



***MINUTES***  
PUBLIC COUNCIL MEETING  
March 7, 2011

---

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 7, 2011 at 7:40 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**

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

**Regrets**

Dawn Chaplin, CAO/Town Clerk

**Gallery**

There were a total of 10 people in attendance.

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

074-11      Motion – Councillor Byrne / Councillor Smith

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk on Monday, March 7, 2011, Executive Clerk Ann Picco is to be appointed the Acting Town Clerk. Any operational matters are to be directed to Director of Programs and Services Ken Anthony.

Question called. Motion carried unanimously.

At the beginning of the meeting, Mayor Codner expressed his condolences for Deputy Mayor Gallant and Councillor Roche on their recent losses.

075-11      **Adoption of Agenda**

Motion – Councillor Smith / Deputy Mayor Gallant

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

Question called. Motion carried unanimously.

076-11      **Adoption of Minutes**

Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Minutes of the February 21, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS** – None

**CORRESPONDENCE**

- 1) Department of Municipal Affairs – Training and Professional Development Opportunities for 2011. *For Information Purposes. COMPLETE.*
- 2) Farrell’s Excavating Limited – Request for Permission. *Deferred to Public Works Committee. Decision for next meeting. B/F.*

**BUSINESS OUTSTANDING**

- 1) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *Mayor Codner advised he will reach Ms. McCarthy, Department of Environment and Conservation, this week regarding the Town obtaining right of way through the Municipalities Act. 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. *With regards to traffic, road and parking, awaiting report and recommendations from Mr. Dennis Curtis, Manager of Transportation, at Eastern School District. Mayor Codner advised he hasn’t received anything to date. B/F.*
- 3) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *Sampling will be done when weather breaks. B/F.*
- 4) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *With regards to using Arena site for drop off and pick up, Councillor Tapper*

- advised that the Arena Manager is fine with it. There is, however, a concern with people using the arena's facilities when there are events ongoing such as a hockey game, etc. Drop off and pick up only is ok. Letter to be drafted to them by CAO. CAO to also check if there's a motion on the books that needs 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. Mayor Codner advised that he did forward a letter to Mr. Dennis Curtis, Eastern School District regarding turn around. He discussed that other concerns surfaced. Bus owner indicated that Roblin Place may be too narrow. Intent was to set up a meeting with local bus company, Mr. Curtis of ESD, and Newfoundland Design to have a look to see what they're referring to. Also need to look at for emergency vehicles in general. Hopefully by next meeting, will have a report. Mayor also mentioned that this is a case where children are being bused out of the Town. 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. *Report has been received. A date is to be arranged for presentation to Council to acquire better understanding of contents in report. 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 Codner advised that after the last meeting he did talk to Constable Grace and advised that Council is looking for some movement. He advised that he received a call from Deputy Chief Singleton and they have done inspection on the Kinsmen Centre - security of phone lines is a very important security feature. That's one of the reasons that the building is not suitable. The Town is now left with decision to figure out what to do as we are running out of space. RNC to follow up with letter regarding discussions, including phone lines, speeding, etc. Once letter received, Council to arrange a meeting. CAO to coordinate and arrange with Council. B/F.*
  - 8) Status of Camp Carey Building – *Councillor Byrne reported that inspection report is back – it was supposed to go to Recreation Committee meeting last week, but meeting did not go ahead. The report will be forwarded to the Recreation Committee for their next meeting. B/F.*
  - 9) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *Mayor Codner advised that he did read the report and discussed with CAO. A meeting to be arranged with Chair and Committee members. Councillor Byrne to check with CAO and arrange a meeting. 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 he was hoping to contact property owner over the weekend, but he did not reach him. Councillor Whitty to follow up with property owner and advise. Director of Programs and Services advised will have an answer for the next meeting.*

**COMMITTEE REPORTS**

**Economic Development**

077-11      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Economic Development Committee Meeting, dated February 21, 2011, as presented.

Question called. Motion carried unanimously.

078-11      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve Phase I of the Business Park Feasibility Study developed by CBCL Limited and proceed with Phase II, upon completion of the water assessment study of the area.

Question called. Motion carried unanimously.

079-11      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Hillside Festival Committee Meeting, dated February 9, 2011, as presented.

Question called. Motion carried unanimously.

**Finance**

080-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve the Financial Report, dated February 21 - March 4, 2011.

Question called. Motion carried unanimously.

**Human Resources and Administration**

No reports or motions.

**Planning and Land Use**

081-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Planning and Land Use Development Committee Minutes, dated March 2, 2011, as presented.

Question called. Motion carried unanimously.

082-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay give KMB Holdings approval to use the drainage option as describe on the drawings provided by Tri-Bon Consulting dated February 2011 (Revision 11, February 26, 2011). Reviewed and approved by the Town’s Consulting Engineer as per letter dated February 23, 2011 and email dated March 1, 2011. With the following conditions attached to the approval:

- The drainage plan must be reviewed and approved by the department of Transportation and Works, as it relates to drainage along and across Indian Meal Line
- The drainage plan must be reviewed and approved by the department of Environment and Conservation, as it relates to the drainage water entering into Robins Pond Brook.
- The developer must obtain approval from crown lands to use the woods road for the drainage route.
- The final drainage plan will be reviewed and approved by the Town’s Consulting Engineers.

Question called. Motion carried unanimously.

083-11 Motion – Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Town of Torbay amend the above Motion No. 082-11 to include that the ditches be covered, a pipe system be considered as opposed to open ditching; and, that a public information session take place.

Question called. Motion carried.

Against Motion: Councillor Smith, Councillor Tapper, and Councillor Whitty

084-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay give KMB Holdings approval to obtain the crown land required for the drainage plan as described on the drawings provided by Tri-Bon Consulting Dated February 2011 (Revision 11, February 26, 2011).

Question called. Motion carried unanimously.

*Application: 9455-11*  
*Location: Whiteway Pond Road*  
*Proposal: Extension to Existing NF Power Sub Station*  
*Zoning: Residential Infill (RI)*

085-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9455-11, Applications for Approval section of the Building Application Report, dated March 3, 2011, as presented. *The application for the Extension to Existing Sub Station is approved subject to the following conditions:*

- 1. All normal conditions and requirements for building within the Town of Torbay.*
- 2. A tree buffer shall be maintained between the substation and the residence to the west of the property.*

Question called. Motion carried unanimously.

*Application: 9456-11*  
*Location: Portion of 942-950 Torbay Rd–New Home to front on Kennedy’s Brook Drive*  
*Proposal: Single Family Dwelling*  
*Zoning: Residential Infill (RI)*

086-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9456-11, Applications for Approval section of the Building Application Report, dated March 3, 2011, as presented. *The application for permit for a single family dwelling on a Portion of 942-950 Torbay Road is approved 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 the Department of Environment in relation to the brook crossing.*
- 4. Approval from the Department of Fisheries in relation to the brook crossing.*

Question called. Motion carried unanimously.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**March 7, 2011**

---

*Application: 9457-11*  
*Location: 45 Moores Valley Road*  
*Proposal: Single Family Dwelling*  
*Zoning: Residential Lot (RLL)*

087-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 9457-11, Applications to be Advertised/Deferred section of the Building Application Report, dated March 3, 2011, as presented. *Application is deferred pending further discussion with applicant.*

Question called. Motion carried unanimously.

*Application: B1049-11*  
*Location: 350 Bauline Line*  
*Proposal: Home Office for Merchandising via the Internet*  
*Zoning: Residential Infill (RI)*

088-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application B1049-11, Applications to be Approved section of the Business Application Report, dated Mar. 3, 2011, as presented. *The 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.*

Question called. Motion carried unanimously.

*Application: B1050-11*  
*Location: 16 Moores Valley Road*  
*Proposal: Home Office for Pet Portraits*  
*Zoning: Residential Medium Density (RMD)*

089-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve defer Application B1050-11, Applications to be Approved section of the Business Application Report, dated March 3, 2011, as presented.

Question called. Motion carried unanimously.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**March 7, 2011**

---

Councillor Smith advised that the above application was listed as a Discretionary Use and advertised in the February 26<sup>th</sup> edition of The Telegram. It is deferred as there was one letter received today, Monday, March 7<sup>th</sup>.

*Application: B1051-11*  
*Location: 9 Anstey's Cove Lane*  
*Proposal: Home Office for Construction Consulting*  
*Zoning: Residential Medium Density (RMD)*

090-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application B1051-11, Applications to be Approved section of the Business Application Report, dated March 3, 2011, as presented. *The 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.*

Question called. Motion carried unanimously.

*Application: B1053-11*  
*Location: 1693 Torbay Road*  
*Proposal: Small Home Office for a Software Consulting Business*  
*Zoning: Residential Infill (RI)*

091-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application B1053-11, Applications to be Advertised/Deferred section of the Business Application Report, dated March 3, 2011, as presented. *The application is deferred 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.*

Question called. Motion carried unanimously.

**Public Works**

No reports or motions.



**Parks, Recreation and Community Services**

092-11      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** further to Motion 239-09, that the Town of Torbay adopt the Open Space Management Strategy as prepared by Tract Consulting Inc. dated February 17, 2011. Next steps regarding implementation of the strategy will be discussed/confirmed as part of Council's Community Assessment Planning Session.

Question called. Motion carried.  
Against Motion: Mayor Codner

**Technical Services**

Mayor Codner advised there was a meeting scheduled and held even though no one attended. CAO is doing up notes to get everyone up to speed on the items that were discussed.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

Councillor Roche advised that there's a meeting tomorrow afternoon, March 8<sup>th</sup>, at 4:00 pm.

**By Pass Road**

Mayor Codner advised that there's nothing new to report.

**LIAISON COMMITTEES**

**Heritage/Museum**

Councillor Byrne advised that there will be a meeting within the next week.

**Jack Byrne Arena**

Councillor Tapper advised that there was a board meeting on Thursday night past. A couple items were discussed:

The board is looking at a couple big ticket items – floor covering to host events during the hockey season when the ice is on. It's in the early stages, getting prices now.

Looking at purchasing a new digital sign to be installed on the corner of Kennedy Drive and Torbay Road. Checking pricing for this. Will look at selling advertising to pay for the sign

itself. Council discussed that the Department of Transportation and Works will not allow lit signs anymore. You can have a picture, but no video. They discussed checking on a signing policy in Torbay.

### **Northeast Avalon Joint Council**

Councillor Roche advised that the next meeting is on March 16<sup>th</sup>. Place not yet determined, possibly Witless Bay.

### **Northeast Avalon Regional Plan**

Mayor Codner advised that there is still nothing new. From discussions with the Councillor from Mount Pearl, there is a meeting up and coming soon. Councillor Smith advised that St. John's is going ahead with their municipal plan review – they're not waiting.

### **Torbay Harbour Authority**

Councillor Byrne advised there have been no meetings.

### **Torbay Volunteer Fire Department**

093-11      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the report for the Torbay Volunteer Fire Department, dated February 28, 2011, as presented.

Question called. Motion carried unanimously.

### **Urban Municipalities Committee**

Councillor Smith discussed the UMC Meeting Highlights. In particular, she discussed concerns for potential liability for recreational socials or host events. She recommended bringing this back to the arena board for their consideration. She also discussed the Federal Gas Tax funding allocations – changes from Term 1 to Term 2. The Town is only one of four towns in a better financial position. Other Towns were negatively impacted. The Provincial Government has taken \$350,000 in administration cost - the rationale is with declining interest rates. There is an urgent request for MNL to meet on this.

### **NEW BUSINESS**

**Mayor Codner** - Pass

***Deputy Mayor Gallant***

Deputy Mayor Gallant officially thanked Staff and Council for their support over the past few weeks.

***Councillor Byrne***

Councillor Byrne requested a Town policy on snow clearing. This was discussed at the last Torbay Volunteer Fire Department meeting. A policy would be in relation to timelines for streets being cleared of snow, hydrants being cleared and widening of streets, etc. He asked the Director of Programs and Services to take the lead and draw up a policy. He indicated that neighboring towns do have a policy in place.

***Councillor Roche*** - Pass

***Councillor Smith***

Councillor Smith discussed indicators of success. Our Council and Staff have come a long way. In the height of a storm, a snow blower is coming near her home, with a truck in lead. Supervisor of Public Works arrives – no better indicator of success – with two coffees – had a chat with the Outside Staff, received updates and everything was fine. She thought this was worth sharing.

***Councillor Tapper***

Councillor Tapper reminded everyone of the NCC meeting tomorrow evening, March 8<sup>th</sup>, at 7:00 pm at the Kinsmen Centre. All are invited.

Councillor Smith noted that not all land owners were notified. All notification was done by phone and not by letter. Councillor Roche reiterated what Councillor Smith had said.

***Councillor Whitty*** - Pass

**ADJOURNMENT**

094-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:47 p.m., as there was no further business.

Question called. Motion carried unanimously.

---

***Mayor***

---

***CAO/Town Clerk***