



MINUTES

PUBLIC COUNCIL MEETING
February 8, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 8, 2010 at 7:40 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
Ann Picco, Executive Clerk
Brian Winter, Planning & Development Officer

Regrets

Councillor Peggy Roche
Ken Anthony, Director of Programs and Services

Meeting was chaired by Mayor Codner

047-10 **Adoption of Agenda**

Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

048-10 **Adoption of Minutes**

Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Minutes of the January 25, 2010, Public Council Meeting be adopted with the following changes:

Page 2 – (in relation to changes of the Minutes of January 11, 2010) – at top of page, first paragraph, “operating” **SHOULD READ “Main,”** and “\$6,546,792.97” **SHOULD READ \$4,976,534.60.**

Page 2 – Under **CORRESPONDENCE**, 2) – “Deputy Mayor Gallant advised that he will take all recommendations and information and bring forward to Committee” - **SHOULD READ Deputy Mayor Gallant advised that he will take all recommendations and information and will discuss at the next Committee Meeting.**

Page 4 – Under **BUSINESS OUTSTANDING**, 5) – “CAO, Councillor Smith, and Councillor Tapper talked to residents at a meeting that was held ...,” **SHOULD READ CAO and all Council Members talked to residents at a meeting that was held ...**

Page 7 - Motion No. 031-10, Application: B1034-08 **SHOULD READ Application: B1034-09** (this typo was in the Business Application report).

Page 8 – Motion 036-10 – **ADD to Business Outstanding - next agenda.**

Page 12 – Under, **SPECIAL COMMITTEES OF COUNCIL**, **By Pass Road** – “Tenders called for Spring ...,” **SHOULD READ Tenders to be called for Spring...**

Revised Minutes of November 30, 2009 – Page 4 – Under Motion 351-09, last paragraph, last sentence – “... should be dealt with in private meetings and not at public meetings. **SHOULD READ ... should be dealt with in private Council meetings and not at public Council meetings.**

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

- 1) Coalition Against Violence – Violence Prevention Month 2010 Proclamation.

049-10 **Motion** – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay proclaim the month of February 2010 to be Violence Prevention Month. The Town encourages all residents of Torbay to recognize that violence prevention is everyone’s responsibility and support violence prevention activities in our community.

Question called. Motion carried unanimously.

- 2) Heritage Foundation – Heritage Day Proclamation 2010.

050-10 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay do hereby proclaim Monday, February 15, 2010 as Heritage Day, and call upon all citizens to celebrate the richness of our past and the promise of our future.

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) E-mail correspondence from resident concerning Waste Treatment. *CAO advised that letter is written to Minister Hedderson – no reply received, as of yet. She has also contacted MHA to see if decision is made. Deferred to Public Works Committee. B/F.*
- 2) E-mail correspondence from resident concerning the Town's website information, electronic sign, and the O'Brien house. *CAO advised that she replied to resident and acknowledged receipt of correspondence. Website technical issues are due to be fixed shortly. The Municipal Enforcement Officer is working on the O'Brien house issue. With regards to the Town sign, CAO contacted the consultant.*
- 3) E-mail correspondence from resident concerning Canada Post – litter around mailboxes. *CAO advised that the Municipal Enforcement Officer has been working on this issue and talking to officials at Canada Post. They do have a contractor in place to clean up garbage around the mailboxes. The initiative has to be on the post office to call their contractor, therefore, residences should call Canada Post to advise them of garbage around their mailboxes. Mayor Codner and CAO to arrange meeting with Canada Post to discuss. B/F.*
- 4) Fire and Emergency Services, Newfoundland & Labrador - 12 Steps to Emergency Planning and Emergency Management Planning Template. *FYI – CAO advised that all municipalities are required to have emergency planning in place by 2010. The Town's Emergency Planning and Emergency Management Planning are due for an update and will be reviewed as the Town's policies and procedures are presently under review.*
- 5) Municipal Assessment Agency – letter from Peggy Roche, Urban Director, advising of Board Meeting on February 12/10 - forward any comments or concerns for the Board to her. *FYI.*
- 6) Tom Hedderson, MHA, Municipal Affairs – Professional Municipal Administrators (PMA) Annual Convention, April 21 – 23, 2010. *FYI. There are four staff members attending.*
- 7) Letter from resident – follow-up on his letter of August 14, 2009, concerning the land freeze process at South Pond and environmental study results on water. He also requested that Council use the microphones, as it is hard to hear what Council members are saying. *There is a study presently being done by Newfoundland Design Associates Limited and the Town should have a response back in approximately two to three weeks. Letter written to resident. COMPLETE.*

- 8) Correspondence from resident concerning Tax Relief for Seniors and Low Income Residents. *Deferred to Finance Committee. B/F.*
- 9) Curves – invitation to program at a special discounted service fee of \$49.00, a discount of over 75%. *FYI.*
- 10) Jack Byrne Arena - Newfoundland Power letter – Guarantee of Payment. *Letter to be signed by Town of Torbay, Town of Logy Bay-Middle Cove-Outer Cove, Town of Pouch Cove, and Town of Flatrock. B/F.*
- 11) Kevin Parsons, MHA – copy of letter sent to ACOA supporting the Town of Torbay’s project application for the Recreational Infrastructure Canada Program (RINC) Program. *Letter of appreciation to be sent to MHA, Kevin Parsons. COMPLETE.*
- 12) 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. B/F.*

BUSINESS OUTSTANDING

- 1) 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.*
- 2) Keith Yeo – 1 Yeo’s Lane - request for reimbursement of installation of sewage services. *Defer to Public Works Committee – CAO advised that the Director of Programs and Services is still researching this issue. B/F.*
- 3) Horizons Community Profile – booking banner ad on the top of the page - deadline is February 5, 2010.

051-10 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay rescind Motion 022-10 to book ad size 5.43” wide x 3.36” high (5 col x 47 lines) at cost of \$432.50 + tax in the Horizons Community Profile.

Question called. Motion carried unanimously.

052-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay book the banner ad, as per previous years, on the top of the page in the Horizons Community Profile.

Question called. Motion carried unanimously.

- 4) Correspondence from Paula Mahon – Council’s plans for the development of Motion Drive. *Development and Planning Officer advised that this issue is being addressed in*

- the Recreation Master Plan – Coastal Park Area. CAO to respond to Ms. Mahon and advise. COMPLETE.*
- 5) Canadian Wildlife Service – Environment Canada - invitation for comments concerning the proposed amendment to Schedule 1 of the Species at Risk Act (SARA): the List of Wildlife Species at Risk. *CAO to write letter advising the Town's approval of preservation of species. COMPLETE – letter written and copied to all.*
 - 6) City of Mount Pearl - Copy of letter to Eastern Waste Management - User (Tipping) Fee Structure. *Deferred to Technical Services Committee.*
 - 7) Thorne's Lane Pump House – *Director of Programs and Services to obtain third opinion from engineer and bring details back to Council. B/F.*
 - 8) Skateboard Park – *Deferred to Parks, Recreation and Community Services Committee for further discussion and recommendation. B/F.*
 - 9) Upgrading of the East Coast Trail through Town of Torbay – *See Motion under Committee Reports - Parks, Recreation and Community Service. COMPLETE.*
 - 10) Torbay Volunteer Fire Department / Public Works – Snow plow operator to lift blade at Firefighter's driveway – for emergency purposes. *CAO advised that there was a meeting - Occupational Health and Safety, Fire Chief, and Heavy Equipment Operators. The issue is resolved – the Fire Chief is made aware of who brings loaders home – for emergency purposes. COMPLETE.*
 - 11) South Pond Meadow – *Mayor Codner call Department of Works, Services and Transportation three times and left messages, however, no one has returned his call. Mayor Codner to write letter. B/F.*
 - 12) Canadian Red Cross – Letter from Robert (Bob) Pike, Member, Canadian Red Cross Prepared? Campaign Cabinet regarding presentation given at the MNL Annual General Meeting. *Deferred to Finance Committee - meeting being held on Wednesday.*
 - 13) 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. *As per Item No. 8, Deferred to Parks, Recreation and Community Services Committee for further discussion and recommendation. B/F.*
 - 14) 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. *As per Item No's 8 and 13, Deferred to Parks, Recreation and Community Services Committee for further discussion and recommendation. B/F*
 - 15) Town to develop a Smoke Free Environment Policy for adoption and implementation. – Director of Programs and Services to confirm status. *CAO advised still working on – Town's policies and procedures are presently under review and revision.*
 - 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 - Director of Programs and Services was out of town. B/F.*
 - 17) Council to meet with Mr. Pittman to discuss legal issues.. *CAO advised that issues were sent to Mr. Pittman for review, and she's now waiting on a meeting date – engineers and planner will be included in this meeting, as well.*
 - 18) Rovers Search and Rescue Inc. – Request for support to be forwarded to Finance Committee. *Deferred to Finance Committee – meeting this Wednesday.*

- 19) Wayne Tapper – Access to Tapper’s Cove – Council to meet with resident. CAO to confirm a meeting date. **CAO to call and arrange meeting. B/F.**
- 20) Health Care Foundation – Revised Proposal for Tri for Health – CAO to arrange a presentation to Council.

053-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay support the proposal from the Health Care Foundation for Tri for Health Triathlon.

Question called. Motion carried unanimously.

- 21) Point of Order – Councillor Smith requested decision – **Councillor Smith advised that she observed the finance budget presentation and made a comment. Mayor Codner called her on Point of Order. Councillor Smith advised that the procedure of Point of Order was not followed as per “Roberts Rules of Order” handbook – on point of order, called person needs to be advised – it’s important to know proper process/procedure. She requested that the November 30, 2009, Minutes reflect what happened – what pursued of Point of Order, outbursts need to be contained. Revisit and present revised minutes at the next Council Meeting. She advised that Council communications need to be respectful; there needs to be better communications externally and as a Council. COMPLETE.**
- 22) Revisions to Habitat Management Plan – **CAO advised that draft plan to be completed by mid February. CAO to follow up with Jonathan Sharpe. B/F**
- 23) Department of Municipal Affairs – received letter from Lori Ann Companion, Assistant Deputy Minister, regarding amendment to Gas Tax Agreement with the Federal Government – 2010 – 2014 allocation. **Defer to Public Works Committee for review and recommendation. CAO advised that there is still nothing new – maybe April, new fiscal year.**

COMMITTEE REPORTS

Economic Development

- Northeast Avalon Regional Economic Development Board Immigration Committee Roundtable Minutes, dated November 19, 2009. **Deferred, as Chair is not in attendance. B/F.**
- Minutes of the 2010 Hillside Festival Committee, dated January 26, 2010. **Deferred. As Chair is not in attendance. B/F.**

Finance

- Financial Report for January 4 – February 5, 2010 – *Deferred to next Finance Committee Meeting. B/F.*

Human Resources and Administration – no reports or motions

Councillor Byrne advised that Mr. Walsh to be scheduled to make presentation. This will be discussed for future date. Next committee meeting is on Monday, February 15th.

Planning and Land Use

054-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Planning and Land Use Development Committee Minutes dated February 1, 2010, as presented.

Question called. Motion carried unanimously.

Application: Crown Land
Jones Pond Area

055-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay give Deane Holdings Inc. approval to obtain 12 acres of crown land as per their application dated January 11, 2010 for future residential development. The land in question is currently zoned Residential Subdivision Area and is in the Jones Pond Area.

Question called. Motion carried unanimously.

056-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report dated February 8, 2010, as presented.

Question called. Motion carried unanimously.

Application: B1035-10
238 Bauline Line
Application for Child Care Centre (Maximum of Six Children)
Zoning: Residential Infill (RI)

057-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the application subject to the following conditions:

1. The business will be subject to Business Tax in accordance with the published schedule of Taxes and Fees for the Town of Torbay.
2. Approval from the Department Health and Community Services is required before final approval is given.
3. Approval from the Department Government Services is required before final approval is given.
4. Approval from the Eastern Health Child Care Services Division is required before final approval is given

Question called. Motion carried unanimously.

Application: B1036-10
1234 Torbay Road
Application for Bell Aliant Dealer – Telephone/Cell Phone Sales
Zoning: Mixed Development (MIX)

058-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the application subject to the following conditions:

1. The business will be subject to Business Tax in accordance with the published schedule of Taxes and Fees for the Town of Torbay.

Question called. Motion carried unanimously.

Public Works

059-10 Motion – Councillor Whitty / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay rescind motion 382-09 and award the contract for the supply and installation of the Vehicle Exhaust system for the Torbay Volunteer Fire

Department to Air Tite Sheet Metal Ltd. in the amount of \$69,382.00 (HST included). Total project cost including engineering is \$89,382.00 (HST included). Award of the contract is subject to the approval of the Department of Municipal Affairs.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

060-10 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Recreation Committee Meeting Minutes dated February 4, 2010, as presented.

Question called. Motion carried unanimously.

061-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the upgrading and construction of the East Coast Trail through the Town of Torbay during the Spring and Summer of 2010, as requested by the East Coast Trail Association, which includes:

- Upgrading (trail hardening) of Father Troy's Trail, including the Installation of structures as required (boardwalk, crib steps, waterbars, fencing, etc.)
- Construction and hardening of the trail from Motion Drive along the shore line to North Pond Brook
- Construction of a pedestrian bridge over North Pond Brook as per drawings submitted to the Town Planner
- Installation and repairs of hand rails on two existing pedestrian bridges (in the vicinity of Big Beach)
- Minor upgrades to the parking area at Spray Lane
- Installation of East Coast Trail signage along the path providing direction, and location information for trail users.

Question called. Motion carried unanimously.

Technical Services – No report or motions.

Next meeting is on February 15th.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

- Minutes of the 2012 Celebrations Committee, dated January 26, 2010. *Deferred as Chair is not in attendance. B/F.*

By Pass Road

062-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the By Pass Road Special Committee Meeting Minutes, dated February 2, 2010, as presented.

Question called. Motion carried unanimously.

It was agreed that this Special Committee of Council be renamed By Pass Road / Torbay Road.

Mayor Codner advised that Newfoundland Design Associates Ltd. has report completed and will share with all Council.

LIAISON COMMITTEES

Heritage/Museum – no report

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

Councillor Byrne advised \$1,400.00 was raised through the quilt fundraiser. Brian Whitty was the lucky winner.

Museum Curator gave an overview of the budget and prioritized projects for the coming year.

Committee is looking at Memory Pods, and there is a St. John's group willing to help the Town with this. This project is identified in the Heritage Master Plan.

The first draft of the Amherst Play has been received. The Museum Curator is in the process of securing funding for actors.

Communications – should be relayed clearly between Council and Committees

Jack Byrne Arena

063-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay appoint Councillor Ralph Tapper as Council Representative to the Jack Byrne Arena Committee, which is a two year term.

Question called. Motion carried unanimously.

064-10 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay appoint Paul Thomey as Community Representative to the Jack Byrne Arena Committee, which is a two-year term.

Question called. Motion carried unanimously.

Northeast Avalon Joint Council – no report

Northeast Avalon Regional Plan – no report

Torbay Volunteer Fire Department

Councillor Byrne advised that Pumper No. 1 is still being looked into and the Fire Chief is looking for a resolution.

Career Day was well received by students at the school.

The Firefighter's Ball is April 17, 2010.

Urban Municipalities Committee

Councillor Smith reminded everyone that the Town is hosting the UMC Meeting – social is on February 26, 2010, and this will be the first time that Torbay will host the UMC meeting.

NEW BUSINESS

Mayor Codner

1) Recent Snow Storm

Mayor Codner advised he received favorable compliments on the Town's Public Works Staff. Work was done in a timely manner and Public Works Staff were out at all hours.

2) Community Policing

Mayor Codner advised that RNC officer would like to chat about this issue. CAO and Mayor to meet with officer; and, Mayor Coder advised to let him or CAO know if anyone else would like to sit in on the meeting. **B/F.**

3) Basketball Star Post – the Telegram

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. **Mayor Codner to write a letter of congratulations. B/F.**

Deputy Mayor Gallant

Deputy Mayor Gallant advised that he would like to extend a thank you to Councillor Tapper – he had a couple conversations with him on various issues and he was very level headed and composed.

Councillor Byrne

1) Snow Clearing

Councillor Byrne extended a thank you to all outside staff – job done quite well and appreciated.

Snow clearing is an issue at Quigley's Lane/Marine Drive. About half way up Marine Drive, snow is not being pushed back enough off road, causing vehicles to move out in road in order to get by. Enforcement Officer to keep an eye on this, maybe take some pictures, as this is a safety issue. CAO to look at this issue and discuss with Municipal Enforcement Officer.

2) Fire Hydrants

Councillor Byrne advised that fires can start at any time. During snow storms, the Town's Public Works Staff can't get to clear the hydrants of snow right away. He's requested that if residences are out shoveling or plowing snow and there's a fire hydrant nearby, if they could help keep it clear if at all possible.

Councillor Roche - absent

Councillor Smith

Councillor Smith commented on Quigleys Lane and Marine Drive – the issue of snow clearing and snow not being pushed back off road. She advised that this is a safety issue as total view plain has been removed and there's already been one accident. The Department of Works, Services and Transportation are not handling this issue, therefore the Town needs to do whatever we can to have snow pushed back, as this issue needs to be taken seriously. As per Councillor Byrne's comments, CAO and Municipal Enforcement Officer to review and discuss.

Councillor Tapper - Pass

Councillor Whitty

1) Main Road Conditions

Councillor Whitty asked what the Town can do about the condition of Torbay Road. Should the MHA be contacted? Mayor Codner advised that tenders are called – the Town is looking at taking over Torbay Road. Councillor Smith advised that the ruts in the road on Piper Stock Hill are very dangerous and it's an accident waiting to happen.

Councillor Tapper mentioned the Provincial Budget and commented on the fact that Torbay district did not get any funds and that our MHA did give this top priority.

065-10 Motion – Councillor Whitty / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay write a letter to the Department of Works, Services and Transportation outlining the Town's concerns with the present conditions of Torbay Road and Bauline Line, and requesting repairs/resurfacing to be completed. This letter is to be copied to Mr. Kevin Parsons, MHA, Cape St. Francis.

Question called. Motion carried unanimously.

2) Speeding – Mahons Lane

Mayor Codner advised that this issue to be discussed with police. It was suggested that maybe Municipal Enforcement Officer could patrol around lunch time and ticket as required as it was agreed that enforcement is the answer. Radar, spot checks was brought up by Councillor Smith. She advised that this was done at the beginning of the new year and seemed to have worked well.

3) Jack Byrne Arena

Incident on Sunday past – there was an electrical problem at the arena and someone couldn't get in the building in a timely fashion as the Arena Manager, Glenn Sturge, could not be reached right away. Councillor Whitty asked if someone else should have a key for emergency access. Mayor Codner advised that Glenn Sturge to handle this issue.

ADJOURNMENT

066-10 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT the meeting be adjourned at 9:15 p.m., as there was no further business.

Mayor

CAO/Town Clerk