



MINUTES
PUBLIC COUNCIL MEETING
May 17, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 17, 2010 at 7:36 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

Dawn Chaplin, CAO/Town Clerk
Ann Picco, Executive Clerk
Brian Winter, Development & Planning Officer

Regrets

Ken Anthony, Director of Programs and Services

Gallery

Total of 12 in attendance.

Meeting was chaired by Mayor Codner

177-10 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

178-10 **Adoption of Minutes**

Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Minutes of the May 3, 2010, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

179-10 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay, in recognition of the benefits and values that recreation, parks, and leisure services provide, proclaim that the month of June is Recreation month.

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) Department of Municipal Affairs – Revised Schedule “A” – 2005/2008 Multi-Year Capital Works Program. *CAO advised that this work is 85% done; the pumping/infrastructure report remains outstanding and does not include new depot. For Information Purposes. COMPLETE.*
- 2) Department of Environment and Conservation, Water Resources Management Division – Feasibility Study and Conceptual Cost for a Water Treatment Facility for Torbay. *Mayor Codner advised that the Town’s consultants prepared a proposal regarding sewage treatment; however, the Department of Municipal Affairs requested a study completed on six treatment facilities/technologies submitted to them for their review and evaluation. Mayor Codner advised that the Consultant is following up with the Department of Municipal Affairs to seek clarification, as well. B/F.*
- 3) Letters from Grade 5 teacher and students at Holy Trinity Elementary concerning the conditions of Torbay Beach. *Councillor Smith advised that she thoroughly enjoyed reading the student’s letters and that the Grade 5 teacher is really encouraging her student’s leadership abilities and responsibility. She suggests that the Town acknowledge the teacher’s good work. Councillor Tapper suggested that the Town send official response to each student’s letter. Mayor Codner advised that he will arrange to meet with students and discuss with them their concerns about the beach. Councillor Byrne asked if there was any timeline with regards to the sewage pipe line. Mayor Codner advised that he and CAO are meeting with Municipal Affairs this coming Friday regarding repairs and future sewage treatment. Deputy Mayor Gallant is attending meeting as well and advised that he will ask for a time line. COMPLETE.*
- 4) Department of Environment and Conservation, Water Resources Management Division – Infilling and Stabilization of Property Adjacent to Torbay Bight, Torbay, NL. *CAO to check if a fine was issued or can be issued to resident. B/F.*

180-10 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT further to the correspondence copied to the Town from the Department of Environment and Conservation, Water Resources Management Division, Government of Newfoundland and Labrador, regarding Infilling and Stabilization of Property Adjacent to Torbay Bight, Torbay, NL, that the Town of Torbay write the resident, advising that further to correspondence from the Department of Environment and Conservation, Water Resources Management Division, dated May 5, 2010, prior approval has to be given by the Town of Torbay before any restoration work, or any other work is commenced; and, once work is completed, any further work other than clean-up of property will require permits from the Town. This letter is to be copied to the Department of Environment and Conservation, as well.

Question called. Motion carried unanimously.

CAO noted that with regards to Motion No. 163-10, from the Minutes of May 3, 2010, that as the Department of Environment and Conservation has already issued a stop work order on the property, the Town of Torbay is unable to issue a stop work order until after May 31, 2010. The Department's stop-work order would supersede the Town's stop-work order.

CAO to seek advice from Town's solicitor, Mr. Pittman, on how to handle situation and clean up the beach should this matter go to court. B/F.

- 5) Correspondence from resident and Mr. Kevin Parsons, MHA, concerning dangerous road conditions on Piper Stock Hill. ***Deputy Mayor Gallant advised that he received an email from resident advising of accident on Piper Stock Hill caused from the ruts in the road; and, he asked what the Town could do to get repairs completed. Council discussed the ruts and the danger they present to motorists, including motorcycles, and pedestrians, and it was agreed that timelines are needed in place for repairs as soon as possible. Mayor Codner advised that the sections of road from Middle Cove Road to Marine Drive are scheduled to be completed. The section from the bridge to Marine Drive may not be done. Deputy Mayor Gallant advised that this will also be discussed with the Department of Transportation and Works on the Town's negotiations of potential takeover of Torbay Road. B/F.***

181-10 Motion – Deputy Mayor Gallant / Councillor Roche

RESOVLED THAT the Town of Torbay write a letter to Mr. Kevin Parsons, MHA, strongly voicing the Town's concerns on the dangerous conditions of Torbay Road and the safety concerns with regards to the ruts in the road on Piper Stock Hill. This letter is to be copied to the Department of Transportation and Works and the Department of Municipal Affairs.

Question called. Motion carried unanimously.

- 6) Department of Tourism, Culture and Recreation – Grant for financial assistance to host the 2010 Killick Coast Regional Games. **CAO to write letter TO Mr. Terry French, MHA, Conception Bay South, in response to letter, and advise him that the Town of Torbay already have a smoke free policy in place. B/F.**
- 7) Youth Ventures – Request for Town’s assistance with the delivery of their Youth Ventures program. **As per motion below, COMPLETE.**

182-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay permit the waiver of young entrepreneur business application fees and permit fees.

Question called. Motion carried unanimously.

- 8) Correspondence from resident concerning Spring Clean Up – Bulk Garbage. **Council had some discussion on the topic of curb side pick-up, as some residents have issues on getting their items to the Town Depot yard; acquiring a list of names – people who can pick up residences’ bulk garbage for them, as a service, was also discussed. It was also noted that Robin Hood Bay is available now for all residents to drop off their garbage. CAO advised that the Town is working on an education piece/newsletter on the waste management strategy. CAO to write letter to resident. B/F. Deferred to Technical Services. B/F.**

BUSINESS OUTSTANDING

- 1) Department of Municipal Affairs, Office of the Minister – Town’s Request of Additional Funding to Undertake a Cleanout and Inspection of the Sewer Outfall. **CAO advised that she and the Mayor are meeting with Assistant Deputy Minister Cluney Mercer, Municipal Affairs, and MHA Kevin Parsons on Friday, May 21st. B/F.**
- 2) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. **Town is waiting for a reply from the Department of Transportation and Works concerning the removal of business advertisement signs on Torbay Road. The Development and Planning Officer and the Municipal Enforcement Officer are working on a signage policy. Mayor Codner read from a news clipping concerning similar issues in Port au Port. He suggested that the Town write a letter to the Department of Transportation and Works concerning the number of business signage on Torbay Road, as well as the danger of moose walking out into traffic from behind the signs. B/F.**
- 3) Correspondence from Director of Country Living Homes concerning proposed bridge to extend from Riverdale Drive to River View Place, off Indian Meal line. **Dealt with in last Planning and Land Use Committee Meeting. COMPLETE.**
- 4) Dumping of topsoil on Beach – **As per Motion 180-10, Letter to be written to resident and copied to the Department of Environment and Conservation. If property is not cleaned up by May 31st, as per letter from Department of Environment and Conservation, the Town of Torbay can issue a stop-work order to the individual responsible for dumping of topsoil on the beach. B/F.**

- 5) Town Council meeting with the Town's solicitor, Mr. Pittman, to discuss Town issues/matters. **CAO advised she needs to follow up with all Council Members with regards to any questions that they may have for Mr. Pittman, so she can refer these questions to him and arrange for a meeting date. B/F.**
- 6) Correspondence from resident concerning Accessibility to future building lot. **Deferred to Planning and Land Use Development Committee. B/F.**
- 7) Correspondence from resident concerning South Pond. **CAO advised that conference call with consultant took place on May 6th; and, she's now waiting for a report from them which she expects to receive mid to late June. B/F.**
- 8) 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 – **Deputy Mayor Gallant advised that he is waiting on a list of names of residents from Councillor Smith – surrounding area and Shea's Lane area residents who attended the last resident's meeting concerning this issue. Councillor Smith had requested that these residents be notified that the skateboarding equipment was returned; and, she suggested that the Director of Programs and Services and the Supervisor of Recreation and Health Living write a letter to these residents. CAO to also go back through her notes for names of surrounding area residents and forward to Deputy Mayor Gallant. B/F.**
- 9) Correspondence from resident concerning water run-off on Ned's Place. **Councillor Whitty advised that resident was met with. Deferred to Public Works Committee. B/F.**
- 10) Department of Environment and Conservation concerning Torbay Habitat Conservation Plan. **CAO advised that a meeting is scheduled for July 5th at 7:00 p.m. with Jonathan Sharpe and Heather Chaffey, Eastern Habitat Joint Venture. B/F.**
- 11) Motion 036-10, Minutes of January 25, 2010, Public Council Meeting – Director of Programs and Services to contact Mr. Paul Porter of Newfoundland Design Associates Limited to request written confirmation that when culverts were installed in Phase 1 of the Pine Creek Development, the culverts were undersized. **Director of Programs and Services advised that the Committee will go out to observe after the next heavy rainfall. Defer to Public Works Committee. B/F.**
- 12) Community Policing – Speeding – **Director of Programs and Services advised that Committee is checking on speed bumps. Deferred to Public Works Committee. B/F.**
- 13) Keith Yeo – 1 Yeo's Lane - request for reimbursement of installation of sewage services. **Councillor Whitty advised that he spoke to resident, and Committee are hoping to schedule a meeting for next week. B/F.**
- 14) Thorne's Lane Pump House – upgrading. **Deferred to Public Works Committee. B/F.**
- 15) Revisions to snow clearing policy – Town's Solicitor, **Mr. Pittman, to put together snow clearing policy in proper legal format and language to ensure that the text is legally sound. Deferred to Public Works Committee. B/F.**

COMMITTEE REPORTS

Economic Development

183-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Economic Development Committee Meeting Minutes, dated May 13, 2010, as presented.

Question called. Motion carried unanimously.

184-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay adopt the Tourism Master Plan developed by Tract Consulting Inc.

Question called. Motion carried unanimously.

185-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the 2010 Hillside Festival Committee Minutes, dated April 27, 2010, as presented.

Question called. Motion carried unanimously.

186-10 Motion – Councillor Roche / Councillor Smith

RESOLVED THAT the Town of Torbay provide funding to offset costs for the fireworks in the 2010 Hillside Festival. Cost of the fireworks to be covered under the tourism budget.

Question called. Motion carried unanimously.

Finance

187-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report, dated May 3-14, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

188-10 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the Human Resources and Administration Committee Meeting, dated May 12, 2010, with the following changes:

Section under Committee Meetings, second paragraph to be referred back to Committee for review.

Question called. Motion carried unanimously.

189-10 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay reclassify the Accounts Receivable Clerk position to Accounting Coordinator to more accurately reflect the roles and responsibilities of that position.

Question called. Motion carried unanimously.

Planning and Land Use

Property at end of McArthur Place
Proposal to develop land / Rezone to Residential Medium Density (RMD)
Zoning: Residential Subdivision Area Serviced (RSA-S)

190-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay give the applicant approval to rezone a parcel of land at the end of McArthur Place to accommodate five fully serviced building lots. The current zoning is Residential Subdivision Area Serviced (RSA-S) the new zoning will be Residential Medium Density (RMD). The applicant will pay for the cost of the amendment up front before any work is started by the Town's Planning Consultant.

Question called. Motion carried unanimously.

Councillor Tapper and Councillor Whitty leave the Council Chambers at 8:55 p.m., as it was determined that they were in a conflict of interest.

Whitty's Ridge
Proposal for development – 30 plus lots on Whitty's Ridge with a connection between Byrne's Lane and Whitty's Lane

Council had some discussion on this development. Development and Planning Officer clarified that correspondence would be written to the developer advising him that before he

proceeds with any development in the area that the road has to be upgraded to Town standards.

This item, No. 1 c) in the Planning and Land Use Development Committee Minutes is deferred back to Planning and Land Use Development Committee for further review and clarification.

Councillor Smith provided to all Council a copy of an email that she received from a resident of Whitty's Lane with concerns of this new development. Council discussed such issues as water quantity and quality, sewer, and road access in new developments.

Whitty's Ridge South

Proposal for development – 15 plus un-serviced lots with connection between Whitty's Lane and Camp Carey Road

191-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay give the applicant approval in principal so they can proceed with engineering and design work on the proposed 15 plus un-serviced building lot development, an extension to Whitty's Lane connecting to Camp Carey Road. 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 open space requirement will be determined at a later date.

Question called. Motion carried unanimously.

Councillor Tapper and Councillor Whitty returned to the Council Chambers at 9:33 p.m.

192-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay proceed with an amendment to remove all 610 meter live stock buffer zones with in the Town of Torbay with the exceptions of the buffer zones surrounding Connors Dairy Farm on the Bauline Line and Ryan's Dairy Farm on Ryan's Road, these two will remain in place.

Question called. Motion carried unanimously.

193-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay rezone a 600 meter wide corridor (300 meters on either side of Bauline Line) from the edge of the 610 meter livestock buffer zone surrounding Connors Dairy Farm to the Towns boundary line with the Town of Bauline. This area will be rezoned from a Rural Land use (RUR) to a Residential Large Lot Land Use (RLL) to allow for residential development of the area.

Question called. Motion carried unanimously.

Middle Three Island / Big Three Corner Pond Area
Crown Land Application
Agricultural Use

194-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay give the applicant approval to obtain 5 acres of crown land as per his application dated January 25, 2010. The applicant is proposing to use the land for agricultural uses (pasture land and forage growth). The land in question is currently zoned Agriculture and is in the area behind the quarries on middle three island pond road.

Question called. Motion carried unanimously.

195-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay limit the amount of crown land being approved for agricultural uses to 5 acres at a time and no more land will be granted to the same applicant until they demonstrate that the use of the land is actually agricultural.

Question called. Motion carried unanimously.

1448 Torbay Road
Request for Reduction of Rear Yard Requirement

196-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay grant approval for the construction of a home at 1448 Torbay Road with a reduced rear-yard requirement. The average rear-yard depth is to be no less than 5.2 meters.

Question called. Motion carried unanimously.

197-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay give the Development and Planning Officer authority to issues Building Permits for all construction within the Town of Torbay providing that the construction clearly meets all Town regulations. A listing of all permits will be provided to Council at its regular Council meetings.

Question called. *Council had some discussion on the above motion and it was agreed that the motion would be withdrawn, and referred back to the Planning and Land Use*

Development Committee for further review and recommendation. It was agreed that the motion should reflect residential permits.

198-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay send Plan Amendment No. 14, 2010 and Development Regulations Amendment No.31, 2010, to Municipal Affairs for review. These amendments pertain to a parcel of land North of Indian Meal Line, between Peters Place and Nathaniel Drive Extension that is being rezoned to accommodate a proposed residential subdivision.

Question called. Motion carried unanimously.

199-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay send Plan Amendment No. 15, 2010 and Development Regulations Amendment No.32, 2010, to Municipal Affairs for review. These amendments pertain to a parcel of property on the corner of Doyles & Quigleys Lane and Marine Drive that is being rezoned to accommodate a Child Care Centre.

Question called. Motion carried unanimously.

200-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated May 14, 2010, as presented.

Question called. Motion carried unanimously.

201-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Business Application Report, dated May 14, 2010, as presented.

Question called. Motion carried unanimously.

Public Works

202-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated May 5, 2010, as presented.

Question called. Motion carried unanimously.

203-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay secure the services of Newfoundland Design to prepare a scope of work to address the long term requirements for the Thorne’s Lane Pump House. When scope of work is determined, a tender package will be prepared for interested supplier(s) of services.

Question called. Motion carried unanimously.

204-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay, as per “Occupancy and Maintenance Regulations,” serve a Clean Up/Removal Order to the resident at #1 Ellard’s Lane.

Question called. Motion carried unanimously.

205-10 Motion – Councillor Whitty / Councillor Byrne

RESOLVED THAT the Town of Torbay, as per “Occupancy and Maintenance Regulations,” serve a Clean Up/Removal Order to the resident at #13 Ellard Place.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services – no report or motions

FYI – Minutes of the TETC Committee Meeting, dated April, 2010.

Technical Services – no report or motions

Mayor Codner advised that he’s hoping for a meeting with the Department of Transportation and Works next week. He also advised that the Waste Management Strategy should be ready within a week.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that the next Committee meeting is on Thursday at 4:00 p.m.; and, she invited the Mayor to attend.

By Pass Road

Mayor Codner advised that he’s hoping for a meeting next week with the Department of Transportation and Works. He advised that Mr. Kevin Parsons, MHA, will also be there.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne discussed the auditions for the upcoming play this summer; and, advised that 3 positions have been approved for funding. The Committee is also considering doing a musical side show, pending funding.

He advised that CBC did an interview on the 2012 Celebrations.

Jack Byrne Arena

Deputy Mayor Gallant advised that there was no meeting; but, they are discussing a date for the Annual General Meeting, possibly the first week in June. He also advised that there is great stuff happening at the Arena.

Northeast Avalon Joint Council

Councillor Roche advised that there's a meeting scheduled for May 19th in Witless Bay; however, both she and Councillor Whitty are unable to attend. She asked that if anyone is interested in attending on her or Councillor Whitty's behalf to advise her.

Northeast Avalon Regional Plan – no report

Torbay Volunteer Fire Department

Councillor Byrne gave a verbal overview. He advised that the Fire Department's Constitution is under review for approval by Council.

The Traffic Warning System has been approved and the Municipal Enforcement Officer has been following up with the Fire Chief.

With regards to the snow operations policy, a meeting is to be arranged with the Mayor, CAO, and Director of Programs and Services. B/F. CAO advised she will forward information on Deer Lake's and Clarenville's policies to the Fire Chief and Councillor Byrne. This matter will be discussed further when the Supervisor of Outside Operations is in place. B/F.

Councillor Byrne advised that the Department's Minutes will not be released for Council review as it details accident reports and names, which are of a private nature. Therefore, he will continue with the verbal reports/updates to Council.

Councillor Byrne discussed the Department's concerns on some properties in the community that are both health and safety matters and fire hazard concerns.

The Fire Department is willing to help out with the Triathlon on August 28th; however, is not able to provide water rescue.

Urban Municipalities Committee – no report

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant wished to extend a thank you to the Torbay Environment and Trails Committee and to everyone who attended the last meeting regarding the Habitat Conservation Plan.

Councillor Byrne - Pass

Councillor Roche

Councillor Roche extended congratulations to the Grade 5 teacher with assisting her students with their concerns regarding Torbay Beach.

Councillor Roche also discussed communicating without paper and that the Town become more environmentally conscious. The Town should assess the cost of time/labour/copier/ink, etc. Correspondence/documents could be scanned and maybe provide laptops to all Council members. She advised that this is something that Council should really consider.

Councillor Smith

Councillor Smith advised she was contacted by a resident of Quigley's Lane area concerning a bicycle accident on the berm there, which separates residential property from the by-pass road. A teenage was hurt jumping the berm with his bicycle. She's wondering if the Town can educate residents on the dangers of this; and possibly post some signage so that no one else gets hurt.

Councillor Tapper

Councillor Tapper discussed the good news of Torbay Road being resurfaced from Marine Drive to Middle Cove Road and the by-pass road moving ahead; however, the bad news being that Torbay Road was not being resurfaced from the Bridge to the school area. Bauline Line is not getting upgraded, a well. He advised that residents should be made aware of this information.

Councillor Whitty - Pass

ADJOURNMENT

206-10 Motion – Councillor Smith / Councillor Whitty

RESOLVED THAT the meeting be adjourned at 10:15 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk