



MINUTES
PUBLIC COUNCIL MEETING
February 4, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 4, 2013 at 7:31 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
Tina Auchinleck-Ryan, Director of Community Services
Bernie Manning, Director of Public Works & Technical Services
Ann Picco, Executive Clerk
Brian Winter, Director of Planning

Regrets

Councillor Mike Byrne

Gallery

There were a total of 8 people in attendance.

028-13 **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

029-13 Motion – Councillor Roche / Councillor Smith

RESOLVED THAT the Minutes of the January 21, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

None.

CORRESPONDENCE

1. Correspondence from resident concerning Pole Line at Middle Three Island Pond Road.
2. Correspondence from resident concerning Pole Line at Middle Three Island Pond Road.
3. Correspondence from resident concerning Pole Line at Middle Three Island Pond Road.
See motion below, under Correspondence Item No. 4.
4. Notice of Motion from Councillor Tapper.

030-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT approval be given to Newfoundland Power to install a power line along Middle Three Island Pond Road, from Bauline Line to the Pond, at no cost to the Town. This will allow electrical service access for current cabin owners in that area.

Question called. Motion carried.

Against: Mayor Codner and Councillor Smith

Council discussed the above motion to approve the installation of a power line along Middle Three Island Pond Road area, commenting on the following:

- Cabin owner properties are assessed in the same manner as any residential property, and they do pay property taxes.
- Cabin owners require electricity to protect and secure their properties due to several break-ins and property damage, and residents should not be denied access for power.
- At present, the Town does not provide services to the area. It was noted that Cabin owners do not want either now or in the future any town residential services. The owners are paying full cost of a power line.
- The area has been identified in the Recreation Master Plan for a proposed outdoor Adventure Park. The Adventure Park is a long-term goal, however, steps are being taken to move forward and Committee are in process of doing proper planning for it. Installation of power line could possibly put the Plan at risk or it could be future access for the Park.
- It was discussed that Council needs to be consistent with its policies, and it is Council's responsibility to work within its regulations and guidelines.
- Municipal Plan and Development regulations were discussed, including zoning of the area and the upcoming five year plan. Future implications if this motion is approved was discussed in the way of rezoning and development requests and future requests for further Town services.
- Legal Liability was discussed in the way of safety and emergency concerns. The Town does not provide services to this area, in particular in the way of snow clearing. If electricity is installed, residents could stay at cabins during the winter season; and, in the

event of an emergency, an emergency vehicle may be delayed in arrival due to road not plowed.

- There are other locations in the community with cabins that the Town may possibly have to follow suit should electricity be installed in this area.

As motion was passed, Director of Planning to proceed and forward request to Newfoundland Power.

5. Correspondence from resident at Civic 74 Reddy Drive concerning dumping of snow. ***Deferred to Public Works Committee.***
6. Municipalities Newfoundland and Labrador – Avalon Regional Meeting. ***Councillor Roche advised that she can attend the session on Saturday only.***
7. Department of Municipal Affairs – 2013 Training and Professional Development Opportunities. ***Councillor Smith, CAO, and Economic Development Officer are attending the Urban Summit Meeting; CAO and Executive Clerk are attending PMA Conference.***

CORRESPONDENCE & ACTION REPORT

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

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that a meeting is to be scheduled soon and may have report for next meeting.

Finance

The Financial Report, dated January 21-February 1, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of January 21-February 1, 2013, for 31 employees totalled \$71,213.78.

For the period of January 21-February 1, 2013, Accounts Payable invoices in the amount of \$143,976.96 were paid. These expenditures were within budget.

There is eight (8) Main Operating Invoices totaling \$107,398.42 for approval:

031-13 **Motion** – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Acklands-Grainger Inc., for Fire Department MSA Masks, in the amount of \$9,009.26.

Question called. Motion carried unanimously.

032-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Municipal Assessment Agency, for 1st Quarter Assessment Fees, in the amount of \$25,130.00.

Question called. Motion carried unanimously.

033-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Municipalities Newfoundland and Labrador, for 2013 membership fees for Municipalities Newfoundland and Labrador and the Professional Municipal Administrators Association of Newfoundland and Labrador, in the amount of \$6,632.17 (MNL \$6,062.17 and PMA \$570.00).

Question called. Motion carried unanimously.

034-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Disposal Systems, for Garbage Collection for January 2013, in the amount of \$34,867.64.

Question called. Motion carried unanimously.

035-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Design Associates, for Floodplain Analysis, in the amount of \$7,897.55.

Question called. Motion carried unanimously.

036-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd, for Group Billing for January 2013, in the amount of \$8,395.06.

Question called. Motion carried unanimously.

037-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Procom Data Services Inc., for 2013 Townsuite support, in the amount of \$7,777.79.

Question called. Motion carried unanimously.

038-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Xylem, for Pump repairs for Marine Drive lift station, in the amount of \$7,688.95.

Question called. Motion carried unanimously.

There are no capital invoices presented for approval.

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

Audit of the Town's financial records for the 2012 calendar year is scheduled to start on February 11, 2013.

Councillor Tapper further reported that the Town received two assessment appeals. He congratulated CAO, Dawn Chaplin and Manager of Finance, Lisa Niblock on completion and submission of the Town's audit report.

Human Resources and Administration

No report.

Planning and Land Use

Councillor Smith advised that the Minutes of the Planning and Land Use Development Committee Meeting, dated January 29, 2013, are in Council's binders for information.

Items discussed in the report included:

2. Correspondence
 - b) Letter from developer in relation to possible development off Bauline Line in the area of 415 Bauline Line, with two crown land applications.
 - It was pointed out that this is for approval of crown land and not for the development or the plan at this time. If there's any rezoning in that area, Committee will review.

In relation to crown land, Deputy Mayor questioned if the Town could obtain land for a lesser value if for town recreational purposes. Director of Planning to check into this matter.

3. Zoning Amendment Requests
 - a) Letter from property Owner 528-566 Bauline Line – request to rezone property from Public Buildings to Residential Large Lot to accommodate residential development.
 - Councillor Smith pointed out that Committee will have to revisit this matter. This relates to an application for residential development along

Bauline Line. This proposed development is in same area as Adventure Park.

4. Other Items
 - a) Projects ready for adoption and or meetings throughout the months of February and March.
 - Habitat Management Plan review/update – a meeting to discuss the final draft will occur in late February.
 - Councillor Tapper indicated that the next SAM meeting is taking place in Bay Roberts on April 25/26th, and it would be great to have this completed by then.
 - b) Items from Public Works Committee and last PLUD Minutes.
 - There were discussions between Public Works and PLUD regarding draining issues in some areas.
 - c) Community Mail Box site in Pineridge Development Area
 - Trying to find a solution to mail box issue in the Pineridge Development Area and having them relocated to a safer place.
 - d) Tree cutting in Forest Landing Area adjacent to the pond
 - Investigation is ongoing relating to this matter.
 - e) Letter to Pineridge Area Residences in relation to contaminates in the area.
 - Letter is in process of being finalized.

Building Applications Approved

For information purposes 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>
9922-13	2-6 Morey's Lane	General Repairs
9923-13	96-100 Country Drive	Demolition of Existing Dwelling

Building Applications for Approval

Application: 9924-13
Location: 284-286 Marine Drive
Proposal: Extension to single family dwelling (21' x 29' attached garage) and addition of overhang and gallery
Zoning: Residential Infill (RI)

039-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9924-13, under the Applications for Approval section of the Building Application Report, dated February 1, 2013, subject to the following condition:

1. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Building Applications to be Deferred

Application: 9913-12
Location: Portion of 15-17 Reardon's Lane
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

040-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9913-12, under the Applications to be Deferred section of the Building Application Report, dated February 1, 2013, pending public notification and consultation required in accordance with Regulation's 11, 12, and 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.

Crown Land Applications

Application: C1031-13
Location: Located 50 feet from the boundary of 413-415 Bauline Line
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

041-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application C1031-13, under the Crown Land Application Report, dated February 1, 2013.

Question called. Motion carried unanimously.

Application: C1032-13
Location: Located adjacent to 431 Bauline Line
Proposal: Possible Future Residential Development
Zoning: Residential Large Lot (RLL)

042-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application C1032-13, under the Crown Land Application Report, dated February 1, 2013.

Question called. Motion carried unanimously.

Application: C1033-13
Location: Located adjacent to 431 Bauline Line
Proposal: Possible Future Residential Development
Zoning: Residential Large Lot (RLL)

043-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application C1033-13, under the Crown Land Application Report, dated February 1, 2013.

Question called. Motion carried unanimously.

Council discussed the crown land applications in relation to the Open Space Management Strategy and the Recreation Master Plan.

CAO referred to Item No. 2 from the Correspondence and Action Report, dated February 4, 2013, As per Motion 264-09, September 8, 2009 – “Council to forward the Recreation Master Plan to the Town’s Planning Consultant for recommendation on the best approach to take to incorporate

the plan in the Town's Municipal Plan and Development Regulations." Action Taken – "Will be incorporated into Municipal Plan as part of the mid-term review."

Director of Planning advised that background work is being completed now on the Recreation Plan. Planning Consultant will contact all groups of interest for feedback and then move towards a meeting for Town input. This document is to be adopted by this Council before September, 2013.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated January 30, 2013.

Items discussed in the report included:

- Pineridge Drainage
 - Town staff is in the process of reviewing drainage inquiries within Pineridge Subdivision. Once completed staff will provide suggestions for areas of concern.
- Peter's Place
 - The Town of Torbay and municipal consultants are completing a review of drainage concerns and recommendations are to follow once complete.

Recreation, Parks and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated January 29, 2013.

Items discussed in the report included:

- Open space
 - Crown Lands – in process of identifying what we need for the Outer Loop Corridor.
 - Adventure Park – Committee discussed priorities and town centre. The Adventure Park is a lower priority but will be keeping on agenda going forward.
- Town Centre
 - No update.
- Trails
 - Western Island Pond Trail was discussed.
- Tender for Gateway Signage
 - Deadline for submission is February 1, 2013.
- Recreation Newfoundland Labrador Awards
- SOGO Active Program
- Soccer
 - NEUSA provided updates and items ongoing:
 - Currently eight Metro Teams
 - Storage shed for equipment
 - Signage indicating washrooms available

- Recycling Workshop
 - Past Chairperson, TETC, Helen Spencer, putting off Recycling Workshop on February 17th at the Kinsmen Centre, 1:00 – 3:00 p.m.
- Winter Events Newsletter / A Parent's Guide to Prevention
 - Information has been sent out to residents.
- Special Olympics
 - Torbay resident Jeremy Mueller has left for the 2013 World Winter Games in Korea. There is a write up on the Sport NL Site and the Special Olympics Site.
 - Information to go up on the Town's website.
- Alive Adventures
 - They have showed interesting in coming to Torbay.

Technical Services

Council agreed to merge this section under Public Works.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Deputy Mayor Gallant advised that a meeting will take place in two weeks time.

CAO asked if there has been a strategic planning session held; and, if so, questioned outcomes of discussions concerning representation on the Arena Board. Deputy Mayor to follow up and advise.

Northeast Avalon Joint Council

Councillor Roche advised that a meeting is scheduled the third Wednesday of February at Logy Bay-Middle Cove-Outer Cove.

Councillor Whitty advised that he will forward the Minutes from the last meeting once received.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Mayor Codner discussed that he recently met with a resident concerning the barricade to the trail at Tappers's Cove, due to construction. Information is on the East Coast Trail's website and he talked to President, Torbay Harbour Authority. He advised that everyone is on side and working together. The Trail is clearly marked.

Torbay Volunteer Fire Department

Councillor Roche reported that the TVFD Meeting Notes, dated January 28, 2013, are included in Council's binder. If anyone has questions, they can direct them to Councillor Byrne.

She put forth a motion concerning the TVFD Constitution. See below motion.

044-13 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay adopt the newly revised Constitution of the Torbay Volunteer Fire Department.

Question called. Motion carried unanimously.

Urban Municipalities Committee

Councillor Smith advised that a meeting is scheduled in conjunction with the Urban Summit taking place on March 1 – 2, 2013.

NEW BUSINESS

Mayor Codner

Mayor Codner advised that every Monday morning he's in contact with RNC Sergeant Ennis; and he provided a Policing Report concerning traffic issues:

- Mahon's Lane
 - RNC focused on this road and have issued 2 – 3 tickets.
 - Most driving is over the speed limit of 30, but 40 is the average range.
 - Also had radar signage in the area for approximately 3 days, which provided information on peak traffic flows – 8:00 - 9:00 a.m. in morning and closing of school in evenings. Provided RNC with documentation for their files.

- Speeding in school zones
 - RNC did patrols and they issued tickets in the school areas.
 - RNC Constable Coombs visited the school and talked to the Vice Principal to advise they were in area.
 - Mentioned speeding in lane that exits the school. This lane is considered as being on private property.
 - Town use of soccer field in the summer - they were hoping to get three barricades to cross lane to slow traffic.

Mayor indicated that he recently attended a Holy Trinity School Council meeting, reporting on the following matters:

- School Council
 - Mayor indicated that he was disappointed that Town Council no longer have a representative on their Council.
 - Attended the meeting and discussed some Town issues which also impact the school. Discussed speeding and town signage.
 - Change in policy – Community Representation - the Town is not having direct input into their School Council, but the Town will be contacted on regular basis.
- Bussing
 - School bussing at south side of Town.
 - Students bussing if attending French Immersion program.
 - Roblin's Place matter concerning bussing was discussed.
- Roads
 - Provincial road signage and crosswalks. The School Council advised they were told by Provincial representative that towns had the authority to put signage down on road, however that is not correct. Towns do not have authority to do anything on Provincial roads.
- Town contributions to School
 - Town provided \$10,000 donation in relation to the playground.
 - Town staff maintains the school's soccer pitch.
- New School Announcement
 - School Council advises information will be announced in budget this year.
 - Once site for school is approved, Town to identify suitable site, serviced with water and sewer. Town's engineers are involved.

Deputy Mayor Gallant

Deputy Mayor Gallant advised that the Town received report on fair market value in relation to Motion Estates Development. He requested that the report be made public in full, indicating that the first page says can't divulge contents and people have asked him for the document. He asked that he be notified when it becomes public information. CAO is seeking legal opinion.

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He thanked CAO for returning his phone calls and bringing him up to speed on matters when he missed a meeting.

Councillor Byrne - Absent

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper discussed mail service. A resident brought to his attention that an area in the community didn't have mail service for several days. Followed up with Canada Post, who indicated that mail man was on sick leave. Residents didn't receive their mail, including tax bills and he questioned how long residents would have gone with no service. Mayor Codner to follow up with Canada Post to see what their policy is on this matter.

Councillor Witty - Pass

ADJOURNMENT

045-13 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:49 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk