



**MINUTES**  
PUBLIC COUNCIL MEETING  
March 21, 2011

---

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 21, 2011 at 7:36 p.m.

**Members Present**

Mayor Bob Codner  
Deputy Mayor Geoff Gallant  
Councillor Mike Byrne  
Councillor Peggy Roche  
Councillor Ralph Tapper  
Councillor Brian Whitty

**Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Ken Anthony, Director of Programs and Services  
Ann Picco, Executive Clerk

**Regrets**

Councillor Carol Ann Smith  
Brian Winter, Development and Planning Officer

**Gallery**

There were a total of nine (9) people in attendance.

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

095-11      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Roche

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

Question called. Motion carried unanimously.

096-11      **Adoption of Minutes**

Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Minutes of the March 7, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

097-11      Motion – Deputy Mayor Gallant / Councillor Byrne

**RESOLVED THAT** the Town of Torbay proclaim March 26, 2011 as Purple Day in an effort to raise awareness of epilepsy in Torbay.

Question called. Motion carried unanimously.

**CORRESPONDENCE**

- 1) Parkinson Society Newfoundland and Labrador – Super Walk for Mayors. *For Information Purposes. COMPLETE.*
- 2) Professional Municipal Administrators – Professional Development. *For Information Purposes. COMPLETE.*
- 3) Newfound Disposal Systems Limited – Tipping Fees. *For Information Purposes. COMPLETE.*
- 4) Municipalities Newfoundland and Labrador - Regional Government Workbooks. *CAO advised that these were delivered last week and have been put in all Council Members' mail slots for their review. COMPLETE.*
- 5) Government of Newfoundland and Labrador - 22nd Environmental Awards. *Council discussed that TETC have been nominated and that the Friends of the Gully Group (FOG) should be nominated – referred to Parks, Recreation and Community Services Committee. COMPLETE.*
- 6) Epilepsy Newfoundland and Labrador – Purple Day. *For Information Purposes. Proclamation has been signed by Mayor Codner on behalf of all Council. COMPLETE.*

**BUSINESS OUTSTANDING**

- 1) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *Mayor Codner advised that he wrote letter to Ms. McCarthy, Department of Environment and Conservation. Hoping to have some recommendations by the next Public Council Meeting. B/F.*
- 2) 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 Doyles/Quigleys Lane are concerning traffic and possibility of making one way street. *Mayor Codner advised that letter is gone to Mr. Curtis, Manager of Transportation, at Eastern school District concerning traffic, parking, and report from bus company concerning Roblin Place. B/F.*

- 3) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *Mayor Codner advised that this will take place in the Spring of this year. B/F.*
- 4) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *CAO advised that company requested use of the Jack Byrne Arena for pick up and drop off. She wrote company and copied Deputy Mayor, Mayor, Councillor Tapper and Brad Power. Company will have to follow up with Arena directly. There is a motion on the books that may then need to be rescinded. B/F.*
- 5) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane. *Acquisition of land is required 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. 2, Mayor Codner advised that letter is gone to Mr. Curtis, Manager of Transportation, at Eastern school District. B/F.*
- 6) 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 that the Department of Environment and Conservation have provided their comments to the Department of Municipal Affairs. Municipal Affairs will be requesting a meeting – will confirm date of meeting once arranged. B/F.*
- 7) 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 – This concerns the moving the RNC Officer from the Town Office to the Kinsmen Community Centre – with the RNC Officer in that area, hopefully there will be no further issues at the skateboard park and area. *Mayor advised that letter has been received from the RNC advising that the Kinsmen Centre is not suitable – letter will be circulated to all Council Members. To be discussed at meeting on Monday night, March 28<sup>th</sup>. B/F.*
- 8) Status of Camp Carey Building. *To be included on the agenda for the next Parks, Recreation and Community Services Committee meeting. B/F.*
- 9) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *Mayor Codner advised that a meeting is arranged for tomorrow, March 22nd at 4:00 p.m. B/F.*
- 10) Demolition of property at 1327 Torbay Road and cost of demolition to be charged back to home owner – deferred until clarification of land ownership. *Councillor Whitty advised that he spoke to property owner and he would like to clean up property himself. Deadline for cleanup is May 30<sup>th</sup>. Councillor Whitty to ask resident for formal letter – CAO to assist in drafting letter. B/F.*
- 11) Level of Service Policy – Relates to snow clearing operations and opening of fire hydrants. *Director of Programs and Services advised that he contacted and researched six other communities – still ongoing. B/F.*
- 12) Farrell’s Excavating Limited – *Under Public Works. COMPLETE.*

**COMMITTEE REPORTS**

**Economic Development**

098-11      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Hillside Festival Committee Meeting, dated March 15, 2011, as presented.

Question called. Motion carried unanimously.

**Finance**

099-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve the Financial Report, dated March 7 – 18, 2011.

Question called. Motion carried unanimously.

**Human Resources and Administration**

No reports or motions. Councillor Byrne advised that there is a meeting tomorrow, March 22<sup>nd</sup>, at 5:30 p.m.

**Planning and Land Use**

100-11      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Planning and Land Use Development Committee Minutes, dated March 17, 2011, with the following exceptions:

1. d) Proposed 3 Lot development at the end of St. Nicholas Lane. Deferred to Planning and Land Use Development Committee for further discussion.
4. b) PLUD Items to be discussed. Deferred to Planning and Land Use Development Committee for further discussion.

Question called. Motion carried unanimously.

101-11      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay proceed with the next step of the amendment process, which is to Adopt Plan Amendment No. 17 and Development Regulations Amendment No. 35, 2011 and to schedule a public hearing. These amendments pertain to

the rezoning of 26 Lower Street from Public Buildings (PB) to Residential Medium Density (RMD) to accommodate a 3 unit apartment building.

DPO will acquire a Commissioner for the public hearing, date of public hearing will be in the second or third week of April.

Question called. Motion carried unanimously.

102-11 Motion – Councillor Byrne / 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. 36, 2011 and to send it to Municipal Affairs for review and registration. This amendment pertains to the rezoning of land for phase II of the proposed development across from Anstey's Cove Lane, changing the land use zoning from Residential Subdivision Area (service) (RSA-s) to Residential Medium Density (RMD).

Question called. Motion carried unanimously.

103-11 Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Building Application Report, dated March 18, 2011, as presented.

Question called. Motion carried unanimously.

104-11 Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Business Application report, dated March 18, 2011, as presented.

Question called. Motion carried unanimously.

*Deputy Mayor Gallant Chaired the Meeting, as of 7:55 p.m.*

### **Public Works**

105-11 Motion – Councillor Whitty / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated March 17, 2011, as presented.

Question called. Motion carried unanimously.

106-11      Motion – Councillor Whitty / Mayor

**RESOLVED THAT** further to Motion 446-10 and 447-10, that the Town of Torbay grant a permit to Farrell’s Excavating Limited to enable the company to complete the final phase of the Torbay By Pass Road Construction (paving from RCAF Road to its intersection with the Pouch Cove Highway). The permit is subject to approval by all applicable government departments, with copies of all permits provided to the Town and the project completed within the 30 day timeframe put forth by Farrell’s Excavating Limited at the February 23, 2011 meeting with Mayor Codner and CAO.

Question called. Motion carried unanimously.

The motion to request for tender for a 12 foot reversible hydraulic plow is deferred back to the Public Works Committee for further view and consideration.

*Mayor Codner took over Chair of the Meeting, as of 7:57 p.m.*

**Parks, Recreation and Community Services**

107-11      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee, dated March 16, 2011, as presented.

Question called. Motion carried unanimously.

**Technical Services**

CAO advised that Minutes from the last meeting are in Council Members’ mail slots for their review.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

No report.

**By Pass Road**

Mayor Codner advised that letter has gone to the Department of Transportation and Works requesting resurfacing for Bauline Line and concerning some flooding problems in the area. He has also copied MHA, Kevin Parsons.

## **LIAISON COMMITTEES**

### **Heritage/Museum**

Councillor Byrne advised they have had several meetings. They're expecting a Summary Report by TRACT Consulting, which should be received by late April. He advised that the Committee is due to have their regular meeting sometime this week.

### **Jack Byrne Arena**

Deputy Mayor Gallant advised that there has been no meeting.

### **Northeast Avalon Joint Council**

Councillor Roche advised that she will forward report to CAO once received.

### **Northeast Avalon Regional Plan**

Mayor Codner advised that there was no meeting held.

### **Torbay Harbour Authority**

Councillor Byrne advised there have been no regular meetings since elections of officers.

An engineer will be looking at Tappers Cove – should be done by late this week.

Councillor Byrne discussed ownership of road. He discussed security, in short term, of the area. He is arranging a meeting with DFO, Town's solicitor, and the Harbour Authority. He will provide a report after the meeting.

### **Torbay Volunteer Fire Department**

Councillor Byrne advised that here was no meeting.

He reported that the Department had everything under control during recent power outages; and, that he was quite pleased with their work and assistance. Councillor Byrne thanked the Public Works Outside Staff for this as well and making sure the generators were in place at the lift stations. Mayor Codner to do a letter of thanks.

### **Urban Municipalities Committee**

No report, as Councillor Smith was not present.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner reminded everyone of the Charity Hockey Game on Friday night at the Jack Byrne Arena. Deputy Mayor Gallant, Councillor Tapper, and Ken Anthony will be playing. Funds are going to the Special Needs Department at Holy Trinity Elementary School.

***Deputy Mayor Gallant***

Deputy Mayor Gallant discussed Motion Lane - proposed development; and, protection of the scenic view in that area. He advised that there should be a public meeting held to inform residents of items in the Town's Municipal Plan, including advising residents of 10 percent green space vs. cash payment required from developments within the Town.

He reminded everyone that Saturday, March 26th is Earth Hour, from 8:30 – 9:30 p.m. He encouraged residents to turn off their lights.

Deputy Mayor thanked everyone on the Open Space Management Strategy plan – it was a great team effort.

***Councillor Byrne*** - Pass

***Councillor Roche***

Councillor Roche expressed her thanks to the Torbay Volunteer Fire Department with regards to the recent emergency at her home. She thanked the firefighters for their efforts.

***Councillor Smith*** - Absent

***Councillor Tapper***

Councillor Tapper thanked the Economic Development Officer on the recent Horizons article, March 19-25<sup>th</sup> edition.

***Councillor Whitty*** - Pass



**ADJOURNMENT**

108-11      Motion – Councillor Roche / Councillor Whitty

**RESOLVED THAT** the meeting be adjourned at 8:11 p.m., as there was no further business.

Question called. Motion carried unanimously.

---

*Mayor*

---

*CAO/Town Clerk*