



**MINUTES**  
PUBLIC COUNCIL MEETING  
May 3, 2010

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 3, 2010 at 7:41 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  
Ken Anthony, Director of Programs and Services  
Ann Picco, Executive Clerk

**Regrets**

Brian Winter, Development & Planning Officer

**Gallery**

Total of 6 in attendance.

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

151-10      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

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

Question called. Motion carried unanimously.

152-10      **Adoption of Minutes**

Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Minutes of the April 19, 2010, Public Council Meeting be adopted, with the following changes:

Page 7 – Under **Parks, Recreation and Community Services**, second paragraph, second sentence, ***SHOULD READ, “Councillor Smith asked about liability insurance in relation to this triathlon. Deputy Mayor advised he will check if they will be using the Town’s facilities, including the Kinsmen Centre.”***

Page 10 – under **NEW BUSINESS, Councillor Tapper**, ***INSERT after last paragraph: “Councillor Tapper suggested that we put a message on the digital sign to clean up litter in our neighborhood.”***

Question called. Motion carried unanimously.

### **PROCLAMATIONS / PRESENTATIONS**

153-10      **Motion** – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay proclaim May 19, 2010, as Municipal Awareness Day in the Town of Torbay in recognition of the vital role of municipal government and in recognition of all whose efforts support it.

Question called. Motion carried unanimously.

### **CORRESPONDENCE**

- 1) Department of Municipal Affairs, Engineering & Land Use Planning Division – Occupancy and Maintenance Regulations. ***The Town of Torbay is added to the schedule of the Occupancy and Maintenance Regulations; and now has the authority to issue vehicle/car wreck removal orders. See motions below. COMPLETE.***

154-10      **Motion** – Councillor Whitty / Councillor Smith

**RESOLVED THAT** the Town of Torbay rescind Motion No. 038-10, from the Minutes of the Public Council Meeting of January 25, 2010, as Council did not have authority, at that time, to issue Vehicle Wreck Clean Up/Demolition Orders. (Motion No. 038-10 read as follows: “RESOLVED THAT the Town of Torbay issue Clean Up/Demolition Order for Civic No. 1327 Torbay Road.”).

Question called. Motion carried unanimously.

155-10      **Motion** – Councillor Whitty / Councillor Smith

**RESOLVED THAT** the Town of Torbay rescind Motion No. 039-10, from the Minutes of the Public Council Meeting of January 25, 2010, as Council did not have the authority, at that time, to issue Vehicle Wreck Clean Up/Demolition Orders. (Motion No. 039-10 read

as follows: “RESOLVED THAT the Town of Torbay issue Clean Up/Demolition Order for Civic No. 9 Howlett’s Avenue.”).

Question Called. Motion carried unanimously.

156-10 Motion – Councillor Whitty / Councillor Byrne

**RESOLVED THAT RESOLVED THAT** the Town of Torbay rescind Motion No. 040-10, from the Minutes of the Public Council Meeting of January 25, 2010, as Council did not have authority, at that time, to issue Vehicle Wreck Clean Up/Demolition Orders. (Motion No. 040-10 read as follows: “RESOLVED THAT the Town of Torbay issue Clean Up/Demolition Order for Civic No. 10 Howlett’s Avenue.”).

Question Called. Motion carried unanimously.

157-10 Motion – Councillor Whitty / Councillor Smith

**RESOLVED THAT RESOLVED THAT** the Town of Torbay rescind Motion No. 041-10, from the Minutes of the Public Council Meeting of January 25, 2010, as Council did not have authority, at that time, to issue Vehicle Wreck Clean Up/Demolition Orders. (Motion No. 041-10 read as follows: “RESOLVED THAT the Town of Torbay issue Clean Up/Demolition Order for Civic No. 1157 Torbay Road.”).

Question Called. Motion carried unanimously.

158-10 Motion – Councillor Whitty / Councillor Smith

**RESOLVED THAT** as per the Occupancy and Maintenance Regulations, under the Urban and Rural Planning Act, that the Town of Torbay issue Clean Up/Demolition Order for Civic No. 1327 Torbay Road.

Question Called. Motion carried unanimously.

159-10 Motion – Councillor Whitty / Councillor Smith

**RESOLVED THAT** as per the Occupancy and Maintenance Regulations, under the Urban and Rural Planning Act, that the Town of Torbay issue Clean Up/Demolition Order for Civic No. 9 Howlett’s Avenue.

Question Called. Motion carried unanimously.

160-10      Motion – Councillor Whitty / Councillor Byrne

**RESOLVED THAT** as per the Occupancy and Maintenance Regulations, under the Urban and Rural Planning Act, that the Town of Torbay issue Clean Up/Demolition Order for Civic No. 10 Howlett's Avenue.

Question Called. Motion carried unanimously.

161-10      Motion – Councillor Whitty / Councillor Smith

**RESOLVED THAT** as per the Occupancy and Maintenance Regulations, under the Urban and Rural Planning Act, that the Town of Torbay issue Clean Up/Demolition Order for Civic No. 1157 Torbay Road.

Question Called. Motion carried unanimously.

- 2) Heart & Stroke Foundation of Newfoundland & Labrador – Mayor's March on Heart Disease and Stroke – June 14 – 21, 2010. *The Town to solicit residents to partake in this event. Special Events Coordinator to arrange; and, this event to coincide with events taking place in June, which is recreation month. COMPLETE.*
- 3) Stewardship Association of Municipalities Inc. – Spring 2010 Stewardship Association of Municipalities Inc. Weekend – June 4 – 5, 2010, Springdale, NL. *Councillor Tapper is the liaison; and, he is attending the 2010 Spring SAM Weekend. COMPLETE.*
- 4) Department of Municipal Affairs, Office of the Minister – Town's Request of Additional Funding to Undertake a Cleanout and Inspection of the Sewer Outfall. *Director of Programs and Services advised that he's hoping to arrange a meeting with Newfoundland Design this week. Deferred to Public Works Committee. B/F. CAO to arrange a meeting with Minister Whalen, Municipal Affairs. B/F.*
- 5) Correspondence from Shellie Dawe, Vice President, NEMHA – appreciation letter of Town's continued support of minor hockey in the area. *FYI. COMPLETE.*
- 6) 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 Municipal Enforcement Officer requested update from the Department. B/F. It's also noted that Permits are required from the Town to erect a sign and advertise a business. CAO advised that the Economic Development Officer is in the process of researching and developing a kiosk for businesses to advertise. CAO to forward a letter to the City of St. John's concerning the number and location of signs on Torbay Road. B/F.*

### **BUSINESS OUTSTANDING**

- 1) Correspondence from Director of Country Living Homes concerning proposed bridge to extend from Riverdale Drive to River View Place, off Indian Meal line. *Deferred to Planning and Land Use Development Committee – meeting is scheduled for next Monday night. B/F.*

- 2) Dumping of topsoil on Beach – *Municipal Enforcement Officer to write letter to the Provincial Department of Environment advising that the Town does not want dumping of any kind on the beach. B/F. Councillor Smith advised that the beach is in the Conservation Zone. CAO to arrange meeting with the Department of Environment and Conservation. B/F.*

162-10      Motion – Deputy Mayor Gallant / Councillor Byrne

**RESOLVED THAT** the Town of Torbay write a letter to the Provincial Department of Environment and Conservation advising that the Town does not want dumping on the beach, or any other public areas within the Town.

Question called. Motion carried unanimously.

163-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay issue a stop-work order to the individual responsible for dumping on the beach, and which is pertaining to his development in the area.

Question called. Motion carried

Against Motion: Mayor Codner, Councillor Tapper

- 3) Garbage/debris blowing onto neighboring property from the Price Chopper area. The road drains in the area are also completely littered. *Municipal Enforcement Officer has followed up with the business, including the Atlantic and Provincial offices, and the resident concerning this matter. COMPLETE.*
- 4) Town Council meeting with the Town's solicitor, Mr. Pittman, to discuss Town issues/matters. *CAO advised Council Members to forward all questions that they may have to her by the end of the week, so she can refer them to Mr. Pittman and arrange for a meeting date. B/F.*
- 5) Correspondence from resident concerning flooding of 66 Motion Drive. *Director of Programs and Services advised that a letter was forwarded to the resident, as well as the Town's insurance provider. COMPLETE.*
- 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 met with the resident concerning South Pond; and, she advised that staff are in the process of looking up historical data. CAO to arrange conference call with the Town's consultant. B/F.*
- 8) St. Nicholas Parish Hall – possibility of Town using the building for use as museum, library, or extra working space/offices for staff. *Councillor Byrne advised that this was discussed at the last Heritage Meeting; however, it was concluded that the building is too small to pursue, and they would like to continue the route planned in the Heritage Master Plan. Councillor Tapper suggested the use of the building for space in general – office space for staff/move offices to this building. He suggested utilizing the building for another use. COMPLETE.*

- 9) 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 the Supervisor of Recreation and Healthy Living, Director of Programs and Services, and himself met with the two residents on each side of the skateboard park and discussed options. Gate/fencing was one option discussed. Another option was temporary/portable speed bumps, which will prevent vehicles from screeching their tires and making noise. B/F. He reported that the skateboarders were very happy the equipment was back. Deputy Mayor advised that the installation of cameras at the Kinsmen Centre should resolve a lot of issues as it will keep undesirable behaviors in check so that kids can enjoy the parks. Councillor Smith advised that at the last resident's meeting concerning this issue, there were a number of residents from the surrounding area and Shea's Lane area there; and, these residents should be met with as well. She advised that these residents should also be notified that the skateboarding equipment was returned. Councillor Smith to forward names to Deputy Mayor so that a meeting can be arranged. B/F.*
- 10) Correspondence from resident concerning water run-off on Ned's Place. *Councillor Whitty and Director of Programs and Services met with, and had some discussions with, the resident and are meeting again to review with Committee. B/F.*
- 11) Department of Environment and Conservation concerning Torbay Habitat Conservation Plan. *Draft plan is presently being reviewed by Council and TETC Committee. A meeting is scheduled between Council and TETC Meeting for May 10<sup>th</sup> at 5:30 p.m. Deputy Mayor advised that he will write TETC to formally advise of meeting. B/F.*
- 12) 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 letter has arrived and will be discussed at the next Committee meeting. B/F.*
- 13) Community Policing – Speeding – *Installation of signs will be discussed at the next Public Works Committee meeting. B/F.*
- 14) Keith Yeo – 1 Yeo's Lane - request for reimbursement of installation of sewage services. *Councillor Whitty advised that a meeting was discussed with Mr. Yeo. A meeting will be arranged for around the middle of the month here at the Town Office; and Councillor Whitty will chair the meeting. B/F.*
- 15) Thorne's Lane Pump House – upgrading. *Director of Programs and Services advised that he is still waiting for information from consultants. Technical Services Committee are looking at the long term repair options and checking on a recommendation. The Town is also considering short term repairs to get by and are in the process of seeking proposals. B/F.*
- 16) Revisions to snow clearing policy – Director of Programs and Services to research and bring forth a recommendation to the Public Works Committee. *Mr. Pittman to put together snow clearing policy – see motion below. B/F.*

164-10      Motion – Councillor Tapper / Councillor Byrne

**RESOLVED THAT** the Town of Torbay arrange with Mr. Pittman to put together policy on snow clearing, in proper legal format and language to ensure that the text is legally sound.

Question called. Motion carried unanimously.

### **COMMITTEE REPORTS**

#### **Economic Development**

165-10      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Economic Development Committee Meeting, dated April 26, 2010, as presented.

Question called. Motion carried unanimously.

166-10      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay award CBCL Limited the contract to develop the “Torbay Business Park Feasibility Study.” The study will be developed at a cost of \$80,800 and be completed by December 31, 2010.

Question called. Motion carried unanimously.

167-10      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the 2010 Hillside Festival Committee Minutes, dated April 7, 2010, as presented.

Question called. Motion carried unanimously.

#### **Finance**

168-10      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Financial Report, dated April 19-30, 2010, as presented.

Question called. Motion carried unanimously.



**Human Resources and Administration**

169-10      Motion – Councillor Byrne / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay hire Steve Martin as the Recreation Assistant and Special Events Coordinator, effective April 26, 2010.

Question called. Motion carried unanimously.

**Planning and Land Use**

170-10      Motion – Councillor Smith

**RESOLVED THAT** the Town of Torbay defer the Building Application Report, dated April 30, 2010, to the next Committee meeting.

Question called.  
Motion defeated. Motion was not seconded.

171-10      Motion – Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Building Application Report, dated April 30, 2010, with the following changes:

Applications to be deferred:

- 9212-10 – Single Family Dwelling – 7 Cherrywood Drive
- 9219-10 – Accessory Building – 46-60 Motion Lane
- 9220-10 – Extension to Single Family Dwelling – 29-31 Field's Lane

Application to be approved subject to receipt of deed:

- 9223-10 – Accessory Building – 43-45 Country Drive

Question called. Motion carried.  
Against Motion: Councillor Smith

172-10      Motion – Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Addition to Building Application Report (Application: 9227-10, Location: 21 Riverdale Drive, Proposal: 20' x 24' Accessory Building), dated May 3, 2010, as presented.

Question called. Motion carried.  
Against Motion: Councillor Smith



173-10      Motion – Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer the Business Application Report, dated April 30, 2010, as presented.

Question called. Motion carried unanimously.

**Public Works** - no report or motions

**Parks, Recreation and Community Services**

Deputy Mayor Gallant welcomed to the Town Steve Martin in the position of Recreation Assistant and Special Events Coordinator; and, advised that he has a great recreation background.

174-10      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Recreation Committee, dated April 22, 2010, as presented.

Question called. Motion carried unanimously.

175-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay write a letter of support for Mrs. Mary Power for the award of Seniors Award of Distinction.

Question called. Motion carried unanimously.

A copy of the Holy Trinity High School Council Meeting, dated March 30, 2010, was included for information purposes. Councillor Roche advised that Principal Mercer, Holy Trinity High School, is retiring in June. Mayor Codner advised that the Holy Trinity Elementary School closing ceremonies and events take place on May 12<sup>th</sup> and 13<sup>th</sup>.

**Technical Services** – no report or motions

Mayor Codner advised that he is in the process of obtaining information from Department of Transportation and Works on the By-Pass Road, as well as Torbay Road. The Economic Development Officer is working on waste management strategies. Mayor Codner advised he will have a report ready for the next meeting.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

Councillor Roche advised that there's a Committee meeting scheduled for May 20<sup>th</sup>. She advised that there is a new member to the Committee – Bob Cuff.

**By Pass Road**

Councillor Whitty brought up the issue of lands being acquired for the by-pass road, but property owners have yet to be compensated for their property. It was discussed that land has now been severed and people have no access to their land. Councillor Smith suggested speaking to the Town of Carbonear to see how they are handling their similar situation. Mayor Codner suggested that this issue be raised at the MNL Convention this fall. Councillor Roche suggested to touch basis with other towns, as well – maybe communities should join forces on this. ***CAO to contact other municipalities to discuss this issue. B/F.***

**LIAISON COMMITTEES**

**Heritage/Museum**

With regards to the Minutes of the Torbay Heritage Committee Meeting, dated March 11, 2010, Councillor Byrne asked that if anyone had any questions on the minutes to advise him.

**Jack Byrne Arena**

Minutes of the Board of Directors, Northeast Avalon Arena Meeting, dated January 21, 2010 – FYI.

Minutes of the Board of Directors, Northeast Avalon Arena Meeting, dated February 18, 2010 – FYI.

Minutes of the Board of Directors, Northeast Avalon Arena Meeting, dated March 18, 2010 – FYI.

Manager's Report, dated April 22, 2010 – FYI.

Arena Schedule – FYI.

Deputy Mayor Gallant advised that the Annual General Meeting is tentatively scheduled for June 3, 2010.

**Northeast Avalon Joint Council** – no report

**Northeast Avalon Regional Plan** – no report

**Torbay Volunteer Fire Department**

Councillor Byrne gave a verbal overview. He thanked Deputy Mayor Gallant for attending the department committee meeting with him.

Pumper No. 1 is working ok and Flatrock is now using it, as well.

Boot Drive was a great success. Councillor Byrne thanked the community for support.

Ventilation systems were discussed – mechanical or bladder system.

Security System for the Fire Hall is now operational.

The purchase of a new pumper was discussed.

Open fires policy was discussed – no burn policy or by law. Councillor Byrne suggested that maybe the Town should put a message on the sign. Councillor Smith suggested that we look at what other towns are doing.

Snow clearing – fire fighter’s driveways – It was discussed that lifting the blade at fire fighter’s driveways would leave snow in the road. It was agreed that Public Works staff can pick up firefighters during a snow storm in the event of an emergency.

Councillor Byrne advised that the department executive is in the process of getting minutes in written format.

**Urban Municipalities Committee**

Councillor Smith advised that there was an unofficial meeting. The meeting held at the Symposium in Gander was not an “official” UMC meeting. The Department of Municipal Affairs stated that municipal ticketing is being rolled out to the next six largest municipalities in the province (Happy Valley-Goose Bay, Gander, Grand Falls-Windsor, Stephenville, Paradise, and Conception Bay South). There was discussion on the success (or lack thereof) of the pilot projects. Municipal Affairs agreed to compile a report on the entire initiative. This will be discussed at the next UMC Meeting.

The next meeting will be in June – date and meeting place to be determined.

**NEW BUSINESS**

***Mayor Codner*** - Pass

***Deputy Mayor Gallant***

Deputy Mayor Gallant thanked Ken Anthony, Director of Programs and Services, and Tina Auchinleck-Ryan, Supervisor of Recreation and Health Living, for handling the skateboard issue, Kinsmen Centre issues, and for helping out.

***Councillor Byrne - Pass***

***Councillor Roche***

Councillor Roche discussed the issue additional funding to undertake a cleanout and inspection of the sewer outfall; and, that further action needs to be taken on it by the Town. Also discussed under Correspondence, Item No. 4.

***Councillor Smith***

Councillor Smith discussed that she was advised by a resident that he/she was unaware that the last Council meeting took place, as it was a holiday. This person did want to attend the meeting, but was unaware that it went ahead. Councillor Smith suggested that we put a notice of Public Council Meeting on the digital sign and to the calendar of events on the Town's website.

Councillor Smith discussed the height of the digital sign and whether or not it could be raised. CAO advised that this was discussed with the consultant and it was agreed to modify the existing parking sites – wheel chair accessible parking in front of the sign.

***Councillor Tapper***

Councillor Tapper read from a statement that he had prepared concerning a meeting that he and Deputy Mayor Gallant attended with Mr. Doug Ballam, of the Nature Conservancy of Canada (NCC). Councillor Tapper advised that as per Mr. Ballam's request, he had previously forwarded information pertaining to conservation zones and stewardship management units within the Town of Torbay to Mr. Ballam for his review - this was in Mr. Ballam's review and preparation for a meeting with the Town. Deputy Mayor and Councillor Tapper discussed with Mr. Ballam Western Island Pond Management Unit and the Motion Coastal Park as priority areas for NCC to consider, as NCC has funding available that enables them to approach property/land owners, which could eventually see NCC make an offer to purchase. Gosse's Pond Management Unit, The Gulley and the Bight conservations zones were also discussed as other potential areas for NCC to get involved in.

NCC asked for the Town's cooperation to supply information on properties that they are interested in. Councillor Tapper advised that it was a very positive meeting – Town and NCC to work together to secure non-development of conservation zones and other lands within the Town of Torbay.

***Councillor Whitty***

Councillor Whitty agreed with the Mayor in moving development applications forward, under the Planning and Land Use Committee Report, even though these applications did not go through Planning and Land Use Committee first. He agreed that there should be room for discretion by Council in approving development applications that have not yet been reviewed by Committee, rather than have a resident or developer wait another two weeks.

**ADJOURNMENT**

176-10      Motion – Councillor Smith / Deputy Mayor Gallant

**RESOLVED THAT** the meeting be adjourned at 9:45 p.m., as there was no further business.

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***Mayor***

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***CAO/Town Clerk***