



## ***MINUTES***

### **PUBLIC COUNCIL MEETING August 10, 2009**

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 10, 2009 at 8:17 p.m.

#### **Members Present**

Mayor Bob Codner  
Deputy Mayor Thorne-Gosse  
Councillor Mike Byrne  
Councillor Jim Cantwell  
Councillor Carol Ann Smith

#### **Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Jacquie Berkshire, Executive Clerk  
Brian Winter, Development & Planning Officer

#### **Regrets**

Councillor Ralph Tapper  
Councillor Peggy Roche

Meeting was chaired by Mayor Codner

#### 212-09      **Adoption of Agenda**

Motion – Councillor Byrne/Councillor Smith

**RESOLVED THAT** the Agenda be adopted as presented.

Question called. Motion carried unanimously.

#### 213-09      **Adoption of Minutes – July 27, 2009**

Motion – Councillor Smith/Councillor Byrne

**RESOLVED THAT** the Minutes be adopted as presented with the following change:

Page 5 – Motion 210-09 – Resolved that Council proceed with the next step of the amendment process, which is to send Development Regulations Amendment No 30 (***Phase II River Valley Estates***) to Municipal Affairs for Provincial Review/Release.

Page 5 – Motion 211-09 – Resolved that Council defer the application *for proposed 10 unit sustainable apartment building for 1359 Torbay Road (Duffy Building)* pending notification and consultation required in accordance with Regulations 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation are paid in advance by the applicant. A copy of the discretionary use advertisement will also be sent to the neighborhood surrounding the proposed apartment building.

Question called. Motion carried unanimously.

**PROCLAMATIONS/PRESENTATIONS** - None

**CORRESPONDENCE**

- 1) Correspondence re: Smoke Free Environment Policy at all Eastern Health owned and operated premises and facilities – July 23, 2009 - **FYI**
- 2) Correspondence from MNL – July 24, 2009

214-09      Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** Council support Municipalities Newfoundland & Labrador request for \$2000.00 to assist in funding an independent report for fiscal reform as outlined in their letter of July 24, 2009.

Question called. Motion carried unanimously.

- 3) Correspondence from Minister Jackman re: Community Capital Grant – July 22, 2009 – **FYI**.
- 4) Correspondence from Barry Carter re: property at 29 Indian Meal Line & 37-41 Indian Meal Line – July 19, 2009. - **B/F**

215-09      Motion – Councillor Smith/Councillor Cantwell

**RESOLVED THAT** the Town acknowledge Mr. Carter's request and advise that at this time the Town is not interested in disposing of the parcel of land at 37-41 Indian Meal Line.

Question called. Motion carried unanimously.

- 5) Email from Nola Hill re: Support Our Forces Campaign – August 1, 2009 – **FYI**.
- 6) Correspondence from Robert Royle re: St. Joseph's Scouts campgrounds on Camp Carey Road – **CAO to acknowledge letter and suggest they contact Department of Transportation and RNC for additional patrols. The Town's security has been checking the area. – B/F**
- 7) Correspondence from Northeast Avalon ACAP – August 4, 2009. – **Defer to Councillor Tapper to bring to TETC. – B/F**
- 8) Email from Ethel Labrie re: Sewage Treatment Update – August 6, 2009 - **FYI**

**BUSINESS OUTSTANDING**

- 1) *Correspondence from Northeast Avalon Atlantic Coastal Action Program* – Councillor Tapper absent – **B/F**
- 2) *Email from Roger & Denise Reid re: Street lights & turning bulb at Kelly's Lane* – Development & Planning Officer is dealing with this. Nothing new to report. – **B/F**

- 3) **Resolution 2009 MNL Convention** – CAO is working on this. There should be a draft forthcoming at the next council meeting. -*B/F*
- 4) **Correspondence re: Proposed Development Regulations Amendments No.'s 10 & 25 for Moores Valley Road** – CAO advised that a letter will be forwarded this week. – *B/F*
- 5) **Correspondence from Crown Lands – May 7, 2009** – Mayor still awaiting report from Crown Lands – will call August 11, 2009. - *B/F*.
- 6) **Forest Landing – Phase One/Phase Six Issues** – Councillor Tapper absent. – *B/F*.
- 7) **Killick Coast Regional Kiosk** – CAO has received confirmation of the cost for the Marine Drive kiosk and is awaiting the cost for the Middle Cove kiosk. - *B/F*
- 8) **Conservancy & Ecological Gifts Programs** – Councillor Tapper absent. – *B/F*
- 9) **Motion 189-09** – Meeting scheduled with residents of the Kinsman Centre Area July 28, 2009 at the Kinsman Centre. - *Complete*
- 10) **Removal of signage on Torbay Road – Government Services to remove illegal signage** – CAO advised that students have been taking down signage on polls and she will be meeting with MEO within the next week. – *B/F*

## COMMITTEE REPORTS

### Capital Works/Public Works/Roads

216-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** in anticipation of the upcoming snow clearing season, that the Chief Administrative Officer prepare a tender call for the supply of sand for the 2009/2010 snow clearing season.

Question called. Motion carried unanimously

217-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** further to the Town of Torbay's vehicle and equipment strategy, that the Town of Torbay retire the 930 CAT Loader from its fleet and sell the assets by public auction.

Question called. Motion carried unanimously.

218-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** due to the undefined scope of work (at this point in time) from the Department of Transportation regarding the new elementary school construction and to ensure compliance with the Gas Tax Agreement, that the Town of Torbay proceed with the tender call for the road improvements on Lynch's Lane and postpone work on Doyle's/ Quigley's Lane until the next gas tax agreement. In its place roadwork will be completed on Reddy Drive and Country Drive. The scope of work for these two roads is outlined in the Town of Torbay's Municipal Roads report and is within the acceptable budget of the gas tax agreement. This reallocation of priorities is subject to the approval of the Department of Municipal Affairs. All work to be completed by December 31, 2009.

Question called. Motion carried unanimously.

### Building Applications

219-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** Council approve the Building Application Report dated August 10, 2009 as presented.

Question called. Motion carried unanimously.

220-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

**RESOLVED THAT RESOLVED THAT** Council approve the Business Application Report – Application Number B1030-09 dated August 10, 2009 as presented.

Question called. Motion carried unanimously.

221-09 Motion – Councillor Cantwell/Councillor Byrne

**RESOLVED THAT RESOLVED THAT** Council approve the Business Application Report – Application Number B1027-09 dated August 10, 2009 as presented.

Question called. Motion carried unanimously.

### **Financial Report**

222-09 Motion – Councillor Byrne/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** Council approve Financial Statement for the period July 13 – August 7, 2009 as presented.

Question called. Motion carried unanimously.

223-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Smith

**RESOLVED THAT** all bills be paid to August 7, 2009 to avoid interest.

Question called. Motion carried unanimously.

224-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell

**RESOLVED THAT** further to the 2005-2008 Multi Year Capital Works Program that the Town of Torbay draw down \$1 Million to ensure expenditures are paid in a timely and efficient manner. This expenditure is allocated and approved as part of the 2009 budget. This expenditure is also subject to the approval of the Department of Municipal Affairs.

Question called. Motion carried unanimously.

### **Personnel & Training Committee**

225-09 Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** September 1, 2009 be approved as nomination day in the Town of Torbay from 8:00 a.m. – 8:00 p.m. at the Town Hall.

Question called. Motion carried unanimously.

226-09

Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** September 15<sup>th</sup>, 2009 be approved as advanced polling day in the Town of Torbay from 8:00 a.m. – 8:00 p.m. at the Town Hall.

Question called. Motion carried unanimously.

### **Recreation Committee**

Deputy Mayor reminded everyone of the Recreation Master Plan meeting on Tuesday, August 11, 2009. She also wanted to acknowledge the kick off of the Killick Coast Games this evening and invited everyone to attend the games.

### **Strategic Planning Committee**

CAO advised a meeting is scheduled for August 26, 2009 to present the draft Integrated Community Sustainability Plan.

**Development Committee** – Nothing to report.

### **SPECIAL COMMITTEES OF COUNCIL**

#### **By-Pass Road**

CAO is in the process of scheduling a meeting with Government.

#### **Communications**

Councillor Byrne advised he is still receiving calls from residents that there is a lot of communication being received from the Town. He also advised the website is continually being updated

#### **Northeast Avalon Regional Plan (formerly known as the St. John's Region Regional Plan)**

Nothing to report.

#### **Regional Waste Management**

Mayor Codner advised there was a GARWMC subcommittee meeting on Monday, August 10<sup>th</sup>, 2009.

### **LIAISON COMMITTEES**

#### **Arena**

Mayor Codner advised that the GST rebate has been received.

**Northeast Avalon Regional Economic Development Board (Capital Coast Development Alliance)**

Nothing to report in Councillor Roche's absence.

**Environment** – Nothing to report in Councillor Tapper's absence.

**Heritage/Tourism**

Councillor Byrne wanted to welcome the new Curator, Contessa Small – he advised that she will be introduced to council at a future Council meeting.

**Hillside Festival**

Councillor Smith advised a wrap meeting is in the process of being scheduled and she will advise of the outcome.

**North East Avalon Joint Council**

Nothing to report. The next meeting will be in October.

**School** – Nothing to report

**Torbay Volunteer Fire Department** – Nothing to report.

**Urban Municipalities Committee**

Next meeting is scheduled to be held in Port aux Basques August 21-22, 2009.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner advised that he received a call from a resident that people are discarding unwanted mail in the area of the Karon Drive mailboxes. Councillor Byrne suggested the town write a letter to Dave Francis with Canada Post regarding the issue of the waste receptacles being removed from the mail box area.

***Deputy Mayor Thorne-Gosse - Pass***

***Councillor Byrne***

Councillor Byrne wanted to acknowledge the good work the outside workers are doing and appreciate the repairs done recently on Byrne's Lane. He also wanted to say thank you to Tina and her team on the very successful "Meet the Mascot" event.

***Councillor Cantwell***

Councillor Cantwell wanted to extend his thanks and congratulations to everyone involved with the 37<sup>th</sup> Birthday and "Meet the Mascot" event held on Tuesday, August 4, 2009.

*Councillor Roche – Absent*

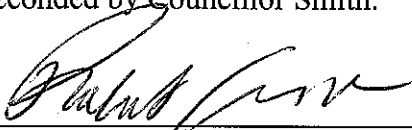
*Councillor Smith*

Councillor Smith wanted to highlight the condition of the road on Piperstock Hill. A resident contacted her after having almost losing control of their vehicle. It was advised that a letter was sent on this matter by the Mayor. It was suggested that the MHA be contacted to impress upon him the importance of having the area repaired. A resident contacted here regarding a recent incident with a Jake Break. It was asked if we have a “no jake break policy” – the Town does not however the Town will request a copy of the Portugal Cove St. Philips policy. She also advised that the workers at the elementary school are parking on resident’s private property and requested that this be forwarded to the school board to have them request that these workers be respectful of this private property.

*Councillor Tapper – Absent*

**ADJOURNMENT**

As there was no further business the meeting adjourned at 9:07 p.m. on a motion by Councillor Cantwell and seconded by Councillor Smith.

  
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Mayor

  
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CAO/Town Clerk