



MINUTES

PUBLIC COUNCIL MEETING
March 9th, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 9, 2009 at 7:38 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Jacquie Berkshire, Executive Clerk
Brian Winter, Development & Planning Officer
Ron Fleming, Director of Operations & Public Works

Meeting was chaired by Mayor Codner

065-09

Adoption of Agenda

Motion – Councillor Byrne/Deputy Mayor Thorne-Gosse

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

066-09

Adoption of Minutes – February 23, 2009

Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

RESOLVED THAT the Minutes be adopted with the following change:

Page 7 – *Hillside Festival* – Councillor “Smith” stated that planning for the 2009 event is well underway...

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) ***Correspondence from Canada Post re: Garbage Receptacle Removal*** – Councillor Byrne feels this will cause there to be more garbage around. Director of Public Works advised that the Town is not responsible for cleanup. Councillor Cantwell feels that the garbage receptacles never did the job they were supposed to do as they were always overflowing. Mayor Codner referred to the correspondence reflecting the content that was found in the receptacles on occasion. He also suggested that this be highlighted in the next Town newsletter. Director of Operations and Public Works advised that this is a Canada wide program.
- 2) ***Correspondence re: 3rd Atlantic Conference on Disaster Management*** – Councillor Smith stated that the Town should have a presence at this conference as well she feels the Fire Department should also have a presence. CAO to forward the Conference Information Package to the Torbay Volunteer Fire Department. B/F
- 3) ***Correspondence re: Construction of the Torbay By Pass South of Indian Meal Line – February 26, 2009*** – FYI
- 4) ***Correspondence from Mr. Rodgers*** – Councillor Cantwell advised that he has canvassed this area and feels that the area has sufficient lighting. Development and Planning officer will however research further and advise at next meeting. – B/F
- 5) ***Correspondence from G. Ethel Labrie, March 4, 2009*** – FYI
- 6) ***Correspondence from Christine Norman re: Petition to Preserve the Torbay Coastline*** – Councillor Byrne advised that these Petitions are still in stores. CAO stated that there are approximately 1200 signatures to date.
- 7) ***Correspondence from Correspondence from Margaret Greene regarding land on Whitty's Ridge*** – Development and Planning officer to write a letter to the resident to explain the ADA process – B/F

BUSINESS OUTSTANDING

- 1) ***Procedure for release of 155 future serviced lots – Referred to the Public Works Committee for input - B/F*** – Director of Operations and Public Works and Development and Planning Officer to meet and report will be given to Council.
- 2) ***Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road – Development and Planning Officer to request clarification of timelines in writing from the Department of Municipal Affairs regarding East Coast Trail and Town Plan amendments*** – B/F- CAO advised that a letter has been drafted and will be sent shortly.
- 3) ***Tappers Cove Road ownership – Councillor Cantwell awaiting provincial clarification from MHA Kevin Parsons –B/F-*** Councillor Cantwell advised this is ongoing. Information has been forwarded to Gary Sooley and tender will be completed with Flatrock the end of March.
- 4) ***Mayor Codner will speak with university representatives regarding the possibility of an archeological dig at the Battery site. - B/F*** – Mayor Codner advised he has been speaking with an archeologist at the university and will follow with the Provincial Government to obtain a list of archeology consultants.
- 5) ***Forest Landing – Phase One/Phase Six Issues – Councillor Tapper to confirm with TETC*** – B/F – Councillor Tapper advised that some language may have to be beefed up

within the Town's Municipal Plan. He advised that Phase I homeowners should be contacted. Mayor Codner suggested that now might be a good time in preparation of spring Councillor Taper to arrange a meeting.

- 6) ***Jones Pond Trail – Mayor Codner to meet with Crown Lands – B/F-*** Mayor Codner advised that this should be resolved by the next meeting. Councillor Smith asked if the Town will get a second legal opinion. CAO advised that this is ongoing.
- 7) ***Correspondence regarding Killick Coast Regional Kiosk- Issue to be discussed at an association meeting in April – B/F – Councillor Roche advised that she is not sure of an upcoming meeting.***
- 8) ***Correspondence from Gerard Dunphy regarding rezoning of 52-122 Byrne's Lane – February 20, 2009. Development and Planning Officer to write a letter to the resident to explain the ADA process. – B/F – Letter to be forwarded.***
- 9) ***Correspondence from Mr. Rodgers – Councillor Cantwell advised that he has canvassed this area and feels that the area has sufficient lighting. Development and Planning officer will however research further and advise at next meeting. – B/F***

COMMITTEE REPORTS

Capital Works/Public Works/Roads

067 –09 **Motion** – Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT Newfoundland Design prepare the public tender for the resurfacing of Lynch's Lane from Will's Place to Marine Drive under the Gas Tax Funding at an approximate cost of \$315,000.00 plus engineering fees.

Question called. Motion carried unanimously.

068 –09 **Motion** – Councillor Cantwell/ Deputy Mayor Thorne-Gosse

RESOLVED THAT Newfoundland Design prepare the public tender for the resurfacing of Doyle's/Quigley's Lane from the Holy Trinity Elementary entrance east toward Marine Drive under the Gas Tax Funding at an approximate cost of \$120,000.00 plus engineering fees. The design work to be completed in conjunction with the road upgrades performed by the Eastern School District related to construction of the new school.

Question called. Motion carried unanimously.

069 –09 **Motion** – Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT Newfoundland Design, Afonso Services, and Town staff complete a pilot project on Marine Drive to determine the sources of infiltration that is causing our sewer lift station to be taxed beyond capacity during heavy rainfall and snow melt. This work to be undertaken once all affected residents have been notified and the weather has improved.

Question called. Motion carried unanimously.

Councillor Tapper advised that the Elementary School is preparing for the move. They are going to write a letter to the school board for clarification on exit points as right now there

is a lot of congestion when students are being picked up and dropped off. Director of Operations and Public Works advised that our consultant is working on the site work for the new entrances near where the house was torn down.

Building Applications

070-09 Motion – Councillor Cantwell/Councillor Byrne

RESOLVED THAT Council approve Building Application Report dated March 5, 2009 as presented.

Question called. Motion carried.

071-09 Motion – Councillor Cantwell/Councillor Roche

RESOLVED THAT Council approve Business Application Report dated March 5, 2009 as presented.

Question called. Motion carried.

Financial Report

072-09 Motion – Councillor Roche/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council approve the Financial Report for the period of February 23 – March 6, 2009 as presented.

Question called. Motion carried unanimously.

~~073-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell~~

~~**RESOLVED THAT** all bills be paid to March 6, 2009 to avoid interest.~~

~~Question called. Motion carried unanimously.~~

Personnel & Training Committee - Nothing to report.

Recreation Committee

See attached Recreation Report dated March 9, 2009.

Strategic Planning Committee

CAO advised there will be a Request for Proposals meeting before the next Council meeting.

Development Committee

074-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT Council approve Plan Amendment No. 12, 2008 and Development Regulations Amendment No. 28, 2008 which will allow the amendments to be sent to Municipal Affairs for the final review and registration. These amendments pertain to a parcel of land north of the bypass road entrance on Torbay Road, known as the Bourne Property.

Question called. Motion carried unanimously.

075-09 Motion – Councillor Roche/Councillor Smith

RESOLVED THAT

Council accept a portion of the commissioners report which recommends that the Town exclude the proposed residential designation and zoning for those lands which fall within the 75 meter habitat buffer zone. This will leave the current zoning as is for the habitat buffer zone.

Question called. Motion carried unanimously.

076-09 Motion – Councillor Roche/Councillor Smith

RESOLVED THAT Council approve the revised Plan Amendment No. 9, 2007 and Development Regulations Amendment No. 23, 2007, which will allow the amendments to be sent to Municipal Affairs for final review and registration. As mentioned in the previous motion these amendments now exclude the 75 meter habitat buffer zone from this rezoning process.

Question called. Motion carried unanimously.

Councillor Tapper asked about adopting only a portion of the report. Development and Planning Officer advised that this is one of three options available to the Town as outlined in the Urban and Rural Planning Act.

SPECIAL COMMITTEES OF COUNCIL

By-Pass Road – Nothing to report

Communications – Nothing to report

Regional Waste Management – Nothing to report.

Northeast Avalon Regional Plan – Nothing to report

LIAISON COMMITTEES

Arena

Mayor Codner advised that the official opening and dedication of the Jack Byrne Arena is scheduled for Thursday, March 12th, 2009. The Town of Torbay has taken the lead on the event. He wanted to extend a thank you to the CAO on behalf of Council for her efforts on the project.

Capital Coast Development Alliance

Councillor Roche reported that the Regional Meetings will be held on March 27 – 28, 2009 at the Capital Hotel. Councillor Roche and CAO will attend.

Environment

Councillor Tapper reported that there was a meeting last week. Mr. Hannaford will be invited to attend the next TETC meeting. Discussions on Dominion Hill letter from Mrs. Labrie is the only letter he has received. If anyone wants to meet with Councillor Tapper he welcomes them. He advised he would bring a motion to Council. Mayor Codner asked Councillor Tapper to set up a meeting with both Paul Chamberlain with Canadian Ecological Gifts Program and Doug Ballom of the Nature Conservancy of Canada. B/F

077-09 Motion – Councillor Tapper/Councillor Smith

RESOLVED THAT Council explore ways and means of protecting our Conservation and Wetland Stewardship Zones, the Town invite representatives from the Nature Conservancy of Canada and the Canadian Ecological Gifts Program to make presentations on their programs to Council, interested Town staff, the members of the Torbay Environment and Trails and the Torbay Heritage Committees.

Question called. Motion carried unanimously.

Heritage/Tourism

Councillor Byrne advised that the committee is currently drafting new constitution. They are also investigating root cellars in the area. He advised that the Museum Curator is now on Maternity Leave however the committee is looking to fill the position in early May. There is a proposal put forward to have Liddy's designated as a historical site. The owners are thinking about it. Councillor Byrne also advised that St. Nicholas Church Hall is now open to rent for various functions. There will be a fundraiser whereby the committee will be selling tickets on a Quilt that was donated to them. An application has been submitted for 2 summer students.

Hillside Festival

Councillor Smith advised that the Committee is in the planning phase for this year's event. Events are to be on both the north and south side of Torbay. The committee is working with the Arena Manager for events. As well Garrison Entertainment has been consulted. There will be fireworks and a headliner band and there will be a dance at the arena. Councillor Roche advised they are looking for an Emcee she also advised that the committee is looking into a dinner theatre. Councillor Smith stated that this year's Hillside Festival and Town Days will look different.

North East Avalon Joint Council

Councillor Roche reported that the next meeting will be held in Harbour Main on March 18, 2009. The last meeting was cancelled due to weather.

School

Councillor Tapper advised that MHA Kevin Parsons attended the last School council meeting. There are concerns with overcrowding and class size. There have also been concerns with the parking lot at the elementary school. Parents are frustrated and the RNC had to be called recently to monitor parents dropping off children. The school is going to address the issue in an upcoming Newsletter.

Torbay Volunteer Fire Department – Nothing to report

Urban Municipalities Committee

Deputy Mayor Thorne-Gosse reported that she will provide the minutes for the next Council Meeting.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Thorne-Gosse - Pass

Councillor Byrne – Pass

Councillor Cantwell - Pass

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper questioned about the Town's water resources and that we are limited to approximately 155 lots on North Pond. Mayor Codner suggested that we may have to look at $\frac{3}{4}$ acre lots as after the 155 are used we are limited to septic and well service. Mayor Codner advised we should wait until the study comes in on Great Pond. Deputy Mayor suggested another meeting.

ADJOURNMENT

As there was no further business the meeting adjourned at 9:11 p.m. on a motion by Councillor Cantwell and seconded by Councillor Byrne.

Mayor


CAO/Town Clerk