



MINUTES
PUBLIC COUNCIL MEETING
February 7, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 7, 2011 at 7:38 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 7 people in attendance.

Meeting was chaired by Mayor Codner.

038-11 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

039-11 **Adoption of Minutes**

Motion –Councillor Smith / Councillor Tapper

RESOLVED THAT the Minutes of the January 24, 2011, Public Council Meeting be adopted, with the following change:

Page 10 - under **NEW BUSINESS**, ***Councillor Byrne***, 2nd last paragraph, second sentence, DELETE "...however, no cutting occurred."

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Minister of Canadian Heritage and Official Languages – approval of grant to Torbay Heritage Committee for project “Torbay Hillside Festival.” ***For Information Purposes. COMPLETE.***
- 2) 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. Mayor recommended that she go back to the Department’s legal people to re-confirm – Mayor to contact her for confirmation. B/F.***
- 3) Town of Pouch Cove – potential regional cooperation. ***For Information Purposes. COMPLETE.***
- 4) Mr. Kevin Parsons, MHA – scheduling of meeting regarding potential regional cooperation. ***For Information Purposes. COMPLETE.***
- 5) Correspondence from resident concerning flooding and damage to property. ***Mayor Codner advised that this is being reviewed by Council and included in the Capital Works Program for later this year. Deferred to Public Works Committee. B/F.***
- 6) Invitation – Three Day Workshop, “Welcoming Communities Strategy.” ***CAO advised this is also on our Economic Development work plan about welcoming communities – when new residents move into the community. Economic Development Officer attending sessions. Councillor Whitty is attending as well. COMPLETE.***
- 7) Correspondence from resident concerning proposed 9-lot development on Bauline Line. ***Mayor Codner advised he responded to resident and forwarded a copy to all Council Members. COMPLETE.***

BUSINESS OUTSTANDING

- 1) Eastern School District regarding various issues related to the newly constructed Holy Trinity Elementary School. ***Mayor Codner advised that last Tuesday, February 1st, he, CAO and official from Eastern School District observed the traffic in the morning – recorded action about every five minutes. He reported that there were no vehicles parked/stopped on Doyles Quigleys Lane. Mr. Royal, ESD, to contact bus company, but as of yet have not heard anything from him. Councillor Tapper agreed with Mayor’s report. He observed traffic around 2:30, there were approximately 8 cars parked on road near new entrance to school between 2:45 and 3:00 p.m. No vehicles were parked on the left side of the road; and, it was passable for emergency vehicles. Once busses moved out, there was no traffic. It appears that parents want to get ahead of the busses, but they could have parked elsewhere. Awaiting report from bus company/Eastern School District. B/F***

- 2) Department of Municipal Affairs – Approval to Call Tenders, 2005/08 Multi-Year Capital Works, Thorne’s Lane and Tynedale Place Pump Houses. *CAO advised that Tender is extended for one week. Closes on February 14th. B/F.*
- 3) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *CAO advised waiting for proposal from Stantech. B/F.*
- 4) Targa – Reinstating Targa Newfoundland in the Town of Torbay. *Mayor Codner advised that meeting went ahead on January 26th; and, there were 15 in attendance including Council and Staff. The report by Targa addressed the Town’s concerns. They have made improvements – it was a positive meeting. See motion below. COMPLETE.*

040-11 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay invite and reinstate Targa back in Torbay on a three year basis subject to year to year review.

Question called. Motion carried unanimously.

Council discussed the above reinstatement of Targa in Torbay. The Town was given assurances and they will have volunteer committee members, with radios, in place staged at strategic points throughout the course. If not acceptable to the Town, we have the option of revoking agreement. They also have training for everyone involved now, as well. They gave explanation of what happened last time and the steps they have now taken to rectify. Councillor Tapper is the Council Liaison.

- 5) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *CAO advised that she has a message left for the company – they used the Kinsmen Centre as a pick up/drop off location on the night of the Targa Public meeting on January 26th. Awaiting reply. Deputy Mayor Gallant advised that there’s no feedback from the Arena Board yet regarding using the Arena parking lot as a pick up and drop off. B/F.*
- 6) 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 receive letter from the Town’s Solicitor, Mr. Pittman. It was further discussed with resident, and he wants a legal title survey done as there is some question as to encroachment of property. Trying to get a hold of Eastern School District/bus company to see what they want to do before going ahead with survey. B/F.*
- 7) 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 the reports have been sent to all Council Members and circulated to the Department of Municipal Affairs and the Department of Environment and Conservation for their review. CAO to arrange meeting with officials from the Department of Environment and Conservation and obtain timelines. 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 – 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. **CAO advised that the Town is still waiting for the RNC assessment report. The deadline was the end of January. It was discussed to have another meeting with the RNC and bring info back to the next Council meeting. Policing/speeding/recruitment to be discussed, as well. B/F.**
- 9) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates – **this concerns land ownership of public footpaths. Discussed under Item No. 2, under Correspondence. COMPLETE.**
- 10) Status of Camp Carey Building – **Councillor Byrne advised Torbay Volunteer Fire Department to do inspection tomorrow morning, February 8th. B/F**
- 11) As per Motion 474-10 from Public Council Meeting of November 15th - **Public Works Committee to investigate Doyles/Quigleys lane area concerning traffic and possibility of making one way street - CAO advised with regards to making one way street, the Town to confirm traffic flows and designs of parking lots first. Awaiting bus report, as discussed under Item No. 1 above, then can review. B/F.**
- 12) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – **Discussed under Heritage Committee. B/F.**
- 13) 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 this is still ongoing. Should be completed by Spring. B/F.**
- 14) At Public Meeting of January 24th, Councillor Byrne discussed damage at Tappers Cove and possibility of having representatives from East Coast Trail come down and discuss routes. **Councillor Byrne reported that they had their first meeting. Another Meeting to be arranged with East Coast Trails, President of the Harbour Authority Eugene Tapper, and Director of Programs and Services in the Spring. COMPLETE.**
- 15) At Public Meeting of January 24th, Councillor Byrne reported that the signs advising of no cutting in the conservation zones at Tappers Cove were cut down. Council discussed putting the signs back up; putting signs in other areas, such as attached to the gate; and, possibility of surveillance/cameras in the area. **As per No. 14, above. COMPLETE.**

COMMITTEE REPORTS

Economic Development

No report or motions.

Finance

041-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated January 24–February 3, 2011.

Question called. Motion carried unanimously.

Human Resources and Administration

No report or motions.

Planning and Land Use

042-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee, dated February 3, 2011, as presented.

Question called. Motion carried unanimously.

Councillor Smith put forward a motion, as per Planning and Land Use Development Committee Minutes, dated February 3, 2011, under Section 1 a), to give KMB Holdings approval to use drainage option three which is to direct the water down the eastern side of Peter's Place through a chamber which will limit the amount of flow through the drainage ditch. Council discussed this motion and the attached correspondence from the Town's Engineers. They discussed Option No. 3 and their concerns with directing water to Peter's Place, including flooding. Councillor Smith advised that Committee has done due diligence on this development proposal and felt that Option No. 3 was adequate. Councillor Smith recommended that the Town Council and Staff arrange a meeting with the Developer and the Town's Engineers, on the condition that she is available to attend the meeting. See motion below.

043-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT as per Planning and Land Use Development Committee Minutes dated February 3, 2011, under Section 1 a), that the motion be withdrawn. *Motion read: to give KMB Holdings approval to use drainage option three which is to direct the water down the eastern side of Peter's Place through a chamber which will limit the amount of flow through the drainage ditch. There will also be erosion control placed in the ditches. With the following conditions attached to the approval:*

- *The drainage plan must be reviewed and approved by the Department of Transportation and Works, as it relates to drainage along and across Indian Meal Line.*
- *The drainage plan must be reviewed and approved by the Department of Environment and Conservation, as it relates to the drainage water entering into Robins Pond Brook.*
- *The final drainage plan will be reviewed and approved by the Town's consulting engineers.*

Question called. Motion carried unanimously.

044-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay give 11446 Newfoundland and Labrador Inc. approval in principal so they can proceed with engineering and design work on the proposed phase 3 of Motion Estates – 14 unserviced building lots. All normal conditions for developing in the Town will be met. With the addition of written approval/review from the Town of Logy Bay Middle Cove Outer Cove in relation to the portion of the three lots that are within their Town’s boundary. 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.
Against Motion: Deputy Mayor Gallant

Council discussed the above motion. Councillor Tapper felt that the Recreation Committee should meet and review, as well, with regards to Open Space requirements and conditions – Development and Planning Officer to forward to Deputy Mayor. Council discussed large lot development and the possibility of future water/sewer service to the area and any problems that future Council may possibly have to deal with. 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. Councillor Tapper also advised he did not see this email; and therefore, did not review material/information. Deputy Mayor had some questions as to development and protection in the conservation/buffer zones and public access to these zones. Councillor Smith advised Deputy Mayor and all Council that this is an approval in principal only and in preliminary stages.

Deputy Mayor Gallant put forward a motion that the Town of Torbay defer the above motion for two weeks to give Councillors who did not have the additional attached information, forwarded on Friday, February 4th by email, time to review and have any questions answered. Motion was defeated as it was not seconded.

045-11 Motion – Councillor Smith / Councillor Byrne.

RESOLVED THAT as per Planning and Land Use Development Committee Minutes, dated February 3, 2011, under Section 2 c) that the Town of Torbay defer motion to future Council Meeting. *Motion read: to give Ms. Cathy Whitten approval in principal so she can proceed with engineering and design work on her proposed extension to St. Nicholas Lane and the development of three fully serviced building lots as per conditions listed in Planning and Land Use Development Minutes, dated February 3, 2011, under 2 c). 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.

Council discussed the above motion, as per Planning and Land Use Development Committee Minutes, dated February 3, 2011, under Section 2 c). They discussed roadway width and any issues that could arise relating to snow clearing. Councillor Smith advised will revisit and bring back for the next Council Meeting.

As there was much discussion by Council on the Planning and Land Use Development Minutes and Motions, Councillor Smith asked to include in the Minutes that Planning and Land Use Development matters/issues are challenging for Committee and for the Chair. She made reference to the fact that she sat as an observer in 2009 at a Finance budget meeting in which she was not a member of; and, other Members of Council had issues with this. This is her 5th year on Council / she has never been on a finance committee – and advised that she does not understand process and what’s happened since.

Public Works

046-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated February 3, 2011.

Question called. Motion carried unanimously.

047-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay award Tender for New Development Control Truck to Terra Nova Motors for a total of \$33,872.88 as follows:

Price:	\$28,796.00
Beacon Light:	\$ 360.00
Box Liner:	\$ 199.00
Back Rack:	\$ 259.00
Running Boards:	\$ 362.00
Sub Total:	\$29,976.00
HST:	<u>\$ 3,896.88</u>
Total:	<u>\$33,872.88</u>

Cost for vehicle from Fiscal year 2011, G/L Code 5255-6610.

Question called. Motion carried unanimously.

048-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay tender for one new ¼ ton extended cab 4x4 vehicle to replace the water and sewer vehicle. This tender would be contingent on costing.

This F150 is 4.5 years old and currently has 112,000 KM on the odometer. According to a previous vehicle strategy which recommends replacement after 5 years or 100,000 km, which would mean replacement in 2011. This aging/maintenance over run vehicle to date has cost \$621.00 with a possible \$2,000.00 to \$3,000.00 transmission replacement. This would then bring its current yearly maintenance budget of \$2,500.00 in the red and any other maintenance cost for this vehicle would be taken from existing vehicle maintenance budgets. Below is a breakdown of the possible cost of transmission replacement.

Option #1	New Transmission	\$2,700.00
	Transmission Fluid	\$ 91.00
	Labor	<u>\$ 420.00</u>
	Sub Total	\$3,211.00
	HST	<u>\$ 417.43</u>
	Total	\$3,628.43
Option #2	Rebuilt Transmission	\$1,200.00
	Transmission Fluid	\$ 91.00
	Labor	<u>\$ 420.00</u>
	Sub Total	\$1,333.00
	HST	<u>\$ 173.29</u>
	Total	\$1,506.29
Option #3	Used Transmission	\$1,400.00
	Transmission Fluid	\$ 91.00
	Labour	<u>\$ 420.00</u>
	Sub Total	\$1,941.00
	HST	<u>\$ 252.33</u>
	Total	\$2,193.33

The proposal for this replacement is to trade or action the F150 (10k) and with the existing money (22k) from the sale of the old equipment purchase a truck with little or no cost to the Town. The current F250 utilized by Supervisor PW would then go to Water/Sewer. The newer vehicle would then be utilized by the PW Supervisor.

Question called. Motion carried unanimously.

049-11 Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay award the tender for “Drop Off Metal Collection” to NewCo Metals for a one (1) year period effective, Monday, February 14, 2011.”

The tender will be for the provision of a twenty (20) foot container, when full will be transported to their facility at their cost, when emptied return back to site; Town Depot.

The Town will be reimbursed \$75.00/ton for metals collected.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

050-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee, dated February 2, 2011, as presented.

Question called. Motion carried unanimously.

Councillor Tapper also gave a verbal report:

The Nature Conservancy of Canada (NCC) are going to have a public meeting concerning the Gully Wetland on March 8, 2011, at 7:00 p.m. at the Kinsmen Centre.

With regards to the East Coast Trail, TETC Committee are meeting Thursday night, February 10th. Opening of trail – Flatrock/Logy Bay will be in the Spring or early Summer.

There will be a St. Patrick’s Day concert on March 19th at the Holy Trinity High School. Details to come.

051-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay award Eastern Siding with the contract for the Kinsmen Community Centre roof at a cost of \$10,497.00 + \$1,364.61 GST for a total of \$11,861.61.

Cost to be incurred from Kinsmen Community Centre Building GL 5019-6520.

Question called. Motion carried unanimously.

Technical Services

Meeting scheduled for Wednesday, February 16th at 7:00 p.m. Deputy Mayor and Councillor Whitty to meet with Technical Services Committee.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that ads have been produced by TRACT Consulting Inc.; and have gone back for some re-drafting. They should be ready for the next Public Council Meeting.

By Pass Road

Mayor Codner advised that at the last meeting it was agreed to try and arrange a meeting with the Department of Transportation and Works. He called MHA Kevin Parson and discussed with him items that were outstanding. He talked to Mr. Gosse, Assistant Deputy Minister, Department of Transportation and Works and it appears that everything is still on as the Town agreed to. Mayor is in process of writing letter regarding his conversation and confirmation of issues discussed. The matter is not definite with regards to the proposed municipal depot – issue of conservation/study being done on environmental issues; but, there is nothing finalized yet.

LIAISON COMMITTEES

Heritage/Museum

052-11 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Torbay Heritage Committee Meeting, dated November 8, 2010.

Question called. Motion carried unanimously.

Councillor Byrne advised verbally:

There are no details as of yet on the Lancers Workshop – will forward information to Council.

He thanked CAO for attending the meeting.

With regards to the Museum budget, the meeting was cancelled, but will review at first opportunity. Did bring back Council's discussions/concerns regarding the constitution. With regards to the Museum Curator's position, she is responsible for more than just the Museum, that's why they're fine-tuning the constitution.

The Heritage Master Plan will be discussed in the next couple of months. A sub-Committee will be formed consisting of two people. Will provide further information for Council at the next meeting.

053-11 Motion – Councillor Byrne / Councilor Tapper

RESOLVED THAT the Town of Torbay approve the correspondence from Chair, Heritage Committee, dated February 3, 2011, regarding Heritage Committee’s Revised Constitution.

Question called. Motion carried unanimously.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

No report. Councillor Roche advised that the previous meeting minutes are not approved yet. The next meeting is on February 16th in Bay Bulls.

Northeast Avalon Regional Plan

Mayor Codner discussed the latest submission from Councillor Tessier, Mount Pearl, which all Council members have received. Government and leaders of the group are working on some of the proposed changes. There will be a meeting of leadership team in a few weeks.

Torbay Volunteer Fire Department

054-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the report for the Torbay Volunteer Fire Department, dated January 31, 2011, as presented.

Question called. Motion carried unanimously.

055-11 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay approve the report for the Torbay Volunteer Fire Department, dated February 1, 2011, as presented.

Question called. Motion carried unanimously.

Urban Municipalities Committee

Councilor Smith advised that the next meeting will be on the last weekend in February. City of St. John's will be hosting this meeting.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed conservation zones. As we develop, we need to be cognizant of these zones; and, we need to conserve these zones. He advised that he's totally willing to work together with Council on this to do what's best for the Town.

Deputy Mayor extended a thank you to Ken Anthony, Director of Programs and Services, and Tina Auchinleck-Ryan, Supervisor of Recreation and Healthy Living, and the Parks and Recreation Committee for an excellent meeting on Wednesday past – did really well.

Councillor Byrne

Councillor Byrne gave a verbal report and discussed the Torbay Harbour Authority. They had their first meeting; and, he was introduced to representative from the Department of Fisheries and Oceans, Small Harbour Division, for this area. There have been some new elections; and, he thanked Mr. Cantwell for his service while in office. Five position have been opened and two have to be fishermen – results of the elections, are as follows:

Eugene Tapper – President
Trevor Decker – Vice President
Brian Manning, Treasurer/Secretary
Tommy Martin, Director 1
Nick Waterman, Director 2

Items discussed after the election included hiring a summer student to help in Tappers Cove. Councillor Byrne advised he will get in contact with CAO to assist with getting grant applied for by February 14th.

It was agreed that a new Liaison Committee section be added to the next Agenda/Minutes for the Torbay Harbour Authority.

056-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the above verbal report from Councillor Byrne on the Harbour Authority.

Question called. Motion carried unanimously.

Councillor Roche

Councillor Roche congratulated Jeff Lawlor, Economic Development Officer, Staff, and CAO for great work done in applying for grants and getting monies to offset costs of the Town's functions/activities, including Hillside Festival and Heritage Committee.

She Congratulated Staff, Management, and the Town's Outside Staff on a great job taking care of water/sewer and the roads - keeping everything plowed.

Councillor Roche discussed the Planning and Land Use Development Committee, and the work that they do as a Committee. She advised that as a Committee of Planning and Land Use Development, they do more than due diligence. They study, examine everything, ask questions, and go to the experts to answer questions. She advised that the Planning and Land Use Development Committee is very compassionate about what they do; and, they do not want to see anything hamper the environment. Committee takes a pro-active approach and she asked that the Deputy Mayor consider her comments. She advised that she appreciates the Deputy Mayor's vigilance, but he needs to see what Committee goes through and processes; and, she suggested that he attend one of the Planning and Land Use Development Committee's meetings.

Councillor Smith - Pass

Councillor Tapper - Pass

Councillor Whitty - Pass

ADJOURNMENT

057-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 9:39 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk