



MINUTES
PUBLIC COUNCIL MEETING
August 6, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 6, 2012 at 7:30 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Brian Winter, Development and Planning Officer
Bernie Manning, Director of Public Works & Technical Services
Ann Picco, Executive Clerk

Gallery

There were a total of 8 people in attendance.

334-12 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

335-12 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the July 23, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

1. Department of Municipal Affairs – Training and Professional Development Opportunities for 2012/2013. *Council Members to advise CAO if interested in attending.*
2. Trio Memo – Call for Nominations, NLMEB Board of Directors. *Councillor Smith advised that she would like to seek nomination. See motion below.*

336-12 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay nominate Councillor Carol Ann Smith as a candidate to serve on the TRIO Board, for the position of NLMEB Director on behalf of MNL.

Question called. Motion carried unanimously.

3. Municipal Assessment Agency Inc. – 2013 Assessment Roll. *Council discussed the correspondence from MAA indicating that for Torbay the average residential property is increased by 50% and the average change in commercial value is a 20% increase. Council discussed the mill rate and the matter of educating residents on assessment information and process - values will be changed to reflect the actual property value as of January, 2011. Councillor Smith suggested that the Town send out a media release informing residents and the constituents represented by Council with reference to the information regarding the increase in property values from the Municipal Assessment Agency. CAO advised that she's working on a document now outlining to residents where tax dollars go and will include a segment on assessments and how to appeal. This matter will also be referred to the Finance Committee.*
4. Correspondence from resident of 428 Indian Meal Line concerning ongoing construction activity in the area. *This relates to the upgrading work on Indian Meal Line/Peter's Place. Mayor Codner advised that he will arrange a meeting.*
5. Correspondence from resident concerning deteriorated fencing, signage and sewer. *Council discussed signage and sewer - referring to the signage at the beach. An environmental impact study confirmed the presence of E. coli on the beach. A study was done in 2011 to determine the level of contamination; and that report confirmed there were low levels of E. coli on the western side. The sign was put up when there was a break in the sewer line spilling onto the beach. It was discussed to get sampling done again this year. Updating the sign was discussed; and, Mayor Codner suggested getting sampling done first then determine whether or not to take the sign down and put up a smaller one. Council discussed the BAT study. CAO advised that the Town is awaiting a meeting with the Department of Municipal Affairs to confirm capital works priorities. She advised that parameters are ready, but have to meet with the Department to ensure that we are adhering to their guidelines first. With regards to tendering, this will be determined after meeting with Municipal Affairs. Projects have to be prioritized and cash flow information and*

projected timeline schedule have to be submitted. According to Town's engineers, it will take approximately one year to complete.

The matter of the fencing is in the Heritage Zone. Council discussed regulations and correspondence received from the Heritage Foundation at a previous meeting, which was deferred to the Heritage Committee. Councillor Byrne advised that the Heritage Committee will not be meeting until September; however, this matter has been included on the next meeting's agenda. Development and Planning Officer to review and assess - to visit site to see if it's a danger or liability to residents.

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated August 6, 2012, was discussed and accepted as presented.

- Item No. 66 - Director of Public Works and Technical Services advised that site was visited and decision is to be made.
- Item No. 71 is complete. Information has been shared with CAO.
- Item No. 79 - CAO advised that letter has been sent to the Minister the week of the funding announcement. Waiting for a reply. MHA has been asked to follow up on the Town's behalf and the Mayor to contact the Minister as well.
- Item No. 94 - Research is ongoing. CAO advised that there is a meeting scheduled regarding this matter tomorrow, August 7th.
- Items 95 and 96 - These items are ongoing.
- Items No. 98 – This matter is ongoing.
- Item No. 1- Mayor Codner provided an update concerning Jones Pond Trail. This matter is with the Town's solicitor. He advised that there's no reference of a right-of-way in any Crown documents. It's only referenced legally in a will where the land was surveyed and conveyed. He advised that he spoke to Crown lands as well concerning a similar issue regarding Canon Marsh Road. He forwarded a letter to the Deputy Minister, however no reply.

COMMITTEE REPORTS

Economic Development

No report.

Councillor Byrne left the Council Chambers at 8:04 pm., after first providing the Torbay Volunteer Fire Department report.

Finance

The Financial Report, dated July 23 – August 3, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of July 23 – August 3, 2012, for 65 employees totalled \$74,508.90.

For the period of July 23 – August 3, 2012, Accounts Payable invoices in the amount of \$179,319.36 were paid. These expenditures were within budget.

There are six (6) Main Operating Invoices totaling \$61,131.63 for approval:

337-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Cal Legrow Insurance Limited, for Recreation activities policy, in the amount of \$5,104.00.

Question called. Motion carried unanimously.

338-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to CIBC Mellon, for Pension Contributions for July 2012, in the amount of \$12,256.28.

Question called. Motion carried unanimously.

339-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Garrison Hill Entertainment Ltd., for Final Payment Great Big Sea Concert, in the amount of \$5,800.67.

Question called. Motion carried unanimously.

340-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Billing July 2012, in the amount of \$6,461.66.

Question called. Motion carried unanimously.

341-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance July 16-31, 2012, in the amount of \$20,209.02.

Question called. Motion carried unanimously.

342-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Song Dog Music Co. Ltd., for Jimmy Rankin Torbay 250 Concert Fee, in the amount of \$11,300.00.

Question called. Motion carried unanimously.

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

343-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay accept funding in the amount of \$4,913,224.00 from the Department of Municipal Affairs under the 2012-2014 Multi Year Capital Works Program. Mayor Codner and CAO to execute the funding agreement.

Question called. Motion carried unanimously.

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 August 2, 2012.

Items discussed in the report included:

1. Development Proposals
 - a) Proposal from property owner to develop 10 serviced building lots at Doyle's and Quigley's Lane.
 - Councillor Smith asked Council if she was in conflict as the applicant is a relative of hers. All Council agreed she was not in conflict.
 - Development and Planning Officer to meet with property owner to discuss options.
 - b) Proposal from the property owner of 10 Kennedy's Brook Road to construct a 17 unit building with 15 units being affordable seniors' dwelling units.
 - Application dealt with under the Building Application Report, dated August 2, 2012, Application 9765-12.
 - c) Street names for Bourne Development off Quarry Road Extension.
 - Motion to follow.
 - d) Proposal for an onsite sign 1339 Torbay Road.
 - Sign was reviewed.

2. Correspondence
 - a) Correspondence from the Town of Paradise.
 - b) Correspondence from property owner at 54 Reddy Drive.
 - Development Control Officer to gather more information.
3. Other Items
 - a) Flood Plain Analysis - motion to follow.
 - b) Habitat Management Plan.
 - Reviewed email from Eastern Habitat Joint Ventures. Asked Council to do a final review of the proposal and then meet to discuss next steps.
 - c) Communication with Pine Ridge Area.
 - This matter was brought forward from the last meeting and is ongoing. Development and Planning Officer will draft letter to all area residents communicating water issue.

1. Development Proposals

c) Street Names for Bourne Development off Quarry Road Extension

344-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Bourne’s Close and Clair’s Place as the street names for the two new streets in Bourne Holdings Development off Quarry Road Extension. These names have been approved through the 911 system.

Question called. Motion carried unanimously.

3. Other Items

a) Flood Plain Analysis

345-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay proceed with a flood plain analysis as per NF Designs proposal dated February 2, 2012. This is a budgeted item for 2012.

Question called. Motion carried unanimously.

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated August 2, 2012, the following applications have been approved and permits have been issued since the last Public Council Meeting:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9792-12	9 Wildberry Lane	12’ x 16’ Accessory Building

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9793-12	63 Crowes Lane	12' x 16' Accessory Building
9794-12	1114-1116 Torbay Road	General Repairs
9796-12	12 McDuff Place	General Repairs
9797-12	76 Marine Drive	General Repairs
9798-12	117 North Pond Road	General Repairs
9799-12	22 Seaview Avenue	General Repairs
9801-12	49 Motion Lane	General Repairs

Applications for Approval

Application: 9800-12
Location: 23 Forest River Road
Proposal: 24' X 30' Accessory Building
Zoning: Residential Large Lot (RLL)

346-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve application 9800-12 under the Applications for Approval section of the Building Application Report, dated August 2, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9802-12
Location: 107 Western Island Pond Drive
Proposal: 24' X 28' Accessory Building
Zoning: Residential Large Lot (RLL)

347-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve application 9802-12 under the Applications for Approval section of the Building Application Report, dated August 2, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9803-12
Location: 7 Kennedy's Brook Drive
Proposal: 30' X 40' Accessory Building (Storage Building)
Zoning: Public Buildings (PB)

348-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve application 9803-12 under the Applications for Approval section of the Building Application Report, dated August 2, 2012.

Question called. Motion carried unanimously.

Applications to be Deferred

Application: 9765-12
Location: 10 Kennedy's Brook Drive
Proposal: 17 Units - Affordable Seniors Building
Zoning: Residential Large Lot (RLL)

349-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer application 9765-12 under the Applications to be Deferred section of the Building Application Report, dated August 2, 2012, pending public notification and consultation required in accordance with Regulation 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be paid in advance by the applicant. It is also recommended that notices be mailed out to both land owners and residences in the area including the Pineridge development.

Question called. Motion carried unanimously.

Crown Land Applications

Application: C1029-12
Location: Land next to 473 Indian Meal Line (Parcel's B & D – 575 sq meters)
Proposal: Additional land for existing property
Zoning: Residential Infill (RI)

350-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application C1029-12 to obtain Crown land at the above noted location under the Crown Land Application Report, dated August 3, 2012.

Question called. Motion carried unanimously.

Public Works

No report.

Recreation, Parks and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated July 31, 2012.

Items discussed in the report included:

- Bourne Holdings Limited - reviewed green space. Recommending that the open space for this area be 10%. Also looking at land next to this area as it's a great location for a park.

Councillor Tapper advised that on July 30th, a remembrance ceremony was held at Holy Trinity Cemetery for the three young men from Torbay who had drowned in the Young Fishermen's Race, August 6, 1884. The ceremony was well attended – in attendance were Mayor Codner, MHA Kevin Parsons, MP Jack Harris, members of the media, and crews from the Regatta. The memorial stone exceeded our expectations – Mayor Codner to forward thank you letter to Muir's Marble Works. Mayor also noted that Muir's also put the first head stone there 120 years ago. Councillor Tapper also suggested forwarding a thank you letter to Mr. Dee Murphy for his assistance as well.

He discussed the matter of algae at Great Pond. The Department of Environment and Conservation did testing and confirmed the algae bloom did not exceed normal tolerances; but, there are still questions as to what actually happened. As it's a possible site for the Town's water supply, he suggested that Staff continue to look into this matter for answers. It was also suggested to go back to the Department of Environment to investigate further.

Councillor Tapper discussed vandalism in the area of Western Island Pond, Management Unit. He suggested giving residents information and sending out a brochure again re-emphasizing what the Management Unit is all about.

Council discussed Tappers Cove, in area of East Coast Trail, where backfilling is ongoing. It's still creeping close to the trail and some run-off was reported. Mayor Codner advised that the Town has been monitoring boundary and the property owner has received a stop work order. The Department of Environment and Conservation has referred the matter back to the Town. CAO to follow up with the Department and to check with the Town's solicitor.

Council also discussed a couple properties, just off the By-Pass Road, that need to be cleaned up and discussed serving a notice. See motion below:

351-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Town of Torbay issue a cleanup order of two properties located off the Bypass Road, Civic No's. 26-92 Quarry Road Extension. This clean up order is to be serviced by a sheriff.

Motion carried.

Against Motion: Deputy Mayor Gallant.

Deputy Mayor Gallant called Point of Order, indicating that there was no notice of motion put forward for the above motion, and he was prevented from making a motion at a previous Council Meeting without first making a notice of motion.

Councillor Tapper noted that the softball league is working on a bench dedication in memory of Dorothy Evans Hawkins. The bench is now in place.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that everything to date has been a great success. She thanked everyone involved with events – Mayor, Council, Staff, and CAO. She advised the Great Big Sea went off very well and ticket sales were high in the last few days. She congratulated everyone involved.

Councillor Tapper discussed upcoming events, including:

- September 8th – Senior's Social at the High School from 2:00 – 4:00 p.m. Mayor Codner suggested sending out invitations to our seniors who are over the age of 90.
- September 15th – Dinner theatre. There are a limited number of tickets available.

Councillor Tapper discussed Saturday's Great Big Sea Concert. It was a great outdoor event and the weather cooperated. He discussed events leading up to the concert and discussed some planning concerns as event moved forward. He thanked CAO Dawn Chaplin for her time, effort and leadership into this event; and, he thanked the outside and inside staff for doing a great job.

With regards to event planning, CAO advised that it was really an eye opener from an event planning perspective. It's not just simply done – there's a lot of hard work and team work involved. Council supported the hiring of Coordinator, Ms. Shelley Chase. A lot of work was done by Staff – Administration Staff for receipting of all monies and final audit on receipts / the Public Works Staff for set up of site. CAO advised that she was responsible for working with the liquor inspector and beer tent to ensure compliance with permits. She advises she has a greater understanding of event preparations from a recreation perspective. The concert gave Torbay

fantastic exposure nationally. There were some issues with bussing, but everyone did get home safely.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

Councillor Whitty reported that the next meeting will take place in September.

Northeast Avalon Regional Plan

Mayor Codner reported that he did see an email indicating that the Near Plan was being re-activated.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed at the Torbay Volunteer Fire Department Meetings, dated July 16 and 30, 2012.

Items discussed in the report included:

- A fundraiser was held for one of Torbay's fire fighters, who was unwell. He reported that he is better and back attending their meetings.
- Constitutional review – hopefully will be ready by September to be presented to Council.
- The Department has received two quotes for break-away vests for traffic control purposes.
- Mutual Aid Agreements – they are gone for legal advice.
- Budget meeting – will be announced on September 10th for Finance.
- Received 14 emergency calls since last meeting. To date, there have been 136 calls. At this time last year, the department was up around 220 calls.
- Nothing new to report regarding fire prevention.
- Major fire near the airport. The Department received a letter of thanks for their assistance.

- Congratulations to Karen Greeley, Fire Fighter of the Year. She represented the Town and the Torbay Volunteer Fire Department in attending a challenge in Stephenville and completed it successfully.

Councillor Smith commended the firefighters on their booth at the St. John's Regatta. Councillor Byrne advised that they do this every year and fundraise for different events they help out with during the year.

Urban Municipalities Committee

Councillor Smith advised that the next meeting will take place in the Fall.

NEW BUSINESS

Mayor Codner

Mayor Codner discussed water levels at North Pond. He requested another notice on Green Communications system to make all citizens aware to conserve water and exercise caution.

Deputy Mayor Gallant

Deputy Mayor Gallant discussed his notice of motion at the last Council Meeting concerning the Town's Green Communications. He's proposing that staff put together a general best practices policy. See motion below.

352-12 Motion – Deputy Mayor Gallant / Councillor Whitty

RESOLVED THAT the Town of Torbay create a usage policy with regards to the Green Communications System.

Motion carried.

Against Motion: Mayor Codner

Deputy Mayor discussed the Torbay250 Commemorations and the Great Big Sea Concert and thanked staff for their work in research, funding, promotional items, ticketing information, etc. Great job done. He also thanked residents – through social media, Twitter and Facebook, everyone put the word out; it was big news of the community. Everyone succeeded together.

Councillor Byrne - Absent

Councillor Roche

Councillor Roche thanked the Public Works Staff for the sign at Whiteway's Pond indicating to keep dogs on leashes. She discussed there is a problem with people letting their dogs off their leashes and cleaning up after them. Mayor Codner suggested that she call the Town's Animal Enforcement Officer when she notices this again. She suggested putting a garbage container in the

area of the pond. She indicated that a great place for a dog park would be the area below the Bypass Road.

She discussed potholes and questioned, if in the interim, on side roads they can be filled with sand or gravel. Areas of concern are at the bottom of South Pond Road, at top of South Pond Road, to the right going onto North Pond Road, and Convent Lane onto Torbay Road. Director of Public Works and Technical Services to call the Department of Transportation and Works.

Councillor Smith

Councillor Smith extended a thank you to Committees and Staff for their hard work on Torbay250 events and the Great Big Sea concert and in putting Torbay on the map.

Councillor Tapper

Councillor Tapper discussed the matter of the unsafe bus stop at Torbay Road and questioned any action on this, as there's only one month before school opens. Mayor met with residents on Kelly's Lane and Pulpit Rock Road concerning getting the bus stop off Torbay Road.

Mayor Codner advised that the latest information was that last year we determined Roblyn Place was too narrow. Kelly's Lane was too narrow. Recently looked at two sites/properties in the area. There are not many options, but can meet with residents/property owners to explore further.

Councillor Whitty

Councillor Whitty expressed his appreciation to CAO and everyone evolved with the Torbay250 events and the recent Great Big Sea Concert.

ADJOURNMENT

353-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:53 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk