



MINUTES
PUBLIC COUNCIL MEETING
October 4, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 4, 2010 at 7:42 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

402-10 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

403-10 **Adoption of Minutes**

Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Minutes of the September 20, 2010, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS – None

CORRESPONDENCE

- 1) Correspondence from Transcontinental St. John's regarding Town signage. *For Information Purposes. COMPLETE.*
- 2) Correspondence from resident concerning Whitty's Lane. *Deferred to Public Works Committee. B/F.*
- 3) Municipalities Newfoundland and Labrador – MNL's Regional Government Papers. *For Information Purposes. This is a topic that will be discussed at the MNL Convention this week. COMPLETE.*
- 4) Correspondence concerning fishery and tourism in Torbay. *Council discussed this correspondence and agreed that it was a unique idea; however, the Provincial Government advised that it's not viable. Maintenance, expense, keeping check of traps, as well as legal issues were discussed. CAO to respond to letter. COMPLETE.*
- 5) Email correspondence from resident concerning Party Bus picking up groups at Town's buildings/facilities. *Council discussed that there were broken bottles at the playground, Kinsmen Centre, but it was questioned as to whether or not the resident was assuming it were the individuals who were picked up by the Coach Party Bus at the Town's facility. Municipal Enforcement Officer to view video from camera at the Kinsmen Centre to confirm. CAO advised that the Municipal Enforcement Officer spoke to officials/representatives of the Party Bus and the Coach Party Bus previously on a similar issue. Letter has been written to the companies, as per CAO. Town to discuss with RNC what recourse the Town may have if they don't abide by CAO's letter. B/F.*
- 6) Government of Newfoundland and Labrador, Department of Municipal Affairs – Proposed amendments to the St. John's Urban Region Regional Plan, 1976 (Also referred to Planning and Land Use Development Committee). *Council discussed this plan, which was adopted in 1976 and the fact that the new plan will be out in 2012. Development regulations/amendments will have to be compliant with the old plan, which will actually complicate or prolong matters. Amendments will need to be approved through the St. John's Urban Region Regional Plan, which will cause a lot of problems for municipalities. COMPLETE.*
- 7) Public Notice of Appeal (Also referred to Planning and Land Use Development Committee). *For Information Purposes. COMPLETE.*

Councillor Byrne leaves the Council Chambers at 7:52 p.m., as it was determined that he was in a conflict of interest.

- 8) Correspondence from resident requesting donation of softball field. *See Motion below. COMPLETE.*

404-10 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay donate the softball field to resident for the purpose of fundraising. This event is to be coordinated with other functions/activities that may be taking place around the same time. Guidelines concerning alcohol use are to be discussed with resident.

Question called. Motion carried unanimously.

Councillor Byrne returns to the Council Chambers at 7:54 p.m.

- 9) Correspondence from resident regarding construction of new deck. ***This relates to damages to property caused by Hurricane Igor. Deferred to Planning and Land Use Development Committee and Public Works Committee. B/F.***
- 10) Correspondence from resident regarding Donovans Lane/Indian Meal Line Intersection and Dog Roaming Laws. ***Deferred to Public Works Committee. B/F.***

Director of Programs and Services advised that there were two other pieces of correspondence that were supposed to be included in the Agenda, but were omitted in error. Both were in relation to Hurricane Igor and flooding/water damage that occurred. ***Deferred to next Public Works Committee and Planning and Land Use Development Committee. B/F.***

Council discussed the damages/flooding that occurred by Hurricane Igor. They reported that there were minor washouts throughout the Town, and were lucky that the rain stopped when it did. There was a fair amount of damage to private dwellings. There was mostly wind damage – poles, power lines, and trees were down. The Torbay Volunteer Fire Chief suggested declaring a State of Emergency, which was invoked at 5:21 p.m., for a 12 hour period. The Town asked residents to stay off the road – for Newfoundland Power emergencies and for their safety.

Councillor Smith advised that she was very glad that the new culvert at Lynch’s Lane worked one hundred percent well.

BUSINESS OUTSTANDING

- 1) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane. ***It was discussed by Council that the children have to walk out to Torbay Road, which is dangerous, to catch the bus as the school bus is unable to safely complete a turn at the intersection of Kelly’s Lane and Pulpit Rock Road. The turning radius is not large enough. Newfoundland Design came back with estimates, which are being reviewed by the Public Works Committee. Council agreed that the short turn in the area needs to be fixed, not only for the school bus, but for emergency vehicles as well. B/F.***
- 2) 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 advised that due to Hurricane***

- Igor, Department officials have not reviewed the latest draft of the treatability study. Will have more concrete answers hopefully by the next Council Meeting. B/F.*
- 3) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. *Development and Planning Officer advised that there will be a draft for the next Council Meeting. 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 – *Deputy Mayor Gallant advised that there have been some delays with regards to moving RNC office to the Kinsmen Centre. CAO to follow up with Constable Grace. B/F.*
 - 5) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates - *Deputy Mayor Gallant advised that this was discussed at the recent Parks, Recreation and Community Services Meeting. Deferred to Recreation, Parks and Community Services Committee. B/F. CAO advised that she's arranging a meeting with Minister Johnson, but it will be after the MNL Convention. B/F.*
 - 6) Correspondence from resident regarding the installation of a hearing impaired sign - *Director of Programs and Services advised that they are still researching the policies of other municipalities; and, this is considered in the budget submission in early October. B/F.*
 - 7) Status of Camp Carey Building – *Deputy Mayor Gallant advised that the Recreation, Parks and Community Services Committee are still discussing cost to restore facility to usable form. Will also be considered in the budget submissions this week. CAO advised that the Supervisor of Recreation and Healthy Living has received the assessment report. B/F.*
 - 8) Speed Humps – *Director of Programs and Services advised still in process of developing a schedule, policy and procedure regarding use of speed humps throughout the Town; and, this is being considered in the budget submission in early October. The humps will be removed before snow clearing. Council discussed where the humps can be moved for another couple of weeks. See Motion below. COMPLETE.*

405-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay place the speed humps on Lynch's Lane and Convent Lane.

Question called. Motion carried unanimously.

- 9) Trail near Bullock's Town Road area – a resident advised that with the latest phase of development coming east, the end of the trail has been blocked off with fill. *Development and Planning Officer advised that the trail is not blocked off anymore. The trail will be left there; however, it will be replaced with a new trail. COMPLETE.*
- 10) Development of Town policy on dumping/infilling on properties, including areas in conservation zones. *Council discussed if the 30 day limit by the Department of Environment & Conservation has expired and why the Department can't stop it. Development and Planning Officer advised that the Municipal Enforcement Officer is doing some research and checking with other Towns in order to prepare a policy. It was discussed that the time line for the policy is as soon as possible, as this is an eyesore. B/F.*

COMMITTEE REPORTS

Economic Development

Councillor Roche read aloud the Economic Development Announcement on the 2010 EDAC Marketing Canada Awards. She advised that she was very pleased to announce it and great job to everyone involved.

Finance

406-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report, dated September 20-October 1, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

Councillor Byrne advised that there will be information for the next Public Council Meeting of October 18th.

Planning and Land Use

407-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Planning and Land Use Development Committee Meeting Minutes, dated September 30, 2010, as presented.

Question called. Motion carried unanimously.

408-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the name “Eagle Ridge Drive” as the name for the new street in phase 4 Eagle Nest Ridge, this name has already been approved by the 911 system.

Questions called. Motion carried unanimously.

409-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay issue a stop work order on 11 Cherrywood Drive due to the fact the property owner failed to follow Town’s policies.

Questions called. Motion carried unanimously.

410-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay issue a stop work order on 449 Indian Meal Line due to the fact the property owner failed to follow Town's policies.

Questions called. Motion carried unanimously.

411-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay issue a stop work order on 453 Indian Meal Line due to the fact the property owner failed to follow Town's policies.

Questions called. Motion carried unanimously.

412-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay proceed with the next step of the amendment process, which is to send Development Regulations Amendment No. 34 to Municipal Affairs for Provincial Review/Release.

Questions called. Motion carried unanimously.

413-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated October 1, 2010 as presented.

Question called. Motion carried unanimously.

Public Works

Minutes of the Public Works Committee Meeting – *deferred to next Public Works Committee Meeting. B/F.*

Councillor Whitty advised that work on the sewer outfall has now been completed.

Parks, Recreation and Community Services

414-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Minutes of the Recreation, Parks and Community Services Committee Meeting, dated September 29, 2010, as presented.

Question called. Motion carried unanimously.

Councillor Tapper added that NCC did contact the owner of property in the conservation area at Western Island Pond, however the owner was not prepared to pass over land to NCC.

415-10 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay consent and allow Deputy Mayor Geoff Gallant to vote at the Fall SAM Meeting.

Question called. Motion carried unanimously.

Technical Services – No report or motions.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

416-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the 2010 Commemoration Special Committee Meeting, dated June 24, 2010, as presented.

Question called. Motion carried unanimously.

By Pass Road

Mayor Codner advised that the Department of Transportation and Works indicated that the first lift of asphalt is to be done before the winter. There's not a lot of time left, but the Town is advised that it will be ready.

LIAISON COMMITTEES

Heritage/Museum

417-10 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Torbay Heritage Meeting, dated June 24, 2010, as presented.

Question called. Motion carried unanimously.

Councillor Byrne advised that newsletter – Museum Association of Newfoundland and Labrador (MANL) highlighted on its first page a picture from the Town's Play 1762: The Taking of Torbay. The story of what the play is about is on page 10; and, there is also some information on the Pulpit

Rocks Play. It denotes the fact that it's a great way for Torbay to bring heritage alive. It makes people renew their interest in history. He advised that he has a copy of the newsletter if anyone would like to read it.

Jack Byrne Arena

Deputy Mayor Gallant advised that there are no official minutes.

He advised that the Board does have an offer to the new Arena Manager and this person has accepted. He will be starting in a couple of weeks.

Northeast Avalon Joint Council

Councillor Whitty attended the last meeting on behalf of Councillor Roche. Nothing new to report.

