



MINUTES
PUBLIC COUNCIL MEETING
June 10, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 10, 2013 at 7:31 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
Brian Winter, Director of Planning
Ann Picco, Executive Clerk

Gallery

There were a total of 9 people in attendance.

Adoption of Agenda

190-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

191-13 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Minutes of the May 27, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Recreation Newfoundland & Labrador Volunteer Recreation Certificate was presented to Mr. Bill Burton to recognize the valuable and outstanding contributions that he has made to recreation in Torbay.

Director of Community Services provided history of Mr. Burton's volunteer work and read aloud correspondence from Recreation Newfoundland and Labrador.

CORRESPONDENCE

1. Department of Municipal Affairs – Municipal Long Service Awards. *CAO has information and will submit.*
2. Northeast Avalon Regional Economic Development Board – new membership. *CAO advised that this information is to be discussed at the next Economic Development Committee meeting.*
3. Municipalities Newfoundland & Labrador – Invitation-2017 Starts Now! *For information purposes.*
4. Correspondence from resident concerning Pine Ridge Creek Subdivision. *Councillor Tapper advised that as a follow up to the correspondence, he visited the resident concerning issues adjacent to the property:*
 - *There's not only a quarry in the area, but a meadow that's closed in or surrounded by trees being utilized for bonfires, parties, etc. During the last incidence, the resident called the RNC who in turn made contact with the Fire Department, who responded to the area.*
 - *Another issue is the dirt road in the area. In the Summer months, there's a lot of dust, especially from ATV use during all hours. The developer has been backfilling or offloading loads of clay/rock, as well; and, he indicated that he will be leveling off the area with an excavator. Councillor Tapper noted that the resident is unable to paint his fence due to the amount of dust.*
 - *The resident is asking the Town if we can barricade the road and look at all options to come up with a solution. Councillor Tapper questioned if the property owner could take some responsibility to possibly gate the area.*
 - *Councillor Byrne advised that staff are looking into these concerns and the Director of Planning has been having meetings with the developer. Matter to be left for staff to deal with, to work with the RNC, and to report back to Council. It was noted that this is not the only area in the community with similar situation/issues.*
5. Correspondence from resident concerning property at 81-109 Camp Carrey Road. *Council discussed zoning in this area, which is not zoned for residential, and discussed related property taxes. CAO to write letter and respond to resident.*
6. Department of Tourism, Culture and Recreation – Funding for Piperstock Hill Festival. *For information purposes.*
7. Correspondence from resident concerning noise at night from business on Torbay Road. *Council discussed the Town's nuisance bylaw/policy and questioned if this applied. Staff to*

discuss resident's concerns with business owner(s). Director of Planning to provide report at next Council meeting.

CORRESPONDENCE & ACTION REPORT

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

- Deputy Mayor Gallant requested an update on green space and the possibility of trading and selling of land. Mayor advised that we do have letter from solicitor – he interprets that if we acquire land for open space, we sell for open space. The Town cannot land bank. CAO asked that matter be deferred to next Planning and Land Use Development Committee, indicating that she will attend and discuss legal opinion with the Committee. Information will be brought back to Council. Deputy Mayor asked to be provided with information.

COMMITTEE REPORTS

Economic Development

Councillor Tapper gave an overview of items discussed at the Economic Development Committee Meeting, dated May 28, 2013.

Items discussed in the report included:

- Groundwater Assessment/Business Park Update
 - Consultant's work is still ongoing and will provide update by the month's end as to their findings.
 - There are issues with water analysis in the area; and, hopefully we can curtail some negative impact. It was noted that the business park may go from 152 acres to 52 acres.
- Piperstock Hill Festival
- Community Market
- Moore's Valley Road Bridge
 - The Economic Development Officer is looking into potential funding to see if the bridge can be repaired.

Finance

The Financial Report, dated May 27 – June 7, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of May 27 – June 7, 2013, for 29 employees totalled \$64,686.97.

For the period of May 27 – June 7, 2013, Accounts Payable invoices in the amount of \$129,814.74 were paid. These expenditures were within budget.

There are three (3) Main Operating Invoices totalling \$43,261.65 for approval:

192-13 Motion – Councillor Tapper / Deputy Mayor Gallant

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

Question called. Motion carried unanimously.

193-13 Motion – Councillor Taper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Group Billing for May, 2013, in the amount of \$6,740.04.

Question called. Motion carried unanimously.

194-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll remittance for May 16-31, 2013, in the amount of \$28,720.61.

Question called. Motion carried unanimously.

There is one (1) Capital Invoice for approval. This invoice relates to the tender call in 2012 for road improvements to Evening's Path and Seaview Avenue under the 2010-2014 gas tax agreement.

195-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Weir's Construction Ltd., for Paving for Evening's Path and Seaview Avenue, in the amount of \$290,433.03.

Question called. Motion carried unanimously.

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

The Chair of Finance, the CAO and the Manager of Finance met with the auditor on June 4, 2013, to review the draft 2012 audited financial statements. A copy has been provided to all members of Council for their review. A motion for Council's consideration is provided below.

196-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT as per Sections 86 and 92 of The Municipalities Act, that the Town of Torbay adopt the 2012 financial statements as presented. A signed copy of the statements will be forwarded to the Department of Municipal Affairs – Local Government

Division and Gas Tax Secretariat before June 30, 2013, to ensure compliance with legislation requirements.

Question called. Motion carried unanimously.

At the May 13, 2013 Council Meeting, a motion was passed to award the Solid Waste and Recycling Collections Tender to Around the Bay Disposal Inc. The company has since withdrawn its bid. After a legal review, it was determined that the second lowest bidder should be awarded the contract. A motion of Council is required to award the tender.

197-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay rescind Motion 158-13 as Around the Bay Disposal Inc. withdrew its bid for Tender 2013007 – Solid Waste and Recycling Collections.

Question called. Motion carried unanimously.

198-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay award Tender 2013007 for the provision of solid waste and recycling collections to the second low bidder T2 Ventures Inc. in the amount of \$40,014 per month (tipping fees and HST included). Effective date is July 1, 2013. Contract will expire on May 31, 2015. This tender is within budget.

Question called. Motion carried unanimously.

The Town of Torbay recently held a tender call for the provision of Security Services. The tender call closed on May 24, 2013. We had three companies pick up tender packages and two companies submitted bids. A motion of Council is required to award the tender.

199-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay award Tender 2013008 for the provision of security services to the low bidder Neptune Security Services Inc. in the amount of \$18.46 per hour (HST included). Effective date is June 17, 2013. Contract will expire on October 5, 2013. This tender is within budget.

Question called. Motion carried unanimously.

Overview of donation requests – there are currently five donation requests before Finance Committee (Special Olympics, Wooden Board Museum, Kids Help Phone, St. John’s Regatta, and Easter Seals Newfoundland and Labrador). A review of previous years’ budgets (2009-2012) indicates only one donation – to Easter Seals, in the amount of \$300.00.

- It was agreed by Council that the above donation requests will be discussed at the next Finance Committee Meeting for recommendation.

The next Finance Committee Meeting will take place on June 11th at 5:30 p.m.

Human Resources and Administration

Councillor Byrne advised that there is a meeting scheduled for June 11th at 7:00 p.m.

Planning and Land Use

Building Applications Approved

For information purposes, 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>
9983-13	269-271 Marine Drive	14' x 20' Deck & Second Driveway
9984-13	199-205 Bauline Line	16' x 20' Accessory Building

Building Applications for Approval

Application: 9982-13
Location: 35 Gallows Cove Road (Lot 1)
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

200-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9982-13, under the Applications for Approval section of the Building Application Report, dated June 7, 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: 9985-13
Location: 37 Forest River Road
Proposal: 24' x 28' Accessory Building
Zoning: RLL (Residential Large Lot)

201-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9985-13, under the Applications for Approval section of the Building Application Report, dated June 7, 2013, subject to the following conditions:

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

Question called. Motion carried unanimously.

Application: 9987-13
Location: 22 Seaview Avenue
Proposal: 24' x 30' Garage Extension to Existing Dwelling
Zoning: RMD (Residential Medium Density)

202-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9987-13, under the Applications for Approval section of the Building Application Report, dated June 7, 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: 9989-13
Location: 2-4 Roblin Place
Proposal: Replacing Existing Accessory Building with 24' x 30' Accessory Building and Replacement of Existing Deck
Zoning: RI (Residential Infill)

203-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9989-13, under the Applications for Approval section of the Building Application Report, dated June 7, 2013, subject to the following conditions:

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

Question called. Motion carried unanimously.

Application: 9990-13
Location: 1831-1837 Torbay Road
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

204-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9990-13, under the Applications for Approval section of the Building Application Report, dated June 7, 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: 9991-13
Location: 69-71 Bauline Line
Proposal: 22' x 24' Accessory Building
Zoning: RMD (Residential Medium Density)

205-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9991-13, under the Applications for Approval section of the Building Application Report, dated June 7, 2013, subject to the following conditions:

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

Question called. Motion carried unanimously.

Building Applications to be Deferred

Application: 9986-13
Location: Portion of 1150-1156 Torbay Road
Proposal: Single Family Dwelling
Zoning: Mixed (MIX)

206-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application 9986-13, under the Applications to be Deferred section of the Building Application Report, dated June 7, 2013, pending further review by the Planning and Land Use Development Committee.

Question called. Motion carried unanimously.

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

207-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9988-13, under the Applications to be Deferred section of the Building Application Report, dated June 7, 2013, pending further review by the Planning and Land Use Development Committee.

Question called. Motion carried unanimously.

Business Applications to be Deferred

Application: B1119-13
Location: 7 Edgewater Lane
Proposal: Refinishing Metal Parts Business (Home Based)
Zoning: Residential Large Lot (RLL)

208-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application B1119-13, under the Applications to be Deferred section of the Business Application Report, dated June 7, 2013, pending further review by the Planning and Land Use Development Committee.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty gave an overview of items discussed under the Public Works Update, dated June 4, 2013.

Items discussed in the report included:

- Convent Lane/North Pond Road
 - Approval drawings are currently being completed and will be ready for submission to Municipal Affairs for approval next week.
- Equipment
 - Four tenders of new and replacement equipment is currently being reviewed with a recommendation to finance to follow.
- Solid Waste Tender
 - Due to misinterpretation of the solid waste tender specifications by the successful bidder a further review is being conducted with a recommendation to finance to follow.
- Lime Feed System
 - Newfoundland Design is working with other vendors on the Prime Consultants Agreement that is currently being drafted and will be submitted to Municipal Affairs by the end of next week.
- North Pond Gate
 - Target installation date of the new gate is July 1, 2013.
- Hydrant Flushing
 - The Public Works Department has commenced the annual hydrant flushing program. Operations will be conducted between 9:30 a.m. and 3:00 p.m. daily until further notice.
 - Deputy Mayor advised that he received concerns from residents concerning notification. CAO advised this matter will be discussed at the Human Resources and Administration Committee as it relates to job duties for position of Communications Coordinator. A Green Communications policy will be developed once the Coordinator is in place. Information was posted under the Town's website and on the digital sign.

Recreation, Parks and Community Services

Deputy Mayor Gallant advised there was no meeting, but discussed the following items:

- He requested that the dog park be added to the Agenda for the next Recreation Committee Meeting.
- Concerns of people cutting wood in river buffer zones – will send information to staff.
- Today was the dedication of the Holy Trinity Elementary School playground – Mayor Codner, Councillor Tapper and Councillor Whitty were in attendance; and, he thanked all who made the playground possible. Deputy Mayor advised that as member of Council, School Council and Playground Committee, he saw the amount of work carried out to make the playground a success. He thanked Council and Staff for working together with the school to make it happen.

- He asked the Director of Planning and the Director of Community Services for an update on the Western Island Pond Trail and if they met with residents concerning acquisition of land along the trail.
 - Director of Community Services advised that they visited residents last Wednesday and left door-knockers for residents who were not home advising to contact the Town.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne reported that last Fall our Heritage, Arts and Culture Coordinator sent an invitation to the Holy Trinity Elementary School and Holy Trinity High School for children to make Student Music Banners, which will be displayed outside the Town Hall. Listed in the recent Northeast Avalon Times paper, are the winners, which include:

- Shae Harte, Age 8, Grade 3
- Danielle Bolger, Age 11, Grade 6
- Julia Craig, Age 12, Grade 7
- Emily Benteau, Age 15, Grade 10

For reference, he advised copies of the paper are available in the Town Hall foyer.

Jack Byrne Arena

Deputy Mayor Gallant advised that a successful ball hockey tournament was recently held at the Jack Byrne Arena – 2013 World Ball Hockey Championships. Canada did bring in the bronze medal and the games were well attended. It was a huge success for everyone involved. He congratulated the women's team who won the gold medal on Sunday past.

Councillor Smith questioned the representatives on the Jack Byrne Arena Board – two council and two community representatives. She questioned if there is a plan to bring back some of our concerns, namely the recent ball hockey tournament as being advertised at the Jack Byrne Arena in the City of St. John's; and, she asked that it be brought up at the next Board Meeting.

He advised that they did have their strategic planning session. Do have report back on that, which was circulated amongst members, and will provide information to Council.

Northeast Avalon Joint Council

Councillor Whitty advised that there's a meeting scheduled on June 19th at the City of St. John's.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne thanked the Director of Public Works and Technical Services for coming by Tappers Cove and doing a site visit regarding getting some dredging done at lower end for parking. Will provide more details as the contractor finishes up.

Torbay Volunteer Fire Department

Councillor Byrne provided an overview of items discussed under the Torbay Volunteer Fire Department Meeting Notes, dated June 3, 2013.

Items discussed in the report included:

- Convention this year is taking place in Corner Brook – three fire fighters are attending.
- The Department's communication room is being transferred across the hall to make more secure.
- There have been six calls since the last meeting
- Safety Report – back deck is being repaired in the near future.
- Public Relations – the Department helped with a walk-a-thon at the school last week. A lot of comment within the meeting on this item because of the number of children on the road and speeding taking place – in the area of Convent Lane and Mahon's Lane. Keep hearing of speeding on our streets; and, not a meeting goes by that this matter is not brought up.
- Fire and Emergency Services – new training program. More details to come.
- Mayor Codner questioned if there were any fire fighters at a recent training session held concerning homes littered with junk. Councillor Byrne advised he will question at next meeting.
- Councillor Smith indicated that names were included on the notes, which should be removed and discouraged. Councillor Byrne advised he will bring back to the next meeting.

Urban Municipalities Committee

No report.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant thanked all who worked together to make the Holy Trinity Elementary School playground a success.

Councillor Byrne

Councillor Byrne discussed illegal dumping and waste management – there were seven communities selected by the Provincial Government to receive programs pertaining to teaching how to set up cameras. He questioned if we heard which communities and if the Town was included. He asked if the Town could possibly piggy-back into that program as there are a number of sites around the community with this issue.

- CAO advised that the Municipal Enforcement Officer in CBS is facilitating these training sessions. The Provincial Government selected seven communities. Can ask for information on next phase.
- Director of Planning advised that CBS was successful in prosecuting and they were called on for their expertise.

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper advised that the East Coast Trail held their Tely Hike last Saturday and to date has taken in over \$161,000. It was a great success – 468 people registered for the event. The Tech Coyotes put their team in again this year and came away with two first place prizes – individual who collected most, Robbie Hicks - \$2,103.00; and, the team finished first - \$6,735.00 collected. It was a great day; and, he congratulated Robbie and the Coyotes.

Councillor Whitty

Councillor Whitty advised that he attended the dedication for the Holy Trinity Elementary playground today.

He advised that there is an ongoing issue relating to the elementary school, and that's the closure of the lane adjacent to the playground. MHA Parsons indicated they need letter from the Town to get permission to close the lane, and, he asked if the Town could provide. See motion below:

209-13 Motion – Councillor Whitty / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay provide a letter of permission to Holy Trinity Elementary to close the lane adjacent to the playground.

Question called. Motion carried unanimously.

CAO advised that the lane presently exits onto Torbay Road. When the school tender was put together, the Town had requested the laneway be kept there from the previous school, which is why the Department of Transportation and Works is looking for a letter from us. Mayor Codner advised that the busses used the lane to exit the school grounds, but there's really no need of it now. It's a safety concern as vehicles enter and exit the lane with excessive speed, the soccer field is adjacent to the lane, and the playground is only approximately ten feet away.

ADJOURNMENT

210-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:46 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk