



MINUTES
PUBLIC COUNCIL MEETING
July 26, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on July 26, 2010 at 7:44 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne
Councillor Peggy Roche
Councillor Carol Ann Smith
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ken Anthony, Director of Programs and Services
Brian Winter, Development & Planning Officer
Ann Picco, Executive Clerk

Regrets

Councillor Ralph Tapper

Gallery

Total of 4 in attendance.

Meeting was chaired by Mayor Codner

311-10 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

312-10 **Adoption of Minutes**

Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the July 13, 2010, Public Council Meeting be adopted, with the following changes:

Page 6 – under **Planning and Land Use** – Motion 301-10, ADD at the end of the motion, “so that all Councillors are in attendance.”

Page 9 – under **NEW BUSINESS, Deputy Mayor Gallant** – last paragraph, first sentence SHOULD READ, “Deputy Mayor extended thanks to all Council Members for the streamlining of Council Meetings compared to other municipalities. Second sentence SHOULD READ, “Their meetings are taking approximately one hour.”

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Correspondence from company concerning proposed installation of sewer line on Torbay Road. *Preliminary plan of proposed sewer line along Torbay Road to be sent to the Town’s engineers for their review and consideration. Deferred to Planning and Land Use Development Committee. B/F.*
- 2) Department of Municipal Affairs – Capital Investment Plan Approval. *For information purposes. COMPLETE.*
- 3) Winners Walk of Hope, St. John’s Planning Committee – Invitation to participate in the Winners Walk of Hope being held in Bowring Park on Sunday, September 12, 2010. *Deputy Mayor Gallant, Councillor Whitty and Councillor Roche advised that they will attend. Mayor Codner advised that he may attend, as well. COMPLETE.*
- 4) Eastern Health – Invitation to the release of report, “Access – Changing the Course: The Northeast Avalon Community Health Needs Assessment.” *For Information purposes. Mayor Codner, Deputy Mayor Gallant, and Dawn Chaplin, CAO, advised that they are available to attend. COMPLETE.*
- 5) Allied Youth of Newfoundland and Labrador – correspondence advising the success and involvement of young people in the community. *Mayor Codner advised that reply letter is written. Letter is copied to all Council. COMPLETE.*
- 6) Canadian Cancer Society – Update on Daffodil Place. *For Information purposes. COMPLETE.*

Councillor Byrne leaves the Council Chambers at 7:52 pm, as it was determined that he was in a conflict of interest.

- 7) Canadian Union of Postal Workers (CUPW) – The Canadian Postal Service Charter and the Future. *See Motion below. COMPLETE.*

313-10 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay adopt the Resolution on People’s Postal Declaration and the Resolution on Canadian Postal Service Charter and Cuts to Public Postal Service and Jobs and forward with a letter to Mr. Rob Merrifield, Minister of State for Transport.

Question called. Motion carried.
Against Motion: Councillor Smith

Councillor Byrne returned to the Council Chambers at 7:55 p.m.

BUSINESS OUTSTANDING

- 1) Home Owners of Thomas Gardens – request for contribution towards project of erecting sign and fence. ***The Town has a signage policy in place and is currently completing a beautification plan that will address subdivision gateways. Director of Programs and Services advised that there is a meeting on Wednesday, July 28th with the homeowners to discuss and work out details to ensure that it ties into the policy and beautification plan. B/F.***

Councillor Smith leaves the Council Chambers at 7:56 pm, as it was determined that she was in a conflict of interest.

- 2) Canadian Diabetes Association – request for in-kind donation of Upper Three Corner Pond Park for the weekend of August 27 – 29, 2010 for mixed softball tournament. ***Deferred to Parks, Recreation and Community Services Committee for further review and discussion. Deputy Mayor Gallant advised that there’s a meeting on Wednesday, July 28th, in which this will be discussed and recommendation will be forwarded. B/F.***

Councillor Smith returns to the Council Chambers at 7:57 p.m.

- 3) Correspondence from developer concerning Public Council Meeting June 14 2010 and Discussion of Road & Recreation Levies Phase 6 Forest Landing. ***Deferred to Public Council Meeting of August 23rd as Councillor Roche requested that all Council Members be in attendance. CAO to check with the Department of Municipal Affairs to confirm if Council can still vote if all Council Members are not present. B/F.***
- 4) 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. ***Second draft received for review by Council – Consultant to meet with all Council Members and present/summarize report – CAO advised that the Consultant is meeting with the Department of Environment and Conservation on August 6th; and, she is in the process of arranging a meeting for all Council. B/F.***

- 5) Dumping of topsoil on Beach / Correspondence from the Department of Environment and Conservation, Water Resources Management Division – Infilling and Stabilization of Property Adjacent to Torbay Bight, Torbay, NL – ***Council discussed their concerns with the clean-up of the beach. It was agreed that the beach is not restored to its former or original condition. It was discussed whether or not this was a legal issue, as someone has changed a conservation area. CAO to check with the Town’s Solicitor, Mr. Pittman, for legal advice; and, to follow up with the Department of Environment for their explanation of the clean-up. B/F. CAO to check if Town can issue a Clean Up Order to the resident, as well. B/F.***
- 6) Department of Municipal Affairs, Office of the Minister – Town’s Request of Additional Funding to Undertake a Cleanout and Inspection of the Sewer Outfall. ***See Motion under COMMITTEE REPORTS, Public Works Section. COMPLETE.***
- 7) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. ***The Development and Planning Officer and the Municipal Enforcement Officer are working on a signage policy. B/F. Development and Planning Officer advised that the Department of Transportation and Works service confirmed that the signs are all within regulations. The Town is looking at legal aspects for removal of signs from private property. CAO to follow up with a letter to Government Services regarding gateway signage installation upon completion of by-pass road construction. 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 – ***Deputy Mayor Gallant advised that RNC Officer, Constable Tony Grace, will be moving office from the Town Hall to the Kinsmen Centre. All surrounding area residents will be contacted once this is done. B/F.***
- 9) Torbay Volunteer Fire Department – Public Works snow clearing policy – ***a meeting is being arranged with the Mayor, CAO, Director of Programs and Services, Supervisor of Outside Operations, and Fire Department to discuss several issues, including snow clearing policy – no tentative date set yet. B/F.***

COMMITTEE REPORTS

Economic Development – no report or motions

Finance

314-10 **Motion** – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated July 12 - 23, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration – no report or motions

Planning and Land Use

Motion from Councillor Roche on road improvement and recreation levies – *deferred to Public Council Meeting of August 23, 2010, so that all Council Members are present.*

315-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated July 23, 2010, as presented.

Question called. Motion carried unanimously.

Public Works

316-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay rescind Motion 261-10 from the Minutes of the Public Council Meeting, dated June 14, 2010, as the civic address was not correct. (Motion 261-10 reads: **RESOLVED THAT** the Town of Torbay, as per “Occupancy and Maintenance Regulations,” serve a Clean Up/Removal Order to the resident at #13 Ellard Place. It is the Town’s policy that this Clean Up/Removal be completed within 30 days of the date of the Order; or, the Town will carry out the work after that time and bill back to the resident.)

Question called. Motion carried unanimously.

317-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay, as per “Occupancy and Maintenance Regulations,” serve a Clean Up/Removal Order to the resident at #17 Ellard Place. It is the Town’s policy that this Clean Up/Removal be completed within 30 days of the date of the Order; or, the Town will carry out the work after that time and bill back to the resident.

Question called. Motion carried unanimously.

318-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay secure Afonso Diving Contractors as soon as possible for services for five (5) consecutive days, as soon as weather conditions permit, to complete repairs to the sewer outfall.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services – no report or motions

Technical Services – no report or motions

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that there was a great response this year from sponsors for the Hillside Festival. The Committee is looking for more people for concessions and people who can help out with the Young at Heart Social at the Jack Byrne Arena.

By Pass Road – no report

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that the Museum has received approximately \$17,200 in the way of grants from the Provincial Government. With regards to the Memory Pod project, the Museum has received approximately \$10,000 and approximately \$7,000 for museum costs/overhead. He extended a thank you to Minister Terry French and MHA Kevin Parsons for their support.

With regards to the opening show of the outdoor play, “1762: The Taking of Torbay,” he advised that he was totally captivated, even though he grew up in Torbay. It provided history, drama, romance; and, the actors were outstanding. He suggested that everyone take advantage and view the play. He also suggested that it be video-taped for the museum and be used as an education tool for schools in the area.

Jack Byrne Arena – no report

Northeast Avalon Joint Council

Councillor Roche advised that there will be no report until September or October, 2010.

Northeast Avalon Regional Plan – no report

Torbay Volunteer Fire Department

Councillor Byrne advised that there were 8 emergency calls since the last Council Meeting.

He advised that the Fire Department is holding a fundraiser – a car wash at the Fire Hall on July 31st – for a 16 year old who is going to Alberta for heart surgery. Everyone’s support would be appreciated.

Councillor Byrne advised that the Volunteer Fire Department has been given great review – professionalism on the emergency call in Flatrock. The members are very well trained and he thanked all the volunteers for their time and effort; and, he thanked Council for their support of the Department.

Urban Municipalities Committee – no report

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant thanked the Town of Flatrock for their invitation to the Flatrock Soiree. He advised that he had a great time – spoke to residents from around the Town and spoke to MHA, Mr. Parsons and MP, Mr. Harris.

Deputy Mayor thanked his wife for all her support over the past several months as Deputy Mayor with the Town of Torbay; and, he wished her a Happy Anniversary - they have been married for two years.

Councillor Byrne

Councillor Byrne advised that he has noticed, from driving through the community, that people are starting to take pride in their properties and their community; and it made him feel really good to be part of Torbay.

Councillor Roche

Councillor Roche discussed the outdoor play, “1762: The Taking of Torbay,” which opened this past weekend. She advised that it was fantastic and something to be remembered. It is very professionally done and she encourages everyone to see it. Congratulations to Contessa Small, Heritage, Culture, and Arts Coordinator and all the actors. She congratulated everyone involved with the play.

Councillor Roche presented information from the Municipal Assessment Agency – Residential Parcel Summary – for information purposes. She advised that all Council should be invited to the Joint Regional Meeting this Fall. She asked that if anyone has any questions, to let her know.

The next meeting will be in Port Aux Basques on the 5th and 6th of August; however, she is unable to attend, but will provide any info that anyone may have.

Councillor Smith

Councillor Smith extended congratulations to Kristina Roche. She was awarded the Canadian Red Cross 2010 Young Humanitarian Award.

She thanked Contessa Small, Heritage, Culture, and Arts Coordinator, for all her great work on the recent outdoor play, "1762: The Taking of Torbay." She also thanked Contessa for including all Council Members on her emails.

Councillor Tapper - Absent

Councillor Whitty - Pass

ADJOURNMENT

319-10 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the meeting be adjourned at 8:30 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk