



MINUTES
PUBLIC COUNCIL MEETING
October 18, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 18, 2010 at 7:40 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne (*left at 8:53 p.m.*)
Councillor Peggy Roche
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

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

Regrets

Ken Anthony, Director of Programs and Services

Gallery

There were a total of 7 people in attendance.

Meeting was chaired by Mayor Codner

419-10 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

For future agendas, Mayor Codner requested that under Section 5, *Committees of Council*, that the Chairperson of these Committees be indicated.

420-10 **Adoption of Minutes**

Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Minutes of the October 4, 2010, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Mayor Codner welcomed representatives of the Holy Trinity Catholic Women's League to the meeting.

Ms. Tina Barron, President of the Holy Trinity Catholic Women's League, Torbay, read aloud The Ribbon of Signatures Week Proclamation. Mayor Codner signed the proclamation on behalf of Council.

421-10 Motion – Councillor Roche / Councillor Smith

RESOLVED THAT the Town of Torbay proclaim the week of October 17 – 24, 2010 as the Ribbon of Signatures Week in the Town of Torbay.

Question called. Motion carried unanimously.

Ms. Barron thanked Mayor Codner and Council for declaring October 17 – 24th as Ribbon of Signatures Week and for taking the time to sign the Ribbon.

CORRESPONDENCE

- 1) Correspondence from resident concerning Hurricane Igor and Water Damage. *(Also referred to Public Works Committee and Planning and Land Use Development Committee.) See motion below under Item No. 2. A meeting for residents of Anstey's Cove Lane and Davalan Place has been scheduled for Monday, October 25th at 7:30 p.m. at the Town Hall. Notification of meeting to be hand delivered to all residents. COMPLETE.*
- 2) Correspondence from resident concerning Hurricane Igor and Flooding at Anstey's Cove Lane. *(Also referred to Public Works Committee and Planning and Land Use Development Committee.) See Motion below. A meeting for residents of Anstey's Cove Lane and Davalan Place has been scheduled for Monday, October 25th at 7:30 p.m. at the Town Hall. Notification of meeting to be hand delivered to all residents. COMPLETE.*

422-10 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay arrange a meeting with residents of Anstey's Cove Lane and Davalan Place for Monday, October 25, 2010, at 7:30 p.m., to address their issues of concern in the area. Notification to be delivered to all residents.

Question called. Motion carried unanimously.

- 3) Government of Newfoundland and Labrador, Department of Municipal Affairs – ICSP Submission Compliance. *CAO advised that this is regarding compliance with gas tax agreement. Plan is complete - formal approval from the Department of Municipal Affairs. COMPLETE.*
- 4) Destination St. John's – Request for meeting regarding the Town's plans for tourism. *Mr. Healey has passed on; and therefore, this may be deferred for a while. There is a new organization set up for Avalon North and Avalon South. COMPLETE.*
- 5) Municipal Assessment Agency Inc. – Annual Report for 2009-2010/A Guide to Property Assessment. *For Information Purposes. COMPLETE.*
- 6) Correspondence from resident - Rat Problem on Marine Drive. *Refer to Supervisor of Outside Operations to touch base with other towns to see how they handle this type of situation, as Council discussed that it is quite a problem in the area. CAO to have recommendation for next meeting. B/F.*
- 7) Correspondence from excavating company – request to obtain quarry permit.

Council discussed their concerns with regards to this request for a quarry permit. If this company does not use this pit, they will be going to another area – in Portugal Cove-St. Philip's, and will have to truck approximately 8,500 trips of heavy loaded trucks on our public roads which, was agreed, was a safety concern to residents and the environment. If this company is successful in acquiring a quarry permit in the Robin's Hill area, their trucks will be using the by-pass road, not the Town's public roads – Indian Meal Line/Bauline Line. It was discussed that the company is asking for the Town's support and approval to operate a quarry for a limited and specific time frame; and they will need to acquire a permit from the Department of Natural Resources, Mines Branch, Mineral Lands Division first. Councillor Smith advised that there is a Motion by Council that there are to be no more quarries in the Town; and, if we approve this quarry application, the Town may have to possibly approve other quarry applications.

It was agreed that should the Town approve this quarry request, there will need to be a written confirmation and formal agreement between the Town and the company. It was discussed that surrounding area residents be notified of this request for a quarry permit, with assurance that if the company does any blasting, it will not affect their properties – before and after surveys/pictures are to be done – blasting is to be followed to regulations and the Town's stipulations. There should be specific times for blasting – in relation to the noise/nuisance bylaws; and, there should be a time limit on the quarry operation – 6 months maximum. The company is to reinstate the site to acceptable standard; the Town to touch base with its Consulting Engineers, Newfoundland Design Associates Limited.

423-10 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay support and give permission to Farrell’s Excavating Limited to obtain quarry permit in the Robin’s Hill area with specifications that they have to abide by rules, procedures, and regulations that were stated above in Council’s discussions.

Question called. Motion failed.

For Motion: Mayor Codner, Councillor Roche, and Councillor Byrne

Against Motion: Deputy Mayor Gallant, Councillor Whitty, Councillor Smith, and Councillor Tapper

Councillor Smith called a point of order – motion is in contravention of another motion on books – giving support for quarry; as we have motion that says there are to be no new quarries in the Town. Mayor Codner rules that the point of order is not well taken as it’s an existing quarry.

424-10 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay make an amendment to the above motion, Motion No. 423-10 to further read that the Town will need to notify residents of the proposed request for a quarry permit; and, if there are any objections or concerns, or issues/damages to residential properties, then there is to be a shut down and the Town will take back or withdraw its support and permit.

Question called. Motion carried.

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

Against Motion: Councillor Smith, Councillor Tapper.

Mayor Codner stated that the Department of Transportation and Works have to get permission for operator to access pit – approval to come from Department of Mines and Energy. He discussed that a pre-blast survey be completed, compliance with noise/nuisance regulations, life or term of an agreement would be possibly maximum of six months, and reinstatement of site would be a requirement. Council discussed these conditions and how the residents could access data – pre and post-blast surveys, blasting size, etc. Council discussed obtaining legal advice first – legal agreement and researching this matter further to ensure the Town, as well as the company requesting quarry permit, are following proper legal procedures and processes.

425-10 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay check with its Solicitor, Mr. Pittman before offering a letter of support and issuing permit for quarry operation in the Robins Hill area to Farrell’s Excavating Limited. This motion is to be re-addressed at the next Public Council Meeting.

Question called. Motion carried unanimously.

BUSINESS OUTSTANDING

- 1) Correspondence from resident concerning Whitty's Lane. *Deferred to next Public Works Committee Meeting. B/F.*
- 2) Email correspondence from resident concerning Party Bus picking up groups at Town's buildings/facilities. *Deputy Mayor Gallant advised that letter has been sent to the companies with the Town's concerns. COMPLETE.*
- 3) Correspondence from resident regarding construction of new deck. *Dealt with in Planning and Land Use Development Committee. COMPLETE.*
- 4) Correspondence from resident regarding Donovans Lane/Indian Meal Line Intersection and Dog Roaming Laws. *Deferred to Public Works Committee. B/F.*
- 5) Director of Programs and Services advised that there were two other pieces of correspondence that were supposed to be included in the Agenda, but were omitted in error. Both were in relation to Hurricane Igor and flooding/water damage that occurred. *(See Items 1 and 2 under Correspondence section above.) As per Items 1 and 2 under Correspondence above. COMPLETE.*
- 6) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly's Lane. *Mayor Codner advised that the request was initiated by residents in the area, as the children have to go to Torbay Road to get their school bus. He advised that he has looked at the turn-around or the bulb with the school bus driver, and Newfoundland Design; and, the Town has to acquire land from a resident on the corner in order to increase the turn radius. Mayor Codner advised that he discussed with the resident the matter of acquiring some of his land for this purpose; and, the resident requested that the Town indicate with ribbons what we would want in the way of land so he can have a look at the area. If acceptable, then he would agree. The Town needs to move ahead and make the turning radius wider, including moving a pole with anchor, as it's a safety issue not only for the school bus, but also for emergency vehicles, as well. Also referred to Public Works Committee and Finance Committee. B/F.*
- 7) 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. *The Town's Consultant is still in discussions with the Department of Municipal Affairs – clarification of terms of reference, waste water treatment study. The Department of Environment and Conservation and the Department of Municipal Affairs are in process of reviewing for compliance with their legislation. Should have commentary on the waste water treatment study by end of week. North Pond, South Pond and Great Pond - this study will be completed in one year. B/F.*
- 8) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. *Development and Planning Officer advised that the draft policy is complete. COMPLETE.*
- 9) 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 – *Deputy Mayor Gallant advised that Constable Grace has increased his correspondence with RNC Headquarters about getting this actioned – the Town has*

requested that the office moved by the end of fiscal year. Deputy Mayor advised two more weeks, then make recommendation. CAO suggested the move take place before snow-clearing season. B/F.

- 10) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates - *CAO advised that nothing on this matter was brought up at the MNL convention – she will follow up. Councillor Smith noted that correspondence was sent out; and, we need to follow up on it. Council agreed that they would like title turned over to Town. Council discussed that the Town needs control of these footpaths. B/F.*
- 11) Correspondence from resident regarding the installation of a hearing impaired sign – *Councillor Whitty advised that it was agreed that the resident would take care of the installation of sign themselves. COMPLETE.*
- 12) Status of Camp Carey Building – *Deputy Mayor Gallant advised this matter was discussed at a Parks, Recreation, and Community Services Committee meeting and discussed at budget submissions - update to come. B/F.*
- 13) Development of Town policy on dumping/infilling on properties, including areas in conservation zones. *Development and Planning Officer advised that research is still ongoing. There are not a lot of policies, but procedures/regulations from other towns; and, we may have to prepare from scratch. Municipal Enforcement Officer is still researching and checking with other Towns. B/F.*

COMMITTEE REPORTS

Economic Development

No report or motions.

Finance

426-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated October 4-15, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

427-10 Motion – Councillor Byrne / Deputy Mayor

RESOLVED THAT the Town of Torbay approve the Minutes of the Human Resources and Administration Committee Meeting, held on October 1, 2010, as presented.

Question called. Motion carried unanimously.

Planning and Land Use

428-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Planning and Land Use Development Committee Meeting Minutes, dated October 14, 2010, as presented.

Question called. Motion carried unanimously.

429-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay give Derrick & Marilyn Martin approval to rezone their parcel of property at 26 Lower Street from Public Buildings (PB) to Residential Medium Density (RMD) to accommodate a 3 unit apartment building. The current structure will be converted from a community hall to the proposed 3 unit apartment building, there are no external structural changes planned. The applicant will pay for the cost of the amendment up front before any work is started by the Town's Planning Consultant.

Question called. Motion carried unanimously.

430-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay proceed with development regulations amendment 34 removing item (a) the section referencing the removal of the 610 meter buffer zones.

Question called. Motion carried unanimously.

431-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay rescind motion 193-10, this motion dealt with rezoning a parcel of property along Bauline Line west of Connors Dairy Farm, and is being readdressed in the next motion.

Question called. Motion carried unanimously.

432-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay rezone a 600 meter wide corridor (300 meters on either side of Bauline Line) from the edge of agricultural zone surrounding Connor's Dairy Farm to the Towns boundary line with the Town of Bauline. This area will be rezoned from a Rural Land use (RUR) to a Residential Large Lot Land Use (RLL) to allow for future residential development of the area. This rezoning will also require an amendment to the current St. John's Urban Region Regional Plan.

Question called. Motion carried unanimously.

433-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated October 15, 2010 as presented.

Question called. Motion carried unanimously.

434-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Business Application Report, dated October 15, 2010 as presented.

Question called. Motion carried unanimously.

Application: B1046-10
Location: 7 McGory Place
Proposal: Roofing Company office
Zoning: Residential Medium Density (RMD)

435-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer the application pending public notification and consultation 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.

Question called. Motion carried unanimously.

436-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Crown Land Applications Report, dated October 15, 2010 as presented.

Question called. Motion carried unanimously.

Public Works

437-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Revised Minutes of the Public Works Committee Meeting, dated September 30, 2010, as presented.

Question called. Motion carried unanimously.

438-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated October 14, 2010, as presented.

Question called. Motion carried unanimously.

439-10 Motion – Councillor Smith / Councillor Whitty

RESOLVED THAT the Town of Torbay contact the Royal Newfoundland Constabulary by letter or email to request a meeting to discuss Town concerns, including the need for police presence and speed calming measures.

Question called. Motion carried unanimously.

440-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay award Sander Tender 2010/11 to Harvey's and Company, 88 Kenmount Rd, St John's NL, A1B 3R1 for One new Tandem Axel Dump Truck/Sander with Front Mounted Plow and Wing Plow FOB to Torbay in 120-150 days of PO submission for a 2011/2010 International 7600 Model for the purchase price as follows;

Truck Chassis	\$120,341.34
Dump Box/Spreader/Plow	\$67,145.00
Sub Total	\$187,486.37
HST	\$24,373.23
Total	\$211,859.60

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

Correspondence from Health Care Foundation – Town's participation in the Tri for Health. *Deputy Mayor Gallant advised that this is for information purposes. The Tri for Health was a huge success and this is a letter of thanks.*

Deputy Mayor Gallant reported that the Fall Harvest Fundraiser for the High School was a successful event. It was a great fundraiser – 32 tables were sold out. He reported that it was a sit down dinner and fantastic live auction.

Councillor Tapper advised that he met with Doug Ballam of NCC this afternoon; and, had a great meeting – looking at timelines to get things moving. He advised that John Foley, NCC, will be in Town during the week of November 1st and Deputy Mayor is going to arrange a meeting with him and invite TETC to discuss some conservation areas - to see if NCC can come in and look at

arranging a public meeting with residents affected in certain areas. Councillor Tapper reported that Motion Park is another area for consideration – the owner is in Town the same week and hoping to arrange meeting with them, as well. He reported that there is a lot of activity on this and they are moving ahead with it - it will be a challenge to Council – open space strategy – need to support these programs – it’s only the beginning.

Technical Services

No report or motions.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Minutes of the 2010 Commemoration Special Committee Meeting, dated October 4, 2010 – *deferred to next Public Council Meeting. B/F.*

By Pass Road

Mayor Codner advised that there is nothing new to report. A meeting is to be arranged with Minister Hedderson, Department of Transportation and Works.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Deputy Mayor Gallant advised that Lorne Tucker is the new Arena Manager. He started his position on Wednesday past. He advised that he would like to ask him to attend the next Council meeting to introduce him.

There is a Board meeting scheduled a week from Thursday.

Northeast Avalon Joint Council

Councillor Roche advised that there is no report. CAO advised that Councillor Hatch requested that the Town of Torbay host a meeting in January, 2011.

Northeast Avalon Regional Plan

No report. Meeting date is pending, but not confirmed. Mayor discussed that the St. John's Region Regional Plan came in 1976 and possibility of remaining in effect until new NEAR Plan adopted.

Torbay Volunteer Fire Department

Councillor Byrne reported that there are still mechanical problems with Pumper No. 1 and the Department has to make a decision on what and how to proceed with this matter – decision to be made by Council in near future as Pumper is not reliable and they are unable to find source of problem.

With regards to the ventilation system, the contract was delayed until today.

Traffic lights – the lights were up but the wind blew them down during Hurricane Igor – start from scratch again – Fire Chief to be in touch with CAO regarding new lights.

Open Air Burning Regulations – timeline – back from Municipal Affairs. CAO advised that letter is gone to the new minister.

Budget – the Department made their budget presentation on October 5th. With regards to Pumper No. 2, numbers were put outside budget submission – Finance Committee has it.

The Department had 7 emergency calls since the last meeting.

Councillor Byrne extended his condolences to Bob Webber, Fire Prevention Officer, on the passing of his brother – Gerald Webber – he is resting at Caul's Funeral Home on Lemarchant Road tomorrow and tomorrow evening, with mass at Caul's chapel 9:30 Wednesday morning. Donations can be made to charity.

Urban Municipalities Committee

Councillor Smith advised that they did meet on November 9th at the MNL Convention at the Delta Hotel. There are no minutes yet; however, she gave a brief outline of highlights:

- There was a presentation on municipal ticketing by Chad Blunden, Department of Municipal Affairs;
- Presentation on new ACOA programs;
- Presentation moose control – Save Our People Action Committee;
- Minister of Intergovernmental Affairs – Dave Denine brought greetings and discussed a Who Cares program to promote this resource – watch for promotional materials;
- You Rock youth award was discussed and one of the winners, local resident, Kristina Roche.

Councillor Smith advised that the next meeting will be held before Christmas. Date and time not yet scheduled.

NEW BUSINESS

Mayor Codner

Mayor Codner advised that the neighborhood sign unveiling for Thomas Gardens is tomorrow at 6:00 p.m. He advised that this is the first neighborhood sign unveiling for the Town; and all Council and Staff are invited to attend.

Deputy Mayor Gallant

Deputy Mayor Gallant discussed speed calming efforts – the MNL Conference had some innovative products that the Town could possibly invest in. He advised that he's putting forth a notice of motion that the Town acquire a digital speed calming sign in 2010 and then try to work with other regions or municipalities for purchase in 2011. He suggested that the appropriate committees research for their recommendations.

Deputy Mayor discussed green communications and citizen engagement mechanism. He put forth a notice of motion – that the Town research and proceed with this as soon as possible – in next couple of weeks.

Deputy Mayor thanked Mr. Kevin Parsons, MHA, District of Cape St. Frances, for all the work that he and the Provincial Government have done for our Community so far. He wished to publically acknowledge him and give thanks.

Councillor Byrne - Pass

Councillor Roche

Councillor Roche advised that she had encouraged everyone to attend the workshop on emergency responses at the MNL Convention. UMC Chair, Keith Keating discussed Hurricane Igor – emergency responses – what we need to do to improve and enhance our emergency responses in future. She advised that she was disappointed that the session did not go ahead as there was another presentation ongoing – nothing at all was mentioned about emergency services. Councillor Roche asked Councillor Smith if it was brought up at the UMC meeting; however, Councillor Smith advised that it was not, but maybe will be brought up at the next meeting – Councillor Roche requested that she bring it back to the UMC.

Councillor Roche extended congratulations to Staff for the Torngat award. Congrats to all.

Councillor Smith

Councillor Smith discussed an offer from the Leader of the Opposition, Yvonne Jones, to talk to our Council. She's in the St. John's area while receiving health care; and, Councillor Smith suggested that we invite her to meet Council, visit our Chambers, and discuss with her any questions that Council may have. CAO to contact her and invite her to visit our Town and meet with Council.

Councillor Smith discussed holding special meetings – to allow Council to get regular updates on projects – staff to provide short presentations to provide updates to Council and discuss any other

MINUTES
PUBLIC COUNCIL MEETING
October 18, 2010

issues. Mayor Codner to set up special meeting before Christmas. Deputy Mayor discussed holding an information session on overall Town plan developments, as well as open space presentation – CAO to follow up and work out a schedule.

Councillor Tapper

Councillor Tapper discussed the topic of Regional Cooperation – being on the Finance Committee, there has been a lot of talk recently on this topic, including talks of partnering with some other towns – one issue would be the Fire Department - they came in with their presentation and their issues with Pumper No. 1 and possibility of applying for new vehicle - maybe partnering with Logy Bay-Middle Cove-Outer Cove, Flatrock, and Pouch Cove. He advised he's putting forth a notice of motion – the Town should discuss this; and, discuss regional fire set up for the whole area. At next meeting, he will present a motion to that effect. He suggested facilitating a meeting for all mayors to discuss this concept including fire chiefs, etc. - to get the ball rolling – possibility of MHA Kevin Parsons to facilitate meetings.

Councillor Tapper discussed service providers – there's been motion on books from the Minutes of the Public Council Meeting of January 26, 2009 – CAO to proceed with expression of interest – legal, auditing, planning and engineering. He advised that this motion was never actioned; and, he feels strongly that Council should take action on that and let CAO proceed. He suggested taking action or rescind motion. CAO advised that there have been some staff change overs; and, the Director of Programs and Services are reviewing two of four revisions – can't look at auditing until 2012. Councillor Tapper advised that there's another motion on auditing as well that was passed – the Town should work on/complete the motion – possibly open the door to new competition.

Councillor Whitty

Councillor Whitty extended congratulations to CAO, Dawn Chaplin, and Economic Development Officer, Jeff Lawlor, and recognized their efforts that resulted in winning the Torngat Award.

ADJOURNMENT

441-10 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the meeting be adjourned at 9:14 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk