



***MINUTES***  
PUBLIC COUNCIL MEETING  
July 8, 2013

---

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on July 8, 2013 at 7:45 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  
Tina Auchinleck-Ryan, Director of Community Services  
Bernie Manning, Director of Public Works & Technical Services  
Ann Picco, Executive Clerk

**Regrets**

Brian Winter, Director of Planning

**Gallery**

There were a total of 9 people in attendance.

**Adoption of Agenda**

257-13 Motion – Councillor Tapper / Councillor Smith

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

The following changes were requested to be made to the Minutes of the June 25, 2013 Public Council Meeting:

- Councillor Smith questioned Correspondence No. 2, 2013 MAA Board Elections – She questioned as to whether the Mayor can speak for a Councillor not in attendance; and, if comments should be removed from the Minutes.

- Mayor Codner advised that he only noted that Councillor Roche was interested. Comments in Minutes to remain.
- Page 9 - under Item 3, Correspondence b) – Councillor Smith noted that she was not in attendance at a meeting with the Department of Municipal Affairs and requested that her name be removed.
- Page 25 – Under the New Business section, Councillor Smith asked that it be noted under her comments that the Town’s Municipal Enforcement Office will work with the school when it re-opens the first week of September.
- Page 19 – Under the Building Applications to be Refused section, Application 9986-13 – Deputy Mayor Gallant noted there was an omission of his comments, details of which he will confirm and advise at the next Council Meeting. See motion below.

258-13      Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Minutes of the June 25, 2013, Public Council Meeting be deferred to the next Council Meeting.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

None.

**CORRESPONDENCE**

1. Department of Municipal Affairs – 2012-14 Multi-Year Capital Works Program (MYCW). *Mayor Codner noted on Page 3 of the 2012-2014 Multi-Year Capital Works Agreement, Item 6 – that the word “ensure” be replaced with the word “insure.” CAO to confirm change. See motion below.*

259-13      Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Town of Torbay proceed to execute the 2012-2014 Multi-Year Capital Works Agreement.

Question called. Motion carried unanimously.

2. Department of Municipal Affairs – Changes to Capital Works Project Management Policies & Procedures. *For information purposes.*
3. Department of Municipal Affairs – Tools to assist in integrating climate change and energy efficiency consideration into planning and decision-making. *Deferred to the Planning and Land Use Development Committee for review and recommendation.*

4. Correspondence from church concerning adjacent property. *Council discussed the dilapidated property adjacent to the church property, including hazards and safety issues. Staff had previously compiled list of delinquent properties around the community and Council requested the list be revisited. Deferred to the Planning and Land Use Development and Public Works Committees for recommendation at next Public Council Meeting.*
5. Department of Municipal Affairs – St. John’s Urban Region Regional Plan Amend. No. 8, 2012/Torbay Municipal Plan Amend. No. 19 & Development Regulations Amend. No. 38, 2011. *Deferred to Planning and Land Use Development Committee. It was agreed that for future information pertaining to amendments, staff to indicate property/development it pertains to for Council’s information.*
6. Correspondence from residence concerning development application at 17 Reddy Drive. *Councillor Smith requested that the correspondence be deferred to the Planning and Land Use Development Committee, as per normal process. Council Members advised that they visited the site, and further discussed the development including variances, circumstances surrounding the property, and safety issues.*

*Councillor Whitty put forth a motion to read - as per Section 10 of the Town’s Development Regulations, that the Town of Torbay approve the single family dwelling construction at 17 Reddy Drive, subject to: 1. All normal building conditions in the Town of Torbay; 2. Trailer and sheds be removed prior to the construction of the home; and, 3. Subject to a structural review.*

*Deputy Mayor Gallant asked that the motion be amended, for further review by the Planning and Land Use Development Committee and the Public Works Committee. See motion below:*

260-13      Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay include in the motion to approve the single family dwelling construction at 17 Reddy Drive - subject to Planning and Land Use Development and Public Works Committees review and recommendations within two-week time frame.

Question called. Motion carried.

For Motion: Deputy Mayor Gallant, Councillor Byrne, Councillor Smith, and Councillor Whitty.

Against Motion: Mayor Codner, Councillor Roche, and Councillor Tapper.

*As the motion above passed, the amendment was added to Councillor Whitty’s proposed motion. See motion below.*

261-13      Motion – Councillor Whitty / Councillor Roche

**RESOLVED THAT** as per Section 10 of the Town’s Development Regulations, that the Town of Torbay approve the single family dwelling construction at 17 Reddy Drive, subject to:

1. All normal building conditions in the Town of Torbay.
2. Trailer and sheds be removed prior to the construction of the home.
3. Subject to a structural review.
4. Subject to Planning and Land Use Development and Public Works review and recommendations within two week time frame.

Question called. Motion carried unanimously.

### **CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated July 8, 2013, was discussed and accepted as presented.

Councillor Byrne requested an update on the following:

- Item No. 2 – Snow Clearing Policy
  - Director of Public Works and Technical Services advised that the policy is being done in-house – by both him and Supervisor of Outside Operations. It will be presented to Council this summer.

Councillor Smith requested updates on the following:

- Item No. 20 – Land Expropriation
  - Mayor Codner reported that eleven people expressed interest in his involvement pertaining to this matter. There is a letter going to the Minister of the Department of Transportation and Works tomorrow, July 9<sup>th</sup>, asking him to step in, as this issue has been ongoing for some time.
- Item No. 29 – Clean Up Orders – properties off the Bypass Road
  - CAO advised that order has been issued. Estate has confirmed that the Province has acquired land as part of the Bypass Road; and, clean up will commence on the property shortly. Four years ago, the Province had expropriated the land for construction.
- Item No. 45 – Tree cutting in Forest Landing Area
  - Mayor Codner advised that there's a meeting scheduled for this week with the resident. Mayor and CAO are attending the meeting.
- Item No. 69 - Pine Ridge Creek Subdivision
  - Councillor Smith expressed her concerns to see the action taken by the Town – closure of Quarry Road, indicating the road has been there for decades and it should have come back to Council for consideration and decision. She advised

that closure of the road should never have been considered as a solution; there are other ways this matter could have been resolved - this action is precedent setting.

- CAO clarified that the Developer closed the road based on the situation there. The Director of Planning met with the developer and outlined complaints received and proposed a resolution.
- Mayor Codner further indicated that due to issues in the area – illegal dumping, area being used as a hangout, and dust due to traffic/ATV use – action had to be taken for the residents in the area. There are a lot of homes there and we have a responsibility to maintain peace and enjoyment for residents. He also noted that the Town has not received any complaints or calls concerning the road being closed.
- Councillor Smith noted that issues mentioned above are not reason to close the road – there may have been other solutions to deal with the matter; and, she advised that this is precedent setting.
- Councillor Tapper advised that he congratulated staff at the last Council Meeting, indicating action was warranted; and, he noted that all Members of Council received an email on this matter.

Deputy Mayor Gallant called Point of Order asking if Council were debating something. Mayor Codner advised Point of Order was well taken, indicating that this matter is an administrative issue.

- As Torbay Volunteer Fire Department Liaison, Councillor Byrne, asked if the rocks could be removed in the event of an emergency. CAO noted that the Director of Planning spoke to the Fire Chief before action taken by the developer.
- Item No. 96 – Recreation Infrastructure ACOA Funding
  - CAO advised that once details are finalized, will come back to Council. Waiting on written confirmation from the Provincial Government.

## **COMMITTEE REPORTS**

### **Economic Development**

Councillor Roche gave an overview of items discussed under the Economic Development Committee Meeting, dated July 3, 2013.

Items discussed in the report included:

- Economic Development Strategic Plan Responses to RFP
  - It was recommended that the contract be awarded to Millier Dickinson Blais. See motion below.

262-13      Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Town of Torbay award the economic development consultants, Millier Dickinson Blais the tender to complete the 2013 budgeted project – Economic Development Strategic Plan, at a quote of \$39,750 + HST.

Question called. Motion carried unanimously.

- Piperstock Hill Festival
  - The Festival was a great success – congrats to all involved.
- Moore’s Valley Road Bridge / Town Centre Plan
  - Economic Development Officer researched funding from heritage and cultural agencies, but very little funding available.
- New Business Leads
  - Economic Development Officer to arrange meetings with a couple of individuals concerning operating business in Torbay.
- The next meeting is scheduled for July 16, 2013.

