



***MINUTES***  
PUBLIC COUNCIL MEETING  
May 28, 2012

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 28, 2012 at 7:39 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**

Bernard P. Manning, Director of Public Works & Technical Services  
Brian Winter, Development and Planning Officer  
Ann Picco, Executive Clerk

**Regrets**

Dawn Chaplin, CAO/Town Clerk

**Gallery**

There were a total of 8 people in attendance.

218-12      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

219-12      Motion – Councillor Tapper / Councillor Whitty

**RESOLVED THAT** the Minutes of the May 14, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

220-12      Motion – Deputy Mayor Gallant / Councillor Byrne

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

Question called. Motion carried unanimously.

**CORRESPONDENCE**

1. Municipal Assessment Agency Inc. – Newsletter and Brochure for the Clar Simmons Scholarship. *For information purposes. Children and grandchildren of Councillors or Staff are eligible for scholarship.*
2. Petition from residents of Forest Landing concerning playground. *Deferred to Parks, Recreation and Community Services Committee.*
3. Northeast Avalon Regional Economic Development Board – invitation to Annual General Meeting. *Councillor Roach is attending.*
4. 515 North Atlantic Royal Canadian Air Cadet Squadron – proposed relocation to the Town of Torbay. *Council discussed possibility of booking at the school. Deputy Mayor advised that the school is fairly booked, but there may be some openings. Mayor Codner to forward a letter supporting their request to the school.*
5. Department of Environment and Conservation concerning developments in the Town.
6. Department of Environment and Conservation – Groundwater Use Down-Gradient from St. John’s International Airport.  
*Council discussed Correspondence Numbers 5 and 6 together. Deferred to Planning and Land Use Development Committee.*
7. Department of Environment and Conservation – barricaded trail between Marine Drive and Torbay Road. *Mayor Codner advised that this matter is with the Town’s solicitor.*

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report was discussed and accepted as presented. Discussions included:

- Councillor Tapper discussed the possibility of a new school in the community. He requested that the Town meet with Representative from Eastern School District.
- Councillor Byrne questioned Item No. 4, Snow Clearing Policy. Director of Public Works and Technical Services advised that Public Works Committee agreed to defer the approach that was initially taken and look for new for the beginning of next season.
- Deputy Mayor questioned speed calming policy and Council discussed the use and placement of speed bumps/humps. Councillor Roche discussed placement of speed bumps/humps in the area of South Pond Road. Deferred to Public Works Committee.

**COMMITTEE REPORTS**

**Economic Development**

Councillor Roche advised there will be a meeting scheduled once the new Economic Development Officer starts his position with the Town. Councillor Tapper will continue to report on Torbay250 Celebrations.

**Finance**

The Financial Report, dated May 14-25, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of May 14-25, 2012, 2012, for 27 employees totaled \$51,573.99.

For the period of May 14-25, 2012, Accounts Payable invoices in the amount of \$119,191.44 were paid. These expenditures were within budget.

There are six (6) Main Operating Invoices totaling \$63,465.60 for approval.

221-12      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to 4M Manufacturing Inc., for Municipal Street Signs, in the amount of \$20,592.51.

Question called. Motion carried unanimously.

222-12      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Garrison Hill Entertainment Ltd., for Logistics related to Great Big Sea Concert, in the amount of \$7,910.00.

Question called. Motion carried unanimously.

223-12      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Knight-Time Woodworks, for Kitchen Cabinets for the Kinsmen Center, in the amount of \$8,051.25.

Question called. Motion carried unanimously.

224-12      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Heat and Light for Town Buildings, in the amount of \$6,080.18.  
Question called. Motion carried unanimously.

225-12      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for May 1-15, 2012, in the amount of \$15,124.39.  
Question called. Motion carried unanimously.

226-12      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Trio Benefits, for Group Benefits for May 2012, in the amount of \$5,707.27.  
Question called. Motion carried unanimously.

There are no Capital Invoices for approval.

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

### **Human Resources and Administration**

Councillor Byrne gave an overview of items discussed at the Human Resources and Administration Committee Meeting, dated May 15, 2012.

Items discussed in the Report included:

- Recreation and Special Events Coordinator has tendered his resignation with the Town effective May 25, 2012. It was the consensus of Committee to move forward with an immediate job posting. The following timelines will be adhered to posting on May 26<sup>th</sup>, competition closing on June 4<sup>th</sup> and interviews on June 12<sup>th</sup>.
- Torbay250 Coordinator tendered his resignation effective immediately. It was the consensus of Committee to move forward with filling the position. A general discussion was held on potential candidates. It was agreed that CAO would proceed with interviews and bring back a recommendation.

**Planning and Land Use**

Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated May 25, 2012, the following applications have been approved and permits have been issued since the last public Council Meeting:

<b><i>Application Number</i></b>	<b><i>Location</i></b>	<b><i>Proposal</i></b>
9726-12	1276 Torbay Road	12' x12' Accessory Building
9729-12	15 Flora Drive	Single Family Dwelling
9731-12	23 Easterbrook Drive	General Repairs
9732-12	43-51 Garden Road	10`x 16`Patio
9734-12	6 Davalan Place	10`x 12` Accessory Bldg
9735-12	475 Bauline Line	16`x 16` Accessory Bldg

**Application:** 9723-12  
**Location:** 22 Pulpit Rock Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill Lot (RI)

227-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9723-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, 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. Department of Environment and Conservation review of the application in relation to the airport water issues.

Question called. Motion carried unanimously.

**Application:** 9724-12  
**Location:** 20 Pulpit Rock Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill Lot (RI)

228-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9724-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, 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. Department of Environment and Conservation review of the application in relation to the airport water issues.

Question called. Motion carried unanimously.

**Application:** 9727-12  
**Location:** 40 forest River Road  
**Proposal:** 25' x 32' Accessory Building  
**Zoning:** Residential Large Lot (RLL)

229-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9727-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9728-12  
**Location:** 3 Island Pond Place  
**Proposal:** 24' x 26' Accessory Building  
**Zoning:** Residential Large Lot (RLL)

230-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9728-12 under the Applications to be Approved section of the Building Application Report, dated May 25,

2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9730-12  
**Location:** 453 Indian Meal Line  
**Proposal:** 20' x 26' Accessory Building  
**Zoning:** Residential Infill (RI)

231-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9730-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9733-12  
**Location:** 119 Indian Meal Line  
**Proposal:** 18' x 30' Accessory Building and a New Patio Deck  
**Zoning:** Residential Medium Density (RMD)

232-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9733-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9736-12  
**Location:** 41-43 Cordelia Crescent  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Large Lot (RLL)

233-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer Application 9736-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, for further review and discussion.

Question called. Motion carried unanimously.

**Application:** 9737-12  
**Location:** 323 Indian Meal Line  
**Proposal:** 24' x 28' Accessory Building and New Patio Deck  
**Zoning:** Residential Infill (RI)

234-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9737-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9738-12  
**Location:** 554 Indian Meal Line  
**Proposal:** 24' x 30' Extension to Single Family Dwelling (Attached Garage)  
**Zoning:** Residential Infill (RI)

235-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9738-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

**Application:** 9739-12  
**Location:** 10 Forest River Road  
**Proposal:** 28' x 48' Accessory Building  
**Zoning:** Residential Large Lot (RLL)

236-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9737-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.



**Application:** 9740-12  
**Location:** Portion of 204-206 Indian Meal Line  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

237-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9740-12 under the Applications to be Approved section of the Building Application Report, dated May 25, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. This lot was accounted for in our infill study.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.
5. A review of the application by the Department of Environment, Water Resources Division is required because of the properties close proximity to a small stream.
6. A review of the application by the Department of Fisheries and Oceans is required because of the properties close proximity to a small stream.

Question called. Motion carried unanimously.

**Application:** 9725-12  
**Location:** Portion of 38 Whiteways Pond Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

238-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 9725-12 under the Applications to be Deferred section of the Building Application Report, dated May 25, 2012, pending further investigation.

Question called. Motion carried unanimously.

**Application:** B1089-12  
**Location:** 1339C Torbay Road  
**Proposal:** Office Space for Insurance Company

239-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application B1089-12 under the Applications to be Approved section of the Business Application Report, dated May 25, 2012, subject to the following condition:

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.

### **Public Works**

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated May 25, 2012.

Items discussed in the Report included:

- Animal Control Policy – Provincial Government has recently released the Animal Health and Protection Act and staff are reviewing to ascertain how the Act will govern within the Town. This is a blanket act for all municipalities.
- Lower Street – contractor has been informed and the work is to be completed within the next three weeks.
- Town Clean up – Ongoing with bulk garbage and continue to address issues as they arise.
- Waste Management – contacted Hatch Mott MacDonald for direction on beginning a waste management review.
- Northeast Avalon Joint Council – one of the items they are looking at is the rebate program for tires and fuel. Still looking into the program to see if we can benefit from it.
- Compost Bins – current supply has been exhausted and staff are sourcing some new suppliers.

It was discussed that the channel monster is being repaired in house. Director of Public Works and Technical Services advised that parts are ordered; approximately three weeks for delivery, then staff will repair.

With regards to the beach, Councillor Tapper discussed that on a couple of occasions there have been huge masses of brown mud around the bubble. Director of Public Works and Technical Services advised that it was infiltration of silt from upstream, combined with wave action.

### **Parks, Recreation and Community Services**

Deputy Mayor Gallant discussed a recent meeting of SAM. The meeting was successful - 28 people came from at least a dozen communities around the Province. There are some new members on board; there is a strong interest along the North East Avalon, as well; and, St. John's attended for the first time.

Councillor Tapper also mentioned the recent SAM meeting.

- There was a great show of interest and new members are coming on. Other towns included Flatrock, Logy Bay-Middle Cove-Outer Cove, and Bauline – the whole area will be included. It was great to see presentation from the East Coast.
- He discussed a presentation – Abydoz, which is a system for sewage treatment. It's an environmentally friendly, green system. It's a low cost system; and, he suggested getting a representative in to do a presentation. They suggested that Council have Tract Consulting do a site visit of the beach area to see if there's room for a system. It could be a worthwhile project.

Councillor Tapper discussed NCC. He spoke to Doug Ballam concerning negotiations of property for coastal park area. They did make some movement with the proposal, however, are now in a stalemate. NCC receive funding from the Federal Government, however, their funds are depleting, so they have to fundraise themselves for properties they wish to obtain.

He discussed Gosse's Pond. Over the past month, another trail was discovered. Sixteen people went in a few weeks ago to look at the wetland area to document and take pictures. Twenty three species of birds were documented and some are unique to the area. We need to make more awareness of what's there and invite people to take a look. There is another group visiting on June 30<sup>th</sup>. Initiation is open to anyone who wants to go along; it's a great walk. This is also a TETC project - to get awareness out there; they could possibly include on an upcoming newsletter.

Councillor Tapper mentioned the 2012 East Coast Trail Association Tely Hike taking place on June 2<sup>nd</sup> in Pouch Cove. TETC have a team in place, TETC Coyotes. They did great last year; and, are looking for support for sponsorship and/or members for their team. They are requesting that the Town match what they receive in pledges. He will bring to Finance Committee for review.

He further advised that he spoke with the Supervisor of Recreation and Healthy Living who mentioned that the Town should look at land around Upper Three Island Pond area. In the Recreation Master Plan, it is indicated that there is property there that the Town could look at for recreational activities. Some of it is crown land. He asked if the Town could freeze that area for this purpose. Development and Planning Officer to include on Agenda for next Planning and Land Use Development Committee Meeting.

**Technical Services**

No report.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

Councillor Tapper gave an overview of items discussed at the Torbay250 Celebrations Committee Meeting, dated May 16, 2012.

Items discussed in the Report included:

- The Torbay250 Special Events Coordinator has tendered his resignation. CAO has put a lot of time and work into the commemoration events since coordinator resigned; and, she has been following up on events. As required by the Human Resources and Administration Committee meeting, she has found a new coordinator to organize all logistics relating to the Great Big Sea Concert on August 4<sup>th</sup>. See motion below.

240-12      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay hire Shelley Case to coordinate all logistics related to the Great Big Sea Concert, to be held on August 4, 2012 at the Upper Three Corner Pond Park. This is a budgeted item for 2012.

Question called. Motion carried unanimously.

**By Pass Road**

Mayor Codner advised that he has written the Department of Transportation and Works Deputy Minister on several items relating to the Bypass Road and Torbay Road; however, he has not received a response. A few days ago he forwarded another email requesting an update, as well. Residents have concerns, and safety concerns, with matters surrounding the second lift of pavement on Torbay Road, the yellow flashing lights on Torbay Road in the area of the Arena, crosswalks on Torbay Road, and the pavement on Bauline Line.

**LIAISON COMMITTEES**

**Heritage/Museum**

No report.

**Jack Byrne Arena**

No report.

**Northeast Avalon Joint Council**

Councillor Whitty advised that the Minutes of the Northeast Avalon Joint Council Meeting, dated April 18, 2012, was included for information.

He advised that the next meeting is in St. John's.

Council discussed Item No. 7. The speed on the Torbay Bypass Road will be increased to 70 km/hr.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

Councillor Byrne advised that there has been no official meeting, but a lot of conversations. At present time, the Town's security services have been awarded to Mask Security Inc. The Torbay Harbour Authority will approach them to see if they can assist with security at Tapper's Cove area, as well. He advised to expect to hear some good news in the very near future.

**Torbay Volunteer Fire Department**

Councillor Byrne advised that he gave a verbal report at the last Public Council Meeting regarding the Torbay Volunteer Fire Department Meeting Notes, dated May 7, 2012.

He gave an overview of items discussed in the Torbay Volunteer Fire Department Meeting Notes, dated May 21, 2012.

Items discussed in the report included:

- Constitutional Review – almost complete. Will be meeting with the Torbay Volunteer Fire Department Executive, Mayor, and CAO once completed.
- Mutual Aid Agreements – being reviewed by CAO.
- There have been 12 calls since the last meeting.

Councillor Byrne discussed the number of emergency calls over the past weekend. Fire fighters give up a lot of their time on the weekends; and, he extended a thank you to all members of the Torbay Volunteer Fire Department.

**Urban Municipalities Committee**

Councillor Smith reported that she's attending a meeting in Marystown on June 15<sup>th</sup> and 16<sup>th</sup>.

**NEW BUSINESS**

***Mayor Codner*** - Pass

***Deputy Mayor Gallant***

Deputy Mayor discussed The Great Torbay Pick-Me Up, which took place on Saturday, May 26<sup>th</sup> between 10:00 a.m. and 2:00 p.m. He asked why the barbeque didn't go ahead after the event. Director of Public Works and Technical Services advised that due to staff requirements on that day, they were unable to accommodate. It was discussed to advise and communicate to residents in the future as people expected the barbeque to take place. Director of Public Works and Technical Services suggested having this event on a different date next year, rather than on same day as summer camp registration and the bulk garbage drop off, as there were too many events ongoing.

He extended a thank you to everyone who hosted the SAM Conference at Grand Falls-Windsor and the thanked member communities who supported and came out to the Conference.

***Councillor Byrne***

Councillor Byrne thanked and complimented staff this past weekend for all ongoing events and for a job well done in relation to the Bulk Garbage Drop Off, Summer Camp Registration, and the Great Torbay Pick-Me-Up. It's unfortunate that events sometimes don't go 100 percent, but staff were extremely busy with all the ongoing events. It was a busy weekend for everyone.

He extended a thank you to the Torbay Volunteer Fire Department as they were really busy this past weekend.

***Councillor Roche*** - Pass

***Councillor Smith***

Councillor Smith advised that she was pleased and honoured to see Ms. Shirley Thorne as part of a team involved in the International Dragon Boat Race, which took place in Israel. This group raises awareness for breast cancer. She was pictured on the front page of a paper. Congratulations to her and to the ladies who teamed up with them from Quebec. She also noted that they offer information sessions to people who survive breast cancer and they would like to get more ladies involved.

***Councillor Tapper*** - Pass

***Councillor Whitty***

Councillor Whitty discussed Communications – in the way of the Great Torbay Pick-Me-Up and the cancellation of the barbeque. The Town should put more time and effort in communicating with residents.

**ADJOURNMENT**

241-12      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:50 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***