



***MINUTES***  
PUBLIC COUNCIL MEETING  
April 16, 2012

---

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 16, 2012 at 7:36 p.m.

**Members Present**

Mayor Bob Codner  
Councillor Mike Byrne  
Councillor Carol Ann Smith  
Councillor Ralph Tapper

**Staff Present**

Bernard P. Manning, Director of Public Works & Technical Services  
Brian Winter, Development and Planning Officer  
Ann Picco, Executive Clerk

**Regrets**

Deputy Mayor Gallant  
Councillor Peggy Roche  
Councillor Brian Whitty  
Dawn Chaplin, CAO/Town Clerk

**Gallery**

There were a total of 7 people in attendance.

128-12      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

**RESOLVED THAT** the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

**Adoption of Minutes**

129-12      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Minutes of the April 2, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS** - None

**CORRESPONDENCE**

1. Department of Environment and Conservation – Removal of South Pond watershed area from watershed protection. *Appeal notice has been signed by the Minister of Environment and Conservation and will be published in the Newfoundland Gazette.*
2. Northeast Avalon Regional Economic Development Board – Nomination of member in the Killick Coast region. *Executive Clerk to forward information by email to all Council Members for their input and feedback.*
3. Correspondence from Resident concerning Motion Lane. *Deferred to Planning and Land Use Development Committee.*
4. Holy Trinity Elementary School – Request for the Town to close off the driveway from the school parking lot to Torbay Road. *Council discussed the road, including history, traffic, safety and the school’s intention for playground. It is decision of Eastern School District - Town to provide letter of support, providing it doesn’t impede with the Town’s operations. Town to check with the Fire Chief concerning any emergency matters.*
5. Alzheimer Society of Newfoundland and Labrador – Walk for Memories, May 27, 2012. *For information purposes. Mayor Codner asked if anyone wanted to participate.*

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated April 16, 2012, was accepted as presented.

**COMMITTEE REPORTS**

**Economic Development**

No report.

**Finance**

The Financial Report, dated April 2-13, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of April 2-13, 2012, for 30 employees totaled \$51,702.40.

For the period of April 2-13, 2012, Accounts Payable invoices in the amount of \$110,928.21 were paid. These expenditures were within budget.

There are five (5) Main Operating Invoices totaling \$45,465.30 for approval.

130-12      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Synervice Technologies Inc., for Annual Fee and Service Plan Fee, in the amount of \$11,865.00.

Question called. Motion carried unanimously.

131-12      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve payment to Xylem, for Coppertop Lift Station reconditioning and upgrading, in the amount of \$7,145.13.

Question called. Motion carried unanimously.

132-12      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Monthly Utility Charge, in the amount of \$9,516.97.

Question called. Motion carried unanimously.

133-12      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Air Tite Sheet Metal Ltd., for 10% Holdback for Fire Department Ventilation System, in the amount of \$6,938.20.

Question called. Motion carried unanimously.

134-12      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve payment to Holy Trinity Elementary, for Playground Donation, in the amount of \$10,000.00.

Question called. Motion carried unanimously.

There are no Capital Invoices for approval.

A copy of the current income and expense reports were included for Council's information.

**Human Resources and Administration**

No report.

*Councillor Tapper took over as Chair of the Public Council Meeting at 7:49 p.m.*

### **Planning and Land Use**

Councillor Byrne gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated April 12, 2012.

Items discussed in the Report included:

1. Development Proposals.
  - a) Proposal from property owner at 314 Indian Meal Line to develop the property with 7 unserviced building lots.
    - There is a motion to follow.
  - b) Proposal to develop land on Whitty's Ridge.
    - Development and Planning Officer will meet with the proponent to discuss the proposal and some of the challenges, concerns and history of the area.
  - c) Proposal from Property owner at 185 Indian Meal Line to develop 5 fully serviced building lots.
    - There is a motion to follow.
  - d) Motion Drive Phase III.
    - Open Space Requirement. It was agreed that this matter will be deferred to the next Public Council Meeting – motion to follow.
2. Correspondence.
  - a) Correspondence from Town of Paradise concerning proposed amendment to the St. John's Urban Region Regional Plan.
  - b) Correspondence from Commission concerning proposed Municipal Plan Amendments No. 14 and 16, 2010, and Development Regulations Amendments No. 31 and 33, 2010, along with St. John's Urban Region Regional Plan Amendment No. 3, 2011.
    - Report will be brought forward at the next meeting.
  - c) Correspondence from residents concerning the April 4<sup>th</sup> information session on development in the Town.
    - This has been deferred to the next Public Council Meeting.
  - d) Correspondence from property owner at Country Drive.
    - Committee reviewed letter. Development and Planning Officer advised Committee that he was aware of the problem with the Town's mapping and it is on the list to be corrected. Issue will also be corrected in the five year review.

#### **1. Development Proposals**

- a) **Proposal from Property owner at 314 Indian Meal Line to develop property with 7 unserviced building lots.**

135-12      Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay give 62745 Newfoundland and Labrador Limited approval in principal so they can proceed with engineering and design work on the proposed 7 lot unserviced subdivision as outlined on Allnorth Consultants Limited's

drawing number 1, project no 11830013-1. No permits will be issued until all standard conditions for developing within the Town of Torbay are met and a Development Agreement is signed. As per normal procedure the proposal will be sent to the Public Works Department and Recreation Department for review.

Question called. Motion carried unanimously.

**1. Development Proposals**

**c) Proposal from Property owner at 185 Indian Meal Line to develop 5 fully serviced building lots.**

136-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay give Look Limited approval in principal so they can proceed with engineering and design work on the proposed 5 lot fully serviced subdivision as outlined on Tri-Bon Consulting Limited's drawing number 1, dated October 2011. No permits will be issued until all standard conditions for developing within the Town of Torbay are met and a Development Agreement is signed. As per normal procedure the proposal will be sent to the Public Works Department and Recreation Department for review.

Question called. Motion carried unanimously.

**1. Development Proposals**

**d) Motion Drive Phase III – Open Space Requirement.**

137-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay defer Committee's recommendation until discussions are conducted at the next PLUD committee meeting for presentation at the next Council meeting.

Question called. Motion carried unanimously.

*Mayor Codner resumed as Chair of the Public Council Meeting at 7:56 p.m.*

**Application:** 9680-12  
**Location:** 1367 Torbay Road  
**Proposal:** General Repairs/Patio

138-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9680-12 under the Applications Approved section of the Building Application Report, dated April 13, 2012.

Question called. Motion carried unanimously.

**Application:** 9689-12  
**Location:** 19 Bullock's Town Road  
**Proposal:** General Repairs

139-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9689-12 under the Applications Approved section of the Building Application Report, dated April 13, 2012.

Question called. Motion carried unanimously.

**Application:** 9681-12  
**Location:** 42 Doyle and Quigley's Lane  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

140-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9681-12, under the Applications for Approval section of the Building Application Report, dated April 13, 2012, subject to the following conditions:

1. The property shall be serviced with municipal water and sewer services. This lot was previously serviced to the old dwelling.
2. The development is subject to refundable security deposits for road damage, water and sewer connection damage, and the Occupancy Permit deposit fee.
3. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

**Application:** 9683-12  
**Location:** Portion of 17-25 Salerno Place (Lot B)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

141-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9683-12, under the Applications for Approval section of the Building Application Report, dated April 13, 2012, subject to the following conditions:

1. All normal conditions and requirements for the building within the Town of Torbay.

2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9684-12  
**Location:** 11 Codner Place  
**Proposal:** 30' x 42' Accessory Building  
**Zoning:** Residential Infill (RI)

142-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9684-12, under the Applications for Approval section of the Building Application Report, dated April 13, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9685-12  
**Location:** 453-455 Bauline Line  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

143-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9685-12, under the Applications for Approval section of the Building Application Report, dated April 13, 2012, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
3. Approval from Department of Transportation and Works is required for access on to Bauline Line.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9686-12  
**Location:** Portion of 17 – 25 Salerno Place (Lot A)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

144-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9686-12, under the Applications for Approval section of the Building Application Report, dated April 13, 2012, as subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9687-12  
**Location:** 44 Doyle and Quigley's Lane  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

145-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9687-12, under the Applications for Approval section of the Building Application Report, dated April 13, 2012, as subject to the following conditions:

1. The property shall be serviced with municipal water and sewer services. This lot was included in the infill study.
2. The development is subject to refundable security deposits for road damage, water and sewer connection damage, and the Occupancy Permit deposit fee.
3. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.



**Application:** 9688-12  
**Location:** Portion of 85 Bauline Line  
**Proposal:** Subdivide Property and Construct a Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

146-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9688-12, under the Applications for Approval section of the Building Application Report, dated April 13, 2012, as subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. The applicant is responsible to bring water and sewer services to the site as per direction of the Town's Public Works Department. This lot was not included in the infill water study.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9690-12  
**Location:** Portion of 1028-1038 Torbay Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Mixed Development - Residential Infill (RI)

147-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9690-12, under the Applications for Approval section of the Building Application Report, dated April 13, 2012, as subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
3. Department Works Service approval for access to Torbay Road.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 8678-12  
**Location:** Portion of 40-42 Motion Drive (Lot fronts on Easterbrook Drive)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

148-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 8678-12, under the Applications to be Deferred section of the Building Application Report, dated April 13, 2012, pending review of sewer capacity by Town’s Consulting Engineers.

Question called. Motion carried unanimously.

**Application:** 8679-12  
**Location:** 5 Ocean View Hill  
**Proposal:** Extension to Existing Single Family Dwelling  
**Zoning:** Residential Infill (RI)

149-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 8679-12, under the Applications to be Deferred section of the Building Application Report, dated April 13, 2012, pending further review.

Question called. Motion carried unanimously.

**Application:** 8682-12  
**Location:** 15 Gosse’s Lane  
**Proposal:** Replace Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

150-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 8682-12, under the Applications to be Deferred section of the Building Application Report, dated April 13, 2012, pending review of the proposal by the Town’s Planning Consultant.

Question called. Motion carried unanimously.

**Application:** 8635-11  
**Location:** 1540 Torbay Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

151-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 8635-11, under the Applications to be Deferred section of the Building Application Report, dated April 13, 2012, pending further review of the proposal.

Question called. Motion carried unanimously.

### **Public Works**

No report.

### **Parks, Recreation and Community Services**

Councillor Tapper gave an overview of items discussed at the Recreation Committee Meeting, dated April 11, 2012.

Items discussed in the Report included:

- Motion Estates Phase III. Information and documents were attached on the issue of open space for review.

Councillor Tapper advised that there was a recent meeting of TETC. Information discussed, included:

- New election of officers:
  - Michael Gardiner, Chair
  - Justin Martin, Vice Chair
  - Shirley Thorne, Secretary
  - Madeleine Florent, Treasurer
- Wood cutting at Tappers Cove in the Conservation Zone.
  - Committee will alert members to keep an eye on the trails.
- Coyotes
  - Session on coyotes last fall was well attending, and Committee are looking to do the same thing this Fall, 2012.

### **Technical Services**

No report.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

Councillor Tapper gave an overview of items discussed at the Torbay250 Special Committee Meeting, dated April 10, 2012.

Items discussed in the Report included:

- Ticket prices for the Great Big Sea Concert on August 4<sup>th</sup>. Pricing is so varied that the Town had to put out a green communications message to residents. Base price of tickets is \$31.00; depending on method of payment, extra services fees are added – could pay \$52.00/\$54.00. Cost for the tickets is cheaper if you purchase and pick up tickets yourself. Great Big Sea requested that tickets be sold at Mile One Stadium in order to keep a running tally; it was part of their contract. Ticket sales are going really well; Torbay250 Special Events Coordinator to provide numbers.

**By Pass Road**

Mayor Codner advised that he met last week with residents concerning land expropriation. He spoke to MHA, and he recommended a meeting here at the Town Office with the concerned residents, at which he will be in attendance.

**LIAISON COMMITTEES**

**Heritage/Museum**

Councillor Byrne gave an overview of items discussed at the Torbay Heritage Committee Meeting, dated February 21, 2012.

Items discussed in the Report included:

- Incorporation
- New constitution – in final stages.

Mayor Codner questioned Item No. 9 – Trail from Cemetery Lane to Torbay Beach. He advised that this is a significant historical trail in Torbay; the French and English Armies would have marched on this trail. The trail needs to be repaired.

Councillor Tapper questioned Item No. 5 – Council. He advised that he made a motion on this matter concerning Heritage zoning, which failed; it was agreed to leave to the Heritage Committee to work on. He spoke to the Chair and everyone was in agreement to support the Heritage Zoning. Councillor Byrne advised this matter is not forgotten and discussion has taken place on this.

Mayor Codner suggested that Committee make contact with the University concerning getting the old fort established in Torbay. It's a significant part of history, located on the beach.

**Jack Byrne Arena**

Councillor Tapper advised that there is a meeting next Thursday, April 26<sup>th</sup>. Both he and Deputy Mayor met with the Chair of the Board and brought the constitution amendment forward for discussion.

**Northeast Avalon Joint Council**

No report.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbor Authority**

Councillor Byrne advised verbally that there was a meeting today. Mayor, DFO Officials, Harbour Authority Officials, Councillor Byrne and Executive Clerk were in attendance. He reported that issues, such as ownership of road, security, vandalism, were discussed and a lot of work is ongoing. Hoping to have some good news to report in the near future.

**Torbay Volunteer Fire Department**

Councillor Byrne gave an overview of items discussed in the Torbay Volunteer Fire Department Meeting Notes, dated March 26, 2012:

Items discussed in the Report included:

- There are three nominees for Fire Fighter of the Year. The announcement will be held at the Fireman's Ball this weekend.
- Mutual Aid Agreements have been drafted.
- There has been a substantial increase in calls since last year.
- There have been 12 emergency calls since the last meeting.
- Firefighters have been asked to watch for pedestrians when operating vehicles; and to keep safety in mind at all times.
- Emergency plan has to be completed in the very near future.

**Urban Municipalities Committee**

No report.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner discussed municipal ticketing. Ticketing legislation has been passed by the Provincial Government recently – Municipal ticketing pilot program has been expanded. Torbay is the 9<sup>th</sup> largest town in the province and some other communities have benefited from this project. He advised he will discuss with the Town's Municipal Enforcement Officer and he will be contacting the Department of Municipal Affairs to further discuss this matter.

Mayor Codner reported he received an invitation to attend a Wreath Laying Ceremony concerning the Titanic at St. Nicholas Hall. American Coast Guard, Canadian Navy, and Ice Patrol officials were all in attendance. The service went well and three wreaths were blessed and taken on an ice patrol plane to be dropped into the ocean.

***Deputy Mayor Gallant*** - Absent

***Councillor Byrne***

Councillor Byrne discussed Volunteer Week. An event was held at the Jack Byrne Arena on Sunday past. The Town has a lot of volunteers in the community; but unfortunately, the event was not well attended. He appreciated everyone's taking the time to come by the event in recognition of our volunteers. He advised that Mayor Codner gave a great speech as to the number of hours that our volunteers commit to in the province; and, he extended a thank you to all volunteers.

***Councillor Roche*** - Absent

***Councillor Smith***

Councillor Smith thanked volunteers; this is a week we remember their hard work and dedication. Congratulations to them all.

***Councillor Tapper***

Councillor Tapper discussed pot holes and how to report and record for damage claim purposes. Process has to be clarified in relation to damage claims. This matter is to be forwarded to Public Works for further review and investigation to ensure these types of complaints are logged and recorded.

***Councillor Whitty*** - Absent

**ADJOURNMENT**

152-12      Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the meeting be adjourned at 8:32 p.m., as there was no further business.

Question called. Motion carried unanimously.

---

*Mayor*

---

*CAO/Town Clerk*