



**MINUTES**  
PUBLIC COUNCIL MEETING  
November 29, 2010

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 29, 2010 at 7:35 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 4 people in attendance.

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

481-10      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Roche

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

Question called. Motion carried unanimously.

482-10      **Adoption of Minutes**

Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Minutes of the November 15, 2010, Public Council Meeting be adopted, with the following change:

Page 5, under **Planning and Land Use**, first paragraph after Motion 471-10, ***ADD Deferred back to Planning and Land Use Development Committee. B/F.***

Question called. Motion carried unanimously.

At this point of the Council Meeting, Mayor Codner wished to recognize Mr. David Wheeler, former mayor of the Town of Torbay in 1978. He passed away on Saturday, November 27<sup>th</sup>. Council held a minute of silence in recognition and remembrance of Mr. Wheeler.

**PROCLAMATIONS / PRESENTATIONS**

- 1) Coalition Against Violence - Provincial Purple Ribbon Campaign 2010.

Ms. Vyda Ng, Coordinator, Coalition Against Violence – Avalon East, was in attendance. She came forward and gave a brief description of what the organization is about. Ms. Ng read the proclamation aloud and forwarded to Mayor Codner for signature. Mayor signed the proclamation on behalf of Council.

- 483-10 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay proclaim November 25 – December 10, 2010, as the Purple Ribbon Campaign to prevent violence against women in Newfoundland and Labrador.

Question called. Motion carried unanimously.

**CORRESPONDENCE**

- 1) Targa – Reinstating Targa Newfoundland in the Town of Torbay. ***Mayor Codner advised that Targa wish to renew their activity in the Town of Torbay. Council agreed to hold a public meeting. See Motion below. B/F.***

- 484-10 Motion – Councillor Roche / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay arrange for a public meeting regarding reinstating Targa Newfoundland in the Town of Torbay so that residents can be involved and have equal opportunity to voice their opinion on this matter.

Question called. Motion carried unanimously.

Deputy Mayor Gallant advised that this will also be discussed at the next Parks, Recreation and Community Services Committee. Council agreed that Targa need to build up or intensify their guidelines or regulations and that the Town needs to set parameters.

- 2) Government of Newfoundland and Labrador, Department of Natural Resources – Referral Letter concerning Quarry at North from Bauline Line, Three Island Pond. ***Council discussed that there should be a proviso relating to reinstating properties – this needs to be brought to***

*the attention of the Department of Natural Resources, Mines and Energy Branch – CAO to write letter. Trucks through the community and speeding were discussed – and Council agreed that letters should be sent to developers advising them to lower their driving speeds. See Motion below. COMPLETE.*

485-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay accept renewal of quarry permit to Triple “A” Excavating Ltd. with proviso that they be requested to reinstate the land.

Question called. Motion carried unanimously.

486-10      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay send letters to developers/applicants reminding them to keep their driving speeds down.

Question called. Motion carried unanimously.

- 3) Government of Newfoundland and Labrador, Department of Natural Resources – Referral Letter concerning Quarry at Three Island Pond, Torbay. *See Motion below. COMPLETE.*

487-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay accept renewal of quarry permit to the Department of Works, Services, and Transportation, St. John’s, with proviso that they be requested to reinstate the land. Letters are to be sent to developers/applicants reminding them to keep their driving speeds down.

Question called. Motion carried unanimously.

- 4) Government of Newfoundland and Labrador, Department of Natural Resources – Referral Letter concerning Quarry at 300M North Inter. Indian Meal Line & Torbay By-pass. *See Motion below. COMPLETE.*

488-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay accept renewal of quarry permit to Farrells Excavating Ltd. with proviso that they be requested to reinstate the land. Letters are to be sent to developers/applicants reminding them to keep their driving speeds down.

Question called. Motion carried unanimously.

CAO advised that work is to be completed by July 31, 2011.

- 5) Correspondence from resident concerning Skippers Landing Fire Road. *Council discussed this fire lane, which is an access for emergency vehicles. They discussed the possibility of placing boulders around the sides of the lane to deter off road vehicles, such as dirt bikes. It was agreed that the fire lane is there for safety reasons. See Motion below. COMPLETE.*

489-10      Motion – Councillor Roche / Councillor Smith

**RESOLVED THAT** the Town of Torbay leave the fire lane as is until an alternate access is put in place.

Question called. Motion carried unanimously.

CAO to write letter back to the resident. Mayor Codner advised that a meeting can be arranged if the resident so wishes.

- 6) Eastern Waste Management – Members List / Election Information - Representatives to the Eastern Waste Management Board-Small Metro Sub-Region. *For Information Purposes. Councillor Roche advised that a presentation was done by Mr. Kelly, Chairperson, Eastern Waste Management; and the only name submitted was our Deputy Mayor's name. Other municipalities requested that the deadline to submit names be extended, as they required more time to nominate someone from their own town. It was agreed by Council that municipalities need a strong voice there. Deputy Mayor Gallant advised that he would look forward to representing the region if he is chosen. COMPLETE.*
- 7) Information/Reports from the Royal Newfoundland Constabulary (RNC):
- a. Corporate Plan 2009-2011 – Safer Communities throughout Policing Excellence.
  - b. Report on Police Service Activities (2009-2010).
- For Information Purposes. See information under Item No. 5 under section **BUSINESS OUTSTANDING**. COMPLETE.*
- 8) Plan-Tech Environment – Proposed St. John's Urban Region Regional Plan Amendment – Municipalities of Flatrock, Torbay, Holyrood and Witless Bay. *See Motion below. COMPLETE.*

490-10      Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Town of Torbay offer no response to correspondence from Plan-Tech Environment regarding Proposed St. John's Urban Region Regional Plan Amendment – Municipalities of Flatrock, Torbay, Holyrood and Witless Bay.

Question called. Motion carried unanimously.

### **BUSINESS OUTSTANDING**

- 1) Kids Help Phone – Donation request. *See Motion under Committees of Council, Finance Committee section. COMPLETE.*

- 2) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *Mayor Codner advised that there is a meeting schedule with representative from the Party Bus for Thursday, December 2<sup>nd</sup>. B/F.*
- 3) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane. *Acquisition of land is required 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 did reach the resident’s lawyer and he seemed very receptive. The Town’s Solicitor, Mr. Pittman has drafted up an agreement and he requested a description of the property, which Mayor provided him. The agreement has gone off to resident’s lawyer for his review – should hear something within the next week or so to have finalized. B/F.*
- 4) 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 the report is finalized and waiting for the final copies by mail. She will circulate to all members of Council, the Department of Municipal Affairs, and the Department of Environment and Conservation, once received, for review and commentary. B/F.*
- 5) 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 – *Mayor Codner advised that he and CAO met with Deputy Chief Singleton and Superintendent June Layden of the RNC. The first item discussed was greater RNC presence in Torbay concerning issues with speeding. The mere presence will entail some of that and Mayor and CAO requested that extra policing be assigned to our area. The RNC proposed putting together a team of police officers that will interchange between communities. Second item discussed was speeding, of which the Town is proactive. The Town has purchased speed bumps/humps and have discussed new speed signage. What we would like to see are more police cars in the community and more ticketing to deter speeding. The RNC advised that they will look into this – in particular in the school areas. They advised that they will have a car stationed in an area with radar set up. Third item discussed was the moving of local RNC office to the Kinsmen Community Centre. They advised that they are sensitive of security. The Town does not want to see the RNC office leave Torbay, but the Town is pressed for space. The RNC will have a decision made by the end of December. If the building is not acceptable or if upgrading is required, the Town will work around it. Mayor Codner advised that they did also discuss the park near the Kinsmen Community Centre and the fact that it would be nice to have the RNC nearby, as there are some issues in the area. Mayor Codner to put their discussions with the RNC in writing, as well. Mayor advised that they did not bring up the topic of uniformed police officer, until their decision is made with regards to moving of office. B/F.*

*Council discussed the RNC reports, as per Item No. 7, under Correspondence Section. There are a lot of statistics in there relating to the RNC – and these stats are showing an increase, even though there is more education and an increase in recruitments. CAO advised that the RNC are in the process of doing some restructuring – traffic services division, mobile units.*

- 6) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates - *Mayor Codner advised that he called to speak to the Minister of Environment and*

*Conservation, but was unable to reach her. He was, however, able to speak to the Deputy Minister, who advised that the Crown can issue a public license. He further advised that there are options in the Municipalities Act that state that you can use/ proclaim trails as public roads. A meeting is being set up with CAO and the Town's Solicitor, Mr. Pittman, to discuss handling of legalities. After this meeting, the Town may then have a plan. B/F.*

- 7) *Status of Camp Carey Building – Councillor Tapper reported that a site visit was done on Saturday, November 20<sup>th</sup> with Parks, Recreation and Community Services Committee and Staff to look around the building. He advised that, structurally, the building is in good shape and is secure. There is some molding below floor level. He advised that whether or not the Town restores the building depends on where the Town is going with it in terms of use – there is no consensus as to what groups/individuals will be utilizing it. Council agreed that the Town shouldn't spend too much money on it as there are plans of new facilities upcoming within the Town's Master Plan. With regards to use of the building, Deputy Mayor Gallant advised that groups such as TETC could utilize it, instead of their homes, as a meeting place, for example. There are a lot of community groups who could utilize the building. Mayor Codner advised that there's history with the building - he suggested construction of new concrete floor with vapor barrier and possibility of putting dehumidifiers in there. Parks, Recreation and Community Services Committee and Town Staff to revisit again, to see what needs to be done with regards to any safety issues. B/F.*
- 8) *As per Motion 473-10 from Public Council Meeting of November 15<sup>th</sup>, regarding a by-law requiring all work external to the Town to require permits and/or notification to the Town – Development and Planning Officer advised that he will have something for the next Planning and Land Use Development Committee Meeting. B/F.*
- 9) *As per Motion 474-10 from Public Council Meeting of November 15<sup>th</sup>, Public Works Committee to investigate Doyles/Quigleys lane area concerning traffic and possibility of making one way street. Mayor Codner advised that he and CAO did have a meeting with representatives from the Eastern School District on Friday, November 26<sup>th</sup>. They parked in the area of the school at about 2:50 p.m. and watched traffic to and from the school area, which increased up until after 3:00 p.m., and then dissipated after that point. He reported that vehicles parked in restrictive areas and there was limited space for the buses. It was suggested by officials from Eastern School District that the Town write a letter to them advising of traffic situation at Doyles and Quigleys Lane and the safety hazard it imposes and recommend that they take space for parking area. See Motion Below. B/F.*

491-10      Motion – Councillor Byrne / Councillor Smith

**RESOLVED THAT** the Town of Torbay write a letter to Eastern School District advising of the Town's concerns with regards to traffic at Doyles and Quigleys Lane in the area of the elementary school. This letter is to be copied to MHA Mr. Kevin Parsons and also to residents on Doyles and Quigleys Lane.

Question called. Motion carried unanimously.

- 10) Meeting to be arranged with the Eastern School District concerning Doyles/Quigleys Lane traffic, parking, and site plans for elementary school. *As per Item No. 9, above, Mayor Codner advised that he and CAO had a meeting with representatives from the Eastern School District on Friday, November 26<sup>th</sup>. Items discussed are listed below. B/F.*

*Council discussed the possibility of partnering with the school so that in summer when school is closed children/families can use the playground. Deputy Mayor advised that the school council had discussions and had discussions with MHA Kevin Parsons, but no plans finalized yet. Mayor Codner to investigate the possibility of getting partners to pitch in on playground items. Council discussed concerns with partnering with the school such as liability issues and equipment inspections and who would be responsible. The Town could possibly make an in-kind contribution such as snow clearing, grading of area, mowing grass, etc. Council discussed the use of the school's gym for Town events – summer programs for rainy days, etc.*

*At the meeting with officials from the Eastern School District, they discussed the possibility of a middle school in Torbay. Mayor reported that there are 127 kindergarten children coming in to school next year and the school is filled to capacity – Torbay is leading with regards to growth, as per the recent report from Eastern School District. It would work efficiently to move a couple grades from the elementary school to a middle school. Councillor Smith congratulated Mayor on a great interview with CBC Radio with regards to the recent report from Eastern School District. Council discussed rezoning matters with regards to what schools children are to attend – they agreed Torbay children should go to Torbay schools. Flatrock and Pouch Cove are also growing in population and their students are coming into Torbay. It was discussed that a town boundary and school boundary should possibly be one of the same.*

*Councillor Tapper asked if the Gazebo came up in discussions during the meeting. Mayor advised that Eastern School District are not compensating for it. Deputy Mayor advised that he will bring this up at the next school council meeting as the gazebo is a financial investment to the Town and we were assured it would be replaced. Councillor Smith suggested an outdoor classroom be put in the area of Chapel Hill. She advised that construction is not complete there in the area – but the landscape at the bottom has changed, the grade is changed significantly, and it may be possible to put an outdoor classroom there near the gully.*

- 11) With regards to the rodent problem on Marine Drive, and as per Motion 475-10 from the Public Council Meet of November 15<sup>th</sup> – *Councillor Smith advised that letters have been sent to residents on Marine Drive that haven't complied with the recommendations set forth in a letter of October 26<sup>th</sup>. Have not yet received a response; and, is on the next Public Works agenda. B/F.*
- 12) Minutes of Public Works Council Meeting, dated November 10<sup>th</sup> and Motion to replace the existing catch basin on Manning Hill with a precast catch basin at a cost of \$4,500 – *CAO advised that Supervisor of Outside Operations did locate funds. COMPLETE.*

- 13) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – **Councillor Byrne requested that if anyone has any comments and questions to forward to him. B/F.**
- 14) Resident advised Councillor Whitty that he couldn't reach staff to advise of issue with water and sewer. **Director of Programs and Services to check with resident. B/F.**

## **COMMITTEE REPORTS**

### **Economic Development**

Councillor Roche advised that there are no minutes. She reminded everyone of the Small Business Awards on Tuesday, November 30<sup>th</sup>, at 7:00 p.m. at the Kinsmen Community Centre – all Council and staff are invited. Hon. Shawn Skinner, Minister of Innovation, Trade and Rural Development, will be in attendance. There are approximately 65 people confirmed to attend.

Councillor Roche extended a thank you to Economic Development Officer, Jeff Lawlor, CAO, Dawn Chaplin and everyone involved with helping with the event – Development and Planning, Public Works. Economic Development was off to such a wonderful start and is off to a wonderful finish this year.

### **Finance**

Councillor Tapper reminded Council that next Monday night, December 6<sup>th</sup>, Committee will present a draft of the balanced budget. Copies will be sent to all Council Members on Friday, December 3<sup>rd</sup>, prior to the meeting. Councillor Smith advised that she is unable to attend. The budget will then be presented at the next Public Council Meeting of December 13<sup>th</sup> for adoption.

492-10      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve the Financial Report, dated November 15 - 26, 2010, as presented.

Question called. Motion carried unanimously.

493-10      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay donate \$250.00 to Kids Help Phone.

Question called. Motion carried unanimously.

### **Human Resources and Administration**

Councillor Byrne advised that there is a meeting tonight at 9:30 p.m. to go over union contract – will have information for the next Council meeting.



**Planning and Land Use**

494-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Building Application Report, dated November 26, 2010, with the following change:

Under Applications for Approval, Application 9426-10 be deferred for further investigation.

Question called. Motion carried unanimously.

495-10      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer Application 9426-10 under Applications for Approval in the Building Application Report dated November 26, 2010, for further investigation.

Question called. Motion carried unanimously.

496-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the Business Application Report, dated November 26, 2010, as presented.

Question called. Motion carried unanimously.

**Public Works**

Councillor Whitty advised that meeting was postponed. Will have a report for the next Council meeting.

**Parks, Recreation and Community Services**

Deputy Mayor Gallant advised that there has been no meeting. Upcoming Town events are the Christmas Tree Lighting on December 2<sup>nd</sup> at the Torbay Fire Hall and the Nighttime Parade on Saturday, December 4<sup>th</sup> – please note that the route has been changed. These events are noted in Community Events Snow Treasure Celebrations pamphlet/program, which was mailed out to residents.

**Technical Services**

Mayor Codner gave a brief update: no meetings scheduled, the sewage treatment is a work in progress, the water study should be completed by the end of the year, waste management plan –

NLL are dropping off a box for metal recycling to the Town, and with regards to the business park, a meeting should be arranged by the end of December.

### **SPECIAL COMMITTEES OF COUNCIL**

#### **2012 Celebrations**

Councillor Roche advised that there is nothing to report.

#### **By Pass Road**

Mayor Codner advised that Mr. Andre Granville, of the Department of Transportation and Works tried to reach him regarding an update on the first lift of pavement. They had advised this should be done by the end of the first week in December. Mayor is hoping to reach him tomorrow, November 30<sup>th</sup>. He reported that the delay is not the contractors fault – there were some design issues and poles that need to be removed by Newfoundland Power.

### **LIAISON COMMITTEES**

#### **Heritage/Museum**

Councillor Byrne advised that there is a meeting schedule for next Monday, December 6<sup>th</sup>, and will have a report for the next Council meeting.

#### **Jack Byrne Arena**

Deputy Mayor Gallant advised that there was a meeting on budget and forecasting, but there are no minutes yet.

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

Councillor Roche advised that there are no minutes. She did give an overview of what was discussed at their last meeting: Bell Aliant charges, proposal on position paper, regional plan, Eastern Waste Management, and MNL Regional Papers. There was a brief presentation made by Mr. Ken Kelly, Eastern Waste Management – there was heavy discussion on this issue. She will forward the minutes for next Council meeting.

The next meeting is scheduled for December 15<sup>th</sup> at 7:30 p.m. in Portugal Cove-St. Philip's.

Torbay is hosting a meeting on January 19, 2011 at 7:30 p.m.

Councillor Roche advised that everyone is invited to all meetings.

**Northeast Avalon Regional Plan**

Mayor Codner advised that there has been no meeting called since the last Council meeting.

**Torbay Volunteer Fire Department**

Councillor Byrne gave a verbal report:

There have been 12 calls since the last Council meeting. There are now 211 calls to date.

The ventilation system is not yet completed – should have been completed by last Friday.

Fire Fighters have purchased their drive way signs and is in the process of installing them. He will let the Town's equipment operators know. Snow plow operators can make themselves familiar with the fire fighter's driveways for this year, as previously agreed. Right now it's a work in progress to see what Town staff are able to do.

With regards to the traffic lights, waiting for part to arrive. Once received, will have up and running.

With regard to the Motion by Councillor Tapper concerning regionalization, he's discussing with the Fire Chief. Mayor, CAO, and Councillor Byrne to meeting and discuss in early January with regards to what to expect, what cost would be for the Town and whether or not it would be viable.

**Urban Municipalities Committee**

Councillor Smith advised that there is nothing to report.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner discussed two events:

Mayor attended a luncheon by the Canadian Diabetes Association last week. They presented a lot of information and facts that were scary and concerning for our future. Councillor Smith was a key speaker and did us all proud. Councillor Smith advised that Mayor Codner was the only mayor who attended the event in the Northeast Avalon - approximately 80 people attended the event overall. She advised that diabetes is a significant epidemic; and, that we have not seen the worst yet. There are approximately 47,000 people who are diagnosed – 14.4% of the population in 2010. The impact to the health care system will be significant. There will be complications that will actually put a strain on our health care system that it won't be able to sustain. People need to take care of themselves better, including healthy eating and no smoking.

Mayor Codner advised that the Sports Hall of Fame Inductions took place Saturday night past. We have a celebrity, Councillor Tapper. He was inducted to the Hall of Fame - the Town is proud of him – there was a litany of positive comments. Council extended their congratulations to Councillor Tapper. Councillor Tapper thanked Mayor Codner for attending and speaking on behalf of the Town. He thanked Barry Codner for a full house this year and he extended a thank you to staff – there were a lot of positive comments on the decorations. It was a great evening.

***Deputy Mayor Gallant***

Deputy Mayor discussed the Premier William’s resignation. He extended a public thank you to Premier Danny William for his hard work for our province. ***Town to forward a letter of thanks. B/F.***

***Councillor Byrne*** - Pass

***Councillor Roche*** - Pass

***Councillor Smith***

Councillor Smith discussed Chapel Hill – she suggested that TETC, Parks, Recreation and Community Services Committee, and the School Council to look at the way the site is refigured for future use. She requested that the Town contact the Department of Transportation and Works to ask them to finish the work that they have started. The area is not even, not level, there are holes in it, and you can’t see the gabions – it’s washing away already. She advised that she was concerned with quality of work and stabilization, as it’s not complete. It is not aesthetically pleasing at all.

***Councillor Tapper*** - Pass

***Councillor Whitty***

Councillor Whitty advised that at the last Northeast Avalon Joint Council Meeting, Ken Kelly provided stats on communities doing curbside recycling and communities not providing this service, and used Torbay as an example. He discussed the value of curbside recycling and advised the Town did approximately 2,337 tons of garbage last year. In April, tippage will be \$65.00/ton. If the Town could get to half that amount, we could save approximately \$50,000.00. Mayor Codner advised that he worked out the numbers and the Town will actually save this year. Councillor Whitty advised this would be an additional save.

**ADJOURNMENT**

497-10      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:56 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*