



**MINUTES**  
PUBLIC COUNCIL MEETING  
November 1, 2010

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 1, 2010 at 7:40 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  
Brian Winter, Development and Planning Officer  
Ann Picco, Executive Clerk

**Gallery**

There were a total of 8 people in attendance.

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

442-10      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

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

Question called. Motion carried unanimously.

443-10      **Adoption of Minutes**

Motion – Councillor Roche / Deputy Mayor Gallant

**RESOLVED THAT** the Minutes of the October 18, 2010, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

Mayor Codner read aloud the Restorative Justice Week 2010 Proclamation.

444-10      Motion – Councillor Roche / Councillor Smith

**RESOLVED THAT** the Town of Torbay proclaim November 14 – November 21, 2010, as Restorative Justice Week.

Question called. Motion carried unanimously.

Mayor Codner signed the proclamation on behalf of Council.

Councillor Carol Ann Smith, who is the Regional Director with the Canadian Diabetes Association, read aloud the proclamation from the Canadian Diabetes Association.

445-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay proclaim the month of November, 2010 as Diabetes Awareness Month and November 14, 2010 as World Diabetes Day in Torbay.

Question called. Motion carried unanimously.

Mayor Codner read the last two paragraphs of the proclamation and signed the proclamation on behalf of Council.

**CORRESPONDENCE**

- 1) Correspondence from resident concerning proposed removal of the agriculture buffer zones in the Town and its effect on farming in the Town of Torbay. *Development and Planning Officer advised that with regards to the actual amendment, time has passed; however, there was an error made and it will come forward again. Deferred to Planning and Land Use Development Committee. COMPLETE.*
- 2) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *Council discussed a more localized location for pick up and drop off; and, the Town Hall was suggested, as it's in a visible location. CAO to arrange a meeting with owner of Party Bus Inc. and report back to Council. B/F.*
- 3) Northeast Avalon Regional Economic Development Board – Municipal Planning Session. *Councillor Roche, Dawn Chaplin – CAO, and Economic Development Officer – Jeff Lawlor to attend. COMPLETE.*
- 4) Avalon Peninsula Regional Council – Waste Management Engagement Session. *For Information Purposes. Councillor Whitty advised he will be attending. COMPLETE.*
- 5) Eastern Waste Management – 2011 Budget and User Fee Structure. *Mayor Codner advised that at first glance, it looks like there will be a cost burden; however, the Town would*

*actually save approximately \$21,000.00 – he has figures if anyone would like to review. He further advised that towns need to work through their numbers. COMPLETE.*

- 6) Request from excavating company for quarry permit in Robin's Hill area:
- a) Correspondence from excavating company
  - b) Correspondence from Mr. Gary Gosse, ADM, Department of Transportation & Works
  - c) Correspondence from Department of Natural Resources

*CAO advised that she spoke to the Town's Solicitor, Mr. Pittman, for legal advice on this matter. She advised that the project is do-able and that we need to seek clarity from the Assistant Deputy Minister, Department of Transportation and Works, formalizing their recent email correspondence to the Town. Mr. Pittman also advised that the Town should decline offer for extra materials from the company. See Motions below. COMPLETE.*

446-10            Motion - Councillor Roche / Councillor Byrne

**RESOLVED THAT** the Town of Torbay give approval to and support Farrell's Excavating Limited to obtain quarry permit in the Robin's Hill area pending all rules, regulations, and stipulations of the Town, as discussed at the last Public Council Meeting of October 18, 2010, are abided by to carry out this work.

Question called. Motion carried unanimously.

447-10            Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay make amendment to the above motion, Motion No. 446-10, to further read that the Town notify residents around the quarry area; and, if any significant objections or concerns by residents are raised or damages to residential properties during work of the quarry occur, that there is to be a shut down and the Town will withdraw its support.

Question called. Motion carried unanimously.

*Council had some discussion on this quarry operation; and, Council agreed that they have to make sure all steps are taken – for environmental and safety reasons – noise, dust, safety of residents, and any potential for an accident. With regards to any possible liabilities and safety issues, research on this matter was completed and the Town did seek legal advice. Council discussed that by approving the quarry in the Robin's Hill area, it will keep heavily loaded trucks of the Town's main roads – which is a safety aspect and wear and tear of approximately 8,000 round trips (approximately 30 – 35 truck loads/trips). The Municipal Enforcement Officer will stay on top of this and any related issues that may arise from this quarry operation – any errors will be rectified.*

**BUSINESS OUTSTANDING**

- 1) Correspondence from resident - Rat Problem on Marine Drive. *CAO advised that letters have gone out to residents; and, the Supervisor of Outside Operations is coordinating with our service provider to take care of this matter. COMPLETE.*
- 2) Correspondence from excavating company – request to obtain quarry permit. *As per Motions above, under Correspondence Section, Item No. 6, COMPLETE.*
- 3) Correspondence from resident concerning Whitty’s Lane. *Letter has been written back to resident. COMPLETE.*
- 4) Correspondence from resident regarding Donovans Lane/Indian Meal Line Intersection and Dog Roaming Laws. *Dealt with in Public Works Committee. CAO and Municipal Enforcement Officer are following up. COMPLETE.*
- 5) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane. *Council discussed acquisition of land from a resident on the corner in order to increase the turn radius so that the bus can get into the Kellys Lane area. Mayor advised that he spoke to the resident – his lawyer is out of town and will be back next month. He’s hoping for an agreement with the resident – should have something by the next Council Meeting. B/F.*
- 6) 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 that she is seeking clarification on land management strategies and incorporating water supplies and waste water. There is no decision on North Pond. B/F.*
- 7) 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 there has been no reply to date with regards to the move of Constable Grace to the Kinsmen Centre. He discussed that the Town needs to move on this and he suggested that the Mayor write a letter to the RNC. Mayor Codner suggested arranging a meeting - Councillor Smith advised that there is a motion on the books to meet with RNC. Councillor Tapper pointed out that the original arrangement was to have a substation here - the terms were that there would be a patrol car with uniformed officer on site – presence in community. If we’re writing a letter, we should research the original terms and revisit in order to get the terms and conditions applied. CAO to check for terms of agreement. B/F.*
- 8) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates - *CAO to follow up before the next Public Council Meeting. B/F.*
- 9) Status of Camp Carey Building – *Deputy Mayor Gallant advised that the Parks, Recreation, and Community Services Committee are going to take second look at facility; and, arrange a visit to see what condition it is in – to utilize better. B/F.*
- 10) Development of Town policy on dumping/infilling on properties, including areas in conservation zones. *Development and Planning Officer advised that this matter has been dealt with in the Planning and Land Use Development Committee Minutes. COMPLETE.*

**COMMITTEE REPORTS**

**Economic Development**

448-10      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the 2010 Hillside Festival Committee Debrief, dated October 27, 2010.

Question called. Motion carried unanimously.

**Finance**

449-10      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Financial Report, dated October 18-29, 2010, as presented.

Question called. Motion carried unanimously.

**Human Resources and Administration**

Councillor Byrne advised that union negotiations are still ongoing between the Town and our unionized staff. There will be a Human Resources and Administration meeting in the near future; and, may possibly have something for the next meeting.

**Planning and Land Use**

*Councillor Tapper and Councillor Roche leave the Council Chambers at 8:15 p.m. as it was determined that they were in a conflict of interest.*

450-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Planning and Land Use Development Committee Meeting Minutes, dated October 28, 2010, as presented.

Question called. Motion carried unanimously.

**Proposal to extend Tyndale Drive and develop 8 fully serviced building lots**

With regards to a motion to give Choice Holdings Limited approval to rezone the parcel of property as described on the proposal drawing from Hawco King Renouf Ltd dated October 2010, Job No. 08-089, Councillor Smith advised that this application has now been withdrawn at the request of the applicant.

451-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the advertising of a variance for 1 Hearn Place, the variance is for a 2% reduction in land area. The variance will be processed in accordance with Regulation's 11, 12, and 33 of the Torbay Development Regulation. All costs associated with the public notification and consultation will be paid in advance by the applicant.

Question called. Motion carried unanimously.

*Councillor Roche returns to the Council Chambers at 8:16 p.m.*

452-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay write the property owner of the land on the end of Kelly's Lane, South Side to make an offer as per the Development and Planning Officers estimate to acquire the property needed to construct a properly sized turnaround. The offer would be subject to the Finance Committees review and approval.

Question called. Motion carried unanimously.

453-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay issue a stop work order on the property to the west of 10 Cherrywood Drive due to the fact the property owner failed to follow Towns policies (failure to obtain proper permits).

Question called. Motion carried unanimously.

Deputy Mayor Gallant asked if the developer was a repeat offender. Councillor Smith advised yes - similar stop work order issued. It was discussed that at next special meeting, Council add to agenda to address repeat offenders.

454-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay issue a stop work order on the property to the west of 469 Indian Meal Line due to the fact the property owner failed to follow Towns policies (failure to obtain proper permits).

Question called. Motion carried unanimously.

Deputy Mayor Gallant asked if the developer in question was a repeat offender. Councillor Smith advised yes to his question.

455-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay issue a stop work order on 10 Captain Matthew Davis Drive due to the fact the property owner failed to follow Towns policies. (Failure to obtain proper permits).

Question called. Motion carried unanimously.

Deputy Mayor Gallant asked if the developer is a repeat offender. Councillor Smith advised no.

456-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay issue a stop work order on 22 Edgewater Lane due to the fact the property owner failed to follow Towns policies. (Failure to obtain proper permits).

Question called. Motion carried unanimously.

Deputy Mayor Gallant asked if the developer was a repeat offender. Development and Planning Officer advised that the builder is – the property owner is not. The stop work order was issued to the property owner.

*Councillor Tapper returns to the Council Chambers at 8:20 p.m.*

457-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Building Application Report, dated October 29, 2010 as presented.

Question called. Motion carried unanimously.

458-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Business Application Report, dated October 29, 2010 as presented.

Question called. Motion carried unanimously.

*At this point of the Public Council Meeting, Deputy Mayor Gallant chaired the meeting.*

**Public Works**

459-10      Motion – Councillor Smith / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated October 28, 2010, as presented.

Question called. Motion carried unanimously.

*Mayor Codner took over Chair of the Public Council Meeting.*

**Parks, Recreation and Community Services**

460-10      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee Meeting, dated October 27, 2010, as presented.

Question called. Motion carried unanimously.

Deputy Mayor Gallant advised that he heard that the East Coast Trail was rated #1 with the National Geographic Traveler - in the world. Good things to promote trails and green space. No. 1 in the world and this is a very big deal. Mayor Codner advised that the Avalon Peninsula was singled out as choice.

Deputy Mayor Gallant advised that the Minutes of the School Council Meeting, dated September 30, 2010, were included for information purposes. Council discussed the matter of a middle school in the Community. Councillor Smith advised that she heard some discussions that a middle school would not be in the Town of Torbay, and asked if this was the first meeting, of Sept. 30<sup>th</sup>, that this was addressed and discussed. Deputy Mayor advised no – they are in the process of applying for a new school. He reported that the Town of Portugal Cove-St. Philip's has made application – there is a story in the North East Avalon Times – May, 2010, edition, if anyone would like to reference it. Deputy Mayor spoke that the School Council needs to get started soon; and, surrounding regions need to get together to get applications in, and gather support.

**Technical Services**

Mayor Codner advised that he spoke with other town councillors regarding garbage collection. The Technical Services Committee met with NLL Recycling; and, they drop by in the Town of Bay Bulls on a monthly basis – they place bins for used metal in an enclosed area for residential drop-off. There is a fee involved; however, when they take out metal, that payment portion does offset the bin costs. The Town should explore this option to get bin put here in the Community –



this could minimize some dumping within the Town. Director of Programs and Services and Staff to proceed with this and contact NLL Recycling.

### **SPECIAL COMMITTEES OF COUNCIL**

#### **2012 Celebrations**

461-10      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the 2012 Commemoration Special Committee Minutes, dated October 4, 2010.

Question called. Motion carried unanimously.

#### **By Pass Road**

Councillor Byrne asked for an update on when Newfoundland Light and Power will be removing some poles in the area. Mayor Codner advised first lift of payment will be on 1.4 km by first week in December; therefore, poles will have to be moved by then – the first week in December will be the last pavement.

### **LIAISON COMMITTEES**

#### **Heritage/Museum**

Councillor Byrne discussed the Heritage Master Plan and the next step and scope of work.

He discussed the memory pods project and the Torbay Museum.

The next Heritage Committee Meeting will be next Monday night - should have something more in next report.

#### **Jack Byrne Arena**

Deputy Mayor Gallant advised that there is a meeting scheduled for Sunday morning at 10:30 with the new Arena Manager; and, Minutes will be coming forth in the next couple of weeks.

#### **Northeast Avalon Joint Council**

Councillor Roche advised that Mr. Don Drew, Deputy Mayor, Bay Bulls, is the new Chair and will be for the next two years.

The next meeting will be on November 17<sup>th</sup> in the Town of Flatrock.

Councillor Roche advised that she received an email from Municipal Affairs - every year, it is custom after a cabinet shuffle that the new Minister address municipal issues or concerns. She requested that if anyone has concerns, to let her know. She is not sure when the meeting will be – depends upon the Minister’s calendar. His staff can compile correct answers and compile research. She asked if anyone has anything, of regional concern, to please advise her by email or telephone. Issues CAO suggested were:

- Municipal Ticketing
- Signage removal from Provincial roads
- Regional tourism

### **Northeast Avalon Regional Plan**

Mayor Codner advised that there has been no meeting in last few weeks; however, there’s a lot of discussion flowing from communities concerning the way this is handled by government – plans for rezoning being considered by St. John’s Regional Plan. Everything is at a standstill; there are some meetings coming up.

### **Torbay Volunteer Fire Department**

Councillor Byrne gave a verbal report, as follows:

With regards to snow clearing and driveways, Flatrock has agreed to put up signage for the Volunteer Fire Fighters in their area and notify their plow operators.

Councillor Byrne discussed a letter from the Town to the Department’s Volunteers – CAO and Fire Chief discussed and everything is back on track.

The traffic lights have been re-installed. Waiting for quote on system that would get things up and running. CAO advised that quote came in – signed off and passed back to the Fire Chief.

With regards to the Open Air Burning Regulations, waiting to hear back from Provincial Government. CAO advised that it’s gone and in process.

Public Relations Officer is in process of updating maps with new roads – in Flatrock, as well. This will be completed and presented soon.

Guy Fox night is this Friday night. Bring a mug.

Councillor Byrne reported that there have been 10 calls since the last meeting. The Department is now up to 189 calls to date – almost double in 5 years – surpassed last year’s totals and expect to go over 200 calls this year.

**Urban Municipalities Committee**

Councillor Smith advised there will be a meeting before the end of the year – will advise date.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner advised that the Remembrance Day Ceremony is on Thursday, November 11<sup>th</sup>. He asked that if anyone would like to lay a wreath, to let him know.

***Deputy Mayor Gallant***

Deputy Mayor Gallant put forward a motion on traffic calming, as per his notice of motion at the last Public Council Meeting of October 18, 2010.

462-10      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay investigate in electronic data collection technology and incorporate in comprehensive multi-pronged traffic calming policy in the Spring of 2011.

Question called. Motion carried unanimously.

Deputy Mayor Gallant advised that these signs were displayed at the MNL Conference in October – a booth was set up there with electronic sign information. He provided details of the sign, advising that it shows a driver's speed as you come up on the sign, it can provide before and after data and put them together, and it will allow us to collect data for different areas to make well informed decisions on where to put speed bumps – there is a chip that staff can take and then put all information into an excel format. It is a new technology; and, Deputy Mayor advised that he has discussed these signs with other towns. The sign costs approximately \$3,000.00. The more signs you buy, the cheaper the signs are to purchase. He questioned if other towns would pitch in and buy signs, as well. It was discussed that this could be an initiative to promote speed calming in and around the community and can make streets safe for residents – it would bring people's attention to their driving habits. Council discussed development criteria, strategy, and how it would fit with staff's working schedule.