**Finance**

The Financial Report, dated June 24 – July 5, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of June 24 – July 5, 2013, for 2<sup>nd</sup> quarter remuneration for Council, the semi-annual honorarium for Members of the Torbay Volunteer Fire Department, and salaries for permanent staff and summer students totalled \$102,867.11.

For the period of June 24 – July 5, 2013, Accounts Payable invoices in the amount of \$116,104.42 were paid. These expenditures were within budget.

There are four (4) Main Operating Invoices totalling \$66,427.69 for approval:

263-13      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to CIBC Mellon, for Pension contribution for June 2013, in the amount of \$14,411.88.

Question called. Motion carried unanimously.

264-13      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to DBI – Garbage Removal, for Curbside Recycling for June 2013, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

With regards to the above, it was noted that this is the final invoice.

265-13      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street lighting for June 2013, in the amount of \$16,511.33.

Question called. Motion carried unanimously.

266-13      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll deductions for June 2013, in the amount of \$27,703.48.

Question called. Motion carried unanimously.

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

267-13      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** in the absence of the Chief Administrative Officer for the period of July 15-26, 2013 that the Town of Torbay authorize Executive Clerk Ann Picco to sign cheques on the main operating bank account.

Question called. Motion carried unanimously.

### **Human Resources and Administration**

Councillor Byrne gave an overview of items discussed under the Human Resources and Administrative Committee Meeting, dated July 3, 2013.

Items discussed in the report included:

Committee discussed the effectiveness of the PLUD Committee in light of recent decisions made by Council. Discussion focused on should committee continue to meet or should all matters be brought directly to Council with no committee recommendation. The question was asked how this differs from Recreation Committee making a decision and it being rejected by Council.

CAO provided committee with an overview of her discussions with Municipal Affairs on the issue and based a review of council policy.

It was consensus that PLUD Committee will continue to meet and provide recommendations to Council.

CAO/Town Clerk will be out of the office from July 15-26, 2013 on annual leave. See motion below.

268-13      Motion – Councillor Byrne / Councillor Smith

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk for the period of July 15-26, 2013 that the Town of Torbay appoint Executive Clerk Ann Picco as Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department staff member.

Question called. Motion carried unanimously.

**Planning and Land Use**

Councillor Smith advised that there was no committee meeting this week. It was agreed that a motion to move forward with the below amendments was appropriate.

*Municipal Plan Amendment No. 19, 2011 and Development Regulations Amendment No. 38, 2011 and St. John's Urban Region Regional Plan Amendment No. 8, 2012.*

269-13      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** that the Town of Torbay proceed with the next step of the amendment process, which is to Adopt Municipal Plan Amendment No 19, 2011, and Development Regulations Amendment No 38, 2011, and to schedule a public hearing. These amendments pertain to the rezoning of land for the proposed Manning Development off Bauline Line, changing the land use zoning from Rural (RUR) to Residential Large Lot (RLL). The public hearing for these amendments will be scheduled for August, DOP to confirm date and time.

Question called. Motion carried unanimously.

270-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** that the Town of Torbay appoint Mr. Tom Strickland as the commissioner for the public hearing to be held in August in relation to Municipal Plan Amendment No 19, 2011, and Development Regulations Amendment No 38, 2011.

Question called. Motion carried.  
 Against Motion: Deputy Mayor Gallant

Council discussed the above motion and a past public hearing that Mr. Strickland acted as Commissioner where another public consultation had to be held, as per the Department of Municipal Affairs. Deputy Mayor Gallant questioned if the Town of Torbay could appoint another commissioner. Councillor Smith advised that he's a certified commissioner. He did run into one problem - an issue that all commissioners in Newfoundland realized at the same time, and which is now resolved.

Building Applications Approved

As per the Building Application Report, dated July 4, 2013, the following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
10016-13	44 Quigley's Lane	General Repairs
10017-13	46-48 Salerno Place	10' x 12' Accessory Building
10018-13	122 Reddy Drive	16' x 16' Accessory Building
10019-13	434-438 Indian Meal Line	General Repairs
10020-13	2 Garden Road	General Repairs

Building Applications for Approval

**Application:** 9988-13  
**Location:** Portion of 228-230 Indian Meal Line  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

271-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9988-13, under the Applications for Approval section of the Building Application Report, dated July 4, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Applicant to provide a new plot plan showing proposed driveway access point.

3. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
4. Department Works Service approval for access on to Indian Meal Line.

Question called. Motion carried unanimously.

**Application:** 10015-13  
**Location:** 269 Marine Drive  
**Proposal:** 18' x 24' Attached Garage  
**Zoning:** Residential Infill (RI)

272-13 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 10015-13, under the Applications for Approval section of the Building Application Report, dated July 4, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

**Application:** 10021-13  
**Location:** 15 Whitten's Lane  
**Proposal:** 10' x 38' extension to single Family Dwelling  
**Zoning:** Residential Infill (RI)

273-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 10021-13, under the Applications for Approval section of the Building Application Report, dated July 4, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

**Application:** 10022-13  
**Location:** 5 Pinch Creek Place  
**Proposal:** 40' x 40' Accessory Building  
**Zoning:** RLL (Residential Large Lot)

274-13 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 10022-13, under the Applications for Approval section of the Building Application Report, dated July 4, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use only.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

**Application:** 10023-13  
**Location:** 29-31 Camp Carey Road  
**Proposal:** Demolition of Existing Dwelling, construct a new Single Family Dwelling  
**Zoning:** Residential Infill (RI)

275-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 10023-13, under the Applications for Approval section of the Building Application Report, dated July 4, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.

Question called. Motion carried unanimously.

### **Public Works**

Councillor Whitty gave an overview of items discussed under the Public Works Committee Minutes, dated July 3, 2013.

Items discussed in the report included:

- Convent Lane/North Pond Road
  - Preliminary documents have been submitted to Municipal Affairs for approval with drawings to public tender next week.
- Equipment
  - Tenders for both a Rubber Tire Backhoe and Excavator with trailer have been recommended and waiting on financial approval.
- Solid Waste & Recycling Tender
  - The Solid Waste and Recycling Tender has closed and the new contractor T2 Ventures has commenced operations.
- North Pond Gate
  - The new gate and bollards have been installed.
  - Director of Public Works & Technical Services confirmed that gate went in operation on Sunday, July 7<sup>th</sup>.
- Depot Site
  - A new site has been identified and the landowners are being investigated as well as the assessed value. Once the information is returned, the land will be submitted for appraisal so Committee can review.

Councillor Byrne requested update regarding meeting on wastewater treatment. Director of Public Works & Technical Services advised will have report for the next meeting.

### **Recreation, Parks and Community Services**

Deputy Mayor Gallant gave an overview of items discussed under the Department of Community Services Committee Minutes, dated July 2, 2013.

Items discussed in the report included:

- Trails
  - Director of Community Services reported that there has been progress on this and residents are responding. For those who have not responded, Director will revisit.
  - Western Island Pond Trail – once word back from a couple of residents in the area, it's going to take a couple of months to complete the trail. Hopefully will be completed by September or near completion.
- Outer Loop
  - Director of Community Services reported that she is in weekly contact with consultants on this and it is still in process and nearing the end.

- Beautification Awards
  - Councillor Tapper requested that staff follow up with the three volunteers who will be assisting with the 2013 Beautification Awards. Director will speak with the CAO on the awards.
- Community Softball
  - Staff to follow up to see if it will be taking place.
- Community Awards
  - The Awards application has been sent out to the community. Deadline is September 18, 2013.
- Congratulations
  - On behalf of Committee, congratulations to the Economic Development Officer, Ross Houlihan, and the Community Development Coordinator, Leigh Fitzpatrick on a great job with the Piperstock Hill Festival events. Sincere congrats to all staff who played a part in the event.
- Other
  - On June 18<sup>th</sup> meeting, cameras at the Kinsmen Centre were discussed and steps for Pineridge – Director of Community Services have forwarded an email to the Director of Public Works & Technical Services on both of these items.

#### **Technical Services**

No report.

#### **SPECIAL COMMITTEES OF COUNCIL**

None.

