



## *MINUTES*

PUBLIC COUNCIL MEETING  
June 29, 2009

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 29, 2009 at 8:08 p.m.

### *Members Present*

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

### *Staff Present*

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

Meeting was chaired by Mayor Codner

179-09      **Adoption of Agenda**

Motion – Councillor Byrne/Councillor Cantwell

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

Question called. Motion carried unanimously.

180-09      **Adoption of Minutes – June 15, 2009**

Motion – Deputy Mayor Thorne-Gosse/Councillor Byrne

**RESOLVED THAT** the Minutes be adopted as presented

Question called. Motion carried unanimously.

### **PROCLAMATIONS/PRESENTATIONS**

None

## CORRESPONDENCE

- 1) ***Correspondence from Carla Russell re: Visually Impaired Child Sign on Reddy Drive – June 18, 2009*** – Councillor Cantwell suggested that we clarify this with Cst. Grace. Councillor Roche said that cars in the area drive very fast. Councillor Smith suggested maybe the resident can also speak with the police. CAO to follow up. - B/F
- 2) ***Correspondence from Dept. of Tourism regarding Community Recreation Development Grant – June 19, 2009- FYI***
- 3) ***Correspondence from Canadian Heritage regarding Celebrate Canada Program Grant – June 4, 2009- FYI***
- 4) ***Correspondence from Renata Power & Aidan Nolan regarding Torbay By Pass Road – June 24, 2009*** – Mayor Codner advised that these issues have been ongoing for approximately 2 years. He addressed concerns/issues that the Town has further to this letter and stated that a letter has been drafted to Government outlining these concerns. Additionally CAO will set up a meeting with the Committee, Department of Highways and the resident in an effort to obtain a decision from the Department of Highways. Councillor Tapper stated that residents affected were supposed to be contacted by Government and to date they have not. He also stated that a 5 lane highway was supposed to be started and it isn't. He feels that Council may have to look at a Public Meeting and invite MHA and the Department of Highways. Councillor Smith stated that she felt that although this is in Torbay it isn't a Torbay project. She wanted to thank the residents for writing this letter. Councillor Roche feels that very little information is forthcoming from Government to residents and Council.
- 5) ***Correspondence from Save our Shores (SOS) Coalition – June 25, 2009*** – Councillor Byrne agrees with the letter he stated that this situation has been going on too long. Councillor Roche wanted to bring forward the 4 points that are highlighted on page 2 of the letter. She said she didn't feel they have not received the recognition they should have. Councillor Tapper agreed with Councilor Roche. He stated that Government is very slow on responding. He stated that if and when there is a public meeting Council will be restricted from speaking. He also stated that he will be speaking with Doug Ballam of the Nature Conservancy on another petition that will be forthcoming. Councillor Cantwell stated that he has never seen delays this long. Councillor Smith advised that the application was put in by a private resident and rezoning is a process. Until the Provincial Government determines their interest in the East Coast Trail we can do nothing. She stated that she feels the applicant has been mistreated. She did state that Minister Whalen recently visited the site. Deputy Mayor advised that we have to go through the proper process. Mayor Codner stated that we cannot call a formal meeting on rezoning until the decision is made by Government. The committee can still keep up their fight. He also stated that there is a split vote by Council. CAO was asked to reply to the letter. Councillor Smith stated that she felt the letter should be deferred to Development.
- 6) ***Correspondence from Bob Godden regarding Bulk Garbage Collection – May 19, 2009*** – Councillor Cantwell stated that he has been on council for 20 years and has seen the result of curbside bulk garbage whereby there are people that go through the bulk garbage and take what they want. He feels that the set up the town currently has works well and when the bulk garbage week is over everything is taken away. He feels this causes the least expense to the town. Councillor Smith stated that she has spoken with residents regarding this issue. Deputy Mayor Thorne Gosse feels that there is support for the curbside pickup.
- 7) ***2009 MNL Convention Registration Package*** – Councillor Smith advised that the second call for resolutions to be submitted for the fall Convention is out. She stated that we have a motion

to put forward a resolution – she asked the CAO for the status of where the Draft resolution is.  
**B/F**

8) *Correspondence from National Defence Headquarters – June 9, 2009 - FYI*

### **BUSINESS OUTSTANDING**

- 1) *Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road* – Development & Planning Officer provided a copy of an email correspondence from Corrie Davis, Manager of Land Use Planning dated June 2, 2009 to council. – **B/F**
- 2) *Correspondence from Crown Lands – May 7, 2009* – Councillor Smith advised that Motion 82-09 is in place regarding this issue. (*RESOLVED THAT the a Motion be drafted and provided for inclusion in the Annual Conference regarding Crown Lands whereby footpaths, etc. should fall under the Town's jurisdiction*) - **B/F**
- 3) *Tappers Cove Road ownership* – Councillor Cantwell advised that the boat launch is close to being finished. He also advised that there is a Harbour Board meeting on Thursday, July 2, 2009 and Jack Harris has been invited to attend. He was asked about if issues should arise with respect to the road – he stated that there is money available from Government for any repairs etc. He also stated that the road would be closed during the winter months. - **B/F**
- 4) *Forest Landing – Phase One/Phase Six Issues* – Councillor Tapper advised there is nothing new to report but Jonathan Sharpe has assigned someone to this project and he will find out the status of the leaflet. – **B/F**
- 5) *Killick Coast Regional Kiosk* – Awaiting reply from Tract Consulting on picture resolution and cost of installation. – **B/F**
- 6) *Nature Conservancy and Ecological Gifts Programs* – Councillor Tapper advised that he will be meeting with Mr. Ballam on Thursday, July 2, 2009 and will report the outcome of that meeting at the next council meeting. - **B/F**

### **COMMITTEE REPORTS**

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

181-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** based on the recommendation of the Town of Torbay's consulting engineers, namely Newfoundland Design, that the Town of Torbay approve and award the contract for the 2009 Road Improvements and Paving to Modern Paving Limited in the amount of \$685,390.20. Total cost of this project is \$776,370.20 which including construction and engineering costs.

Question called. Motion carried unanimously.

#### **Building Applications**

182-09 Motion – Councillor Cantwell/Councillor Tapper

**RESOLVED THAT** Council approve Building Application Report dated June 26, 2009 as presented.

Question called. Motion carried unanimously.

183-09 Motion – Councillor Cantwell/Councillor Tapper

**RESOLVED THAT** Council approve Business Application Report dated June 26, 2009 as presented.

Question called. Motion carried unanimously.

### **Financial Report**

184-09 Motion – Councillor Roche/Councillor Tapper

**RESOLVED THAT** Council approve the Financial Report for the period of June 15-26, 2009 as presented.

Question called. Motion carried unanimously.

185-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Tapper

**RESOLVED THAT** all bills be paid to June 26, 2009 to avoid interest.

Question called. Motion carried unanimously.

### **Personnel & Training Committee**

Deputy Mayor advised that there was meeting held on Thursday, June 25, 2009 regarding recruitment. Museum Curator interviews will be held on Thursday, July 2, 2009.

### **Recreation Committee**

Councillor Tapper advised that Canada Day Celebrations will be held at the Jack Byrne arena beginning at 12 noon on July 1, 2009. He also stated that a moment of silence will be held in memory of Jerri Pellegrinetti.

### **Strategic Planning Committee**

CAO advised that Consultant has held focus groups and there is a survey on the Town's website which can be completed. As well there will be a public meeting on Tuesday, July 7, 2009 at the Kinsmen Centre.

### **Development Committee**

186-09 Motion – Councillor Smith/Councillor Roche

**RESOLVED THAT** Council rezone the parcel of land described as Phase II River Valley Estates, outlined on the attached drawing by Mae Design Limited project no. 2007-00017. The land will be rezoned from Residential Subdivision Area (serviced) (RSAs) to Residential Medium Density (RMD). The applicant will pay for the cost of the amendment up front before any work is started by the Town's Planning Consultant.

Question called. Motion carried unanimously.

### **SPECIAL COMMITTEES OF COUNCIL**

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

As discussed under Correspondence #4.

**Communications** – *Nothing to report.*

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

*Nothing to report.*

#### **Regional Waste Management**

Mayor Codner advised that 2010 is the deadline for more than one stream of garbage. CAO/EDO/TETC meeting scheduled for Monday, July 6, 2009.

### **LIAISON COMMITTEES**

#### **Arena**

Mayor Codner advised that there have been no meetings recently as the Board is waiting for their annual Financial Statements to be completed. They hope to have them soon. There is a meeting tentatively scheduled for Thursday, July 2, 2009.

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

Councillor Roche advised that there was nothing to report as their meetings have concluded for the summer. The next meeting is scheduled for September.

#### **Environment**

Councillor Tapper stated that there was nothing new to report but that there is a meeting scheduled for next week. He also stated that he has seen some activity lately at the beach which he feels is good news. He did ask if the Town should have a waste management committee. It was suggested that the town should possibly wait until after the election.

#### **Heritage/Tourism**

Councillor Roche advised that the Minutes from the May 21<sup>st</sup>, 2009 meeting were included in the Council Packages.

#### **Hillside Festival**

Councillor Smith advised that minutes of the June 10 & 14, 2009 were included in the Council Packages. She also advised that everyone should watch their mail, TV and radio for more information on the Hillside Festival.

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

Councillor Roche advised that June 17<sup>th</sup>, 2009 she attending the last meeting of the season which was hottest by St. John's, she stated that there was a tour of Robin Hood Bay and that she had distributed a handout of the new Waste Management Facility. She advised that was very impressive.

### **School**

Councillor Tapper advised that there was nothing to report however did want to mention the accident on the last day of school that involved a Holy Trinity High School teacher Mr. Mike Dinn.

### **Torbay Volunteer Fire Department**

Deputy Mayor advised that the annual Regional Convention will be held this coming weekend at the Jack Byrne Arena.

187-09      Motion – Deputy Mayor Thorne-Gosse/Councillor Byrne

**RESOLVED THAT** Council donate to the Fire Department's Annual Regional Convention as per previous years.

Question called. Motion carried unanimously.

### **Urban Municipalities Committee**

Next meeting is scheduled to be held in Port aux Basques.

### **NEW BUSINESS**

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

Mayor Codner advised that there is a Codner Family Reunion being held in July and on Thursday, July 9, 2009 they will be touring the Town Hall, Museum and Fire Department from 6:30 p.m. He extended an invitation to all Council to attend. He also wanted to remind everyone of the July Drive Memorial Service held on July 1, 2009 at 11:00 a.m. at the Veteran's Memorial, Torbay Road.

188-09      Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

**RESOLVED THAT** Council provide a small reception for the attendees of the Codner Family Reunion during their Tour of the Town Hall, Museum and Fire Department.

Question called. Motion carried unanimously.

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

Deputy Mayor raised concerns that have been brought to her attention regarding teenagers at the Kinsman Centre. She was advised that some homes in the area have been egged. She stated that the teenagers disrespectful to not only the facility but to residents who are using the facility both daytime and evening. She said it has gotten to the point that young families with children cannot utilize the

playground area because of safety issues. Councillor Byrne asked if the skateboard park could be moved to the Arena parking lot. Councillor Roche also asked if security cameras could be installed in the area. Mayor Codner suggested a meeting with the residents of the area. Deputy Mayor Thorne Gosse suggested that the gates should be locked at 9:00 p.m. She also suggested that a gate be erected in the area.

189-09      Motion – Deputy Mayor Thorne-Gosse/Councillor Smith

**RESOLVED THAT** a public meeting be planned with area resident regarding their concerns with the Kinsman Centre area.

Question called. Motion carried unanimously.

***Councillor Byrne***

Councillor Byrne asked about water levels. CAO advised that she will forward report and advised that the town is looking into a water level metre.

Councillor Byrne also asked about the Municipal Road Report and work that can be completed by Town employees. CAO advised that this issue is addressed in the report.

***Councillor Cantwell***

Councillor Cantwell asked about house numbers. DPO advised that as of January 1, 2009 there is a policy in place that in order for residents to get the \$250.00 deposit back the civic number must be displayed and visible from the street. DPO also advised that civic numbers on existing homes are being addressed on an ongoing basis. It was also stated that the Torbay Volunteer Fire Department have asked all residents to ensure their homes are numbered in the event of an emergency situation it is much easier for emergency vehicles to find the addresses they are required to attend.

Councillor Cantwell also asked about the final layer of pavement on Country Drive and whether it would be done this year. CAO replied no.

***Councillor Roche***

Councillor Roche addressed the privacy issue and had handouts for everyone to read. She also addressed Parking Lot Safety and had a handout for that as well. She felt this information was very informative and thought they would be of interest to everyone.

***Councillor Smith*** - Pass

***Councillor Tapper*** - Pass

**ADJOURNMENT**

As there was no further business the meeting adjourned at 9:55 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