Deputy Mayor Gallant put forth a motion on green communications, which he put forth a notice of motion at the last Public Council Meeting of October 18<sup>th</sup>.

463-10      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay proceed with green communication initiatives in 2010 and include residents outside what was collected in recent mail out.

Question called. Motion carried unanimously.

Deputy Mayor gave a brief description of this communication system verbally. The system makes telephone calls or emails to residents to advise of any matters or issues of the Town. He advised that approximately 350 residents provided their email and/or telephone numbers. The Town needs to expand on this program to get all numbers and emails of residents. It was discussed by Council that this is a transition period from paper to green and that people will want to come on board over time – but in the meantime, Council discussed how to address this transition. There may be some duplication for a while. Hiring a student to research and acquire a list of numbers and emails relevant to Torbay was discussed – in order to get started and up and running. Deputy Mayor Gallant advised that he can get list of residents’ phone numbers and relevant information – he has a computer program that that the Town could use.

Deputy Mayor Gallant advised that with regards to email correspondence/traffic, he suggested and recommended that Council and Staff make sure that we don’t take things out of context and don’t misread when people write. No tone as you read. He thanked CAO, Dawn Chaplin with regards to all this email traffic – she is very engaged and helps a lot at Committee level meetings.

***Councillor Byrne***

Councillor Byrne advised that the Fire Department were out in force last night in Flatrock, as well – there are many things that our volunteer firefighters do – sometimes people take for granted.

***Councillor Roche***

Councillor Roche advised that she was approached by a resident in 2009, during the municipal elections, with regards to the hidden service fees that Aliant charge to everyone in the North East Avalon area. Aliant was called, and they advised that the Town decided and agreed to do this – this is what everyone has been told. Other municipalities checked and found that they were all being charged up to approximately \$5.00 - in our area and Portugal Cove – St. Philip’s. A letter was drafted – Northeast Avalon Joint Council advised that it is charged automatically across the North East Avalon area. They wrote Aliant to advise and list criteria. It was discussed that towns did not agree to this – and they are waiting for response from Aliant advising of this charge. One year ago, the Town did check on this and CAO advised that she also received the same response – CAO tried to contact management at Aliant, however, no response. Councillor Roche advised that the Northeast Avalon Joint Council are amazed about this charge to everyone every month – and Aliant’s advising that municipality agreed to this – there is no motion on books. This matter is in process of being investigating – and the question has been raised as to why Aliant are saying that municipalities voted/agreed to this.

***Councillor Smith - Pass***

***Councillor Tapper***

Councillor Tapper put forth a motion concerning regional cooperation, as per his notice of motion from the last Public Council Meeting, of October 18<sup>th</sup>.

464-10      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay write our MHA, Mr. Kevin Parsons and formerly request that he arrange and facilitate a meeting, to be scheduled early in the New Year, involving Council representatives from the towns of Bauline, Pouch Cove, Flatrock, Logy Bay-Middle Cove-Outer Cove and Torbay, to discuss all aspects of potential regional cooperation in this area.

Question called. Motion carried unanimously.

Councillor Tapper discussed regional cooperation. He advised that there are major things upcoming for the Town – Town centre/new recreation building. He discussed that the Town needs to call upon the rest of population in the area to support initiatives. It is our obligation to bring towns together and talk about regional cooperation - the negatives and positives. Regionalization is the way things are going, as per the recent Regional Papers, which were discussed at the MNL Convention in October. It has been driven by MNL and the Provincial Government for years. The Town should move forward and ask our MHA to facilitate this meeting with other towns and see where it goes. Council both agreed and supported the idea of regional cooperation – neighboring towns to assist and help each other as it can cut down on financial burden. Councillor Byrne advised that he supports regionalization, but Council should discuss first and come up with a way we would want to proceed – not saying no to setting up meetings, but sit down and discuss common areas before going to meetings with other towns – what would the Town like to see accomplished or done before moving forward and meeting with other towns? It was agreed that Council would meet first and discuss this matter and focus on some major issues in the Town, then arrange a meeting with neighboring towns in the New Year.

*Councillor Whitty - Pass*

**ADJOURNMENT**

465-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 9:15 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*