



MINUTES

PUBLIC COUNCIL MEETING
December 21, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on December 21, 2009 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

Dawn Chaplin, CAO/Town Clerk
Ken Anthony, Director of Programs and Services
Ann Picco, Executive Clerk

Regrets

Councillor Peggy Roche
Brian Winter, Development and Planning Officer

Meeting was chaired by Mayor Codner

369-09 **Adoption of Agenda**

Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

370-09 **Adoption of Minutes**

Motion – Councillor Smith/Deputy Mayor Gallant

RESOLVED THAT the Minutes of the November 30, 2009 Public Council Meeting be adopted with the following changes:

Page 2 – Under **BUSINESS OUTSTANDING** – ADD - *No. 13 - in reference to George White – Driveway Problems at 51 Bridge Road. Defer to the Public Works Committee – B/F.*

Councillor Smith advised that there's no reference of Chair calling her on point of order and action being taken as happened. She would like this to be documented in the Minutes. Discussion deferred to next Council Meeting.

Under **Adoption of Minutes**, Page 2, Deputy Mayor Gallant asked for clarification as to what Motion 327-09 was pertaining to. CAO advised that it was relating to a meeting with Resident Wayne Tapper and land at Tapper's Cove.

Page 7 – Under **LIAISON COMMITTEES** – **Jack Byrne Arena** – there is a spelling typo – **Gerry Byrne SHOULD READ – Jerry Byrne.**

Page 8 – Under **NEW BUSINESS** – Councillor Tapper advised to **ADD - road damage to Doyle's/Quigley's Lane.**

Question called. Motion carried unanimously.

CORRESPONDENCE

371-09 Motion – Councillor Smith / Councillor Byrne

1) **Department of Natural Resources – Mineral Lands Division – Referral Letter – Triple A Excavating**

RESOLVED THAT the Town of Torbay approve subject to previous approval letter.

Question called. Motion carried unanimously.

372-09 Motion – Councillor Smith / Councillor Byrne

2) **Department of Natural Resources – Mineral Lands Division – Referral Letter – Department of Transportation and Works**

RESOLVED THAT the Town of Torbay approve subject to previous approval letter.

Deputy Mayor Gallant advised that he would like to see copy of previous approval letters in future before voting on it.

Question called. Motion carried unanimously.

BUSINESS OUTSTANDING – *Deferred*

COMMITTEE REPORTS

Economic Development - no report or motions.

Finance

373-09 Motion – Councillor Byrne/Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Financial Report for the period of November 30-December 18, 2009 as presented.

Question called. Motion carried unanimously.

374-09 Motion – Councillor Tapper/Deputy Mayor Gallant

RESOLVED THAT all bills be paid to December 18, 2009 to avoid interest.

Question called. Motion carried unanimously.

Human Resources and Administration

375 -09 Motion – Councillor Byrne/Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay rescind motion 356-09 and offer the Clerk-Receptionist maternity leave replacement position to Jackie Brophy.

Question called. Motion carried unanimously.

376 -09 Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT in order to provide efficient and effective snow clearing to the residents of Torbay, that the Town hire three seasonal operators, namely Stefan Swantee, Glen Johnson and Boyd Coffin.

Question called. Motion carried unanimously.

Planning and Land Use

377-09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT The Town of Torbay approve the Building Application Report dated December 18, 2009 as presented, with the following change:

Application No. 9163-09 will be deferred until the next Committee meeting.

Question called. Motion carried unanimously.

378-09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT the Town of Torbay defer the Business Application Report dated December 18, 2009, as presented. With regards to Application B1034-08 – application for a Bed & Breakfast in current home at 67 Crowes Lane, Councillor Smith advised that the report states that no responses to the ad in the Telegram were received; but, at the Committee meeting they received 3 letters, all late in being received, but some concerns. In the interest of good customer service, the Development & Planning Officer has been asked to contact residents to address their questions and concerns and bring back to Committee.

Question called. Motion carried unanimously.

379-09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT the Town of Torbay write Riverwood Construction, and Hawco King Renouf Limited, to let them know that their request for an extension to the approval to rezone land north of Indian Meal Line is declined. They did not fulfill the requirements from the letters dated May 4, 2009 and November 17, 2009.

Question called. Motion carried unanimously.

380-09 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay write Works Service and Transportation to acknowledge receipt of their letter dated December 15, 2009.

Question called. Motion carried unanimously

381-09 Motion - Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer the application pending a site visit by Committee Members.

Question called. Motion carried unanimously.

Public Works

382-09 Motion – Councillor Whitty/Councillor Smith

RESOLVED THAT the Town of Torbay award the tender for the supply and installation of the “Vehicle Exhaust System” for the Torbay Fire Department to Newfoundland HVAC Ltd. in the amount of \$76,680.00 including engineering cost and applicable taxes.
Question called. Motion carried unanimously.

383-09 Motion – Councillor Whitty/Councillor Smith

RESOLVED THAT the Town of Torbay award the tender for the supply and installation of “Portable Fuel Tanks” to Petro-Plus Inc. in the amount of \$120,230.00 including engineering cost and applicable taxes.

Once tanks are installed, the Town will have the capability of tracking fuel consumption through the use of a card system. Once new depot is constructed the tanks will be relocated to new site.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services – no report or motions

Technical Services – no report or motions

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations – no report

By Pass Road – no report

LIAISON COMMITTEES

Heritage/Museum – no report

Jack Byrne Arena – no report

Northeast Avalon Joint Council – no report

Northeast Avalon Regional Plan – no report

Torbay Volunteer Fire Department – no report

Urban Municipalities Committee – no report

NEW BUSINESS

Mayor Codner

Mayor Codner welcomed Ann Picco, in the position of Executive Clerk, to the Town and wished everyone a Merry Christmas. He extended a thank you to Staff for a great job and a Merry Christmas to them as well.

Deputy Mayor Gallant

Deputy Mayor Gallant wished everyone a Merry Christmas. He advised that this is his first time on Council and he's glad to be here. He also advised that Staff are doing a fantastic job and extended his thanks.

Councillor Byrne

Councillor Byrne extended a thank you to Staff and Volunteers and wished everyone a Merry Christmas and Happy New Year, and to all Residents as well.

Councillor Roche - Absent

Councillor Smith

Councillor Smith extended Best Wishes of the Season to Council, Staff, Volunteers and faithful attendees of Town's Council Meetings.

Councillor Tapper

Councillor Tapper advised that Torbay's mummers were alive and well and did a great job in the Festival. He advised he was sure they will be around the neighborhood during the Christmas holidays. He extended Best Wishes and wished everyone a Safe and Happy Christmas.

Councillor Whitty

Councillor Whitty wished everyone a Merry Christmas and Happy New Year - to Residents, Council and Staff.

ADJOURNMENT

384-09 Motion – Councillor Smith/Deputy Mayor Gallant

RESOLVED THAT the meeting be adjourned at 7:50 p.m. as there was no further business.

Mayor

CAO/Town Clerk