



MINUTES
PUBLIC COUNCIL MEETING
December 13, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on December 13, 2010 at 7:36 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
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Gallery

There were a total of 4 people in attendance.

Meeting was chaired by Mayor Codner.

498-10 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

499-10 **Adoption of Minutes**

Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Minutes of the November 29, 2010, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE - Deferred

BUSINESS OUTSTANDING - Deferred

COMMITTEE REPORTS

Economic Development

No report or motions.

Finance

Councillor Tapper gave an overview of the 2011 Town of Torbay Budget process and gave highlights from each department, including Economic Development, Torbay Volunteer Fire Department, Recreation Department Public Works, Development and Planning, and the Museum and 2012 Commemorations. He advised that he is pleased to present the 2011 Budget Proposal; and, he thanked all departments for their input into the budget process. He especially thanked CAO for her assistance. Councillor Tapper asked all Council to adopt a balanced 2011 Budget; and, he reported that the Town's mil rate and fee schedule will not change for this coming year. He reported that overall total budget will be \$9,655,430.37. This includes \$5,472,205.30 for the main operating lines and an additional \$4,183,225.07 on capital projects contingent on government grant approvals. Councillor Tapper presented several motions, as per below.

500-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay write off taxes owing for the years 2004 and prior as these amounts are uncollectable. The total amount to be written off is \$40,657.60.

Question called. Motion carried unanimously.

501-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay continue collection procedures for taxes owing in the amount of \$498,167.10. This represents taxes owing for the years 2005 to 2010 inclusive.

Question called. Motion carried unanimously.

502-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT as per recommendations from the Department of Municipal Affairs and the Town’s auditors, that the GST/HST rebate refunds be utilized to pay down existing capital debt.

Question called. Motion carried unanimously.

503-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay adopt the tax and fee structure schedule for 2011 as presented. The 2011 schedule will be advertised in the January edition of the Northeast Avalon Times Newspaper, posted on the Town’s website and printed in the 2010 year in review newsletter. This newsletter will be circulated to all residents, businesses and landowners.

Question called. Motion carried unanimously.

504-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay’s property mil rate for the 2011 taxation year be set at 8.0 mils. This remains unchanged from 2010.

Question called. Motion carried unanimously.

505-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT as per motion 136-10, that Council remuneration for the 2011 calendar year be set at 1.8% of the total operating budget.

Question called. Motion carried unanimously.

506-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the 2011 budget for the Town of Torbay in the amount of \$9,655,430.37 be adopted as presented.

Question called. Motion carried unanimously.

Councillor Smith asked if the Town would be posting its 2011 Tax and Fee Structure and other initiatives on the Town’s website. She also asked if in future there would be a public meeting held on the budget so residents can attend. CAO advised that budget, with department breakdowns, will be published, so all residents can view.

507-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay cash a GIC in the amount of \$245,784.04 to cover expenditures related to the sewer outfall repairs in 2010.

Question called. Motion carried unanimously.

508-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay submit an application to the Department of Municipal Affairs to cover expenditures related to the emergency sewer outfall repairs in 2010. Total eligible cost is \$170,784.04.

Question called. Motion carried unanimously.

Human Resources and Administration

509-10 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay hire Craig Connors as a seasonal heavy equipment operator for snow clearing purposes only effective December 14, 2010. Terms and conditions of employment are as per the collective agreement between the Town of Torbay and Teamsters Local 855.

Question called. Motion carried unanimously.

510-10 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay hire John Cumby as a seasonal heavy equipment operator for snow clearing purposes only effective December 14, 2010. Terms and conditions of employment are as per the collective agreement between the Town of Torbay and Teamsters Local 855.

Question called. Motion carried unanimously.

511-10 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay hire Conrad Flannigan as a seasonal heavy equipment operator for snow clearing purposes only effective December 14, 2010. Terms and conditions of employment are as per the collective agreement between the Town of Torbay and Teamsters Local 855.

Question called. Motion carried unanimously.

512-10 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay hire Jackie Brophy as Office Clerk effective January 10, 2011. The letter of offer will confirm terms and conditions of employment.

Question called. Motion carried unanimously.

Deputy Mayor Gallant Chaired the Public Council Meeting at 7:52 p.m.

Planning and Land Use

513-10 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee, dated December 9, 2010, as presented.

Question called. Motion carried unanimously.

514-10 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay give Mr. Wally Gosse approval in principal so he can proceed with engineering and design work on phase one of his proposed 7 fully serviced building lots as described in the plans by BMT Fleet Technology dated November 19, 2010 Project No.7578. No permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed. A copy of the plan will be forwarded to the Recreation department for review of open space requirements.

Question called. Motion carried unanimously.

515-10 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay give Mr. Wally Gosse approval to Rezone the Parcel of Land as described on the proposal drawing from BMT Fleet Technology dated November 19, 2010 Project No.7578, noted as phase two. This land is to be rezoned from Residential Subdivision Area (RSA-S) to Residential Medium Density (RMD). The applicant will pay for the cost of the amendment up front before any work is started by the Town's Planning Consultant.

Question called. Motion carried unanimously.

516-10 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay set the pavement width for the proposed development by Mr. Wally Gosse described in the drawing from BMT Fleet Technology

dated November 19, 2010 Project No.7578, to 10.5 meters as recommend by the Towns consulting engineers.

Question called. Motion carried unanimously.

517-10 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay send Plan Amendment No. 14, 2010 and Development Regulations Amendment No.31, 2010, to Municipal Affairs for review. These amendments pertain to a parcel of land North of Indian Meal Line, between Peters Place and Nathaniel Drive Extension that is being rezoned to accommodate a proposed residential subdivision.

Question called. Motion carried unanimously.

518-10 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay send Plan Amendment No. 16, 2010 and Development Regulations Amendment No.33, 2010, to Municipal Affairs for review. These amendments pertain to a parcel of property south of phase Six Forest Landing, referred to as Forest Landing Phase seven.

Question called. Motion carried unanimously.

519-10 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay accept the National Building Code of Canada as the required standard for all construction within and throughout the Town of Torbay.

Question called. Motion carried unanimously.

520-10 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated December 10, 2010, as presented.

Question called. Motion carried unanimously.

Mayor Codner took over Chair of the Public Council Meeting at 8:01 p.m.

Public Works

521-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated December 9, 2010.

Question called. Motion carried unanimously.

522-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay purchase a water line quick freeze unit, once all information is acquired. Cost is \$513.50, Public Works 2011 Budget, GL 5051/6230.

Question called. Motion carried unanimously.

523-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay fence the newly constructed Chlorine Contact Chamber through a change order with existing contractor. Estimate Cost is \$2,500.00, funded through 2005-08 Multi Year.

Question called. Motion carried unanimously.

With regards to the Public Works Motion to move in and demolish property at 1327 Torbay Road, referred to as the O'Brien property and cost of demolition to be charged back to home owner – *this has been deferred until clarification of land ownership. B/F.*

524-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay purchase a Gas Feed System for North Pond Chlorination Station. Multi Year 2005-08 at a cost of \$12,929.21.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services - Deferred

Minutes of the Parks, Recreation and Community Services Committee, dated December 8, 2010, - *deferred to next Public Council Meeting. B/F.*

Technical Services

No report or motions.

SPECIAL COMMITTEES OF COUNCIL - Deferred

LIAISON COMMITTEES

Heritage/Museum - Deferred

Jack Byrne Arena - Deferred

Northeast Avalon Joint Council - Deferred

Northeast Avalon Regional Plan - Deferred

Torbay Volunteer Fire Department

525-10 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay make the annual \$500.00 donation to the Torbay Volunteer Fire Department to help them with their annual Christmas party.

Question called. Motion carried unanimously.

Urban Municipalities Committee - Deferred

NEW BUSINESS

Mayor Codner

Mayor Codner thanked Councillor Tapper, CAO Dawn Chaplin, and the Finance Committee for all their hard work with regards to the 2011 budget. There were a lot of meetings and research. He extended congratulations to everyone on their great work.

Mayor thanked Council for their hard work over the past year. He advised that it was a special year – 10th year of Council / 10th term.

He wished everyone a Merry Christmas and advised that he's looking forward to working with everyone in the New Year. He asked CAO to pass along Seasons Greetings to all Staff.

Deputy Mayor Gallant

Deputy Mayor Gallant wished everyone a Merry Christmas and a Happy New Year.

He advised this is his first year on Council; and, he thanked everyone for not only things that we have done and accomplished this year but also congratulations to all Council – very respectful of each other. It was beyond his expectations – he extended a thank you to all Council Members.

Councillor Byrne

Councillor Byrne wished Council and Staff a Merry Christmas. We have a year behind us – this year, we have two new members on Council, which must have been interesting and a learning experience for them. Council all get along well and work together. He advised that he's looking forward to a bigger and better year upcoming.

Councillor Roche

Councillor Roche advised that this year came in like a lion and out like a lamb. She wished a very Merry Christmas to everyone. All Council has gotten along over the past year. She wished a Merry Christmas and extended a thank you to our audience - they give up their free time to be with us.

Councillor Smith

Councillor Smith discussed the rocks and debris on Doyles and Quigleys Lane, which was left there after recent construction; and, she asked that the Town clean them off the road. Director of Programs and Services advised that he forwarded email to contractor today to take care of.

She wished a Merry Christmas and Happy New Year to everyone and to their families. She advised that Council has worked well together this past year. She asked CAO to pass along best wishes to Staff, as well.

Councillor Tapper

Councillor Tapper advised that Council has had a good year working together. He hopes the Town can get monies this year that we're looking and made application for – structures up that residents will appreciate.

He wished everyone a Merry Christmas.

Councillor Whitty

Councillor Whitty discussed the Town's relationship with developers. It was discussed in a Public Works Committee Meeting on meeting with developers and setting guidelines as to what the Town expects from them. We should set up in the New Year to get moving.

He extended Seasons Greetings to everyone and fellow Councillors, Management, Staff and Residents.

ADJOURNMENT

526-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:14 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk