



**MINUTES**  
PUBLIC COUNCIL MEETING  
November 28, 2011

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 28, 2011 at 7:38 p.m.

**Members Present**

Mayor Bob Codner  
Deputy Mayor Geoff Gallant  
Councillor Peggy Roche  
Councillor Carol Ann Smith  
Councillor Ralph Tapper  
Councillor Brian Whitty

**Staff Present**

Ann Picco, Executive Clerk

**Regrets**

Councillor Mike Byrne  
Dawn Chaplin, CAO/Town Clerk  
Brian Winter, Development and Planning Officer

**Gallery**

There were a total of 10 people in attendance.

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

487-11      **Motion** – Councillor Smith / Deputy Mayor Gallant

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk for the November 28, 2011, Town of Torbay Public Council Meeting that the Town of Torbay appoint Executive Clerk, Ann Picco, as the Acting Town Clerk.

Question called. Motion carried unanimously.

488-11      **Adoption of Agenda**

**Motion** – Deputy Mayor Gallant / Councillor Smith

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

Question called. Motion carried unanimously.

489-11      **Adoption of Minutes**

Motion – Councillor Tapper / Deputy Mayor

**RESOLVED THAT** the Minutes of the November 14, 2011, Public Council Meeting be adopted, with the following changes:

Page 2, Motion 469-11, first sentence to read, “**RESOLVED THAT** as residents have reported that their GoBag receptacles *may get ...*”

Page 11, under **NEW BUSINESS**, **Deputy Mayor Gallant**, second sentence to read, “...the public was formalized, as *this is a motion of Council.*”

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

Mayor Codner introduced Mr. Eugene Tapper, President, Torbay Harbour Authority; and, gave a brief description of their background and work history. He advised that members recently attended the Department of Fisheries and Oceans Small Craft Harbours’ Annual Convention and were presented with an award.

Mr. Tapper came forward and introduced members of the Torbay Harbour Authority in the gallery, including:

Trevor Decker, Vice President

Bryan Manning, Secretary Treasurer

Tom Martin, Official Fisher Representative

Nick Waterman, Sr., Official Fisher Representative

Councillor Mike Byrne, Council Liaison with the Torbay Harbour Authority

Mr. Tapper thanked Council for letting him speak at tonight’s meeting. He thanked the Torbay Town Council for their continued support in every aspect and for assistance in moving forward with funding for a safe facility in our Town.

He advised that the Harbour Authority attended the annual convention this year, which was very informative and information was shared equally. He thanked the Torbay Harbour Authority for nominating him for the Individual Commitment Award – the Town of Bay Bulls was elected, but to reach this level was an honour. Mr. Tapper advised that the Torbay Harbour Authority were presented with an award – Fisheries and Oceans Canada Harbour Authorities 2011 Environmental Stewardship Award for exceptional dedication towards environment stewardship.

Mr. Tapper called upon Mayor Codner to accept the award. Mayor Codner accepted the award on behalf of Council and thanked the Torbay Harbour Authority for their great work.

Mayor Codner introduced Ms. Leisha Sagan, Executive Director, Coalition Against Violence – Avalon East. Mayor Codner read proclamation aloud and signed on behalf of all Council.

490-11        Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay do hereby proclaim November 25 – December 10, 2011, as the Purple Ribbon Campaign to prevent violence against women in Newfoundland and Labrador.

Question called. Motion carried unanimously.

**CORRESPONDENCE**

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

491-11        Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Referral (File Number: 7115468) from the Department of Natural Resources for quarry located at Three Island Pond, Torbay, for a permit to the site for 2012.

Question called. Motion carried unanimously.

- 2) Department of Natural Resources – Referral Letter, Quarry Location: Indian Meal Line & Torbay Bypass. *See motion below.*

492-11        Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Town of Torbay reject/not support the Referral (File Number: 7119191) from the Department of Natural Resources for quarry located at 300 m N Inter Indian Meal Line and Torbay By-pass, for a permit to the site for 2012.

Question called. Motion carried unanimously.

- 3) Department of Natural Resources – Referral Letter, Quarry Location: Bauline Line, Three Island Pond. *See motion below.*

493-11        Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the Referral (File Number: 7114000) from the Department of Natural Resources for quarry located at N from Bauline Line, Three Island Pond, for a permit to the site for 2012.

Question called. Motion carried unanimously.

- 4) Municipalities Newfoundland and Labrador – Avalon Regional Meeting. ***For information purposes. Deputy Mayor Gallant and Councillor Whitty are attending.***
- 5) Letter to Department of Transportation and Works concerning Torbay Bypass Road. ***For information purposes.***
- 6) Letter to Department of Municipal Affairs concerning Torbay Volunteer Fire Department. ***For information purposes.***
- 7) Correspondence from resident concerning a safety concern. ***Development Control Officer to do site visit and provide a report.***
- 8) Municipalities Newfoundland and Labrador – Municipal General Insurance Program – Emergency – Medical Response. ***This information has been relayed to the Torbay Volunteer Fire Department. Town requires liability insurance, which is now in place.***
- 9) Ronald McDonald House Newfoundland and Labrador – request for support. ***Deferred to Finance Committee.***
- 10) Home Share Steering Committee – Proposal for funding for a Home Share Pilot Program in St. John’s Region. ***Deferred to Finance Committee.***

Councillor Smith requested that a reading file be set up for Council Members to view.

### **CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report was accepted as presented.

### **COMMITTEE REPORTS**

#### **Economic Development**

Councillor Roche gave an overview of items discussed at the Economic Development Committee Meeting, dated November 16, 2011.

Items discussed in the Report included:

1. Old Business
  - a) Tax Incentives - to encourage growth in the Community. Committee has recommended a motion to bring the program forward to Council for approval.
  - b) Tourism Map/Brochure – final draft will be available in the next couple of weeks and brought forward to Council for approval.
  - c) Promotional Materials/Business Investment Package – Content is being developed for an end of December launch.
  - d) Awards/Media – Economic Development Officer will advise on a more direct approach when it comes to getting positive stories out to the public.
  - e) Farmer’s Market – was well attended and had over 25 vendors per weekend from late September to mid-October.

- f) Small Business Awards – taking place on November 29, 2011.
  - g) Small Business Breakfast – took place on November 23, 2011. Keynote speaker was Paul Walsh, Academic Dean of the Canadian Institute of Management.
  - h) Website Translation – starting shortly. You will be able to view the website in French. The Town has received funding for much of the project through the Federal Government’s Department of Foreign Affairs and International Trade.
  - i) The Torbay Business Brief – will be written in conjunction with the Community Guide, through the Recreation Department.
2. New Business
- a) Economic Developers Association of Newfoundland and Labrador (EDANL) Executive - Economic Development Officer has been elected to the Executive of the EDANL as Treasurer.
  - b) Mega Projects Impact Study – Economic Development Officer is the municipality representative on a committee that is overseeing a study that will evaluate the impact of mega projects in the province for the next 5-10 years. The study will be completed by March 31, 2012.
  - c) Regional Television Production – An American television production company requested to do a show on opportunities on the Northeast Avalon, through the Regional Economic Development Board. This project has been cancelled due to the time the show will air – ratings were unknown as the show would air at 6:00 a.m. on Sundays.
  - d) Food Safety Workshop – this is a workshop on November 25, 2011, regarding Farmer’s Markets by the Food Security of Newfoundland and Labrador organization. The Town was asked to give feedback.

Councillor Roche gave an overview of the Torbay Tax Incentive Program for Council’s approval:

Overview

In order to be competitive in attracting new and valuable businesses into Torbay we must implement a tax incentive program. Other municipalities already have tax programs currently in place. Our program would only be for new businesses coming to Torbay and only non-competitive business would be eligible.

In addition, we currently have a number of individuals in Torbay that make products as a hobby more so than a true business. Currently, based on our regulations, we are forced to get them to register as a business and charge them our minimum tax fee, regardless of the size of their business. This is creating a negative environment for arts and crafts and is causing some businesses to be hesitant to register with the Town. It is important to foster growth as oppose to create additional barriers and encourage business to go to our events and register, as some of these could one day grow into a true business.

Rationale:

- To be a competitive municipality in attracting business
- Increase long term tax base
- Create an environment of growth

- Spin-off for current businesses
- Attract specific industries to Torbay
- Support Youth, Arts and Crafts

Requirements:

- Eligible business are not to be in competition with existing companies
- Always at the discretion of Council
- Businesses that go defunct during, or following, the four year plan, will forfeit any future incentive programs if they reemerge or rebrand their business
- Priority sectors always based on Department of Foreign Affairs and International Trade's "Strategic Priority Sectors"

There are three streams of incentives:

- 1) New Business
- 2) Youth Business
- 3) Arts and Crafts

There is a Four-Year Phase Out:

- Year 1 – 75% (100% if Strategic Sector) reduction on Business Tax
- Year 2 – 50% (75% if Strategic Sector) reduction on Business Tax
- Year 3 – 25% (50% if Strategic Sector) reduction on Business Tax
- Year 4 – Normal rate on Business Tax

Strategic Areas include:

1. Agrifood
2. Plastics and Chemicals
3. Advanced Manufacturing
4. Services
5. ICT
6. Life Science
7. Renewable Energy Technologies

Youth Business:

Active students aged 12-29 will be eligible.

Four Year Phase out

- Year 1 – 100% reduction on Business Tax
- Year 2 – 75% reduction on Business Tax
- Year 3 – 50% reduction on Business Tax
- Year 4 – Normal Business Tax

Arts, Crafts and Hobbies:

In order for a business to have this status, they must prove related annual revenue under \$5,000. Approval will always be at the discretion of Council.

494-11      Motion – Councillor Roche / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the Tax Incentive Program prepared by the Economic Development Department.

Question called. Motion carried unanimously.

**Finance**

The Financial Report, dated November 14-25, 2011, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of November 7-25, 2011, for 27 employees totaled \$74,777.35.

For the period of November 14-25, 2011, Accounts Payable invoices in the amount of \$249,728.76 were paid. These expenditures were within budget.

Eight (8) Main Operating Invoices totaling \$191,393.73 were presented for approval.

495-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to A. Harvey and Company for Salt for snow clearing season, in the amount of \$105,435.73.

Question called. Motion carried unanimously.

496-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Bren Kir Industrial, for Lifting bags (Volunteer Fire Dept), in the amount of \$5,254.40.

Question called. Motion carried unanimously.

497-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to DBI Garbage Removal, for Recycling for October 2011, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

498-11      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Newfound Disposal Systems, for Garbage Collection for November 2011, in the amount of \$32,497.55.

Question called. Motion carried unanimously.

499-11 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power for Street lighting for November 2011, in the amount of \$21,622.29.

Question called. Motion carried unanimously.

500-11 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power, for Heat and light for town buildings for November 2011, in the amount of \$5,622.88.

Question called. Motion carried unanimously.

501-11 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll remittance for November 1-15, 2011, in the amount of \$13,567.20.

Question called. Motion carried unanimously.

502-11 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to St. John's Asphalt and Aggregate, for Hot patch asphalt and road gravel, in the amount of \$5,215.46.

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.

Finance Committee met on November 23<sup>rd</sup> to continue to review and discuss the 2012 budget. A meeting will be scheduled with all Council to review the proposed budget before adoption on December 12th.

503-11 Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** as per motion 293-11, that the Town of Torbay award tender 2011022 for the supply and installation of secondary gateway signs to E.C. Boone Ltd. in the amount of \$76,000.00 plus HST. These four signs will be installed at our municipal boundaries on Pine Line, Marine Drive, Indian Meal Line and Bauline Line and represent the gateway points with our neighbouring municipalities of Logy Bay-Middle Cove-Outer



Cove, Portugal Cove-St. Philip's and Bauline respectfully. The signs will be installed within a six month period from date of tender award.

Question called. Motion carried unanimously.

For information purposes, once the By Pass Road work is completed on Torbay Road, the Town will proceed with a tender call regarding installation of signs at the St. John's and Flatrock boundaries.

504-11      Motion – Councillor Roche / Councillor Smith

**RESOLVED THAT** the Town of Torbay amend Motion 503-11 to include gateway signs at Flatrock, on Windgap Road only.

Question called. Motion carried unanimously.

### **Human Resources and Administration**

Deputy Mayor Gallant gave an overview of items discussed at the Human Resources and Administration Committee Meeting, dated November 8, 2011.

Items discussed in the Report included:

- Director of Public Works and Technical Services – competition closed on November 14<sup>th</sup>. Interviews are commencing.
- Strategic Planning – session was held on November 21<sup>st</sup> and 22<sup>nd</sup>. Possible additional time to be arranged at a later date.
- Office Clerk – this position has been advertised and interviews are commencing.
- Snow Clearing Season 2011/2012 and Winter Labour Position – interviews took place for the seasonal snow clearing positions.

It was discussed that a Public Works Senior Operator is now back to work from medical leave. CAO to do a welcome back letter.

### **Planning and Land Use**

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting on November 24, 2011.

Items discussed in the Report included:

1. Amendments

There are a total of four amendments:

- a) Municipal Plan Amendment No. 20, 2011 and Development Regulations Amendment No. 40, 2011
- b) Municipal Plan Amendment No. 18, 2011 and Development Regulations Amendment No. 37, 2011.

- c) Municipal Plan Amendment No. 19, 2011 and Development Regulations Amendment No. 38, 2011.
  - d) Municipal Plan Amendment No. 14 & 16, 2011 and Development Regulations Amendment No. 31 & 33.
2. Development Proposals  
Proposed four-unit building at 32-34 Quigleys Lane – awaiting additional information from the Province.
3. Correspondence
- a) 51-55 Indian Meal Line – the Town cannot do anything until legal action is resolved.
  - b) Anglican Parish of Pouch Cove/Torbay – DPO to respond to letter.
  - c) Proposed Tim Horton’s, Torbay Road – Investigation work is still on-going.
4. Other Items
- a) Business Operating in the Town  
There are a number of businesses operating in the Town for a number of years, but not being taxed. Committee agreed that these businesses should be “grandfathered in.”
  - b) Future of South Pond as potential water supply – DPO to work out the details to have South Pond removed from protection in the water shed area. To be further researched.

Council discussed the future of South Pond – the removal of South Pond from protection in the water shed area; and, discussed possible development in the area once it is removed from water shed protection. Further research has to be done.

Council discussed Great Pond and other possible water supplies/options for the Town. Options were discussed at the recent Strategic Planning Sessions on November 21<sup>st</sup>/22<sup>nd</sup>. Councillor Smith advised she will bring back to the Planning and Land Use Development Committee.

Council discussed the Amendments under 1. c) and 1. d), in particular correspondence from the Department of Municipal Affairs and their response on these amendments.

505-11      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay proceed with the next step of the amendment process, which is to send Municipal Plan Amendment No. 18, 2011, and Development Regulations Amendment No. 37, 2011, to Municipal Affairs for Provincial Review/Release. These amendments pertain to the removal of livestock buffer circles throughout the Town with the exception of the buffers surrounding Connors Dairy Farm and Ryan’s Farm. These buffers will be reduced to 200 meters. The amendments also pertain to the rezoning of a 600 meter wide strip of land (300 meters on either side of Bauline Line) from Rocky Brook Bridge West to the Town’s boundary line changing the land use zoning from Rural (RUR) to Residential Large Lot (RLL).

Question called. Motion carried.

Against Motion: Councillor Tapper

506-11 Motion – Deputy Mayor / Councillor Tapper

**RESOLVED THAT** the Town of Torbay amend Motion 505-11 that the condition of approval include notification that livestock buffers have been removed from this area and be aware of potential farm odours and related issues.

Question called. Motion carried unanimously.

507-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay give staff the ability to “grandfather in” businesses that are determined to be in operation in the Town for a number of years (5 or more) but are not being taxed as a business in the Town. Staff will notify such business in writing and they will then be taxed appropriately from that point forward.

Question called. Motion carried unanimously.

Councillor Smith reported that there were five (5) applications approved/issued, under the Building Application Report, dated November 25, 2011.

**Application:** 9637-11  
**Location:** 24 Edgewater lane  
**Proposal:** Single Family Dwelling

508-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9637-11, under the Applications Approved section of the Building Application Report, dated November 25, 2011.

Question called. Motion carried unanimously.

**Application:** 9638-11  
**Location:** 8 Liney’s Place  
**Proposal:** Single Family Dwelling

509-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9638-11, under the Applications Approved section of the Building Application Report, dated November 25, 2011.

Question called. Motion carried unanimously.

**Application:** 9639-11  
**Location:** 133 Marine Drive  
**Proposal:** General Repairs

510-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9639-11, under the Applications Approved section of the Building Application Report, dated November 25, 2011.

Question called. Motion carried unanimously.

**Application:** 9640-11  
**Location:** 2-6 Whiteways Pond Road  
**Proposal:** 16' x 20' Accessory Building & General Repairs

511-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9640-11, under the Applications Approved section of the Building Application Report, dated November 25, 2011.

Question called. Motion carried unanimously.

**Application:** 9642-11  
**Location:** 17 Reddy Drive  
**Proposal:** General Repairs

512-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9642-11, under the Applications Approved section of the Building Application Report, dated November 25, 2011.

Question called. Motion carried unanimously.

**Application:** 9641-11  
**Location:** 40 Gosse's and Rodgers Crescent  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

513-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9641-11, under the Applications for Approval section of the Building Application Report, dated November 25, 2011, 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. The applicant is responsible to bring water and sewer services to the site. This lot was not included in the infill water study.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

### **Public Works**

Councillor Whitty gave an overview of items discussed in the Public Works Briefing Note, dated November 25, 2011.

Items discussed in the Report included:

- Work on Matthew Drive – phase one is complete.
- Waste Management – breakdown/statistics on recycling. The stats are good - they show the difference between 2010 and 2011 which is 55.41 MT with an average waste reduction of 6.65%. Council discussed participation in recycling is growing.
- Flushing and Ditching Programs.

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

Deputy Mayor Gallant gave an overview of items discussed at the Parks, Recreation and Community Services Committee Meeting on November 23, 2011.

Items discussed in the Report included:

A meeting was held with Doug Ballam of the Nature Conservancy. They discussed the creation of parks and the next steps to acquire land for the Coastal Park. NCC to provide the Town with a map to confirm lands of interest.

Councillor Tapper advised that there was a meeting on November 23<sup>rd</sup> with a representative from the Department of Environment and Conservation. Representatives from TETC were also present. It was a positive meeting. In meeting with Mr. Hennebury, he advised that the buffer zones are considered Crown land. He suggested that the Town apply for a license to occupy. In meeting

with Mr. Ballam, he wasn't sure that was policy, but to proceed. If NCC come to Torbay and put their name on conservation properties, future councils cannot rezone once NCC have ownership.

**Technical Services**

No report.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

Councillor Roche advised that the Heritage, Culture and Arts Coordinator is arranging a meeting for this week.

**By Pass Road**

Mayor Codner advised letters were copied and discussed under Correspondence section.

**LIAISON COMMITTEES**

**Heritage/Museum**

No report.

**Jack Byrne Arena**

Deputy Mayor Gallant advised that there's a meeting scheduled for tomorrow, November 29<sup>th</sup>.

**Northeast Avalon Joint Council**

No report.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

No report.

**Torbay Volunteer Fire Department**

Information on Coverage/Accident Sickness has been deferred to the next Public Council Meeting.

**Urban Municipalities Committee**

No report.

**NEW BUSINESS**

*Mayor Codner* - Pass

***Deputy Mayor Gallant***

Deputy Mayor Gallant thanked the Provincial Government Department of Municipal Affairs on their recent correspondence on Municipal Plan Amendment Nos. 14 and 16, 2010 and Development Regulations Amendment Nos. 31 and 33, 2010 - for siding with the people whose voices weren't heard at a recent public hearing.

He thanked all Council and Staff for the Strategic Planning Session on November 21<sup>st</sup>/22<sup>nd</sup>. It's great when everyone can get together and discuss matters. Heard great presentations from Staff.

Deputy Mayor reminded everyone that Council need to proceed with the Question and Answer Session after Council Meetings. Need to formalize.

*Councillor Byrne* - Absent

***Councillor Roche***

Councillor Roche discussed the tunnel/underpass near South Pond. Vehicles are using this tunnel to drive through. There is no room to get out of the way in the tunnel if you're walking and a vehicle comes through. The tunnel is meant for walkers/hikers, not vehicles. She discussed that this is a provincial road, but this matter needs to be taken care of now in the interest of public safety, before someone is seriously hurt. Council discussed contacting the Department of Transportation and Works, putting up signage in the area advising pedestrian traffic only, and barricading the area so that vehicles cannot pass. See motion below.

514-11      Motion – Councillor Roche / Councillor Smith

**RESOLVED THAT** in the interest of public safety, that the Town of Torbay notify the Department of Transportation of Works of the seriousness of this situation in the location of the tunnel/underpass near South Pond entering into South Pond Road; that it is dangerous to life and liability. Town requests that the entrance be reconfigured at both ends to restrict vehicle traffic.

Question called. Motion carried.  
Against Motion: Mayor Codner

515-11      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay amend Motion 514-11 to include that the Town of Torbay add an immediate restriction to the tunnel until addressed by the Department of Transportation and Works on vehicle traffic.

Question called. Motion carried.

Against Motion: Mayor Codner, Deputy Mayor Gallant

Mayor Codner advised he will check to what the Municipal Enforcement Officer recommends.

Councillor Roche advised that the Town needs to advise people of this matter by way of newsletter or green communications.

***Councillor Smith*** - Pass

***Councillor Tapper***

Councillor Tapper discussed contaminated wells. He advised that he spoke to residents at South Pond who informed that after the Bypass Road was constructed, two wells were contaminated. These residents were uncertain what to do. Council discussed that homes were supposed to be tested before construction and the MHA is in the process of checking records. Councillor Tapper advised that these homes are close to South Pond, yet not on the Town's water supply. He asked if they could be hooked up to the water supply.

Councillor Tapper discussed the Heritage Plan. CAO is checking to see if/when the Plan was adopted by Council, possibly in 2009. He discussed that the Town look at the area around the beach and Lower Street. In relation to another issue, land that was approved adjacent to St. Nicholas Church; in the Heritage Plan, it does acknowledge a view point from St. Nicholas Church parking lot, on corner where land was sold. For the record, he wanted to make everyone aware of this. If this plan was adopted, we should have a look at the impact of this on the view points.

***Councillor Whitty***

Councillor Whitty discussed due process - issues in Town where people have had their land expropriated and have not been compensated for it. He discussed the gentlemen recently on a news program protesting on the Bypass Road. He advised he was contacted by a resident who advised that he was verbally told that a certain amount of work would be done to prevent erosion. Mayor Codner advised that if the Town is to do work on a property, it's notified to a resident in writing. Issues to be referred to Public Works.

*Councillor Smith left the Council Chambers at 9:21 p.m. as it was determined that she was in a conflict of interest.*



**MINUTES**  
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**November 28, 2011**

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Council discussed property at Doyles and Quigleys Lane. Mayor advised that this matter is resolved as of today. There's a letter to be forwarded with terms and conditions. Price and land have been agreed upon and work is being continued.

*Councillor Smith returned to the Council Chambers at 9:22 p.m.*

**ADJOURNMENT**

516-11      Motion – Councillor Tapper / Councillor Whitty

**RESOLVED THAT** the meeting be adjourned at 9:22 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*