 . All in favor, motion carried.
	NEW BUSINESS	
35		Grants The town recently received a grant to construct a concrete slab at the entrance to the community centre along with funds to cover the cost of an asphalt pathway to the Sarah Chafe Memorial Playground. Recreation and the town have also applied for a grant for new playground equipment and repairs to the Sarah Chafe Memorial Playground. We are waiting to hear if we were successful with this grant.
36		Recreation will be forwarding an invoice for the Fireworks. Councillor Hearn noted that the price extended the \$1,300.00 grant by \$400. She requested that the town cover half of this cost in the amount of \$200.00. Motion #206 Rick Raymond/David Green Proposed for the town to cover the extra cost of \$200.00 for the fireworks. All in favor, motion carried.
37		Councillor Hearn noted that recreation had a request for a concert to be held at the Community Centre. She stated that, at this time, recreation was not willing to be responsible for functions. Mayor Lee noted that the town has to decide if they will be responsible for functions at the community centre. Motion #207 Harry Chafe/Rick Raymond Proposed that the community centre stay closed to functions unless recreation is willing to be responsible for the events. All in favor, motion carried.
38		Councillor Green noted the ditch on Kennedy's Lane needs to be cleaned out. Mayor Lee stated that he will look into this tomorrow.
39		The river by Chafe's Landing should be cleaned out this week.
40		Deputy Mayor Stack wanted to compliment Ginok Song Lee on the beautiful mural "Making Fish" on the town office.
41		Deputy Mayor Stack noted that Adventure's unknown was recently filming in Petty Harbour. He stated that the show previewed the town in a great light. He proposed the town send a letter to Adventures unknown complimenting them on a great show.
42		It was noted that the trees are growing out into the roads on the town's sideroads and on Long Run Road. It was noted that the part time labourer will be kept on for two weeks after vacations finish to have the brush cut away. Staff will contact Transportation and Works with regard to Long Run Road.
43		Deputy Mayor Stack noted that the War Memorial needs to be cut every week and put on the priority list. Mayor Lee stated that staff can use his sit on lawn mower to mow the Ron Weir Memorial Ballfield.
44		The guard rail on Kennedy's Lane has not been completed. It is on the priority list but staff have not completed the work yet. Staff will check to see if there is another backhoe that can be hired to complete this work as the town's current backhoe contractor is busy completing other town work.
45		Staff will contact the Department of Municipal and Provincial Affairs with regard to the application for the Capital Works Projects.
46		Development Corporation are requesting a meeting to review the concept drawing. Councillor Green will check into a time with the Development Corporation and get back to council.
47		Mayor Lee noted that he would like to check into the gas consumption for the town over the past year. He noted that he would like to know if the change to the bulk garbage pick up cost the town more money in gas consumption. Mayor Lee and Staff will go over these particulars in the coming days.
48		Mayor Lee noted that there are a number of senior citizens in the town that may be in need of assistance. Mayor Lee stated that maybe staff can check on the seniors in the town and see what they need. It was noted that the town would have to be specific as to what staff are permitted to do as there could be many different requests. Councillor Green noted that the town may be able to get funding for an outreach person to help with this. Staff will check into this.
49		Mayor Lee noted that there is water running down to the bottom of Motion Bay Road and washing out the road. Mayor Lee noted that the area needs to be blocked off and turned off the road. Staff will look into this.

50		<p>Council Chafe noted that the chain link fence at 10 D Main Road, Petty Harbour was erected without a permit. Mayor Lee noted that Application #2020-82 applied for a moveable fence with cables and pilings. Mayor Lee stated that what was erected and what was applied for were two different things. Councillor Hearn noted that the fence should have to be removed. Mayor Lee noted that the chain link fence runs North to West and the application states a fence that runs East to West. A petition from Ms. Alicia Burry was tabled with 524 signatures. Councillor Chafe stated the applicant should have to remove the fence.</p> <p>Motion #208 Lynn Hearn/Rick Raymond</p> <p>Proposed to issue a 30-day removal order for the chain link fence due to the fact that this fence was not applied for with the town and there was no permit granted. All in favor, motion carried.</p>
51		<p>As stated above a petition was tabled with regard to the chain link fence on 10D Main Road, Petty Harbour with 524 signatures. Mayor Lee stated that the town checked with crown lands with regard to the 15M access and they informed the town that there is no reservation as it is private property.</p> <p>It was noted that that section 4.30 of the town plan references public access to shorelines. Councillor Green noted that people can fish and have access to the river on the other side.</p>
52		<p>Motion #209 Rick Raymond/Harry Chafe</p> <p>Proposed meeting be adjourned. All in favor, motion carried. Meeting adjourned at 10:50pm.</p>

Sam Lee, Mayor _____

Stephanie Stack, Chief Administrative Officer _____