



MINUTES
PUBLIC COUNCIL MEETING
November 13, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 13, 2012 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
Brian Winter, Director of Planning
Bernie Manning, Director of Public Works & Technical Services
Ann Picco, Executive Clerk

Gallery

There were a total of 5 people in attendance.

500-12 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

501-12 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Minutes of the October 29, 2012, Public Council Meeting be adopted, with the following changes:

- Page 4 – under Committee Reports, Economic Development, sentence should read, “Councillor Roche advised that a meeting will be re-scheduled for Tuesday, November 13, 2012 at 4:30 p.m. as per new meeting schedule, coming into effect October 30, 2012.”

- Page 6 – Motion 488-12 - Councillor Roche did not second this motion – revise to read that Deputy Mayor Gallant seconded the motion.
- Page 7 – Motion 489-12 – Reverse who put forth motion and who seconded – Motion was put forward by Councillor Roche and seconded by Councillor Tapper.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

1. Municipal Assessment Agency – Annual Report for 2011 – 2012. *For information purposes. Any questions can be directed to Councillor Roche.*
2. Tim Horton Children’s Foundation – Information and thank you letter. *For information purposes. Council thanked Community Development Coordinator.*
3. Heart & Stroke Foundation – Information and thank you letter. *For information purposes.*
4. Department of Natural Resources – Referral Letter, Quarry Location: N from Bauline Line, Three Island Pond. *Councillor Roche put forth a motion, seconded by Councillor Byrne to approve referral for another year. After some discussion concerning security, motion was withdrawn. See motion below.*

502-12 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT that the Town of Torbay approve referral for another year subject to proper security gate in place.

Question called. Motion carried unanimously.

5. Department of Natural Resources – Referral Letter, Quarry Location: Three Island Pond, Torbay. *See motion below.*

503-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT that the Town of Torbay approve referral for a year subject to access being secured.

Question called. Motion carried unanimously.

6. Holy Trinity Elementary School Council – Safety of road adjacent to the soccer field and speed of traffic on Torbay Road. *Council are requesting clarification concerning community and council representation on the School Council. Mayor Codner advised that a meeting is scheduled with the school for Thursday evening, November 22nd.*

7. Councillor Tapper – Notice of Motion. *See motion below.*

504-12 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT that a Backfilling and Excavating Policy be presented at a Council Meeting before year end 2012, have an effective date of January 1, 2013, and that it be further incorporated in our Municipal Plan Regulations during the upcoming five year review.

Question called. Motion carried.

For Motion: Mayor Codner, Deputy Mayor Gallant, Councillor Byrne, Councillor Roche, Councillor Whitty, Councillor Tapper

Against Motion: Councillor Smith

Councillor Smith asked that the motion be withdrawn and be deferred for discussion at the Planning and Land Use Development Committee. She advised that the backfilling and excavation policy is in draft form now; and, as per process would be appropriate to defer to Committee and come back with confirmation.

CORRESPONDENCE & ACTION REPORT

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

- Item No. 17 – Mayor Codner discussed the bus turn around at Roblin Place. Survey has been completed. The deed was forwarded to the Town’s solicitor, which is complete and forwarded to owners of property for execution. CAO to confirm amount that Eastern School District has committed to for associated costs. Eastern School District has a contract in place with the Mini-bus company and is extended until Christmas.

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that Committee met this afternoon. She provided highlights of the meeting:

- Councillor Roche requested that future meetings be held on off Monday nights and not the same nights that Council Meetings take place. CAO advised that this matter has to go back to the Human Resources & Admin. Committee.
- Community Market
 - This event was a huge success. Over 2,000 people came through with approximately 75 vendors. People are signing up and wanting more.

- A survey was completed and showed that people were very satisfied with the venue.
- Business Park
 - Starting water assessment within the next 24 hours. Final results will be completed by February, 2013.
- Business Seminars
 - Taking place on December 4th here in the Council Chambers. There will be a presentation on crime prevention.
 - The Provincial Government will have a session – Advanced Education Skills Outlook 20/20 on December 5th.
- NEARED Board is operating on its own now.
 - Working towards a membership. Further information to come.
- The first meeting of the Torbay Advisory Committee will be held in January, 2013.
- Business Awards
 - Nominations can be forwarded to the Economic Development Officer. Awards night is on November 20th.

Finance

The Financial Report, dated October 29 – November 9, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of October 29 – November 9, 2012, for 25 employees totalled \$50,579.40.

For the period of October 29 – November 9, 2012, Accounts Payable invoices in the amount of \$109,166.61 were paid. These expenditures were within budget.

There are five (5) Main Operating Invoices totaling \$45,786.35 for approval:

505-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to BDO Canada, for Year end 2011 financial statements, in the amount of \$5,440.95.

Question called. Motion carried unanimously.

506-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to CIBC Mellon, for Pension Contributions for October 2012, in the amount of \$12,686.30.

Question called. Motion carried unanimously.

507-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for October 15 – 31, 2012, in the amount of \$15,402.13.

Question called. Motion carried unanimously.

508-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Trio Benefits, for Group Benefits for November 2012, in the amount of \$6,606.97.

Question called. Motion carried unanimously.

509-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Triware, for Computer Support – block of time, in the amount of \$5,650.00.

Question called. Motion carried unanimously.

There are no capital invoices presented for approval.

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

510-12 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT further to Motion 068-12 that the Town of Torbay borrow \$224,959.00 to cover the purchase price of the pumper rescue truck for the Torbay Volunteer Fire Department. The loan will be amortized over a five year period with 60 monthly payments.

Question called. Motion carried unanimously.

Human Resources and Administration

Councillor Byrne advised that a meeting was held; minutes will be forthcoming at the next Council Meeting. There is a motion concerning seasonal heavy equipment operators – see below.

511-12 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay offer the three 2012/2013 seasonal heavy equipment operator positions to Charlie Kean, Lisa Lewis and Paul Maloney. Terms and conditions of employment are outlined as per the 2010-2014 collective agreement between the Town of Torbay and Teamsters Union Local 855.

Question called. Motion carried unanimously.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated November 7, 2012.

Items discussed in the report included:

1. a. Kennedy's Brook Estates Bourne Holdings Development.
 - Open Space Requirement
 - Deputy Mayor Gallant questioned open space requirement and the rationale for Committee's recommendation of Option B, as the Recreation Committee recommended Option A. Councillor Smith advised that Committee recommended Option B for Council's consideration as it was felt that there was more to be gained with the opportunity that presents itself there in that area. There is a parcel of land that Committee want to investigate to be acquired that can be utilized to provide more open space and has no impact to the developer. Will work with the developer for the duck pond in the area, as was always discussed.
 - With regards to the duck pond, Council discussed open space and costs to acquire the duck pond. Further discussion surrounded acquiring ownership, regulations, and any possible liabilities.
 - Director of Planning to work out details with the developer.
 - Quarry Road Extension Upgrades
 - Councillor Smith provided a brief background of the development, and discussed town road standards and regulations. Director of Planning to officially advise the developer that he does need road to meet the Town's standards to access development, as the road does not meet the Town's regulations.
 - b. Proposal to develop a portion of 3 – 5 St. Nicholas Lane
2. Correspondence
 - a. Correspondence from Canada Post.
 - b. Correspondence from NF Power.
3. Other Items
 - a. Email letter from Residents of Spray Lane concerning proposed development.
 - b. Meeting with the Department of Environment
 - Discussion surrounded development in the Town in general and about development around Jack Byrne Arena area, both in Torbay and Logy Bay Middle Cove Outer Cove.

Building Applications Approved

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated November 9, 2012, the following applications have been approved and permits have been issued since the last Public Council Meeting:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9888-12	90-98 Patrick's Path	Water & Sewer Hook-up
9889-12	16 Keating's Place	General Repairs (Siding/Replace Patio)

Building Applications for Approval

Application: 9891-12
Location: 17 Bellaventure Place
Proposal: 24' x 24' Accessory Building
Zoning: Residential Infill Lot (RI)

512-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9891-12, under the Applications for Approval section of the Building Application Report, dated November 9, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9892-12
Location: 3 Dunphy's Lane
Proposal: Basement Apartment
Zoning: Mixed Development (MIX)

513-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9892-12, under the Applications for Approval section of the Building Application Report, dated November 9, 2012, subject to the following condition:

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

Question called. Motion carried unanimously.

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Application: 9893-12
Location: Lot #1 (Portion of 1537-1547 Torbay Road)
Proposal: Single Family Dwelling
Zoning: Mixed Development (MIX)

514-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9893-12, under the Applications for Approval section of the Building Application Report, dated November 9, 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 included in the infill water 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.

Question called. Motion carried unanimously.

Application: 9894-12
Location: Lot #2 (Portion of 1537-1547 Torbay Road)
Proposal: Single Family Dwelling
Zoning: Mixed Development (MIX)

515-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9894-12, under the Applications for Approval section of the Building Application Report, dated November 9, 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 included in the infill water 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.

Question called. Motion carried unanimously.

Mayor Codner left the Public Council Chambers at 8:43 p.m. as it was determined that he was in a conflict of interest. Deputy Mayor Gallant took over as Chair.

Application: 9895-12
Location: 73-75 Karon Drive
Proposal: 28' x 28' Accessory Building
Zoning: Residential Large Lot (RLL)

516-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9895-12, under the Applications for Approval section of the Building Application Report, dated November 9, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Mayor Codner resumed as Chair of the Public Council Meeting at 8:44 p.m.

Application: 9896-12
Location: Portion of 67-71 Bauline Line
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

517-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9896-12, under the Applications for Approval section of the Building Application Report, dated November 9, 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 included in our infill; it was thought to have possibly been able to front on Patrick's Path; however, it will front on Bauline Line.
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.

Question called. Motion carried unanimously.

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Application: 9897-12
Location: 68 Reddy Drive
Proposal: 16' x 24' Accessory Building & General Repairs to Dwelling
Zoning: Residential Medium Density (RMD)

518-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9897-12, under the Applications for Approval section of the Building Application Report, dated November 9, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9898-12
Location: 99-101 Western Island Pond Drive
Proposal: 18' x 20' Accessory Building
Zoning: Residential Large Lot (RLL)

519-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9891-12, under the Applications for Approval section of the Building Application Report, dated November 9, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Councillor Tapper discussed Phase I, Western Island Pond. He advised that he received word from a resident in the neighborhood that the Phase I buffer zone had been destroyed; and, he questioned if the above accessory building was connected to, or in, the 30 metre buffer zone.

- Councillor Smith clarified that the permit would not allow for construction in the buffer zone. She requested that the Director of Planning confirm if property owner is in violation and advise of status.

Building Applications to be Deferred

Application: 9890-12
Location: 54 Upper Evening's Path
Proposal: Proposed Backfilling Rear Yard
Zoning: Residential Infill (RI)

520-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9890-12, under the Applications for Approval section of the Building Application Report, dated November 9, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Business Applications to be Advertised

521-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer/advertise the following Applications, under the Applications to be Advertised section of the Business Application Report, dated November 9, 2012, pending public notification and consultation as required in accordance with Regulation 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be paid in advance by the applicant.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1102-12	78-80 North Pond Road	Child Care Business

Question called. Motion carried unanimously.

Public Works

Councillor Whitty provided an overview of items discussed at the Public Works Committee Meeting, dated November 7, 2012.

Items discussed in the report included:

- Peter's Place
 - Town staff will review development agreement and defer to the Planning and Land Use Development Committee.
- Depot Site
 - Town will be developing four possible site locations as we look to secure a location for the new depot. Once established, these options

will be submitted to the Department of Transportation Works for approval.

- Garbage / Recycling
 - Both contracts for Garbage and Recycling will expire at the end of 2012. The Town staff will review contract for options to extend contracts until summer season.
- Seasonal Staff
 - The Town of Torbay is pleased to announce the three Seasonal Heavy Equipment Operators have accepted the Town's job offer and will begin December 1, as we enter into snow clearing season. The new employees are Charlie Kean, Lisa Lewis and Paul Maloney and we welcome them to the team.
- Multi Year Capital Works
 - After further review and consultation by Town Staff the development process for the Multi Year Capital Works program has been clarified and staff will begin development on the selection process.

522-12 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay develop a Request for Qualifications (RFQ) competition for the following Multi Year Capital Works projects: Waste Water Treatment Study (Project #12119), Great Pond Water Treatment Study (Project #12118), Lime Feed System Replacement (Project #12120) and Municipal Depot (Project #12117). The successful RFQ consultant would be responsible for the development and recommendation of the Towns Request for Proposal (RFP) process as they establish the Terms of Reference for the applicable projects.

Question called. Motion carried unanimously.

Council discussed the depot site and timelines associated with that. Director of Public Works advised that there are four possible sites – trying to establish and decide which the best site is. There are issues with access for the recommended site and we are looking for better options. Have identified some sites around the Town; and, in process of ironing out ownership and access matters.

- Councillor Tapper indicated that a number of years ago, there was a review completed by staff on potential sites – he questioned if this was taken into consideration. CAO and the Director of Public Works and Technical Services to locate and review this document.

Recreation, Parks and Community Services

Deputy Mayor Gallant provided an overview of items discussed at the Recreation Committee Meeting, dated November 6, 2012.

Items discussed in the report included:

- Bourne Holdings
 - After taking into consideration the second option the developer requested, it was noted that Civic 5 was not suitable for open space land. Would require funds for park use.
 - In order to achieve the goals of recreation and accomplish a sustainable park (park being defined as open space for free play and the best quality space for residents to utilize).
 - The recommendation for Open Space in the Bourne Development is Civic 4 (4.8%) and the duck pond (2.2%) and the remaining 3% in cash to assist with the development of a duck pond. Deputy Mayor advised that 3% cash would be enough to develop a duck pond – would meet the duck pond development estimates and quotes. Committee had recommended Option A for the duck pond.
- Letter from Tim Hortons
 - Note of thank you to the Town for Charity Cup fundraising event last year.
- Program Updates
 - Guy Fawkes Night – approximately 300 people attended.
 - Sports Hall of Fame – took place on Saturday, November 10th. It was a great success.
 - Remembrance Day – ceremony took place on November 11th.
 - Breakfast with Santa – tickets sold out within the first hour. Also having a Pizza with Santa in the afternoon.
 - Wine tasting – this event is taking place on November 22nd.
 - Tree Lighting – taking place on November 28th at the Kinsmen Community Centre.
 - Outdoor Wreath Making – taking place on December 9th and 10th at the Kinsmen Community Centre.
 - Night Time Parade – this event is taking place December 1st, starting at 5:45. Route has changed. Council had some concerns regarding the route change; Deputy Mayor to bring back to staff for rationale of route change.
 - Torbay Excursion – a bus will be provided to take you downtown shopping for the day on December 7th.
- Torbay Environment and Trails
 - TETC are revising their TOR's for Committee's review. They will start copying their minutes to Recreation and will be included in Council's packages.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised there will be a meeting arranged next week.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

Councillor Whitty advised that the next meeting is scheduled for November 21st. Councillor Roche is attending.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne advised that the tender for work in Tappers Cove is being completed and finalized. He asked that the Town keep communications open with the Harbour Authority and the Department of Fisheries and Oceans. Before contract is awarded, the Harbour Authority will want security issues addressed.

Torbay Volunteer Fire Department

Councillor Byrne advised that there was no meeting, due to the Guy Fawkes/bonfire night. He thanked the Torbay Volunteer Fire Department – they were in Torbay and Flatrock. He thanked staff who turned up to help out with the event. New activity at the event this year was a story teller who provided history and background of Guy Fawkes night.

Urban Municipalities Committee

Councillor Smith advised that she's travelling to Deer Lake this week for a meeting.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed public consultations. He advised that he's debating on whether to put forward a motion to hold a consultation/session the day after Council passes the 2013 budget. Residents have concerns; and, there is misinformation about what process is. Residents are anxious about the 2013 tax rates. He questioned if Council could have a session outside budget consultations for residents' questions.

With regards to the question and answer session after Council Meetings, Deputy Mayor asked if we can advise people of this session at the start of the meeting so that the public are aware. He asked that the session be noted as part of the Agenda, as well.

Deputy Mayor thanked Members of the Human Resources & Administrative Committee on recent meetings, attendance and feedback.

Councillor Byrne

Councillor Byrne discussed the Remembrance Day Ceremony, which took place on Sunday, November 11th. He thanked staff and the Mayor for their efforts put into this event. Councillor Byrne thanked Deputy Mayor Gallant and Councillor Tapper for laying a wreath on behalf of the Town.

He advised that Councillor Eileen Hatch, Town of Logy Bay Middle Cove Outer Cove, had passed away; and, he extended his condolences to the town and to her family. He advised that she was very devoted to her community and she was involved with Jack Byrne's campaigns over the years.

Councillor Roche

Councillor Roche discussed skating events at the Jack Byrne Arena. She advised she attended an elementary school skate last week as a volunteer. There were about 150 students in attendance plus their teachers, parents, grandparents. There are students that don't skate well and trying to learn and there are students who can skate very well. She questioned if it's the responsibility of the Arena to monitor what's happening on the ice as there are children who push and who are a hazard, skating fast and trying to knock each other down. She's wondering if it's the school or the Arena's responsibility, as it can be very dangerous. Deputy Mayor Gallant advised he will alert the Arena Manager and advise the appropriate channels.

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper discussed Western Island Pond Management Unit. He advised that he took pictures of damage done behind a residence in the area and on an old trail. Trees have been cleared down to the shoreline in the 30 metre buffer zone. He indicated that he will forward the pictures to Council. This is not the first time we have had concerns since the Management Unit has been in place. We have had issues in other back yards as well. Information on the Management Unit through leaflets and pamphlets have been delivered door to door and the Town has included information with tax invoices when they are mailed out. He discussed that the solution may be to take ownership – to send information out as to how residents can donate land to the Town or to NCC; or, to get title to the land to control, especially now that we’re looking into five more management units. Councillor Tapper requested that the Town look into this matter to see how the Town can control these issues. Deputy Mayor indicated that Wildlife are aware and it was spoken about by Ducks Unlimited. Councillor Tapper noted that the Town is unique in the way that the development pace is fast in Torbay – a lot of smaller communities have management units, but not near residential areas as in our community.

Councillor Whitty - Pass

ADJOURNMENT

523-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 9:24 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk