



MINUTES
PUBLIC COUNCIL MEETING
August 22, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 22, 2011 at 7:39 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ann Picco, Executive Clerk
Brian Winter, Development and Planning Officer

Gallery

There were a total of 5 people in attendance.

Meeting was chaired by Mayor Codner.

Council held a moment of silence in memory of Mr. Jack Layton, who passed away today, August 22, 2011. Mr. Layton was Leader of Canada's New Democratic Party (NDP) from 2003 to 2011.

332-11 **Adoption of Agenda**

Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

333-11 **Adoption of Minutes**

Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the August 8, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Department of Municipal Affairs – Circular to Municipalities regarding Amendments to the Municipalities Act, 1999. ***For Information Purposes. The Department of Municipal Affairs will be conducting a training session in the Fall. COMPLETE.***
- 2) Department of Municipal Affairs – Circular to Municipalities regarding Disclosure of Personal Information at Public Council Meetings. ***For Information Purposes. COMPLETE.***
- 3) Correspondence from residents concerning Forest Landing real estate sign. ***Mayor Codner advised that he talked to the developer. There are two signs – the gateway sign and the development sign which will soon be refaced. This sign will remain there until Phase 7 of the project is complete. CAO advised that she sent reply in regards to the gateway sign. The Supervisor of Recreation and Healthy Living is working with contractor to do some beautification enhancement of subdivision gateways. The Development Control Officer followed up with the real estate company on the sign - a new smaller sign will be placed there. With regards to length of time for sign to be erected, there are regulations under the subdivision guidelines and under the new signage policy, which will be coming forth soon. COMPLETE.***
- 4) Correspondence from Office of the Prime Minister concerning St. John’s Search and Rescue Sub-centre. ***For Information Purposes. COMPLETE.***
- 5) Correspondence from resident concerning property and development plan in vicinity of Birchy Nap Hill Road area. ***Deferred to Planning and Land Use Development Committee. It was discussed that once comprehensive plans are adopted by Council, they will then be posted on the Town’s website for public viewing. B/F.***

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report was accepted as presented.

Council discussed deadline dates; and, it was agreed that deadline dates for motions can be difficult to define. It was agreed that at the time a motion is made, deadline dates will be encouraged. A key will also be added to the report to define abbreviated names and titles.

COMMITTEE REPORTS

Economic Development

Councillor Roche reported that the Town is the recipient of two international awards. She extended a thank you to Jeff Lawlor, Economic Development Officer, as well as CAO Dawn Chaplin and Town Staff.

Finance

The Financial Report, dated August 1-19, 2011, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of August 1-19, 2011 for 49 employees totaled \$91,539.43.

For the period of August 1-19, 2011, Accounts Payable invoices in the amount of 202,901.53 were paid. These expenditures were within budget.

Ten (10) Main Operating Invoices totaling \$147,708.59 were presented for approval.

334-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Company Limited, for street lighting for August, 2011, in the amount of \$16,091.30.

Question called. Motion carried unanimously.

335-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Triware, for IT support contract, in the amount of \$5,650.00.

Question called. Motion carried unanimously.

336-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Murray's Landscape Services, for upgrades to Western Island Pond Playground, in the amount of \$56,913.50.

Question called. Motion carried unanimously.

337-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to WJ Fireworks, for fireworks for Hillside Festival, in the amount of \$5,000.00.

Question called. Motion carried unanimously.

338-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Robert P. Pittman Law Office, for legal services for various town files, in the amount of \$8,273.50.

Question called. Motion carried unanimously.

339-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to WCS Canopy, for tents for Town events, in the amount of \$7,451.16.

Question called. Motion carried unanimously.

340-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to BDO Canada LLP, for 2010 auditing services, 2011, in the amount of \$6,045.50.

Question called. Motion carried unanimously.

341-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to the Town of Flatrock, for fire protection, in the amount of \$27,867.11.

Question called. Motion carried unanimously.

342-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Mask Security Inc., for summer security services, in the amount of \$8,133.72.

Question called. Motion carried unanimously.

343-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newcap Broadcasting, for radio advisories, in the amount of \$6,282.80.

Question called. Motion carried unanimously.

Capital Invoices totaling \$289,794.53, representing expenditures from the gas tax and 2005-2008 multi-year capital works programs, were presented for approval.

344-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Weir’s Construction Ltd., for Lynch’s Lane upgrading – hold back, in the amount of \$42,671.64.

Question called. Motion carried unanimously.

345-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Design Associates Ltd., for Thorne’s Lane and Tynedale pump houses upgrades, in the amount of \$22,062.92.

Question called. Motion carried unanimously.

346-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Pyramid Construction Ltd., for sewage lift station and chlorine contact chambers, in the amount of \$45,864.39.

Question called. Motion carried unanimously.

347-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Black & McDonald Limited, for Thorne’s Lane and Tynedale pump houses upgrades, in the amount of \$68,113.11.

Question called. Motion carried unanimously.

348-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Pyramid Construction Ltd., for sewage lift station and chlorine contact chamber, in the amount of \$111,082.47.

Question called. Motion carried unanimously.

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

Human Resources and Administration

Councillor Byrne read the Human Resources and Administration Committee Report.

Committee met on August 15, 2011 to continue its review of the Outside Operations Report. Committee is meeting again on August 23, 2011. Recommendations will be forthcoming to Council upon Committee's completed review and discussion on the Outside Operations Review Report. This report was completed by JW Consulting and presented to the HR Committee on August 1, 2011.

349-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT in the absence of the Chief Administrative Officer for the period of August 27 – September 3, 2011, that the Town of Torbay appoint Executive Clerk Ann Picco as Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department member.

Question called. Motion carried unanimously.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting on August 18, 2011.

Items discussed in the Minutes included:

1. Amendments – Livestock buffer removal and rezoning of land. Waiting for clarification from the Department of Natural Resources.
2. Development Proposals – applications regarding housing. Property owners/applicants requested a more balanced approach when it comes to housing options. Development and Planning Officer to meet with property owners to discuss.
3. Other Items
 - a) Inquiry from land owner Gallows Cove about a past approval.
 - *Deferred back to the Planning and Land Use Development Committee.*
 - b) NEF Lines - construction can take place between the NEF30 and NEF35 lines, but not inside the NEF35 line.

Councillor Smith reported that there were five (5) applications approved/issued, under the Building Application Report, dated August 19, 2011.

350-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the six (6) approved applications, as per the Applications Approved section of the Building Application Report, dated August 19, 2011, as presented:

No.	Application No.	Location	Proposal
1	9567-11	13 Scott Place	12' x 20' Accessory Building
2	9568-11	11 Clements Lane	16' x 20' Accessory Building
3	9569-11	17 Piperstock Place	12' x 16' Accessory Building
4	9570-11	7 Davalan Place	General Repairs/ New Deck
5	9572-11	8 Edgewater Lane	Single Family Dwelling
6	9577-11	3 Rattling Brook Rd.	8' x 12' Accessory Building

Question called. Motion carried unanimously.

Application: 9565-11
Location: 8 Sallesnik Lane
Proposal: 20' x 24' Accessory Building
Zoning: Residential Large Lot (RLL)

351-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9565-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9571-11
Location: 4 Upper Evenings Path
Proposal: 20' x 24' Accessory Building
Zoning: Residential Infill (RI)

352-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9571-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9573-11
Location: 1599 Torbay Road
Proposal: 24' x 28' Extension to Single Family Dwelling
Zoning: Mixed (MIX)

353-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9573-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. Provincial Government Services Centre, Operations Division Certificate of Approval may be required for lot layout, well and septic system prior to release of a Building Permit.

Question called. Motion carried unanimously.

Application: 9574-11
Location: 24 Easterbrook Drive
Proposal: 12' x 12' Extension to Attached Garage
Zoning: Residential Medium Density (RMD)

354-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9574-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

Application: 9575-11
Location: Portion of 153-159 Country Drive
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

355-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9575-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, 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. This lot was included in the infill water study.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Application: 9576-11
Location: 6 Pinch Creek Place
Proposal: 28' x 36' Accessory Building
Zoning: Residential Large Lot (RLL)

356-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9576-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9578-11
Location: 912-924 Torbay Road
Proposal: Commercial Building 75' x 200'
Zoning: Mixed Development (MIX)

357-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9578-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, subject to the following conditions:

1. The project shall conform to the requirements of the Mixed Development (MIX) Land Use Zone of the Torbay Development Regulations.
2. The project shall meet the normal building requirements of the Town.
3. The business will be subject to Business Tax in accordance with the published schedule of Taxes and Fees for the Town of Torbay.
4. Approval from the following Government Agencies is required:
 - a. Government Services (Fire and Life Safety Division)
 - b. Government Services (Accessibility Division)
 - c. Department of Works Service and Transportation
 - d. Department of Environment and Conservation

5. The development has to comply with the Town of Torbay Parking Requirements.
6. All possible tenants will require individual approvals prior to occupancy.

Question called. Motion carried unanimously.

Application: 9579-11
Location: 18 Brixham Crescent
Proposal: Single Family Dwelling
Zoning: Residential Large Lot (RLL)

358-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9579-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, 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 from the Town.

Question called. Motion carried unanimously.

Application: 9580-11
Location: 61 Western Island Pond Drive
Proposal: 16' x 16' Extension to Single Family Dwelling
Zoning: Residential Large Lot (RLL)

359-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9580-11, under the Applications for Approval section of the Building Application Report, dated August 19, 2011, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. Provincial Government Services Centre, Operations Division Certificate of Approval may be required for lot layout, well and septic system prior to release of a Building Permit.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting on August 18, 2011.

Items discussed in the Minutes included:

Old Business:

1. Levels of Service/Snow and Ice Control - this document has been drafted.
2. Applications for funding for Curb and Gutter and new depot were discussed.
3. Trench Box - required for any trench 3 feet deep or deeper. Awaiting Approval from Finance.
4. Rock Wall Whitty Lane is nearing completion.
5. Work on Mathew Drive - awaiting response from resident.
6. Curb Side Recycling - it was noted that the tender closes this week.
7. Grinder (Channel Monster) Repair or Replace. There was no consensus by Committee on how to proceed; therefore, matter was brought to Council. Briefing Note was attached for information.

Councillor Smith left the Council Chambers at 8:15 p.m. as it was determined that she was in a conflict of interest.

New Business:

1. Doyle's and Quigley's Lane (Gas Tax Agreement) - this item will be Tendered. Mayor and SOO visited site.
2. Signage for Speed Bump - Mayor Codner advised that site visit is complete. CAO to follow up regarding standardized signage and speaking to neighbors in area - need to educate residents/public in school zones.
3. Curb Side Recycling - it was noted that the tender closes on August 26th.
4. Ditching on Hiscock's Lane - Mayor and SOO visited this site. Newfoundland Design were on site Wednesday morning to go over technical process concerning various projects, as well.
5. Copper Top Lift Station - Newfoundland Design visited site on Wednesday.

Councillor Smith returned to the Council Chambers at 8:18 p.m.

A Briefing Note, dated July 19, 2011, was attached for information. This concerned the Grinder (Channel Monster) Repair or Replace. Council discussed cost to replace versus fix and the matter of the beach being closed to the public. Costs to be confirmed. Deferred to Finance Committee.

Parks, Recreation and Community Services

No report.

Technical Services

Mayor Codner reported that he has been keeping track of water levels over the past ten years and today the water is only eight inches below the damn, which is the highest it has ever been.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that there is no report.

Councillor Smith reported that she was at a festival in Cupids this past weekend. It was interesting that they had coordinated a mini fair with smaller rides. She suggested having a mini fair as well during the Torbay250 Celebrations.

By Pass Road

Councillor Roche reported that MHA Kevin Parsons advised the Bullock's Town Road will be completed. It was on hold during negotiations of east/west connection. Mayor Codner to contact MHA to confirm officially.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that he attended the musical, *Treasure Cove*, last week, and it was very entertaining. The audience was a great mixture of young and old. He thought it was much better this year, than last – there was more comedy. At the end of the play, he did suggest to the Heritage, Culture and Arts Coordinator to take the play to North Pond Home; and, they are going to take the play there on Thursday. Councillor Byrne reminded everyone that this is the last week for the play – there are only two nights left. There has been a lot of time and energy put into this musical and the 1762 play. He sends a sincere thanks to everyone involved and to the Town for all the work and effort put into making the musical and the play a success this year.

Jack Byrne Arena

Deputy Mayor Gallant advised that there's a board meeting this Thursday, August 25th.

Northeast Avalon Joint Council

Councillor Roche advised that there's no report. The next meeting is in September.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne advised that there was no meeting. He reported that he talked to the Chairperson of the Harbour Authority who advised that the food fishery went off well. The amount of fish caught is approximately 2,500 lbs. The Harbour Authority came up with way to close the last day of the fishery – person who caught the biggest cod fish would win a prize. Biggest fish was 21 lbs; 2nd place 18 lbs.

He reported that there was some vandalism in the area – baskets in garbage container were thrown in the water and a life ring was stolen. One act of vandalism was caught on video and reported to the RNC. An arrest has been made.

The Harbour Authority thanked the Town for their summer student – he was a great asset; and, he did a great job. CAO advised that he's working with recreation laborers this week; and, it is his last week with the Town.

Councillor Byrne discussed future site work – funding has not yet been announced.

He requested that the gate go up in the very near future as people are dumping garbage after hours.

Torbay Volunteer Fire Department

Councillor Byrne discussed the article in the August, 2011 edition of North East Avalon Times paper concerning the fire truck/emergency service vehicle. He thanked Mayor Codner for his comments. Mayor Codner pointed out that the Torbay Volunteer Fire Department serves almost two thirds of the population in the Cape St. Francis district. Council discussed the important life safety reasons that the Department requires a new vehicle – Mayor Codner is working on arranging a meeting with the Department of Municipal Affairs.

Councillor Byrne discussed a blog concerning the Town's request for a rescue vehicle and the recent motion of Council to make an offer to Great Big Sea to play during the Torbay250 celebrations. He advised that it is important that people take time to review facts and ask questions before making comments.

Urban Municipalities Committee

Councillor Smith advised that there is a meeting the last weekend in September in Gander.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant advised that the Tri for Health is this weekend coming, Sunday, August 28th. He reported that they are looking for volunteers. He is volunteering; and, it would be great if other Members of Council volunteered, as well. He will forward an email to all Council Members.

He thanked Councillor Tapper for his great work over email these past few weeks.

Councillor Byrne

Councillor Byrne discussed the issue of litter in and around the community. He advised that with all the literature and reasons why not to litter, this day and age there's still so much litter on the roads. He asked for a solution and how to control.

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper advised that there's a "Keep Out" sign on the Gosse's Pond Trail. Municipal Enforcement Officer to check.

He discussed Middle Three Island Pond Road and asked that some priority be given to maintaining the road as it is in bad condition, as there are cabin owners residing there and they are paying property taxes to the Town. CAO discussed that a few of the cabin owners appealed their assessments; commissioner reviewed and there was no adjustment to their property assessments. She also advised that there is work done on this road once a year in the Spring. Referred to Public Works for further discussion.

Councillor Whitty

Councillor Whitty discussed support of local businesses – that we use local businesses for their services. CAO advised that the Town do support local business where possible. The Town supports local before going outside the community. Staff are doing training in relation to

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tendering processes. She reported that the Economic Development Officer is refining the Town's business directory. Councillor Whitty to make list of businesses and forward to CAO.

ADJOURNMENT

360-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 9:02 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk