



MINUTES
PUBLIC COUNCIL MEETING
September 20, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 20, 2010 at 7:30 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Ken Anthony, Director of Programs and Services
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Regrets

Councillor Peggy Roche
Councillor Carol Ann Smith
Dawn Chaplin, CAO/Town Clerk

Gallery

There were a total of 6 people in attendance.

Meeting was chaired by Mayor Codner

387-10 **Motion** – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk for the period of September 18 – 21, 2010, Executive Clerk Ann Picco is to be appointed the Acting Town Clerk. Any operational matters are to be directed to Director of Programs and Services Ken Anthony.

Question called. Motion carried unanimously.

388-10 **Adoption of Agenda**

Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

389-10 **Adoption of Minutes**

Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Minutes of the September 7, 2010, Public Council Meeting be adopted, with the following changes:

Page 3 – Motion 370-10 – ***SHOULD READ, “RESOLVED THAT the Town of Torbay support Ms. Lucy Stoyles...”***

Page 7 - Information under **Technical Services** – ***MOVE TO By Pass Road, under SPECIAL COMMITTEES OF COUNCIL.***

Question called. Motion carried unanimously.

390-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Minutes of a Special Meeting of Council held on September 11, 2010 be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane. ***Council discussed the issue that the school bus is unable to safely complete a turn at the intersection of Kelly’s Lane and Pulpit Rock Road, as the bulb or turning radius is not large enough. There is also a pole on the corner, which would have to be moved. It was also discussed that this is an issue for emergency vehicles, as well. For safety reasons alone, the Town needs to look at putting in a proper radius/bulb and we should have a price on the work by next week. B/F.***
- 2) Correspondence from TETC - Holy Trinity High Environment Group, the Friends of the Gully Group wins national video award. ***For Information purposes, you can view this information and winning video on the Town’s website, under Public Notices section. COMPLETE.***
- 3) Municipalities Newfoundland and Labrador – Donations to Eastern Night. ***Mayor Codner advised that the Town has already made a financial contribution. COMPLETE.***
- 4) Letter from resident concerning ice rental at the Jack Byrne Arena. ***Deputy Mayor and Councillor Tapper advised that as there presently is no Facility Manager, or administration feature in place, for the Arena, the Board were arranging and scheduling events. It was***

discussed that a lot of communities want a general skate, which was scheduled for Wednesdays and other recreational hockey were rescheduled or moved around. They don't want to lose general skate and it's a struggle to arrange for one night. The Board changed schedules and had to bump some people/organizations – all names were looked through and preference was given to locals renting ice time. They also went by the recommendation from the former manager; and, unfortunately Mr. Eaton's group was bumped – they were not recognized as being from Torbay. However, this group is from Torbay and the matter will be brought back to the board to try and work something out. Deputy Mayor Gallant suggested that he can speak to the individuals after the Public Council Meeting as well to discuss options. Mayor Codner advised that there was no intent to bump anyone and the board needs to go back and look at rescheduling. He advised that the Arena is just not for ice hockey - it's for people in four towns. We need reasonable time for parents and children and seniors skating – maybe other towns should be brought into this, as well. COMPLETE.

BUSINESS OUTSTANDING

- 1) 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. *Mayor Codner advised that CAO circulated an email to all Council Members regarding the treatability study – outstanding matters and study results – pending on how Council wishes to proceed – piloting technologies. B/F.*
- 2) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. *The Development and Planning Officer and the Municipal Enforcement Officer met last week and are working on a draft policy. B/F.*
- 3) 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 letter was sent to the RNC to request date for move of office to the Kinsmen Centre. B/F.*
- 4) Torbay Volunteer Fire Department – Public Works snow clearing policy – *See report under LIAISON COMMITTEES, Torbay Volunteer Fire Department. COMPLETE.*
- 5) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates - *Deferred to Recreation, Parks and Community Services Committee. B/F. Mayor Codner advised that he's trying to arrange a meeting with the Minister of the Department of Environment to discuss the issue of control over the footpaths vs. ownership. B/F.*
- 6) Correspondence from resident regarding the installation of a hearing impaired sign - *Director of Programs and Services advised that the Municipal Enforcement Officer is 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 – *Deferred to Recreation, Parks and Community Services Committee. 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 is being considered in the budget submission in early October. B/F.*

- 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. **Director of Programs and Services advised that they will be doing a site visit as soon as weather dictates. B/F.**
- 10) Request from Deputy Mayor Gallant for levy audit – **Deputy Mayor Gallant advised that this is done. COMPLETE.**

COMMITTEE REPORTS

Economic Development - no report or motions.

Finance

391-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Minutes of the Finance Committee Meeting, dated September 6, 2010, as presented.

Question called. Motion carried unanimously.

392-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated September 6-17, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration - no report or motions.

Planning and Land Use

393-10 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Planning and Land Use Development Committee Meeting Minutes, dated September 16, 2010, as presented.

Question called. Motion carried unanimously.

394-10 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay accept Bourne Holdings revised proposal to access their development via Pine Ridge Crescent, all items outlined on their approval in principal letter dated January 19, 2010 remain in effect.

Questions called. Motion carried unanimously.

395-10 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated September 17, 2010 as presented.

Question called. Motion carried unanimously.

Public Works

396-10 Motion – Councillor Whitty / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the minutes of the Public Works Committee Meeting dated September 16, 2010 as presented.

Question called. Motion carried unanimously.

The Motion for the award of the Sander Tender - *deferred to the next Public Works Committee Meeting. B/F.*

397-10 Motion – Councillor Whitty / Councillor Byrne

RESOLVED THAT the Town of Torbay award Apex Fencing for the supply and installation of 313 feet of fencing and one 20 foot double gate for the price of \$5,725.00 + HST for fencing of Town Depot Yard for public safety.

Question called. Motion carried unanimously.

398-10 Motion – Councillor Whitty / Councillor Byrne

RESOLVED THAT further to motions 64-08, 218-09 and 126-10 regarding the approved priorities under the 2006-2010 Gas Tax Agreement, that the Town of Torbay award the 2010 road improvements and paving contract for Country Drive and Reddy Drive to Pyramid Construction Ltd. in the amount of \$142,526.90 including HST. Total project cost, including engineering and HST is \$161,446.90.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

399-10 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 15, 2010.

Question called. Motion carried unanimously.

400-10 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay use money from Open Space and Recreation Levies to make improvements to the Western Island Playground and Trail.

Question called. Motion carried unanimously.

TETC – Email correspondence concerning events and news. *For Information Purposes, as per Deputy Mayor Gallant. COMPLETE.*

Technical Services – No report or motions.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

2012 Commemorations Special Committee Minutes, dated June 24, 2010 – *deferred to next Public Council Meeting. B/F.*

By Pass Road

Mayor Codner referenced an article in the recent Northeast Avalon Times newspaper on construction and traffic matters/issues of the by-pass road and Torbay Road.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that there is an upcoming meeting scheduled; and, will have a report for the next Public Council Meeting.

Jack Byrne Arena

Deputy Mayor Gallant advised that ice time and scheduling of events are major issues right now. He advised that Committee are in process of interviewing for the position of Arena Manager; and, they are down to three candidates. The second interviews are taking place tomorrow; and, hopefully will be in a position to make an offer to one of them by the end of the week.

Northeast Avalon Joint Council

Councillor Whitty advised that he attended the meeting last Wednesday night on Bell Island. There was a presentation by MNL on Regional Cooperation; and, we will hear more about this presentation/paper at the MNL Convention in October. He will forward the minutes of the meeting to all Council Members once he receives them.

Northeast Avalon Regional Plan

Mayor Codner advised that there is a meeting scheduled for September 23rd.

Torbay Volunteer Fire Department

Councillor Byrne gave a brief overview. He advised that the start date for the installation of the ventilation system is October 1st.

With regards to driveways and snow clearing, there was a meeting with the Fire Chief; and, Public Works are to monitor the situation. Director of Programs and Services advised there will be a letter going back to the Fire Chief.

The traffic lights have been reactivated. Still looking for remote system for the lights before going on stream.

The Fire Chief gave a report on Targa; and, advised that it went well and he forwarded recommendations. Councillor Byrne suggested that the Town write a letter to Targa with concerns of lack of notice given to the Town of Torbay and that a letter of apology should be sent out to residents for short notice.

Councillor Byrne advised that there has been four calls since the last meeting.

Fire Prevention Weeks starts on October 3rd.

Urban Municipalities Committee – No report.

NEW BUSINESS

Mayor Codner

Mayor Codner advised that there is a meeting scheduled with Minister Hedderson here in the Town Office on Wednesday, September 22nd at 5:30 p.m.

With regards to the look-out or kiosk on the Marine Drive area, there was some discussion by Council on the matter of the view being obstructed by development. There are more lots slated for development and there are two options that the Town can consider. One being to keep an eye on

the development that's happening and checking heights of proposed homes. The other option would be the Town acquiring land, which would be costly. Council discussed other locations for look-outs and signage.

Deputy Mayor Gallant

Deputy Mayor Gallant discussed an email from a resident concerning dumping/infilling on a property. As this landfill or dumping is taking place in a conservation zone, Council discussed coming up with a policy to prevent this in the future, so that these issues can be taken care of and cleaned up as soon as possible. ***Development and Planning Officer and Municipal Enforcement Officer to research and prepare a policy. B/F.***

Deputy Mayor extended a thank you to Brian Winter, Development and Planning Officer and Tina Auchinleck-Ryan, Supervisor of Recreation and Healthy Living, for working close together and arranging a meeting to discuss green spaces/open spaces in the community. He advised that it was a very productive meeting.

Councillor Byrne

Councillor Byrne discussed the Torbay Road/By-pass road construction. He advised he received calls from business people in the Town advising of their issues with the construction – appointments being cancelled due to the Torbay Road construction. He advised businesses are being affected by this construction and they asked him to bring their concerns to Council. He asked if there could be an alternative – possibly work being done at night, instead of in the daytime when traffic is high. Mayor Codner suggested that business people and residents can use alternative routes – Marine Drive or Indian Meal Line until construction is finished.

Deputy Mayor Gallant asked if there were going to be any further public meetings on the by-pass road; and, Mayor Codner advised that if anything new comes to light, the Town could arrange a meeting.

Councillor Byrne thanked everyone involved with the Gig on the Green event, which took place Sunday, September 19th at the Pineridge Park and Whiteway Pond Green Space, including all staff and organizers involved. He advised it was nice listening to the music and it was a nice area there to have it.

Councillor Byrne asked if the Public Advisory from the Government of Newfoundland and Labrador, Department of Municipal Affairs, on the upcoming storm (Hurricane Igor) was posted on the Town's website for review by residents. Executive Clerk advised that the information was posted on the website and will be put up on the digital sign once technical issues are resolved.

Councillor Roche - Absent

Councillor Smith - Absent

Councillor Tapper – Pass

Councillor Whitty

Councillor Whitty advised that he received a call from a resident concerning agriculture buffer zones and his concern about his hobby farm with regards to development. Mayor Codner outlined the process for applicants to develop in the Agriculture zone. Councillor Whitty advised that this resident was concerned that someone could infringe on his rights in the area as there's nothing on paper showing they were in agriculture zone. Mayor Codner advised that anyone who is already in existence is ok or grandfathered in. Development and Planning Officer suggested that the resident call him so he can explain the development regulations for this zone.

Councillor Whitty asked if the Town had plans to implement curbside recycling. The Towns of Pouch Cove and Logy Bay - Middle Cove - Outer Cove have this in place - the price is approximately \$4.00 per household/month. Mayor Codner advised that TETC and the school take a lot of recyclables. The Town can look at this when our current garbage contract expires in approximately a year or so. Mayor Codner advised that the Technical Committee can revisit this matter at a future meeting and look at recycling/composting overall for future garbage collection.

ADJOURNMENT

401-10 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:15 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk