



MINUTES
PUBLIC COUNCIL MEETING
February 21, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 21, 2011 at 7:34 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne
Councillor Peggy Roche
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

Regrets

Councillor Carol Ann Smith

Gallery

There were a total of 9 people in attendance.

Meeting was chaired by Mayor Codner.

058-11 **Adoption of Agenda**

Motion – Councillor Byrne / Deputy Mayor

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

059-11 **Adoption of Minutes**

Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the February 7, 2011, Public Council Meeting be adopted, with the following change:

Page 6, first paragraph after Motion 044-11, fourth sentence – CHANGE sentence to read, *Deputy Mayor Gallant discussed and questioned the above motion - he did not review the related information as it was not included in the Council packages/binders; it was emailed to all Council Members on the afternoon of February 4th by the Development and Planning Officer.*

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Members from Allied Youth were in attendance, including Emily O’Keefe, Treasurer; Lucas Ings-Simms, Junior Vice President; and Brittany Fitzpatrick, Secretary. Mayor Codner introduced them and gave a brief overview of their work and awards won. Lucas Ings-Simms read aloud the proclamation; Mayor Codner signed the Proclamation on behalf of all Council.

060-11 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay declare February 20 – 26, 2011, to be Allied Youth Week in the Town of Torbay.

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) Department of Municipal Affairs – Federal Gas Tax Program Allocations. *For Information Purposes. CAO advised this is the first installment of 2010–2014 Gas Tax Agreement. Will receive one million over four year period. COMPLETE.*
- 2) MNL – 2011 Municipal Symposium, Gander, May 5 – 7th. *For Information Purposes. CAO advised this is a follow up to the Convention last Fall. It is a two day event in Gander. Mayor Codner and CAO are attending. COMPLETE.*
- 3) Northeast Avalon ACAP – Benefits of Regional Planning to Watersheds in North East Avalon Region. *Mayor Codner advised that the Town is in a unique position as we already look after our watersheds and wetlands in Torbay. The Town signed an agreement with Eastern Habitat Joint Ventures in 2001 and did upgrade in 2010. The Town has demonstrated that we have good environmental stewards. It was discussed that the Town could participate in a meeting should the Northeast Avalon ACAP call one with neighboring towns to encourage them to do the same. The Town to forward letter back to them advising we’re part of Eastern Habitat Joint Ventures and to advise what the Town is doing environmentally in the way of protecting rivers, streams, etc. COMPLETE.*
- 4) Correspondence regarding “Day of the Honey Bee,” May 29, 2011. *Mayor Codner advised that he attended an information session/public forum on pesticides at City Hall on Thursday night past; and, that this is one of the items that came forward. He advised that there is a Coalition for Alternatives to Pesticides and they did discuss the effects of pesticide use on*

honey bees. He further discussed that a representative from the City of Mount Pearl put forward a resolution on pesticides at the MNL Conference last year that was adopted. The City of St. John's put forward a resolution to ban pesticides. The effects of pesticides were discussed at this forum – the downturn in the bee population that could create a problem with pollination; and there's also a downturn of butterfly population, which is contributed to pesticide use. Industry representatives then took over and discussed their side – they turned it all around saying there's no proof that fertilizers will have health hazards. They discussed that in places where ban is in place, work has increased and a lot of businesses are, or are going, bankrupt. He discussed that another meeting with the Coalition and Industry representatives is needed. Council discussed that proclamation be sent out to towns to see where everyone stands. He advised there will be more meetings; and, he will keep everyone updated, but the Province has to make the decision. See Motion below. COMPLETE.

061-11 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay Proclaim May 29, 2011 as the Second Annual Day of the Honey Bee in the Town of Torbay; and, forward a letter of support.

Question called. Motion carried unanimously.

- 5) Municipalities Newfoundland and Labrador – MNL Avalon Regional Meeting. *For Information purposes – CAO advised that this is open to all Council. CAO and Councillor Roche confirmed their attendance. COMPLETE.*

BUSINESS OUTSTANDING

- 1) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *Mayor Codner reported that Ms. McCarthy, Department of Environment and Conservation, indicated the Town could obtain right of way through the Municipalities Act, however, Town's Solicitor advised this is not the case. Ms. McCarthy to reconfirm, but to date no reply. B/F.*
- 2) Correspondence from resident concerning flooding and damage to property. **COMPLETE.**
- 3) 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. *With regards to traffic and parking, Mayor Codner advised awaiting report from bus company and Mr. Dennis Curtis, Manager of Transportation, at Eastern School District. B/F.*
- 4) Department of Municipal Affairs – Approval to Call Tenders, 2005/08 Multi-Year Capital Works, Thorne's Lane and Tynedale Place Pump Houses. *See Motion under Public Works. COMPLETE.*
- 5) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *CAO advised waiting on confirmation of timelines. B/F.*

- 6) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *Mayor Codner advised that there have been no issues or problems; only one incidence. Mayor and CAO met with owner and he confirmed that there's no drinking on the bus. With regards to using Arena site for drop off and pick up, Deputy Mayor advised he will bring this up at the next meeting. Deputy Mayor also discussed that there is a motion on the books that needs to be rescinded – CAO to check for next Council meeting. B/F.*
- 7) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly's Lane. *Acquisition of land is required 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. Mayor Codner advised that he did forward a letter to Mr. Dennis Curtis, Eastern School District and copied Mr. Pittman. The Town is now waiting to see if what we're proposing is ok. He advised that there will be some cost involved. B/F.*
- 8) 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. *CAO advised that she sent email to the Department of Municipal Affairs and the Department of Environment and Conservation for update on their review and when to expect meeting. Also copied MHA. B/F.*
- 9) 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 – with the RNC Officer in that area, hopefully there will be no further issues at the skateboard park and area. *Mayor advised that he did talk to Constable Grace who referred him to Constable Singleton, RNC. They were supposed to have decision late last week, but no reply to date. Mayor to contact him and advise the Town will give the RNC two more weeks. Regionalization was also discussed and possibility of other Towns setting up office for RNC officer. Councillor Tapper put forth a Notice of Motion for the next Public Council Meeting regarding invoicing the RNC for office space. B/F.*
- 10) Status of Camp Carey Building – *Councillor Byrne reported that inspection report is back – will be on the agenda for the next Parks, Recreation and Community Services Committee meeting. B/F.*
- 11) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *Councillor Byrne discussed the Constitution and the letter from the Chair that was tabled at the last Council meeting, which explains justifications for some matters in the Constitution. He put forth a Notice of Motion that he will be calling for adoption of the Constitution at the next Public Council Meeting. Mayor advised that it needs some changes – the Heritage Committee have ties to the Town as they are funded by the Town; and, he requested a revised copy of the Constitution before the Town signs off on it and adopts it. B/F.*
- 12) Demolition of property at 1327 Torbay Road and cost of demolition to be charged back to home owner – deferred until clarification of land ownership. *CAO advised that the Municipal Enforcement Officer confirmed that all wood that can be salvaged has been. Follow up with Supervisor of Outside Operations to see if the Town's loader can knock it down. B/F.*

COMMITTEE REPORTS

Economic Development

No report or motions. Councillor Roche advised that there was a meeting today – will have Minutes for the next Council Meeting.

Finance

062-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report, dated February 7-17, 2011.

Question called. Motion carried unanimously.

063-11 Motion – Councillor Tapper / Deputy Mayor

RESOLVED THAT further to motions 013-11 and 047-11, that the Town of Torbay finance the acquisition of the new development control pickup truck with RBC Royal Bank. Term will be up to 60 months amortization, with the exact rate and payment to be finalized when the truck is delivered and within the 2011 approved budget under fiscal services. This financing is subject to the approval of the Department of Municipal Affairs.

Question called. Motion carried unanimously.

Human Resources and Administration

No report or motions.

Planning and Land Use

064-11 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated February 18, 2011, as presented.

Question called. Motion carried unanimously.

065-11 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Business Application Report, dated February 18, 2011, as presented.

Question called. Motion carried unanimously.

066-11 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay proceed with the next step of the amendment process, which is to send Plan Amendment No. 17, 2011 and Development Regulations Amendment No.35, 2011, to Municipal Affairs for Provincial Review/Release. These amendments pertain to 26 Lower Street - St. Nicholas Hall and the rezoning of the property from Public Buildings (PB) to Residential Medium Density (RMD) to accommodate a 3 unit apartment building.

Question called. Motion carried unanimously.

Public Works

067-11 Motion – Councillor Whitty / Councillor Roche

RESOLVED THAT based on the recommendation of the Town of Torbay’s consulting engineers, namely Newfoundland Design, that the Town of Torbay approve and award the contract for the Piping Replacement of Thorne’s Lane and Tynedale Pump Houses to Black & McDonald Limited in the amount of \$97,970.00. Total cost of this project is \$119,370.00 which includes construction and engineering costs.

Question called. Motion carried unanimously.

068-11 Motion – Councillor Whitty / Councillor Byrne

RESOLVED THAT the Town of Torbay award Public Works Tender to Cabot Ford.

Cabot Ford was the lowest bidder on the Vehicle tender at \$26,208.00.

Vehicle	\$26,208.00
Trade	\$ 6,000.00
HST	<u>\$ 2,627.04</u>
Total	<u>\$22,835.04</u>

Cost to Town

Vehicle Auction Revenue (\$22,413.00)

\$26,208.00 – (\$6,000.00 + \$22,413.00 = \$28,413.00)

\$26,208.00 - \$28,413.00 = \$(2,205.00)

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

069-11 Motion – Deputy Mayor / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee, dated February 14, 2011, as amended.

Question called. Motion carried unanimously.

Amendment: With regards to fourth paragraph, first sentence, of the Minutes, Deputy Mayor asked to include that he discussed or suggested that 10% of the area (1.5 acres) is far more valuable than \$15,000 cash.

Councillor Tapper clarified that he invited all Council to view the area.

Technical Services

Mayor Codner reported that there was a meeting scheduled for last Wednesday night, but it was cancelled. Another meeting date to be arranged.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that a copy of the logo and sample ads were in packages for Council's review. If there are any changes or additions, please have to CAO by the end of the week so that it can go back to TRACT Consulting. She advised that pending approval, there will be a Committee Meeting. This will then need to be adopted by Council.

By Pass Road

Councillor Tapper discussed the Community Assessment Report and he suggested that everyone read it. There are a lot of points to support positions regarding the bypass road. He suggested sending a copy to the Department of Transportation and Works to reinforce that.

Councillor Tapper discussed the Mayor's letter to MHA concerning by pass road and possible takeover of Torbay Road. He discussed the East/West Connection and the Provincial Government's rejection of this. He advised of his discussions with former Councillor, Mr. Cantwell, and options/solutions for east/west connection. Council discussed that there is actually a service road in place that runs parallel to the bypass road. This road will enable access to the Town's chlorination plant.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne reported that there hasn't been a meeting. With regards to the Constitution, he will bring back to next Public Council Meeting.

Jack Byrne Arena

Deputy Mayor Gallant advised that there is a meeting scheduled for next Thursday.

Northeast Avalon Joint Council

070-11 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Northeast Avalon Joint Council Meeting, dated January 19, 2011, as presented.

Question called. Motion carried unanimously.

Councillor Roche advised that the meeting scheduled for last Wednesday night was cancelled. The next meeting will be the third Wednesday in March.

Correspondence - Response from Bell Aliant regarding Extended Area Charges. ***For Information Purposes. COMPLETE.***

Northeast Avalon Regional Plan

Mayor Codner advised that there was a meeting with Deputy Mayor Duff, City of St. John's, and Councillor Tessier, Mount Pearl and Representative for towns. From discussion held at last meeting two/three months ago, they are gone to the Department of Municipal Affairs – and they are now determining what to do with recommendations.

Torbay Harbour Authority

Councillor Byrne advised that there is no report.

Torbay Volunteer Fire Department

071-11 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the report for the Torbay Volunteer Fire Department, dated February 14, 2011, as presented.

Question called. Motion carried unanimously.

Councillor Byrne acknowledged that Mr. Ron Roche has 25 years of service to the Torbay Volunteer Fire Department. He congratulated Mr. Roche and advised that he moved into Honorary Status as of February 11, 2011. See motion below.

072-11 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve honorary status as of February 11, 2011 for Mr. Ron Roche, who now has 25 years service on the Torbay Volunteer Fire Department.

Question called. Motion carried unanimously.

Urban Municipalities Committee

There is a meeting this weekend. The City of St. John's is hosting this meeting.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor thanked the Outside Staff. There has been a lot of snow; and the operators keep the roads safe and clean.

Councillor Byrne

Councillor Byrne discussed the Town's new website which is now up and running. He advised that he likes how the website looks; and, that it is fairly easy to use. He suggested that all Council view and become familiar with the website. He congratulated the Economic Development Officer with regards to the videos.

Councillor Byrne discussed snow clearing – it has been extremely rough this past 2 – 3 weeks for the Town's Outside Staff. He appreciates their work in keeping the roads clear and safe.

Councillor Roche

Councillor Roche discussed comments from residents concerning the Town's snow blower – it's doing a great job and definitely makes a difference in road/street intersections – there's more visibility.

Councillor Roche discussed pot holes in the roads and asked if they can be filled in the Winter. Director of Programs and Services advised that Staff are out filling them with cold patch until the Spring. He advised that it's a continuous process.

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Councillor Roche asked about the dumpster for the metal recycling program. Director of Programs and Services advised that it went in place today. There was a delay due to weather and snow fall. Director of Programs and Services advised that to access the dumpster, residents are asked to come through Holy Trinity Lane. There is a list of acceptable items on the Town's website.

Councillor Smith - Absent

Councillor Tapper - Pass

Councillor Whitty

Councillor Whitty advised that he attended a recent retired teachers' function; and he spoke to Mr. Leland Mercer, former principal of Holy Trinity High School. Mr. Leland asked that Councillor Whitty pass his thanks and appreciation on to Mayor and Council for the card and gift on his recent retirement.

ADJOURNMENT

073-11 Motion – Councillor Tapper / Deputy Mayor

RESOLVED THAT the meeting be adjourned at 8:39 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk