



***MINUTES***  
PUBLIC COUNCIL MEETING  
April 29, 2013

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 29, 2013 at 7:35 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**

Dawn Chaplin, CAO/Town Clerk  
Brian Winter, Director of Planning  
Ann Picco, Executive Clerk

**Regrets**

Councillor Mike Byrne  
Tina Auchinleck-Ryan, Director of Community Services  
Bernie Manning, Director of Public Works & Technical Services

**Gallery**

There were a total of 16 people in attendance.

Mayor Codner asked everyone in the Gallery to ensure they sign the guest/sign-in book, clarifying the importance of this in the event of an emergency. Should we have to vacate the chambers quickly, the CAO would take the book and do a roll call to ensure that everyone is outside - it's a safety procedure.

129-13      **Adoption of Agenda**

Motion – Councillor Smith / Councillor Roche

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

130-13 Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Minutes of the April 15, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

None.

**CORRESPONDENCE**

1. Easter Seals Newfoundland and Labrador – request for support. *Deferred to the Finance Committee.*
2. Duke of Edinburgh Awards, NL – thank you card. *For information purposes.*
3. Correspondence from resident concerning new Engineering Design Guidelines for Subdivisions. *Meeting to be arranged with Council and Newfoundland Design Associates Ltd. for further review and clarification. Also discussed under the Planning and Land Use Development Committee Minutes, dated April 24, 2013.*
4. Notice of Motion from Councillor Roche concerning property at 49 Byrnes Lane. *See motion below:*

131-13 Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay apply the following requirements to Application 9941-13 for 49 Byrnes Lane (as adopted at previous Council meeting on April 15, 2013):

- The property owner is responsible to extend Byrne's Lane by thirty meters (30m).
- The right of way width for the extension shall be fifteen meters (15 m).
- The turning circle will be fifteen meters (15m) in diameter unpaved as it is only temporary turn around.
- The paved surface shall be six meters (6 m) wide and extend from the existing asphalt to the start of the proposed turning circle.
- The land required to widen the right of way shall be deeded to the Town
- The applicant is responsible for all costs endured to extend Byrnes Lane, including engineering, legal and all construction costs.
- The applicant shall provide a design drawing completed by an engineer outlining the conditions listed above, which will require approval from the Towns engineering consultants.

- The construction of the single family dwelling and accessory shall be subject to all normal conditions for building in the Town of Torbay

Question called. Motion carried unanimously.

### **CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report was discussed and accepted as presented.

Councillor Smith advised there are some old items on the report that can be clued up and removed; and, it was agreed to remove these items if they are completed.

### **COMMITTEE REPORTS**

#### **Economic Development**

No report.

Councillor Smith discussed the recent MNL Urban Summit, which took place in early March – advising that she attended as well as CAO Dawn Chaplin and Economic Development Officer Ross Houlihan. She further advised that MNL has opened up a second learning session – Placemaking by Dr. Katherine Loflin - at UMC Meeting in Grand Falls-Windsor on May 24<sup>th</sup> and 25<sup>th</sup>. If Council and Staff are interested in attending, please advise CAO.

#### **Finance**

The Financial Report, dated April 15-26, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of April 15-26, 2013, for 29 employees totalled \$65,573.34.

For the period of April 15-26, 2013, Accounts Payable invoices in the amount of \$190,843.71 were paid. These expenditures were within budget.

There are six (6) Main Operating Invoices totalling \$116,555.46 for approval:

132-13      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to DBI – Garbage Removal, for Recycling March 2013, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

133-13      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Fast Path, for Roblin Place Excavation, in the amount of \$33,475.33.

Question called. Motion carried.

For Motion: Mayor Codner, Councillor Roche, Councillor Tapper, and Councillor Whitty.

Against Motion: Deputy Mayor Gallant and Councillor Smith.

Councillor Smith asked that the above motion be deferred as there is a request through the Public Works Committee for breakdown of costs and agreement information with Eastern School District – she advised that costs should be shared between the Town and Eastern School District. Councillor Smith put forward a motion for an amendment to defer payment given concerns of Public Works Committee, however, there was no seconder.

CAO and Mayor Codner advised that the Town did receive confirmation by email that Eastern School District will pay portion of costs. Council Members discussed that as work is done, payment is due; and, if payment is delayed, possible interest charges could apply.

134-13      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Municipal Assessment Agency, for 2<sup>nd</sup> Quarter Assessment Fees, in the amount of \$25,130.00.

Question called. Motion carried unanimously.

135-13      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street Lighting March 2013 and Group Billing April 2013, in the amount of \$25,415.92.

Question called. Motion carried unanimously.

136-13      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General, for Payroll Remittance April 1-15, 2013, in the amount of \$17,638.18.

Question called. Motion carried unanimously.

137-13      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Trio Benefits, for Employee Benefits for April 2013, in the amount of \$7,094.93.

Question called. Motion carried unanimously.

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

A copy of the first quarter (January 1-March 31, 2013) cheque register is included for Council's information.

The next Finance Committee Meeting will be held once the 2012 draft audited statements are ready for Committee's review. Donation requests will also be addressed at that meeting.

### **Human Resources and Administration**

No report.

### **Planning and Land Use**

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated April 24, 2013.

Items discussed in the report included:

1. Development Proposals
  - Crown Land Applications.
  - Application for building adjacent to existing Day Care on Watts Pond Road.
2. Correspondence
  - Correspondence from Portugal Cove – St. Philip's for proposed amendment.
  - Correspondence from Department of Environment and the Town of Logy Bay Middle Cove Outer Cove regarding development in the area of the Jack Byrne Arena.
3. Other Items
  - Projects that Committee are working on and will now require a meeting of all Council for final review, including:
    - Engineering Design Guidelines for Subdivision Regulations
    - Signage and Advertisement Regulations
  - Follow up from April 15, 2013 Council Meeting in relation to Motion 124-13 regarding Application 9941-13 – Byrnes Lane.
    - Committee Chair wanted to clarify some points/items discussed by Councillors, including:
      - Definition of subdivision – can be defined in two manners: 1) the subdividing of land into two or more pieces/lots for development; 2) development subdivision, where houses are built in larger quantities.
      - Definition of Cul-de-Sac – defined as a dead end street with no outlet.

- Councillor Smith referenced the subdivision guidelines, presently under review, referring to page 30 defining the minimum requirements for a cul-de-sac as being 200 meters.
- Letter to landowners at Pineridge Development Area
  - Only two responses were received back from residents - one land owner approached the Town and the CAO spoke to one individual as well.

*Building Applications Approved*

The following applications were approved and permits have been issued since the last Public Council meeting:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9943-13	942 Torbay Road	Replace Existing Accessory Building
9946-13	60 Patrick's Path	General Repairs
9947-13	16 Flora Drive	Single Family Dwelling
9949-13	65 Indian Meal Line	General Repairs
9950-13	14 Flora Drive	Single Family Dwelling

*Building Applications for Approval*

**Application:** 9934-13  
**Location:** 10 Barron's Lane  
**Proposal:** 16' x 24' Accessory Building  
**Zoning:** RMD (Residential Medium Density)

138-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9934-13, under the Applications for Approval section of the Building Application Report, dated April 26, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

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**Application:** 9951-13  
**Location:** 29 Forest River Road  
**Proposal:** 28' x 36' Accessory Building  
**Zoning:** RLL (Residential Large Lot)

139-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9951-13, under the Applications for Approval section of the Building Application Report, dated April 26, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

*Building Applications to be Deferred*

**Application:** 9952-13  
**Location:** 5 Curran Place  
**Proposal:** Commercial Building (15, 10' x 20' Storage Units & conversion of single family dwelling into an office)  
**Zoning:** Mixed (MIX)

140-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer Application 9952-13, under the Applications to be Deferred section of the Building Application Report, dated April 26, 2013, for further review.

Question called. Motion carried unanimously.

**Application:** 9948-13  
**Location:** 5 Country Drive  
**Proposal:** 30' x 30' Accessory Building  
**Zoning:** Residential Medium Density (RMD)

141-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer Application 9948-13, under the Applications to be Deferred section of the Building Application Report, dated April 26, 2013, for further review.

Question called. Motion carried unanimously.

*Building Applications to be Refused*

**Application:** 9929-13  
**Location:** Portion of 4 Upper Evening's Path  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

142-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay refuse Application 9929-13, under the Applications to be Refused section of the Building Application Report, dated April 26, 2013, for the following reasons:

1. The proposed subdivision of land does not meet the requirements of an unserviced lot in the Residential Infill Land use zone.

Question called. Motion carried unanimously.

*Business Applications for Approval*

**Application:** B1116-13  
**Location:** 1345 Torbay Road  
**Proposal:** Massage & Physiotherapy Clinic  
**Zoning:** Mixed (MIX)

143-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application B1116-13, under the Applications for Approval section of the Business Application Report, dated April 26, 2013, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. All normal conditions and requirements for businesses within the Town of Torbay.
3. Written approval from the property owner is required.

Question called. Motion carried unanimously.



Crown Land Applications

**Application:** C1035-13  
**Location:** Adjacent to 435B Bauline Line (see item 1b) PLUD Report)  
**Proposal:** Possible Future Residential Development  
**Zoning:** Residential Large Lot (RLL)

144-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application C1035-13, under the Crown Land Application Report, dated April 26, 2013.

Question called. Motion carried unanimously.

**Application:** C1037-13  
**Location:** To the rear of 392-396 Bauline Line (see item 1a) PLUD Report)  
**Proposal:** Extension to current property  
**Zoning:** Residential Infill (RI)

145-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application C1037-13, under the Crown Land Application Report, dated April 26, 2013.

Question called. Motion carried unanimously.

**Public Works**

Councillor Whitty provided an overview of items discussed at the Public Works Committee Meeting, dated April 24, 2013.

Items discussed in the report included:

- Solid Waste and Recycling Tender
  - Tender is complete and out to public for competition and will close Friday May 3 with public opening to follow.
- Plumbing Certificate
  - Plumbing Certification and Contractor Applications are available for use in the construction industry by the end of May.
- Depot
  - Town Staff are compiling a comprehensive costing review on site work and will have items prepared for submission to Municipal Affairs and Transportation and Works for review.

The Depot and outcome of sites being reviewed by various provincial departments was discussed including locations and deadlines. CAO to write letter requesting extension to the utilization of capital funding.

Councillor Whitty had put forth a motion, seconded by Councillor Smith, that the Town adopt the Plumbing Contractor License register and Plumbing Certification release form effective May 30, 2013.

After discussion by Council, the motion was withdrawn and deferred for further research. Matters such as responsibility, liabilities, and repairs both inside and outside were questioned should contractors' work not meet specifications.

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

Councillor Tapper discussed the recent SAM Meeting in Spaniard's Bay. The report will be included for the next Council Meeting.

### **Technical Services**

No report.

## **SPECIAL COMMITTEES OF COUNCIL**

None.

## **LIAISON COMMITTEES**

### **Heritage/Museum**

No report.

### **Jack Byrne Arena**

Deputy Mayor Gallant advised that the strategic session date is set. He reported that tender has just been awarded for new lighting.

### **Northeast Avalon Joint Council**

Councillor Whitty advised that the Minutes of the Northeast Avalon Joint Council Meeting, dated March 20, 2013, are enclosed for Council's review.

- Councillor Whitty noted presentation from the Department of Municipal Affairs, concerning the matter of conflict of interest.

- Mayor Codner discussed the following items:
  - page 2, Item 5, fourth bullet, where it indicates that, “The current Act states that the decision of Council is final.” He noted that decisions are subject to appeal.
  - Page 2, Item 5, sixth bullet, referring to outstanding taxes relating to Council Members.

### **Northeast Avalon Regional Plan**

No report.

### **Torbay Harbour Authority**

No report.

### **Torbay Volunteer Fire Department**

As Councillor Byrne was absent, Councillor Smith provided an overview of items discussed at the TVFD Meeting, dated April 8, 2013.

Items discussed in the report included:

- MD Boot Drive
  - Over \$1,000 raised.
- Nominees for Fire Fighter of the Year
  - Mayor Codner advised that the Department’s Annual Fire Fighters’ Ball was held last Saturday night, indicating that Ray Clarke is Fire Fighter of the Year. Mike Matthews was awarded with a 20 year service pin.
- The Department had six calls since the last meeting, including medical, motor vehicle, brush and chimney fires.
- Safety Report was presented
- Fire Prevention Report
  - Fire Drill - Town requested fire drill for staff.
- Public Relations Report
  - New training tower procedures were shared.
  - Report from Allison Power concerning nutrition week was read.
- Training
  - Training is ongoing regarding oxygen, defib and CPR re-certifications.
  - April 20<sup>th</sup> will be flashover simulator training.
- New Business
  - Requirement of pockets masks.
  - Girl Guides requested first aid training.
  - 39<sup>th</sup> year anniversary celebrations
- Meeting was concluded with Truck checks.

With regards to fire drill for Town staff, Mayor Codner requested something similar for Council Meetings to ensure everything works effectively and efficiently.

### **Urban Municipalities Committee**

Councillor Smith advised that a presentation held at the MNL Urban summit in early March by Dr. Katherine Loflin, entitled Placemaking – Soul of the Community and Beyond, will be held again in Grand Falls-Windsor on May 24<sup>th</sup>/25<sup>th</sup>. She encouraged Council and Staff to consider attending.

### **NEW BUSINESS**

#### ***Mayor Codner***

Mayor Codner advised that he attended the recent Atlantic Mayors' Congress Meeting in Halifax, NS, and advised of items discussed, including:

- Sewer treatment plants – wastewater regulations and infrastructure financing.
- Economic Update on the Atlantic Region.
- Resolutions were passed.
- Invocation – prayer before council meetings.
  - Mayor asked Council if they wished to proceed with this and read aloud the prayer used by the Halifax Regional Municipality Council Members.
- Similar problems and issues by other towns and cities were discussed.

He noted that Administrative Professionals' Day was last Wednesday, April 24<sup>th</sup> and extended a thank you to staff for their hard work and dedication to the Town. He indicated that he received a call from a resident advising that they were impressed with the cleanliness in the Chambers and how friendly staff were at the counter.

#### ***Deputy Mayor Gallant***

Deputy Mayor Gallant advised that Council received an email from a resident in Motion area concerning flying shale/rock that occurred in January of this year.

He advised that he was contacted by VOCCM for an interview, who had picked up the story from the Northeast Avalon Times paper. There are studies ongoing federally and provincially, and he would like to see in writing that the area is safe for development. Deputy Mayor advised that he's concerned about safety in the area; and, he asked what Council are going to do to mitigate these risks. Deputy Mayor suggested that we come up with an action plan for reassurance that area is safe for our current residents and our future residents.

Deputy Mayor asked that Council discuss this matter to see what timelines there are and what Council can do as it's a safety issue. Mayor Codner advised that as this is Council's go-around, there is to be no discussions. Councillor Roche suggested that a meeting of Council be held for this discussion; and, we could find out what's happening in other areas

of the province, as this is not a regular occurrence. Deputy Mayor indicated that matter has to be dealt with and requested a meeting date.

Councillor Smith recommended caution in wording when speaking publicly about this matter and this development, and referenced Deputy Mayor's use of the word encroachment in his media interview. She advised that there's no encroachment in this area; and, there are studies ongoing on this issue, which may never occur again in this area.

Deputy Mayor expressed his concern that the correspondence was sent to the Town in January and Council didn't hear about this until several months later. CAO advised that his comments were not true, clarifying that correspondence was only recently received.

Discussion on this matter closed - Mayor Codner asked that Council move on as discussion on this topic was past five minutes; and, he indicating that the Director of Planning has been looking into this matter.

Deputy Mayor Gallant thanked Councillor Tapper for his role with, and loyal service to, the Stewardship Association of NL. He advised that it's a growing organization across the province and we are appreciative of its efforts.

***Councillor Byrne*** - Absent

***Councillor Roche*** - Pass

***Councillor Smith*** - Pass

***Councillor Tapper***

Councillor Tapper congratulated resident Ross Traverse who recently received the Lifetime Achievement Award from Landscape NL. He asked that the Town forward to him a letter of congrats.

He advised that he recently read an article from a blog, Torbay Today, about a local Canadian soldier, MCpl Carl Dymond, who is flying the Torbay flag where he's stationed in Afghanistan. Councillor Tapper noted that his deployment will be over in a few months and that the Town should invite him in to hear his story.

***Councillor Whitty*** - Pass

**ADJOURNMENT**

146-13      Motion – Councillor Smith / Councillor Tapper

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

Question called. Motion carried unanimously.

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*Mayor*

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*CAO/Town Clerk*