



MINUTES

PUBLIC COUNCIL MEETING
February 22, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 22, 2010 at 7:37 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
Ann Picco, Executive Clerk
Brian Winter, Planning & Development Officer
Ken Anthony, Director of Programs and Services

Meeting was chaired by Mayor Codner

067-10 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Agenda be adopted, with the following change:

Page 3 – under Section 5 – *Committees of Council – Planning and Land Use* – “... dated January 19, 2010.” **SHOULD READdated February 19, 2010.**

Question called. Motion carried unanimously.

068-10 **Adoption of Minutes**

Motion – Councillor Smith / Councilor Byrne

RESOLVED THAT the Minutes of the February 8, 2010, Public Council Meeting be adopted with the following changes:

Page 6 – Councillor Smith’s comments on the Point of Order issue. She advised that not all details of what happened are documented in the minutes. CAO advised that no further changes will be made to the Minutes of November 30, 2009, as they were adopted by Council on a majority vote.

Page 12 – under **NEW BUSINESS** - **Councillor Smith** – second line – “... as total view plan has been removed ...” **SHOULD READ, ... as total view plain has been removed ...**

Page 13 – Motion No. 065-10 – **ADD** – ***This letter is to be copied to Mr. Kevin Parsons, MHA, Cape St. Francis.***

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Department of Environment and Conservation – Application for the Proposed Phase 7 – Forest Landing Subdivision Development. ***Deferred to Planning and Land Use Committee.***
- 2) Department of Environment and Conservation – Crown Land Application for Pasture Land Proposed Within the Torbay Stewardship Zone. ***Deferred to Planning and Land Use Committee.***
- 3) Department of Environment and Conservation – Crown Land Application and Proposed Wharf Development within the Torbay Stewardship Zone. ***Deferred to Planning and Land Use Committee.***
- 4) KMB Holdings Ltd. – letter of proposal/permission. ***Deferred to Planning and Land Use Committee. A copy of this letter is to be forwarded to Torbay Environment and Trails.***
- 5) Eastern Newfoundland Regional Appeal Board – Notice of Hearing. ***FYI.***
- 6) Invitation and Agenda – Immigration Conference – “A Welcoming Communities Initiative,” Tuesday, March 23, 2010. ***CAO to follow up with Council Members and Staff on who will be attending.***
- 7) Betty Moore, Director, Municipal Assessment Agency Inc. – letter of introduction/contact information, as recently elected representative to the MAA’s Board of Directors. ***FYI.***
- 8) Letter from residents concerning raise in Council remuneration. ***Deferred to Finance Committee.***

BUSINESS OUTSTANDING

- 1) E-mail correspondence from resident concerning Waste Treatment. ***Deferred to Technical Services Committee. B/F.***
- 2) E-mail correspondence from resident concerning Canada Post – litter around mailboxes. ***It was agreed that this was not an issue to be dealt with by the Town and that Canada Post should handle this situation themselves, as was done in the past. Municipalities***

- Newfoundland and Labrador should get involved – all towns should come together on this matter, as this is an issue for other towns, as well. Councillor Smith advised that she will bring this up at the UMC Meeting this weekend and Councillor Roche advised that she will discuss at the next meeting of the North East Avalon Joint Council. Mayor Codner and CAO to arrange meeting with Canada Post to discuss. B/F.*
- 3) Correspondence from resident concerning Tax Relief for Seniors and Low Income Residents. *Letter written to resident. COMPLETE.*
 - 4) Jack Byrne Arena - Newfoundland Power letter – Guarantee of Payment. *Letter/agreement signed and forwarded on. COMPLETE.*
 - 5) NLL Recycling Ltd. – full service scrap metal handling facility – request for a meeting with representatives from the Town to discuss metal recycling programs that they offer. *Deferred to Technical Services Committee - representative of NLL Recycling to attend next Committee meeting, which is scheduled for this Friday. B/F.*
 - 6) Motion 036-10, Minutes of January 25, 2010, Public Council Meeting – Director of Programs and Services to contact Mr. Paul Porter of Newfoundland Design Associates Limited to request written confirmation that when culverts were installed in Phase 1 of the Pine Creek Development, the culverts were undersized. *Director of Programs and Services advised that letter is written to Newfoundland Design Associates Limited – waiting for response. B/F.*
 - 7) Community Policing - Mayor Codner advised that RNC officer would like to chat about this issue. *CAO and Mayor to meet with officer – meeting is scheduled for February 24th at 10:00 a.m. Mayor Codner advised that if anyone has any issues they would like discussed, to let him know . B/F.*
 - 8) Mayor Codner advised that there was an article in February 8, 2010's issue of the Telegram, with a story on Rebecca Langmead, of Torbay. Ms. Langmead, Gonzaga Vikings' High School Star Post Basketball Player, is heading to Simon Fraser University in Burnaby, British Columbia, next year where she will study and play university level basketball. *Letter is written. COMPLETE.*
 - 9) Motion No. 065-10, Minutes of February 8, 2010 – Town to write a letter to the Department of Works, Services, and Transportation outlining Town's concerns with the present conditions of Torbay Road and Bauline Line, requesting repairs/resurfacing to be completed. *This letter is to be copied to Mr. Kevin Parsons, MHA. There was also some discussion on the high volume of traffic and the school crossing zone. Mayor Codner advised that he wrote a letter to the Department of Transportation and Works concerning the installation of a traffic light and a flashing amber light – reply was received from the department and copied to all members of Council. Deputy Mayor Gallant brought forward to Council some concerns that Holy Trinity Elementary School Council discussed – high volume of traffic, intersection is dangerous, flashing light in cross walk, and the use of a speed radar sign. B/F.*
 - 10) Request from John Ryan for re-zoning of the old church property on Lower Street to from Public Property to Residential. *Defer to Planning and Land Use Development Committee – Development and Planning Officer to check on historical designation of this building. B/F.*
 - 11) Keith Yeo – 1 Yeo's Lane - request for reimbursement of installation of sewage services. *Deferred to Public Works Committee – Director of Programs and Services advised that this matter will be discussed at the next committee meeting. B/F.*
 - 12) Thorne's Lane Pump House – *Deferred to Public Works Committee. Director of Programs and Services advised he is still working on. B/F.*

- 13) South Pond Meadow – *Mayor Codner advised that the Department of Works, Services and Transportation confirmed that this is on their agenda to get survey lines dug out to determine boundary and put up fence – which will take place in the Spring. COMPLETE.*
- 14) Resident meeting regarding issues at Kinsmen Center – Motion 250-09 - To have skateboard ramps removed from Kinsmen Center at the end of the season. Director of Programs and Services to confirm removal and storage. *Deferred to Parks, Recreation and Community Services Committee for further discussion and recommendation. B/F.*
- 15) To explore the cost of a fence and gate at the Kinsmen Center – Motion 251-09 – Director of Programs and Services to confirm status of quote. *Deferred to Parks, Recreation and Community Services Committee for further discussion and recommendation. B/F*
- 16) Revisions to snow clearing policy – Director of Programs and Services to research and bring forth a recommendation to the Public Works Committee. *Deferred to Public Works Committee – meeting to take place this week. B/F.*
- 17) Wayne Tapper – Access to Tapper’s Cove – Council to meet with resident. CAO to confirm a meeting date. *CAO advised that she left a message with Mr. Tapper asking him to confirm a date and time for meeting – waiting for reply. B/F.*
- 18) Revisions to Habitat Management Plan – *CAO advised that draft plan to be completed by mid February - Jonathan Sharpe is still working on revisions. B/F*

COMMITTEE REPORTS

Economic Development

- Northeast Avalon Regional Economic Development Board Immigration Committee Roundtable Discussion, dated November 19, 2009. *Deferred to next Committee meeting. B/F.*
- Minutes of the 2010 Hillside Festival Committee, dated January 26, 2010. *Deferred to next Committee meeting. B/F.*

Finance

069-10 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Finance Committee Meeting Minutes, dated February 10, 2010, as presented.

Question called. Motion carried unanimously.

070-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT in efforts to ensure the life safety of the residents of Torbay, that the Town of Torbay donate \$500.00 on an annual basis to the Canadian Red Cross in perpetuity.

Question called. Motion carried unanimously.

071-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay donate \$500.00 to the Rovers Search and Rescue Inc. to assist with their efforts to construct a new search and rescue facility in the Town of Paradise.

Question called. Motion carried unanimously.

072-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay continue to provide an annual operating grant to the Northeast Minor Hockey Association in the amount of \$500.00.

Question called. Motion carried unanimously.

073-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay advertise in the Provincial Bantam “H” Tournament Booklet. The tournament is held during the week of April 8-10, 2010 at the Jack Byrne Arena. The advertisement cost of \$150.00 will be charged to Council’s public relations expense code.

Question called. Motion carried unanimously.

074-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay advertise in the Neil Maynard Memorial Tournament Program Booklet. The full page advertisement cost of \$200.00 will be charged to Council’s public relations expense code.

Question called. Motion carried unanimously.

075-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay renew its operating line of credit in the amount of \$400,000 with RBC Royal Bank.

Question called. Motion carried unanimously.

076-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay open a non-interest bearing trust bank account for development deposits.

Question called. Motion carried unanimously.

077-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Reports for the periods of January 4 – February 5, 2010 and February 8 – 19, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration – no reports or motions

Planning and Land Use

Application: 9185-10
Portion of 25-33 Marine Drive
Application for Single Family Dwelling
Zoning: Residential Medium Density (RMD)

078-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the application be deferred pending public notification and consultation required in accordance with Regulation's 11, 12, and 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be paid in advance by the applicant.

Question called. Motion carried unanimously.

Public Works - no report or motions

Parks, Recreation and Community Services

Deputy Mayor Geoff Gallant gave a verbal report. He advised that he met with the Holy Trinity Elementary and High Schools and discussed upcoming events that they're working on. Holy

Trinity Elementary are having an event in May – classroom themes – and require any old artifacts, such as pictures, old yearbooks, etc. for their displays. Deputy Mayor Gallant asked if anyone had anything to offer – these items will be returned, they only need to display them for a night. Holy Trinity High School are having a fundraising event in October – Harvest theme – and all donations are welcome. He advised that he has the minutes of the school council meeting if anyone would like to review them.

Deputy Mayor Gallant advised that with regards to the upcoming Tri for Health Triathlon, officials would like to meet with Council to discuss.

Deputy Mayor Gallant reported that the Torbay Minor Soccer Association Executive is now formed: Rodney Cumby, Chair; Sheila Tapper, Vice Chair; Tony Pollard, Secretary/Treasurer; Darcy Woolridge, Registration; and, Bill Burton, Communications. Question was raised on whether or not a junior soccer program would be formed – this will be discussed when the new executive meets for the first time.

Technical Services

079-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Technical Services Committee Meeting Minutes, dated February 15, 2010, as presented.

Question called. Motion carried unanimously.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

- Minutes of the 2012 Celebrations Committee, dated January 26, 2010. *Deferred to next Committee meeting.*

By Pass Road / Torbay Road

Mayor Codner gave a verbal overview. He advised that the Town is gathering information from other towns on provincial road take-over. The Town needs to look at the long term – financially. Will come back with further discussion to Council.

LIAISON COMMITTEES

Heritage/Museum – no report

- Minutes of the Heritage Committee Meeting, dated January 28, 2010 – *not yet adopted by Committee. Deferred to next Committee Meeting.*

Jack Byrne Arena

Deputy Mayor Gallant verbally reported that the budget was presented and it's showing an approximate \$50,000.00 deficit; but, the Committee has hopes on how to remediate it – general skating for example or increasing prices for ice times next year. Power consumption was an important discussion. Committee has brought in experts – they have a new system to show usages over time and it's a system where it can automatically shut something down in an area when consumption becomes high. This system is presently being worked on, and they're confident money will be saved.

Councillor Tapper advised that an analysis of users of the Jack Byrne Arena should be done – where are they from, other than the Town's hockey leagues. Other revenues should be looked at – minor hockey is a big user, but other special events should be looked into, including senior hockey. It appears also that local people are pushed aside as other groups are being accommodated. It needs to be reviewed.

Deputy Mayor Gallant advised that snow clearing is another expense – approximately \$5,000/month. The issue of the Town doing the snow clearing was raised - for a fee. Mayor Codner advised that the Town's priority, as with other towns, is to keep roads open. Maybe it's possible for other towns to work together on this.

Deputy Mayor Gallant advised that another topic discussed was the arena files, including construction and financial files. They want to centralize all files and move files from the Torbay office to the Jack Byrne Arena. CAO advised that most documents – construction – are already moved there. CAO to check on how long financial files are supposed to be retained.

Deputy Mayor Gallant advised that there's going to be an election of new officers at the next annual general meeting.

Northeast Avalon Joint Council

Councillor Roche advised of new mailing address, which was forwarded to all Council members. She advised if anyone had any questions or comments to let her or Councillor Whitty know or forward directly to the Northeast Avalon Joint Council, at the new address she provided.

Northeast Avalon Regional Plan – no report

Torbay Volunteer Fire Department

Councillor Byrne gave a verbal report. He advised that there was a meeting on February 15th. Pumper 1 still has ongoing issues and there are three or four different companies looking at the problems.

Councillor Byrne noted that Mr. Bob Webber has been a volunteer fire fighter now for 25 years.

The Department had 9 emergency calls over the past couple of weeks.

The Committee is updating the Fire Department Constitution for Council's approval.

Urban Municipalities Committee

Councillor Smith advised that the UMC Meeting will be held this weekend. She advised she will bring up the Canada Post matter of garbage around the mail boxes at this meeting. The reception is at the Town Office on Friday evening starting at 9:30 p.m. and the lunch will be held on Saturday at 12:30.

NEW BUSINESS

Mayor Codner - pass

Deputy Mayor Gallant

- 1) Deputy Mayor Gallant extended a thank you to all Council members and staff – we attend a lot of meetings and everyone has been very accommodating with his work schedule.
- 2) Committee reports to the public
CAO advised that Municipal Affairs advised her that these reports can only be made available to the public after they are adopted by Council. Deputy Mayor Gallant asked the gallery to forward any suggestions that they may have on the matter to him by email. CAO to check further into this.
- 3) Citizen engagement and Council/Town initiatives
Deputy Mayor Gallant asked what can Council do to better inform the Town of the good things that are happening and taking place in the community? What mechanisms of communication can the Town use or what communications strategy? It was suggested maybe an annual open Town hall budget presentation. A webcast was suggested.

Councillor Byrne - Pass

Councillor Roche

Councillor Roche extended a thank you to everyone for their support when her sister passed away and just recently with her husband's illness.

Councillor Smith

Councillor Smith advised of the article in the North East Avalon Times – “Torbay teenager to compete in pageant.” Rebecca Duff, of Torbay, is a contestant in the Miss Teen Newfoundland and Labrador Pageant. Her and her family are hoping that Torbay residents will help her win the

People's Choice Award by voting for her on the Miss Teen Newfoundland and Labrador website. Their website address is www.nfpageants.net. Deadline for voting is March 27th. Councillor Smith suggested that the Town advertise this and make public aware – maybe a news release/advisory. CAO to check on.

Councillor Tapper

1) Parking/Town Sign

Councillor Tapper discussed parking near the new Torbay Town Office sign. Residents are advising that they can't read sign as there are vehicles in the way. CAO advised she was gone back to the consultant on this issue of the height of the sign. It was discussed putting a visitors' parking only sign there or wheel chair parking only. Councillor Tapper advised that also on the nights the Fire Department are training, the trucks and other vehicles were parked so that you can't read the sign – a note should be forwarded to the Fire Chief to advise him of parking near the sign. CAO to check on these issues.

2) New Development & Planning Position

Councillor Tapper asked on the new position for the Development and Planning Department. He advised that Human Resources should get moving on this as soon as possible, as construction is moving in the Town. Councillor Byrne advised that they are trying to arrange schedules so Committee can get together to have meeting.

Councillor Whitty - Pass

ADJOURNMENT

080-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 9:12 p.m., as there was no further business.

Mayor

CAO/Town Clerk