



MINUTES

PUBLIC COUNCIL MEETING
November 2, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 2, 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
Ken Anthony, Director of Programs and Services
Brian Winter, Development and Planning Officer
Jacquie Berkshire, Executive Clerk

Meeting was chaired by Mayor Codner

301-09 **Adoption of Agenda**

Motion – Councillor Smith/Deputy Mayor Gallant

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

302-09 **Adoption of Minutes**

Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT the Minutes be adopted with the following changes:

Page 2 – *Correspondence from ACT – October 5, 2009* – Councillor Smith clarified that correspondence should be forwarded to the *Recreation, Parks and Community Services* Committee.

Page 3 – *Capital Works/Public Works/Roads* – Councillor Tapper clarified that the review of the snow clearing policy should be kept current with the winter season fast approaching.

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) *Correspondence from NL Public Libraries – October 19, 2009.* Councillor Byrne suggested that the CAO or Town Staff accompany Mr. White on site visit.
- 2) *Email from Cathy Kleinwort – Thank You to Host Town of Torbay – SAM Meetings.* FYI
- 3) *Northeast Avalon Regional Economic Development Board – AGM November 23, 2009 – 12 noon.* Councillor Roche to attend.
- 4) *Free Climate Change Adaptation Workshop and Focus Group – November 19, 2009.* FYI
- 5) *Correspondence from Sterling Willis.* FYI
- 6) *Correspondence from Churence Rogers.* FYI
- 7) *Correspondence from Brian Button.* FYI
- 8) *Correspondence from Jim Farrell.* FYI
- 9) *Correspondence from Dianne Whalen re: 2005-2008 Multi Year Capital Works Program.* To be referred to the Public Works Committee.
- 10) *Pre Convention Updates – MNL.* Mayor Codner, Deputy Mayor Gallant, Councillor Roche, Councillor Whitty and CAO to attend.
- 11) *Correspondence re: ICSP Update.* FYI

BUSINESS OUTSTANDING

- 1) *Correspondence from Axel Sorensen re: proposed Apartment Building at 1359 Torbay Road – August 7, 2009 – CAO to speak with Development and Planning Officer regarding contacting Mr. Duffy to schedule a meeting with residents. COMPLETE*
- 2) *Email from Roger and Denise Reid re: Street lights and turning bulb at Kelly’s Lane– Development and Planning Officer reported that the street light has been installed. He is still researching the turning bulb issue and will bring forth a recommendation for resolution. B/F*
- 3) *Motion 082-09 – Resolution 2009 MNL Convention – CAO advised that the resolution has been submitted and will be heard at the MNL Convention in Gander. COMPLETE*
- 4) *Correspondence re: Proposed Development Regulations Amendments No.’s 10 and 25 for Moore’s Valley Road. – Waiting on a reply from the Department of Municipal Affairs. B/F*
- 5) *Correspondence from Crown Lands – May 7, 2009 – Mayor Codner is awaiting for a reply to his telephone messages and letter. B/F*
- 6) *Killick Coast Regional Kiosk – Killick Coast Tourism Association has paid for costs to add a Torbay photo to the Marine Drive kiosk. COMPLETE.*
- 7) *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. B/F

- 8) 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*
- 9) 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*
- 10) Removal of signage along Torbay Road – *Development and Planning Officer to confirm in conjunction with the Municipal Enforcement Officer. – B/F*
- 11) Town to develop a Smoke Free Environment Policy for adoption and implementation. – *Defer to Recreation, Parks and Community Services Committee. - B/F*
- 12) 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. – B/F*
- 13) Correspondence from Martin Gosse, 40 Whiteway’s Pond Road – *Municipal Enforcement Officer is following up with Newfoundland Power. - B/F*

COMMITTEE REPORTS

Economic Development

303 –09 Motion – Councillor Roche/Councillor Tapper

RESOLVED THAT Council approve the Economic Development Committee Meeting Minutes dated October 28, 2009 as presented.

Question called. Motion carried unanimously.

Finance

304–09 Motion – Councillor Roche/Councillor Byrne

RESOLVED THAT Council approve the Financial Report for the period of October 19-30, 2009 as presented.

Question called. Motion carried unanimously.

305–09 Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT all bills be paid to November 2, 2009 to avoid interest.

Question called. Motion carried unanimously.

Human Resources and Administration

306–09 Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT Further to Section 59 of the Municipal Elections Act, that the ballot boxes related to the 2009 municipal election in the Town of Torbay be destroyed.

Question called. Motion carried unanimously.

307–09 Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT the Town of Torbay offer the position of Supervisor of Outside Operations to Lyndon Payne.

Question called. Motion carried unanimously.

308–09 Motion – Councillor Byrne/Councillor Roche

RESOLVED THAT due to Jacquie Berkshire's resignation, that the Town of Torbay advertise the Executive Clerk position in The Telegram. Interviews will be held on November 13, 2009.

Question called. Motion carried unanimously.

309–09 Motion – Councillor Byrne/Deputy Mayor Gallant

RESOLVED THAT due to the upcoming maternity leave of Clerk-Receptionist Tracy Allen, that the Town of Torbay proceed to a replacement job posting on November 7th with interviews being conducted on November 20th.

Question called. Motion carried unanimously.

Planning and Land Use

310–09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay approve the Building Application Report dated October 30, 2009 as presented.

Question called. Motion carried unanimously.

311–09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay approve the Business Application Report dated October 30, 2009 as presented.

Question called. Motion carried unanimously.

312-09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT The Town of Torbay approve the application of Michael Duffy to develop an apartment building at 1359 Torbay Road as outlined in his application.

Question called. Motion carried unanimously.

313-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay approve the crown land application from Marathon Holdings for 3 acres only that are currently zoned residential.

Question called. Motion carried unanimously.

Councillor Roche leaves chambers at 8:35pm as it was determined she was in a conflict of interest.

314-09 Motion – Councillor Smith/Deputy Mayor Gallant

RESOLVED THAT The Town of Torbay rescind motion 313-09 due to Councillor Roche being in conflict.

Question called. Motion carried unanimously.

315-09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT The Town of Torbay approve the crown land application from Marathon Holdings for 3 acres only that are currently zoned residential.

Question called. Motion carried unanimously.

Councillor Roche returns to chambers at 8:37pm.

316-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT the Town of Torbay write Riverwood Construction and give them a 30 day time limit to move forward with their proposal, but first they must demonstrate to the Town how they plan on accessing the property. All conditions of their approval letter still stands.

Question called. Motion carried unanimously.

317-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay approve Flora Drive as the street name for the next phase of Barrox Holdings Limited's Phase II Nathaniel Drive. This name has been approved through the 911 system.

Question called. Motion carried unanimously.

318-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT further to all future childcare center applications, that applicants must have an approval from Family and Child Care Connections before the Town of Torbay will grant any approvals to operate.

Question called. Motion carried unanimously.

Public Works

319-09 Motion – Councillor Whitty/Councillor Smith

RESOLVED THAT the Public Works Committee Meeting Minutes dated October 30, 2009 be deferred to the next Council meeting.

Question called. Motion carried unanimously

Recreation, Parks and Community Services

320-09 Motion – Deputy Mayor Gallant/Councillor Tapper

RESOLVED THAT Council approve the Recreation, Parks and Community Services Committee Meeting Minutes dated October 29, 2009 as presented.

Question called. Motion carried unanimously.

Technical Services

Mayor Codner stated that the Committee has yet to meet. It will do so in the next 7-10 days.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche stated she will be meeting with the Curator on November 9, 2009.

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 reads out a letter from Heritage Committee Chair Laurie Dempster in support of the Town's Heritage Plan.

321-09 Motion – Councillor Byrne/Councillor Roche

RESOLVED THAT Council approve in principle the draft Heritage Plan as prepared by Tract Consulting Inc. Council to forward any final comments to the CAO within the next week.

Question called. Motion carried unanimously.

Jack Byrne Arena

Councillor Smith inquired about the status of the GST rebate between the 4 towns. Mayor Codner replied it is currently with the Town's solicitor. Councillor Tapper inquired about the vacancy that currently exists on the Board of Directors. Mayor Codner stated that the next Board meeting is November 20th and this issue will be discussed with Council prior to that time. Councillor Whitty stated that numerous residents have contacted him regarding ice time for seniors and parent/tots and the limited access to all.

Northeast Avalon Joint Council

Councillor Roche stated that both Councillor Whitty and she attended the NEAJC meeting on October 21st. A copy of the June 17, 2009 minutes was provided to all.

Northeast Avalon Regional Plan – nothing to report.

Torbay Volunteer Fire Department

Councillor Byrne stated that as of last week, the Fire Department has surpassed the total numbers of calls in 2008.

Urban Municipalities Committee – nothing to report.

NEW BUSINESS

Mayor Codner

Mayor Codner wanted to remind all of the November 11th Ceremony. He also thanked Jacquie Berkshire for her service to the Town and wished her well.

Deputy Mayor Gallant

Deputy Mayor wanted to thank staff for their coordination of all logistics related to the most recent SAM meetings held in Torbay.

Councillor Byrne

Councillor Byrne stated that he was pleased with the most recent planning session of Council and looks forward to working with all in implementation.

Councillor Roche

Councillor Roche wanted to thank Jacquie for all her hard work with the Town. She also wished Jacquie good luck.

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper stated his disappointment with the most recent presentation by the Town's solicitor. He would have liked the opportunity to ask more questions on specific legal files.

322-09 Motion – Councillor Tapper/Councillor Smith

RESOLVED THAT Council meet with Mr. Pittman for one hour to ask more questions regarding the legal files of the Town.

Question called. Mayor Codner against the motion.

Motion carried.

Councillor Whitty - Pass

ADJOURNMENT

As there was no further business the meeting adjourned at 9:20 p.m. on a motion by Councillor Smith and seconded by Councillor Whitty.

Mayor

CAO/Town Clerk