



MINUTES

PUBLIC COUNCIL MEETING
November 30, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 30, 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

Meeting was chaired by Mayor Codner

347-09 **Adoption of Agenda**

Motion – Councillor Smith /Councillor Byrne

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

348-09 **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 changes:

Page 1 – Under Adoption of Minutes – Should Read – ***Resolved That the Minutes of the November 2, 2009 Public Council Meeting be adopted as presented.***

Page 2 – *That motion 327-09 is an amendment to the main motion 326-09. The main motion is defeated by a vote of 4 to 3. Against the motion were Mayor Codner, Deputy Mayor Gallant, Councillor Byrne and Councillor Roche.*

Page 7 – Under 2012 Celebrations – *Should read Councillor Smith inquired about the location of the Hillside Festival.*

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) *Municipalities of Newfoundland and Labrador – Letter from Loyola Sullivan regarding proposed amendments to NAFO – FYI*
- 2) *Gerald Greenland – Request for support – MAA Avalon Director – FYI*
- 3) *Paul Davis – Request for support – MAA Avalon Director – FYI*
- 4) *Deborah Quilty – Request for support – MAA Avalon Director – FYI*
- 5) *Father David Butler – Note of Thanks – FYI*
- 6) *Health Care Foundation – Revised Proposal for Tri for Health – CAO to arrange a presentation to Council*
- 7) *Northeast Avalon Joint Council – October 21, 2009 Meeting Minutes - FYI*
- 8) *Notice of Motion from Deputy Geoff Gallant*

Deputy Mayor read from a prepared statement which outlined the rationale for the notice of motion to rescind the approval to rezone 2-6 The Battery from conservation to residential.

All members of Council stated their position on the notice of motion as well. Councillor Smith read from a prepared statement.

349-09 Motion – Deputy Mayor Gallant/Councillor Byrne

RESOLVED THAT the Town of Torbay rescind the motion (305-07) to rezone the conservation lands at 2-6 The Battery, commonly known as “Dominion Hill”, from Conservation to Residential.

Question called.

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

Motion carried.

BUSINESS OUTSTANDING

- 1) *Email from Roger and Denise Reid re: Street lights and turning bulb at Kelly’s Lane– Development and Planning Officer has left phone messages for the resident. The next step is to write a letter. B/F*

- 2) Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moore's Valley Road - *CAO to write Wally and Rose Gosse to advise of Council's decision to rescind the amendment approval.*
- 3) Correspondence from Crown Lands – May 7, 2009 – *CAO to contact MNL to determine next steps once a resolution has passed at convention. – B/F*
- 4) Resident meeting regarding issues at Kinsmen Center – Motion 250-09 - To have skateboard ramps removed from Kinsmen Center at the end of the season. *Director of Programs and Services to confirm removal and storage. B/F*
- 5) To explore the cost of a fence and gate at the Kinsmen Center – Motion 251-09 – *Director of Programs and Services to obtain quotes. – B/F*
- 6) Town to develop a Smoke Free Environment Policy for adoption and implementation. – *Director of Programs and Services to determine status of policy development. - B/F*
- 7) 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. To be dealt with under the Planning and Land Use Committee Report – COMPLETE*
- 8) Correspondence from Martin Gosse, 40 Whiteway's Pond Road – *Municipal Enforcement Officer is following up with the resident regarding his findings with Newfoundland Power. - COMPLETE*
- 9) 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*
- 10) Council to meet with Mr. Pittman to discuss legal issues – *CAO to confirm a meeting date. B/F*
- 11) Rovers Search and Rescue Inc. – **Request for support – Refer to Finance Committee. B/F**
- 12) Wayne Tapper – **Access To Tapper's Cove – CAO to arrange a meeting with resident and Council. B/F**

350-09 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT the Town of Torbay write a letter to the Department of Transportation and Works to request signage on Tapper's Cove Road.

Question called. Motion carried unanimously.

- 13) George White – Driveway Problems at 51 Bridge Road. **Defer to the Public Works Committee. B/F.**
- 14) K.M.B. Holdings Ltd. – **Peter's Place Development – Defer to the Planning and Land Use Committee. To be dealt with under Planning and Land Use Committee Report. COMPLETE**

COMMITTEE REPORTS

Economic Development - no report or motions

Councillor Roche offered congratulations to District Drugs as winner of the 2009 Existing Business Awards. She also congratulated the Economic Development Officer on a job well done for coordinating the Small Business Awards Program.

Finance

351 –09 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT Council approve the Finance Committee Meeting Minutes dated November 19, 2009 as presented.

Question called. Motion carried unanimously.

Department budget presentations were held on Wednesday, November 25th at 5:00 p.m. It was noted that Councillor Smith attended these presentations, even though she was not a member of the Finance Committee.

Before the Finance Committee Meeting Minutes of November 19, 2010, were adopted, this issue was raised and discussed as Councillor Smith was present at the Finance presentation. Councillor Roche checked with other Towns to check on their policies; and, it was agreed that as Councillor Smith is not part of the Finance Committee, she should not have attended the budget presentation nor made any commentary thereof. Mayor Codner called Councillor Smith on Point of Order and there was some conflict and public outburst on this issue amongst Council. It was suggested by Councillor Tapper that committee budget presentations should be dealt with in private Council meetings and not at public Council meetings. Councillor Smith commented that outbursts need to be contained - there needs to be better communications externally and as a Council, as it's important to know proper processes/procedures; and, Council communications need to be respectful.

352–09 Motion – Councillor Tapper/Deputy Mayor Gallant

RESOLVED THAT Council approve the Financial Report for the period of November 16-27, 2009 as presented.

Question called. Motion carried unanimously.

353–09 Motion – Councillor Roche/Deputy Mayor Gallant

RESOLVED THAT all bills be paid to November 27, 2009 to avoid interest.

Question called. Motion carried unanimously.

Human Resources and Administration

354 –09 Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT Council approve the Human Resources Committee Meeting Minutes dated November 23, 2009 as presented.

Question called. Motion carried unanimously.

355 –09 Motion – Councillor Byrne/Deputy Mayor Gallant

RESOLVED THAT the Executive Clerk position be offered to Ann Picco.

Question called. Motion carried unanimously.

356 –09 Motion – Councillor Byrne/Deputy Mayor Gallant

RESOLVED THAT the Clerk-Receptionist maternity leave replacement position be offered to Trina LeRoux pending reference checks.

Question called. Motion carried unanimously.

Planning and Land Use

357–09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay approve the Building Application Report dated November 27, 2009 as presented.

Question called. Motion carried unanimously.

358–09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT The Town of Torbay approve the Business Application Report dated November 27, 2009 as presented.

Question called. Motion carried unanimously.

359–09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT Council approve the Planning and Land Use Development Committee Meeting Minutes dated November 23, 2009 as presented.

Question called. Motion carried unanimously.

360–09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT The Town of Torbay write KMB Holdings Limited, to let them know that at this point in time, the Town cannot give approval to use the road constructed at the end of Peter's Place to access the Cole property, because the road in question was constructed without Town approval. However of in the future the road is approved by the Town then we would be in a position to reconsider their proposal.

Question called. Motion carried unanimously.

361 –09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT the Town of Torbay to write Mr. Ed Byrne giving him approval to have the land as described in his proposal transferred from his name to the Town's; this

land would total approximately 252 square meters, and to have the other parcel approximately 93 square meters transferred from the Town to him. All legal and surveying costs would be Mr. Byrne's responsibility and that the Town would be provided with a registered copy of the deed

Question called. Motion carried unanimously.

362 –09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT the Town of Torbay request that Occupational Health and Safety visit the property behind 488-506 Indian Meal Line to do an assessment of the work that was carried out there.

Question called. Motion carried unanimously.

363 –09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT the Town of Torbay write Riverwood Construction to advise them that the excavation on this site behind 488-506 Indian Meal Line is gone beyond the properties that have permits to landscape and that they should finish sloping the embankments properly in consultation with the Town's engineer. Sloping work is to include the square face on the eastern boundary. All work on the site is to be completed before December 31, 2009.

Question called. Motion carried unanimously.

364 –09 Motion – Councillor Smith/Councillor Byrne

RESOLVED THAT the Town of Torbay proceed with the zoning amendment as per the Town's correspondence dated July 19, 2004 regarding Mr. Crowe's property off Country Drive. Mr. Crowe to provide the Town with an electronic copy of the proposed subdivision and the Town will cover the cost of the amendment.

Question called. Motion carried unanimously.

Public Works

365–09 Motion – Councillor Whitty/Councillor Smith

RESOLVED THAT Council defer the Public Works Committee Meeting Minutes dated November 24, 2009.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services – no report or motions

Deputy Mayor Gallant provided an overview of upcoming WinterLights events.

Technical Services

366-09 Motion – Mayor Codner/Deputy Mayor Gallant
RESOLVED THAT Council approve the Technical Services Committee Meeting Minutes dated November 18, 2009 as presented.

Question called. Motion carried unanimously.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche stated the next committee meeting will be held on December 4, 2009.

By Pass Road – no report

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne reminded all of the Giving Tree located in the museum. He also stated that the Curator is working with the High School to prepare a mummer's float for the Santa Clause parade.

Jack Byrne Arena

Mayor Codner referred members of Council to the October 7, 2009 Board Meeting Minutes. He also stated that Jerry Byrne has resigned from the Board of Directors. It was consensus of Council to proceed with an advertisement in the Northeast Avalon Times to seek nominations from interested individuals willing to serve as a representative on the Arena Board of Directors.

Northeast Avalon Joint Council

Councillor Roche stated that the next meeting of the NEAJC will be held on Wednesday, December 16, 2009, 7:30pm in the Town of Conception Bay South. Please refer to correspondence for a copy of the October 21, 2009 Meeting Minutes.

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

Councillor Byrne brought forward correspondence from Chief McGrath requesting the Town's annual donation for the Fire Department Christmas Party.

Urban Municipalities Committee

Councillor Smith stated that UMC Chairperson Deputy Mayor Keith Keating has requested that the Town of Torbay host the next UMC meeting, slated for February 2010.

367-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT the Town of Torbay host the February 2010 UMC Meeting and allocate appropriate resources in the 2010 budget.

Question called. Motion carried unanimously.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant - Pass

Councillor Byrne - Pass

Councillor Roche

Councillor Roche stated that the CAO has confirmed installation of the Torbay photo on the Marine Drive kiosk. She also confirmed that the Killick Coast Tourism Association met on November 28, 2009.

Councillor Smith

Councillor Smith requested that a letter be written to Jack Hickey to congratulate him on his most recent firefighter challenge win. Congratulations were extended to the Economic Development Officer for his efforts regarding the Small Business Awards. Councillor Smith inquired on the next steps in the Council orientation process and presentations by the Town's service providers. She also spoke about the status of Lynch's Lane and ability of residents to walk on the shoulder of the road.

Councillor Tapper

Councillor Tapper requested that basement rentals at the Kinsmen Center be cancelled when special events are being hosted upstairs as the noise becomes very distracting. He stated he would be serving a notice of motion at the next Council meeting regarding Western Island Pond (Phase 6). Councillor Tapper stated that Mary Thorne-Gosse, Jim Cantwell and Jacquie Berkshire should be extended an invitation to the upcoming Council/Staff Christmas Party. He also brought to everyone's attention the state of the bridge and road near Al Codner's house.

Councillor Tapper would also like to have discussed at the next Council meeting the road damage to Doyle's/Quigley's Lane and to add this to the next agenda.

Councillor Whitty - Pass

ADJOURNMENT

As there was no further business the meeting adjourned at 9:15 p.m. on a motion by Councillor Smith and seconded by Councillor Byrne.

Mayor

CAO/Town Clerk