



MINUTES
PUBLIC COUNCIL MEETING
June 26, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 26, 2012 at 7:50 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
Kim Osmond, Office Clerk

Regrets

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

Gallery

There were a total of 12 people in attendance.

265-12 **Adoption of Agenda**

Motion – Deputy Mayor / Councillor Smith

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

266-12 Motion – Councillor Smith / Deputy Mayor

RESOLVED THAT the Minutes of the June 11, 2012, Public Council Meeting be adopted, as presented with the following corrections:

- Page 5 – Planning and Land Use section, 2 c) – CAO to reword.
- Page 12 – Jack Byrne Arena section - should read 500/600 people.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Certificate of Recognition for valuable and outstanding contributions to recreation was presented to Ms. Cara Eustace. Cara was recognized for her hard work, dedication, and leadership commitment in our Community through Allied Youth. Cara works closely with the Town of Torbay assisting with events; and, has always been dependable when supporting recreation within the Town.

CORRESPONDENCE

1. Municipalities Newfoundland & Labrador – 2012 Convention Registration & First Call for 2012 Resolutions. *Attending the Convention: Mayor Codner, Deputy Mayor Gallant, Councillor Roche, Councilor Tapper, and Councillor Whitty. CAO to confirm registration.*
2. Correspondence from resident concerning security/damage deposit. *Deferred to Planning and Land Use Development Committee.*

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 June 11-22, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of June 11 --22, 2012, for 29 employees totaled \$48,986.49

For the period of June 11- 22, 2012, Accounts Payable invoices in the amount of \$39,825.88 were paid. These expenditures were within budget.

There are three (3) Main Operating Invoices totaling \$28,680.34 for approval.

267-12 Motion – Councillor Tapper/ Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Plan-Tech, for Hearing/Amendments #14 and #16, in the amount of \$8,023.00

Question called. Motion carried unanimously.

268-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance June 1-15, 2012, in the amount of \$15,216.42.

Question called. Motion carried unanimously.

269-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Trio Benefits for Group Benefits for June 2012, in the amount of \$5,440.92.

Question called. Motion carried unanimously.

Councillor Smith left the Council Chambers at 8:10 p.m., as it was determined that she was in a conflict of interest.

There is one (1) Capital Invoice totaling \$8,173.55 for approval.

270-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Design Associates Ltd, for Doyle's and Quigley's Lane (Gas Tax Agreement), in the amount of \$8173.55

Question called. Motion carried unanimously.

Councillor Smith returned to the Council Chambers at 8:11 p.m.

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

Finance Committee met with the auditor on June 21, 2012 to review the draft 2011 audited financial statements. A copy has been provided to all members of Council for their review. A final draft was presented for Council's adoption. ***See motion below.***

271-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT as per Sections 86 and 92 of the Municipalities Act, that the Town of Torbay adopt the 2011 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, 2012 to ensure compliance with legislation requirements.

Question called. Motion carried unanimously.

Human Resources and Administration

No report.

Planning and Land Use

Councillor Smith noted that due to the absence of the Development and Planning Officer, names of the applicants were not available in order to determine any conflict of interest.

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated June 21, 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>
9754-12	12 Galway Place	Replace 10' x 10' porch
9755-12	296 Bauline Line	16' x 20' Accessory Building / General Repairs
9762-12	417 Indian Meal Line	12' x 12' Accessory Building
9763-12	127 Indian Meal Line	14' x 16' Accessory Building

Application: 9753-12
Location: 19 Weather Station Road
Proposal: 26' x 30' Accessory Building
Zoning: Residential Infill Lot (RI)

272-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9753-12 under the Applications for Approval section of the Building Application Report, dated June 21, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9756-12
Location: 12 Sprucewood Lane
Proposal: 24' x 28' Accessory Building
Zoning: Residential Large Lot (RLL)

273-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9756-12 under the Applications for Approval section of the Building Application Report, dated June 21, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9757-12
Location: 40 – 42 Peter's Place
Proposal: Single Family Dwelling
Zoning: Residential Infill Lot (RI)

274-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9757-12 under the Applications for Approval section of the Building Application Report, dated June 21, 2012, 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.

Application: 9758-12
Location: 8 Edgewater Lane
Proposal: 22' x 28' Accessory Building
Zoning: Residential Large Lot (RLL)

275-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9758-12 under the Applications for Approval section of the Building Application Report, dated June 21, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9759-12
Location: 5 Santa Maria Drive
Proposal: 16' x 24' Accessory Building
Zoning: Residential Medium Density (RMD)

276-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9759-12 under the Applications for Approval section of the Building Application Report, dated June 21, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9760-12
Location: 102 Western Island Pond Drive
Proposal: 24' x 24' Accessory Building and General Repairs
Zoning: Residential Large Lot (RLL)

277-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9760-12 under the Applications for Approval section of the Building Application Report, dated June 21, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9761-12
Location: 1753 Torbay Road
Proposal: Single Family Dwelling
Zoning: Residential Infill Lot (RI)

278-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9761-12 under the Applications for Approval section of the Building Application Report, dated June 21, 2012, 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.
3. Approval from Department of Transportation and Works is required for driveway access on to Torbay Road.

Question called. Motion carried unanimously.

Councillor Tapper asked if Council could deal with Application 9736-12 - Single Family Dwelling at 41-43 Cordelia Crescent. This application was deferred at the Public Council Meeting of May 28, 2012, for further review and discussion. He put forth a motion, seconded by Councillor Whitty, that Application 9736-12 be approved, with the necessary stipulations put in place. Council discussed this development; and, Councillor Roche commented that further research and legalities have to be looked into, referencing the 20 lot subdivision at the Pineridge Development area, before this application could be approved. Councillor Tapper asked that the Planning and Land Use Development Committee move forward with this at their next Committee meeting. Council did not proceed with the motion and question was not called.

Public Works

No report.

Recreation, Parks and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated June 20, 2012.

Items discussed in the report included:

3. Motion Lookout Update – Deputy Mayor asked CAO if there were still funds in budget for the Motion lookout construction. CAO confirmed that funding was still available.
4. Forest Landing Playground Petition – no playground has been slated for this area. The Public Works Department is currently backfilling an area located at Forest River Road that will be for open space.
5. Coastal Park – Deputy Mayor informed Council that Committee is applying for funding to purchase the Coastal Park Area, which also means protecting a new sea bird colony. Councillor Tapper requested a letter of support from the Town for funding.

Councillor Smith advised Council that there had been no application for a Coastal Park put forward; there has been no interest. She also advised Council that it is still part of the plan to have a new coastal park.

It was noted under Item No. 5, Coastal Park, that Conservation Corps should read Nature Conservancy of Canada.

7. Public Transit – Deputy Mayor asked that the Town investigate the possibility of public transit. Councillor Whitty recommended that the Town have the Public Transport Coalition come and speak to Council and possibly do a presentation to see if this option is feasible.

Councillor Roche requested that the Deputy Mayor discuss matters and provide comments specific to Recreation, Parks and Community Services; and, that any further discussion outside of the minutes not be part of his report. CAO suggested to Council that committee reports be limited to five (5) minutes, unless there is a motion which could then go beyond five (5) minutes.

Deputy Mayor Gallant asked for clarification/perspective on how reports are to be handled at a Public Council meeting.

Councillor Byrne left the Public Council Meeting at 8:45 pm as he had another commitment.

A Motion was put forth by Deputy Mayor Gallant, seconded by Councillor Tapper - that the Town of Torbay freeze any crown land applications until research on the land ownership can be confirmed to determine implications for development of the proposed outer loop trail and the adventure park.

Councillor Roche suggested having the motion amended, as it was unclear if the motion meant all crown land applications in Torbay or just the area surrounding the park. After much discussion amongst Council, it was agreed that the motion was too general and not clearly stated; that it should be re-worded to provide a more specific location and also include how long the freeze would be in place. The Motion was withdrawn. Deferred back to the Recreation Committee.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Tapper reported that Committee met on June 25, 2012. The Great Big Sea Coordinator met with CAO and Councillor Tapper on June 20, 2012.

Committee agreed that some of the events would be re-scheduled, with the exception of the Great Big Sea Concert.

A meeting is to be arranged with Department of Transportation regarding parking and traffic flow in relation to the Great Big Sea Concert.

The WonderBolt Circus Event is taking place July 14, 2012 at Jack Byrne Arena.

The Seniors' Outing is scheduled for September 8, 2012.

The Remember When Dinner and Dance has been re-scheduled and modified to a Dinner Theatre. It is now taking place on September 15, 2012.

By Pass Road

Mayor Codner informed Council that the Town is still receiving inquires regarding the expropriation of land and unfair treatment in the disbursal of funds. Mayor Codner to call MHA Kevin Parsons to follow up.

There has been no official date/time on the second lift of pavement on Torbay Road.

CAO suggested that By Pass Road section now be removed from Council's Agenda.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

A copy of the Minutes of the Northeast Avalon Joint Council Meeting, dated May 16, 2012, was provided to Council for information.

Council agreed to place the Regional Economic Development Board's petition at the front desk for residents to sign. This petition is concerning future funding to preserve the RED Boards in Newfoundland and Labrador who provide support to municipalities, organizations, and businesses.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

The Torbay Volunteer Fire Department Meeting Notes, dated June 18, 2012, were included for Council's information. Any questions by Council are to be forwarded to Councillor Byrne.

Urban Municipalities Committee

Councillor Smith attended the UMC Meeting in Marystown on June 15 and 16th, 2012.

She informed Council that Minister Kevin O'Brien and Minister Clyde Jackman were in attendance.

The highlights of the meeting were municipal ticketing - currently six (6) towns are cooperating. There are issues with collection of funds.

Mr. Cory Grandy made a presentation on Ground Water Assessment. Councillor Smith suggested that we have Mr. Grandy in to do this presentation to Council.

Urban Municipalities is hosting an Urban Summit in February, 2013.

NEW BUSINESS

Mayor Codner

Mayor Codner reiterated the burning regulation put in place by the Department of Forestry – there is currently a ban on all outdoor fires.

Deputy Mayor Gallant

Recreation – Deputy Mayor discussed allocation of open space as it pertains to the Crowe Development.

Public Works – Deputy Mayor questioned when the beach would be opened. CAO advised that parts had arrived for the channel monster; and, Public Works Staff are completing repairs.

Deputy Mayor Gallant also asked if the Multi Year Capital Works priority list has been completed; and, CAO confirmed that it has been submitted to the Department of Municipal Affairs.

Thank you - Deputy Mayor thanked all those in the Town and abroad who have already come out and supported Torbay250 events to date.

Councillor Byrne – Absent (left Council Meeting at 8:45 p.m.)

Councillor Roche

Stop Sign – Councillor Roche discussed the intersection at Bullock’s Town Road and South Pond Road. It is a safety concern for residents as vehicles have been going through the stop sign in that area. She questioned if it was possible to install a larger stop sign at that intersection.

Speed - Councillor Roche requested advertising in the next newsletter regarding speed on the Town’s by-roads. She also requested the installation of a sign at the bottom of Reddy Drive, to make the public more aware of other traffic in the area and high speeds.

Councillor Smith

Soccer Program – Traffic – Councillor Smith discussed traffic congestion around the school during the soccer program. The streets were heavily congested and it does have an impact on residents in that area. She suggested having the area policed by Municipal Enforcement Officer, as it requires monitoring.

Councillor Tapper

Great Pond Road – Councillor Tapper received inquiries from residents regarding possible pollution problems at Great Pond Road. Residents claim that there was a green discoloration in the water. The Municipal Enforcement Officer visited the site and did not determine that any pollution existed in the area. Municipal Enforcement Officer to continue to monitor in conjunction with the Provincial Government.

South Pond Heritage Zoning – Councillor Tapper referred to the Heritage Committee. He would like an update before the five (5) year plan; and, asked that the Planning and Land Use Development Committee make a recommendation on what zoning is appropriate in this area.

Motion 244-12 - which reads, “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”. Councillor Tapper was very disappointed that the motion was defeated. It was the consensus of Council to meet with Committee regarding the strategic plan to determine where things stand.

Depot Relocation – Councillor Tapper discussed Capital funding. He requested that the Director of Public Works & Technical Services make contact with government in regards to approval for site recommendations. Councillor Tapper also stated that North Pond Road and Convent Lane may not get funding required due to Capital Work cutbacks.

Councillor Whitty – Pass

ADJOURNMENT

279-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 9:40 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk