



MINUTES

PUBLIC COUNCIL MEETING
November 17, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 17, 2009 at 7:30 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Brian Winter, Development and Planning Officer

Absent: Ken Anthony, Director of Programs and Services

Meeting was chaired by Mayor Codner

324-09 **Adoption of Agenda**

Motion – Councillor Byrne /Councillor Smith

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

325-09 **Adoption of Minutes**

Motion – Councillor Smith/Councillor Roche

RESOLVED THAT the Minutes of the November 17, 2009 Public Council Meeting be adopted with the following addition:

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) *Recreation Newfoundland and Labrador – Provincial Awards Program and CATCH Program Workshop* – Defer to the Parks, Recreation and Community Services Committee and the Supervisor of Recreation and Healthy Living.
- 2) *Municipal Assessment Agency Inc. – 2008-2009 Annual Report and Assessment News* – FYI.
- 3) *KKAM Holdings Limited – Request for Tax Relief* – Defer to Finance Committee
- 4) *Rovers Search and Rescue Inc. – Request for support* – B/F
- 5) *Wayne Tapper – Access To Tapper’s Cove*

326-09 Motion – Councillor Smith /Councillor Tapper

RESOLVED THAT Wayne Tapper and family be given access to their land off Tapper’s Cove through the provision of a key.

Question called.

Against Motion: Mayor Codner, Deputy Mayor Gallant, Councillor Byrne, and Councillor Roche

Motion failed.

327-09 Motion – Deputy Mayor Gallant/Councillor Byrne

RESOLVED THAT further to motion 326-09, that Wayne Tapper confirm in writing that access to family land off Tapper’s Cove will not result in any actions contrary to the Town’s regulations.

Question called.

Against Motion: Councillor Smith, Councillor Tapper and Councillor Whitty.

Motion carried.

After much discussion, it was the consensus of Council to arrange a meeting between Council and the Torbay Harbour Authority to discuss Mr. Tapper’s correspondence. Next steps will be determined after such meeting.

- 6) *Municipal Assessment Agency Inc. – Ballot for Urban Director*

328-09 Motion – Councillor Tapper/Councillor Byrne

RESOLVED THAT the Town of Torbay vote for Councillor Peggy Roche for Urban Director on the Municipal Assessment Agency Board of Directors.

Question called. Motion carried unanimously.

7) ***Municipal Assessment Agency Inc. – Ballot for Avalon Director***

329-09 Motion – Deputy Mayor Gallant/Councillor Smith

RESOLVED THAT the Town of Torbay vote for Councillor Craig Dyer, Town of Logy Bay-Middle Cove-Outer Cove for Avalon Director on the Municipal Assessment Agency Board of Directors.

Question called. Motion carried unanimously.

8) ***Elmo Bingle –Request for support – MAA Urban Director - FYI***

9) ***Municipalities Newfoundland and Labrador - Info Note - FYI***

10) ***George White – Driveway problems at 51 Bridge Road – Defer to the Public Works Committee. B/F***

11) ***K.M.B. Holdings Ltd. – Peter’s Place Development – Defer to the Planning and Land Use Committee. B/F***

BUSINESS OUTSTANDING

1) Email from Roger and Denise Reid re: Street lights and turning bulb at Kelly’s Lane– ***Development and Planning Officer has the information compiled. Awaiting a discussion with the landowner. B/F***

2) Correspondence re: Proposed Development Regulations Amendments No.’s 10 and 25 for Moore’s Valley Road. – ***Deputy Mayor has served a notice of motion for the November 30, 2009 Council Meeting to rescind approval. B/F***

330-09 Motion – Deputy Mayor Gallant/Councillor Byrne

RESOLVED THAT a notice of motion will be served at the November 30, 2009 Torbay Town Council meeting to rescind approval for the proposed development regulations amendments No.’s 10 and 25 for Moores Valley Road.

Question called.

Against Motion: Councillor Smith, Councillor Tapper and Councillor Whitty.

Motion carried.

3) Correspondence from Crown Lands – May 7, 2009 – ***Mayor Codner stated that the Town’s resolution passed at the MNL Convention with a friendly amendment. Trails will be dealt with on a case by case basis and as per a municipality’s request. – B/F***

4) Conservancy and Ecological Gifts Program – ***Councillor Tapper has contacted Paul Chamberlain to arrange a presentation to members of Council (date to be reconfirmed). Requested that Mayor Codner write a letter to Mr. Ballam to keep lines of communication open to ascertain any program benefits to the Town of Torbay. COMPLETE***

- 5) Resident meeting regarding issues at Kinsmen Center – Motion 250-09 - To have skateboard ramps removed from Kinsmen Center at the end of the season. *Defer to the Recreation, Parks and Community Services Committee for review and recommendation.* B/F
- 6) To explore the cost of a fence and gate at the Kinsmen Center – Motion 251-09 – *Defer to the Recreation, Parks and Community Services Committee for review and recommendation.* – B/F
- 7) Removal of signage along Torbay Road – *Development and Planning Officer to confirm in conjunction with the Municipal Enforcement Officer.* COMPLETE
- 8) Town to develop a Smoke Free Environment Policy for adoption and implementation. – *Defer to Recreation, Parks and Community Services Committee.* - B/F
- 9) Motion 266-09 – *Development and Planning Officer to write a letter to Mr. Crowe advising there is a one year time frame on his 15 lot development. Defer to the Planning and Land Use Committee* – B/F
- 10) Correspondence from Martin Gosse, 40 Whiteway’s Pond Road – *Municipal Enforcement Officer is following up with the resident regarding his findings with Newfoundland Power.* - B/F
- 11) Revisions to the Town’s snow clearing policy – *Director of Programs and Services to research and bring forth a recommendation to the Public Works Committee.* B/F
- 12) Council to meet with Mr. Pittman to discuss legal issues. B/F

COMMITTEE REPORTS

Economic Development

331 –09 Motion – Councillor Roche/Councillor Tapper

RESOLVED THAT Council approve the Economic Development Committee Meeting Minutes dated November 10, 2009 as presented.

Question called. Motion carried unanimously.

Finance

332 –09 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT Council approve the Finance Committee Meeting Minutes dated November 2, 2009 as presented.

Question called. Motion carried unanimously.

333–09 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT Council approve the Financial Report for the period of November 2-13, 2009 as presented.

Question called. Motion carried unanimously.

334-09 Motion – Councillor Tapper/Councillor Byrne

RESOLVED THAT all bills be paid to November 13, 2009 to avoid interest.

Question called. Motion carried unanimously.

Human Resources and Administration

Councillor Byrne stated that a Committee meeting will be held on November 23, 2009.

Planning and Land Use

335-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay approve the Building Application Report dated November 13, 2009 as presented.

Question called. Motion carried unanimously.

336-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay approve the Business Application Report dated November 13, 2009 as presented.

Question called. Motion carried unanimously.

337-09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT The Town of Torbay approve the Crown Land Application dated November 13, 2009 as presented.

Question called. Motion carried unanimously.

338-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay approve River Bend Place as the street name for the new cul du sac off Riverdale Drive in Phase II of the River Valley Estates Subdivision. This name has been approved through the 911 system.

Question called. Motion carried unanimously.

Public Works

339-09 Motion – Councillor Whitty/Councillor Smith

RESOLVED THAT Council approve the Public Works Committee Meeting Minutes dated October 30, 2009 as presented.

Question called. Motion carried unanimously.

Councillor Byrne questioned the status of the sewer outfall repairs. Councillor Smith requested clarification of the work on Lynch's Lane.

Parks, Recreation and Community Services

340-09 Motion – Deputy Mayor Gallant/Councillor Byrne

RESOLVED Council approve the Parks, Recreation and Community Services Committee Meeting Minutes dated November 30, 2009 as presented.

Question called. Motion carried unanimously.

341-09 Motion – Deputy Mayor Gallant/Councillor Byrne

RESOLVED THAT Councillor Ralph Tapper be recognized as the Town of Torbay's member for the Stewardship Association of Municipalities. The duration of the term will be in effect as long as he holds an executive officer position within the Association or unless the Town deems otherwise. .

Question called. Motion carried unanimously.

342-09 Motion – Deputy Mayor Gallant/Councillor Byrne

RESOLVED THAT Parks, Recreation and Community Services Committee members continue dialogue with the Nature Conservancy of Canada, Ducks Unlimited and Eco Gifts Canada with the objective of exploring ways and means to help the implementation of the Recreation Master Plan, in particular with the issue of "land acquisition" for town parks/open spaces. Any recommendations by the Committee must be brought forward for approval by Council.

Question called. Motion carried unanimously.

343-09 Motion – Councillor Roche/Councillor Byrne

RESOLVED THAT acronyms will not appear in Committee Reports.

Question called. Motion carried unanimously.

Technical Services

Mayor Codner stated that the Committee has a meeting scheduled for November 18, 2009.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

344-09 Motion – Councillor Roche/Councillor Byrne

RESOLVED Council approve the 2012 Celebrations Special Committee Meeting Minutes dated November 9, 2009 as presented.

Question called. Motion carried unanimously.

Councillor Smith inquired about a rebranding of the Hillside Festival based on the 2012 Celebrations. Councillor Roche replied that the Economic Development Committee will bring forth a recommendation on all aspects of the Hillside Festival.

By Pass Road

Mayor Codner stated we are awaiting confirmation from the Department of Transportation and Works for a meeting date.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne stated the tickets for the quilt are available in the Museum and that Curator is busy working on the Heritage Float for this year's Christmas parade.

Jack Byrne Arena

Deferred to New Business under Mayor Codner's agenda item.

Northeast Avalon Joint Council

Councillor Roche stated that the next meeting of the NEAJC will be held on Wednesday, November 18th, 7:30 pm at the Torbay Town Hall.

Northeast Avalon Regional Plan

Development and Planning Officer stated that a Leadership Team Committee meeting will be held in the coming weeks.

Torbay Volunteer Fire Department

345-09 Motion – Councillor Byrne/Councillor Roche

RESOLVED Council approve the appointment of Mike McGrath as Fire Chief of the Torbay Volunteer Fire Department as per the September 28, 2009. This appointment is for a two year term.

Question called. Motion carried unanimously.

Councillor Byrne also wanted to extend a thank you to members of the Fire Department for their participation in Guy Fawkes Night and the November 11th Ceremonies.

Urban Municipalities Committee

Councillor Smith stated that her contact information has been forwarded to UMC Chair Deputy Mayor Keith Keating of Marystown. She looks forward to her participation as part of this committee.

NEW BUSINESS

Mayor Codner

Mayor Codner stated that as a result of the recent municipal elections that the seat held by former Deputy Mary Thorne-Gosse on the Arena Board of Directors is now vacant. Council must appoint its second municipal representative. Three members of Council expressed their interest in the position: Deputy Mayor Gallant, Councillor Smith and Councillor Whitty.

As a result, an election would be held. Mayor Codner requested that the CAO/Town Clerk carry out the election. Before nominations opened from the floor, Councillor Whitty withdrew his nomination.

CAO/Town Clerk opened the floor for nominations. It was moved by Councillor Byrne, seconded by Councillor Roche that Deputy Mayor Gallant be nominated for the position of Torbay Council representative on the Northeast Avalon Regional Arena Board of Directors. Deputy Mayor Gallant accepted the nomination. The second call for nominations resulted in a nomination moved by Councillor Tapper, seconded by Councillor Whitty that Councillor Smith be nominated for the position of Torbay Council representative on the Northeast Avalon Regional Arena Board of Directors. Councillor Smith accepted the nomination. The third call for nominations resulted in no further nominations, hence nominations ceased. CAO/Town Clerk distributed ballots to all members of Council. CAO/Town Clerk then collected all ballots and proceeded to the board room to count all ballots. Deputy Mayor Gallant was declared the second Council representative on the Northeast Avalon Regional Arena Board of Directors.

Deputy Mayor Gallant

Deputy Mayor presented an overview of the recent MNL convention in Gander. Of particular interest was LED street lights and the possibility of cost savings to the Town. Deputy Mayor will forward all materials to the Public Works Committee for review. Other matters of interest included GIS mapping for asset collection, sewage treatment via the Abydoz system, Programs from Canadian Heritage which could assist with the 2012 Special Celebrations, and the CHMC loan program which can assist with implementation of the Recreation Master Plan.

Councillor Byrne

Councillor Byrne wanted to thank Mayor Codner and the Heritage Committee for their involvement with November 11th ceremonies. Councillor Byrne believed that attendance at the event was the largest since 1994.

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper - Pass

Councillor Whitty - Pass

ADJOURNMENT

As there was no further business the meeting adjourned at 9:45 p.m. on a motion by Councillor Smith and seconded by Councillor Byrne.

Mayor

CAO/Town Clerk