



**MINUTES**  
PUBLIC COUNCIL MEETING  
June 13, 2011

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 13, 2011 at 7:46 p.m.

**Members Present**

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

**Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Brian Winter, Development and Planning Officer  
Ann Picco, Executive Clerk

**Regrets**

Councillor Ralph Tapper

**Gallery**

There were a total of 7 people in attendance.

***Meeting was chaired by Mayor Codner.***

227-11      **Adoption of Agenda**

Motion – Councillor Smith / Councillor Byrne

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

Question called. Motion carried unanimously.

228-11      **Adoption of Minutes**

Motion – Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Minutes of the May 30, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

229-11 Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay adopt the Minutes of the Privileged Council Meeting, dated June 6, 2011, as presented.

Question called. Motion carried unanimously.

### **PROCLAMATIONS / PRESENTATIONS**

Ms. Karen McGrath was presented with a Volunteer Recreation Recognition Certificate in recognition of the valuable and outstanding contributions that she has made to the field of recreation. This certificate was forwarded by Recreation Newfoundland and Labrador; and, is designed to pay tribute to individuals who, through their commitment and dedication at a volunteer level, have advanced the development of recreation in Newfoundland and Labrador.

Supervisor of Recreation and Healthy Living, Tina Auchinleck-Ryan, gave a brief overview of Ms. McGrath's volunteer contribution to the community over the years. She assisted with many events, including Guy Fawkes Night, Halloween events, Santa Claus Parade, Breakfast with Santa, and many other events from the Town's Snow Treasure Celebrations.

Mayor Codner presented Ms. McGrath with the Certificate of Recognition on behalf of Council and the Town of Torbay.

### **CORRESPONDENCE**

- 1) Correspondence from resident concerning some issues in Pineridge Creek Subdivision. *Mayor Codner advised that he did correspond with the resident. Council discussed blocking off the area so access would be limited. The Town's Municipal Enforcement Officer visited the area; and, Mayor Codner contacted RNC, who have also visited area. The developer was by the Town Office this week and this matter was discussed with him. He was prepared to gate the area, but the Town has concerns of access to emergency vehicles. Council discussed signage. In due course, the area will be developed and paved. Council also discussed the Quarry and the use of dirt bikes and the use as a hangout. Council discussed putting rocks/boulders in place – vehicles would then be parked out on road. Gate and rocks could be a solution, but can't obstruct for emergency vehicles. Mayor advised that the old quarry is being filled in and they need access to be kept open – the Town should see what the developer is doing and what their plans are in there first. Then, address access to general public. Municipal Enforcement Officer to visit the area and report back, then Council will make a decision. B/F.*
- 2) Petition regarding unsafe vehicle speeds on Pineridge Crescent. *Council discussed speed calming policy, movable sign, and speed bumps/humps. Mayor advised that we received a*

*policy from another municipality; and, they use the bumps as a last resort, due to possible liability issues attached to them. Deputy Mayor suggested that the Town could use the bumps/humps – put in places where it's most warranted in residential areas, instead of public thoroughfares. B/F.*

- 3) Municipalities Newfoundland and Labrador – MNL Avalon Regional Meeting, June 18, 2011. ***For information purposes. COMPLETE.***
- 4) Department of Tourism, Culture and Recreation – award of funding under the Operational Support for Community and Regional Heritage Organizations. ***For Information Purposes – Mayor Codner to reply with thank you letter. COMPLETE.***
- 5) Correspondence from resident concerning Bauline Line Development. ***Councillor Smith advised that she asked that this correspondence be tabled for discussion, as it was circulated to Council Members. It was agreed that Council would respond to Mr. Harvey on individual basis. COMPLETE.***

### **BUSINESS OUTSTANDING**

- 1) At the Public Council Meeting of May 30<sup>th</sup>, Save Our People Action Committee (SOPAC) forwarded a Resolution concerning the implementation of a moose/vehicle collision reduction strategy. ***As per Motion 207-11 the Town had deferred adoption of the resolution for further research and information. Mayor Codner read aloud the resolution. It was agreed that they're asking for support. See motion below. Letter of support to be forwarded as part of resolution. COMPLETE.***

230-11      Motion – Councillor Roche / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay call upon the Government of the Province of Newfoundland and Labrador immediately to implement a moose vehicle collision reduction strategy, including reduction of moose densities, and construction of moose fencing as supported by cost benefit analysis.

Question called. Motion carried unanimously.

- 2) As per Motion 167-11 from the Public Council Meeting of May 2<sup>nd</sup>, a public meeting/information session to be held regarding choice before Council of ten (10) percent or cash in lieu of. ***A meeting was held on Thursday, June 2<sup>nd</sup> at 7:00 p.m. in relation to Motion Estates, Phase III Development. Development and Planning Officer advised waiting on information from the Town's solicitor regarding open space. Council agreed that once information is received, then look at date for a public information session. CAO suggested getting recommendation of planning consultant first – have open space requirements determined – development incorporated in site plan, then proceed with public information session. There is a recommendation coming forth from Recreation, then confirm to developer tomorrow, June 14<sup>th</sup>. B/F.***
- 3) At the Public Council Meeting of April 18<sup>th</sup>, Deputy Mayor discussed Council transparency, and put forward a motion - as per Motion 142-11, Public Council Meeting Minutes of April

- 18th, the Town to strike a sub-committee concerning Council transparency and come back with recommendations in thirty days. Terms of reference for the sub-committee to be drafted. *At the Public Council Meeting of May 30<sup>th</sup>, Deputy Mayor gave a Notice of Motion on recommendations that were discussed at the sub-committee meeting. Meeting with Council did take place on Monday, June 6<sup>th</sup> for further discussion. Deputy Mayor Gallant advised that he's going to delay transparency motion until next Council meeting. Deputy Mayor will prepare a terms of reference for the next meeting, along with recommendations. B/F.*
- 4) Department of Environment and Conservation – Torbay Municipal Habitat Stewardship Program Expansion Proposal. *Meeting was held with Jonathan Sharpe and Heather Chaffey, Department of Environment and Conservation, Monday, June 6th. Development and Planning Officer and Mayor Codner were in attendance. Five or six issues were corrected/discussed, including name of pond, and Gosse's Pond was discussed. Initially, they indicated a 50 meter buffer around Gosse's' Pond, which was adequate. The Town sent proposal to the Department and they had no issues with it. Since then, another 10 meters has been added. They're going to revamp the document with the changes for the Town's review. Then send to Minister for signing. B/F.*
  - 5) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *A meeting was held on Tuesday, May 17<sup>th</sup> with officials from the Department of Environment and Conservation. The Department is going to review problems concerning Motion and the old traditional access and Canon Marsh Road. Haven't heard a reply from them yet. Mayor will contact the Department by next Monday, June 20<sup>th</sup>. B/F.*
  - 6) Eastern School District regarding various issues related to the newly constructed Holy Trinity Elementary School / Motion 474-10 from Public Council Meeting of November 15<sup>th</sup> – Public Works Committee to investigate Doyle's/Quigley's Lane are concerning traffic and possibility of making one way street. *Mayor Codner advised that a meeting was arranged to discuss a number of issues, including Birchy Nap, Katrina Place, and temporary turn around at Roblin Place. Eastern School District is checking with the bus company to confirm and to point out any areas where busses are unable to access. May forward to Public Works regarding land acquisition and changing road widths. Roblin Place was revisited - will discuss with Mr. Royal, Eastern School District, and get his opinion. Mayor advised that Doyle's & Quigley's Lane was visited, but problem in that area may have remedied itself. The old access – that road has been upgraded to pavement and area for soccer field has been fenced off – 13 meters from pavement. The position of the Town is that the road should remain in existence as it is an access out. It has proven for additional parking space as well. Deputy Mayor advised that the School Council would prefer that this road be fenced as they have safety concerns – thoroughfare between school and playground – they want a safe place for the kids to play. Mayor suggested barriers to be used at the end of road when needed and Deputy Mayor Gallant advised that he will bring this suggestion to the next School Council meeting. This also coincides with Item no. 8. B/F.*
  - 7) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *CAO advised that the report will be in Department's hands by mid July. They have approved early testing for June/July and should be completed by mid July. B/F.*

- 8) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane - This is concerning acquisition of land from a resident on the corner in order to increase the turn radius so that the bus can get into the Kelly’s Lane area. *As per Item No. 6, above. B/F.*
- 9) Department of Environment and Conservation, Water Resources Management Division – Feasibility Study and Conceptual Cost for a Water Treatment Facility for Torbay / Correspondence from resident concerning South Pond. *CAO advised, as per her email – the Department of Municipal Affairs developed terms of reference for best technologies studies – terms of reference to be developed – hire consultant to oversee process – they write a terms of reference for six technologies. Same process for water and waste water. The Town of Torbay is the first municipality put through this process. It’s a new way of testing for the technology. Maybe completed in about another year. B/F.*
- 10) Status of Camp Carey Building. *This was discussed at the last Recreation Committee Meeting. CAO to follow up for costing. B/F.*
- 11) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *Councillor Byrne advised that they have had a couple of meetings. Additional information sent to solicitor – waiting on response. Mr. Pittman to do search. B/F.*
- 12) As per Motion 158-11, Public Council Meeting of April 18<sup>th</sup> – Town to obtain legal clarification regarding buffer and conservation zones – *Clarification received. COMPLETE.*
- 13) Meeting concerning development in the Town – *Meeting dates were set for June 15<sup>th</sup> and 16<sup>th</sup>, however has been rescheduled. See motion below. COMPLETE.*

231-11      Motion – Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Town of Torbay reschedule the Strategic Planning Session of Council to early September on a Friday night and Saturday.

Question called. Motion carried unanimously.

## **COMMITTEE REPORTS**

### **Economic Development**

232-11      Motion – Councillor Roche / Councillor Whitty

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Hillside Festival Committee Meeting, dated May 31, 2011.

Question called. Motion carried unanimously.

There was some confusion of what the Family Pass entails – Economic Development Officer to clarify. It was requested that the next Minutes contain information on the Hillside Festival events, including program, bands/entertainment, and dates.

Councillor Byrne recommended that if Committee intends to request assistance of the Volunteer Fire Fighters, that they should do so as soon as possible.

Councillor Roche asked that if anyone had any suggestions or anything else they would like to add, to notify her.

### **Finance**

233-11      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Financial Report, dated May 30 – June 10, 2011, as presented.

Question called. Motion carried unanimously.

### **Human Resources and Administration**

Councillor Byrne advised that a meeting is scheduled for next Tuesday, June 21<sup>st</sup>.

### **Planning and Land Use**

234-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee Meeting, dated June 9, 2011, with the following changes:

2<sup>nd</sup> page, 2 b), Municipal Plan Amendment No. 14, 2011 – the year should read 2010; and, Development Regulations Amendment No. 31, 2011 – year should read 2010.

Question called. Motion carried unanimously.

235-11      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay proceed with the next step of the amendment process, which is to Adopt Development Regulations Amendment No. 39, 2011 and to send it to Municipal Affairs for review and registration. This amendment pertains to the rezoning of land for the proposed Crowe Development off Country Drive, changing the land use zoning from Residential Subdivision Area (RSA) to Residential Medium Density (RMD).

Question called. Motion carried unanimously.

236-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay proceed with the next step of the amendment process, which is to Adopt Torbay Municipal Plan Amendment No. 14, 2010 and Torbay Development Regulations Amendment No. 31, 2010. Then to schedule a public hearing, the hearing will be for the Town’s amendments and the amendment to the St. John’s Urban Region Regional Plan, (Amendment No. 3, 2011). These amendments pertain to a parcel of property North West of Peters Place, referred to as KMB Holdings Development Phase 2.

DPO will acquire a Commissioner for the public hearing; possible date for the public hearing will be towards the end of June.

Question called. Motion carried unanimously.

237-11      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay proceed with the next step of the amendment process, which is to send Municipal Plan Amendment No 19, 2011, and Development Regulations Amendment No 38, 2011 to Municipal Affairs for Provincial Review/Release. This amendment pertains 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).

Question called. Motion carried unanimously.

238-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay accept the tender from the Sojourn group of companies for the purchase of one portable message board a Ver-Mac PCMS-548 as per tender specifications provide by the Town. The cost of the message board will be \$17,175.00 plus HST for a total price of \$19,407.75. This is a budgeted item in the development and Planning Departments budget for 2011.

Question called. Motion carried unanimously.

239-11      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Building Application Report, dated June 10, 2011, as presented.

Question called. Motion carried unanimously.

240-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Business Application Report, dated June 10, 2011, as presented.

Question called. Motion carried unanimously.

241-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay have survey conducted at 78-82 Dunphy's Lane to establish if dumping has protruded into the Conservation Zone. And further, if dumping is confirmed in the Conservation Zone, then a stop work order will be issued by CAO.

Question called. Motion carried unanimously.

### **Public Works**

242-11      Motion – Councillor Whitty / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated June 9, 2011, as presented.

Question called. Motion carried unanimously.

243-11      Motion – Councillor Whitty / Councillor Smith

**RESOLVED THAT** the Town of Torbay go to tender for one 15kw skid mounted generator equipped with cable, est. cost \$17,000.00.

Question called. Motion carried unanimously.

CAO to confirm with engineer that 15 kw is sufficient.

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

244-11      Motion – Deputy Mayor Gallant / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee Meeting, dated June 8, 2011, with the following changes:

Under Item No. 1. Developments, (a) Motion Drive Phase III, third paragraph, first line should read, "At the meeting it was recommended that open space..."

Second page, remove Item No. 4.

Question called. Motion carried unanimously.

**Technical Services**

No report.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

Councillor Roche advised that Committee did meet last week. Minutes will be ready for the next Council Meeting. She also noted that Contessa Small, Heritage, Culture and Arts Coordinator, would like to speak before the next Council Meeting.

**By Pass Road**

Mayor discussed letter received from the Department of Transportation and Works. He will be replying and will include such issues as the East/West Connection, Fire Vehicle. Correspondence will be circulated to all Council Members.

**LIAISON COMMITTEES**

**Heritage/Museum**

245-11      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Torbay Heritage/Museum Committee, dated March 22, 2011.

Question called. Motion carried unanimously.

**Jack Byrne Arena**

No report.

**Northeast Avalon Joint Council**

Councillor Roche advised that the final meeting, before summer, will be on Wednesday evening at St. John's City Hall. The Minister of the Department of Municipal Affairs will be in attendance. Everyone is welcome to come and there is a social afterwards.

**Northeast Avalon Regional Plan**

Mayor Codner advised that a meeting was finally scheduled on June 9<sup>th</sup> for the Leadership Committee to discuss the active plan; and, to put forward the matter of compliance with the Transparency and Accountability Act, which is completed and registered online. Everyone can see what the role of Leadership is in production of the NEAR Plan. The copy of the plan will be sent to technical people, and they will be given a few days to review and respond with comments.

Mayor Codner advised that the Plan itself has gone to the Department of Municipal Affairs for complete review. The document had to be completely re-written; and, cost is borne by the Provincial Government. Cost was 50% St. John's and 50% municipalities/communities. When complete, copies will be circulated back to the Leadership Committee. The document should be released in September. It will then have to follow process – there will be three public consultations.

There was some debate as to content of document – all towns and St. John's. Most towns agreed that well and septic is an only option in a lot of communities. Most towns do not see a problem with well and septic if all testing is ok. Mayor discussed that he has a number of correspondence from papers from the past year or two from different municipal leaders – who discussed development from core out. This will impact a lot of matters and not sure how it's going to work. An argument was that towns/City has to look at from a regional basis or perspective.

**Torbay Harbour Authority**

No report. Councillor Byrne advised that there has been no meeting.

**Torbay Volunteer Fire Department**

246-11      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the report from Councillor Byrne for meeting of May 23, 2011.

Question called. Motion carried unanimously.

247-11      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the report from Councillor Byrne for meeting of June 9, 2011.

Question called. Motion carried unanimously.

**Urban Municipalities Committee**

Councillor Smith advised that there are meetings in Placentia this weekend. On the agenda are some items that Council has talked about – moose issue and Coast Guard issue.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner discussed the Coast Guard, and that it is a very sensitive issue. He discussed the letter writing campaign and asked if everyone supported it. All Council agreed. See motion below:

248-11      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay support the letter writing campaign and forward a letter of support.

Question called. Motion carried unanimously.

***Deputy Mayor Gallant***

Deputy Mayor discussed speeding on and in the vicinity of Mahon’s Lane and the possible use of speed bumps/humps. He advised that we need to do something about speeding in this area.

Mayor Codner called a Point of Order and asked if Councillor Smith was in conflict. Council all agreed that she was not.

Deputy Mayor discussed that this is an area of concern for speeding. See motion below.

249-11      Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay allocate speed bump resources to be deployed on Mahon’s Lane.

Question called. Motion carried unanimously.  
Against Motion: Mayor Codner

Deputy Mayor discussed Gosse’s Pond and the publicity associated with the development. The Town is moving to the next stage to a public hearing. He discussed that the Town could make public plans that we do have for the area. He gave Notice of Motion that subject to the Recreation and the Planning and Development Committees, that any development that goes in the area of Gosse’s Pond, will be taking 10 % green space, ensuring trail goes in the area and the green space will be called Gosse’s Pond Park.

Deputy Mayor thanked Councillor Smith for their conversation of last week; he advised that it was very productive.

***Councillor Byrne***

Councillor Byrne discussed the oncoming summer vacations for students. The next time we have a Council Meeting, schools will be out. He discussed that during the next month children will be excited and up late as school is over for the summer. He hopes that they will be safe for the next couple of weeks, as the first part of vacation is sometimes tragic. He wishes students a happy, healthy, and safe summer.

Mayor Codner advised that he discussed this matter with CAO. Last year the Town did an ad on VOCM advising public to slow their speeds, as schools are closed and to be conscious of children on the road. It was agreed by all Council Members that Mayor Codner do this media advisory on VOCM again this year.

***Councillor Roche***

Councillor Roche discussed the Clar Simmons Scholarship Award. It's offered every year in honour of Clar Simmons in her memory. It's opened to a child or grandchild of a municipal council member or employee or employee or retiree upon high school graduation. There are two scholarships awarded in the amount of \$500.00 each. The deadline to apply is August 21<sup>st</sup>.

***Councillor Smith*** - Pass

***Councillor Tapper*** - absent

***Councillor Whitty***

Councillor Whitty discussed pedestrian crossing on Torbay Road. There is high traffic volume in certain places. Maybe a crosswalk could possibly go somewhere between the Irving store to the bridge.

Mayor Codner advised that he also discussed this to Eastern School District – for school crossing, potential of crossing guards, etc.

CAO advised that the Town's Municipal Enforcement Officer already requested a cross walk from the Department of Transportation and Works from here to District Drugs, however, it was denied. She advised she can forward official correspondence if requested.

**ADJOURNMENT**

250-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 9:25 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*