



MINUTES
PUBLIC COUNCIL MEETING
November 15, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 15, 2010 at 7:35 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ken Anthony, Director of Programs and Services
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Gallery

There were a total of 12 people in attendance.

Meeting was chaired by Mayor Codner

466-10 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

467-10 **Adoption of Minutes**

Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the November 1, 2010, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

- 1) Allied Youth – Presentation on what Allied Youth (AY) represents and their successes to date.

Mayor Codner welcomed Ms. Lesley Pardy - Post Advisor–Post 1051, Ms. Kayla Smith – Vice President—who led the presentation, and representatives from Allied Youth (AY). He advised that AY were in operation about three years ago; and, that he attended their annual events this year and last year – of notice was their AGM in Gander. They have received five provincial awards and are top in our Province. Mayor advised that he and Council are very proud of them, being from Torbay, and welcomed them to the Council Chambers to make their presentation.

AY is an international organization for young people from Grades Seven to Twelve. It gives young people the chance to become leaders in their own lives. Everyone grows and learns in different ways, which is why AY is a great program for all youths. The program, which is run by youth, provides a chance for youth achievement to be recognized, provides opportunities to travel across Canada and meet members from across Newfoundland and Labrador as well as other parts of Canada. It provides a way to become a leader by learning, planning, and growing the way you want – and by having fun doing it.

AY representatives advised that they have expanded to various regions of Canada; progress can be seen in many communities. Youth take part in many activities throughout their communities; in Torbay, they have been a part of many functions throughout the community including festivals, Guy Fawkes Night, and volunteer around the community, as needed. They advised they make life-long friends in AY; they are seldom judged and everyone can be themselves and accepted for it. It's a place to grow, learn and discover who you are. They learn how to develop their own skills, and have fun while learning.

Council congratulated them on a great presentation; and, advised that it's wonderful to see young people being involved in the community. Mayor Codner advised that he got to know the group over the past couple of years - they have great leadership skills, and are truly a great group of youths. Our future is in good hands. Mayor thanked them for dropping by and presented them with some Town tokens of appreciation.

- 2) TRACT Consulting Inc. – Presentation to Council

CAO advised that this presentation was not going ahead tonight; and, will be made at a later date.

CORRESPONDENCE

- 1) Eastern Waste Management – New Governance Structure. ***Mayor Codner advised that the strategy is worked out with regards to town rates outside of the metro area that feed into Robin Hood Bay. It is a completed piece of work. He advised that he sat on the Board for***

the last 2 years but is now stepping down. He is not running again; and, therefore, a position will be open in Sub-region Small Metro Area. Mayor Codner encouraged Council Members to run. See motion below. COMPLETE.

468-10 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay nominate Deputy Mayor Geoff Gallant to represent the Town of Torbay on the Eastern Waste Management Board, Sub-Region Small Metro.

Question called. Motion carried unanimously.

Deputy Mayor accepted nomination; CAO to forward name to Eastern Waste Management tomorrow, Tuesday, November 16th.

- 2) Avalon Peninsula Regional Council – Waste Management Engagement Session date change. *For Information Purposes. Councillor Whitty is attending. COMPLETE.*
- 3) Northeast Avalon Regional Economic Development Board – Congratulations letter regarding the Town’s performance in the Economic Developers Association of Canada (EDAC) National Marketing Awards / recognition through Municipalities Newfoundland and Labrador (MNL) Torngat Municipal Achievement Award. *For Information Purposes. COMPLETE.*
- 4) Government of Newfoundland and Labrador, Voluntary and Non-Profit Secretariat – Who Cares Campaign. *Mayor Codner advised this concerns volunteers in our communities - 39 percent of population are volunteers – 177 hours per person. Councillor Smith advised that Hon. Dave Denine, Minister of IGA and Volunteer Non-Profit, spoke of this at a UMC Meeting; and, that he did mention he would send correspondence. This is a website that acknowledge volunteers. Mayor Codner asked Councillor Smith to write a note about Allied Youth in Torbay – a note of congratulations. COMPLETE.*
- 5) Kids Help Phone – Donation request. *Deferred to Finance Committee. B/F.*

BUSINESS OUTSTANDING

- 1) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *CAO to arrange a meeting with owner of Party Bus Inc. to discuss pick-up and drop-off locations and report back to Council. B/F.*
- 2) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane. *Acquisition of land is required from a resident on the corner in order to increase the turn radius so that the bus can get into the Kellys Lane area. Mayor advised that resident’s lawyer is out of town – have not yet heard a response and will try to reach him again this week. B/F.*
- 3) 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. *CAO reported that the consultant advised the draft study is in acceptable format to the Department of Municipal Affairs and*

the Department of Environment & Conservation – arranging conference call to discuss submission to the Departments – CAO advised that the study has to be completed by December 31st – end of calendar year. B/F.

- 4) Skateboard Park - Motion No. 128-10, from Minutes of Public Council Meeting of April 5, 2010, and Council's discussion on Motion 250 – 09, from Minutes of Public Council Meeting of September 8, 2009 – *Mayor Codner advised that a meeting has not yet been arranged with the RNC. He will try and contact the them to arrange a meeting to discuss matters such as speed calming, move of constable from Town Office to the Kinsmen Centre, uniformed police officer/dress code, request for more police officers in the area/patrolling – all to be discussed in one meeting. B/F.*
- 5) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates - *CAO advised that Christine Cave, Administrative Officer, MNL, is off sick and has left a message with her regarding update on meeting status – she is due back in the office tomorrow, November 16th. B/F.*
- 6) Status of Camp Carey Building – *Deputy Mayor Gallant advised that he, Director of Programs and Services, Town Staff, and Members of the Recreation, Parks and Community Services Committee are going to visit the area on Saturday morning, November 20th, to see what state the building is in and assess their options. B/F.*

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that there has been no meeting.

The Town will be hosting its Small Business Awards on November 30th at the Kinsmen Community Centre. Hon. Shawn Skinner, Minister of Innovation, Trade and Rural Development will be in attendance.

Finance

469-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report, dated November 1 - 12, 2010, as presented.

Question called. Motion carried unanimously.

Councillor Tapper advised that the budget process is underway – departments have submitted their budgets about a month ago; and, since then he and CAO have met to discuss. Reminders for Finance Committee and Council that tomorrow, Tuesday, November 16th, Committee will be reviewing submissions. Next week on November 22nd, 23rd, and 30th Committee will meet to finalize. On December 6th, Committee will make presentation to Council Members; and, the budget is to be adopted at the Public Council Meeting of Monday, December 13th.

Human Resources and Administration

Councillor Byrne advised that there has been no meeting. He reported that the Town is waiting to hear from the union on negotiations, and then a meeting will be arranged.

Planning and Land Use

470-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Applications for Approval in the Building Application Report, dated November 10, 2010, as presented.

Question called. Motion carried unanimously.

471-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Applications to be Advertised/Deferred in the Building Application Report, dated November 10, 2010, as presented.

Question called. Motion carried unanimously.

Councillor Tapper discussed the Town's Subdivision Guidelines and asked members of the Planning and Land Use Development Committee for a definition of subdivision. Planning and Development Officer advised that if you're subdividing your land – 2 or more lots and putting in a road would be defined as being a subdivision. He advised that the Department of Government Services recognize land being subdivided into five lots as being a subdivision. Council agreed that this should be clearly defined – for the protection of the Town. Development and Planning Officer advised that this definition is clearly defined in the new subdivision guidelines and new draft of municipal plan. ***Deferred back to Planning and Land Use Development Committee. B/F.***

Council discussed sidewalks in serviced and unserviced subdivisions; and, agreed definitely should be included in serviced subdivisions. Development and Planning Officer advised that this is written in the new guidelines and is clearly defined.

Public Works

472-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated November 10, 2010, as presented.

Question called. Motion carried unanimously.

Council discussed under New Business section of the Public Works Minutes, Doyles and Quigleys Lane, and the construction being done in that area. The Town, and residents, were unaware of this work being started, as no permit was issued to the Provincial Government or contractor and they did not notify the Town. Council discussed bringing in a by-law for any work in the Town, that the Town Office be notified – this is referring to road work or work relating to any type of construction – Provincial Government Contracts, for example. This by-law would not refer to smaller scaled work such as maintenance of homes, etc. It was discussed that it's important to have by-laws in place to protect the Town and its residents; and, as long as the Town can enforce these laws - we do have a Municipal Enforcement Officer on staff.

473-10 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay investigate the potential for a by- law requiring all work external to the Town to require permits or notification to the Town Office.

Question called. Motion carried unanimously.

All Council agreed that it's a good idea to investigate putting in place a by-law or permit system for approval of work or development/construction in the Town as some work can be inconvenient to residents and can cause the Town's equipment and Staff to be tied up if damages occur as the Town was not notified.

Council discussed the Elementary School on Doyles & Quigleys Lane – and plan for the school and access – there are three lanes at top of Doyles and Quigleys and two beyond that. Council discussed looking at making the street a one way, as Quigleys Lane is really narrow – two cars cannot get by – for emergency reasons, as well. The Town should possibly have the Enforcement Officer look at the amount of traffic in the area, especially in the mornings.

474-10 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay, Public Works Committee, investigate Doyles/Quigleys Lane area concerning traffic and possibility of making one way street.

Question called. Motion carried unanimously.

Deputy Mayor Gallant advised that he will bring this matter up at the School Council meeting, as well. Council discussed arranging a meeting with the Eastern School District to discuss the matter of making the lane a one way road and to address parking. Councillor Tapper discussed the gazebo, which is supposed to be replaced and asked that this also be discussed at the meeting with Eastern School District. Council discussed the old school area and what this area would be – possibility of the Town to partner with school to make play area – **Mayor, Deputy Mayor, and CAO to meet with Eastern School District to discuss site plans for elementary school. B/F.**

475-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay have a letter written and delivered to the two Residents on Marine Drive that haven't complied with the recommendations that were set forth in a letter dated 26 October 2010.

Question called. Motion carried unanimously.

Director of Programs and Services to action the above motion. B/F.

With regards to the motion that the Town of Torbay replace the existing catch basin on Manning's Hill with a pre cast catch basin at a cost of \$4,500.00 – ***this has been deferred to the Finance Committee, as it is not a budgeted item. B/F.***

476-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay have no further involvement regarding work being done at Tappers Cove until a MOU is signed by the Town, the Harbour Authority, and the Federal Department of Fisheries and Oceans.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

477-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee Meeting, dated November 10, 2010, as presented.
Question called. Motion carried unanimously.

Deputy Mayor Gallant advised that he was appointed President recently with SAM. Councillor Tapper is Treasurer.

Council discussed the recent Town Community Service Guide, Fall 2010, and they noticed some gaps from a group information perspective. It was recommended that the guide/calendar be circulated first to Council for review and for feedback and suggestions.

Deputy Mayor discussed Walking for Wellness and advised that the Town's Recreation Department received a \$4,000.00 grant for this; he thanked and congratulated Steve Martin, Recreation Assistant and Special Events Coordinator, for his efforts to obtain this grant. Councillor Smith advised that there's a great relationship with VON.

478-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT further to the Recreation Master Plan and Playground Concept Design Report, that the Town of Torbay award the tender for upgrades to the Western Island Pond Playground to Murray’s Landscape Services in the amount of \$55,366 + HST, for a total contract price of \$62,536.58. Site enhancement work to include installation of two new playground structures, development/installation of an asphalt walking loop, planting of ten mature trees, site rehabilitation and provision/installation of sods. This is a budgeted item for 2010.

Question called. Motion carried unanimously.

Technical Services

Mayor Codner advised that there is no report – may try to arrange a meeting for next week.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that they haven’t had a meeting. There is a meeting scheduled for Thursday, November 18th, at 4:00 pm – some drafting of letters to go out to various other towns which will be brought forward at this meeting for approval. Contessa Small, Heritage, Culture and Arts Coordinator, is working with Mr. Bob Cuff on various issues including geology of the Town. Mayor Codner advised that with regards to the geographic map about rocks/formation – there are only sedimentary rocks in Torbay. There was a resident in the gallery who is a geologist and Council asked if they could discuss with her after the meeting.

By Pass Road

Mayor Codner advised that there are two outstanding issues – crushing of class A and B rock – done in agreement and should be ironed out by this Wednesday.

Councillor Smith advised that there are concerns by residents with regards to the construction in the area of Pulpit Rock, including: area is tight with regards to traffic, signs and pylons are not great, and driving at night is a challenge. There was an early morning accident last week there in the area. Director of Programs and Services to check.

Deputy Mayor Gallant asked if Torbay Road is going to be safe this winter. Mayor advised that the first lift of pavement should be in place the first week in December – sub-grade finished – three weeks from now.

LIAISON COMMITTEES

Heritage/Museum

479-10 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Minutes of the Torbay Heritage Committee, dated September 20, 2010, as presented.

Question called. Motion carried unanimously.

Councillor Byrne advised that the Constitution of the Torbay Heritage Committee is a draft only - *he requested that everyone read and go through and forward emails on to him of any concerns, questions and/or any changes. B/F.*

Jack Byrne Arena

Deputy Mayor Gallant advised that there's a meeting scheduled for Thursday, November 18th, to discuss financial items.

Northeast Avalon Joint Council

Councillor Roche advised that there is a meeting on Wednesday, November 17th, in Flatrock. She asked if anyone had any issues, questions, or concerns that she could forward to Hon. Kevin O'Brien, Minister, Department of Municipal Affairs. She requested that if anyone had anything to forward to her at her home email. She advised that questions go to secretary first and then compiled and categorized and sent off to Ministers office, and then back to meeting. Policing was discussed by Council - it's a regional issue, as well and is a similar issue that other towns are having.

Northeast Avalon Regional Plan

Mayor Codner advised that there are a lot of issues that are contrary to our goals and objectives and a lot of other towns without water and sewer – possibly need to arrange a meeting with the Minister of Municipal Affairs.

Deputy Mayor asked about rezoning amendments and if this would need to go through another process. He asked if this will be the same when St. John's make amendments, as surrounding area municipalities. Mayor Codner advised that the same rules will apply. He advised that there are representatives from towns on the NEAR Plan Committee. Paul Tessier is Chairperson of the Committee for review of plan. For amendment purposes, there's a consultant – minister.

Torbay Volunteer Fire Department

Councillor Byrne gave a verbal report.

There were 11 emergency responses since the last Council Meeting. The Department is now over 200 calls for this year.

With regards to the Pumpkin Patrol – volunteers did a great job. They were out and around the community.

Guy Fawkes Night – impressed with public support that night.

Ventilation System – work started – contract should have been done by last week.

Exhaust system has been confirmed – additional cost, but it is a work in progress.

Remote system is ordered, with regard to traffic lights.

With regards to snow clearing, drive ways signs – signs have been ordered.

Open Air Burning Regulations – CAO tried to get a hold of the Fire Commissioner regarding a timeline, however, no reply received yet.

Councillor Byrne thanked the Department for their turn out and attendance on Remembrance Day.

He advised that the Town is grateful for the efforts of the firefighters in Torbay – putting out fires and answering medical calls are a small part of what they do.

Urban Municipalities Committee

Councillor Smith advised that there is no report.

NEW BUSINESS

Mayor Codner – Pass

Deputy Mayor Gallant

Deputy Mayor thanked Ann Picco, Executive Clerk, for her work with preparation and putting together of Public Council Meeting Minutes.

Councillor Byrne - Pass

Councillor Roche - Pass

MINUTES
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Councillor Smith - Pass

Councillor Tapper - Pass

Councillor Whitty

Councillor Whitty discussed communicating with residents. He discussed signage not being in place at Doyles & Quigleys Lane during construction. He advised that he talked to a resident regarding water and sewer hookup – resident had trouble with septic system, called Town Office but didn't hear back from anyone. There may be some issues regarding communications and we need to do a better job communicating with our residents – look at weakness and room for improvement. CAO advised that if resident contacted the Town Office after hours, a call would have went to the answering service and it would have been directed out to Town Staff. **Director of Programs and Services to discuss further with him and reply to resident. B/F.**

ADJOURNMENT

480-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 9:00 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk