



**MINUTES**  
PUBLIC COUNCIL MEETING  
May 16, 2011

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 16, 2011 at 7:39 p.m.

**Members Present**

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

**Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Ken Anthony, Director of Programs and Services  
Brian Winter, Development and Planning Officer  
Ann Picco, Executive Clerk

**Regrets**

Councillor Carol Ann Smith  
Councillor Peggy Roche

**Gallery**

There were a total of 11 people in attendance.

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

176-11      **Adoption of Agenda**

Motion – Councillor Byrne / Deputy Mayor Gallant

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

Question called. Motion carried unanimously.

177-11      **Adoption of Minutes**

Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Minutes of the May 2, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

178-11 Motion – Deputy Mayor / Councillor Tapper

**RESOLVED THAT** the Town of Torbay adopt the Minutes of the Special Council Meeting, dated May 9, 2011, as presented.

Question called. Motion carried unanimously.

### **PROCLAMATIONS / PRESENTATIONS**

179-11 Motion – Councillor Byrne / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay declare June 12, 2011 as ALS Awareness Day for Amyotrophic Lateral Sclerosis (ALS); and, invite all citizens to join with the ALS Society of Newfoundland and Labrador on Sunday, June 12, 2011, to make the ALS Annual Walk for a Cure a huge success.

Question called. Motion carried unanimously.

Registration for the ALS Annual Walk for a Cure begins at 12:30 p.m. at the Mews Centre; and, starts at 2:00, around Mundy Pond.

### **CORRESPONDENCE**

- 1) Correspondence from Resident concerning Motion Estates. **CAO to reply to correspondence. COMPLETE.**
- 2) Correspondence from Resident concerning Motion Estates Development. **CAO to reply to correspondence. COMPLETE.**
- 3) Canadian Diabetes Association – Request for Support. **Defer to Finance Committee. B/F.**
- 4) Ronald McDonald House, Newfoundland and Labrador – Request for Donation. **Defer to Finance Committee. B/F.**
- 5) Newfoundland & Labrador Public Libraries – funding for the Torbay’s Town Centre Plan, Public Library. **Council discussed development of the proposed municipal building, including timelines, financial contribution for library space. CAO to reply. COMPLETE.**

### **BUSINESS OUTSTANDING**

- 1) The School Lunch Association – “Share-A-Lunch” Campaign. **Included under the Finance Committee report. COMPLETE.**

- 2) Correspondence from Resident concerning culvert in River in Forest Landing. *Director of Programs and Services advised that Supervisor of Outside Operations has visited site and will be taken care of by week's end. COMPLETE.*
- 3) Correspondence from Resident concerning Request for Lot Approval. *Included under the Planning and Land Use Development report. COMPLETE.*
- 4) As per Motion 167-11 from the Public Council Meeting of May 2<sup>nd</sup>, a public meeting/information session to be held regarding choice before Council of ten (10) percent or cash in lieu of. *Development and Planning Officer advised that the Recreation Committee came back with new proposal for Open Space. There's a meeting with the PLUD Committee on Thursday, and will set a meeting date at that time. A recommendation will be presented, then notice to the public. CAO advised that ample notice will be given to the public. B/F.*
- 5) Easter Seals, Newfoundland and Labrador – Request for support of Organization *Included under the Finance Committee report. COMPLETE.*
- 6) Correspondence from Resident regarding GoBag flyer packages - as per Motion 140-11, Public Council Meeting Minutes of April 18th, Town to give notice to residents that they are to provide tubes that these GoBag flyer packages can be placed in. *Mayor Codner advised that as of May 30<sup>th</sup>, there will be no more deliveries of GoBag flyer packages to residents unless GoBag tubes are installed. The media has been advised; and, Continental Group has received requests for tubes. COMPLETE.*
- 7) At the Public Council Meeting of April 18<sup>th</sup>, Deputy Mayor discussed Council transparency, and put forward a motion - as per Motion 142-11, Public Council Meeting Minutes of April 18th, the Town to strike a sub-committee concerning Council transparency and come back with recommendations in thirty days. Terms of reference for the sub-committee to be drafted. *Deputy Mayor advised that there was a meeting held on Sunday – Deputy Mayor, Councillor Tapper and Councillor Whitty were in attendance. Will discuss with CAO this week and will have some actionable recommendations for the next Council Meeting. B/F.*
- 8) Department of Environment and Conservation – Torbay Municipal Habitat Stewardship Program Expansion Proposal. *Mayor Codner advised to be researched a little further at another meeting. Deputy Mayor advised that TETC also read the document and had positive comments. B/F.*
- 9) Correspondence from Resident concerning Discount for Senior Citizens. *Included under the Finance Committee report. COMPLETE.*
- 10) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *A meeting is scheduled for Tuesday, May 17<sup>th</sup> at Crown Lands. Mayor and CAO are attending. B/F.*
- 11) 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 advised he is awaiting reply from Eastern School District regarding tentative meeting date, possibly in three weeks' time, as gentlemen that the Town previously dealt with is no longer there, and his position is in process of being filled. This also coincides with Item No. 13. B/F.*

- 12) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. **Director of Programs and Services advised that this will be completed by the end of May. B/F.**
- 13) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane - This is concerning acquisition of land 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. 11, above, the Town is waiting for a reply from Eastern School District regarding tentative meeting date. Councillor Smith requested a copy of the original correspondence requesting the extension of the school bus service. B/F.**
- 14) 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 still no reply from the Department of Municipal Affairs. MHA has been asked to follow up on the Town’s behalf. B/F.**
- 15) Status of Camp Carey Building. **Deputy Mayor advised did have discussions at the last Recreation Committee meeting. The next step is to have staff look at pricing/costs. Will have information for the next Council Meeting. B/F.**
- 16) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – **Mayor Codner advised that a meeting was held. In attendance were Mayor, CAO, Vice Chair, Council Liaison, Town’s Solicitor. Next step is to bring discussions back to the Committee, and then back to Council with information. B/F.**
- 17) As per Motion 158-11, Public Council Meeting of April 18<sup>th</sup> – Town to obtain legal clarification regarding buffer and conservation zones – **Deferred to Planning and Land Use Development Committee. B/F.**
- 18) Meeting concerning development in the Town –**CAO to arrange meeting. B/F.**

## **COMMITTEE REPORTS**

### **Economic Development**

180-11      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Hillside Festival Committee Meeting, dated April 19, 2011.

Question called. Motion carried unanimously.

181-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Hillside Festival Committee Meeting, dated May 10, 2011.

Question called. Motion carried unanimously.

**Finance**

182-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve the Financial Report, dated May 2 – 13, 2011, as presented.

Question called. Motion carried unanimously.

183-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Finance Committee, dated May 10, 2011, as presented.

Question called. Motion carried unanimously.

184-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay donate \$300.00 to Easter Seals Newfoundland and Labrador.

Question called. Motion carried unanimously.

185-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay award the contract to supply and install fencing at the North Pond Chlorination Chamber to the low bidder, namely Provincial Fence Products, in the amount of \$3,500.00 plus \$455.00 HST for a total of \$3,955.00.

Question called. Motion carried unanimously.

186-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay proceed with the development of a water main flushing program at a cost of \$4,500.00 plus \$585.00 HST for a total of \$5,085.00. This program will be developed by the Town's consulting engineers, namely Newfoundland Design Associates Limited.

Question called. Motion carried unanimously.

187-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay donate \$300.00 to the School Lunch Association to cover the costs of 100 lunches.

Question called. Motion carried unanimously.

**Human Resources and Administration**

No reports or motions.

*Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 7:58 p.m.*

**Planning and Land Use**

188-11 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee Meeting, dated May 12, 2011, as presented.

Question called. Motion carried unanimously.

189-11 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay give the property owner of 1537-1547 Torbay Road approval in principal so they can proceed with engineering and design work on both phases of the proposed development, 14 fully serviced building lots as described in the plans by BMT Fleet Technology dated November 19, 2010 Project No.7578. No permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed. The developer will be required to leave an access through the rear of the property for future development. However, if the access is deemed unnecessary in the comprehensive planning for the area, then the developer will be permitted to develop the access road as a lot provided that it meets all requirements. Open space requirements will be reviewed by the Recreation and Planning Departments.

Question called. Motion carried unanimously.

190-11 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay have the Town's consulting engineer's develop a comprehensive plan for the Watts Pond Area. This is a budgeted item in the Development and Planning budget.

Question called. Motion carried unanimously.

191-11 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee Meeting, dated April 28, 2011, as presented.

Question called. Motion carried unanimously.

192-11 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve the Building Application Report, dated May 13, 2011, as presented.

Question called. Motion carried unanimously.

193-11 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay defer Application B1057-11 under the Applications to be Advertised/Deferred section of the Business Application Report, dated May 13, 2011, as presented.

Question called. Motion carried unanimously.

194-11 Motion – Mayor Codner / Councillor Byrne

**RESOLVED THAT** the Town of Torbay give Eastern School District approval to construct four (4) modular classrooms adjacent to Holy Trinity Elementary School, as per plans prepared by NewLab Engineering, dated April, 2011, with the understanding that these four (4) classrooms are a temporary measure to address school enrollment issues for September, 2011. These classrooms will bridge the gap until a new middle school is constructed to serve residents of Torbay and area, which is committed for 2013.

Question called. Motion carried unanimously.

*Mayor Codner resumed as Chair of the Public Council Meeting as of 8:12 p.m.*

### **Public Works**

195-11 Motion – Councillor Whitty / Deputy Mayor Gallant

**RESOLVED THAT** in order to provide daily checks during the summer season to the Town owned/operated facilities and also community facilities, that the Town of Torbay secure the services of a qualified security services provider. The Town of Torbay is to award security services to Mask Security for the 2011 Summer Season. Services will commence effective 10:00 p.m. Friday, May 20, 2011 until 3:00 a.m. Sunday, October 2, 2011.

Question called. Motion carried unanimously.

**Parks, Recreation and Community Services**

196-11      Motion – Deputy Mayor Gallant / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee Meeting, dated May 11, 2011, as presented.

Question called. Motion carried unanimously.

Councillor Tapper discussed Motion Estates, Phase II. The proposed development is adjacent to private properties identified within the Town's Open Space Management Plan as one of two recommended Outer Loop Trail Gateways and Coastal Parks. The current and future residential development plans in that area will impact the Town's own initiatives. It is therefore necessary for the Town to establish required acreage for the Coastal Park and Outer Loop Space Corridor between the coast line and along the river buffer to Marine Drive. See Motion below:

197-11      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay staff, utilizing whatever resources are necessary, provide Council with the estimated required acreage figure and drawings as soon as possible, but no later than July 1, 2011.

Question called. Motion carried unanimously.

Regional Operations Manual – North East Killick Coast Games was included for information purposes. Councillor Byrne advised that this year, the games will be hosted by the Town of Portugal Cove – St. Philip's. This document has been revamped and a lot of work has been put into it by Staff. Councillor Byrne thanked Staff and acknowledged their work in producing this document. Mayor Codner recommended that this report go to every council that participates, with an agreement to be signed in the back of the document. Every town should show their support by signing off on the agreement. See motion below:

198-11      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay officially accept the North East Killick Coast Games Regional Operations Manual; and, recommend that other towns do the same.

Question called. Motion carried unanimously.

**Technical Services**

No Report.



**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

No Report.

**By Pass Road**

Council discussed flow of traffic and construction on Torbay Road, and agreed the flow is much better compared to last year. It's up to the public which route they drive – some people do divert through Marine Drive, LMO, Portugal Cove – St. Philip's, if they want to avoid construction and wait times.

Diverting traffic was discussed. Some heavy equipment, in particular dump trucks, are using other residential areas/roads as a diversion or detour. Residents have concerns of speeding. Mayor Codner advised he discussed this with the RNC and have asked them to keep an eye on the problem areas and any issues of speeding.

With regards to removal of poles on Torbay Road, Mayor advised that there will be a power outage on May 29<sup>th</sup> to switch power – for repair and upgrades to transmission and distribution lines. CAO advised that Newfoundland Power will notify all residents and Towns once details are finalized.

Council discussed timelines for completion of construction. Mayor Codner advised that the hill from Middle Cove needs to be cut down, paving needs to be completed, guard rails put in place – completion date will be approximately three months.

Mayor Codner and CAO confirmed that the Town has acquired some rock/stone – pulpit rock from Torbay Road.

**LIAISON COMMITTEES**

**Heritage/Museum**

Councillor Byrne advised that there was a Heritage Constitution Meeting on May 9<sup>th</sup>. Mayor, CAO, Town's Solicitor, Chair, and other Members were in attendance. They have been working on the Heritage Constitution since last summer. A lot of discussion took place on the Town's perspective regarding legal entity. Committee is taking information and bringing back to the Heritage Committee. Will advise more in the near future.

**Jack Byrne Arena**

Deputy Mayor Gallant advised that the AGM was held last Thursday. It was a very positive year. Financial reports were provided to the CAO, and will be made available at the next Council Meeting.

There will be a good news announcement on how the Arena will be used – coming soon.

Councillor Byrne commented that there is a lot of positive feedback on the Arena; and, he hasn't heard any negative comments.

**Northeast Avalon Joint Council**

Councillor Whitty advised that there is a meeting on Wednesday night in LMO at 7:30 p.m.

**Northeast Avalon Regional Plan**

Mayor Codner advised that there has been no meeting in months; and, that there are some developments which are held up or delayed. The plan is presently with the Department of Municipal Affairs. He suggested to wait another few weeks to give time for the Department to come up with decision, and then will move forward.

**Torbay Harbour Authority**

Councillor Byrne advised that there has been no official meeting. There was a meeting held with DFO and Mr. Tapper. Mr. Tapper requested a dredging program where construction is taking place, to see if there are any protruding objects under the surface before final go ahead to open boat launch.

There is a meeting scheduled here at the Town Hall. Mayor and CAO are attending to discuss Tappers Cove in general and how Town can move forward.

Councillor Byrne advised he has an information letter – response to another meeting of April 1<sup>st</sup> with East Coast Trail. He asked Council to read through; and if there are any questions to contact him.

**Torbay Volunteer Fire Department**

199-11      Motion – Councillor Byrne / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve the report for the Torbay Volunteer Fire Department, dated April 11, 2011, as presented.

Question called. Motion carried unanimously.

200-11      Motion – Councillor Byrne / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the report for the Torbay Volunteer Fire Department, dated April 25, 2011, as presented.

Question called. Motion carried unanimously.

201-11      Motion – Councillor Byrne / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the report for the Torbay Volunteer Fire Department, dated May 9, 2011, with the following changes:

Item No. 3, under Standard Operating Guidelines, second sentence to read, *“They will be implemented into the Torbay Volunteer Fire Department Standard Operating Procedures.”*

Question called. Motion carried unanimously.

Councillor Byrne advised that there were a couple changes – adopted in Constitution last year, but noticed not in the Standard Operating Guidelines. He put forth a motion to move part of the Torbay Volunteer Fire Department Standard Operating Procedures, SOG 1 B, to be adopted in the Standard Operating Guidelines. *It was discussed that the SOG also involves the City of St. John’s – deferred due to further research by CAO and for further discussion with the Fire Chief. B/F.*

**Urban Municipalities Committee**

No Report.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner advised that the light by the school is not working. Advised school accordingly and should be repaired very soon.

***Deputy Mayor Gallant***

Deputy Mayor Gallant extended a thank you to Councillor Whitty and Councillor Tapper for meeting on Sunday past and for going above and beyond on this important meeting concerning Council Transparency.

***Councillor Byrne***

Councillor Byrne advised that the Great Torbay Pick Me Up is taking place next week. There is a lot of debris in the ditches, and he would love to see people participate in the Town's Clean up in neighborhoods.

***Councillor Roche*** - Absent

***Councillor Smith*** - Absent

***Councillor Tapper***

Councillor Tapper discussed the proposed Town Depot. We're asking the Department of Environment why the proposed site was turned down. He requested that the Town keep in mind, as we go forward, other options including – once the Town gets into new site, it's not necessary to have salt and sand on same site as equipment – could possibly use quarry. Therefore the Town shouldn't delay adoption of this site; there are other options available.

With regards to arranging a meeting to discuss development in the Community, Councillor Tapper requested that all Councillors be present for this meeting. He discussed that he will have a Notice of Motion at the next meeting or one after that concerning acquisitions of lands at Ocean Park site, Gully site, Western Island Pond and Gosse's Pond.

Councillor Tapper discussed the presentation from representative of the East Coast Trails, in particular the fact that they had to turn down construction of a bridge, estimated cost of \$90,000, due to objection by land owners. He advised this will also be discussed at the meeting concerning development.

***Councillor Whitty*** - Pass

**ADJOURNMENT**

202-11      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the meeting be adjourned at 8:45 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***