



**MINUTES**  
PUBLIC COUNCIL MEETING  
June 28, 2010

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 28, 2010 at 7:33 p.m.

**Members Present**

Mayor Bob Codner  
Councillor Mike Byrne  
Councillor Peggy Roche  
Councillor Ralph Tapper

**Staff Present**

Ken Anthony, Director of Programs and Services  
Ann Picco, Executive Clerk  
Brian Winter, Development & Planning Officer

**Regrets**

Deputy Mayor Geoff Gallant  
Councillor Carol Ann Smith  
Councillor Brian Whitty  
Dawn Chaplin, CAO/Town Clerk

**Gallery**

Total of 11 in attendance.

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

265-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk, for the period of June 25 – July 2, 2010, that the Town of Torbay appoint Executive Clerk, Ann Picco, as the Acting Town Clerk. Any operational matters are to be directed to the Director of Programs and Services, Ken Anthony.

Question called. Motion carried unanimously.

266-10      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Roche

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

Question called. Motion carried unanimously.

267-10

**Adoption of Minutes**

Motion – Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Minutes of the June 14, 2010, Public Council Meeting be adopted, with the following changes:

Page 14 – under **By Pass Road** – ***SHOULD READ “Mayor and CAO are waiting for the Assistant Deputy Minister of the Department of Transportation and Works to reply with a meeting date and time.”***

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

- 1) Presentation – Certificate of Recognition.

A Certificate of Recognition, June 2010, was presented to Ms. Mary Lou Manning of Torbay in recognition of her valuable and outstanding contributions to recreation, on behalf of Recreation Newfoundland & Labrador, Government of Newfoundland and Labrador, and Downhome Inc.

Supervisor of Parks, Recreation and Healthy Living came forward and gave a brief overview/background of Ms. Manning’s contributions and volunteer work in recreation. Mayor Codner thanked Ms. Manning for her contribution to the Town over the years and advised that her good work has benefited people of all ages. He presented her with the Certificate of Recognition.

**CORRESPONDENCE**

- 1) Nature Conservancy Canada – protection and acquisition of ecologically sensitive land / conservation planning. ***For information purposes. Councillor Byrne congratulated the Deputy Mayor and Councillor Tapper for inviting NCC into the community – it was agreed that it’s another step in trying to conserve areas in the Town. It’s nice and also important to see that people do recognize the Town when it comes to conservation of wetlands; and Councillor Tapper advised that he’s glad they have budgeted for the North East Avalon area as a nature area. Mr. Douglas Ballam of NCC will be visiting the Town to have a look at areas tomorrow, June 29<sup>th</sup>. COMPLETE.***
- 2) Eastern Waste Management – the Materials Recovery Facility at the Regional Integrated Waste Management Facility / House Hold Hazardous Waste / Implementation of the

Provincial Waste Management Strategy. *Council discussed hazardous waste and the use of Robin Hood Bay. It was discussed that people seem happy using Robin Hood Bay to dispose of hazardous waste on Saturdays at their leisure. Once people are aware and educated of the facility they will use it on a regular basis, which will also mean less Spring Clean Up for the Town every year. COMPLETE.*

- 3) Correspondence from Municipal Affairs concerning Amendment to Local Government Gas Tax Funding Agreement. *For information purposes. COMPLETE.*
- 4) Municipalities Newfoundland and Labrador – 2010 MNL Convention Registration / Bursary Program. *This is a request for donations - Deferred to Finance Committee. B/F.*
- 5) Municipalities Newfoundland and Labrador – 2010 MNL Convention Registration Package. *For information purposes. COMPLETE.*
- 6) Invitation to a Citizenship Ceremony - from Cupids 400 Inc., Citizenship and Immigration Canada, and the Department of Canadian Heritage. *For information purposes. COMPLETE.*
- 7) Eason's Water Delivery – request for permission to provide water services to residents (to fill resident's swimming pools) by use of the fire hydrant located at the Town Hall. *The Volunteer Fire Department has a concern with the use of hydrants, other than by the Department – proper gear/tools have to be used when opening hydrants. Council discussed that this is chlorinated water; and water conservation was also discussed. See motion below - COMPLETE.*

268-10      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay refuse the request from Eason's Water Delivery for access to the Town Hall Fire Hydrant to provide water services to residents.

Question called. Motion carried unanimously.

- 8) Department of Tourism, Culture and Recreation – correspondence to Torbay Museum/Heritage Committee regarding approval of funding for memory pods project. *For information purposes. Councillor Byrne gave a brief overview of the memory pods project. It was agreed that it's a great project. COMPLETE.*
- 9) Notice of Motion from Deputy Mayor Gallant - Citizen Engagement and improvement of acoustic quality at the Kinsmen Centre. *Deferred to the next Public Council Meeting. B/F.*
- 10) Avalon Recycling Services Ltd. – curbside recycling services. *For information purposes – the Town is looking at recycling services. Mayor Codner advised that he has already met with the organization and will be seeking recommendations over the next few weeks. COMPLETE.*
- 11) Correspondence from resident concerning letter from developer, which was tabled at June 14, 2010 Public Council Meeting, on petition (from residents and Landowners of Byrne's Lane – upgrading of lane for proposed subdivision) presented to Public Council Meeting of May 31, 2010. *Reply written to resident. COMPLETE.*
- 12) Correspondence from resident concerning proposed Whitty's Ridge development. *Reply written to resident. COMPLETE.*
- 13) Correspondence from resident concerning letter from developer, which was tabled at June 14, 2010 Public Council Meeting, on petition (from residents and Landowners of Byrne's Lane –

- upgrading of lane for proposed subdivision) presented to Public Council Meeting of May 31, 2010. **Reply written to resident. COMPLETE.**
- 14) Correspondence from resident concerning public meeting / Whitty's Ridge. **Reply written to resident. COMPLETE.**
  - 15) Correspondence from resident concerning proposed Whitty's Ridge Development and related public meeting. **Reply written to resident. COMPLETE.**
  - 16) Correspondence from developer concerning Public Council Meeting June 14 2010 and Discussion of Road & Recreation Levies Phase 6 Forest Landing. **Deferred to next Public Council Meeting. B/F.**

**BUSINESS OUTSTANDING**

- 1) Correspondence from residents concerning the condition of Forest Landing. **Addressed by the Director of Programs and Services who advised that he's addressing the speed bump issue and the playground issues. COMPLETE.**
- 2) Department of Municipal Affairs, Engineering & Land Use Planning Division – Torbay Municipal Plan Amendment No. 15, 2010, and Development Regulations Amendment No. 32, 2010. **Development and Planning Officer advised that this is the amendment for the day care centre. COMPLETE.**
- 3) Correspondence from developer concerning petition from residents and landowners of Byrne's Lane that was presented to Council at the last Public Council Meeting of May 31, 2010. **Development and Planning Officer advised that this has been dealt with in Planning and Land Use Development Committee; and, correspondence has been mailed out. COMPLETE.**
- 4) Correspondence from resident concerning Development Proposal, Byrne's Lane. **Development and Planning Officer advised that this has been dealt with in Planning and Land Use Development Committee; and, correspondence has been mailed out. COMPLETE.**
- 5) Municipalities Newfoundland & Labrador – Copy of Response Received from Department of Environment and Conservation on Town's Resolution 11-2009 - Ownership of Local Public Footpaths. **Director of Programs and Services to initiate process with Crown Lands in relation to the Town's control of these areas. COMPLETE.**
- 6) Correspondence from resident concerning Forest Landing Phase 7. **Dealt with in Planning and Land Use Development Committee – correspondence will be going out. COMPLETE.**
- 7) 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. **Second draft received for review by Council – deferred to next Public Council Meeting. B/F.**
- 8) Dumping of topsoil on Beach / Correspondence from the Department of Environment and Conservation, Water Resources Management Division – Infilling and Stabilization of Property Adjacent to Torbay Bight, Torbay, NL – **As per the Department of Environment and Conservation, clean up of property is to be completed by June 30th – Director of Programs and Services advised that clean up has started – he advised he will do inspection and take pictures tomorrow, June 29<sup>th</sup>. B/F.**

- 9) Correspondence from resident and Mr. Kevin Parsons, MHA, concerning dangerous road conditions on Piper Stock Hill. **Meeting is scheduled with the Department of Transportation for Wednesday, June 30<sup>th</sup>. COMPLETE.**
- 10) Department of Municipal Affairs, Office of the Minister – Town’s Request of Additional Funding to Undertake a Cleanout and Inspection of the Sewer Outfall. **Councillor Byrne advised that the flushing and repairing of pipe is scheduled for July 5th. The Town has not heard a response from Municipal Affairs yet on funding. B/F.**
- 11) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. **The Development and Planning Officer and the Municipal Enforcement Officer are working on a signage policy. B/F. Development and Planning Officer spoke to the Department of Transportation and Works service foreman and he advised that they’re checking on legal information/options of signs on private residential property. B/F.**
- 12) Skateboard Park - Motion No. 128-10, from Minutes of Public Council Meeting of April 5, 2010, and Council’s discussion on Motion 250 – 09, from Minutes of Public Council Meeting of September 8, 2009 – **As per Minutes of Public Council Meeting of July 14<sup>th</sup> - Deputy Mayor Gallant advised that with regards to arranging a meeting with surrounding area and Shea’s Lane area residents, information will be coming forth. B/F.**
- 13) Department of Environment and Conservation concerning Torbay Habitat Conservation Plan. **A meeting is scheduled for July 5<sup>th</sup> at 7:00 p.m. with Jonathan Sharpe and Heather Chaffey, Eastern Habitat Joint Venture. COMPLETE.**
- 14) Community Policing – Speeding – **Director of Programs and Services advised that two portable speed bumps have been purchased – will be placing them on Quarry Road and Forest Landing. COMPLETE.**
- 15) Thorne’s Lane Pump House – upgrading. **Director of Programs and Services advised that he has received a budget amount from consultant to complete work; and, he suggested that the Town contact the provincial government concerning emergency funding for piping so the Town can move ahead as soon as possible. The Town will tender to have work completed. B/F.**
- 16) Torbay Volunteer Fire Department – Public Works snow clearing policy – **a meeting is to be arranged with the Mayor, CAO, Director of Programs and Services, and Supervisor of Outside Operations – no tentative date set yet. B/F.**
- 17) As per the Building Application Report, dated May 21, 2010, Application 9249-10, it was discussed by Council that there was an issue with the developer last year concerning old pipe culverts being used and then these pipes being buried at the back of property. **Development and Planning Officer advised that he visited site – pipes were laid to side of property and everything looked in order. He advised that he will do another site visit to make sure everything is in order and ok. COMPLETE.**
- 18) As per previous Public Council Meeting of May 31, 2010, it was discussed by Council that Staff revisit the Town’s list of delinquent properties and review again. **Supervisor of Outside Operations is putting this information together - continuous. COMPLETE.**

**COMMITTEE REPORTS**

**Economic Development** - no report or motions

**Finance**

269-10      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay adopt the 2009 audit as presented and prepared by Belanger, Clarke, Follett and McGettigan.

Question called. Motion carried unanimously.

It was agreed by Council that this was a complicated document; and, it would be nice to have auditor from Belanger, Clarke, Follett and McGettigan to go over report with all Council Members for clarification. ***Date and time to be set. B/F.***

270-10      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Financial Report, dated June 14 – 24, 2010, as presented.

Question called. Motion carried unanimously.

**Human Resources and Administration**

271-10      Motion – Councillor Byrne / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the email information from Ms. Dawn Chaplin, CAO/Town Clerk, regarding Levy and Motions Clarification.

Question called. Motion carried unanimously.

**Planning and Land Use**

Motion from Councillor Roche on road improvement and recreation levies – ***Deferred to next Council Meeting. B/F.***

272-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee Meeting, dated June 24, 2010, as presented.

Question called. Motion carried unanimously.

273-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay give YBC Development Limited approval in principal so they can proceed with engineering and design work on the proposed 24 fully serviced building lots as described in the plans by Mae Design Limited dated May 6, 2010 Project No. 2008.004. No permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed. The open space requirement will be determined at a later date.

Question called. Motion carried unanimously.

274-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay give 10804 Newfoundland Limited approval in principal so they can proceed with engineering and design work on the proposed 8 unserviced building lots as described in the plans by Mae Design Limited dated May 2008, (revision 4) Project No. 2008.0051. No permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed. The open space requirement will be determined at a later date.

Question called. Motion carried unanimously.

Whitty's Lane  
Application for Crown Land

275-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay refuse the application for Crown Land as described in the application from Mr. Colin Escott dated May 11, 2010. The reason for refusal is the fact that the property is a wetland (marshy area) that forms a part of the drainage system for the area.

Question called. Motion carried unanimously.

276-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Building Application Report, dated June 25, 2010, as presented.

Question called. Motion carried unanimously.

277-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Business Application Report, dated June 25, 2010, as presented.

Question called. Motion carried unanimously.

**Public Works**

278-10 Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay accept the terms and conditions outlined in the first amending agreement to the Local Government Gas Tax Funding Agreement between the Government of Newfoundland and Labrador and the Town of Torbay. Total funding for the period of 2010 to 2014 is \$1,072,100.28. Priorities outlined for the period of 2010-2014 include the rehabilitation of six municipal roads as per the Town’s priority list in its municipal roads report. The roads are as follows: Doyle’s-Quigley’s lane (0.5 km), Evenings Path (170 m), Camp Carey Road (85 m), Byrne’s lane (450 m), McFayden Street (110 m) and Seaview Avenue (135 m). Cost estimates were completed by the Town’s Engineering Consultants, Newfoundland Design Limited.

Question called. Motion carried unanimously.

279-10 Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay rescind Motion 262-10. Work on Doyle’s-Quigley’s Lane will be completed under the 2010-2014 Gas Tax Agreement once approved by the Department of Municipal Affairs and not as an “add-on” to the school construction contract. (Motion 262-10 reads: “RESOLVED THAT the Town of Torbay under the 2010-2014 Gas Tax Funding Agreement in partnership with the Department of Transportation and Works Elementary School Construction Contractor carry out upgrades, including storm sewer, curb and gutter and paving of Doyle’s/Quigley’s Lane in the amount of \$375,480.78.” Question called. Motion carried unanimously.)

Question called. Motion carried unanimously.

280-10 Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay rescind motion 204-10 regarding the clean-up/removal order for 1 Ellard’s Lane as it did not include timeframes for cleanup nor result of inaction. The correct order was put forth at the June 14, 2010, Council Meeting. (Motion 204-10 reads: RESOLVED THAT the Town of Torbay, as per “Occupancy and Maintenance Regulations,” serve a Clean Up/Removal Order to the resident at #1 Ellard’s Lane. Question called. Motion carried unanimously.”)

Question called. Motion carried unanimously.



281-10      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay rescind motion 205-10 regarding the clean-up/removal order for 13 Ellard Place as it did not include timeframes for cleanup nor result of inaction. The correct order was put forth at the June 14, 2010, Council Meeting. (Motion 205-10 reads: **RESOLVED THAT** the Town of Torbay, as per “Occupancy and Maintenance Regulations,” serve a Clean Up/Removal Order to the resident at #13 Ellard Place.” Question called. Motion carried unanimously.)

Question called. Motion carried unanimously.

**Parks, Recreation and Community Services**

282-10      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Parks, Recreation, and Community Services Committee, dated June 8, 2010, as presented.

Question called. Motion carried unanimously.

**Technical Services**

Treatability Study – second draft – for Council’s review. *Council members to provide feedback before next Public Council Meeting (July 13, 2010). After Council reviews/discusses report, Town’s consultants will be arranging to meet with Provincial Government Officials to present the report and seek input – CAO to advise once meeting date/time has been confirmed. B/F.*

It was discussed by Council that this is a very technical report - *may be the Town should invite consultant to meet with all Council members and summarize/put in terms that everyone can understand and answer any questions that Council may have. B/F.*

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

283-10      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the 2012 Commemoration Special Committee Minutes, dated May 20, 2010, as presented.

Question called. Motion carried unanimously.

**By Pass Road**

Mayor Codner advised that there is a meeting scheduled with the Department of Transportation and Works on Wednesday, June 30<sup>th</sup> to discuss the by-pass road and the potential take-over of Torbay Road. Councillor Roche suggested that the Mayor discuss the East-West connection/line and flow of traffic in and out of the Town, as well – this could possible service both end of the community and get traffic onto the by-pass road.

**LIAISON COMMITTEES**

**Heritage/Museum**

284-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Torbay Heritage Meeting Minutes, dated May 27, 2010, as presented.

Question called. Motion carried unanimously.

**Jack Byrne Arena** – no report

**Northeast Avalon Joint Council**

285-10      Motion – Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Northeast Avalon Joint Council Meeting, dated May 19, 2010, as presented at the Public Council Meeting of June 14, 2010.

Question called. Motion carried unanimously.

**Northeast Avalon Regional Plan**

Mayor Codner advised that there is nothing new – new plan is ongoing. He had heard that Municipal Affairs may go back and implement the old plan, which goes back approximately 25 years but not enforced with regards to zoning - letter has gone to Minister Whalen in objection as this plan is well outdated. He advised that he expects the new plan could be approved in about 1 – 2 years.

**Torbay Volunteer Fire Department**

Councillor Byrne gave a verbal report – he advised that the Department is having more mechanical problems with Pumper No. 1. Fire Chief made decision to remove the pumper from the Flatrock station until the problem is resolved.

Driveway/snow clearing – discussions are ongoing with Director of Programs and Services; and, the Department are reviewing/discussing the Open Air Burning Regulations.

There have been 13 calls since the last Public Council Meeting, which is past last year's stats; and we're not half way through the year. Mayor Codner advised that the Town is lucky to have dedicated members. Councillor Byrne advised that he hears their stories about fire calls and the members are to be commended.

286-10      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay adopt the Torbay Volunteer Fire Department Constitution and By-Laws, Revised/Updated on June 7, 2010, as presented.

Question called. Motion carried unanimously.

**Urban Municipalities Committee** - no report

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner reminded everyone of the July Drive Remembrance Ceremony on July 1<sup>st</sup> at 11:00 a.m. and the Canada Day Activities at 12:00 at the Jack Byrne Arena.

***Deputy Mayor Gallant*** - absent

***Councillor Byrne***

Councillor Byrne discussed concerns of ditches with regards to the construction on Torbay Road. He suggested that flashing lights could be put at either end of the ditches as it is a dangerous situation for motorists. He also discussed the river and the fact that there's nothing there to catch sediment that could run into the marsh – this needs to be checked on.

Councillor Byrne advised that with regards to flyers, residents do have the option of not receiving them.

***Councillor Roche***

Councillor Roche discussed the upcoming concert – 2010 Summer Blast – on August 6<sup>th</sup> and the bands that will be featured.

287-10      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay proceed as soon as possible with the agreement between the Town and SRO Entertainment in relation to the 2010 Summer Blast concert, which is being held at Upper Three Corner Pond Park on August 6, 2010.

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Question called. Motion carried unanimously.

**Councillor Smith** - absent

**Councillor Tapper** - pass

**Councillor Whitty** – absent

**ADJOURNMENT**

288-10      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:30 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**