#### **LIAISON COMMITTEES**

##### **Heritage/Museum**

Councillor Byrne congratulated Heritage, Arts and Culture Coordinator Contessa Small on the recent Music Banner Contest. Winners were advertised in the Northeast Avalon Times paper; and, the finished product is now flying outside the Town Hall.

##### **Jack Byrne Arena**

Deputy Mayor Gallant advised that their strategic planning session/meeting took place. Once draft document received, will bring back to Council for comments.

Councillor Smith requested an update on the recent ball hockey tournament – advertised as being hosted by the City of St. John's at the Jack Byrne Arena – the Arena wasn't noted as being located in Torbay. Deputy Mayor Gallant advised that St. John's hosted and funded the event. Will look

at the strategic plan when it comes back – there are some recommendations in there for review before making any further comment.

Councillor Byrne questioned the new sign. Deputy Mayor advised that work is being done to resolve some issues.

### **Northeast Avalon Joint Council**

Minutes of the Northeast Avalon Joint Council Meeting, dated May 15, 2013.

- Councillor Whitty advised that the minutes for the meeting are in Council's binders for information.

The last meeting was held in St. John's.

### **Northeast Avalon Regional Plan**

No report.

### **Torbay Harbour Authority**

Councillor Byrne reported that construction should finish up by the end of the week, and in time for the food fishery.

### **Torbay Volunteer Fire Department**

Councillor Byrne reported that there was no meeting, only truck checks, due to the July 1<sup>st</sup> holiday and the number of events the Members attended.

### **Urban Municipalities Committee**

Councillor Smith advised that there's an upcoming meeting in August. Will confirm with CAO if she will be available to attend.

### **NEW BUSINESS**

***Mayor Codner*** - Pass

***Deputy Mayor Gallant***

Deputy Mayor Gallant advised that he received an email from a resident late today concerning people setting off their own fireworks. The Motion Drive area have experienced late night fireworks between the hours of 11:00 pm and 1:00 am; and, there are residents who have pets that are afraid. He asked if we could send a reminder or a notice to residents concerning fireworks and related noise. Mayor Codner also noted concern of fire. CAO to speak to the Fire Chief as well for further recommendation.

He discussed the beach and concerns of whether or not it is safe to visit the area.

Mayor Codner advised that he recently did some media interviews concerning the beach, further discussing testing that is completed on a yearly basis, which meets provincial wastewater standards. The outfall in Torbay is no different than any other in the Province. The Federal Government is moving forward with infrastructure money and categorization of all outfalls in the Province.

CAO advised that information has been circulated to Council when received on an annual basis; and, the 2013 testing is ongoing. All reports – 2009-2012 – have been circulated to Council. All reports are forwarded to the Department of Environment as well.

Council further discussed signage and Council Members requested that it be updated. CAO to look into.

Deputy Mayor congratulated the Town of Flatrock – he announced that the Town has recently signed a municipal stewardship agreement with the Province and is now a member of SAM. SAM is a non-profit organization of which the Town of Torbay is a member and he is President. They have a number of wetland designations as management units. Flatrock has a green team and have a trail between ponds mapped out – the unveiling of sign was today. The Minister of Environment, MHA Parsons, Mayor Grace and Deputy Mayor Gallant, on behalf of SAM, were all present.

Deputy Mayor thanked all Council for working hard to ensure quorum.

***Councillor Byrne*** - Pass

***Councillor Roche*** - Pass

***Councillor Smith***

Councillor Smith congratulated and thanked all for the wonderful festival in Torbay this year. Can only image how it can grow and be better in the future. Thanks to all involved in delivering the Piperstock Hill events.

She thanked Mayor Codner on his recent letter to Minister O'Brien concerning sustained water for our Town. The Department will now have to respond.

***Councillor Tapper***

Councillor Tapper discussed the Piperstock Hill Festival. He advised he took in most events and the weather did cooperate. Events were well attended and he thanked Economic Development Officer Ross Houlihan and Community Development Coordinator Leigh Fitzpatrick who spent a lot of time working on events. The event at the Jack Byrne Arena was well organized and attended. He congratulated all who were involved.

***Councillor Whitty*** - Pass

**ADJOURNMENT**

276-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 9:36 p.m., as there was no further business.

Question called. Motion carried unanimously.

---

*Mayor*

---

*CAO/Town Clerk*