



*MINUTES*  
PUBLIC COUNCIL MEETING  
March 19, 2013

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 19, 2013 at 7:34 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  
Tina Auchinleck-Ryan, Director of Community Services  
Bernie Manning, Director of Public Works & Technical Services  
Brian Winter, Director of Planning  
Ann Picco, Executive Clerk

**Regrets**

Councillor Ralph Tapper

**Gallery**

There were a total of 9 people in attendance.

080-13      **Adoption of Agenda**

Motion – Deputy Mayor Gallant / Councillor Roche

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

081-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Minutes of the March 4, 2013, Public Council Meeting be adopted with the following changes:

Page 9 - Under section, Recreation, Parks and Community Services - remove last two sentences after Motion 078-13.

Question called. Motion carried unanimously.

### **PROCLAMATIONS / PRESENTATIONS**

082-13      Motion – Councillor Byrne / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay proclaim and declare the period from April 21 – 27, 2013 as Volunteer Week. The Town acknowledges the theme “Let’s Make some Noise!” for Volunteer Week 2013, recognizes and shows appreciation to all our citizens who volunteer, and encourages the continuation of volunteerism.

Question called. Motion carried unanimously.

Mayor Codner introduced Holy Trinity High School Student, Ms. Julianne Meaney, Winner, 2013 High School Speak-Off, Annual Rotary Speak-Off. Ms. Meaney, along with her Mother, was in attendance at tonight's meeting and read her winning presentation aloud to Council. Mayor Codner noted that she was up against some prominent schools, including speakers from Holy Heart High School, St. Bonaventure's College, O'Donnell High School, Bishop's College and Prince of Wales Collegiate. Council congratulated her on her accomplishment.

### **CORRESPONDENCE**

1. Planning Committee, Blair Mitchell Memorial Bantam Hockey Tournament – Thank You. *For information purposes.*
2. Rug Hooking Guild of Newfoundland & Labrador Inc. – Hooked Rug Project for Ronald McDonald House. *For information purposes.*
3. Concerned Citizens of Torbay – Eastern Regional Appeal Board decision concerning Motion Lane area. *Deferred to Planning and Land Use Development Committee, then comments back to next Council Meeting.*
4. Kids Help Phone – request for donation. *Deferred to Finance Committee.*
5. Newfoundland Labrador Hydro – Contingency Planning and Portable Generator Safety. *Council discussed its emergency response plan, including use of mobile centers, and discussed possibility of purchasing new generator for the Kinsmen Community Centre for residents in the event of an emergency. Director of Public Works & Technical Services to research costs and timelines regarding purchase of a generator and to complete inventory report of existing emergency power sources and their capacities. CAO to provide recommendation regarding the Town's emergency response plan.*
6. Ronald McDonald House Newfoundland and Labrador – thank you letter for participating in Home for Dinner Program. *For information purposes.*
7. Correspondence from resident concerning construction of off-leash dog park with signatures of support from residents. *Council discussed the construction of a dog park, possible*

*locations in the community including trails, and costs involved to construct and maintain. Deferred to Public Works and Recreation Committees.*

### **CORRESPONDENCE & ACTION REPORT**

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

Deputy Mayor questioned the speed calming policy, as per Item No. 26. Councillor Whitty advised that this will be brought up at the next Public Works Meeting.

Councillor Roche questioned Item No. 6 - upgrades to Convent Lane/North Pond Road. She asked the Director of Public Works & Technical Services to revisit the area from Reddy Drive to Bullock's Town Road as the road in this area is very narrow. She further advised that one side of the road falls off to a steep embankment and the other side is a drain; and, she reported that residents have had damage done to their vehicles. She asked if the road in this area could be made wider and if guide rails could be installed/constructed for safety. Director of Public Works & Technical Services to visit and investigate related costs.

Councillor Smith discussed Item No. 6 - proposed new municipal depot. She advised that on a recent radio call in show, a resident discussed the Town's lack of progress in work relating to the new depot. She advised that the caller's information was not accurate; and, she clarified that the Town is into final stages of identifying site. The Director of Public Works & Technical Services is providing all information as requested by the Province. We are working much faster than we thought; and, she further pointed out that work on the new depot is still very active - we're working with design engineers and senior staff to get all information into the Department of Municipal Affairs.

### **COMMITTEE REPORTS**

#### **Economic Development**

No report.

#### **Finance**

The Financial Report, dated March 4-15, 2013, was accepted, as presented. Deputy Mayor Gallant read out payroll and accounts payable information as per the report:

Payroll for the period of March 4-15, 2013, for 32 employees totalled \$68,069.77.

For the period of March 4-15, 2013, Accounts Payable invoices in the amount of \$103,940.61 were paid. These expenditures were within budget.

There are five (5) Main Operating Invoices totalling \$97,130.93 for approval:

083-13      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to City of St. John's, for 911 Service and Backup for Fire Department, in the amount of \$60,166.56.

Question called. Motion carried unanimously.

084-13      Motion – Deputy Mayor Gallant / Councillor Roche

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

Question called. Motion carried unanimously.

085-13      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Glenn Miller, for Washroom Renovations at Kinsmen Community Centre, in the amount of \$5,525.70.

Question called. Motion carried unanimously.

086-13      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street Lighting for February 2013, in the amount of \$16,542.74.

Question called. Motion carried unanimously.

087-13      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Trio Benefits., for Group Benefits for March 2013, in the amount of \$7,094.93.

Question called. Motion carried unanimously.

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

088-13      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** in the absence of the Chief Administrative Officer for the period of March 26-April 10, 2013, that Executive Clerk Ann Picco be authorized to sign cheques on the main operating bank account.

Question called. Motion carried unanimously.

**Human Resources and Administration**

Councillor Byrne advised that Minutes of the Human Resources and Administration Committee, dated February 19, 2013, are in Council's binders for information.

089-13      Motion – Councillor Byrne / Deputy Mayor Gallant

**RESOLVED THAT** in the absence of the Chief Administrative Officer for the period of March 26-April 10, 2013, that Executive Clerk Ann Picco be appointed the Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department staff member.

Question called. Motion carried unanimously.

**Planning and Land Use**

Building Applications for Approval

**Application:**            9913-12  
**Location:**              Portion of 15-17 Reardon's Lane  
**Proposal:**                Single Family Dwelling  
**Zoning:**                  Residential Medium Density (RMD)

090-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9913-12, under the Applications for Approval section of the Building Application Report, dated March 15, 2013, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services.
3. The existing dwelling will be removed prior to construction.
4. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
5. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**March 19, 2013**

---

**Application:** 9927-13  
**Location:** 60-62 Marine Drive  
**Proposal:** 20' x 24' Accessory Building  
**Zoning:** RMD (Residential Medium Density)

091-13      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9927-13, under the Applications for Approval section of the Building Application Report, dated March 15, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. Any accessory buildings currently situated on the property are removed.
3. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Building Applications Approved

For information purposes the following application has been approved and a permit has been issued since the last public Council meeting.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9928-13	18 Flora Drive	Single Family Dwelling

Business Applications for Approval

092-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the following Application under the Applications for Approval section of the Business Application Report, dated March 15, 2013:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1106-13	5 Captain Matthew Davis Drive	Home office for a contracting business

The above application was advertised as per the Town of Torbay's Discretionary Use Regulations; and, there were no written responses received in response to the advertisement. The above noted Application is approved 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 development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

093-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the following Application under the Applications for Approval section of the Business Application Report, dated March 15, 2013:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1109-13	13-15 Karon Drive	Home office for construction business

The above application was advertised as per the Town of Torbay’s Discretionary Use Regulations; and, there were no written responses received in response to the advertisement. The above noted Application is approved 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 development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

094-13 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the following Application under the Applications for Approval section of the Business Application Report, dated March 15, 2013:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1110-13	113-115 Marine Drive	Home office for safety consulting/training business

The above application was advertised as per the Town of Torbay’s Discretionary Use Regulations; and, there were no written responses received in response to the advertisement. The above noted Application is approved 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 development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

095-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the following Application under the Applications for Approval section of the Business Application Report, dated March 15, 2013:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1111-13	10-18 Russworthy Place	Home office for construction business

The above application was advertised as per the Town of Torbay’s Discretionary Use Regulations; and, there were no written responses received in response to the advertisement. The above noted Application is approved 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 development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

096-13 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the following Application under the Applications for Approval section of the Business Application Report, dated March 15, 2013:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1112-13	9 McFayden Street	Home office for cleaning business

The above application was advertised as per the Town of Torbay’s Discretionary Use Regulations; and, there were no written responses received in response to the advertisement. The above noted Application is approved 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 development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

Business Applications to be Advertised

097-13      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer the following Application under the Applications to be Advertised section of the Business Application Report, dated March 15, 2013, pending public notification and consultation required in accordance with Regulation 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be paid in advance by the applicant.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1114-13	80-82 Evening's Path	Lawn care & Commercial Cleaning Business

Question called. Motion carried unanimously.

**Application:**      B1113-13  
**Location:**        275 Indian Meal Line  
**Proposal:**        Convert Existing Single Family Dwelling to a Construction Office  
**Zoning:**           Residential Infill (RI)

098-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application B1113-13 under the Applications to be Advertised section of the Business Application Report, dated March 15, 2013, pending public notification and consultation required in accordance with Regulation 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be paid by the applicant.

Question called. Motion carried unanimously.

Crown Land Applications

**Application:** C1034-13  
**Location:** Adjacent to 256 Bauline Line  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

099-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer Application C1034-13 under the Crown Land Application Report, dated March 15, 2013, for further review.

Question called. Motion carried unanimously.

Public Works

No report.

Recreation, Parks and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated March 12, 2013.

Items discussed in the report included:

Open Space

(a) Crown Lands/Adventure Park.

Tract is waiting for the field tech to complete the report, before submission can be made to Water Resources.

With regards to the Adventure Park, Scouts Canada has responded with a positive response regarding a partnership. No action will be taken on this until field tech studies have been completed and applications have been processed.

(b) Adventure Park

Committee discussed extending the buffer at Middle Three Island Pond and recommended that the Director of Community Services discuss with the Director of Planning and Mr. Reg Garland, and also look at the Habitat Management Plan.

Town Centre

Director of Community Services reported that they received feedback from the lawyer on step by step recommendations and will provide further updates as we review and move forward on the process.

Director of Community Services also reported that she and the CAO will be visiting with City of Mount Pearl to review their facility and process they have taken.

Trails (Forest Landing)

Director of Community Services reported that she has received recommendations from the legal department on the next steps that we are recommended to follow in order to meet the required area needed for the trail upgrades.

Costs were also discussed on the approximate amounts for ground work before the trail work begins.

TETC Terms of Reference

It was noted that this matter was brought forward due to Councillor Tapper's absence.

Funding Application

Director of Community Services reported on an application that Economic Development and Community Services have submitted to ACOA – it is now being reviewed and looking favourable.

Director of Community Services explained that funding is important for a new facility at Upper Three Corner Pond Park due to lack of space and that a small multipurpose facility at UTC would benefit soccer, softball, future programming for example ski rentals, snow shoeing, etc.

Other

(1) Kinsmen Centre Renovations Update

Councillor Smith commended the Department on great job with refreshing the community centre.

(2) A Parent's Guide to Prevention

RNC Constable Gary Crocker and Mr. Gary Summers provided informative presentations on drugs and our youth. Committee thanked Holy Trinity High School for their partnership and Ms. Krista Jones and Sports and Wellness Coordinator, Allison Power.

Council Members noted that this event was a wonderful program and went off very well. Although there was so much time and effort gone into it, there was a low attendance turnout. The people who needed to be in the room were not in the room, but it was a great start to addressing this issue.

(3) Easter

Community Development Coordinator Leigh Fitzpatrick has arranged pictures with the Easter Bunny and Community Skate on March 23rd at the Jack Byrne Arena. Easter Camp will take place April 1 - April 5, 2013.

It was noted that Easter Camp sold out in 20 minutes.

(4) Celebrate our Champions / Community Awards

CAO and the Departments of Community Services and Economic Development have been working on revamping the awards program and recently developed a call

for nominations that was placed in the North East Times. Deadline for submission is April 12th and the Gala will take place on Saturday, May 11, 2013.

Deputy Mayor Gallant put forth a motion, seconded by Councillor Byrne to upgrade the trail in Forest Landing and to acquire the land as needed in order to meet required trail standards as per Grand Concourse Specifications.

After some discussion by Council on location specifics to determine trail length, Deputy Mayor withdrew motion and revised/reworded as follows:

100-13      Motion – Deputy Mayor Gallant / Councillor Byrne

**RESOLVED THAT** the Town of Torbay upgrade the trail in Forest Landing from Concepta's Place to rear of playground at Western Island Pond, approximately 0.6 km, currently known as the TETC trail, and to acquire the land as needed in order to meet required trail standards as per Grand Concourse Specifications.

Question called. Motion carried unanimously.

#### **Technical Services**

No report.

#### **SPECIAL COMMITTEES OF COUNCIL**

None.

#### **LIAISON COMMITTEES**

##### **Heritage/Museum**

Councillor Byrne advised that he had forwarded an email to some of the Heritage Committee Members, however, has received no reply. He will try to contact the Committee again this week.

##### **Jack Byrne Arena**

Deputy Mayor Gallant advised that the AGM is scheduled for Thursday, March 21st.

##### **Northeast Avalon Joint Council**

Councillor Whitty advised that he is attending a meeting in CBS tomorrow night. He will have minutes forwarded to CAO.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

Councillor Byrne advised that a meeting is being arranged with DFO concerning security issues.

**Torbay Volunteer Fire Department**

Councillor Byrne provided highlights from the TVFD Meeting Notes, dated March 11, 2013.

Items included in the report included:

- The Town of Flatrock has a new Liaison Officer, and she did attend the last meeting.
- SOG's - a meeting is in the process of being arranged with Council for review.
- There have been three calls since the last meeting.
- The Town forwarded a new/updated contact list to the Department; and, Councillor Byrne thanked staff for doing that.
- Annual Booth Drive is taking place on March 30th at Foodland.
- The old pumper is gone for auction.

**Urban Municipalities Committee**

Councillor Smith advised that she hasn't received the Minutes as of yet. She's hoping to receive for the next Council Meeting.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner congratulated Animal Control Officer, Dana Kelly, who has recently obtained Special Constable Status under the Provincial Animal Control Act.

***Deputy Mayor Gallant***

Deputy Mayor Gallant discussed Western Island Pond, in particular the area where resident(s) have cut down/removed trees located in the buffer zone. He fears that there will be a new round of habitat destruction in that area, and he requested that Council take action. He further referred to Section 3.1.3 of the Town Plan pertaining to preservation of trees – trees shall be preserved and replaced where necessary. He also referred to the Habitat Management Plan and the Management Units – these areas are not to be changed or destroyed. Council discussed the matter of replacing trees and requested further clarification on meaning of replacing trees in the way of size and equipment involved.

He thanked everyone involved with the recent public consultation that took place on March 14<sup>th</sup> concerning the Town's five year review. He advised that approximately 70 people attended and residents were very respectful and knowledgeable. Public consultations are valuable.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**March 19, 2013**

---

Deputy Mayor thanked and congratulated new Lieutenant Governor of Newfoundland and Labrador, Mr. Frank Fagan. He advised that he attended the ceremony this morning, and listened to Mr. Fagan's heartfelt speech. He officially congratulated him and his family.

***Councillor Byrne***

Councillor Byrne discussed a recent news segment that he viewed on television concerning new technology that can purify town water supplies. He will forward information to the Director of Public Works and Technical Services to investigate and research and provide information back to Council.

Councillor Roche noted that March 22<sup>nd</sup> is International World Water Day.

***Councillor Roche*** - Pass

***Councillor Smith***

Councillor Smith extended best wishes to Councillor Byrne on his recent retirement.

She extended a thank you to volunteers who are working on Lancers Traditional Dancing at the Kinsmen Centre. It's a great program, and they do require some support – will forward information to Director of Community Services. Director of Community Services to check on how to get youth involved.

***Councillor Tapper*** - Absent

***Councillor Whitty*** – Pass

**ADJOURNMENT**

101-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:59 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***