Northeast Avalon Regional Plan

Mayor Codner advised that there was a meeting about a week ago; and, that there will be another meeting in another week or two.

Torbay Volunteer Fire Department

Councillor Byrne advised that there is no resolution to the throttle problem yet with Pumper No. 1. They may have to make a decision on how to go forward.

Installation of the ventilation system started on October 1 and will be finished by November 8th.

The Department has received 18 calls since the last meeting. There have been 159 calls so far this year.

Fire Prevention Week is October 3rd to the 9th. Look for information in your mailboxes. On Thursday, October 7th, there will be a Fire Hall Open House at 7:00 p.m. This is open to all residents.

Good News Story – there was an article on Mike McGrath and his family in the most recent edition of Readers Digest. It was submitted by Terry Sanford. There's a picture of Fire Chief McGrath and he tells his story of involvement with the Torbay Volunteer Fire Department – in total the family has 179 years in firefighting. Councillor Byrne advised that it's great to see these stories of great things. He advised that he has a copy of the article in Readers Digest if anyone would like to read it.

Councillor Tapper advised that he tried to get over to the Town Office during Hurricane Igor, but only got approximately 100 feet from his house. He advised that he met Fire Chief McGrath in

the middle of the street and that the jobs of our volunteer fire fighters are very risky. It's amazing – the number of calls that the Department went through on September 21st – all over Torbay.

Mayor Codner advised that there's a great respect for the Torbay Volunteer Fire Department. They are a great asset to the Town; and, he asked Councillor Byrne to please pass along from Council.

Urban Municipalities Committee

Councillor Smith advised that the next meeting will be after the MNL Convention – Saturday, October 9th at 2:30 p.m. at the Delta Hotel.

She advised that there's a meeting scheduled with Minister Dunderdale, Minister Johnson, and Minister Hedderson – prior to the beginning of the MNL Conference on Wednesday. She received a request from Chair Keating of UMC to provide them with a list of advocacy issues that the Town may have and she can bring up at that time. Council discussed:

- Municipal Ticketing
- Speed Bumps/Humps – update/info from other towns concerning speed calming measures
- Signage – in general on Provincial roads
- Signage – hearing impaired/handicapped/special needs
- Regulation policies

NEW BUSINESS

Mayor Codner

Mayor Codner discussed the damages/flooding to properties due to Hurricane Igor. He advised that there were people out in their driveways putting sandbags in place, Staff had ditches dug the next morning. He went out with the Town's Director of Programs and Services, Ken Anthony; and, he was impressed with the way he handled people and their situations. He extended a thank you to Mr. Anthony - he advised that both he and Mr. Anthony put in a long day. The Director of Programs and Services knew the technical side of issues and he has a great way in dealing with residents.

Deputy Mayor Gallant

Deputy Mayor Gallant also discussed Hurricane Igor, the storm which took place on September 21st. He thanked Mayor Codner, Staff and Councillors for their fast action – declaring a State of Emergency. Everyone was out and about running around. He had flooding in his basement so he sympathizes with everyone with damages to their home. Deputy Mayor encourages people to contact the Town with their needs and problems; and, hopefully we can give support.

Councillor Byrne

Councillor Byrne extended a special thank you to all Town Staff, External Staff during Hurricane Igor. The Town Hall was a flurry of activity – everyone was running to help out and provide assistance as needed.

The Fire Department’s Volunteers were on stand-by at the Fire Hall waiting for any emergencies that may arise.

He extended a special thanks to everyone for their extra work and help.

Councillor Roche

Councillor Roche thanked everyone who helped out during Hurricane Igor. She was out of Town at the time, but she called to wish everyone well.

She extended a thank you to everyone who did their best – everyone can come together in times of need.

Councillor Roche discussed the Town’s Emergency Measures Plan; and, advised that it should be revisited. Environmental changes are taking place – Igor is just a taste. She advised that she received emails from UMC Chair, Mr. Keating; and, he is organizing a seminar workshop at the MNL Convention for everyone to get together to do some planning, etc., to see how we can revamp what we have in place now. She suggested that everyone attend this session. Councillor Roche advised that it’s great to see communities coming together.

Councillor Smith

Councillor Smith extended a thank you to Town Staff and the Torbay Volunteer Fire Department for their great work and helping people during the recent storm, Hurricane Igor.

Councillor Tapper

Councillor Tapper advised that budget presentations are coming up in a few days and the Finance Committee will also be making a presentation. He advises that there are a couple of motions on the books – dealing with finance auditing, expressions of interest for new auditor, and another motion pertaining to service providers, including legal, planning and engineering. He made a notice of motion – he would like to talk about these outstanding motions. The Town should either complete them or not. He advised he will bring this up as a topic at the next Council Meeting.

Councillor Whitty

Councillor Whitty congratulated everyone for their support and hard work, Staff, Torbay Volunteer Fire Department, during Hurricane Igor.

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He extended a thank you to Dawn Chaplin, CAO, and Jeff Lawlor, Economic Development Officer, for their recent awards at EDAC and for representing the Town. Great Job.

ADJOURNMENT

418-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:48 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk