



MINUTES
PUBLIC COUNCIL MEETING
August 9, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 9, 2010 at 7:34 p.m.

Members Present

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

Staff Present

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

Regrets

Councillor Peggy Roche
Dawn Chaplin, CAO/Town Clerk

Gallery

Total of 5 in attendance.

Meeting was chaired by Mayor Codner

320-10 **Motion** – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk, for the period of August 9 - 13, 2010, that the Town of Torbay appoint Executive Clerk, Ann Picco, as the Acting Town Clerk. Any operational matters are to be directed to the Director of Programs and Services, Ken Anthony.

Question called. Motion carried unanimously.

321-10 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

322-10 **Adoption of Minutes**

Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Minutes of the July 26, 2010, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Holy Trinity Parish – Invitation to join in celebrating 60th Anniversary of Sr. Teresa’s Religious Profession. ***For Information Purposes. Councillor Smith advised that one of the five Sisters will be in Torbay on August 25th. The other four will join her later in the evening. COMPLETE.***
- 2) Children’s Wish Foundation of Canada / H.M.C.S. St. John’s – 2010 Run the Rock Charity Run. ***Mayor is checking on getting a representative from the Town to attend, depending on the route – possibly meet in St. John’s. COMPLETE.***

BUSINESS OUTSTANDING

- 1) Correspondence from company concerning proposed installation of sewer line on Torbay Road. ***Dealt with under Planning and Land Use Development Committee Minutes, dated August 2, 2010. A meeting was requested with the company for Thursday, August 5th. B/F.***
- 2) Home Owners of Thomas Gardens – request for contribution towards project of erecting sign and fence. ***Dealt with under Parks, Recreation and Community Services Committee Minutes, dated July 28, 2010 - see Motion. COMPLETE.***

Councillor Smith leaves the Council Chambers at 7:48 p.m., as it was determined that she was in a conflict of interest.

- 3) Canadian Diabetes Association – request for in-kind donation of Upper Three Corner Pond Park for the weekend of August 27 – 29, 2010 for mixed softball tournament. ***See Motion below. COMPLETE.***

323-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay donate/provide free rental of the Upper Three Corner Pond Park ball field to the Canadian Diabetes Association for their mixed softball tournament from August 27 – August 29th.

Question called. Motion carried unanimously.

Councillor Smith returned to the Council Chambers at 7:51 p.m.

- 4) Correspondence from developer concerning Public Council Meeting June 14 2010 and Discussion of Road & Recreation Levies Phase 6 Forest Landing. ***Deferred to Public Council Meeting of August 23rd as Councillor Roche requested that all Council Members be in attendance. As Per Councillor Roche's request that the CAO to check with the Department of Municipal Affairs to confirm if Council can still vote if all Council Members are not present. B/F.***
- 5) 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. ***Mayor Codner advised that the Town will receive a written report from the consultants on their meeting with the Department of Environment and Conservation on August 6th. B/F.***
- 6) Dumping of topsoil on Beach / Correspondence from the Department of Environment and Conservation, Water Resources Management Division – Infilling and Stabilization of Property Adjacent to Torbay Bight, Torbay, NL – ***Council discussed their concerns with the clean-up of the beach. CAO to check with the Town's Solicitor, Mr. Pittman, for legal advice; and, to follow up with the Department of Environment for their explanation of the clean-up. B/F. CAO to check if Town can issue a Clean Up Order to the resident, as well. B/F.***
- 7) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. ***The Development and Planning Officer and the Municipal Enforcement Officer are working on a signage policy for when the Town takes over Torbay Road. B/F. Development and Planning Officer advised that the Department of Transportation and Works are looking at legal aspects for removal of signs – the signs currently in place are within the Department's 20 metre signage corridor. CAO to follow up with a letter to Government Services regarding gateway signage installation upon completion of by-pass road construction. B/F.***
- 8) 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 – ***Deputy Mayor Gallant advised that there is no date set yet for RNC Officer, Constable Grace's move of office from the Town Hall to the Kinsmen Centre. He will advise once date is know and then talk to surrounding area residents. Deputy Mayor also advised that there have been no complaints or issues since the security cameras have been installed. B/F.***
- 9) Torbay Volunteer Fire Department – Public Works snow clearing policy – ***Councillor Byrne advised that a meeting is arranged with the Mayor, CAO, Director of Programs and Services, Supervisor of Outside Operations, and Fire Department to discuss several issues, including snow clearing for Monday, August 16th at 7:00 p.m. B/F.***

COMMITTEE REPORTS

Economic Development

324-10 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the 2010 Hillside Festival Committee Meeting, dated July 6, 2010, as presented.

Question called. Motion carried unanimously.

325-10 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the 2010 Hillside Festival Committee Meeting, dated July 20, 2010, as presented.

Question called. Motion carried unanimously.

326-10 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the 2010 Hillside Festival Committee Meeting, dated July 27, 2010, as presented.

Question called. Motion carried unanimously.

Finance

Finance Motions from the August 9, 2010, Public Council Meeting - *deferred to the next Public Council Meeting of August 23, 2010. B/F.*

327-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated July 26 – August 6, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

328-10 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Minutes of the Human Resources and Administration Committee Meeting, dated July 29, 2010, as presented.

Question called. Motion carried unanimously.

329-10 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT due to the retirement of Donnie Hall as a heavy equipment operator (HEO) and as per section 9.06 (a) of the 2007-2010 collective agreement between the Town of Torbay and Teamsters Local 855, that the Town of Torbay offer the full time HEO position left vacant by Mr. Hall's retirement effective April 12, 2010, to Bernard (Bud) Tapper.

Question called. Motion carried unanimously.

Planning and Land Use

330-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee Meeting, dated August 2, 2010, as presented.

Question called. Motion carried unanimously.

331-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay give Derek J. Ryan approval in principal so he can proceed with engineering and design work on the proposed 3 unserviced building lots as described in the plans by Pinnacle Engineering Limited dated July 22, 2010 Project No. 10029-F001. No permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed. The open space requirement will be determined at a later date.

Question called. Motion Carried unanimously.

332-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated August 6, 2010, as presented.

Question called. Motion carried unanimously.

333-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Business Application Report, dated August 6, 2010, as presented.

Question called. Motion carried unanimously.

Public Works

334-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay pay Mr. Keith Yeo \$12,650.00 plus accrued interest for sewage infrastructure provided by Mr. Yeo at the beginning of Yeo’s Lane, which can be utilized by the Town of Torbay for future sewer service expansion to other residents on Yeo’s Lane and beyond.

Question called. Motion failed.

For Motion: Councillor Whitty, Councillor Smith, and Councillor Tapper.

Against Motion: Mayor Codner, Deputy Mayor Gallant, and Councillor Byrne.

Parks, Recreation and Community Services

335-10 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee Meeting, dated July 28, 2010, as presented.

Question called. Motion carried unanimously.

336-10 Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay approve in principal the installation of the signage for Thomas Gardens. Once the details are finalized, the Town will install.

Question called. Motion carried.

Against Motion: Councillor Smith

337-10 Motion – Deputy Mayor / Councillor Byrne

RESOLVED THAT the Town of Torbay draft a letter to the Party Bus Companies/Business that they are no longer to use Town of Torbay facilities for drop off and pick up points due to the damages that are being caused, including broken glass and garbage being left on site.

Question called. Motion carried unanimously.

Technical Services

No Report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

No report.

By Pass Road

Mayor Codner advised there's nothing to report. There is still no reply back from the Department of Transportation and Works; and, he will contact them for their response. He advised that Committee should meet to formulate a strategy in case the Department is not accommodating.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that the first show for Pulpit Rocks is August 14th; and, that you must be 19 years of age or older to attend. The dates for the play are August 14th, 16th, 19th, and 28th at 8:30 p.m. at the Kinsmen Centre.

He advised the dates for the play 1762: The Taking of Torbay are August 14th, 15th, 21st, 22nd, and 28th. Time is at 1:30 at the Torbay Town Hall. The reports he has heard on the play so far is that it is a great success. He extended a thank you to Contessa Small, Heritage, Culture, and Arts Coordinator.

Jack Byrne Arena

Deputy Mayor Gallant advised that the Arena Manager was dismissed without cause and the Board are meeting on Thursday. He will have more details by the next Council Meeting. In the meantime, Mayor Butt of the Town of Flatrock is in charge and Councillor Tapper is acting as Co-Manager. Interviews/selections for new Arena Manager are to start soon.

Northeast Avalon Joint Council

No report.

Northeast Avalon Regional Plan

No report.

Torbay Volunteer Fire Department

Councillor Byrne advised that there is a meeting scheduled for Monday, August 16th at 7:00 p.m. with the Mayor, CAO, Director of Programs and Services, Supervisor of Outside Operations, and Fire Department to discuss open air burning regulations, driveways – snow clearing issues, and the Volunteer Fire Department Constitution.

Newfoundland Light and Power advised that there is an issue with the recently installed traffic lights and the Fire Department are in the process of getting these issues resolved.

Councillor Byrne advised that the car wash/fundraiser on July 31st for 16 year old, Rebecca Norman, going to Alberta for heart surgery was a success; approximately \$4,000 was raised. Councillor Tapper advised that it's a great initiative; also, keep calendars open for September 11th for a major concert fundraiser for Ms. Norman. She's going away on September 22nd for surgery – open heart and possible double lung transplant. He advised that there are excellent groups performing.

Councillor Byrne advised that there has been six calls since the last meeting.

Urban Municipalities Committee

No Report.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor discussed Go Bags and the package of flyers that they deliver to residents. He advised that he has received emails from residents with concerns – these packages are not being delivered to their houses, but dropped off on their property. He asked what the Town can do about this. Residents advised that they did contact Go Bags and requested that no flyers be delivered, but these packages of flyers are still being delivered to their properties. Council discussed the potential issues of these packages, including litter and slipping on them, especially in the winter season.

He discussed the port-a-potties on the soccer field – children have to cross the parking lot to use them. He asked if it is possible to put them on the field for the kids. He advised he's received a quote of \$3,000 per year for two, but can't justify this as facilities are already in place. The new clubhouse was discussed, and the possibility of building the washroom section first, so that these can be opened for games.

As a temporary basis, Deputy Mayor asked if the Town can put one port-a-potty in place. See Motion below.

338-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay proceed with the installation of one port-a-potty on a temporary basis.

Question called. Motion carried unanimously.

Deputy Mayor Gallant also extended a thank you to everyone who helped out with the 2010 Summer Blast concert, which took place on Friday, August 6th.

Councillor Byrne

Councillor Byrne discussed water issues – he advised that he has received emails from residents of Patrick’s Path regarding water being shut off; this was caused by a bus backing over a fire hydrant. This is not the first time that this has happened and he asked if it is possible for the Town to ask for compensation/recovery of costs. Council discussed possible solutions – ***Director of Programs and Services to look into. B/F.***

He advised that he’s pleased to hear that there are repairs completed to Torbay Road, area near Holy Trinity School. The new tender will address repairs to be completed to Torbay Road from Marine Drive to Middle Cove Road.

Councillor Roche - Absent

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper advised that there’s nothing advising residents/tourists of where the museum and library are located. He asked if the Town had any signage advising of location and hours of operation. Executive Clerk to speak to Contessa Small Heritage, Culture, and Arts Coordinator, to see if she has a sign.

Councillor Whitty - Pass

ADJOURNMENT

339-10 Motion –Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:43p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk