



## *MINUTES*

PUBLIC COUNCIL MEETING  
June 1, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 1, 2009 at 8:00 p.m.

### Members Present

Mayor Bob Codner  
Deputy Mayor Thorne-Gosse  
Councillor Peggy Roche  
Councillor Jim Cantwell  
Councillor Mike Byrne  
Councillor Carol Ann Smith

### Staff Present

Dawn Chaplin, CAO/Town Clerk  
Jacquie Berkshire, Executive Clerk  
Brian Winter, Development & Planning Office

### Regrets

Councillor Ralph Tapper

Meeting was chaired by Mayor Codner

#### 154-09 Adoption of Agenda

Motion – Councillor Smith/Councillor Roche

**RESOLVED THAT** the Agenda be adopted as presented.

Question called. Motion carried unanimously.

#### 155-09 Adoption of Minutes – May 19<sup>th</sup>, 2009

Motion – Councillor Byrne/Councillor Smith

**RESOLVED THAT** the Minutes be adopted with the following changes:

Page 3 - Business Outstanding 3. Councillor Tapper advised that a letter was hand delivered to all Phase I residents regarding a meeting scheduled, *May 20, 2009*...

Question called. Motion carried unanimously.

## **PROCLAMATIONS/PRESENTATIONS**

### **CORRESPONDENCE**

- 1) ***Northeast Avalon Regional Plan Review*** – FYI – Councillor Smith stated there was good representation from around the region with 50+ people in attendance and positive feedback.
- 2) ***Correspondence from Terence Sanford – May 14, 2009*** – It was advised that Mr. Sanford should get clarification from the Department of Highways.
- 3) ***Correspondence regarding Targa Newfoundland 2009 – May 11, 2009*** – It was advised that there was a motion made previously that Torbay would not host Targa. Councillor Cantwell feels that this letter indicates that Mr. Giannou is not aware of this. CAO will provide the motion to Mr. Giannou with a copy of the Motion. Councillor Roche advised that she forwarded an email to Mr. Giannou regarding the decision. Mayor Codner stated that he has not heard negative response or complaints regarding Targa.
- 4) ***Correspondence from Tara Anselmo – May 20, 2009*** – Mayor Codner advised that he has no problem with this however feels that Environment & Trails may have an issue. Councillor Cantwell stated he has no problem with a resident cleaning the area. Councillor Byrne suggested that the letter be deferred to TETC/Councillor Tapper for a recommendation and if the committee is okay then Council will be okay.

156-09      Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** Council provide letter from Tara Anselmo to TETC for review and recommendation.

Question called. Motion carried. Councillor Cantwell against Motion.

- 5) ***Correspondence from Department of Municipal Affairs re: Provincial Solid Waste Management Strategy – May 21, 2009*** – Mayor Codner stated next year we will be in a formal waste collection plan. Meetings will be planned with Community Groups.
- 6) ***Correspondence from Department of Tourism, Culture & Recreation – May 13, 2009*** – Councillor Byrne suggested Mayor Codner write a thank you letter to the Department of Tourism for the award of funds under the Operational Support for Community and Regional Heritage Organizations
- 7) ***Correspondence from Scott Martin re: request for donation of Upper Three Corner Ball Field June 19 – 21, 2009***

157-09      Motion – Deputy Mayor Thorne-Gosse/Councillor Smith

**RESOLVED THAT** Council donate Upper Three Corner Ball Field on June 19-21 for a fundraising softball tournament to assist in sending a Torbay Team to the Slow Pitch Nationals, Niagara Falls, Ontario, July 30 – August 4, 2009. .

Question called. Motion carried unanimously.

- 8) *Approval to Call Tenders – May 23, 2009 - FYI*
- 9) *Correspondence from Crown Lands – May 7, 2009 – Councillor Smith suggested a Resolution be developed to bring to the Fall Convention. CAO and Development & Planning Officer to start working on a draft resolution. B/F*
- 10) *Correspondence from Michael Duffy re: 1359 Torbay Road, Renovation & Expansion – May 28, 2009*

158-09      Motion – Councillor Cantwell/Councillor Roche

**RESOLVED THAT** the applicant present a formal application to the Development Committee.

Question called. Motion carried unanimously.

