



MINUTES

PUBLIC COUNCIL MEETING

May 19, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 19, 2009 at 7:30 p.m.

Members Present

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

Staff Present

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

Meeting was chaired by Mayor Codner

135-09 **Adoption of Agenda**

Motion – Councillor Byrne/Councillor Roche

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

136-09 **Adoption of Minutes – May 4th, 2009**

Motion – Councillor Roche/Deputy Mayor Thorne-Gosse

RESOLVED THAT the Minutes be adopted with the following changes:

Page 3 – (4) ...photos in the Marine Drive and Middle Cove Beach Kiosks...

Page 3 – (5) Development & Planning Officer advised that a letter requesting lights to be installed on the pole has been sent to NL Power. Lights yet to be installed.

Page 5 – Northeast Avalon Regional Plan ...Councillor Tapper advised he spoke with the *Mayor* of Portugal Cove-St. Phillips and there are problems with the *lack of* water supply.

Question called. Motion carried unanimously.

PROCLAMATIONS/PRESENTATIONS

137-09 Motion – Councillor Roche/Councillor Byrne

RESOLVED THAT Council acknowledges June is Recreation Month

Question called. Motion carried unanimously.

CORRESPONDENCE

1) *Correspondence from Jerome Coady re: Filling of lot on Torbay Road between Piperstock Place and opposite Mahon's Lane – May 4, 2009*

138-09 Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council retract the May 5, 2009 letter to Mr. Coady.

Question called. Motion defeated. Mayor Codner, Councillor Byrne, Councillor Roche, Councillor Cantwell & Councillor Tapper against motion.

- 2) *Correspondence from Torbay Ladies Softball regarding increase of field fees – May 6, 2009*- Deferred to Recreation Committee as per Councillor Tapper's suggestion.
- 3) *Correspondence from Minister of Canadian Heritage regarding approval of grant for Hillside Festival - FYI*
- 4) *Correspondence from Town of Gander requesting the Town's support to improve military search and rescue capabilities throughout the province and the surrounding region – May 7, 2009* – Mayor feels this letter is contrary to the recent request that he wrote a letter supporting. Councillor Cantwell agreed. It was decided that Council will not respond to this correspondence.
- 5) *Correspondence to Mask Security regarding seasonal security requirement award – May 11, 2009* – Councillor Smith asked if the Hillside Festival's security will be covered - Director of Operations & Public Works advised that it is as it is part of the package with Mask Security.
- 6) *Correspondence from Atlantic Institute for Market Studies (AIMS) – April 16, 2009 - FYI*
- 7) *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. **B/F**
- 8) *Correspondence from Department of Transportation regarding the Town's request for a two-lane steel culvert underpass between Bullock's Town Road and Indian Meal Line, south of Island Pond Brook.* – Mayor Codner doesn't agree with letter. He stated that

Government is receptive to the 2 way underpass, provide with maps and direction regarding Bullocks Town Road and now he feels they are backtracking. Councillor Smith asked if the third paragraph was in writing. Mayor Codner stated there was no firm decision as it is quite costly. Councillor Smith stated that before we take action we should refer to the Motion she made which should address paragraph 2 on page 2 of the correspondence. Both Deputy Mayor Thorne-Gosse and Councillor Smith agree that the last paragraph on the second page should not be included in this letter as there is no relevance. Mayor Codner also advised that they have the plans they are asking for as well Mr. Stokes has advised that he will give temporary access until he develops his land. Councillor Tapper asked if we can get the report regarding the depot regarding land is suitable and make site assessment available to us. Director of Operations & Public Works advised the site is suitable but our consultant must draw up the design however this is on hold due to the multiyear funding.

It was decided that a meeting should be scheduled with MHA, Kevin Parsons as soon as possible. Mayor Codner to arrange meeting and will advise council of date and time. – B/F

BUSINESS OUTSTANDING

- 1) ***Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road*** – Development & Planning Officer reported that he is still waiting a reply from the Minister. Councillor Smith requested that Development & Planning Officer provide the letter to council for their information. – B/F
- 2) ***Tappers Cove Road ownership*** – Mayor Codner wrote a letter to Minister Taylor awaiting 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 meeting scheduled May 20, 2009 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
- 4) ***Killick Coast Regional Kiosk*** – Councillor Roche advised that a picture has been chosen. She asked if CAO would forward it to all Council for their review. – B/F
- 5) ***Request for Street Light on Indian Meal Line from Mr. Rodgers – March 2, 2009*** – Development & Planning Officer advised that a letter has gone to NL Power requesting the installation of the lights, he is awaiting reply - 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
- 7) ***NEAJC Presentation – Conflict of Interest & Conduct Draft*** – Councillor Roche advised that to date she has received no feedback. She will advise at the meeting on May 20 that the Town of Torbay accepts the document as written. – B/F

COMMITTEE REPORTS

Capital Works/Public Works/Roads

139 -09

Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council award collection of the Spring Clean-Up Bulk Garbage and Metals to Newfound Disposal Limited in the amount of \$183.52/lift/container and to dispose of the garbage at a cost of \$60.50/Metric Tonne. These costs will include any fuel surcharges. Question called. Motion carried unanimously.

140 -09 Motion –Deputy Mayor Thorne-Gosse/Councillor Cantwell

RESOLVED THAT Council seek provincial funding, in the amount of \$500,000 to clean and repair the sewer outfall pipe per the investigation undertaken in conjunction with Newfoundland Design and the Department of Environment recommendations. Once secured, the Town will undertake emergency repairs as approved by the Department of Municipal Affairs.

Question called. Motion carried unanimously.

Councillor Smith wanted it reflected that this letter has already been forwarded.

141 -09 Motion –Councillor Roche/Councillor Cantwell

RESOLVED THAT Council award the supply and installation of an Automatic Vehicle Location system to Grey Island System in the amount of \$18,000 plus HST based on 15 Vehicles with the option of upgrading to 25 vehicles. A recurring monthly fee of \$66.95 plus HST will be in addition to the above cost. Tender awarded as per the tender documents and as approved in the 2009 Annual Budget.

Question called. Motion carried unanimously.

142 -09 Motion –Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council award the 2009 Security Services to Mask Security Inc. in the amount of \$21,373.50 plus HST with vehicle mileage at a rate of \$0.25/km. Awarded as per the tender documents and as approved in the 2009 Annual Budget.

Question called. Motion carried unanimously.

Councillor Smith wanted it reflected that this letter has already been forwarded to Mask Security Inc.

143 -09 Motion –Deputy Mayor Thorne-Gosse/Councillor Cantwell

RESOLVED THAT Council pay Newfound Disposal Limited \$41,254.41 plus HST. These costs are the result of an error in the total number of households in the 2007 Garbage Tender Documents. There was a legal opinion sought and the recommendation was that it is in the Town's best interest to pay these costs and that additional costs for 2009 be prorated for the remainder of the contract. From this point forward all information pertaining to the official number of households will be obtained from the Municipal Assessment Agency at the beginning of each year.

Question called. Motion carried unanimously.

144 -09 Motion –Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council change the calculation of the Fuel Surcharge in the 2007 Garbage Contract as follows – the threshold will be based on the a comparison of the Annual Weighted Average of fuel costs per the Petroleum Pricing Board Records and the audited information obtained from the contractor not the prices at the beginning and end of each year.

Question called. Motion carried unanimously.

145 -09 Motion –Deputy Mayor Thorne-Gosse/Councillor Cantwell

RESOLVED THAT Council seek to purchase the easement that the Marine Drive Sewer Pump Station is located on for fair market value.

Question called. Motion carried unanimously.

Building Applications

146-09 Motion – Councillor Cantwell/Councillor Tapper

RESOLVED THAT Council approve Building Application Report dated May 15, 2009 as presented.

Question called. Motion carried unanimously.

147-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council approve Business Application B1025-09 dated May 15, 2009 as presented.

Question called. Motion carried unanimously.

148-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council approve Business Application B1023-09 dated May 15, 2009 as presented.

Question called. Motion carried unanimously.

149-09 Motion – Councillor Cantwell/Councillor Tapper

RESOLVED THAT Council defer Business Application B1024-09 dated May 15, 2009 until additional information is received from the Applicant i.e. size of building, exact type of business, number of employees, etc. This is further to receipt of a petition and two (2) letters from residents in the area opposing the Application.

Question called. Motion carried unanimously.

Financial Report

150-09 Motion – Councillor Roche/Councillor Byrne

RESOLVED THAT Council approve the Financial Report for the period of May 1 - 15, 2009 as presented.

Question called. Motion carried unanimously.

151-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell

RESOLVED THAT all bills be paid to May 15, 2009 to avoid interest.

Question called. Motion carried unanimously.

Personnel & Training Committee

Deputy Mayor Thorne-Gosse advised that the Town advertised on May 16, 2009 in the Telegram for the Director of Operations & Public Works position.

Recreation Committee

Councillor Tapper reported that the Committee met on May 7 – he stated that there are ongoing plans for Tidy Towns and Registration begins next week for Summer Camp. He also advised that a postcard for the Name the Mascot contest will be in the mail shortly, the Canada Day celebrations are being planned and there is a community calendar being worked on for the months of June through September.

Strategic Planning Committee

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

Development Committee

Development & Planning Officer advised that there was a Committee Meeting scheduled for May 25, 2009 at 7:00 p.m.

SPECIAL COMMITTEES OF COUNCIL

By-Pass Road

Mayor Codner to write a letter to, MHA, Kevin Parsons requesting a meeting on issues with the By Pass Road

Communications

Councillor Byrne advised that the website is being updated regularly as well CAO advised that the next newsletter will be out in two (2) weeks.

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

It was advised that the first in a series of Public Consultations to be held over the next year will begin next week. There will be one held in Torbay on Thursday, May 28, 2009 at the Kinsman Community Centre from 7:00 – 9:00 p.m.

Regional Waste Management – Nothing to Report

LIAISON COMMITTEES

Arena

Mayor Codner advised that included in the Council Packages is the most recent minutes of the Arena Board. Additionally he advised that the Board is in the process of getting ready for its Annual General Meeting.

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

Councillor Roche advised that there will be a lunch & Learn on Multiculturalism on Wednesday, May 20. Councillor Roche cannot attend as she will be attending the Meeting of the Board of Directors for NATA. She also advised that Lloyd King has resigned from the Board.

Environment

Councillor Tapper advised that The Committee met on May 5 and there was discussion regarding the beautification awards, tidy towns and rock garden. He stated that the Committee is in the process of preparing a newsletter for the 20th anniversary of the TETC and there are discussions around planning an event to celebrate at the upcoming fall SAM meeting. Councillor Tapper will be attending the SAM meeting in June. Councillor Roche stated that we should do something for the 20th anniversary of the TETC.

Councillor Cantwell had concerns that the same properties should not be winning year after year. He was advised by Councillor Tapper that it is his understanding that the same property cannot win in consecutive years.

Heritage/Tourism

Councillor Byrne advised that the next meeting will be held on Thursday, May 21, 2009 and the CAO will attend. He also stated that the Committee was asking about the reopening of the Museum for the upcoming season and Grants for this summer. CAO advised that up to this point tours are being accommodated and plans for the Museum for this summer will be finalized by Friday, May 22, 2009. Councillor Roche asked Councillor Byrne to extend her regrets to the committee as she is unable to attend the meeting on Thursday night as she will be out of town.

Hillside Festival

Councillor Smith advised that the minutes of the last Hillside Committee meeting were attached for everyone's review. She also brought to everyone's attention a document that outlined the Rationale regarding the location change of this year's event. Mayor Codner wanted to bring to the Committee's

attention that in previous there was a Bike Rodeo for children with Bill's Cycle and RNC participating. Councillor Smith stated that should pass this information along to the Supervisor of Recreation and Healthy Living. Councillor Tapper wanted to voice his disappointment that the fireworks will not be over the harbour at this year's event. Councillor Byrne feels this is a good Rationale however would still like to see the event held at the Kinsmen Centre. Councillor Roche does not support the move. Councillor Cantwell will support the recommendation of the Committee however it does not change his view that the festival should be held at the Kinsman Centre. Deputy Mayor Thorne-Gosse agrees with the Rationale and supports the efforts of the Committee. Mayor Codner advised that there was a motion from February 4, 2002 that the event be held at the Kinsman Centre. This Motion was moved by Councillor Cantwell and seconded by Deputy Mayor. The general consensus of Council was that this motion reflected that particular year's event and not all future festivals.

152-09 Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

RESOLVED THAT the 2009 Hillside Festival will be held at the Upper Three Corner Pond Park.

Question called. Motion carried. Councillor Roche, Councillor Byrne and Mayor Codner against Motion.

153-09 Motion – Councillor Roche/Deputy Mayor Thorne-Gosse

RESOLVED THAT in the event of inclement weather the backup site for the 2009 Hillside Festival will be the Jack Byrne Arena.

Question called. Motion carried unanimously.

North East Avalon Joint Council

Councillor Roche advised that the next meeting is in Bauline on May 20 and the June meeting will be held in St. John's. As well at the St. John's meeting there is a bus tour to Robin Hood Bay planned.

School

Councillor Tapper advised that the High School will be meeting next week. He also advised that the Elementary School Committee met last week and he reported that a second exit to the school grounds was met positively and it looks like this will now happen. Mayor Codner stated that he feels there are other points that should be addressed with the Board.

Torbay Volunteer Fire Department - Pass

Urban Municipalities Committee

Deputy Mayor Thorne-Gosse reported that the next meeting will be held in June in Labrador City.

NEW BUSINESS

Mayor Codner

Mayor Codner wanted to extend good luck to Director of Operations & Public Works on his new position with the Town of Paradise as well as thank him for his work over the past year and a half.

Deputy Mayor Thorne-Gosse - Pass

Councillor Byrne - Pass

Councillor Cantwell

Councillor Cantwell gave an update on Tapper's Cove Boat Launch and stated that the Tender has been awarded \$371,400.00. This will be done in conjunction with work being done in the Town of Flatrock. Councillor Cantwell stated that President, Eugene Tapper is hopeful that the work will be complete prior to the fishing season. Deputy Mayor stated that the Town should be doing more lobbying.

Councillor Roche

Councillor Roche had concerns regarding the annual Town's Cleanup. She asked since we do not have curbside pickup would it be possible to make a day available during the cleanup week whereby for a town vehicle to pick up bulk garbage from those residents in the town who might have special circumstances i.e. seniors, disabled, etc. Councillor Smith stated that the Town should look at curbside pickup for future years. CAO advised that this was not possible for this year however it will be looked at for future years.

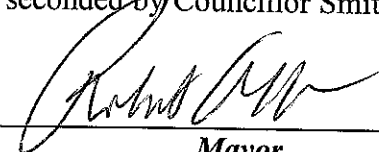
Councillor Smith - Pass

Councillor Tapper

Councillor Tapper spoke to federal funding and stated that other Town's that have their plans in place and were able to avail of federal funding. CAO stated that we are in the process of putting plans in place in order that the Town can apply for these funds. Without the plans the Government will not consider applications. Councillor Tapper felt regarding the Muffin Monster the town did not have a backup plan in place - he stated that we have to have our homework done. He also spoke to land ownership and stated that we need to get into negotiations with residents now. We have to make them aware of what we are doing in advance. He stated that he made a motion early this year to this effect.

ADJOURNMENT

As there was no further business the meeting adjourned at 9:42 p.m. on a motion by Councillor Cantwell and seconded by Councillor Smith.



Mayor



CAO/Town Clerk