



## *MINUTES*

PUBLIC COUNCIL MEETING  
January 11, 2010

---

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on January 11, 2010 at 7:40 p.m.

### *Members Present*

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

### *Staff Present*

Dawn Chaplin, CAO/Town Clerk  
Ken Anthony, Director of Programs and Services  
Brian Winter, Planning & Development Officer  
Ann Picco, Executive Clerk

Meeting was chaired by Mayor Codner

#### 001-10      **Adoption of Agenda**

Motion – Councillor Byrne/ Councillor Roche

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

Question called. Motion carried unanimously.

#### 002-10      **Adoption of Minutes**

Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Minutes of the December 21, 2009 Public Council Meeting be adopted with the following changes:

Page 2 - Councillor Smith advised to **ADD: “deferred to next Council Meeting,”** regarding the discussion held in reference to the Chair calling her on point of order.

Question called. Motion carried unanimously.

**CORRESPONDENCE**

- 1) Department of Municipal Affairs – received letter from Lori Ann Companion, Assistant Deputy Minister, regarding amendment to Gas Tax Agreement with the Federal Government – 2010 – 2014 allocation. ***Defer to Public Works Committee for review and recommendation.***
- 2) Notice of Motion from Councillor Tapper.

003-10      Motion - Councillor Tapper / Councillor Smith

**RESOLVED THAT** based on Commissioner Stanley Clinton’s Urban & Rural Planning Report dated March 2008 whereby when referring to the 75 metre buffer around Western Island Pond, that Council designate the buffer ‘Conservation’ and apply the Conservation Zone to the area which designation and zoning will give Council a greater ability to ensure that the land is used in accordance with the Habitat Management Plan and its Municipal Plan; all buffer zones contained within both Habitat Management Units for Western Island Pond and Gosse’s Pond remain or be rezoned Conservation.

Question called. Motion carried unanimously.

After much discussion on this topic, the amendment was supported by all Council as it was agreed that it’s a great step in the right direction on the Town’s behalf. It was also noted that the Habitat Management Plan needs to be reevaluated to make sure that there are no conflicts. A date should be set for a meeting in February of this year so that all parties involved can meet and discuss. The Eastern Habitat Joint Venture will have to be included on this meeting as well as the Town’s Planning Consultant. CAO to set up meeting.

- 3) Department of Municipal Affairs – received letter from Tom Hedderson, MHA, concerning Municipal Plan Amendment No. 10, 2008, and Development Regulations Amendment No. 25, 2008. ***No Comments.***
- 4) Canadian Red Cross – Letter from Robert (Bob) Pike, Member, Canadian Red Cross “Prepared” Campaign Cabinet regarding presentation given at the MNL Annual General Meeting. ***Deferred to Finance Committee due to reduction in 2010 Budget this year.***
- 5) Brendan & Dana Kelly – 13 Wildberry Lane – concern of emergency exit in Forest Landing. ***Letter to be written to the Kelly’s - CAO to write letter to resident advising that in the summer months, should an emergency develop, the posts are designed to crack off. In winter months, Public Works are on standby.***
- 6) Department of Government Services, Motor Registration Division – received letter regarding transition provisions within the Vehicles Regulations, 2001 under the Highway Traffic Act – vehicle weight and dimensions limits on wide tandem axle and

tridem axle group trailers. **CAO advised this applies to tandems and that the Town of Torbay is compliant to Legislation. For general info purposes for Public Works.**

- 7) Deborah A. Quilty – Request for Support – Avalon Director of the Municipal Assessment Agency in the upcoming run-off election to take place on January 29, 2010. **For clarification, Councillor Roche advised that the election took place in December, but there was a four-way tie, therefore a run-off election for the Avalon Director’s position has to be conducted by the Municipal Assessment Agency. Three other letters of support were received: Mayor Betty Moore, Town of Clarke’s Beach; Gerald Greenland, CRA, C.E.T., Councillor, Town of Bay Roberts; and, Deputy Mayor Paul Davis, Town of Conception Bay South. In the last election, the Town of Torbay supported Deputy Mayor Craig Dyer, Logy Bay – Middle Cove – Outer Cove.**

004-10      Motion – Councillor Roche / Councillor Smith

**RESOLVED THAT** the Town of Torbay support Deborah A. Quilty, Councillor, Town of Paradise, for the position of Avalon Regional Director, Municipal Assessment Agency, in the upcoming run-off election.

Question called. Motion carried unanimously.

- 8) Municipal Assessment Agency – Letter from David Manning, Chair, Nominating Committee concerning the run-off election for the Avalon Director’s Position. He enclosed a ballot for the position that must be signed by a member of Council and returned to John Morgan, the Agency’s auditor by 4:00 p.m. NST on or before January 29, 2010. **Ballot to be completed and forwarded.**

### **BUSINESS OUTSTANDING**

- 1) Email from Roger and Denise Reid regarding street lights and turning bulb at Kelly’s Lane - Development and Planning Officer has left phone messages for the resident. Next step will be to write a letter. **Development & Planning Officer advised that street light issue is resolved. He met with the land owner and he’s willing to provide some land but he needs to check to check with his father and lawyer.**
- 2) Correspondence from Crown Lands – May 7, 2009 – CAO will follow up with MNL to determine next steps once a resolution passes at Convention. **CAO followed up with MNL and circulated correspondence to all Council. COMPLETE.**
- 3) Resident meeting regarding issues at Kinsmen Center – Motion 250-09 - To have skateboard ramps removed from Kinsmen Center at the end of the season. Director of Programs and Services to confirm removal and storage. **Deferred to Parks, Recreation and Community Services Committee – no committee meeting yet. B/F.**
- 4) To explore the cost of a fence and gate at the Kinsmen Center – Motion 251-09 – Director of Programs and Services to confirm status of quote. **Deferred to Parks, Recreation and Community Services Committee – no committee meeting yet. B/F.**

- 5) Town to develop a Smoke Free Environment Policy for adoption and implementation. – Director of Programs and Services to confirm status. **Deferred to Parks, Recreation and Community Services Committee – no committee meeting yet. B/F.**
- 6) Revisions to snow clearing policy – Director of Programs and Services to research and bring forth a recommendation to the Public Works Committee. **Director of Programs and Services advised there's a meeting on this next week. He's gathering info from other municipalities and will have a motion for Council at the next meeting. B/F.**
- 7) Council to meet with Mr. Pittman to discuss legal issues. CAO to confirm a meeting date. **CAO advised that a meeting will take place within next two weeks. B/F.**
- 8) Rovers Search and Rescue Inc. – Request for support to be forwarded to Finance Committee. **Councillor Tapper advised that the Finance Committee to report back on this matter. B/F.**
- 9) Wayne Tapper – Access to Tapper's Cove – Council to meet with resident. CAO to confirm a meeting date. **Councillor Smith asked that priority be put on this to set up a meeting for Monday night.**
- 10) George White – Driveway Problems at 51 Bridge Road – **Defer to the Public Works Committee. B/F. Coming up in Public Works Section – was never brought up.**
- 11) Health Care Foundation – Revised Proposal for Tri for Health – CAO to arrange a presentation to Council. **CAO advised that there is a list of issues and group is working on them. CAO to ask for update from Department of Works, Services & Transportation regarding use of Bauline Line.**
- 12) Notice of Motion from Councillor Tapper – Forest Landing Phase 6 – **See Motion 003-10 under Correspondence. COMPLETE.**
- 13) Road damage to Doyle's/Quigley's Lane. **Director of Programs and Services advised that Public Works are keeping an eye on this. Councillor Smith advised that there is additional damage done. Director of Programs and Services was asked what/how much was pushed in on property and he advised it was mostly pushed in ditch area. Councillor Smith advised Director of Programs and Services to keep an eye on it when the snow goes again. She advised that there are also holes there in road again and the Director of Programs and Services advised road fill was put there and they will have to continue to do so. COMPLETE.**

## **COMMITTEE REPORTS**

### **Economic Development**

Councillor Roche advised that she does have a draft report of the Tourism Strategic Plan. She advised it had a few typos, but is a good plan; the recommendations are do-able. She advised it has to go to Committee first and she is checking on a possible Committee meeting to review and discuss.

**Finance**

005-10      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the 2010 budget for the Town of Torbay in the amount of \$6,546,792.97, be adopted as presented.

Question called. Motion carried unanimously.

006-10      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** Council remuneration remain the same as per previous years.

Question called.

For Motion: Councillor Tapper, Councillor Carol Ann Smith, and Councillor Whitty.

Against Motion: Councillor Roche, Councillor Byrne, Deputy Mayor Gallant, Mayor Codner

Motion failed.

After much discussion and debate and all Council voiced their opinion on the issue, Council remuneration will be raised to 2% of the Town's main operating budget, this year's 2010 operating budget amount being \$4,976,534.60.

007-10      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay write off taxes owing for the years 2003 and prior as these amounts are uncollectable. The total amount to be written off is \$76,000.00.

Question called. Motion carried unanimously.

008-10      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay commence collection procedures for taxes owing in the amount of \$588,000. This represents taxes owing for the years 2004 to 2009 inclusive.

Question called. Motion carried unanimously.

009-10      Motion – Councillor Tapper / Deputy Mayor Geoff Gallant

**RESOLVED THAT** the Town of Torbay adopt the fees, permits and tax rate schedule for 2010 as presented. The 2010 schedule will be advertised in the January edition of the Northeast Avalon Times newspaper and be posted on our website.

Question called. Motion carried unanimously.

010-10 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay’s property mil rate for the 2010 taxation year be set at 8.0 mils. This is a 0.4 reduction from the 2009 taxation year.

Question called. Motion carried unanimously.

Councillor Tapper gave a brief discussion/overview and highlighted several items in relation to the 2010 Budget.

**Human Resources and Administration** – No report or motions

**Planning and Land Use**

011–10 Motion – Councillor Smith/Councillor Roche

**RESOLVED THAT** The Town of Torbay approve the Building Application Report dated January 7, 2010 as presented.

Question called. Motion carried unanimously.

Crown Land Application  
Land South of 409 Bauline Line

012-10 Motion – Councillor Smith/Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the application to obtain crown land at the above noted location.

Question called. Motion carried unanimously.

013-10 Motion – Councillor Smith/Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Planning and Land Use Development Committee Minutes dated January 6, 2010 as presented.

Question called. Motion carried unanimously.

Crown Land Application  
Land Between Nathaniel Drive and Peters Place

014-10 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay rezone the Parcel of Land as described on the proposal drawing from Mae Design Limited dated June 9, 2009 drawing number C-1, 2009.0032 and the drawing from Tri-Bon Consulting Ltd. dated May 2009 drawing number C-1 (landed is between Nathaniel Drive and Peters Place North of the piece of property recently rezoned for KMB Holdings Ltd.) This land to be rezoned from Rural (RUR) to Residential Large Lot (RLL). The applicants will pay for the cost of the amendment up front before any work is started by the Town's Planning Consultant.

Question called. Motion carried unanimously

Proposal for 21 Unserviced Building Lots  
Quarry Road Extension

015-10 Motion - Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay give Bourne's Holdings Ltd. approval in principal so they can proceed with engineering and design work on the proposed 21 unserviced building lot development off Quarry Road Extension, no permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed. Quarry Road extension will require widening and upgrading and the applicant will be responsible for the cost of these upgrades. The open space requirement will be determined at a later date.

Question called. Motion carried unanimously.

The Development & Planning Officer also gave a brief overview of development statistics as well as compliance letters information and statistics.

**Public Works**

016-10 Motion – Councillor Whitty/Councillor Smith

**RESOLVED THAT** the Town of Torbay approve the Public Works Committee Meeting Minutes dated December 30, 2009 as presented.

Question called. Motion carried unanimously.

017-10      Motion – Councillor Whitty/Councillor Smith

**RESOLVED THAT** the Town of Torbay carry out the necessary work to correct drainage problems at Pineridge Creek as soon as weather conditions permit. Estimated cost is \$53,675.00 + HST.

Question called. Motion carried unanimously.

There was some discussion on this matter at Pineridge Creek and flooding issues. Councillor Smith asked if there was any way to recoup cost of repairs from any resources. Director of Programs and Services and Development & Planning Officer are looking into it as advised by Councillor Whitty. Development & Planning Officer advised that there have been some changes, and inspections are now being done so these issues do not happen again.

NOTE: Minutes of Public Works Committee, Staff and Mr. Paul Porter, Newfoundland Design Associates Limited, dated January 6, 2010 were not reviewed or adopted. As well, issue of 51 Bridge Road was not discussed – driveway problems.

**Parks, Recreation and Community Services** – no report or motions

**Technical Services** – no report or motions

### **SPECIAL COMMITTEES OF COUNCIL**

#### **2012 Celebrations**

Councillor Roche advised that there's a tentative meeting set for January 25<sup>th</sup>. EDO and Curator are researching potential funding opportunities to assist with the 2012 celebrations. They are also checking to see what's happening in other communities in the way of celebrations. Will provide recommendations for next Committee Meeting.

#### **By Pass Road**

The Mayor advised that there was a meeting with the Minister and Assistant Deputy Minister of Highways. Deputy Mayor, Councillor Tapper, MHA Parsons and CAO were also in attendance. It was an exploratory meeting. The Town will need to consult with its engineers regarding the potential takeover of Torbay Road.

Councillor Tapper advised that it was a good open discussion.



**LIAISON COMMITTEES**

**Heritage/Museum** – no report

**Jack Byrne Arena**

A meeting was scheduled for December 9, 2009, however meeting was deferred until next Wednesday.

Appointment for Community Representative was discussed.

018-10      **Motion** – Deputy Mayor Gallant / Councillor Byrne

**RESOLVED THAT** the Town of Torbay appoint Jerry Dunphy as Community Representative.

Question called. Motion carried unanimously.

Due to the resignation of Jerry Byrne as a Community Representative for the Town of Torbay on the Jack Byrne Arena Board of Directors, the Town advertised a call for nominations for the vacant position in the December edition of the Northeast Avalon Times. As of 4 p.m. on January 11, 2010, three (3) nominations were received (Jerry Dunphy, Cyril Power and Mary Thorne-Gosse).

It was agreed by all members of Council to review the applications and to select the new Board Member by ballot. After all members of Council reviewed the applications, the CAO distributed ballots. Once all members of Council completed their ballots, the CAO went to another room to conduct the vote count. CAO counted to Council that Jerry Dunphy was the successful candidate and that a motion of Council would be required in the public chamber to reconfirm Jerry Dunphy's appointment.

**Northeast Avalon Joint Council**

Councillor Whitty advised that the Conception Bay South meeting Minutes were adopted. Department of Municipal affairs – conflict of interest use of pesticides – will be discussed at next meeting. He requested that the Minutes be circulated to all members of Council.

**Northeast Avalon Regional Plan**

Awaiting feedback from City and Mount Pearl. Will be discussed at next meeting.

**Torbay Volunteer Fire Department**

Councillor Byrne read 2009 stats, as provided to all members of Council. Council discussed the importance of our volunteer fire fighters and the increase in the number of calls received. The role

they play is so important, their calls have doubled. Their response time to calls is amazing and they are called out at all hours, on holidays, and in all kinds of weather and then have to attend to their own jobs in the morning. Their volunteer work and dedication is greatly appreciated. Councillor Byrne highlighted the 40% increase in calls from 2008 to 2009.

**Urban Municipalities Committee** – no report

Councillor Smith stated she will confirm the February meeting date for the next Council Meeting. The Town of Torbay to host.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner congratulated Mayor Roche on being a grandmother and on the birth of new grandchild. He also congratulated her on behalf of Council as MAA's newest Urban Board Member, on a four year term starting January 2010.

***Deputy Mayor Gallant***

Deputy Mayor Gallant advised wanted to bring up the issue of hunting and trapping coyotes. He advised that someone in the Town has set snares and that dogs have been trapped. It was discussed that people should be more careful where they're setting traps so that pets are not being hurt. A dog was trapped in a snare just four feet off the road. The Town needs to have some control over this, snares should be kept away from roads in Town and we need some discussion on this issue. Deputy Mayor Gallant received an email on the issue of trapping and dog caught in trap. He advises he will forward to Council.

Councillor Smith agrees that the public needs to be informed on the issue of coyotes. There should be a media advisory put out as it is a real issue. The Town needs to provide general information as per safety issues, dog tethering; safety tips provided as to darkness/walking, etc. A message needs to be put forward to residents.

With regards to the issue of hunting and trapping of coyotes in the Town, Councillor Whitty advises that the public has the right to be informed. We need to find out who's doing the trapping and have a meeting. The Town and hunters/trappers need to have a mutual understanding. Education has to take place all around. He agrees that residents need to be aware about coyotes in our Town, but we don't want to cause panic either, as no attacks have been reported. CAO advised that this is being worked on by Municipal Enforcement Officer and Executive Clerk.

Falkirk Water issue – Deputy Mayor asked to be kept in the loop. Director of Programs and Services advised that the resident's water was turned on January 9, 2010.

Karon Drive issue – as per Public Works Motion.

***Councillor Byrne***

Councillor Byrne had inquiries on land and dilapidated buildings. How long was given/different ways/time of action for dilapidated buildings to be repaired. Councillor Smith advised that these issues will be dealt with by the Public Works Committee.

Councillor Byrne also thanked all volunteers, staff for the work hours put in during Christmas festivities and wanted to make sure they are thanked.

***Councillor Roche***

Councillor Roche thanked her nominator and supporters for the position of Urban Board Member with the Municipal Assessment Agency.

Councillor Roche advised that she attended a Municipal Assessment Agency Seminar late last year and she received a copy of the Municipal Guide to Property Assessments, which she tabled at the Council Meeting and will pass on to CAO for information purposes. She asked that the Town have a link to MAA website.

She also wanted to say thank you to the Town's Volunteer Fire Department. They responded to a family member last week when her granddaughter was choking and they resuscitated her. Thank you to all people involved – the Volunteer Fire Department/paramedics/and ambulance driver. They're all doing a wonderful job.

***Councillor Smith – Pass***

***Councillor Tapper***

With regards to Falkirk water issue, Councillor Tapper advised he received an e-mail on December 21st from resident and December 23rd with resident advising still awaiting water shut off and that resident only received response from Councillor Whitty. Copy of correspondence to be forwarded to CAO and Director of Programs and Services right away.

With regards to the water issue – Falkirk and communication amongst Council and staff – the resident e-mailed all Council and nobody responded. There's too much silence when responding to residents' concerns and who's doing what. Maybe the "reply all" button should be used when corresponding by e-mail, as advised by the Deputy Mayor.

Councillor Tapper advised that there is a Committee meeting with the East Coast Trail representatives on January 20<sup>th</sup>. The Development and Planning Officer and the Mayor will meet to look at coastal park, and this meeting is pertaining to East Coast Trail. Is it possible to get TETC people involved as well and to the meeting that the Supervisor of Parks & Recreation is having? The Mayor advised that some meetings are preliminary, and TETC people will be involved in due course.

Councillor Tapper advised that a memo and survey was sent out to the parents of students attending Holy Trinity Elementary concerning the name of the new school. He advised that residents should be involved in this as well. There is a history here with the name which goes

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**January 11, 2010**

---

back to the 1950's. He advised that people should discuss and talk about this name change for the school so that everyone knows about it. The survey is due on January 20<sup>th</sup> and then school council to discuss. Most of Council agreed that the name should stay the same, however, Council as a whole should not influence residence's decision. Council members should speak their mind, but not as a Council, only individually.

With regards to the name change to the new school, Deputy Mayor Gallant advised that Council should not influence over whether or not the school's name stays the same. Maybe there should be a Council representative on the school alumni or school council. Councillor Smith advised that Council should get involved, as culture would make Council involved.

***Councillor Whitty***

Public Works Motion – dealt with under Committees of Council Reports.

NEAJC Report – dealt with under Liaison Committee Reports.

**ADJOURNMENT**

019-10      Motion – Councillor Smith/Deputy Mayor Gallant

**RESOLVED THAT** the meeting be adjourned at 9:18 p.m. as there was no further business.

---

***Mayor***

---

***CAO/Town Clerk***