- 11) *Correspondence from TVFD re: Rescue Replacement – May 28, 2009 – Deputy Mayor Thorne-Gosse had a discussion with the Fire Chief. They have started planning for Fall i.e. funding. CAO will be meeting on Emergency Services within the next two (2) weeks. Councillor Smith suggested this should go to the Finance committee and then reply to Fire Chief McGrath. B/F*
- 12) *Correspondence from TVFD re: Thornes Lane Pump Station – May 27, 2009 – Deputy Mayor Thorne-Gosse had a discussion with Fire Chief. Engineers have advised CAO that information should be provided to her this week. CAO will advise Fire Chief upon receipt.*
- 13) *Thank you from Rev. Dr. Bob Rowlands – May 9, 2009 - FYI*
- 14) *Correspondence from residents of Bernice Drive - FYI*

### **BUSINESS OUTSTANDING**

- 1) *Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road – Development & Planning Officer reported that Municipal Affairs has advised him that a letter has gone for signatures. – B/F*
- 2) *Tappers Cove Road ownership – Mayor Codner wrote a letter to Minister Taylor and is awaiting a reply. - B/F*
- 3) *Forest Landing – Phase One/Phase Six Issues – Councillor Tapper advised that a letter was hand delivered to all Phase I residents regarding a schedule meeting however there were only two (2) positive responses to the letters and the meeting was cancelled due to the lack of interest. Jonathon Sharpe suggested putting an information package together for these residents. – B/F – Nothing to report in Councillor Tapper's absence.*
- 4) *Killick Coast Regional Kiosk – Councillor Roche advised that a picture has been chosen. CAO has approval of Council. – B/F*
- 5) *Request for Street Light on Indian Meal Line from Mr. Rodgers – March 2, 2009 – Development & Planning Officer advised that he has not year heard anything from NL Power. - B/F*
- 6) *Nature Conservancy and Ecological Gifts Programs – Councillor Tapper advised that there was a meeting on May 12 at 7:30 p.m. in the Community Room at the Jack Byrne Arena. There were approximately 35 people in attendance. Attempts were made to reach Paul Chamberlain and it is hoped that he will be attending the fall SAM meeting. - B/F Nothing to report in Councillor Tapper's absence*

- 7) *NEAJC Presentation – Conflict of Interest & Conduct Draft* – Councillor Roche advised that she brought the Town's feedback to the Meeting on May 20, 2009. She wanted to thank Council for taking the time to give her their feedback. – Complete
- 8) *Correspondence from Clyde Jackman regarding Tourist-Oriented Directional Signage (TODS) model – April 27, 2009* – Councillor Tapper asked if we can get clarification so that we can have some signage removed as per recommendations in Tidy Towns report. Mayor suggested striking a committee to research what other towns are doing in this regard. Councillor Tapper asked if it would be an option to contact the advertisers and advise them that we are trying to clean up the area with respect to the signs. Councillor Cantwell stated that if we have a problem it should be addressed with the Department of Transportation as the policy should be in place. Councillor Smith suggested that we should ask the minister if this includes private land. Development and Planning Officer to investigate and bring forth recommendation regarding the Town's signage policy. **Complete.**
- 9) *Mayor Codner to write letter to MHA, Kevin Parsons to schedule a meeting on By Pass Road.* – Complete

### **COMMITTEE REPORTS**

#### **Capital Works/Public Works/Roads**

Nothing to Report

#### **Building Applications**

Deputy Mayor Thorne-Gosse stepped out of Chambers at 7:40 p.m. as it was thought she may be in a conflict of interest

159-09 Motion – Councillor Cantwell/Councillor Roche

**RESOLVED THAT** Council approve Building Application Report dated May 29, 2009 as presented.

Question called. Motion carried unanimously.

Councillor Smith asked for clarification regarding Application 8985-09 Recommendation 5 and whether the Town has the authority to dictate an applicant's design. Councillor Cantwell advised that due to the lookout in the area we can – Development & Planning Officer agreed and advised there is a 27 foot maximum height.

Deputy Mayor Thorne-Gosse returned to Chambers at 7:42 p.m.

160-09 Motion – Councillor Cantwell/Councillor Byrne

**RESOLVED THAT** Council approve Business Application B1025-09 dated May 29, 2009 as presented.

Question called. Motion carried unanimously.

161-09 Motion – Councillor Cantwell/Councillor Roche

**RESOLVED THAT** Council approve Business Application B1024-09 dated May 29, 2009 as presented.

Question called. Motion carried unanimously.

162-09 Motion – Councillor Cantwell/Councillor Smith

**RESOLVED THAT** Council approve Crown Land Application dated May 29, 2009 as presented.

Question called. Motion carried unanimously.

### **Financial Report**

163-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

**RESOLVED THAT** Council approve the Financial Report for the period of May 18 - 29, 2009 as presented.

Question called. Motion carried unanimously.

164-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

**RESOLVED THAT** all bills be paid to May 29, 2009 to avoid interest.

Question called. Motion carried unanimously.

### **Personnel & Training Committee**

Deputy Mayor Thorne-Gosse advised that the Town is currently recruiting the position of Director of Operations & Public Works.

**Recreation Committee** – Nothing to report.

### **Strategic Planning Committee**

CAO reminded Council to get their feedback from the Visioning Session to the Economic Development Officer.

### **Development Committee**

165-09 Motion – Councillor Smith/Councillor Roche

**RESOLVED THAT** Council refuse the proposal by Acreage Investments Corp to extend Wildberry Lane for the following reason: Wildberry Lane is already to its maximum length of 300 meters as per regulation 80, and an Emergency Exit is not intended to be used to extend public streets.

Question called. Motion carried unanimously

**RESOLVED THAT** Council give Marathon Holdings Inc. municipal approval to obtain the crown land as described on Drawing C-1 Project No. 2009-003 by Mae Design Limited..

Question called. Motion carried unanimously

### **SPECIAL COMMITTEES OF COUNCIL**

#### **By-Pass Road**

Mayor Codner advised that the culvert for south pond will be installed. Councillor Cantwell feels there is a reluctance by Government for the East/West Connection due to money. Mayor Codner is not prepared to give up on the issue. Councillor Cantwell stated we must ensure that Government is aware of the importance of this connection. Councillor Smith felt positive after the meeting with MHA, Kevin Parsons on May 25, 2009. She also suggested that we should consider going to our MP, Jack Harris.

**Communications** - Nothing to report.

#### **Northeast Avalon Regional Plan (formerly known as the St. John's Region Regional Plan)**

Development and Planning Officer advised that the Meetings are now ongoing for the Northeast Avalon Regional Plan There was a meeting held in Torbay on Thursday, May 28, 2009.

#### **Regional Waste Management**

Correspondence addressed under correspondence.

### **LIAISON COMMITTEES**

#### **Arena**

Mayor Codner advised that the recent concert and booking of acts was not done by the Arena but by the Promoter. There was no damage done to the building fans were upset and he felt that was justified in light of the fact that tickets were purchased in good faith and the headliner did not show. The Board will consider this issue at the next meeting. He also stated that the Arena is going through a learning curve.

Councillor Smith asked about the recent election that was noted in the last minutes provided to council. Mayor Codner advised that all terms were 2 years and that there were two (2) positions filled. The remainder of the Board remains the same.

#### **Northeast Avalon Regional Economic Development Board (Capital Coast Development Alliance)**

Councillor Roche advised that the next meeting is June 17, 2009 at 90 O'Leary Avenue.

#### **Environment**

Nothing to report in Councillor Tapper's absence.

### **Heritage/Tourism**

Councillor Byrne advised that there was a meeting held on May 22, 2009. CAO was in attendance. He also advised that one (1) student grant has been received. Economic Development Officer advised that there has been \$10,000 in Cupids 2010 funding for a play. The Committee is hoping to have a newsletter out within the next month. The Hillside Festival has received \$11,400 in funding. He also advised that the Museum is now open. Councillor Roche advised that the Killick Coast Meeting will be held in Chambers on Wednesday, June 3, 2009 at 7:30 p.m. She also stated that she received an invitation to the Boat Museum Conference scheduled for September 27, 2009 if anyone is interested.

### **Hillside Festival**

Councillor Roche advised that the next Committee Meeting is scheduled for June 2, 2009.

### **North East Avalon Joint Council**

Councillor Roche advised that the June meeting will be held in St. John's there will be a bus tour to Robin Hood Bay. St. John's will also host a BBQ as this is the last meeting for the season.

### **School**

Mayor Codner advised that the issue regarding the reconfiguration of the exit has been resolved. There will be two (2) lanes out and the same entrance will remain.

### **Torbay Volunteer Fire Department**

Two (2) letters addressed under correspondence.

### **Urban Municipalities Committee**

Deputy Mayor Thorne-Gosse reported that the next meeting which was scheduled to be held in Labrador City has been postponed.

### **NEW BUSINESS**

#### ***Mayor Codner***

Mayor Codner advised that he received an email recently from a woman who had been in a moose vehicle accident. She told him that the signs in the area impeded her view. Mayor Codner advised that effective June 8, 2009 the Provincial Government will be removing signs as per their Tourist-Oriented Directional Signage (TODS) Model. He advised he is currently checking with the Department of Highways regarding the Town's responsibility.

Mayor Codner wanted to extend thanks to all who participated in this year's town cleanup. He also advised that the year's MMSB Household Hazardous Waste Day is scheduled for Saturday, June 6, 2009.

#### ***Deputy Mayor Thorne-Gosse***

167-09

Motion – Deputy Mayor Thorne-Gosse/Councillor Roche  
**RESOLVED THAT** Council meetings will begin at 7:30 (Private Session) and 8:00 p.m. (Public Session) from June 15, 2009 until Labour Day 2009.

Question called. Motion carried unanimously

***Councillor Byrne***

Councillor Byrne asked about roads being swept. CAO advised that new brushes were ordered causing the delay in the streets being cleaned. She stated that the brushes have been received by the Town and the work will begin. He also wanted to say that he thought this year's cleanup went very well and wanted to thank the Staff for their efforts. He advised that he had been at the drop off site several times and did not see anything on the ground.

Additionally, Mayor Codner sent a letter to Minister Trevor Taylor regarding the condition of Torbay Road, however he has yet to receive a reply.

***Councillor Cantwell***

Councillor Cantwell wanted to commend the staff on a job well done regarding this year's Town cleanup. He stated that it was very well done. He also advised that the boat launch should be done soon and will take 4-6 weeks.

***Councillor Roche***

Councillor Roche spoke to Moores Valley Road regarding an article in the May 2009 issue of the Northeast Avalon Times for clarification purposes. Any road constructed will be built to today's standard and construction costs are the responsibility of the Developer.

***Councillor Smith***

Councillor Smith advised that the Minister will be viewing the condition at the Beach on June 2, 2009 and will be then Meeting with the Mayor, Council and MHA, Kevin Parsons regarding emergency repairs. She also wanted to state that she was taken aback while at a funeral when she learned that there was an issue at the Arena regarding the concert with the headliner not showing up. She felt she should have known. She stated that the Mayor spoke to the media regarding the issue and felt strongly that councilors should have been advised. She also wanted to point out that although she received the postcard for the Name the Mascot contest in her mailbox she did receive calls from 2 residents who did not.

***Councillor Tapper*** - Absent

**ADJOURNMENT**

As there was no further business the meeting adjourned at 8:54 p.m. on a motion by Councillor Cantwell and seconded by Councillor Smith.



  
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**Mayor**

  
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**CAO/Town Clerk**