



MINUTES
PUBLIC COUNCIL MEETING
November 1, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 1, 2011 at 7:45 p.m.

Members Present

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

Staff Present

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

Regrets

Councillor Peggy Roche

Gallery

There were a total of 3 people in attendance.

Meeting was chaired by Mayor Codner.

446-11 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

447-11 **Adoption of Minutes**

Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Minutes of the October 17, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Correspondence from resident concerning Discretionary Use Notice – 32-34 Quigley’s Lane. *Meeting to be held with residents for next Monday night. Development and Planning officer to confirm and forward invitation to all Council Members. B/F.*
- 2) Correspondence from resident concerning Proposed Tim Hortons. *Deferred to Planning and Land Use Development Committee. B/F.*
- 3) Correspondence from resident requesting permission to remove rock and gravel from property. *Deferred to Planning and Land Use Development Committee. B/F.*
- 4) Habitat for Humanity – Information and Minutes of Meeting, dated October 19th. *Mayor Codner gave a brief background of the meeting. Habitat for Humanity to be contacted to make presentation to Council. B/F.*

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report was discussed and accepted as presented.

COMMITTEE REPORTS

Economic Development

No report or motions.

Finance

The Financial Report, dated October 17-28, 2011, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of October 17-28, 2011, for 27 employees totaled \$48,401.87.

For the period of October 17-28, 2011, Accounts Payable invoices in the amount of \$112,384.30 were paid. These expenditures were within budget.

Three (3) Main Operating Invoices totaling \$47,958.24 were presented for approval.

448-11 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll remittance for October 1-14, 2011, in the amount of \$14,687.92.

Question called. Motion carried unanimously.

449-11 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay approve payment to Municipal Assessment Agency, for 4th quarter payment for 2011 assessment services, in the amount of \$25,157.50.

Question called. Motion carried unanimously.

450-11 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay approve payment to Ultramar Limited, for Unleaded gas for pumps in depot yard, in the amount of \$8,112.82.

Question called. Motion carried unanimously.

There were no Capital Invoices to be presented for approval.

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

The next Finance Committee Meeting pertains to the review of 2012 budget requests and to develop the 2012 balanced budget for Council's consideration. Presentation to Council is scheduled for December 12th.

Councillor Tapper advised that recommendations have been received from CAO, and motions of Council are required, to submit an application for funding for the 2012-2013 Multi Year Capital Works Program to the Department of Municipal Affairs. Motions are as follows:

Water

451-11 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay include in the application for funding for the 2012-2013 Multi Year Capital Works Program the replacement of the Lime Feed System to regulate PH and reduce the corrosive action on the water distribution system. Recommendation as per pumping and processing report. Estimated Cost: \$310,931.25 plus HST.

Question called. Motion carried unanimously.

Wastewater (Best Available Technology Study)

452-11 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT with pending federal legislation governing treatment and recent repairs completed at the outfall, that the Town of Torbay include in the application for funding for the 2012-2013 Multi Year Capital Works Program the examination of which technology works best based for our topography and flow rates based on a lifecycle basis. This study will examine six (6) technologies on a capital and operating basis (25 years) to determine which is most cost efficient and effective for the Town of Torbay. Municipal Affairs and Environment will sit on a subcommittee with Council to guide the process and ensure compliance with regulations during the study. The results of the study will form the basis of a capital application for future funding opportunities. Estimated Cost: \$80,170 plus HST.

Question called. Motion carried unanimously.

Transportation

453-11 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay include in the application for funding for the 2012-2013 Multi Year Capital Works Program paving, curb/gutter, catch basins and sidewalks (#1 priority as per the municipal roads report) for North Pond Road. Estimated Cost: \$1,719,631.80 plus HST.

Question called. Motion carried unanimously.

454-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay include in the application for funding for the 2012-2013 Multi Year Capital Works Program paving, curb/gutter, catch basins and sidewalks (#2 priority as per the municipal roads report) for Convent Lane. Estimated Cost: \$1,925,450.52 plus HST.

Question called. Motion carried unanimously.

455-11 Motion – Councillor Tapper / Councillor Whitty

RESOLVED THAT the Town of Torbay include in the application for funding for the 2012-2013 Multi Year Capital Works Program paving, curb/gutter, catch basins and sidewalks from Marine Drive to Indian Meal Line Bridge, Torbay Road (one side only). Estimated Cost: \$996,277.22 plus HST.

Question called. Motion carried.
Against Motion: Councillor Smith

456-11 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay include in the application for funding for the 2012-2013 Multi Year Capital Works Program draining issues relating to Hurricane Igor. Estimated Cost: \$131,787.24 plus HST. Breakdown as follows:

Birchy Nap Hill	\$45,911.22 plus HST
Country Drive	\$42,708.24 plus HST
Quigleys Lane	\$43,167.78 plus HST

Question called. Motion carried unanimously.

457-11 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay amend Motion 456-11 to include Hiscocks Lane in the application for funding for the 2012-2013 Multi Year Capital Works Program, draining issues relating to Hurricane Igor. Estimated Cost: \$50,000 plus HST.

Question called. Motion carried unanimously.

Municipal Services

458-11 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay include in the application for funding for the 2012-2013 Multi Year Capital Works Program the relocation of the existing municipal depot. Based on previously building design and site to be located at Indian Meal Line (site currently utilized by Farrell's Excavating for the bypass road construction). Estimated Cost: \$3,458,265.64 plus HST.

Question called. Motion carried unanimously.

Recreation

459-11 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT the Town of Torbay include in the application for funding for the 2012-2013 Multi Year Capital Works Program the construction of a new community center. To implement 100% as per the Tract Consulting presentation, estimated costs are in the area of \$25,599,187.00 plus HST. The Town to exclude certain components at this point in time and consider into the future.

Estimated Cost: \$16,866,397.63 plus HST. Breakdown as follows:

1. Community Centre – gymnasium, kitchen, library, museum, multi purposes rooms (for community group use), indoor playground, indoor theater, offices, meeting room, reception area, washrooms, storage: \$11,595,000.00 plus HST.
2. Site planning and services: \$1,750,000.00 plus HST.
3. Design and pricing contingency: \$2,001,750.00 plus HST.
4. Land acquisition: \$1,000,000.00 plus HST.
5. Furniture, fixtures and equipment: \$519,647.63 plus HST.

Question called. Motion carried unanimously.

460-11 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay amend Motion 459-11 to include:

1. Ice rink and splash park (\$1.75 million)
2. LEED Standards (\$866,079.38)

Question called. Motion defeated.

For Motion: Deputy Mayor Gallant, Councillor Smith

Against Motion: Mayor Codner, Councillor Byrne, Councillor Tapper, Councillor Whitty

Human Resources and Administration

461-11 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT in the absence of the Chief Administrative Officer for the period of November 2-6, 2011, that the Town of Torbay appoint Executive Clerk, Ann Picco, as Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department staff member.

Question called. Motion carried unanimously.

Councillor Byrne noted that the Town will be advertising for the position of Director of Public Works and Technical Services in the Telegram this weekend.

Planning and Land Use

Councillor Smith advised that the Building and Crown Lands Application Reports were developed by the Assessment Clerk and reviewed by the Development and Planning Officer, who was away from the office for professional development/training.

She reported that there were two (2) applications approved/issued, under the Building Application Report, dated October 28, 2011.

462-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the two (2) applications approved/issued under the Applications Approved section of the Building Application Report, dated October 28, 2011.

No.	Application No.	Location	Proposal
1	9625-11	9 McEvoy Place	General Repairs
2	9627-11	74-76 Pine Ridge Crescent	16' x 20' Accessory Building

Question called. Motion carried unanimously.

Application: 9626-11
Location: 89-91 Karon Drive
Proposal: 22' x 32' Accessory Building
Zoning: Residential Large Lot (RLL)

463-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9626-11, under the Applications for Approval section of the Building Application Report, dated October 28 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9606-11
Location: 46-56 Marine Drive
Proposal: 12' x 16' Accessory Building
Zoning: Residential Medium Density (RMD)

464-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application 9606-11, under the Applications to be Advertised/Deferred section of the Building Application Report, dated October 28, 2011, for further review.

Question called. Motion carried unanimously.

Application: C1023-11
Location: Torbay Bight
Proposal: Installation of Fibre Optic Telecommunications Cable System
Zoning: Conservation (CON)

465-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application C1023-11, under the Crown Land Application Report, dated October 28, 2011, for additional information by the Planning and Land Use Development officer.

Question called. Motion carried unanimously.

Public Works

No reports or motions.

Parks, Recreation and Community Services

Deputy Mayor Gallant thanked Supervisor of Recreation and Healthy Living for providing updates to Committee Members, whether or not a Committee Meeting is held.

He reported that the Trunk or Treat was a huge success on October 29th. Twenty-Eight (28) businesses participated and approximately 350-400 children attended. Deputy Mayor thanked Staff for a great job on the Pumpkin Carving, on October 24th, and the Trunk or Treat activities. He advised he received positive comments.

Deputy Mayor further advised that Guy Fawkes Night is on November 5th at 6:30 p.m. behind the Town Hall; and, the Walking for Wellness is on Monday, November 7th.

Christmas events are coming up soon and in the process of being planned, including the Tree Lighting Ceremony, Breakfast with Santa, and the Night Time Parade.

Councillor Whitty recognized the Recreation and Special Events Coordinator for putting together the Trunk or Treat activity.

Councillor Tapper advised he attended a presentation by NCC, who reported that they had their biggest acquisition of property, 4,000 acres on the West Coast. NCC has also acquired property on the Maddox Cove coastline. Councillor Tapper met with Mr. Doug Ballam and discussed activity in Torbay - he announced that one of the land owners in the Gully area is signing off on an agreement to transfer land to the NCC this afternoon.

Councillor Smith left the Council Chambers at 8:58 p.m., as it was determined that she was in a conflict of interest.

Councillor Tapper advised one other land owner in the Gully area is about to contact NCC, as well; and, it looks like they're willing to do the same. He further reported that Mr. Doug Ballam emailed a property owner in the Motion area, and asked permission to do appraisal of property. No response has been received to date; and, Mr. Ballam will follow up. They're hoping to have update on Motion area property for the next meeting. NCC to advise once they hear from the property owner.

It took a lot of time for NCC to attain property on the 4,000 acres on the West Coast. NCC as to fundraise a percentage of the total cost and will have to do the same with the property acquisition in Torbay. Most funding comes from Federal Government, but they have to fundraise for additional amounts. Councillor Tapper advised that he invited Mr. Ballam to come by and explain further to Council.

Councillor Tapper discussed whether or not NCC should be taxed for property they acquire, as they are a charity. This matter is to be discussed at the strategic planning session in November.

Councillor Smith returned to the Council Chambers at 9:02 p.m.

Technical Services

Mayor Codner advised that he attended a board meeting of Eastern Waste Management a couple of weeks ago. Tipage fees for this year was a topic – it appears that \$61.50 will be the same amount for next year; therefore, there's no need to adjust the Town's budget.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

No report.

By Pass Road

Council discussed the construction work relating to the Bypass road. Councillor Smith discussed the three raised manholes on Torbay Road, and questioned if they were going to stay like that for the winter. CAO to contact Mr. Gary Spencer, Department of Transportation and Works.

Councillor Tapper advised that he was recently on VOCM's Open Line Show, as there was a safety issue with a family member concerning the Bypass road. He was on the Open Line Show to get a campaign going; and we may hear him on the Show again in the future.

Town Council Members were advised that the Bypass Road and related construction were supposed to be completed by the end of October. To date, the road is not opened; there is no activity on the road, and no lines or guide rails are in place. There are talks that the road is not

going to open this year – deadlines have been expended. The work outstanding is not relating to the weather.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Councillor Tapper spoke about scheduling changes - he's bringing it to a Board meeting possibly next week, along with some other items and latest constitution.

Northeast Avalon Joint Council

No report.

Northeast Avalon Regional Plan

Mayor and Councillor Tapper are attending an event at City Hall on November 16th concerning sustainability of ground water use on unserviced property.

Torbay Harbour Authority

Councillor Byrne reported that the Harbour Authority will be making a presentation at the next Public Council Meeting.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed at the Torbay Volunteer Fire Department Meeting on October 24, 2011.

Items discussed in the Report included:

- There have been 13 emergency calls since the last meeting.
- There have been 162 calls this year.
- In the Fire Prevention Report – schools were visited on October 11th; and, the Open House was a success. Thank you to Firefighters.
- Hayley Evans is the winner of the Fire Chief for a day.
- With regards to Guy Fawkes Night, a bonfire will be held in Flatrock on November 4th at 6:30 p.m. and the Torbay Volunteer Fire Department will be here for the Town's on November 5th at 6:30 p.m.
- The Department participated in Trunk or Treat on October 29th – it was a great success.

- With regards to the lights, there are still issues with traffic not stopping when emergency vehicles are pulling out. The Department is looking at signs, as per Kents Pond, indicating to stop.
- New Business: Funding for new depot – if the Town is successful, the Department is asking if they can acquire land for their use.
- There are some issues concerning defibrillators. Fire and Emergency Services and the Fire Department are checking into that. Will report on future date.
- Election for Captain is at the next meeting.

Councillor Byrne asked if a new Minister was appointed to the Department of Municipal Affairs, and if a meeting has been scheduled. Mayor Codner advised still waiting. MHA is asking for a meeting to be scheduled as soon as possible.

Urban Municipalities Committee

Councillor Smith reported that she's waiting for copies of presentations from the last UMC Meeting before she can complete her report of the meeting and provide to Council.

NEW BUSINESS

Mayor Codner

Mayor Codner advised that he attended a function at Holy Trinity High School last week to honour two teachers, who received national awards – Mr. Normore and Ms. O'Reilly. It was quite an honor and all students attended in the auditorium.

Deputy Mayor Gallant

Deputy Mayor thanked all Council Members for their support and accommodation while he was running in the recent Provincial Election for MHA, Cape St. Francis.

Councillor Byrne - Pass

Councillor Roche - Absent

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper discussed holding a public meeting to make residents aware of what the Towns plans are. Over the past couple of years, different plans have been approved – Open Space Management, Heritage, Recreation Master Plan, etc. He noted that these reports are not included on the Towns new website. Residents should have access to these reports and residents need to be aware what the Town is doing.

CAO and Executive Clerk to meet and discuss any matters pertaining to the website and ensure reports are included.

Councillor Whitty - Pass

ADJOURNMENT

466-11 Motion – Councillor Smith / Councillor Whitty

RESOLVED THAT the meeting be adjourned at 9:22 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk