



MINUTES
PUBLIC COUNCIL MEETING
April 19, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 19, 2010 at 7:32 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne
Councillor Peggy Roche
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ken Anthony, Director of Programs and Services
Ann Picco, Executive Clerk
Brian Winter, Planning & Development Officer

Gallery

Total of 7 in attendance.

Meeting was chaired by Mayor Codner

130-10 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

131-10 **Adoption of Minutes**

Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Minutes of the April 5, 2010, Public Council Meeting be adopted, with the following changes:

Page 5 – After Motion 118-10, ***ADD: Council discussed St. Nicholas Parish Hall, which is included in the Planning and Land Use Development Committee Minutes; and, the***

question was raised on whether or not the Town could consider using the building for its own use – museum or library. Deferred to Heritage Committee.

Page 6 – Remove second paragraph after Motion 119-10.

Page 8 – Remove paragraph after Motion 125-10. **ADD:** *Council had some discussion on arranging meetings with residents, including staff and council attendance at these meetings, setting guidelines for these meetings, and security issues. Council members discussed these matters and the above motion; and, Councillors Smith, Tapper, and Whitty supported the motion, and Deputy Mayor Gallant advised he supported the motion with the assurance that it was cordial.*

Page 9 – Remove paragraph after Motion 127-10. **ADD:** *Council discussed the issues of the skateboard park, which is included in the Minutes of the Recreation & Community Services Committee, and of meeting with and keeping our youth and residents involved and working together. It was discussed that it's important to provide our youth with something productive to do, rather than take away the skateboard park. Important concerns of residents were discussed by Council – vandalism being one concern, and damage to residential property. It was discussed that as property damage is mostly done in the very early hours of the morning, that it's not the skateboarders that are causing damage or concern; and, that maybe it's really a policing matter or issue.*

Page 10, under **Jack Byrne Arena**, “...and, the Annual Meeting is on April 22nd.” **SHOULD READ**, “...and the next Board Meeting is on April 22nd.”

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

132-10 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay declare that the period from April 18 – 24 in 2010, to be observed throughout the Town as Volunteer Week; and acknowledge the theme, “Volunteers Connect Communities.”

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) Correspondence from resident of 209 – 213 Middle Three Island Pond, concerning her appeal and a request for mill rate change for cabins. **Municipal Assessment Agency provides the Town with assessments, and amount of taxes paid by resident is based on the Town's mill**

rate, which is 8.0. CAO to acknowledge resident's letter and advise of the option to appeal next year. COMPLETE.

- 2) Correspondence addressed to Mayor and Councillors concerning an article in the Telegram on the City of Mount Pearl. A newspaper clipping is also attached. *Correspondence is rejected by Council, as it's not signed by sender. COMPLETE.*

Mayor Codner leaves the Council Chambers at 7:43 p.m., as it was determined that he was in a conflict of interest.

- 3) Correspondence from Director of Country Living Homes concerning proposed bridge to extend from Riverdale Drive to River View Place, off Indian Meal line. *Deferred to Planning and Land Use Development Committee. B/F.*

Mayor Codner returned to the Council Chambers at 7:44 p.m.

BUSINESS OUTSTANDING

- 1) Correspondence from resident concerning flooding of 66 Motion Drive. *Deferred to Public Works Committee and Finance Committee. B/F.*
- 2) Correspondence from resident concerning Accessibility to future building lot. *Deferred to Planning and Land Use Development Committee. B/F.*
- 3) Correspondence from resident concerning South Pond. *Council to schedule meeting to further discuss the report. CAO is meeting with resident next week. B/F.*
- 4) St. Nicholas Parish Hall – possibility of Town using the building for use as museum or library. *Deferred to Heritage Committee. B/F.*
- 5) Skateboard Park - Motion No. 128-10, from Minutes of Public Council Meeting of April 5, 2010, and Council's discussion on Motion 250 – 09, from Minutes of Public Council Meeting of September 8, 2009 – *CAO awaiting legal interpretation of intent of Motion 250-09 from Mr. Pittman. B/F. Residents to be notified of ramps and skateboard equipment being returned to the skateboard park. B/F. Parks, Recreation and Community Services Committee to meet with residents, and then bring back their recommendation. Deputy Mayor Gallant advised that a plan is being implemented by the Committee. B/F.*
- 6) KMB Holdings Ltd. – Request for consideration of 2% increase to current maximum percentage street slope. *Development and Planning Officer advised correspondence written. COMPLETE.*
- 7) Correspondence from resident concerning water run-off on Ned's Place. *Deferred to Public Works Committee. B/F.*
- 8) Department of Environment and Conservation concerning Torbay Habitat Conservation Plan. *Draft plan is presently being reviewed by Council and TETC Committee. A meeting is scheduled between Council and TETC Meeting for May 10th at 5:30 p.m. B/F.*
- 9) E-mail correspondence from resident concerning Canada Post – litter around mailboxes. *CAO and Mayor Codner met with Mr. Francis of Canada Post. Mr. Francis advised that they are dealing with other towns on this issue, as well. He advised that there is a procedure to deal with this – a form has to be completed by resident, sent to head office in Halifax, and then a*

formal request from Canada Post to have a team in to clean up the garbage. Mayor Codner also advised that Canada Post has red stickers, dots, which can be placed in your mailbox. This red dot indicates that you're not interested in receiving any flyers. Councillor Roche thanked Municipal Enforcement Officer for doing a great job – in researching this issue and he did a lot of work in setting up for this meeting with Canada Post. COMPLETE.

- 10) Motion 036-10, Minutes of January 25, 2010, Public Council Meeting – Director of Programs and Services to contact Mr. Paul Porter of Newfoundland Design Associates Limited to request written confirmation that when culverts were installed in Phase 1 of the Pine Creek Development, the culverts were undersized. *Letter is written to Newfoundland Design Associates Limited – Director of Programs and Services advised that they're still waiting for response. B/F.*
- 11) Community Policing – Speeding – *Traffic concerns at the intersection of Flemmings Hill and North Pond Road were discussed. Addressed in Public Works Minutes, dated April 15, 2010. Deferred to Public Works Committee. B/F.*
- 12) Request from John Ryan for re-zoning of the old church property on Lower Street to from Public Property to Residential. *Development and Planning Officer advised that Mr. Ryan no longer wants to proceed and he has withdrawn his application. COMPLETE.*
- 13) Keith Yeo – 1 Yeo's Lane - request for reimbursement of installation of sewage services. *Dealt with in Public Works Committee Meeting of March 31, 2010, and a motion was passed at Council Meeting of April 5th to write Mr. Yeo and invite him to a meeting with members of Council and appropriate staff – Councillor Whitty advised that a letter will be going out to Mr. Yeo in the next day or so. B/F.*
- 14) Thorne's Lane Pump House – upgrading. *Deferred to Public Works Committee. Director of Programs and Services advised that he's waiting on a proposal from the consultants for the best system to use – for long and short term repairs. B/F.*
- 15) Revisions to snow clearing policy – Director of Programs and Services to research and bring forth a recommendation to the Public Works Committee. *Deferred to Public Works Committee. B/F.*

COMMITTEE REPORTS

Economic Development

133-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Economic Development Committee Meeting Minutes, dated April 5, 2010, with the following change:

The letter of support – that NEA REDB read as one word; and, **SHOULD READ NEAREDB.**

Question called. Motion carried unanimously.

134-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay provide a letter of support for the Northeast Avalon Regional Economic Development Board for their project “To Enhance the Settlement and Integration of Newcomers to the Province of Newfoundland & Labrador”.

Question called. Motion carried unanimously.

135-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Hillside Festival Committee Minutes, dated March 23, 2010, as presented.

Question called. Motion carried unanimously.

Finance

136-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay utilize a “phase in” approach regarding Council remuneration. For this term of Council, namely the period of 2009 to 2013, that Council remuneration be set as follows: 1.6% of total operating budget in 2010, 1.8% of total operating budget in 2011, 2.0% of total operating budget in 2012 and frozen in 2013 – equal to the dollar value of remuneration from 2012. If the current rate of development continues, the estimated council remuneration in 2013 will be approximately 1.53% of the total operating budget.

Question called. Motion carried.
Against Motion: Councillor Whitty

137-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay donate \$100.00 to the Grade 9 Holy Trinity Regional High School basketball team to assist with their hosting of a Provincial tournament from April 30 – May 2, 2010.

Question called. Motion carried unanimously.

138-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay cash \$8,087.22 from a GIC to cover the costs of Donnie Hall’s severance due to his retirement.

Question called. Motion carried unanimously.

139-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT further to motions 43-07 and 83-08, that the Town of Torbay be given approval to borrow and term out \$2,663,592.00 to pay expenses incurred in 2009 and 2010 related to the 2005-2008 multi-year capital works program. The Town's portion of \$1,331,796.00 will be repaid over a ten year period. The Provincial Government's portion will be in the form of a cash payment. Monies to be drawn down and termed out as expenses are incurred. Loans segments as part of the 2005-2008 multi-year capital works program are a budgeted item for 2010.

Question called. Motion carried unanimously.

140-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report for the period of April 5 – 16, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

141-10 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Human Resources and Administration Committee Meeting Minutes, dated April 1, 2010, as presented.

Question called. Motion carried unanimously.

Planning and Land Use

142-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated April 16, 2010, as presented.

Question called. Motion carried unanimously.

143-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Business Application Report, dated April 16, 2010, as presented.

Question called. Motion carried unanimously.

Public Works

144-10 Motion – Councillor Whitty / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Public Works Committee Meeting Minutes, dated April 15, 2010, as presented.

Question called. Motion carried unanimously.

145-10 Motion – Councillor Whitty / Councillor Roche

RESOLVED THAT the Town of Torbay tender for Security Services for the summer of 2010.

Question called. Motion carried unanimously.

146-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay go to public auction to sell the 1990 Tandem Truck.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

Deputy Mayor Gallant gave a verbal report. He discussed Arbor Day Tree Planting and possible sites, which include the baseball field or the war memorial. He advised that he has a copy of the drawings, should anyone wish to review.

With regards to the Tri for Health, he advised that he has the minutes from the last meeting if anyone would like to review them. Councillor Smith asked about liability insurance in relation to this triathlon. Deputy Mayor Gallant advised he will check if they will be using the Town's facilities, including the Kinsmen Centre.

Deputy Mayor advised he has the last Minutes of the Holy Trinity Elementary School Council meeting, if anyone would like to review them. He advised that the closing school ceremonies will take place the week of May 11th.

Technical Services

147-10 Motion – Deputy Mayor Gallant / Councillor Whitty

RESOLVED THAT the Town of Torbay approve the Technical Services Committee Meeting Minutes, dated April 13, 2010, as presented.

Question called. Motion carried.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

148-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the 2012 Celebrations Committee Meeting Minutes, dated January 26, 2010, as presented.

Question called. Motion carried.

By Pass Road

149-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the By Pass Road Special Committee Meeting Minutes, dated April 12, 2010, as presented.

Question called. Motion carried.

LIAISON COMMITTEES

Heritage/Museum – no report

Jack Byrne Arena – no report

Deputy Mayor Gallant advised that the next meeting will be on April 21st. He advised that he has a list of events, if anyone would like to view it. It's going to be a very busy summer. The Juno Cup was a huge success – it was a well put off event at the Jack Byrne Arena.

Northeast Avalon Joint Council

Councillor Roche advised that the next meeting will take place on April 21st in Paradise. Minister Dianne Whalen will be present at this meeting. She advised that everyone is welcome to attend.

Northeast Avalon Regional Plan – no report

Torbay Volunteer Fire Department

Councillor Byrne gave a verbal report. He advised that the Department was over and above 12 calls since this time last year.

At the Fireman's Ball, stats were given out, including the number of hours that firefighters put in when they're not fighting fires – training, etc.

Fire Fighter of the Year is Rudy Bragg.

Bob Webber was congratulated for 25 years of service with the Volunteer Fire Department.

Urban Municipalities Committee – no report

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant thanked Mayor Codner and Councillor Tapper on the research they conducted and information provided on Council remuneration.

With regards to the closing of the Holy Trinity Elementary School, Deputy Mayor advised that he was asked if the Town could provide assistance with the school closing ceremonies – one matter being that a dance be held, and the possibility of it being held at the Jack Byrne Arena. Can the Town assist with providing tickets for the event, security, maybe have it as part of the Hillside Festival? Mayor Codner advised that it definitely would have been a nice gesture for the closing of the building; but, was there a committee set up and what have they done to prepare? Councillor Whitty asked if the committee had started any planning in the events for it yet. Councillor Tapper advised that someone did come to the school council and made a recommendation but the school council rejected it. He suggested maybe a reunion could be planned; and, Deputy Mayor Gallant advised that maybe the school could be remembered as part of the Hillside Festival.

Deputy Mayor Gallant advised that a resident contacted him with regards to a vehicle removal on a property on Howletts Avenue. Mayor Codner advised that the Town does not yet have the authority to remove a vehicle from someone's property without consent.

Councillor Byrne

Councillor Byrne discussed the beach. He advised that he was appalled at what he saw - topsoil has been dumped there by someone; and, with all the rain, it is turning into mud. There are also boulders in the path. He was wondering if anything can be done to find person responsible for dumping soil and fine the individual. He also suggested that it has to be cleaned up by this summer with the play being put off during that time. Mayor Codner advised that Town staff are dealing with the issue and the provincial conservation department is recommending action.

Councillor Tapper advised that maybe four or five more new dump truck loads have been deposited there. He advised that it could be quite a mess if there was a high sea. He suggested that something has to be done to clean it up, and it should never happen again.

Deputy Mayor Gallant asked if a stop work order was issued. Mayor Codner advised that the Town's Municipal Enforcement Officer has had some discussion with an individual to cease and desist. He advised that there are pictures taken and the federal and provincial governments are looking into this matter. ***Municipal Enforcement Officer to visit area again tomorrow. B/F.***

Councillor Roche - Pass

Councillor Smith

Councillor Smith congratulated Dot Tulk and the 50 Plus Club on securing a \$4,000.00 grant for seniors' community development.

Councillor Tapper

Councillor Tapper advised that he was contacted by a resident on Morris Avenue concerning garbage blowing onto his property from the Price Chopper area. The road drains in the area are also completely littered. ***Municipal Enforcement Officer to visit owner of Price Chopper, with written letter, to notify them of this issue and the possibility of constructing a fence to avoid garbage blowing onto resident's properties. B/F.***

Councillor Tapper also requested that a meeting be set up with the Town's solicitor, Mr. Pittman, to discuss Town issues/matters. B/F.

With regards to Spring Clean-Up, a reminder should be sent to residents to keep Torbay litter free – maybe put up a sign as well. Councillor Smith suggested that the Town put this message in our next newsletter as well – positive messages to keep the Town clean.

Councillor Tapper suggested that we put a message on the digital sign to clean up litter in our neighborhood.

Councillor Whitty

Councillor Whitty brought up the issue of repairs to Torbay Road. Mayor Codner advised that the Department of Transportation and Works are in the process of calling a tender to resurface the road, including Bauline Line, but there is not time line. The Mayor advised that he's meeting with the department next week.

Councillor Whitty asked about a gate being put up at the Kinsmen Centre as there have been concerns of activity. Deputy Mayor Gallant advised that the Recreation, Parks and Community Services Committee are having a meeting on Wednesday and this will be discussed. They are looking at where the gate should go, who locks and unlocks it, etc.

ADJOURNMENT

150-10 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the meeting be adjourned at 9:16 p.m., as there was no further business.

Mayor

CAO/Town Clerk