



MINUTES
PUBLIC COUNCIL MEETING
January 24, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on January 24, 2011 at 7:41 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 3 people in attendance.

Meeting was chaired by Mayor Codner

018-11 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

019-11 **Adoption of Minutes**

Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Minutes of the January 11, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Correspondence from Eastern School District regarding various issues related to the newly constructed Holy Trinity Elementary School. *Mayor Codner advised that he responded to letter and requested a meeting with representatives from Eastern School District, senior staff from Holy Trinity Elementary, and officials from Newfoundland Design Associates – see Item No. 2, below. Council discussed use of school’s facilities, traffic/parking issues, possible replacement/financial assistance relating to gazebo, and new playground. Deputy Mayor Gallant advised that Holy Trinity Elementary School Council will start fundraising efforts for the new playground, which they refer to as a community playground. Deputy Mayor to bring Eastern School District letter to the School Council so they can make a decision with regards to the gazebo. It was also suggest that this be discussed with TETC – they should also forward a letter to the Elementary School concerning the gazebo. B/F.*
- 2) Copy of Town’s correspondence to Eastern School District concerning Item No. 1, above. *For Information Purposes. This is the Town’s reply letter to Item No. 1, above. COMPLETE.*
- 3) Municipalities Newfoundland and Labrador – Regional Government Initiative Discussion Papers / Special Board of Directors Meeting Minutes, April 20, 2010 – Regional Government Papers. *For Information Purposes. Documents were circulated to Council a few months ago concerning Regional Government Papers. Council discussed these reports and how they affect municipal government. There is no firm decision. COMPLETE.*
- 4) Email Correspondence from Resident concerning Advertising Bags. *Council discussed that you can contact GoBag to have your flyer package delivery cancelled if you do not wish to receive them. The Town to have this information highlighted on website to ensure residents are aware. Town to respond to resident. COMPLETE.*
- 5) 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 there will be a motion at the next Public Council Meeting to award tender. B/F.*

BUSINESS OUTSTANDING

- 1) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *CAO advised that email was received today from Mr. Ron Goulding, Department of Environment and Conservation and circulated to Council and Staff. Mr. Goulding recommends additional testing at outfall site, in conjunction with Health Canada guidelines. It was also sent to Newfoundland Design for their review and suggestions for sampling dates. B/F.*
- 2) Targa – Reinstating Targa Newfoundland in the Town of Torbay. *As per Motion No. 484-10, Public Council Meeting of November 29, 2010, a public meeting is scheduled for January 26th at the Kinsmen Community Centre at 7:00 p.m. B/F.*
- 3) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *Council discussed that for drop off and pick up purposes, the company use the*

- parking lot at the Jack Byrne Arena. Previous Arena Manager advised that the company could not use the Jack Byrne Arena for this purpose. Deputy Mayor to forward correspondence to new Arena Manager, Lorne Tucker. He advised he will also discuss at the next board meeting. B/F.*
- 4) 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 the Town requires an agreement to utilize the land until an alternate access is provided – leasing versus agreement was discussed. B/F.*
 - 5) 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 received the report electronically, without the appendices. It will be sent out tomorrow with all appendices included and forwarded to Council Members. B/F.*
 - 6) 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 assessment on the Kinsmen Centre was done by the RNC on January 14th. There were some issues – noise/traffic/security; and, they are in process of finalizing their report. B/F.*
 - 7) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates – *this concerns land ownership of public footpaths. Mayor Codner advised that he and CAO met with lawyer and officials from the Department of Municipal Affairs. He received a call from an official from Crown Lands Division, Environment and Conservation who did inspection on site/trail. She advised that there are provisions in the Municipalities Act to take control. Town’s solicitor advised control over roads only. She advised she would go back to solicitors with her department. Mayor Codner invited her back to look at trails – Mayor and CAO to visit with her. B/F.*
 - 8) Status of Camp Carey Building – *Councillor Byrne advised awaiting report on inspection from the Torbay Volunteer Fire Department. They will be meeting next week. B/F.*
 - 9) 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. *Mayor Codner advised Town is arranging meeting with Eastern School District, Holy Trinity Elementary School, and Newfoundland Design Associates to resolve and work out issues such as possibility of making Doyles/Quigleys Lane a one-way street, the gazebo, school playground, possibility of road access closure to make room for playground and soccer field, traffic flow, and parking issues - including life safety issues. B/F.*
 - 10) Meeting to be arranged with the Eastern School District concerning Doyles/Quigleys Lane traffic, parking, and site plans for elementary school. *As per Item No. 9, above. COMPLETE.*
 - 11) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *Councillor Byrne advised that the Heritage Committee meeting is scheduled for tomorrow night, Tuesday, January 25th and will have something for the next Council Meeting. 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 still work in progress – resident is removing wood and debris from property. B/F.*

COMMITTEE REPORTS

Economic Development

020-11 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Economic Development Committee, dated January 10, 2011.

Question called. Motion carried unanimously.

Finance

021-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated November 7 - 21, 2011, as presented.

Question called. Motion carried unanimously.

022-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT further to Motion 440-10, that the Town of Torbay finance the acquisition of the new International Dump Truck with RBC Royal Bank. Term will be 5 years (60 months) with a monthly payment of \$3465.04 plus HST per month for a total of \$3915.50 per month. This financing is subject to the approval of the Department of Municipal Affairs. The acquisition of the new tandem dump truck is part of the Town of Torbay's vehicle replacement strategy.

Question called. Motion carried unanimously.

Human Resources and Administration

No report or motions.

Planning and Land Use

023-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee, dated January 20, 2011, as presented.

Question called. Motion carried unanimously.

Item 1 a) of the Planning and Land Use Development Committee Minutes, dated January 20th, Deputy Mayor requested that with regards to storm-water drainage, that the Town keep in mind where future parks may be located.

024-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Applications for Approval section of the Building Application Report, dated January 20, 2011, as presented.

Question called. Motion carried unanimously.

025-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Applications to be Advertised/Deferred section, Application: 9446-11, of the Building Application Report, dated January 20, 2011, as presented.

Question called. Motion carried unanimously.

026-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report Supplement, dated January 24, 2011, as presented.

Question called. Motion carried unanimously.

Public Works

027-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated January 20, 2011.

Question called. Motion carried unanimously.

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028-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay purchase two Portable Generators at a cost of \$60,000.00. Direction of funding from Council (sewer facility study) subject to further research and exploration of financial options.

Question called. Motion carried unanimously.

029-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay rescind motion 523-10. This motion pertains to having the cost of constructing a fence at the chlorine contact chamber at North Pond under the 2005-2008 multiyear capital works program.

Question called. Motion carried unanimously.

030-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay rescind motion 524-10. This motion pertains to the purchase of the gas feed system for the North Pond Chlorination Plant under the 2005-2008 multiyear capital works program.

Question called. Motion carried unanimously.

031-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT under sections 3(2b), 3(2d) and 3(2e) of the Public Tendering Act, that the Town of Torbay purchase a Wallace and Tieran Gas Feeder and Controller from K&D Pratt in the amount of \$9995.00 plus HST for a total price of \$11,294.35. This quote also includes installation. Delivery time is expected to be 6-8 weeks. The CAO will complete a Form B and submit to the Government Purchasing Agency.

Question called. Motion carried unanimously.

032-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay tender for fencing around the North Pond Contact Chamber, funding from GL 5098-6220.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

033-11 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee, dated January 12, 2011, as presented.

Question called. Motion carried unanimously.

034-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee, dated January 19, 2011, as presented.

Question called. Motion carried unanimously.

Councillor Tapper gave a verbal update – he received an email today, January 24th, from NCC today concerning holding a public meeting for gully land owners to introduce themselves and discuss taking ownership. This is to take place sometime in early or mid March. To discuss with Supervisor of Recreation and Health Living, as well. He advised he will report back to Council.

Technical Services

Mayor Codner advised that Committee are looking at something on garbage collection – bins to collect metals. Also discussing household/curbside recycling. Mayor Codner to check on date to arrange meeting.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that she's waiting on further information from Heritage, Culture & Arts Coordinator, Contessa Small. CAO advised that ads are being finalized now. Possible meeting to be arranged after Friday, January 28th.

By Pass Road

Mayor Codner advised that Committee hasn't met in a while. Council discussed arranging a meeting with the Department of Transportation and Works to reinforce what was previously agreed to. It was agreed that MHA Kevin Parsons to attend meeting, as well. Deputy Mayor asked for completion date. Mayor advised approximately mid-summer.

Blasting was discussed and Councillor Smith asked if there were any issues with blasting. Mayor Codner advised that he hasn't heard anything. CAO advised that the Contractor delivered door to

door notices, information on blasting is posted on the Town's website, radio announcements are done, etc. Deputy Mayor advised that he asked to be notified when blasting occurs; and, even though he's outside the blast radius, they do notify him by letter or email.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that there is a meeting tomorrow night, Tuesday, January 25th.

Jack Byrne Arena

Deputy Mayor advised that they did have a meeting on Thursday and correspondence will be forthcoming. There was a power outage during the last snowfall we had a couple of weeks ago that caused electrical damage. Will have a report coming up.

Northeast Avalon Joint Council

035-11 Motion – Councillor Roche / Councillor Whitty

RESOLVED THAT the Town of Torbay approve the Minutes of the Northeast Avalon Joint Council Meeting, dated December 15, 2010, as presented

Question called. Motion carried unanimously.

Councillor Roche advised that the Northeast Avalon Joint Council meeting held here at the Town Office last week was successful. Nineteen people attended and there were a lot of discussions on good issues.

Northeast Avalon Regional Plan

Mayor Codner advised that Councillor Tessier, Mount Pearl, circulated some points. She is the Liaison with the NEAR Committee; and, she did meet with Department of Municipal Affairs and discussed some points. They'll possibly schedule a meeting with Committee in the near future. There are two representatives on this committee and they will discuss our concerns which are not being addressed.

Torbay Volunteer Fire Department

Councillor Byrne provided a verbal report, as follows:.

There is a meeting scheduled on February 1, 2011, at 7 p.m. to discuss regionalization – Torbay Volunteer Fire Department Executive, Mayor Codner and CAO to attend.

Items to be discussed include:

Pumper

Flatrock Substation / agreement with the Town of Torbay

Regionalization

The topic of snow clearing and fire fighters' driveways was discussed. Signs have been acquired; and, the Fire Chief is to forward names to the Town so that the plow operators can be notified.

Councillor Byrne thanked the Town for putting information on the new traffic lights on sign on Torbay Road for residents' information. It was discussed at their last meeting that the general public are not paying attention to the fire department vehicles when going out of the station. Brochures to go out to residents. For information on the lights and how they work/activate – the lights flash orange for 4 seconds, solid orange for 70 seconds, then flashing red for 49 seconds. It may take a while for public to familiarize themselves with it. They are not allowed to use solid red – as per the Highways Act. Councillor Byrne reported that they're using spotters for the short term. Police have also been notified.

With regards to the Open Air Burning Regulations, Councillor Byrne asked if there was any news. CAO advised still awaiting for Commissioner Hollett to respond.

There have been nine emergency responses since the last Council Meeting.

036-11 Motion – Councilor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the above verbal report for the Torbay Volunteer Fire Department, as presented.

Question called. Motion carried unanimously.

Urban Municipalities Committee

Councillor Smith advised that the next meeting will be on February 25th/26th. She has sent out request for agenda items; and thanked those who responded. She will forward on to Chair. The next meeting will be hosted by the City of St. John's.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor extended a thank you to Director of Programs and Services, Ken Anthony – received a call from a resident; and, he called the Director of Programs and Services to take care of which he did so without complaint and with professionalism.

Deputy Mayor asked about process of rezoning with regards to Gosses Pond and when it gets advertised. Development and Planning Officer gave a brief overview of process - first letter goes to developer, he replies and pays fee for rezoning – whenever developer initiates. Information goes to the Town’s planning consultant, and then the Town generates the advertisement. Development and Planning Officer advised that with regards to advertising - public consultation – it is advertised for one weekend. Residents have 7 days to write in. Deputy Mayor requested that the Environment Committee be notified when advertisement goes through. He advised that he has every confidence that everyone has best intentions for this area with residents in mind. When final development gets put through we can work together to find something that will work for everyone.

Councillor Byrne

Councillor Byrne discussed Tappers Cove:

He informed Council that both he and Eugene Tapper, President, Harbor Authority went to Tappers Cove last weekend and there are now signs up advising not to go into the area. There is snow there and he was told where to walk – the concrete is cracked, and there are holes in concrete. He advised that the general public should not be going through Tappers Cove until construction is finished. He reported that during his visit there, he noticed the stairways on the north side – going towards Flatrock side – handrail is gone – the ocean is beating the stairs. They discussed that we should have East Coast Trail come down and discuss routes. ***Meeting to be arranged with East Coast Trails, Eugene Tapper, and Director of Programs and Services. B/F.***

Councillor Byrne reported that some monies were spent – 230,000 for new panel system on front of wharf and 250,000 for marginal wharf for boats. Armor stones were placed in area. He asked about garbage cans from Canada Post – Mayor advised that there are 14 on the way - and he asked that they be put on the list for Tappers Cove, as well.

He reported that the signs advising of no cutting in the conservation zones were cut down. Council discussed putting the signs back up. Council discussed surveillance/cameras. Municipal Enforcement Officer looked at area and advised that you can get cameras to go in the trees, but they would be very obvious and they’re very costly. The Harbor Authority are also looking at cameras. Council discussed putting signs in other areas, such as attached to the gate. ***CAO to prepare motion for next meeting. B/F.***

Council discussed the MOU with the Harbor Authority and if ownership of land had been established. CAO advised title search is done, it’s in progress. Letter coming from Mr. Pittman shortly.

Councillor Roche - Pass

Councillor Smith – Pass

Councillor Tapper

Councillor Tapper discussed expressions of interest for services. The Town did get some feedback/applications. The Town never did put process in place of who would handle these documents. It may be appropriate if CAO and Director of Programs and Services would review and get other staff involved, as well. CAO advised that she sent an email to the Department of Municipal Affairs to see if they could recommend someone, too. No reply received as of yet. CAO discussed that an independent assessment be done, and bring recommendation back to Council. Applicants have been notified that their documents have been received, proposals are sealed and review process has yet to begin.

Meeting date with Council to discuss regional cooperation was discussed for possibly next Monday night, January 31st, here at the Council Chambers at 7:00 p.m.

Councillor Whitty - Pass

ADJOURNMENT

037-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:55 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk