



***MINUTES***  
PUBLIC COUNCIL MEETING  
December 12, 2011

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on December 12, 2011 at 7:35 p.m.

**Members Present**

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

**Staff Present**

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

**Regrets**

Councillor Carol Ann Smith

**Gallery**

There were a total of 4 people in attendance.

***Meeting was chaired by Mayor Codner.***

517-11      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

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

Question called. Motion carried unanimously.

It was agreed to deal with only Finance, Human Resources and Administration, Planning and Land Use Development Reports, and New Business.

**Adoption of Minutes**

Minutes of the November 28, 2011, Public Council Meeting was deferred to the next Public Council Meeting.

**PROCLAMATIONS / PRESENTATIONS** - None

**CORRESPONDENCE** - None

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report was deferred to the next Public Council Meeting.

**COMMITTEE REPORTS**

**Economic Development**

Information on the Torbay Tax Incentive Program was deferred to the next Public Council Meeting.

**Finance**

The Financial Report, dated November 28-December 9, 2011, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of November 28-December 9, 2011, for 28 employees totaled \$73,741.93.

For the period of November 28-December 9, 2011, Accounts Payable invoices in the amount of \$253,208.51 were paid. These expenditures were within budget.

Ten (10) Main Operating Invoices totaling \$144,447.52 were presented for approval.

518-11 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to CIBC Mellon for Pension contributions for November, 2011, in the amount of \$10,744.22.

Question called. Motion carried unanimously.

519-11 Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Clarke's Trucking & Excavating for Sand for ice control (2011/2012 snow clearing season), in the amount of \$44,748.00.

Question called. Motion carried unanimously.

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520-11      Motion – Councillor Tapper / Deputy Mayor

**RESOLVED THAT** the Town of Torbay approve payment to Coastal Kitchens Inc. to Replace kitchen cabinets in the Fire Hall, in the amount of \$6,254.55.

Question called. Motion carried unanimously.

521-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to DBI Garbage Removal for Recycling for November, 2011, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

522-11      Motion – Councillor Tapper / Deputy Mayor

**RESOLVED THAT** the Town of Torbay approve payment to Lombard General Insurance Co. for Deductible for insurance claim, in the amount of \$5,000.00.

Question called. Motion carried unanimously.

523-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Murray's Landscape Services for Motion Playground landscaping, in the amount of \$9,164.30.

Question called. Motion carried unanimously.

524-11      Motion – Councillor Tapper / Deputy Mayor

**RESOLVED THAT** the Town of Torbay approve payment to Newfound Disposal Systems for Garbage contract for December, 2011, in the amount of \$33,902.81

Question called. Motion carried unanimously.

525-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada for Payroll remittance for November 16-30, 2011, in the amount of \$13,327.11.

Question called. Motion carried unanimously.

526-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Tract Consulting Inc. for Heritage Interpretation Plan, in the amount of \$6,273.48.

Question called. Motion carried unanimously.

527-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Ultramar Limited for Gas for Town Vehicles/Equipment (Tanks in Depot Yard), in the amount of \$7,232.05.

Question called. Motion carried unanimously.

Two (2) Capital Invoices related to the 2010-2014 Gas Tax Agreement totaling \$25,402.22 were presented for approval.

528-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Design Associates Limited for Detail design and tender call services for the Doyle's/Quigley's Lane upgrading project, in the amount of \$20,788.25.

Question called. Motion carried unanimously.

529-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Design Associates Limited for Services during construction for the Doyle's/Quigley's Lane upgrading project, in the amount of \$4,613.97.

Question called. Motion carried unanimously.

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

**Adoption of the 2012 Budget**

As per the Finance Committee meeting with Council on December 7, 2011, motions are required for the adoption of the 2012 budget. Same procedure was followed as per the 2007, 2008, 2009, 2010 and 2011 budgets.

Councillor Tapper gave an overview of the 2012 Town of Torbay Budget process and gave highlights from each department, including Public Works, Planning and Development, Economic Development, Recreation, Heritage and 2012 Commemorations, Torbay Volunteer Fire Department, and Administration. He thanked Committee members, Council and Staff for their

valued input into the budget process over the past several months; and, especially thanked CAO for her work and assistance in get the Town's budget balanced again this year. Councillor Tapper summarized that a property tax mill rate increase by 0.75 is necessary for 2012, bringing the rate to 8.75. The total budget for the 2012 fiscal year for the Town of Torbay is set at \$34,719,432.22; this includes \$6,564,441.54 for the 2012 main operating budget and an additional \$28,154,990.68 on capital projects contingent on provincial government funding approval.

Councillor Tapper presented several motions, as per below:

530-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay write off taxes owing for the years 2005 and prior as these amounts are uncollectable. The total amount to be written off is \$33,465.97.

Question called. Motion carried unanimously.

531-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay continue collection procedures for taxes owing in the amount of \$430,931.40. This represents taxes owing for the years 2006 to 2011 inclusive.

Question called. Motion carried unanimously.

532-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** as per recommendations from the Department of Municipal Affairs and the Town's auditor, that the Town of Torbay utilize the GST/HST rebate refunds to pay down existing capital debt.

Question called. Motion carried unanimously.

533-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay adopt the tax and fee structure schedule for 2012 as presented. The 2012 schedule will be advertised in the January edition of the Northeast Avalon Times newspaper, posted on the Town's website and printed in the 2011 year in review newsletter. This newsletter will be circulated to all residents, business and landowners.

Question called. Motion carried unanimously.

534-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay’s property mill rate for the 2012 taxation year be set at 8.75 mils.

Question called. Motion carried unanimously.

535-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** as per motion 136-10, that the Town of Torbay set Council remuneration for the 2012 calendar year at 2.0% of the total operating budget.

Question called. Motion carried unanimously.

536-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay adopt the 2012 operating budget for the Town of Torbay in the amount of \$6,564,441.54, as presented.

Question called. Motion carried unanimously.

537-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** further to the 2012-2013 multi-year capital works applications submitted to the Department of Municipal Affairs as per motions 451-11 to 460-11 inclusive, that the Town of Torbay adopt the proposed 2012 capital budget in the amount of \$28,154,990.68. Implementation of capital projects is subject to provincial government funding approval.

Question called. Motion carried unanimously.

538-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay set the total budget for 2012 fiscal year for the Town of Torbay at \$34,719,432.22.

Question called. Motion carried unanimously.

539-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** as a result of the completion of the 2005-2008 multi-year capital works program and the completed construction of the regional arena and the fact that all project invoices are paid, that the Town of Torbay close both projects bank accounts.

Question called. Motion carried unanimously.

**Human Resources and Administration**

Councillor Byrne gave an overview of items discussed at the Human Resources and Administration Committee Meeting, held on December 7, 2011.

Committee discussed process regarding position of Director of Public Works and Technical Services. The candidate was recommended by the HR consultant and Newfoundland Design.

540-11      Motion – Councillor Byrne / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay offer the Director of Public Works and Technical Services position to Bernie Manning.

Question called. Motion carried unanimously.

Committee reviewed candidates for the position of Office Clerk. The candidate was recommended by the HR Consultant. Cross training will occur with the current employee before she completes her employment with the Town on December 21<sup>st</sup>.

541-11      Motion – Councillor Byrne / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay offer the Office Clerk position to Kim Osmond.

Question called. Motion carried unanimously.

An assessment and evaluation were conducted with two candidates for the positions of Snow Clearing for Season 2011/2012; and, based on results, Committee agreed to bring forth a motion to hire the two candidates. This will enable two distinct shifts for the winter season, enabling all municipal roads to be cleared in an effective and efficient manner, thereby ensuring safe road travel for the residents of our community.

542-11      Motion – Councillor Byrne / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay offer the two 2011/2012 seasonal heavy equipment operator positions to Melissa Clarke and David Murrin. Terms and conditions of employment are outlined as per the 2010-2014 collective agreement between the Town of Torbay and Teamsters Union Local 855.

Question called. Motion carried unanimously.

**Planning and Land Use**

Councillor Byrne reported that there was one (1) application approved/issued, under the Building Application Report, dated December 9, 2011.

<b>No.</b>	<b>Application No.</b>	<b>Location</b>	<b>Proposal</b>
1	9644-11	18 Edgewater Lane	Single Family Dwelling

**Application:** 9643-11  
**Location:** 36 Gosse's Lane  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

543-11 Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9643-11, under the Applications for Approval section of the Building Application Report, dated December 9, 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. The applicant is responsible to bring water and sewer services to the site. All proposed work to be reviewed and approved by the Town's consulting engineers prior to any permits being issued. This lot was not included in the infill water study.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9647-11  
**Location:** Portion of 72 Marine Drive  
**Proposal:** Subdivide Property and Construct a Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

544-11 Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9647-11, under the Applications for Approval section of the Building Application Report, dated December 9, 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 not accounted for in our infill study however there are water and sewer lines in front of the property.
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.

545-11 Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer the following Applications under the Applications to be Advertised/Deferred section of the Building Application Report, dated December 9, 2011 pending further review by the Planning and Land Use Development Committee.

No.	Application No.	Location	Proposal
1	9645-11	Portion of 1429-1437 Torbay Road (Lot 1)	Single Family Dwelling
2	9646-11	Portion of 1429-1437 Torbay Road (Lot 2)	Single Family Dwelling

Question called. Motion carried unanimously.

546-11 Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer/advertise the three (3) applications under the Applications to be Advertised/Deferred section of the Business Application Report, dated December 9, 2011, 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.

No.	Application No.	Location	Proposal
1	B1071-11	33 Country Drive	Home Office for Decorating and Sewing Business
2	B1072-11	88 Patrick’s Path	Research & Development Consulting Business
3	B1073-11	183 Country Drive	Taxi Company Stand

Question called. Motion carried unanimously.

Councillor Byrne noted that the Planning and Land Use Development Committee did meet on December 8<sup>th</sup>. A meeting is scheduled for Council to meet on January 16, 2012, to discuss three comprehensive development plans completed by Newfoundland Design Associates Limited.

**Public Works**

Public Works Committee Minutes, dated December 8, 2011, and Public Works Briefing Note, dated December 8, 2011, were deferred to the next Public Council Meeting.

547-11      Motion – Councillor Whitty / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay defer the Public Works Recommendation concerning property repairs to the next Public Council Meeting.

Question called. Motion carried unanimously.

**Parks, Recreation and Community Services**

No report.

**Technical Services**

No report.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

No report.

**By Pass Road**

No report.

**LIAISON COMMITTEES**

**Heritage/Museum**

No report.

**Jack Byrne Arena**

No report.

**Northeast Avalon Joint Council**

No report.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

No report.

**Torbay Volunteer Fire Department**

The Torbay Volunteer Fire Department Meeting Notes, dated December 5, 2011, is deferred to the next Public Council Meeting.

**Urban Municipalities Committee**

No report.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner thanked Council Members for their support over the past three years and Christmases. He thanked CAO and all Staff – he commended the Town’s departments and staff for great work. He wished everyone a very Merry Christmas and all the best in the New Year.

***Deputy Mayor Gallant***

Deputy Mayor Gallant wished all Council and Staff a Merry Christmas. Council doesn’t always agree, but there’s a great dynamic. Council listen to each other; and, there’s a lot of good things done - he thanked all Council and Mayor Codner. He thanked everyone for all their work – it was another good year.

***Councillor Byrne***

Councillor Byrne advised this is the third year of this term of Council and the work load has increased over these years. He commended Staff for their great work, including our volunteers and residents. He wished everyone a Merry Christmas and to be safe and have fun.

***Councillor Roche***

Councillor Roche thanked Mayor and Council for their work over this term of Council. She thanked CAO and Staff and advised she appreciates everyone’s input. She wished all a Merry Christmas.

***Councillor Smith*** - Absent

***Councillor Tapper***

Councillor Tapper wished everyone a great Christmas. Don’t drink and drive; get home safely. He advised our Council is a good group; over the past several months, Councillor Roche had some health issues – she’s a real role model for everyone. He wished everyone a Happy New Year, as well, and included friends from the Gallery.

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***Councillor Whitty***

Councillor Whitty thanked the Mayor and all Council Members for support over the year; and, commended the Town's staff on great work.

**ADJOURNMENT**

548-11      Motion – Councillor Whitty / Councillor Tapper

**RESOLVED THAT** the meeting be adjourned at 8:17 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***