



MINUTES
PUBLIC COUNCIL MEETING
May 13, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 13, 2013 at 7:32 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Tina Auchinleck-Ryan, Director of Community Services
Brian Winter, Director of Planning
Ann Picco, Executive Clerk

Regrets

Councillor Mike Byrne
Councillor Peggy Roche
Bernie Manning, Director of Public Works & Technical Services

Gallery

There were a total of 9 people in attendance.

147-13 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

148-13 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Minutes of the April 29, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

None.

CORRESPONDENCE

1. The Children's Wish Foundation of Canada – Run the Rock 2013. *Deferred to Finance Committee. CAO noted that correspondence has been received on an annual basis and Council has not yet contributed financially.*
2. Forestry and Agrifoods Agency – Designation under the Animal Health and Protection Act. *For information purposes. Council congratulated Animal Control Officer, Dana Kelly, who has completed training and designated as Inspector.*
3. Department of Municipal Affairs – 2013/14 Municipal Operating Grant. *For information purposes.*
4. Municipal Assessment Agency Inc. – Clar Simmons Scholarship Award. *For information purposes. Scholarship application is available to children/grandchildren of municipal council members and employees.*

CORRESPONDENCE & ACTION REPORT

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

Councillor Smith questioned and asked for updates on the following items:

- 1) Trails at areas of Cannon Marsh Road and Jones Pond Road.
 - Councillor Smith indicated that no action has been taken on this matter. She asked that the item be updated if the Town is not taking further action.
 - Mayor Codner has written letters pertaining to the trails.
 - She reflected discussion that took place since the last UMC meeting – fair advice from members of the Department of Municipal Affairs and retired Minister of Environment.
- 9) Open Space and Regulation 78.2
 - Director of Planning will bring back to the next Planning and Land Use Development Committee Meeting.
- 10) Torbay Municipal Habitat Stewardship Program Expansion Proposal
 - Proposal was reviewed.
 - Director of Planning is setting up a meeting regarding revisions.
 - Councillor Smith indicated that this is an outstanding item that Council needs to meet on collectively before providing direction. Two issues concerning this matter: update of current plan and expansion to management units. These are two separate, but related pieces.

- 11) Process of going paperless with Council binder materials
 - CAO and Executive Clerk to meet to finalize dates for training.

- 15) Bus turn-around at Roblin Place
 - Being reviewed under the Finance Report.

- 16) Littering / dumping of garbage
 - Director of Planning to bring back to next Planning and Land Use Development Committee meeting.
 - Development Control Officer is researching what other towns are doing.

- 17) Work on Matthew Drive
 - CAO to check with the Director of Public Works & Technical Services regarding completion.

- 19) Policy to protect Heritage area
 - Director of Planning advised had meeting on this some time ago. Planning Consultant will bring forward first draft of plan.

- 20) Flood Plain Analysis
 - Director of Planning advised report is in process of being completed.
 - CAO advised there are items that need to be addressed through Council.
 - Councillor Whitty asked if there would be another public consultation. CAO advised it's early in process, but there will be ample opportunity for residents. Director of Planning advised there will be a draft report for Council and a public meeting will be held.
 - Councillor Smith questioned if we have the flood plain analysis report. CAO advised that once work is completed, draft plan will be put in place by the Director of Planning, then back to the Planning and Land Use Development Committee, and then presented to Council.

- 22) Land Expropriation
 - Mayor Codner indicated that in recent discussions with residents, they indicate they're not getting service and his intent is to write more letters or hold another public meeting.

- 26) Moore's Valley Bridge
 - CAO to follow up with the Director of Public Works and Technical Services for update for next meeting.

- 30) 52/54 Reddy Drive
 - Will be brought back to the Planning and Land Use Development Committee.

- 31) Clean up orders of properties off Bypass Road – 26-92 Quarry Road Extension
 - CAO advised that she's getting legal clarification on whom to issue order to.

- 36) Traffic at Watershed area
 - Councillor Smith advised that at a Public Works Committee meeting, the Director of Public Works & Technical Services reconfirmed that area access to water shed at North Pond is still being used for illicit uses and drug paraphernalia are being left around. It's a health and safety issue for staff and for residents, being close to our only water supply. She advised that the Director had planned to install a gate so people who need access can obtain key.
 - CAO advised that a sign is being installed to give people time to know they will need key to gain entry.
 - Councillor Tapper requested that we give this matter priority status as it's a safety issue.

- 37) Regulations regarding storage of vehicles on properties
 - Director of Planning advised this is being looked at in the five year review.

- 39) Water Pressure
 - With regards to issues with water pressure in area of Manning's Hill, Councillor Smith advised she received a call from a resident regarding excessive brown water. She indicated that she thought issues were resolved. Director of Public Works & Technical Services to check into this matter – Councillor Smith advised she would provide him with resident's name.
 - Mayor Codner indicated that there were some problems with the pump house or this matter may have occurred the night of the fire in the Manning's Hill area.

- 42) TETC Terms of Reference
 - CAO advised that she forwarded email to arrange a meeting to discuss draft terms of reference. Awaiting confirmation of date.

- 45) Kennedy's Brook Estates / Bourne Holdings Development
 - Director of Planning advised that issue is regarding ownership - full issue is corrected and will keep an eye on it. Stop work order was issued and no further work was done since then.
 - Councillor Smith asked that location be added to our Municipal Enforcement Officer's regular visiting to identify any changes.
 - CAO advised that there are some issues that have to be resolved before development agreement is executed.

- 48) Wooden Boat Museum of NL Community Membership
 - Councillor Smith asked the Finance Committee to consider donation given Torbay's history in fishing.

- 49) East Coast Trail Garbage
 - Councillor Smith asked if concrete garbage containers were placed in the area. Councillor Tapper indicated he wasn't aware of it.

- 50) Dumping of snow at Civic 74 Reddy Drive
 - This can be marked as complete.

- 51) Crown land for Recreational purposes
 - Town doesn't have to pay for Crown land if for recreational purposes. CAO advised that this pertains to land for municipal buildings, too.
 - This item can be removed.
 - Deputy Mayor asked for confirmation on this. He further discussed open space regulations – lands can be rented, traded, sold, etc. He discussed land banking. The Town of Logy Bay Middle Cove Outer Cove is proceeding with doing this. North East Avalon towns reported on this matter and towns are allowed to do this. If we can obtain Crown land and swap and trade green space, we could have building blocks for the Town.
 - Mayor Codner advised Deputy Mayor that he was misinformed – it's quite clear that if we acquire land for recreation use, it has to be sold for recreational value. Mayor to provide this information to Deputy Mayor.
 - Councillor Tapper advised that at the recent Municipal Symposium in Gander, Logy Bay Middle Cove Outer Cove Mayor, John Kennedy, gave a presentation on Crown lands. He suggested having Mayor Kennedy by to do same presentation and answer any questions on this matter.

- 52) Tree Cutting in Forest Landing
 - Director of Planning advised that the site is mostly clear cut. The Municipal Enforcement Officer does monitor the area.

- 53) Peter's Place Drainage Concerns
 - Director of Public Works & Technical Services to provide update.

- 56) Installation of culvert at North Pond boundary
 - Still being worked on.

- 58) Flooding issues on Karon Drive
 - Director of Public Works & Technical Services to bring back status report.

Deputy Mayor Gallant questioned and asked for updates on the following item:

- 24) Speed Calming
 - Deputy Mayor discussed signage, speed bumps, road painting and education, indicating that these issues need to be written down so they're not forgotten – CAO advised will add to agenda for off Monday night meeting for discussion.

He advised that the Director of Public Works and Technical Services talked about increased police presence to solve issues.

- CAO advised that speed bumps were placed in front of playgrounds. Councillor Smith indicated they were advised that the bumps weren't going to be used and were to be sold. Mayor Codner advised that the bumps are dangerous for emergency vehicles or someone on a motorcycle, and it could be a liability issue. We use them for recreational areas for the safety of children.
- Councillor Tapper indicated that when we seek legal opinions, the rest of Council does not hear the outcomes. He wasn't aware that this policy was given up altogether.
- CAO advised that the Director of Public Works and Technical Services is developing a policy on this matter.

COMMITTEE REPORTS

Economic Development

No report.

Finance

The Financial Report, dated April 29 – May 8, 2013, was accepted, as presented. Councilor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of April 29 – May 3, 2013, for 27 employees totalled \$29,074.55.

For the period of April 29 – May 8, 2013, Accounts Payable invoices in the amount of \$160,882.49 were paid. These expenditures were within budget.

There are seven (7) Main Operating Invoices totalling \$139,459.87 for approval:

149-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to CIBC Mellon, for Pension contributions for April 2013, in the amount of \$14,100.00.

Question called. Motion carried unanimously.

150-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Fast Path, for Excavation work on Roblin Place, in the amount of \$42,787.69.

Question called. Motion carried.

For Motion: Mayor Codner, Councillor Tapper, and Councillor Whitty.

Against Motion: Deputy Mayor Gallant and Councillor Smith.

With regards to the above motion, Deputy Mayor Gallant called Point of Order, indicating that although he is on the Finance Committee, he is not supporting the above motion. Mayor Codner advised that he can second the motion, but doesn't have to vote in favour of it. Deputy Mayor advised that at the last Council Meeting, there was some controversy regarding the work on Roblin Place and Councillor Smith had asked to have a motion for payment deferred. There's now another motion for another payment, bringing the work to cost approximately \$70,000.00 and the work is complete.

CAO advised that work was done based on a motion of Council from September 4, 2012 meeting. The Town is not in possession of an excavator required to clear land and existing equipment was winterized as it was snow clearing season. An email was sent out today with breakdown of all work. Mayor Codner advised that the contractor had to remove a lot of bog from the area, which had to be trucked away. CAO advised that Class A rock was then trucked in. She will confirm with Director of Public Works and Technical Services that this is the last invoice – then request for payment will be forwarded to Eastern School District for half the cost.

Deputy Mayor indicated that when the Town spends this amount of money, it should be brought to Council. CAO advised that process was not followed properly - matter should have been deferred to the Finance Committee first, but Council agreed to move forward with the work through a motion. She further advised that the Town does have the money within budget to cover expenditures.

Mayor Codner further advised that this work was done for the safety of children walking across Torbay Road. It's also the Town's responsibility to ensure that roads are up to standards. It will cost a lot of money to upgrade the rest of our roads – from acquiring land, completing surveys, legal matters, etc. This can give us an idea of what we may run into - some work may be cheaper and some will be more expensive. Mayor further advised that this matter was discussed at Council a number of times at a number of meetings, and this work was something that had to be completed.

Councillor Smith advised that her concern is that costs to construct turn-around for pickup of children should not be the Town's full responsibility. Eastern School District could have used a smaller bus to bus the children in the area or the busses could back up and turn around. We will ask Eastern School District to pay half of this cost with no agreement in place and the work is now complete. She indicated there were a few deficiencies in the project, which were known before April 29th's Council Meeting at which time the motion for first payment was passed. She noted that CAO forwarded an email to Council indicating that deficiencies were fixed, but none of this information came to the Public Works Committee – requests for information on this matter was never responded to. CAO

corrected her advising that Roblin Place was discussed at a Public Works Committee meeting on March 27th.

Tendering process was questioned and Councillor Smith questioned if the Public Tendering Act was breached. CAO confirmed that three quotes were provided and the Director of Public Works & Technical Services has that documentation. Councillor Smith and Councillor Whitty both indicated that this information did not come through Public Works.

CAO clarified some of Council's comments indicating that it's illegal for school buses to back up into driveways – this was confirmed several times from Eastern School District. We have in excess of twenty roads in the community which the Town is liable in relation to regulations and snow clearing, and the Town is going to have to start budgeting to minimize liability issues regarding our roads.

Councillor Tapper advised that something did have to be done for the safety of the school children, as they were crossing multiple lanes of traffic. Town staff and Eastern School District looked at all options and the number one acceptable option was to create a turn-around there in the area. We'll wait for Eastern School District's response on payment.

151-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfound Disposal Systems, for Garbage contract for April 2013, in the amount of \$36,982.35

Question called. Motion carried unanimously.

152-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll deductions for April 16-30, 2013, in the amount of \$21,234.44.

Question called. Motion carried unanimously.

153-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Tack Marketing Inc., for Resident Survey Project, in the amount of \$5,760.74.

Question called. Motion carried unanimously.

154-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Viridis Branding, for Community Profile Update, in the amount of \$6,039.85.

Question called. Motion carried unanimously.

155-13 Motion – Councillor Tapper / Deputy Mayor

RESOLVED THAT the Town of Torbay approve payment to Virdis Branding, for Printing of community profiles, in the amount of \$12,554.80.

Question called. Motion carried unanimously.

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

There are two loan segments which are slated for renewal by June 3, 2013. These loans pertain to the arena construction and the 2005-2008 multiyear capital works program. A motion of Council is required to renew. This is a budget item for 2013.

156-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay renew loan segment 64 in the amount of \$371,000.00 for a 5 year period at a rate of 3.04% and a monthly payment of \$3,589.44.

Question called. Motion carried unanimously.

157-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay renew loan segment 65 in the amount of \$244,000.00 for a 5 year period at a rate of 2.87% and a monthly payment of \$4,370.50.

Question called. Motion carried unanimously.

The Town of Torbay recently held a tender call for the provision of Solid Waste and Recycling Collections. The tender call closed on May 3, 2013. We had seven companies pick up tender packages and four companies submitted bids. A legal review was conducted to ensure all bids were complaint. A motion of Council is required to award the tender.

158-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay award Tender 2013007 for the provision of solid waste and recycling collections to the low bidder Around the Bay Disposal Inc. in the amount of \$35,100 per month (tippage fees and HST included), effective date of June 1st. Contract will expire on May 31, 2015. This tender award is within budget.

Question called. Motion carried unanimously.

The Town of Torbay recently held a tender call for the supply, installation and maintenance of plant material at 10 sites throughout the Town. The tender call closed on April 9, 2013. We had seven

companies pick up tender packages and two companies submitted bids. A review was conducted to ensure bids were complaint. A motion of Council is required to award the tender.

159-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay award Tender 2013006 for the supply, installation and maintenance of plant material at 10 sites throughout the town, to the low bidder Gosse’s Landscaping Ltd. in the amount of \$17,675.00 plus HST. This tender award is within budget.

Question called. Motion carried unanimously.

160-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT in the absence of the Chief Administrative Officer for the period of May 27-30, 2013, that the Town of Torbay authorize Executive Clerk Ann Picco to sign cheques on the main operating bank account.

Question called. Motion carried unanimously.

Human Resources and Administration

161-13 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk for the period of May 27-30, 2013, that the Town of Torbay appoint Executive Clerk Ann Picco as 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

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated May 8, 2013.

Items discussed in the report included:

1. Development Proposals
 - a. Application to Construct Accessory Building at 5 Country Drive
 - Sent to Planning Consultant.
 - b. Proposal from owner at 94 & 100 Upper Evenings Path to acquire extra parcel of land in front of the property.
 - Motion to follow.

- c. Proposed new daycare building adjacent to existing daycare building at Watts Pond Road.
 - Until results of water metering study at North Pond is completed, we have motion that we will not be releasing any more water except to those already approved.
 - Councillor Tapper illustrated the need for services. We're turning away businesses while also trying to attract. We don't have enough water to service the community, for people who want to create jobs.
 - d. Proposal from property owner at Patrick's Path to construct a single family dwelling.
 - Director of Planning is meeting with property owner.
2. Five Year Review
- a. Received request from property owner at Humpity Marsh Road for rezoning.
 - Committee are checking into this so that other property owners in the area are not landlocked.
 - Councillor Tapper suggested ensuring applicant is aware of regulations relating to open space.
4. Other Items
- a. Proposed Bell Mobility Telecommunication Tower Adjacent to Jack Byrne Arena.
 - Information was brought forward for Council to review. Tower is located on land in neighboring town; however from Torbay's perspective, inhibits landscape and will negatively impact view of anyone coming into Town.
 - Councillor Smith asked that the Town write Bell Mobility with concerns – due date to offer comments and responses, as per ad, is May 27th.
 - Deputy Mayor suggested consulting with MHA Parsons; and, he was asked if the tower related to gaps in communication service in the Arena building – he advised it's not being constructed for the Arena.
 - Councillor Smith suggesting having the tower moved behind the arena. Mayor Codner suggested talking to technical people to see if it's placed there strategically and if it can be moved with no adverse effects on coverage.
 - See motion below.

162-13 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay respond to Bell Communications notification on or before May 27th with the Town's commentary and feedback regarding installation of tower near site of Jack Byrne Arena. The Town would like to identify the following points:

- Tower will negatively impact the landscape view travelling along the main road coming into Town.
- There are opportunities to achieve same outcomes to move tower whereby large percentage is hid from views cape of Torbay Road by Jack Byrne Arena building itself.
- Technical implications of relocating to achieve same outcomes.

MINUTES
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Question called. Motion carried unanimously.

Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 8:52 p.m.

1. *Development Proposals*
 - b) *Proposal from Property owner at 94 and 100 Upper Evenings Path to acquire an extra parcel of land in front of the property.*

163-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay to transfer the land as described on survey's completed by M.R. Duffett and Associates Limited Job number 8126-473-13-1A consisting of 10 sq m and 8126-473-13-1B consisting of 64 sq m. The property owner will be responsible for all cost endured including legal for both themselves and the Town and any survey work required.

Question called. Motion carried unanimously.

Building Applications Approved

For information purposes, as per the Applications Approved section of the Building Application Report, dated May 10, 2013, the following applications have been approved and permits have been or will be issued:

| <i>Application Number</i> | <i>Location</i> | <i>Proposal</i> |
|---------------------------|-----------------------------|---|
| 9953-13 | 182 Indian Meal Line | Patio Deck |
| 9954-13 | 3 Riverdale Drive | 8'x 10' Accessory Building |
| 9956-13 | 12 Easterbrook Drive | Installation of Second Driveway Culvert |
| 9957-13 | 6 McDuff Place | 16' x 16' Accessory Building |
| 9958-13 | 4 Flora Drive | Single Family Dwelling |
| 9959-13 | 9-13 Morris Avenue | General Repairs |
| 9960-13 | 30-36 Morris Avenue | General Repairs |
| 9961-13 | 46-48 Salerno Place | General Repairs |
| 9962-13 | 50-54 Salerno Place | General Repairs |
| 9963-13 | 10 Doyle's & Quigley's Lane | Playground |
| 9964-13 | 14 Edgewater Lane | Single Family Dwelling |
| 9965-13 | 16 Hickey's Place | General Repairs |
| 9966-13 | 53-55 Karon Drive | Accessory Building |

Building Applications for Approval

Application: 9938-13
Location: 81-83 Karon Drive
Proposal: 200 Sq. Ft. Extension to Existing Dwelling
Zoning: RLL (Residential Large Lot)

164-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9938-13, under the Applications for Approval section of the Building Application Report, dated May 10, 2013, 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 maybe required for septic system expansion prior to release of a Building Permit.

Question called. Motion carried unanimously.

Application: 9939-13
Location: 21 Brixham Crescent
Proposal: 20' x 28' Accessory Building
Zoning: RLL (Residential Large Lot)

165-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9939-13, under the Applications for Approval section of the Building Application Report, dated May 10, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Application: 9944-13
Location: 79 Upper Evening's Path
Proposal: Single Family Dwelling with In-law suite/double dwelling
Zoning: Residential Infill (RI)

166-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9944-13, under the Applications for Approval section of the Building Application Report, dated May 10, 2013, 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: 9955-13
Location: 22 Seaview Avenue
Proposal: 20' x 26' Accessory Building
Zoning: RMD (Residential Medium Density)

167-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9955-13, under the Applications for Approval section of the Building Application Report, dated May 10, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Application: 9967-13
Location: 86 Whiteway Pond Road
Proposal: Extension to Existing Dwelling (Garage with Bonus Room)
Zoning: RI (Residential Infill)

168-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9967-13, under the Applications for Approval section of the Building Application Report, dated May 10, 2013, 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 maybe required for septic system expansion prior to release of a Building Permit.

Question called. Motion carried unanimously.

Application: 9968-13
Location: 215-217 Bauline Line
Proposal: 28' x 28' Accessory Building
Zoning: RI (Residential Infill)

169-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9968-13, under the Applications for Approval section of the Building Application Report, dated May 10, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Business Applications to be Advertised

170-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay defer the following application, under the Applications to be Advertised section of the Business Application Report, dated May 10, 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> |
|---------------------------|------------------|----------------------|
| B1117-13 | 1-3 Gosse's Lane | Photography Business |

Question called. Motion carried unanimously.

171-13 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay defer the following application, under the Applications to be Advertised section of the Business Application Report, dated May 10, 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> |
|---------------------------|-------------------|-----------------------|
| B1118-13 | 71 Quigley's Lane | Truck Rental Business |

Question called. Motion carried unanimously.

Mayor Codner resumed as Chair of the Public Council Meeting at 9:04 p.m.

Public Works

Councillor Whitty provided an overview of the Public Works Committee Update, dated May, 2013 items.

Items discussed in the report included:

- Solid Waste and Recycling Tender
 - Tender competition is complete and staff are reviewing to have contractor ready to begin new contract June 1, 2013.
- Staff
 - The Town has hired Dave Murrin as summer staff to aide in the operations of the Public Works and Recreation Department.
 - CAO clarified that the above is a recall position and not a new hire – a seasonal employee being called back. This is a budgeted item for this year.
- Depot
 - With direction from Council, Town staff have been directed to submit a request to extend funding deadline for MYCW. This submission will be sent to Municipal Affairs and Transportation and Works.
 - CAO advised that letter requesting extension of funding deadline for MYCW has been drafted and forwarded to the Director for feedback. She noted that Crown

land has been identified for a possible site in the Town. It's being looked at to see if workable from an operational view point.

- Spring Clean Up
 - The annual spring cleanup will be held May 25th and 26th and June 1st and 2nd. All operations will take place from 8:00 a.m. to 8:00 p.m. on clean up weekends.
 - CAO noted that there has been low participation in the Pick Me Up and we're looking for a new strategy and different ways to engage residents. Information is forwarded to residents by Green Communications. Deputy Mayor advised Councillor Whitty that he will volunteer.
 - CAO advised that gloves and garbage bags will be available to residents.
 - Information on the Bulk Clean up as well as compostable materials is in Waste Management newsletter, which has been circulated to all residents.
- Summer Students
 - Town staff have submitted an application to provincial government to acquire funding for summer students. If successful the students will aid in operations of public works during the summer.
 - CAO clarified the students would be cleaning up ditches and some mowing of grass. It's total garbage clean up – walking the streets.

With regards to Green Communications, CAO advised that we're trying to encourage residents to sign up via email. She provided stats information regarding the Green Communications system: of approximately 3,300 land owners, only approximately 700 households receive messages via email.

Recreation, Parks and Community Services

- TETC Report on the 2012 HTES ArtSmarts Field Trips to the Gully.
 - Councillor Whitty advised that there is an ArtSmarts presentation tomorrow, Tuesday, May 14th, at 1:30 p.m. Both he and the Mayor are attending.
 - Councillor Tapper noted that they had great success for 2012 with field trips. They had a facilitator hired, who had 17 different field trips for Grades K-4. Positive report from school. They have some inclusions and recommendations – they do recommend some items pertaining to the Town that we should look at to see what impact it has for this year's program.
 - Councillor Smith indicated it's great to have this work done for \$1,350 and extended congratulations to hired staff. Councillor Whitty advised that some artists are funded for the program.
- Stewardship Association of NL Annual General Meeting - April 19-20, 2013.
 - Councillor Tapper provided highlights of the meeting:
 - Positive meeting.
 - SAM Conservation Endowment Fund was passed by all members.
 - There is approximately \$24,000.00 in the SAM bank account, so they're in good financial shape.
 - Have some new staff – one transferred position.

- Fall session is in Carmanville.
- There's been an increase in membership.
- Stewardship agreements have been signed and other towns indicated they want to join.

Councillor Smith questioned legal and financial implications as Deputy Mayor and Councillor Tapper are elected officials who represent the town. She suggested checking on impact coming back to Town - CAO to look into. She also questioned Town representation on endowment fund and if we need legal financial information on that.

Deputy Mayor Gallant advised that a subcommittee was struck – they did speak to lawyer and accountant on this matter. SAM is a separate entity. The Town is a member of a non-profit organization. SAM does elect a board of directors. A non-profit group created endowment fund. SAM has funding from government and will deposit money in bank account for interest. Will have third party administrators of fund. Deputy Mayor advised there is no liability on the Town.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Deputy Mayor Gallant advised that a strategic session was held last Sunday. Had productive meeting with Grant Thorton. Discussed important things that we need to address. Major themes are regional cooperation, expansion of recreation needs and financial stability. The Arena is financially stable and viable. Conversation took place as to what the Arena means to the community – interesting ideas were discussed.

Northeast Avalon Joint Council

Councillor Whitty advised that a meeting is scheduled for Thursday night, May 16th, in Paradise.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

As Councillor Byrne was absent, Councillor Smith provided an overview of items discussed at the Torbay Volunteer Fire Department Meeting, dated April 23, 2013.

Items discussed in the report included:

- Firefighters' Ball.
 - Insurance – it's requested to please pay if still owing.
 - The Department is extremely busy in emergency response and grass, shed, and chimney fires. There was also a car fire on the Pouch Cove Highway and they responded to several multiple medical calls.
 - Hydrant list has been updated.
 - Convention this year is in Corner Brook.
 - Training continues, as per usual.
 - Flashover Training is confirmed.
 - The Department will soon erect poles on training grounds.
 - Truck checks.
- St. John's Regional Fire Department Policy and Operational Guidelines – Response/Alerting Procedures to Areas in the Jurisdiction of Torbay.
- Mayor Codner indicated that the SOG's have been signed and gone to St. John's Regional Fire Department.

Urban Municipalities Committee

Councillor Smith reminded everyone of the Placemaking Conference offered by MNL through UMC. She advised she's hoping to participate in an upcoming Health and Communities session, which is a follow up to an October Conference.

NEW BUSINESS

Mayor Codner

Mayor Codner reminded everyone that there's no discussion under the New Business Section. Bring up your topic, and then Council Members are to move on.

Deputy Mayor Gallant

Deputy Mayor Gallant thanked CAO for her good work. She brought some matters to our attention that we need to keep on radar. There are so many things that we don't want dropped or forgotten and work as a team.

Holy Trinity School Playground is now in place. Was speaking with someone from the school who indicated that they require items for a fundraiser for an outdoor classroom. He asked if it was possible to get tickets to upcoming festival or an in-kind donation. Deputy Mayor to forward details to CAO.

Deputy Mayor discussed the recent fatal accident on Indian Meal Line, Portugal Cove side. He advised we really need to forward a letter to the Provincial Government to paint lines for cross walk on Torbay Road and to get the lines painted on the provincial roads. It's difficult to judge when driving especially in the dark and when it's foggy. See motion below:

072-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay contact the Provincial Government and remind them of safety importance of having lines on provincial roads of our Town maintained to proper standard as soon as possible.

Question called. Motion carried unanimously.

Deputy Mayor advised he's concerned about shale rock at Motion area and suggested arranging a meeting to further discuss. He asked that it be on public record that Council meet and do something about dangerous situation before we put other people in the area.

He discussed the buffer zone at Western Island Pond, indicating he's getting frustrated of the perception that we're dragging our feet and not doing anything about it. It needs to be dealt with.

Councillor Byrne - Absent

Councillor Roche - Absent

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper discussed the recent MNL Municipal Symposium, which he and CAO attended. He indicated that there were interesting sessions and the biggest topic was Crown lands. Presentation on Crown Lands was done by Town of Logy Bay Middle Cove Outer Cove Mayor, John Kennedy; and, he suggested that the Town have him in to meet with Council and get some questions directed his way. Other sessions included recycling electronics, benefits of recreation and there was a discussions panel regarding elections in September to encourage people to run. He reported that over 300 people attended the Symposium.

He discussed South Pond, indicating that Mayor Codner was interviewed on the topic with Ozzo Rezori, CBC. He referenced comments that the Mayor made and he wondered if his comments/statements could legally jeopardize the Town's position. Mayor Codner advised that Council agreed this topic would not be discussed.

Deputy Mayor called Point of Order, indicating that we should extend debate on go-around items, referring to the Roberts Rules of Order, which allows for this. Mayor Codner asked him to provide this information and he will research it as well.

Councillor Tapper advised he received some photos from a resident of a jeep being driven recklessly on the beach. The jeep got stuck crossing the river and had to be towed out. The pictures clearly show the license plate number of the vehicle, which we should pass on to the RNC to see what action the Town can take. He advised we should take action on this matter as the beach is a public area and it's a safety issue.

He discussed the state of the beach, indicating there are large boulders everywhere due to storm surges, etc. The boulders go as far back as the bridge. He thinks the Town should look at barring access to vehicles, as there's a parking area already there.

Councillor Tapper discussed Home Sharing. He advised he attended the unveiling of their promotional video on April 30th. It looks like it will take off as people, seniors and students, are participating. He advised that he has leaflets concerning Home Sharing that he would like placed in the lobby. Coordinator, Andrew Harvey, indicated he can come by if Council would like to speak further about it or require any further information.

He discussed Great Pond, indicating there is some farm land between Whiteway's and Great Pond, in the Watershed Area, where manure is being spread. He asked that this be investigated as he's not sure if it's legal to do this.

Councillor Whitty - Pass

ADJOURNMENT

173-13 Motion – Councillor Smith / Councillor Whitty

RESOLVED THAT the meeting be adjourned at 9:35 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk