



MINUTES
PUBLIC COUNCIL MEETING
April 18, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 18, 2011 at 7:38 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Peggy Roche
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Ken Anthony, Director of Programs and Services
Ann Picco, Executive Clerk

Regrets

Councillor Mike Byrne
Dawn Chaplin, CAO/Town Clerk
Brian Winter, Development and Planning Officer

Gallery

There were a total of 15 people in attendance.

Meeting was chaired by Mayor Codner.

136-11 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk for the period of April 16 - 30, 2011 that Executive Clerk Ann Picco 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.

137-11 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

138-11 **Adoption of Minutes**

Motion – Councilor Smith / Councillor Tapper

RESOLVED THAT the Minutes of the April 4, 2011, Public Council Meeting be adopted, with the following changes:

Page 4, Under **BUSINESS OUTSTANDING**, Item No. 2, after second sentence, ADD, *Councillor Smith requested a copy of the correspondence or request that prompted this issue.*

Page 9, under **By Pass Road**, first sentence to read, *Councillor Smith questioned and Council discussed that there...*

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

139-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay declare May 18, 2011 as Municipal Awareness Day.

Question called. Motion carried unanimously.

Council discussed various plans/activities for Municipal Awareness Day, including an open house and the involvement of Elementary and High School students. Staff to organize an open house and Mayor Codner to speak to school officials.

CORRESPONDENCE

- 1) Minister of Canadian Heritage and Official Languages – Approval of Grant for project under the Celebrate Canada Program. ***For Information Purposes. COMPLETE.***
- 2) Department of Health and Community Services – Award of Funding, Provincial Wellness Grant. ***For Information Purposes. COMPLETE.***

- 3) Easter Seals, Newfoundland and Labrador – Request for support of Organization and children with physical disabilities. *Deferred to Finance Committee. B/F.*
- 4) Correspondence from teacher at Holy Trinity Elementary School regarding traffic concerns. *A no entrance/exit only sign is in place – by Eastern School District. Council discussed the road and agreed that it is a useful exit, it alleviates traffic on Marine Drive, however turning left onto Torbay Road can be challenging. The School Council feels that it's a safety issue with regards to children crossing it to the playground/soccer field. Mayor replied to teacher advising that Town's Municipal Enforcement Officer is not able to enforce traffic regulations and that the Town is having ongoing meetings with the RNC. COMPLETE.*
- 5) The Children's Wish Foundation of Canada – Run the Rock 2011. *Mayor Codner to send letter of support. COMPLETE.*
- 6) Correspondence from Resident regarding speeding on Patrick's Path and Country Drive. *Mayor advised that he responded to Resident - the Town's Municipal Enforcement Officer is not authorized to enforce traffic regulations; and, that it is an RNC matter. Also advised that the Town is working on a speed calming policy. Information on individual involved has been forwarded to the RNC. With regards to speed calming policy, Director of Programs and Services advised that it has started – first step is a motion, under Public Works Committee, to purchase a portable message/display sign. Speed Calming is being researched, including education and enforcement; and a policy will be drafted. B/F.*
- 7) Correspondence from Resident regarding GoBag flyer packages. *It's agreed by Council that this is a very controversial topic; numerous emails have been received. It was noted that residents can request a plastic container/tube from GoBag/the Telegram for delivery of flyer packages, and it is free of charge. See Motion below. B/F.*

140-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay give notice to residents by way of a Public Notice and our Green Communication system that they are to provide boxes or containers that these GoBag flyer packages can be placed in. Residents are to be given 30 days notice, then the Town will contact the Telegram to have the serviced cancelled.

Question called. Motion carried unanimously.

- 8) Stewardship Association of Municipalities (SAM) – Invitation to attend the 2011 Spring SAM Conference. *As Deputy Mayor Gallant is President and Councillor Tapper is Treasurer, they both will be attending this conference – see motion below. COMPLETE.*

141-11 Motion – Councillor Roche / Councillor Smith

RESOLVED THAT the Town of Torbay confirm registration for Deputy Mayor Gallant and Councillor Tapper to attend the 2011 Spring SAM Conference to be held on June 3 – 4, 2011 in Whitbourne.

Question called. Motion carried.

Deputy Mayor and Councillor Tapper did not vote on this motion.

- 9) Correspondence from Resident concerning housing developments near wetlands and sensitive areas in the Town and development near Gosse's Pond.
- 10) Correspondence from Resident concerning requests for information, developments in the Town, conservation/wetland areas, and Municipal Plan/Development Regulations.
- 11) Correspondence from Resident concerning developments in the Town and protection of conservation and buffer zones.
- 12) Correspondence from Resident concerning Council Meetings.
- 13) Correspondence from Resident concerning public information, Council Meetings, Planning and Development.

Correspondence Items 9 – 11 were discussed together by Council. Members of Council thanked residents for their correspondence concerning development matters and meetings of Council. The Special Meeting of Council of March 28th was discussed and process for special meetings, including special vs. privileged meetings. It was agreed that clarity is needed, including guidelines for special or privileged meetings. It was noted that the Minutes of the Special Meeting of March 28th are adopted and available to residents if they wish to receive a copy. Council Members advised that they are available to meet with residents/groups if they would like to discuss further. The Privacy Act and the Municipalities Act were also discussed – process of obtaining information; and, it was suggested that residents bring any matters to Council's attention if they feel the Town may be acting outside the Act. It was agreed that it's important to inform residents of matters as well as receive feedback from residents. Deputy Mayor discussed Council transparency, and put forward a motion - see Motion below. B/F.

142-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay strike a sub-committee to deal with Council transparency and come back with recommendations in thirty days.

Question called. Motion carried unanimously.

Councillor Smith requested a terms of reference - so that it's clear as to what the committee will do. A terms of reference for the sub-committee is to be drafted to include who is on committee and what the committee is all about.

BUSINESS OUTSTANDING

- 1) Department of Environment and Conservation – Torbay Municipal Habitat Stewardship Program Expansion Proposal. *Deferred so that all Council Members can read in full – timeline for completion: by next Public Council Meeting, May 16th. B/F.*
- 2) Correspondence from Resident concerning Discount for Senior Citizens. *Deferred to Finance Committee for review, upon CAO's return. B/F.*
- 3) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *No response from Ms. McCarthy, Department of Environment and Conservation, and*

- Mayor Codner advised that he is unable to reach her. Mayor advised next step is to send correspondence - Mayor to write Minister. B/F.*
- 4) Eastern School District regarding various issues related to the newly constructed Holy Trinity Elementary School / Motion 474-10 from Public Council Meeting of November 15th – Public Works Committee to investigate Doyles/Quigleys Lane are concerning traffic and possibility of making one way street. *Meeting scheduled for Friday, April 8th with representative from Eastern School District, Town’s Engineer, Staff did not go ahead. Mayor advised he called back with other tentative dates – awaiting reply. B/F.*
 - 5) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *This will be completed around May 30th. B/F.*
 - 6) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *With regards to the use of the Jack Byrne Arena for pick up and drop off, CAO is dealing with this – a letter is written to the Jack Byrne Arena to confirm that bus can use the site. Deputy Mayor advised that there is a meeting next Tuesday, April 26th with the Arena; and, this is on the Agenda. There is a motion on the books that may then need to be rescinded. B/F.*
 - 7) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane - This is concerning acquisition of land from a resident on the corner in order to increase the turn radius so that the bus can get into the Kelly’s Lane area. *This ties in with Item No. 4, above – a meeting is to be arranged with Eastern School District. B/F.*
 - 8) 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. *This is still in process of being studied. CAO has been in contact with the Department of Municipal Affairs – CAO to advise. B/F.*
 - 9) Status of Camp Carey Building. *Deputy Mayor advised that the Torbay Volunteer Fire Department did an inspection of the building and they do have a recommendation report. It will be costly to fix or bring to basic code. Community groups have shown interest in the building, but it will have to be brought up to reasonable standard. B/F.*
 - 10) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *Mayor advised that a meeting was held; and there was a meeting with the Town’s Solicitor. Deferred until CAO returns. B/F.*
 - 11) Demolition of property at 1327 Torbay Road and cost of demolition to be charged back to home owner – deferred until clarification of land ownership. *May 31st is the deadline regarding demolition of property. Mayor to check with Town’s solicitor concerning draft written agreement for property owner’s signature; and, he is to advise Councillor Whitty when letter received so he can follow up. B/F.*
 - 12) Level of Service Policy – Relates to snow clearing operations and opening of fire hydrants. *Director of Programs and Services advised that he is still working on this – this will be for next season. COMPLETE.*
 - 13) Construction signs on Torbay Road – there are still signs, even though construction has been stopped. *Mayor advised that construction has started again. Second pavement lift to go back and should be done by mid-summer. B/F.*

COMMITTEE REPORTS

Economic Development

No reports or motions.

Finance

143-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report, dated April 4 - 15, 2011, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

No reports or motions.

Planning and Land Use

144-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Applications Approved section of the Building Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

Application: 9459-11

Location: Whiteway Pond Road

Proposal: Control Building for NF Power Sub Station 18' x 24'

Zoning: Residential Infill (RI)

145-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9459-11, under the Applications for Approval section of the Building Application Report, dated April 15, 2011, as additional information is required.

Question called. Motion carried unanimously.

MINUTES
PUBLIC COUNCIL MEETING
April 18, 2011

Application: 9468-11
Location: 20-22 Mahon's Lane
Proposal: Accessory Building 28' x 30'
Zoning: Residential Large Lot (RLL)

146-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9468-11, under the Applications for Approval section of the Building Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

Application: 9469-11
Location: 66 Reddy Drive
Proposal: Accessory Building 20' x 24'
Zoning: Residential Medium Density (RMD)

147-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9469-11, under the Applications for Approval section of the Building Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

Application: 9471-11
Location: 128 Marine Drive
Proposal: Accessory Building 14' x 24'
Zoning: Residential Medium Density (RMD)

148-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9471-11, under the Applications for Approval section of the Building Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

MINUTES
PUBLIC COUNCIL MEETING
April 18, 2011

Application: 9472-11
Location: 17 Nathaniel Drive
Proposal: Accessory Building 30' x 30'
Zoning: Residential Large Lot (RLL)

149-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9472-11, under the Applications for Approval section of the Building Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

Application: 9466-10
Location: 5 Watts Pond Road
Proposal: Single Family Dwelling
Zoning: Mixed Development (MIX)

150-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9466-10, under the Applications to be Advertised/Deferred section of the Building Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

Application: 9470-11
Location: 314 Indian Meal Line
Proposal: Cell Phone Tower
Zoning: Rural (RUR)

151-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9470-11, under the Applications to be Advertised/Deferred section of the Building Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

152-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Applications to be Approved section of the Business Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

Application: B1056-11
Location: 61 Western Island Pond Drive
Proposal: Home Office for an IT Consulting Business
Zoning: Residential Large Lot (RLL)

153-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application B1056-11, under the Applications to be Advertised/Deferred section of the Business Application Report, dated April 15, 2011, as presented.

Question called. Motion carried unanimously.

Public Works

154-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay go to tender to purchase two (2) Generators, one (1) 35kw, one (1) 15 kw (Est. cost - \$30k). This motion is in accordance with Minutes from the Public Council Meeting held on January 24, 2011, Ref: 028-11.

Question called. Motion carried unanimously.

155-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay request quotes to fence the newly constructed Chlorine Contact Chamber at North Pond. Funding for this project requires approval from Council. Approximate cost is \$4,200.00

Question called. Motion carried unanimously.

156-11 Motion – Councillor Whitty / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay go to tender to purchase a portable message/display sign at a cost of \$20,000.00. This is a budgeted item for 2011, with the expenditure to be charged to “Traffic Measures: 6410-5235.

Question called. Motion carried.
Against Motion: Councillor Smith

Parks, Recreation and Community Services

157-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee Meeting, dated April 13, 2011, as presented.

Question called. Motion carried unanimously.

158-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay obtain legal clarification of what constitutes buffer zones and conservation zones and whether or not they can legally be included in private properties. Also how the placement of trails are included in such zones or areas of private lots and developments.

Question called. Motion carried unanimously.

Technical Services

159-11 Motion – Councillor Whitty / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Minutes of the Technical Committee Meeting, dated April 12, 2011, as presented.

Question called. Motion carried unanimously.

160-11 Motion – Councillor Whitty / Deputy Mayor Gallant

RESOLVED THAT the Town Council of the Town of Torbay invite tenders from Qualified Waste Management Providers for Curb Side Recycling and Bulk Metal Collection. A copy of “Specifications” can be obtained by contacting the Town Office.

Question called. Motion carried unanimously.

161-11 Motion – Councillor Whitty / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay rescind Motion 160-11, as motion was the actual tender ad to be advertised in the Telegram, which was read in error. (*Motion read: **RESOLVED THAT** the Town Council of the Town of Torbay invite tenders from Qualified Waste Management Providers for Curb Side Recycling and Bulk Metal Collection. A copy of “Specifications” can be obtained by contacting the Town Office.*)

Question called. Motion carried unanimously.

162-11 Motion – Councillor Whitty / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay place an advertisement in the Saturday, April 23, 2011 edition of Evening Telegram requesting tenders from “Qualified Service Providers” to provide Curb Side Recycling Services and Bulk Metal Collection.”

Question called. Motion carried unanimously.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche put forward a Notice of Motion to accept invitation for twinning of the Town of Torbay and Town of Devon and exchange of Mayors. This is to be worked out with the consulates at a later date.

By Pass Road

No report.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

Councillor Roche advised that there is a meeting scheduled in Holyrood on Wednesday, April 20th. They will be celebrating the retirement of Gerard Lewis, City of Mount Pearl. Mayor to forward letter of congratulations on his retirement and his work.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

No report, as the Council Liaison is not present.

Torbay Volunteer Fire Department

Report from Councillor Byrne for the Torbay Volunteer Fire Department, dated April 11, 2011, is deferred to the next Public Council Meeting as he is not present.

Urban Municipalities Committee

The next meeting is June 17th - 18th in Placentia.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant thanked everyone who visited development site at Motion Estates. He thanked Councillor Whitty for calling for a public consultation; and, he thanked staff who worked after hours.

Councillor Byrne - Absent

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper discussed email from CAO advising that proposed new depot is unable to go on recommended site, as per environmental assessment. Department of Transportation and Works depot site has also failed assessment – requested report as to why approval not given. Councillor Tapper suggested site at Indian Meal Line / By pass road – this could be a potential site for proposed new depot.

He discussed the Community Assessment report. Consultant was by last Monday, April 11th, and presented his report. He advised that two or three months ago, there was a motion passed for Council to get together to discuss development in the Town. He suggested taking a day or a weekend to discuss when CAO returns.

Councillor Whitty - Pass

ADJOURNMENT

163-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 9:05 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk