



**MINUTES**  
PUBLIC COUNCIL MEETING  
June 11, 2012

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 11, 2012 at 7:39 p.m.

**Members Present**

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

**Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Bernard P. Manning, Director of Public Works & Technical Services  
Brian Winter, Development and Planning Officer  
Ann Picco, Executive Clerk

**Regrets**

Councillor Ralph Tapper

**Gallery**

There were a total of 9 people in attendance.

242-12      **Adoption of Agenda**

Motion – Councillor Smith / Councillor Roche

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

243-12      Motion – Councillor Byrne / Councillor Smith

**RESOLVED THAT** the Minutes of the May 28, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS** - None

**CORRESPONDENCE**

1. Department of Municipal Affairs – 2012 Municipal Operating Grants. *For information purposes.*
2. Department of Environment and Conservation – 20 Lot Unserviced Subdivision off Quarry Road Extension. *This is dealt with under the Minutes of the Planning and Land Use Development Committee, dated June 6, 2012.*
3. Regional Economic Development Boards Petition. *CAO to contact Municipalities Newfoundland and Labrador (MNL) for feedback from other municipalities. To be discussed after the Northeast Avalon Regional Economic Development Board AGM – Deferred to next Council Meeting.*
4. Eastern Waste Management – Tipping Fees. *For information purposes. Letter to be retained by the Director of Public Works and Technical Services.*
5. Correspondence from resident concerning subdivision of property. *Deferred to Planning and Land Use Development Committee.*
6. Correspondence from company concerning 22 approved lots, Bulgars Farm Road. *Deferred to Planning and Land Use Development Committee.*
7. Correspondence from Deputy Mayor concerning Notice of Motion. *See motion below.*

244-12      Motion – Deputy Mayor Gallant / Councillor Whitty

**RESOLVED THAT** the Town of Torbay dedicate all remaining off-Monday nights of 2012 to strategic planning sessions until Council is satisfied that all strategic planning is completed.

Question called. Motion Defeated.

For Motion: Deputy Mayor Gallant, Councillor Whitty

Against Motion: Mayor Codner, Councillor Byrne, Councillor Roche, Councillor Smith

*Deferred to Human Resources and Administration Committee.*

8. Municipalities Newfoundland and Labrador – Torngat Awards. *CAO to forward to Economic Development Officer for 2012 submissions.*
9. Municipalities Newfoundland and Labrador – 2012 James Hiscock Memorial Scholarship. *For information purposes.*

**CORRESPONDENCE & ACTION REPORT**

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

**COMMITTEE REPORTS**

**Economic Development**

No report.

**Finance**

The Financial Report, dated May 28-June 8, 2012, was accepted, as presented. Deputy Mayor Gallant read out payroll and accounts payable information as per the report:

Payroll for the period of May 28-June 8, 2012, for 25 employees totaled \$51,269.22.

For the period of May 28-June 8, 2012, Accounts Payable invoices in the amount of \$208,077.24 were paid. These expenditures were within budget.

There are nine (9) Main Operating Invoices totaling \$119,832.81 for approval.

245-12      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Afonso Diving Contractors Ltd., for Water excavation/curb stops, in the amount of \$5,093.08.

Question called. Motion carried unanimously.

246-12      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Audio Systems Limited, for Installation of smoke/heat sensors in town hall, in the amount of \$6,220.93.

Question called. Motion carried unanimously.

247-12      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to CIBC Mellon, for Pension contribution May 2012, in the amount of \$14,225.18.

Question called. Motion carried unanimously.

248-12      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to East Coast Hydraulics, for Repairs to JCB backhoe, in the amount of \$8,147.82.

Question called. Motion carried unanimously.

249-12 Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Garrison Hill Entertainment Ltd., for Administration of Great Big Sea Concert – Progress Payment, in the amount of \$5,800.67.

Question called. Motion carried unanimously.

250-12 Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Newfound Disposal Systems, for Garbage Contract, in the amount of \$33,459.79.

Question called. Motion carried unanimously.

251-12 Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll remittance for May 16-31, 2012, in the amount of \$24,446.63.

Question called. Motion carried unanimously.

252-12 Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Triware, for Computer support – block of time, in the amount of \$5,650.00.

Question called. Motion carried unanimously.

253-12 Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street lighting for May 2012, in the amount of \$16,788.71.

Question called. Motion carried unanimously.

There are no Capital Invoices for approval.

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

**Human Resources and Administration**

No report.

**Planning and Land Use**

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated June 6, 2012.

Items discussed in the Report included:

1. Development Proposals
  - a) Proposal from 1150 Torbay Road to subdivide the property and construct a new dwelling. Issue is the creation of a back lot development; and, for that reason the new home would not conform to current regulations. Applicant will be written and advised.
2. Correspondence
  - a) Information from the Minister of Environment and Conservation concerning South Pond. The Zoning will be adjusted in the current 5-year plan.
  - b) Letter from 540 Indian Meal Line concerning proposed home office business. This application is dealt with in the Business Application Report, dated June 7, 2012.
  - c) Water issues in Pineridge Development area in relation to the Airport run-off. All correspondence from the Department of Environment and Conservation were reviewed, along with the Executive Summary of the AMEC report. The Town's engineers have reviewed the Transport Canada Report and correspondence from the Department of Environment and Conservation; and, have provided commentary, of which Committee have further questions. The Development and Planning Officer is seeking additional information concerning alternative options for servicing the area. Correspondence from developers in the area will be dealt with once answers and information are received. Councillor Smith noted that Committee were unanimous with going forward with this information in the Planning and Land Use Development report.
3. Other Items
  - a) Planning and Land Use Development Information Session with Council on June 5, 2012 – Minutes are attached in the Planning and Land Use Development Minutes, dated June 6, 2012, for information.
  - b) Proposal for accessory building at 133 Indian Meal Line. Input from the Town's Planning Consultant was requested and received. The applicant doesn't meet regulations – the applicant will be advised.

Councillor Smith noted that Committee reviewed the Excavation and Backfilling Policies.

Deputy Mayor questioned the infill lots on Karon Drive and why these developments were deferred. Councillor Smith advised that the information is included as part of Item 2 c) of the Planning and Land Use Development Minutes, dated June 6, 2012. She further advised that

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Committee agreed to not move forward without seeking information and advice first. It's Committee's consensus, that as there are questions, to acquire further information in order to make informed recommendations going forward. Council discussed the information and correspondence from the Department of Environment and Conservation and correspondence from the Town's consulting engineers as well as liability of any future issues.

Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated June 7, 2012, 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>
9741-12	15 Hickey's Place	General Repairs
9742-12	96 Patrick's Path	General Repairs
9743-12	54 Reddy Drive	12' x 16' Accessory Building
9744-12	91 Bauline Line	New Patio Deck
9745-12	26 Flora Drive	Single Family Dwelling
9747-12	1613 Torbay Road	16' x 20' Accessory Building
9748-12	11 Hickey's Place	New Patio Deck
9749-12	50 Upper Evenings Path	16' x 20' Accessory Building

**Application:** 9746-12  
**Location:** 107 Quigley's Lane  
**Proposal:** 28' x 28' Garage  
**Zoning:** Residential Infill Lot (RI)

254-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9746-12 under the Applications for Approval section of the Building Application Report, dated June 7, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9751-12  
**Location:** 142A Marine Drive  
**Proposal:** 33' x 38' Extension to Existing Dwelling  
**Zoning:** Residential Medium Density (RMD)

255-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9751-12 under the Applications for Approval section of the Building Application Report, dated June 7, 2012, subject to the following condition:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

**Application:** 9752-12  
**Location:** 60 Pine Ridge Crescent  
**Proposal:** 24' x 30' Garage  
**Zoning:** Residential Large Lot (RLL)

256-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9752-12 under the Applications for Approval section of the Building Application Report, dated June 7, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9750-12  
**Location:** 51 Western Island Pond Drive  
**Proposal:** 14' x 34' Extension to Dwelling  
**Zoning:** Residential Large Lot (RLL)

257-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer Application 9750-12 under the Applications to be Deferred section of the Building Application Report, dated June 7, 2012, 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 billed to the applicant.

Question called. Motion carried unanimously.

The following application were advertised as per discretionary use regulations; there were no written responses received in response to the advertisement.

**Application:** B1084-12  
**Location:** 20 Mahon's Lane  
**Proposal:** Home Based Hair Salon

258-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application B1084-12 under the Applications to be Approved section of the Business Application Report, dated June 7, 2012, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

**Application:** B1085-12  
**Location:** 299 Indian Meal Line  
**Proposal:** Home Office for a Consulting Business

259-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application B1085-12 under the Applications to be Approved section of the Business Application Report, dated June 7, 2012, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

**Application:** B1087-12  
**Location:** 13 Nathaniel Drive  
**Proposal:** Child Care Business

260-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application B1087-12 under the Applications to be Approved section of the Business Application Report, dated June 7, 2012, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.
3. The Child Care business will also require approvals from the following Government agencies:
  - Department of Health and Community Services;
  - Department of Government Services;
  - Eastern Health Child Care Services Division.



Question called. Motion carried unanimously.

**Application:** B1088-12  
**Location:** 20 Country Drive  
**Proposal:** Child Care Business

261-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application B1088-12 under the Applications to be Approved section of the Business Application Report, dated June 7, 2012, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.
3. The Child Care business will also require approvals from the following Government agencies:
  - Department of Health and Community Services;
  - Department of Government Services;
  - Eastern Health Child Care Services Division.

Question called. Motion carried unanimously.

The following application is considered a permitted use within the Town Regulations.

**Application:** B1090-12  
**Location:** 1234B Torbay Road  
**Proposal:** Office Space for Real Estate Company

262-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application B1090-12 under the Applications to be Approved section of the Business Application Report, dated June 7, 2012, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.

Question called. Motion carried unanimously.

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The following application was advertised as per discretionary use regulations; there was one letter of concern received which was addressed in item 2 b) in the PLUD Report dated June 6, 2012.

**Application:** B1081-12  
**Location:** 4 Nathaniel Drive  
**Proposal:** Home Office for a Hydro Seeding Business

263-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application B1081-12 under the Applications to be Approved section of the Business Application Report, dated June 7, 2012, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

**Public Works**

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated June 7, 2012.

Items discussed in the Report included:

- Bulk Garbage – this is completed and the program went well. Staff will evaluate and review for next year.
- Multi Year Capital Works – Committee has reviewed priorities and referred to Committee of the whole to assess Town’s priorities.
- Waste water treatment was discussed. The Director of Public Works and Technical Services and the Economic Development Officer are working on a proposal to source green municipal funding. Receiving updates from the Director of Public Works and Technical Services on a regular basis. The best technology/six technologies were discussed; parameters/details have not yet been finalized by the Department of Municipal Affairs.

Councillor Smith further advised:

- The stats on existing water supply for capacity usage will be made available at the next meeting.
- Tire and fuel rebate matter has been added to the agenda for the UMC meeting this weekend in Marystown. She will provide an update.

2012 Bulk Garbage Collection was discussed – Director of Public Works and Technical Services advised that he will provide information on stats. Councillor Smith advised that they have an

opportunity to have a counting device so that we know how many vehicles come through year to year, especially with the improvements to the waste management strategy at Robin Hood Bay. Will bring back a recommendation for next year.

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

Deputy Mayor Gallant advised that he received an email from TETC Chair, Michael Gardiner, concerning their recent Tely Hike fundraiser; and, their recent request to the Town for a donation, which has been deferred to the Finance Committee.

Councillor Smith congratulated TETC for their fundraiser.

### **Technical Services**

Mayor Codner advised that he's corresponding with the Deputy Minister, Department of Transportation and Works concerning several matters regarding Torbay Road/Bypass Road, including:

- Activation of traffic lights
- Pavement resurfacing

## **SPECIAL COMMITTEES OF COUNCIL**

### **2012 Celebrations**

Councillor Roche commended all staff for their efforts in putting together the recent Torbay250 Summer Events Newsletter/brochure.

Councillor Byrne recognized Ms. Shelley Case who is looking after the Torbay250 Committee and events surrounding the Great Big Sea Concert. He advises that he's seen a big difference in advertising and media.

CAO advised that a meeting will be scheduled sometime after June 15<sup>th</sup>. The Great Big Sea Coordinator will want to meet with Committee, as well.

### **By Pass Road**

Mayor Codner referenced the recent speed limit increase to 70 km on the Bypass Road and the speed limit of 50 km on Torbay Road from Stavanger Drive to the Airport. He noted that the Town was not notified of the increase or consulted.

**LIAISON COMMITTEES**

**Heritage/Museum**

No report.

**Jack Byrne Arena**

Deputy Mayor Gallant mentioned the recent wrestling event with Professional Wrestler Bret Hart, held at the Jack Byrne Arena. There were approximately 500/600 people in attendance; and, people waited for three plus hours for autographs.

**Northeast Avalon Joint Council**

Councillor Whitty advised that the next meeting is on June 20<sup>th</sup> at the City of St. John's. This is the year end meeting.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

Councillor Byrne advised that there's no report. He did discuss the recent cuts to the Department of Fisheries and Oceans. At this point, they're not sure how it's going to affect some of the Harbour Authority's requests. He will provide updates.

**Torbay Volunteer Fire Department**

He gave an overview of items discussed in the Torbay Volunteer Fire Department Meeting Notes, dated June 4, 2012.

Items discussed in the report included:

- There have been six emergency calls since the last meeting.
- Members of the Department will be in contact with the Town in the near future to arrange and set up fire drills and to provide proper usage operations/instructions of fire extinguishers with Staff.
- There was some discussion of the new auditing system. This is the first year that it came into effect with the Fire Department. It's provincial legislation.
- There are some gaps in civic numbering on Indian Meal Line.
- There were discussions on whether the fire fighters should wear safety vests. Fire Chief is looking into costing and will report back on future date.

**Urban Municipalities Committee**

Councillor Smith advised that there's a meeting in Marystown this weekend, which she is attending.

She's requested that the groundwater assessment process be added to the agenda for input from other municipalities.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner discussed buffer areas. There has been a lot of discussion by the City of St. John's Council concerning proper buffers for drive thrus. Development and Planning Officer advised that the Planning and Land Use Development Committee will review.

***Deputy Mayor Gallant***

Deputy Mayor Gallant discussed the infill lots on Karon Drive and the approval process. Councillor Smith advised that the Planning and Land Use Development Committee are gathering information to make informed decisions for the best interest of the Town. Each will be approved according to their applications.

***Councillor Byrne*** - Pass

***Councillor Roche*** - Pass

***Councillor Smith*** - Pass

***Councillor Tapper*** - Absent

***Councillor Whitty***

Councillor Whitty discussed World Ocean Day, which was celebrated last week. He advised that he has heard comments about the sewer outfall at the harbor and some people think that the Town is ignoring it. He advises that this is further from the truth; the Town is trying to source funding. It's an ongoing process.

He discussed that there are seniors in the Community who have called the Town requesting their lawns mowed. It was suggested to contact Allied Youth to see if they could consider this under their own realm; to encourage it.

**ADJOURNMENT**

264-12      Motion – Councillor Smith / Councillor Byrne

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

Question called. Motion carried unanimously.

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*Mayor*

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*CAO/Town Clerk*