



MINUTES
PUBLIC COUNCIL MEETING
May 30, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 30, 2011 at 7:30 p.m.

Members Present

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

Staff Present

Ken Anthony, Director of Programs and Services
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Regrets

Dawn Chaplin, CAO/Town Clerk

Gallery

There were a total 5 people in attendance.

Meeting was chaired by Mayor Codner.

203-11 Councillor Byrne / Councillor Smith

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk for the period of May 29-June 2, 2011, that Executive Clerk Ann Picco be appointed the Acting Town Clerk.

Question called. Motion carried unanimously.

204-11 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

205-11 **Adoption of Minutes**

Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the May 16, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

206-11 Motion – Councillor Roche / Deputy Mayor

RESOLVED THAT the Town of Torbay adopt the Minutes of the Special Council Meeting, dated May 24, 2011, with the following change:

Under attendance, delete “Other: Reg Garland, Plan Tech,” as he was not in attendance.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Municipalities Newfoundland and Labrador – First Call – 2011 MNL Resolutions. ***For Information Purposes. COMPLETE.***
- 2) Correspondence from resident/student – Request for funding – Students on Ice Program. ***Discussed under Finance Committee. COMPLETE.***
- 3) Save Our People Action Committee – (SOPAC) – Resolution concerning the implementation of a moose/vehicle collision reduction strategy. ***See Motion Below. B/F.***

207-11 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay defer adoption of the resolution for further research.

Question called. Motion carried unanimously.

BUSINESS OUTSTANDING

- 1) Canadian Diabetes Association – Request for Support. ***See Motion under Finance Committee. COMPLETE.***

- 2) Ronald McDonald House, Newfoundland and Labrador – Request for Donation. *See Motion under Finance Committee. COMPLETE.*
- 3) As per Motion 167-11 from the Public Council Meeting of May 2nd, a public meeting/information session to be held regarding choice before Council of ten (10) percent or cash in lieu of. *There's a meeting scheduled on Thursday, June 2nd at 7:00 p.m. in relation to Motion Estates, Phase III Development. B/F.*
- 4) At the Public Council Meeting of April 18th, Deputy Mayor discussed Council transparency, and put forward a motion - as per Motion 142-11, Public Council Meeting Minutes of April 18th, the Town to strike a sub-committee concerning Council transparency and come back with recommendations in thirty days. Terms of reference for the sub-committee to be drafted. *Deputy Mayor advised that there was a meeting of the sub-committee. In attendance were Deputy Mayor Gallant, Councillor Tapper, and Councillor Whitty. He advised a Notice of Motion on recommendations that were discussed at the meeting, including:*
 - *Cameras in the Council Chambers*
 - *Greening of Chambers – project screen, instead of paper*
 - *Semi-annual public meetings*
 - *Fifteen minute public question and answer session at the end of Council meetings*
 - *Reforming of Agendas*
 - *Minutes up on website faster*
 - *Definition of special vs. privileged meetings.**After discussion by Council on the above Notice of Motion by Deputy Mayor Gallant, it was agreed to schedule a meeting for further discussion and investigation. Meeting is scheduled for Monday, June 6th at 7:00 p.m. B/F.*
- 5) Department of Environment and Conservation – Torbay Municipal Habitat Stewardship Program Expansion Proposal. *Mayor Codner advised this was discussed, but requires additional information. Meeting scheduled with Jonathan Sharpe and Heather Chaffey, Department of Environment and Conservation, for Monday, June 6th. B/F.*
- 6) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *A meeting was held on Tuesday, May 17th with officials from the Department of Environment and Conservation. Mayor and CAO attended. They walked the trail near Ocean Drive. Decision to be made – any trails that don't comply are owned by Crown Lands - Ms. McCarthy to check with their lawyer/solicitor. Also trying to resolve matter regarding Canon Marsh Road. B/F.*
- 7) Eastern School District regarding various issues related to the newly constructed Holy Trinity Elementary School / Motion 474-10 from Public Council Meeting of November 15th – Public Works Committee to investigate Doyles/Quigleys Lane are concerning traffic and possibility of making one way street. *Mayor advised he is awaiting reply from Eastern School District regarding tentative meeting date, as gentlemen that the Town previously dealt with is no longer there, and his position is in process of being filled. If no reply by next Council Meeting, will take action and move forward. This also coincides with Item No. 9. B/F.*
- 8) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *The Department of Environment and Conservation would prefer testing in warmer weather, as that is when there could be higher bacterial counts, so possibly in July or August. Beach will remain closed for the summer. Director of*

Programs and Services to confirm cost of testing, as Council discussed possibility of testing now, as well. B/F.

- 9) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane - This is concerning acquisition of land from a resident on the corner in order to increase the turn radius so that the bus can get into the Kelly’s Lane area. *As per Item No. 7, above, the Town is waiting for a reply from Eastern School District regarding tentative meeting date. B/F.*
- 10) 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. *Waiting for decision from the Department of Municipal Affairs. MHA has been asked to follow up on the Town’s behalf. B/F.*
- 11) Status of Camp Carey Building. *Director of Programs and Services advised that report is done with regards to cost – will have information for next meeting. B/F.*
- 12) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *Councillor Byrne advised that the Committee tried to getting a meeting scheduled but couldn’t get a meeting place. Meeting is scheduled now for early next week. Will have information for the next Council meeting. B/F.*
- 13) As per Motion 158-11, Public Council Meeting of April 18th – Town to obtain legal clarification regarding buffer and conservation zones – *Deferred to Planning and Land Use Development Committee. B/F.*
- 14) Meeting concerning development in the Town – *Meeting dates are set for June 15th and 16th. B/F.*

COMMITTEE REPORTS

Economic Development

No Reports or Motions.

Councillor Smith leaves the Council Chambers at 8:00 p.m. as it was determined that she was in a conflict of interest.

Finance

208-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Minutes of the Finance Committee Meeting, dated May 24, 2011, as presented.

Question called. Motion carried unanimously.

209-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay donate \$200.00 and offer an in-kind rental of the Kinsmen Center to the Canadian Diabetes Association.

Question called. Motion carried unanimously.

210-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay donate \$300.00 to Ronald McDonald House.

Question called. Motion carried unanimously.

211-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay donate \$500.00 and offer an in-kind rental of the Kinsmen Center to youth resident Michael Gardiner to help offset his costs to participate in the educational voyage to the Arctic (Students on Ice Program).

Question called. Motion carried unanimously.

Councillor Smith returned to the Council Chambers at 8:02 p.m.

212-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report, dated May 16 – 27, 2011, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

213-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Minutes of the Human Resources and Administration Committee Meeting, dated May 18, 2011, as presented.

Question called. Motion carried unanimously.

214-11 Motion – Councillor Byre / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay hire the following individuals for the 2011 summer day camp program: Samantha Norman, Rebecca Ryan, Tyler Parsons, Hilary Moores, Ashley Dicintio, Alice Codner, Tony Bennett, Erica Price and Jessica Roberts.

Question called. Motion carried unanimously.

Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 8:04 p.m.

Planning and Land Use

215-11 Motion – Councillor Roche / Mayor Codner

RESOLVED THAT the Town of Torbay proceed with the next step of the amendment process, which is to Adopt Torbay Municipal Plan Amendment No. 16, 2011 and Torbay Development Regulations Amendment No. 33, 2011. Then to schedule a public hearing, the hearing will be for the Town’s amendments and the amendment to the St. John’s Urban Region Regional Plan, (Amendment No. 3, 2011). These amendments pertain to a parcel of property south of phase Six Forest Landing, referred to as Forest landing Phase 7.

DPO will acquire a Commissioner for the public hearing, possible date for the public hearing will be towards the end of June.

Question called. Motion carried unanimously.

With regards to the attachment in relation to the above amendments, letter from the Department of Municipal Affairs, Engineering and land Use Planning Division, Councillor Smith asked that it be reflected in the Minutes that this letter should have come in as correspondence, but it’s accepted - Director of Programs and Services had deferred the letter, but she was ok with that.

Mayor Codner resumed as Chair of the Public Council Meeting as of 8:06 p.m.

Deputy Mayor Gallant leaves the Council Chambers at 8:06 p.m. as it was determined that he was in a conflict of interest.

216-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated May 27, 2011, as presented.

Question called. Motion carried unanimously.

Deputy Mayor Gallant returned to the Council Chambers at 8:07 p.m.

217-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Business Application Report, dated May 27, 2011, as presented.

Question called. Motion carried unanimously.

218-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Crown Application Report, dated May 27, 2011, as presented.

Question called. Motion carried unanimously.

Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 8:08 p.m.

Public Works

219-11 Motion – Councillor Whitty / Mayor Codner

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated May 26, 2011, as presented.

Question called. Motion carried unanimously.

220-11 Motion – Councillor Whitty / Mayor Codner

RESOLVED THAT the Town of Torbay purchase a Trench Box at an approximate cost of \$5,000.00. This box will protect workers from any cave in while working in open excavations.

Question called. Motion carried unanimously.

221-11 Motion – Councillor Tapper / Councillor Whitty

RESOLVED THAT the Town of Torbay amend the above motion to purchase a Trench Box at an approximate cost of \$5,000.00 to further read subject to finance approval.

Question called. Motion carried unanimously.

Councillor Tapper put forward a motion to set up a sub-committee to look at information concerning new Town depot site. This motion was seconded by Councillor Smith. Upon further discussion by Council, Councillor Tapper withdrew the motion.

222-11 Motion – Councillor Smith / Councillor Whitty

RESOLVED THAT the Town of Torbay change the speed limit on Quigleys Lane from 50 km to 30 km.

Question called. Motion carried unanimously.

Mayor Codner resumed as Chair of the Public Council Meeting as of 8:18 p.m.

Parks, Recreation and Community Services

223-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee Meeting, dated May 25, 2011, as presented.

Question called. Motion carried unanimously.

Councillor Tapper noted the correction to the Minutes regarding Item No. 3 in the Minutes, Recommendation for KMB.

Technical Services

No Report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

No Report.

By Pass Road

Mayor Codner advised expected date of completion of construction to the bypass road and Torbay Road is by the end of July.

Councillor Smith discussed construction on the by-pass road/Torbay Road and the possibility of detouring traffic – Quarry Road/Karon Drive. She advised she was disappointed that she didn't get her colleague's support on detouring traffic as she felt that it made perfect sense. Mayor Codner discussed that due to safety concerns, traffic should not be diverted. Councillor Smith advised she felt that Quarry Road could be used, with some minor repairs. She advised that once construction starts on the hill on Torbay Road, traffic will be an issue. She asked that her concerns regarding non-detouring of traffic be reflected and included in the Minutes.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that there is a meeting tomorrow evening, May 31st.

Jack Byrne Arena

Minutes of the 2nd Annual General Meeting (2009), Northeast Avalon Arena Inc. (o/a Jack Byrne Arena), June 3, 2010, and the North East Avalon Arena Regional Board Inc. Financial Statements, December 31, 2010 were included for information purposes.

Northeast Avalon Joint Council

Councillor Whitty advised that he attended a meeting in Bay Bulls. There was a presentation by Ken Kavanagh, Northeast Avalon Regional Economic Development. The Minister of Municipal Affairs was invited, but he cancelled.

Northeast Avalon Regional Plan

Mayor Codner advised that there is nothing new to report.

Torbay Harbour Authority

Councillor Byrne advised that he spoke to Committee and clean up is done in Tappers Cove in preparation of the East Coast Trail Tely Hike.

Torbay Volunteer Fire Department

Councillor Byrne discussed changes to the Standard Operating Guidelines - the SOG 1 B. Organization Structure Chart and the SOG #2 D Emergency Vehicle Operations – which were discussed at the Public Council Meeting of May 16th. See motions below:

224-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay adopt the SOG 1 B Organizational Chart in the Standard Operating Guidelines.

Question called. Motion carried unanimously.

225-11 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay adopt the SOG #2 D, Emergency Vehicle Operations, in the Standard Operating Guidelines and that approval be given for changes in the Constitution.

Question called. Motion carried unanimously.

Councillor Byrne advised that he will have Minutes for the next Public Council Meeting.

Urban Municipalities Committee

Councillor Smith advised that the next meeting will be in Placentia on June 16th and 17th. She advised that she requested feedback from Council Members, however didn't receive anything to date. Can still provide information to her and she will forward to the Chair, Mr. Keating.

NEW BUSINESS

Mayor Codner

Mayor Codner advised Ken Anthony, Director of Programs and Services, is leaving the Town of Torbay. He extended best wishes to him from Council, Staff, and Residents. Mayor Codner advised that Ken has been very personable and accessible, especially during Hurricane Igor, in which he was out and about in the very early morning assessing damages to the community with the Mayor. He advised that Ken was a pleasure to work with, and he wished him all the best in the future.

Councillor Smith and Councillor Byrne echoed his comments.

Deputy Mayor Gallant

Deputy Mayor Gallant extended a thank you to staff at the Jack Byrne Arena. It's been a fantastic and very successful year.

He discussed the use of pesticides and the resolution concerning pesticides which was passed at MNL Convention. He advised that it's time to seriously look at banning use of pesticides and look at a policy. Deputy Mayor Gallant put forth a Notice of Motion to ban the use of chemical pesticides for cosmetic reasons.

Councillor Byrne

Councillor Byrne discussed the East Coast Trails Tely Hike and Grand Opening of Trail, which is taking place on Saturday, June 4th. If the weather is nice, there could be up to 400 participants in the hike. The official launch of the trail – LMO/Flatrock – will be at 12:30/1:00 p.m.

Councillor Tapper advised that there are some serious issues/concerns of residents regarding the trail near Tappers Cove and the recent mud slide near the trail. He asked that the matter of back-filling be addressed; and, if resident will be asked to clean up property at his cost. Development and Planning Officer advised that the Town is now in process of determining if property in question is owned by resident – as it may be in the Conservation zone.

Councillor Roche

Councillor Roche extended congratulations to Deputy Mayor Gallant – he was just elected as Vice Chair to the Arena Board.

She also extended best wishes to Ken Anthony – he’s always been there when needed or required.

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper extended a thank you to Ken Anthony for his work while with the Town of Torbay.

Councillor Whitty - Pass

ADJOURNMENT

226-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:42 p.m., as there was no further business.

Question called. Motion carried unanimously.

Petition regarding unsafe vehicle speeds on Pineridge Crescent.

Mayor

CAO/Town Clerk