



**MINUTES**  
PUBLIC COUNCIL MEETING  
October 17, 2011

---

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 17, 2011 at 7:40 p.m.

**Members Present**

Mayor Bob Codner  
Councillor Mike Byrne  
Councillor Peggy Roche  
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**

Deputy Mayor Geoff Gallant

**Gallery**

There were a total of 6 people in attendance.

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

423-11      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

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

Question called. Motion carried unanimously.

424-11      **Adoption of Minutes**

Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Minutes of the October 3, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS** - None

**CORRESPONDENCE**

- 1) Stewardship Association of Municipalities – T-Shirt Orders. *For Information purposes – promotion of SAM. Information to be forwarded to TETC.*
- 2) Correspondence from a concerned citizen concerning property on the Bypass Road from Quigley’s Lane to Torbay Road. *Correspondence was not accepted by Council as there was no signature identifying who the correspondence was from. See motions below.*

425-11      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay remove this correspondence from the Agenda.

Question called. Motion carried unanimously.

426-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay will not accept correspondence without proper signature.

Question called. Motion carried unanimously.

Council agreed that Staff can advise the public when correspondence is delivered.

- 3) Kids Help Phone – Request for support/donation. *Deferred to Finance Committee.*
- 4) Northeast Avalon REDB Inc. – Second Regional Planning Session. *CAO advised she will try to rework her schedule to attend and request agenda for this session.*
- 5) Northeast Avalon Regional Economic Development Board – A Guide to Second Career Entrepreneurship Event. *Information posted on bulletin board and website. It was agreed that this information be shared with the 50 plus club.*
- 6) Correspondence from TETC concerning Jones Pond Trail Blockage. *Mayor Codner advised that this matter has been presented at almost every Council Meeting. He verbally provided a history of the trail; and, details/events on this matter to date. As per the Town’s solicitor, trails come under the authority of Crown Lands. The Department of Environment and Conservations, Crown Lands, have visited site and met with residents. A final report should be forthcoming in near future. Mayor Codner advised he called the Department’s Deputy Minister last week, but no reply as of yet. This matter is ongoing and the Town is working on getting it resolved. Mayor Codner to respond to TETC and provide them with the facts and information on this matter. Councillor Smith suggested that the resident write a letter to the Minister with his comments.*

- 7) Municipalities Newfoundland and Labrador – InfoNote – Nominations for positions on the MNL Board of Directors. *See motion below.*

427-11      Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Town of Torbay support Mayor Woody French, Conception Bay South, in the position of Vice President, Board of Directors, Municipalities Newfoundland and Labrador.

Question called. Motion carried unanimously.

- 8) Department of Transportation and Works - Torbay Bypass Road and Torbay Road. *This is a response concerning the East/West connection, which the Department of Transportation and Works feels is the Town's responsibility. The Department has finished constructing the Bullocks Town Road for emergency access. As this area is now easier to access by vehicles, Council discussed a guardrail near the damn – Mayor and Development and Planning Officer to do site visit. Possible takeover of Torbay Road was discussed, which the Town is not in a position at this time. The Department advised that their priority for snow clearing will be the newly constructed bypass road - Council discussed that this information be made public and maybe letters be written to the MHA and Premier.*

### **CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report was accepted as presented.

### **COMMITTEE REPORTS**

#### **Economic Development**

Councillor Roche discussed the recent EDAC Conference which she and the Economic Development Officer attended. She advised that it was very educational and interesting to see all towns across Canada come together to reach goals with regards to development. There were a variety of guest speakers. The highlight was hearing the name of Torbay – national first place winner for our website - and to accept recognition and award, along with the Economic Development Officer.

She recommended that all Council Members in any community attend conferences to experience networking and ideas to bring back to their own community. She advised that the Town of Torbay have a wonderful staff and she recognized the Economic Development Officer - who takes on new initiatives and has great energy, the Chief Administrative Officer, and everyone who took part in all of this. It was really worthwhile.

**Finance**

Councillor Tapper read out payroll and accounts payable information as per the report, which covers a four-week period, as the last report was deferred:

Payroll for the period of September 19-October 14, 2011 for 27 employees and 3<sup>rd</sup> quarter remuneration for Council totaled \$114,733.13.

For the period of September 19-October 14, 2011, Accounts Payable invoices in the amount of \$124,018.44 were paid. These expenditures were within budget.

Two (2) Main Operating Invoices totaling \$75,467.40 were presented for approval.

428-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Newfound Disposal Systems, for Garbage Collection for September, 2011, in the amount of \$33,848.11.

Question called. Motion carried unanimously.

429-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll remittance for the month of September 2011, in the amount of \$41,619.29.

Question called. Motion carried unanimously.

Four (4) Capital Invoices totally \$32,842.45 were presented for approval.

430-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Black and McDonald Limited, for Thorne's Lane and Tynedale Upgrades (Payment Certificate #2), in the amount of \$15,803.97.

Question called. Motion carried unanimously.

431-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Black and McDonald Limited, for Thorne's Lane and Tynedale Upgrades (Payment Certificate #3), in the amount of \$4,830.75.

Question called. Motion carried unanimously.

432-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Design Associates Limited, for Sewage Lift Station, Chlorine Chamber, Thorne’s Lane and Tynedale Upgrades, in the amount of \$6,040.44.

Question called. Motion carried unanimously.

433-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Black and McDonald Limited, for Thorne’s Lane and Tynedale Upgrades (Payment Certificate #4), in the amount of \$6,167.29.

Question called. Motion carried unanimously.

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

The next Finance Committee Meetings pertains to departmental presentations for the 2012 budget, and will be held on October 18<sup>th</sup> and October 19<sup>th</sup>.

434-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay award tender number 2011021 for the supply of municipal street signs to 4M Manufacturing Inc. in the amount of \$20,620.33 (including HST). The implementation of the Town’s Signage Strategy is a budgeted item for the 2011 calendar year.

Question called. Motion carried unanimously.

435-11      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay support the Holy Trinity Elementary School’s efforts to acquire and install playground equipment on school property. The Town will provide a donation in the amount of \$10,000.00 and this will be included as a capital cost in the 2012 budget. Provision of the donation is subject to the Town receiving written confirmation by the Eastern School District that they will assume all maintenance and liability issues once the playground equipment is installed. The Town will also require written confirmation that the playground equipment is CSA approved and that the proper safety zones are in place.

Question called. Motion carried unanimously.

**Human Resources and Administration**

No reports or motions.

**Planning and Land Use**

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting on October 13, 2011.

Items discussed in the Minutes included:

1. Amendments  
Removal of 610 meter livestock buffers was discussed. Development and Planning Officer gave an overview of procedure; and, will be speaking with both farmers to advise them of the Town's plans.
2. a) Discussed application from resident for four unit residential building. Petition was received from area residents; meeting to be arranged with area residents to hear their concerns. Development and Planning Officer to arrange meeting; and, all Council members are invited.
3. a) Development and Planning Officer to address correspondence concerning construction yard and advise of Committee's response.  
  
b) Letter from the Department of Municipal Affairs regarding Municipal Plan Amendments 14 and 15, 2010 and Development Regulations Amendments 31 and 32, 2010. Development and Planning Officer to write letter to Municipal Affairs stating the Town's opinion. CAO to arrange meeting with consultant and commissioner for later this week.
4. Other Items  
2012 Budget was presented this week.

Property Backfilling/Dumping was discussed – Development and Planning Officer is developing a policy on this matter.

436-11 Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay re advertise Municipal Plan Amendment No 18, 2011, and Development Regulations Amendment No 37, 2011. With the following changes; the livestock buffers on Connors Dairy Farm and Ryan's Farm will be reduced to 200 meters, the remaining livestock buffer circles throughout the Town will be removed as per the Department of Agriculture's letter, dated January 22, 2010. These 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 unanimously.

Councillor Smith reported that there were eight (8) applications approved/issued, under the Building Application Report, dated October 14, 2011.

437-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the eight (8) applications approved/issued under the Applications Approved section of the Building Application Report, dated October 14, 2011.

No.	Application No.	Location	Proposal
1	9613-11	591 Indian Meal Line	General Repairs
2	9614-11	118-120 North Pond Road	General Repairs, 8' x 10' Accessory Building, Remove Porch
3	9615-11	6 Eagle Ridge Drive	Single Family Dwelling
4	9617-11	32 Robins Pond Hill Road	16' x 20' Accessory Building
5	9618-11	6 MacArthur Place	General Repairs
6	9620-11	472-474 Bauline Line	12' x 16' Accessory Building
7	9622-11	12 Edgewater Lane	Single Family Dwelling
8	9623-11	18 Edgewater Lane	Single Family Dwelling

Question called. Motion carried unanimously.

**Application:** 9616-11  
**Location:** 3 Edgewater Lane  
**Proposal:** 22' x 26' Attached Garage  
**Zoning:** Residential Large Lot (RLL)

438-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9616-11, under the Applications for Approval section of the Building Application Report, dated October 14, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9619-11  
**Location:** 9-15 Keating's Place  
**Proposal:** 28' x 32' Accessory Building  
**Zoning:** Residential Medium Density (RMD)

439-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9619-11, under the Applications for Approval section of the Building Application Report, dated October 14, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9600-11  
**Location:** Portion of 33-43 Gosse's and Rodgers Crescent  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

440-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9600-11, under the Applications for Approval section of the Building Application Report, dated October 14, 2011, subject to the following condition:

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 as per motion 371-11. 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.

**Application:** 9621-11  
**Location:** 8 Barron's Lane  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

441-11 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9621-11, under the Applications for Approval section of the Building Application Report, dated October 14, 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. 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:** 9624-11  
**Location:** 9-11 Will's Place  
**Proposal:** 20' x 20' Accessory Building  
**Zoning:** Residential Infill (RI)

442-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9624-11, under the Applications for Approval section of the Building Application Report, dated October 14, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

### **Public Works**

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting on October 13, 2011.

Items discussed in the Minutes included:

Parking Lot Items - with regards to Item No. 10, awaiting opening of the Bypass road, so that traffic can be diverted.

Council discussed the signage for speed bumps/humps. Councillor Smith discussed that the signage looks more like speed signs; she was looking for an educational component for people to slow down in areas of speed bumps; and, she asked if there would be additional signs. CAO discussed signage is done as per the TAC Manual. Proper signage is next to the bumps/humps. The signs that are ordered indicating speed limit are for subdivisions.

443-11 Motion – Councillor Whitty / Councillor Smith

**RESOLVED THAT** the Town of Torbay Tender for Sale of 2001 GMC Single Axle Dump truck: The Public Works Committee recommends the sale of this item with the understanding that the proceeds from the sale be put into outfitting a currently owned Town vehicle with a Sander and plow.

Question called. Motion carried unanimously.

444-11 Motion – Councillor Whitty / Councillor Smith

**RESOLVED THAT** the Town of Torbay proceed with the work on Matthew Drive pending approval from Newfoundland Design Associates Limited on a new drainage initiative. This work will include but not limited to the construction of a drainage ditch along Reardon’s Lane to Bauline Line and along with the connection of the Culverts at Matthew Drive and Santa Maria and installing a French drain. Work to be performed by Town of Torbay Crews (Weather Permitting) with the exception of rental an excavator.

Question called. Motion carried unanimously.

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

No reports or motions.

Councillor Smith advised that the Canadian Diabetes Association is pleased that Torbay is considering hosting the World Diabetes Day event. Excellent meeting with Recreation Staff. More information to come.

### **Technical Services**

Mayor Codner discussed the Bypass Road. He advised that he talked to the contractor last week concerning a number of items regarding the Bypass Road. They have indicated that the lights on Indian Meal Line and Bauline Line are all in place and hope to have working in two weeks. Their intent is to have the road opened this year.

Council discussed Torbay Road and Bypass Road construction, paving, and traffic delays. It was suggested to write a letter to the Department of Transportation and Works – Mayor advised that he has gone to the Minister’s level with discussions.

## **SPECIAL COMMITTEES OF COUNCIL**

### **2012 Celebrations**

Councillor Roche advised that there is no formal report.

She verbally advised that she did meet with the Town’s Heritage, Culture and Arts Coordinator, Contessa Small, and the new coordinator. She advised that she did come across two boxes of files from 2005 concerning twining; therefore, Contessa can now start working on this and the come home year celebrations. Names, parameters are not yet confirmed. They are applying for funding for various events through different government departments. She advises that the Torbay 250 Coordinator is working out very well.

**By Pass Road**

No report.

**LIAISON COMMITTEES**

**Heritage/Museum**

Councillor Byrne advised that there has been no official meeting. He met with the Heritage, Culture and Arts Coordinator, and they're making their 2012 budget presentation tomorrow evening.

**Jack Byrne Arena**

Councillor Tapper advised that the Board did apply for an ACOA grant and received funding in the amount of \$208,000.00. This funding will be used towards surfacing/flooring to cover the ice surface and for a digital sign.

Councillor Smith asked if the Arena had a defibulator. Councillor Tapper advised yes and that all staff have been trained. It is located in the penalty box. Councillor Tapper to confirm if there is a sign advising of location of defibulator.

**Northeast Avalon Joint Council**

Councillor Roche discussed an upcoming regional planning session in Mount Pearl. CAO will be attending and agenda will be presented. She also noted that their Secretary, Ms. Maureen Harvey is moving on to a new position.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

No report.

**Torbay Volunteer Fire Department**

Councillor Byrne gave an overview of items discussed at the Torbay Volunteer Fire Department Meeting on October 10, 2011.

Items discussed in the Minutes included:

- The Department's budget presentation is tomorrow evening. Of importance will be a new rescue vehicle.

- There have been 9 emergency calls since the last meeting.
- Fire prevention week was very successful. Events included a parade and an open house.
- Trunk or Treat is on Saturday, October 29<sup>th</sup> at the Jack Byrne Arena; and, the Department will be there helping out.
- The Department will be doing pumpkin patrol on Halloween night.
- Under Item No. 5 of the TVFD Meeting Notes, dated October 10, 2011, Councillor Byrne requested that everyone be aware of the sharp turn heading towards Flatrock near the bypass entrance area. This is only temporary.

Councillor Byrne advised that the Department's volunteers put in a lot of hours; and, he is very grateful for the services that they provide.

Councillor Roche advised that she attended the Department's open house; and, it was fantastic. The children will have these memories forever in their minds. She advised that it's also a great educational tool to see what the volunteers are involved in.

### **Urban Municipalities Committee**

Councillor Smith advised that she will have written report for the next meeting.

### **NEW BUSINESS**

**Mayor Codner** - Pass

**Deputy Mayor Gallant** - Absent

**Councillor Byrne** - Pass

**Councillor Roche** - Pass

**Councillor Smith** - Pass

**Councillor Tapper**

Councillor Tapper discussed sidewalks on Torbay Road. It was noted in previous Minutes that this item will be discussed at the strategic planning session. He has always supported the idea of sidewalks on Torbay Road; and, his concern is that if deferred, this matter may not be included in budget for next year.

Mayor Codner advised that he supports the idea of a sidewalk from Price Choppers to Piper Stock Hill. Emphasis is on safety and healthy living. Torbay Road, however, is under Provincial jurisdiction, being negotiated with possible takeover.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**October 17, 2011**

---

Councillor Tapper discussed that there are people, seniors, coming from North Pond Manor in wheel chairs. They're our residents, and we have to protect them. He suggested that the Town could construct in phases and start somewhere, possibly in the school zone to the Town Hall could be a start.

**Councillor Whitty** - Pass

**ADJOURNMENT**

445-11      Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the meeting be adjourned at 9:05 p.m., as there was no further business.

Question called. Motion carried unanimously.

---

**Mayor**

---

**CAO/Town Clerk**