



MINUTES
PUBLIC COUNCIL MEETING
August 8, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 8, 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

Regrets

Brian Winter, Development and Planning Officer

Gallery

There were a total of 10 people in attendance.

Meeting was chaired by Mayor Codner.

321-11 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

322-11 **Adoption of Minutes**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Minutes of the July 25, 2011, Public Council Meeting be adopted, with the following change:

Page 10, under **NEW BUSINESS**, **Deputy Mayor Gallant**, third paragraph, replace last sentence with *Councillor Byrne advised that a Human Resources and Administration Committee Meeting is scheduled for Monday, August 1st.*

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Correspondence from resident concerning cabin/vehicle fires in the middle Three Island Pond area and location of Canada Post Mailboxes. *The issue of cabin/vehicle fires in the Middle Three Island Pond area was dealt with at a previous meeting. With regards to the matter of the location of Canada Post mailboxes, Town to address concerns in writing to Canada Post and respond to resident. COMPLETE.*
- 2) Ovarian Cancer Walk of Hope – Invitation to Winners Walk of Hope. *For information purposes. Mayor Codner asked that if anyone is interested in attending, they should take part in events on September 11th. COMPLETE.*
- 3) Municipal Wetland Stewardship Program Expansion Proposal – Revised July 2011. *Council to meet and discuss on August 29th – CAO to confirm. Deputy Mayor to refer to Parks, Recreation and Community Services Committee; and, Supervisor of Recreation and Healthy Living to forward to TETC Committee. B/F.*
- 4) Petition concerning recommendation for speed bumps and signage before and after the playground in Forest Landing on Western Island Pond Drive. *Mayor Codner advised that the Town is in the process of developing a signage policy. Received information from Town's solicitor that there may possibly be some liability attached to speed bumps/humps. CAO advised that Town is working on speed calming – a digital sign has been ordered and should be received in two weeks. This sign is movable and will be moved to different locations around the town – this site will be looked at for the sign, as well. CAO to formally correspond and acknowledge petition. COMPLETE.*

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report was accepted as presented.

COMMITTEE REPORTS

Economic Development

No Report.

Finance

The Financial Report, dated July 25-29, 2011, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per page one of the report:

Payroll for the period of July 25-29, 2011 for 49 employees totaled \$33,404.52.

For the period of July 25-29, 2011, accounts payable invoices in the amount of \$101,680.68 were paid. These expenditures were within budget.

Invoices totaling \$54,750.21 were presented for approval.

323-11 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay give approval for payment of the following three invoices totaling \$54,750.21:

JW Consulting Associates: \$8,650.00
Newfoundland Power Co. Ltd.: \$36,816.37
Sani Smart Waste Disposal Servcies: \$9,283.84

Question called. Motion carried unanimously.

Human Resources and Administration

Councillor Byrne advised that Committee did meet last week, there was a presentation by Mr. Walsh concerning outside operations. There is a meeting scheduled for Wednesday evening to go through report and forward recommendations.

Planning and Land Use

Councillor Smith gave a brief report of items discussed at the Planning and Land Use Development Committee Meeting on August 4th; and, she discussed the Commissioner's Report from the Public Hearing of July 7th concerning Municipal Plan Amendments No. 14, 2010 and No. 16, 2010 and Development Regulations Amendment No. 31, 2010 and No. 33, 2010.

324-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee Meeting, dated August 4, 2011, as presented:

Items discussed included:

- 1) Commissioner's Report on the Public Hearing concerning Municipal Plan Amendments No. 14, 2010 and No. 16, 2010 and Development Regulations Amendment No. 31, 2010 and No. 33, 2010.

- 2) Correspondence and application concerning affordable housing subdivision off Indian Meal Line. This was deferred as the Development and Planning Officer was absent.

Question called. Motion carried unanimously.

Council discussed the Commissioner’s Report and his recommendations in relation to Municipal Plan Amendments No. 14, 2010, and No. 16, 2010 and Development Regulations Amendments No. 31, 2010 and No. 33, 2010. Deputy Mayor questioned the 30 NEF Line and whether or not development can occur – CAO to check with St. John’s Airport to see if this still exists.

325-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Municipal Plan Amendments No. 14, 2010 and No. 16, 2010 and Development Regulations Amendments No. 31, 2010 and No. 33, 2010, as adopted by the Town of Torbay, pursuant to Sections 23 (4) and 24 of the Act.

Question called. Motion carried unanimously.

Councillor Smith advised that there were five (5) applications approved/issued.

326-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the five (5) approved applications, as per the Applications Approved section of the Building Application Report, dated August 4, 2011, as presented:

| No. | Application No. | Location | Proposal |
|-----|-----------------|-----------------------|--|
| 1 | 9559-11 | 1790 Torbay Road | 8’ x 10’ Accessory Building |
| 2 | 9560-11 | 5 Eagle Ridge Drive | Single Family Dwelling |
| 3 | 9562-11 | 87-89 Evenings Path | General Repairs |
| 4 | 9563-11 | 99-101 Evening’s Path | General Repairs/5’ x 15’ Extension to Deck |
| 5 | 9564-11 | 3 Albert Place | Single Family Dwelling |

Question called. Motion carried unanimously.

327-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Applications for Approval Section of the Building Application Report, dated August 4, 2011, as presented:

| Application No. | Location | Proposal |
|-----------------|----------------------|---|
| 9557-11 | 5 Flora Drive | Single Family Dwelling with (In-Law Suite) / 20’ x 24’ Accessory Building |
| 9558-11 | 42-48 Patrick’s Path | 20’ x 24’ Accessory Building |

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|---------|-------------------------|--|
| 9561-11 | 1 McCormick Place | Demolition of Existing Dwelling and Construction of New Single Family Dwelling |
| 9566-11 | 39 Upper Evening's Path | 20' x 32' Accessory Building |

Question called. Motion carried unanimously.

Application: B1063-11
Location: 16 Cox Marsh Road
Proposal: Home Office for Consulting Business
Zoning: Residential Infill (RI)

328-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application B1063-11, under the Applications to be Approved Section of the Business Application Report, dated August 4, 2011, 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. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

Application: B1064-11
Location: 42-44 Pine Ridge Crescent
Proposal: Home Office for Administration for Medical Services
Zoning: Residential Large Lot (RLL)

329-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application B1064-11, under the Applications to be Advertised/Deferred Section of the Business Application Report, dated August 4, 2011, pending public notification and consultant 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.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty advised that there was no Committee Meeting, as there are some issues, but they are with the Town's engineers.

He advised that curbside recycling is going to tender.

Councillor Byrne asked about trench boxes and the depth that they are required to be used. Councillor Whitty to check and confirm with the Occupation, Health & Safety Committee, as well.

Parks, Recreation and Community Services

No report.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche discussed the 2012 Celebrations, Torbay250. Heritage, Culture and Arts Coordinator, Contessa Small, advised that she heard back from the Provincial Historic Commemoration Program regarding nomination for Torbay250. Nomination has passed the preliminary review and will be submitted to the Board at their next meeting in October. A final decision will come in October.

By Pass Road

Mayor Codner advised that there is some concern as to the connection to the bypass road. Department of Transportation and Works advised that they're not constructing the length of road from the pump house to Bullock's Town Road. This is of extreme concern to the Town, for emergency reasons. Road needs to be completed. Mayor Codner to forward Town's concerns in writing to the Department and copy MHA, Mr. Kevin Parsons.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that the opening night for the Torbay Theatre's *Treasure Cove*, A *Torbay Musical*, is on August 10th at the Kinsmen Centre. He hopes to see everyone there.

Jack Byrne Arena

Deputy Mayor Gallant advised that the damage to the Arena was not as costly as first estimated; and, the Arena is moving forward. The Board may consider external cameras for the building. They have not received an investigation report from the RNC as of yet.

CAO advised that the Town's security company has started patrol of the Arena this past weekend.

Northeast Avalon Joint Council

Councillor Roche advised that there has been no meeting.

She gave an update on Past President, Mr. Walter Butt, Councillor with the Town of Pouch Cove. She advised that he is out of hospital and in process of rehabilitation. His wife is also ok, but they both have a long tough road of healing and rehabilitation ahead. It was agreed that the Town forward a get well card.

Northeast Avalon Regional Plan

Mayor Codner advised that there is nothing new to report. Municipal Affairs is still in process of revamping/reviewing report

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

Councillor Byrne gave a brief overview of items in the Minutes of Torbay Volunteer Fire Department of August 1, 2011.

330-11 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Minutes of the Torbay Volunteer Fire Department Meeting, dated August 1, 2011, as presented.

Items discussed included:

Pumper/rescue vehicle – Executive met with Council. Fire Chief to provide specifications to CAO regarding pumper/rescue. Meeting to be arranged with the Department of Municipal Affairs.

There were 13 calls since the last Public Council Meeting.

Snow Clearing Policy – the Department would like to have a policy in place for this winter season.

Traffic Lights – there are still some problems with traffic, as the public/drivers don't acknowledge the lights. The Department is looking for a solution to this matter.

Text message system – when emergency calls come in, they are sent by text message to the fire fighters.

Question called. Motion carried unanimously.

Councillor Tapper suggested fundraising towards a portion of funds for a new rescue vehicle.

Councillor Whitty advised that he did contact Mr. Fred Hollett, Fire Commissioner's Office, with his concerns regarding the Town's emergency vehicles; and, he came back with some answers. It was discussed that there was a deadline for applications for emergency vehicles. Councillor Byrne advised that the Fire Department did not hear of any deadline.

The Fire Department's Fire Chief asked Councillor Byrne to inform Council of the Town of Flatrock's citizen's response to an emergency situation in that community. Two gentlemen in a boat were rescued to shore safely by citizens before the Fire Department's emergency vehicles arrived. The overall response from citizens in the Town of Flatrock was great.

Urban Municipalities Committee

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

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant advised that the Correspondence and Action Report is a great report and he thanked everyone involved with getting this completed.

Councillor Byrne

Councillor Byrne discussed that there are still a lot of residences that do not have visible civic numbers posted on their homes. He asked if Council can do anything to enforce residents to place civic numbers on their homes in plain view. Mayor Codner suggested educating residents.

Councillor Smith advised that there are some streets without street signage in the Town. She asked that the Enforcement Officer make note and develop a list of road that do not have signage.

Councillor Roche - Pass

Councillor Smith

Councillor Smith advised that she received information from a resident in the Bridge Road area. As this is an older narrow road, and with the increase in traffic, people are not driving on their own side of the road. Resident requested that a yellow line be placed in the middle of the road. Other roads with this same issue include Doody's Lane, Lynch's Lane and Mahon's Lane.

Councillor Tapper

Councillor Tapper discussed that there is a Finance Committee Meeting on August 16th at 5:30 p.m.

He discussed Coastal Park and asked if the Town has heard anything from the landowner in that area. CAO advised that she sent correspondence, but has not heard a reply.

Councillor Tapper discussed concept plans. He advised that a few meetings ago, there was a development plan submitted for Roblin's Pond area, with a concept plan attached outlining new development. He discussed that it's important that these concept plans be posted in order for land owners to view and see what plans are for an area. This could also avoid any possible issues that may arise for landowners and avoid any dispute. Council discussed presenting plans as per recent motion to have semi-annual meetings, so that residents are aware.

He discussed the use of pesticides. Council put forth a recent motion to strive to become a cosmetic pesticide free community. The Provincial Government did make an announcement recently to ban the use of cosmetic pesticides. At a recent TETC meeting, some residents noticed that companies are still putting pesticides on land. There is a regulation concerning the use of pesticides in the vicinity of approximately 250 feet from a well; and, therefore, this is a concern, as residents may not be aware of this. TETC will soon be releasing a newsletter; the Town will include this in an upcoming newsletter, as well. Council requested that this information be posted on the website.

Councillor Whitty - Pass

ADJOURNMENT

331-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:55 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk