



MINUTES
PUBLIC COUNCIL MEETING
April 4, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 4, 2011 at 7:30 p.m.

Members Present

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

Staff Present

Ken Anthony, Director of Programs and Services
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Regrets

Dawn Chaplin, CAO/Town Clerk
Councillor Peggy Roche

Gallery

There were a total of 9 people in attendance.

Mr. Jack Harris, MP, St. John's East, was in attendance at the beginning of meeting. He introduced himself and expressed his appreciation of support the last time he ran; he hoped he represented everyone well in Ottawa. He expressed his support of various projects/work; and, he left his card and advised that if anyone had any questions to contact him.

Meeting was chaired by Mayor Codner.

109-11 **Motion** – Councillor Byrne / Councillor Smith

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk for the April 4, 2011 Town of Torbay Public Council Meeting, that the Executive Clerk Ann Picco be appointed the Acting Town Clerk.

Question called. Motion carried unanimously.

110-11 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk and the Executive Clerk for the period of April 5 – 9, 2011, that the Director of Programs and Services Ken Anthony be appointed the Acting Town Clerk.

Question called. Motion carried unanimously.

111-11 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

112-11 **Adoption of Minutes**

Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Minutes of the March 21, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

113-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Minutes of a Special Meeting of Council, dated March 28, 2011, be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

114-11 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay declare the period from April 10 – 16 in 2011 to be observed throughout the Town of Torbay as Volunteer Week.

Question called. Motion carried unanimously.

115-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Council of the Town of Torbay support the 2011 Census and encourage all residents to complete their census forms online at www.census2011.gc.ca or by mail, but Tuesday, May 10, 2011, so that accurate and complete data will be available to support programs and services that benefit us all.

Question called. Motion carried unanimously.

116-11 Motion – Deputy Mayor / Councillor Smith

RESOLVED THAT the Town of Torbay declare the week of May 9 – 13 as Census Week in Torbay and call upon all residents to complete and return their census questionnaires online at www.census2011.gc.ca or by mail, by Tuesday, May 10, 2011.

Question called. Motion carried unanimously.

117-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay declare April, 2011 as Parkinson's Awareness Month; and, wish the Parkinson Society a successful Parkinson's Awareness Month.

Question called. Motion carried unanimously.

Lynn Lush, Chair of the Parkinson Society, Newfoundland, read the proclamation aloud. She expressed her thanks; this is her second year here and she's happy that her home town of Torbay is letting her read this Proclamation, and declaring April as Parkinson's Awareness Month. Ms. Lush advised everyone to get out into the community – there are numerous events taking place – April 11th is Awareness day.

CORRESPONDENCE

- 1) The 2011 Canada Post Community Literacy Awards – Request for Nominations. ***For information purposes. Deputy Mayor to bring to next school meeting. COMPLETE.***
- 2) Royal Newfoundland Constabulary – Follow Up Letter to Meeting with Superintendent Layden and Deputy Chief Singleton. ***RNC has been given 60 day notice to vacate their office space at the Town Hall. Mayor Codner also discussed with Deputy Chief Singleton via telephone; and they're making every effort to comply with the Town's recommendation. COMPLETE.***
- 3) St. John's and District Labour Council – National Day of Mourning for Workers Killed or Injured in the Workplace. ***Mayor and Deputy Mayor to participate in annual wreath laying ceremony, taking place on April 28th. COMPLETE.***
- 4) A Petition to the House of Assembly – banning the use of pesticides for cosmetic (non-essential) purposes in the Province of Newfoundland and Labrador. ***Mayor Codner advised***

that he attended a meeting regarding pesticide use in St. John's. There were presentations on negative effects of pesticide use. There were also industry representatives in attendance who presented a different view. There were a lot of good contrary arguments. See motion below. COMPLETE.

118-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay offer the petition, banning the use of pesticides for cosmetic (non-essential) purposes in the Province of Newfoundland and Labrador, at the front counter in the Town Office for people who wish to sign it. Residents are to be given the opportunity to sign the petition if they wish to do so.

Question called. Motion carried unanimously.

- 5) Department of Environment and Conservation – Torbay Municipal Habitat Stewardship Program Expansion Proposal. *Deferred so that all Council Members can read in full. B/F.*
- 6) Correspondence from Resident concerning Discount for Senior Citizens. *Deferred to Finance Committee for review. B/F.*

BUSINESS OUTSTANDING

- 1) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *No response from Ms. McCarthy, Department of Environment and Conservation, as of yet. Mayor to contact; and, if unsuccessful by phone, will re-send correspondence. B/F.*
- 2) Eastern School District regarding various issues related to the newly constructed Holy Trinity Elementary School / Motion 474-10 from Public Council Meeting of November 15th – Public Works Committee to investigate Doyles/Quigleys Lane are concerning traffic and possibility of making one way street. *Meeting is scheduled for Friday, April 8th – representative from Eastern School District, Town's Engineer, Staff. Council discussed the cost to the Town for making change at Roblin Place – bus turn around, requirements for busses, and how this request was initiated. Councillor Smith requested a copy of the correspondence or request that prompted this issue. Land owners are prepared to provide land for turn around until the road is extended. Council discussed the narrow road, and today's standards for roads. They discussed safety of children and what other communities are doing. Council discussed traffic on Torbay Road and safety issues of the bus stopping on Torbay Road, especially when the road is opened to five lanes. B/F.*
- 3) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *This will be completed in approximately one month. B/F.*
- 4) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *With regards to the use of the Jack Byrne Arena for pick up and drop off, CAO is dealing with this – a letter is written to the Jack Byrne Arena to confirm that bus can use the site. There is a motion on the books that may then need to be rescinded. B/F.*
- 5) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly's Lane. *This is concerning acquisition of land from a resident on the corner in order to increase the*

turn radius so that the bus can get into the Kelly's Lane area. As per Item No. 2, a meeting is scheduled for Friday, April 8th. B/F.

- 6) Department of Environment and Conservation, Water Resources Management Division – Feasibility Study and Conceptual Cost for a Water Treatment Facility for Torbay / Correspondence from resident concerning South Pond. *This is still in process of being studied. CAO has been in contact with the Department of Municipal Affairs – CAO to advise. B/F.*
- 7) 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 – This concerns the moving the RNC Officer from the Town Office to the Kinsmen Community Centre – it was discussed that with the RNC Officer in that area, hopefully there will be no further issues at the skateboard park and area. *Letter has been received from the RNC advising that the Kinsmen Centre is not suitable – RNC have been serviced 60 day notice (as of May 31st) to vacate office from Town Hall. COMPLETE.*
- 8) Status of Camp Carey Building. *Meeting to be arranged with Parks, Recreation and Community Services Committee. B/F.*
- 9) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *Meeting did go ahead with the Heritage Committee and there were discussions with Town's solicitor, Mr. Pittman. May possibly have to incorporate statement in Municipal plan before moving forward. Meeting to be arranged with Council Liaison, Chair, Vice Chair. CAO to sit in on meeting, as well. B/F.*
- 10) Demolition of property at 1327 Torbay Road and cost of demolition to be charged back to home owner – deferred until clarification of land ownership. *May 31st is the deadline regarding demolition of property. Town's solicitor is in process of drafting written agreement for property owner's signature. B/F.*
- 11) Level of Service Policy – Relates to snow clearing operations and opening of fire hydrants. *Director of Programs and Services advised that he is still working on this. B/F.*

COMMITTEE REPORTS

Economic Development

119-11 Motion – Councillor Tapper / Councillor Whitty

RESOLVED THAT the Town of Torbay approve the Minutes of the Economic Development Committee Meeting, dated March 21, 2011, as presented.

Question called. Motion carried unanimously.

120-11 Motion – Councillor Tapper / Councillor Whitty

RESOLVED THAT the Town of Torbay approve the Minutes of the Hillside Festival Committee Meeting, dated March 29, 2011, as presented.

Question called. Motion carried unanimously.

Finance

121-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated March 21 – April 1, 2011, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

122-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Minutes of the Human Resources and Administration Committee Meeting, dated March 29, 2011, as presented.

Question called. Motion carried unanimously.

123-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay appoint Conrad Flannigan to the position of Animal Control Officer effective April 6, 2011. Period of employment to terminate on September 6, 2011 or when incumbent returns, whichever occurs first.

Question called. Motion carried unanimously.

Planning and Land Use

124-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Planning and Land Use Development Committee Minutes, dated March 31, 2011, with the exception of #3 a), and with the following change:

Section 1 a) – sentence to read, “*DPO presented proposal from applicant, it was agreed that a temporary turnaround...*”

Question called. Motion carried unanimously.

125-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated April 1, 2011, with the exception of Application 9453-11.

Question called. Motion carried unanimously.

Councillor Smith left the Council Chambers at 8:10 p.m. as it was determined that she was in a conflict of interest.

126-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve section 3 a) of the Planning and Land Use Development Committee Minutes, dated March 31, 2011, as presented.

Question called. Motion carried unanimously.

127-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve recommendation for Application 9453-11 of the Building Application Report, Applications to be Refused section, dated April 1, 2011, as presented. *It is recommended that the application for permit for a single family dwelling on a portion of 51-81 Mahon's Lane be refused for the following reasons:*

- 1. The Provincial Department of Environment, Water Resources Division has advised that the proposed development does not meet that Department's Policy with respect to preservation of minimum buffer from the high water mark of all bodies of water.*
- 2. The Provincial Department of Environment, Wildlife Division (Eastern Habitat Joint Ventures) advises against such development in the Gully Area.*
- 3. The proposed development is contrary to the Town's Municipal Plan Policy with respect to onsite sewage disposal in that such disposal system would be located less than 30 m of a water body or water course.*

Question called. Motion carried unanimously.

Councillor Smith returns to the Council Chambers at 8:13 p.m.

128-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Business Application report, dated April 1, 2011, as presented.

Question called. Motion carried unanimously.

Public Works

129-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated March 31, 2011, as presented.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

Deputy Mayor reported verbally that the Town received a grant in the amount of \$5,000.00 to hold a youth conference. This conference is titled, "Training Your Body and Mind." It will be facilitated by the Recovering Addictions Fellowship Team and will focus on awareness sessions and testimonials on substance abuse.

Deputy Mayor reported that Allied Youth (AY) have recently won awards, as follows:

John Nolan Cup – Outstanding Community Service
Dawe Award – Outstanding Positive Lifestyles Initiatives
Hawkins Award – Outstanding Junior Ayer – Sarah Butler
Alcock Award – Outstanding Adult Advisor – Cara Eustace.

Lucas Ings-Simms was also elected to the AY Provincial Executive as Member-At-Large.

Mayor Codner will write a letter of congratulations to Allied Youth on their above awards and accomplishments.

Technical Services

A meeting is to be arranged for Tuesday, April 12th at 5:30 p.m. Director of Programs and Services to send email advising of same.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

130-11 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Torbay250: Special Committee Minutes, dated March 8, 2011, with the exception of the first bullet, under section 5.

Question called. Motion carried unanimously.

In relation to the first bullet item under Section 5 of the Torbay 250: Special Committee Minutes, dated March 8, 2011, there was a motion for Great Big Sea to perform an outdoor concert during the summer of 2012. This motion is deferred to the Finance Committee.

By Pass Road

Councillor Smith questioned and Council discussed that there are still construction signs on Torbay Road, even though construction has been stopped. Director of Programs and Services advised he has sent an email to the Department of Transportation and Works, but no response as of yet – he is to follow up.

LIAISON COMMITTEES

Heritage/Museum

131-11 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Torbay Heritage Committee Meeting, dated January 25, 2011, as presented.

Question called. Motion carried unanimously.

132-11 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Torbay Heritage Executive Meeting, dated March 12, 2011, as presented.

Question called. Motion carried unanimously.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

No report.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

133-11 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay approve the report for the Torbay Harbour Authority, dated March 24, 2011, as presented.

Question called. Motion carried unanimously.

Torbay Volunteer Fire Department

134-11 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the report for the Torbay Volunteer Fire Department, dated March 28, 2011, with the following change:
Under Item #6 – Pumper No. 1 – **ADD sentence, “CAO to schedule meeting.”**

Question called. Motion carried unanimously.

Urban Municipalities Committee

The next meeting is June 17th or 18th in Placentia.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed development at Motion Estates. He discussed option of 10% green space versus \$15,000 cash. It was debated at the Recreation Committee level. Councillor Tapper and Deputy Mayor did site visit and discussed what should be recommended. He invited all Members of Council to visit area as a group - he suggested that the Town needs to make a more well informed recommendation regarding the scenic view.

Deputy Mayor thanked Councillor Tapper for his help with committee workload, when he was not available to participate over the past couple of weeks. It's all about team work and he expressed his thanks.

Councillor Byrne

Councillor Byrne discussed the East Coast Trail. There's another meeting arranged with Mr. Ed Delaney at Tappers Cove. There are some places in Tappers Cove that the Harbour Authority feels are unsafe including railing at the stairway. The East Coast Trail is a big part of the area. Councillor Byrne thanked Director of Programs and Services and Eugene Tapper for visiting the site. He requested that if anyone had any old pictures of the stairway at Tappers Cove, the Harbor Authority would like to have them – Heritage, Culture and Arts Coordinator are also checking to see if she has any pictures. A second meeting is in the process of being arranged.

Councillor Roche - Absent

Councillor Smith - Pass

Councillor Tapper - Pass

Councillor Whitty

Councillor Whitty discussed emails received concerning development in Motion Estates. People/residents have requested a public meeting to address their concerns. Council discussed that there is a process in relation to development; and, people in the area will have an opportunity to voice their concerns.

ADJOURNMENT

135-11 Motion – Councillor Smith / Councillor Whitty

RESOLVED THAT the meeting be adjourned at 8:30 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk