



MINUTES
PUBLIC COUNCIL MEETING
October 29, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 29, 2012 at 7:42 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Brian Winter, Director of Planning
Bernie Manning, Director of Public Works & Technical Services
Ann Picco, Executive Clerk

Gallery

There were a total of 36 people in attendance.

479-12 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

At the beginning of the meeting all Council Members provided their add-on items to the Agenda. Deputy Mayor advised the gallery during the adoption of the Agenda that after the Council Meeting there is a question and answer session held, if they were interested in staying. Mayor Codner advised that Deputy Mayor was out of order, indicating that Council were adopting the Agenda.

Adoption of Minutes

480-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Minutes of the October 15, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

1. Duke of Edinburgh's Awards NL Presentations.

Mayor Codner spoke briefly about the awards ceremony/presentations. There were seven Holy Trinity High School students being awarded with the bronze award level. He advised that it's quite a distinction; and, takes a lot of work, dedication, and commitment.

Mayor introduced Mr. Toby Barnes, President, Duke of Edinburgh Awards, NL, who provided a history of the Duke of Edinburgh's Award Program. The Program encourages youth, ages 14 to 25, to be active, to participate in new activities, and to pursue their current interests in different areas. The Program offers opportunities to set goals and achieve results in a fun and challenging way; you benefit through your own effort and learn and grow from the experience. Mr. Barnes also provided some information about his work; and, advised that he has gone through the program himself. He provided an overview of the award levels, including Bronze, Silver, and Gold Awards. The goal of the awards is to encourage youth to participate in activities in which they already enjoy and in others they have yet to experience. The Program is about learning and sharing – defining who you want to be.

Mr. Barnes awarded Tara and Terry Power and Tammy and David Benteau with volunteer pins; and presented the students with their bronze awards. Mr. Barnes asked the students to wear their pins with pride; and, hopes that at future events, they will wear all three pins. He congratulated everyone on being an award achiever.

After the Awards presentations, Deputy Mayor called Point of Order indicating that the Mayor's comments to him during the Adoption of the Agenda were embarrassing; advising that he only wanted to point out to the students and anyone in the gallery that if they're interested in seeing how Council works, they can also stay for a question and answer session after the Public Council Meeting.

CORRESPONDENCE

1. Email correspondence concerning legacy stones. *Councillor Byrne to bring to Heritage Committee to see if there's an interest.*

CORRESPONDENCE & ACTION REPORT

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

Item No. 3 – Snow Clearing Policy / Levels of Service, Snow and Ice Control.

- Director of Public Works and Technical Services updated that he and the Supervisor of Outside Operations have been reviewing, gathering information, and have started developing a policy. He reported that it will not be in place before the snow season begins.

Item No. 5 – Development/Comprehensive Plans.

- Director of Planning advised hoping to complete this Fall. Once Development Control Officer is in place, he can put more work into this. Councillor Smith advised that timing for final presentation to public late this Fall will be good for the five year plan review.

Item No. 12 – Habitat Management Plan

- Director of Planning advised two documents were presented to us; and, he is seeking some clarification.

Item No. 21 – Municipal Plan Amendments No. 14 & 16, 2010 and Development Regulations No. 31 & 33, 2010.

- Director of Planning advised that correspondence is forthcoming this week. He further advised that the Department of Municipal Affairs presently have four amendments that the Town is waiting on.

Item No. 22 – Heritage Zoning.

- Councillor Tapper asked that this be included in the five year review. Director of Planning advised that he was speaking with the Town's planning consultant and provided him with timelines. Consultation will take place in late November, early December. He's meeting with all groups of interest, committees, Heritage, TETC, etc. He will be meeting with Council and Staff as well. Councillor Byrne advised that he did bring this to the last Heritage Meeting; and, will forward to the Planning and Land Use Development Committee.

Item No. 31 – Jack Byrne Arena

- The Town's representatives, Deputy Mayor Gallant and Councillor Tapper, have been extended to the AGM meeting, which took place in June, 2012. Appointment is for a two year term or until you're replaced. Need to discuss if we're bringing in new representatives or not.

Item No. 11 – Motion Estates Phase III.

- Councillor Smith noted typo regarding October 1, 2012 comments – should read Motion Estates, Phase III, not Phase II.

Item No. 23 – Application B1074-11.

- Director of Planning to write applicant, as he's unable to contact or speak to him. Did receive opinion from the Town's solicitor.

Item No. 82 – Protection of Watershed Area.

- Director of Public Works and Technical Services advised that he's waiting for pricing regarding gating. Also taking steps to gate off the tunnel area going under the bypass. Hoping to be completed before Winter.

Item No. 16 – Canada Post

- Deputy Mayor discussed the mailboxes on Indian Meal Line, as he's been in contact with the resident. Councillor Whitty advised that CAO contacted someone at Canada Post recently; and, do have something rectified there. They could move the boxes in, but logistics need to be worked out first.

Councillor Byrne advised that he talked to gentleman in charge at Canada Post; and, he is willing to meet to discuss the mailboxes. Mayor Codner suggested circulating a list of issues to him first. It was agreed to leave with the CAO.

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that a meeting will be re-scheduled for Tuesday, November 13, 2012 at 4:30 p.m. as per new meeting schedule, coming into effective October 30, 2012.

Finance

The Financial Report, dated October 15 - 26, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of October 15 - 26, 2012, for 25 employees totalled \$50,980.86.

For the period of October 15 - 26, 2012, Accounts Payable invoices in the amount of \$176,188.47 were paid. These expenditures were within budget.

There are seven (7) Main Operating Invoices totaling \$117,997.40 for approval:

481-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Municipal Assessment Agency, for 2012 Assessment Fee – Fourth Quarter Payment, in the amount of \$25,280.75.

Question called. Motion carried unanimously.

482-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfound Disposal Systems, for Garbage Collection for October 2012, in the amount of \$34,305.83.

Question called. Motion carried unanimously.

483-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street Lighting for October 2012, in the amount of \$16,533.13.

Question called. Motion carried unanimously.

484-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for October 1 – 15, 2012, in the amount of \$15,108.02.

Question called. Motion carried unanimously.

485-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Trio, for Group Benefits for October 2012, in the amount of \$6,563.57.

Question called. Motion carried unanimously.

486-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Viridis Branding, for Design and Production of 2900 Waste Management Education Magnets for Residents, in the amount of \$5,051.10.

Question called. Motion carried unanimously.

487-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Weldcan, for Fabrication of Screening Box for Sand and Salt, in the amount of \$15,255.00.

Question called. Motion carried unanimously.

There are no capital invoices presented for approval.

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

- Finance Committee Meeting
Finance Committee met on Tuesday, October 22, 2012. In attendance were Mayor Codner, Deputy Mayor Gallant, Councillor Tapper and CAO.
- Review of Budget 2013 submissions
Committee reviewed all department budget submissions. CAO is reviewing numbers; and, will be having another meeting soon.
- Public Consultations for 2013 Budget
 - Committee discussed having a pre-budget consultation with residents, of which the Finance Committee would facilitate and format. As there was no consensus on how to proceed, Councillor Tapper asked to bring the matter forth to Council to see if all members were supportive.
 - Council members provided their comments discussing the difference between a pre-budget consultation and a public meeting. Pre-budget consultation provides an opportunity to hear from residents within a specific time frame, with no feedback. A public meeting would engage in dialogue. Council discussed holding a pre-budget consultation for this year, 2012, as well as for 2013; and, time frames if a consultation was scheduled for this year. See motion below.

488-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay hold a public meeting within the next couple of weeks concerning the upcoming 2013 Budget. No staff would be in attendance; and, meeting time would be limited to 1.5 hours.

Question called. Motion failed.

For Motion: Deputy Mayor Gallant, Councillor Tapper, Councillor Whitty

Against Motion: Mayor Codner, Councillor Byrne, Councillor Roche, Councillor Smith

- Pumper/Rescue Update
The new pumper will arrive sometime in November. A motion of Council is required to confirm the financing and acquisition. Will have a motion for the next Public Council Meeting.

Human Resources and Administration

Councillor Byrne gave an overview of items discussed at the Human Resources and Administration Committee Meeting, dated October 23, 2012.

Items discussed in the report included:

- Committee Meeting Schedule
 - There are changes to the Committee Meeting schedule. Motion to follow.
- Rules and Procedures of Council Meetings
 - Council do use the Roberts Rules of Order. At request of all Council, CAO is to provide a set of rules and procedures regarding the conduct of Council meetings. Once complete, will be presented to all Council.
- Attendance of Director of Community Services at Council Meetings
 - The Director of Community Services will be attending future Public Council Meetings.
- Snow clearing 2012/2013
 - There were 13 applicants for the upcoming snow clearing season. The Director of Public Works and Technical Services is checking their resumes; and, we will have a motion in the near future.
- Development Positions/Communications/Social Media
 - There are other positions that HR are looking into. Committee is still looking at titles and will have a follow up meeting tomorrow, October 30th.
- School Council Representatives
 - Council will have to make a decision regarding the High School and Elementary School council representation vacancies. Deputy Mayor advised that the High School is ok with not having Council Liaison, but we want to be kept informed. Councillor Tapper advised that the High School Council would prefer to have more parent and community reps on the School Council. Mayor advised that he did meet with the Elementary School Vice Principal concerning traffic using the short-cut through the school grounds – intersection Marine Drive/Torbay Road. He took this issue to the Minister of Department of Transportation and Works. He also reported that there was a report done by a consultant regarding traffic through the school yard. He's attending the next meeting and all meetings until this matter is resolved. Deputy Mayor advised that a representative does need to be appointed. If your term is up you can't participate or vote at a meeting – you can only attend as an observer. See motion below.

Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 8:50 p.m.

489-12 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay appoint Mayor Codner as the Town's representative for Council at Holy Trinity Elementary.

Question called. Motion carried unanimously.

MINUTES
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October 29, 2012

Mayor Codner resumed as Chair of the Public Council Meeting at 8:51 p.m.

490-12 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT further to Motion 233-10, that the Town of Torbay approve the Council and Committee meeting schedule be as follows effective October 30, 2012:

Council Week

Monday

4pm Economic Development
7pm Privileged Session
7:30pm Public Council Meeting

Tuesday

5:30pm Human Resources and Administration
7:00pm Finance

“Off Week”

Monday

7pm Committee of the Whole

Tuesday

5:30pm Parks, Recreation and Community Services
7pm Special Event/Festival Committees

Wednesday

5:30pm Public Works
6:30pm Planning, Land Use and Development

Question called. Motion carried unanimously.

Mayor Codner questioned rescinding of motion for old committee schedule. Council agreed to move forward with this motion; and, to check any previous motion concerning committee scheduling.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated October 24, 2012.

Items discussed in the report included:

1. Development Proposals
 - a. Proposal from property owner at 50 Great Pond Road to rebuild and enlarge existing porch.
 - Motion to follow.
 - b. Proposal to construct an accessory building at 174 North Pond Road.
 - Motions to follow.
 - c. Proposal to construct a single family dwelling at 21 Brown's Lane.
 - Motion to follow.
2. Correspondence
 - Correspondence from the Towns of Portugal Cove-St. Philip's and Paradise concerning amendments to the St. John's Urban Regional Plan.
 - Correspondence from property owner at Ellard Place concerning property setback and zoning. Not yet complete.
 - Correspondence from property owner at 103 Whiteway's Pond Road concerning rezoning, which will be considered in the 5 year plan review process.
 - Correspondence from property owner at Whitty's Ridge – information from NL Design was shared with the property owner.
 - Correspondence from developer at Motion Drive Estates – a meeting is scheduled for October 31st to address concerns.
3. Other Items
 - Appeal Hearing concerning Motion Drive Phase III. Director of Planning provided the Committee Chair with an overview to bring her up to date.
 - Stop work Order at 1696 Torbay Road. This matter is a work in progress and will be actioned tomorrow, October 30th.
 - Accessory Building at 52 Reddy Drive – Director of Planning to meet with CAO to determine course of action.
 - Development Statistics to date were provided for information.
 - Letter to Pineridge Area on Transport Canada's Report – draft letter to be prepared for next Committee Meeting.

Councillor Tapper discussed development and backfilling that is taking place at the Corner of Torbay Road and Howlett's Avenue. He advised that the Town is looking at all options with the development; there are many issues, including safety, associated with it. Tomorrow morning, Committee will be looking at ways to deal with this matter and hopefully get matter rectified as soon as possible, as there are some concerns.

Deputy Mayor Gallant discussed Item 3. a) Appeal Hearing concerning Motion Drive Phase III and, read the second paragraph, indicating an appraisal completed on the property to determine its fair market value prior to development. Council further discussed land appraisal - value being effective as of date of approval/approval in principal, which was February, 2011.

1. Development Proposals

a. Proposal from property owner at 50 Great Pond Road to rebuild and enlarge existing porch.

491-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay refuse application number 9875-12, application to construct a 10' x 12' extension to the current dwelling at 50 Great Pond Road in accordance with Council's discretionary authority as the proposal is contrary to the Municipal Plan Policies with respect to areas designated Watershed.

Question called. Motion carried unanimously.

1. Development Proposals

b. Proposal to construct an accessory building at 174 North Pond Road.

492-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay rescind motion 472-12, which was to approve application 9878-12, pending approval of location of accessory building.

Question called. Motion carried unanimously.

493-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay refuse application number 9878-12, the proposed location of the accessory building doesn't meet the Town's Development Regulations for constructing accessory buildings in the Town of Torbay. It is contrary to Regulation 38 (2) of the Town's Development Regulations.

Question called. Motion carried unanimously.

1. Development Proposals

c. Proposal to construct a single family dwelling at 21 Brown's Lane

494-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay refuse application 9877-12, the proposed backlot development is considered a discretion of Council and therefore Council is using

its discretion to refuse the application to build a single family dwelling at 21 Brown's Lane.

Question called. Motion Carried.
Against Motion: Deputy Mayor Gallant

Development Statistics 2005 – 2012 (September) was provided for information purposes.

Councillor Roche called Point of Order, indicating that she has issues with Councillors using their cell phones while Council Meetings are ongoing. She feels the use of cell phones should not be permitted in the Council Chambers.

Deputy Mayor Gallant called Point of Order requesting that the Chair give time for Council members to vote no or aye when question is called on a motion; and, asked that he try to run the meeting a little more fairly. Mayor Codner asked that the Deputy Mayor pay attention to the Meeting.

Building Applications Approved

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated October 25, 2012, the following applications have been approved and permits have been issued since the last public Council Meeting:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9881-12	17 Flora drive	Single Family Dwelling
9882-12	3 Dunphy's Lane	Fence
9884-12	4 Scenic View Drive	Single Family Dwelling
9885-12	3-5 Codner's Place	General Repairs
9888-12	96 Patrick's Path	Water & Sewer Hook-up

Building Applications for Approval

Application: 9883-12
Location: 1678 Torbay Road
Proposal: Single Family Dwelling with Subsidiary Apartment
Zoning: Residential Infill (RI)

495-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9883-12, under the Applications for Approval section of the Building Application Report, dated October 25, 2012, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.

2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.

Question called. Motion carried unanimously.

Application: 9886-12
Location: 20 Edger Water Lane
Proposal: 22' X 24' Accessory Building
Zoning: Residential Large Lot (RLL)

496-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9886-12, under the Applications for Approval section of the Building Application Report, dated October 25, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Applications to be Deferred

Application: 9887-12
Location: 19-21 South Pond Road
Proposal: single Family Dwelling
Zoning: Residential Medium Density (RMD)

497-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application 9887-12, under the Applications for Approval section of the Building Application Report, dated October 25, 2012, for further review of the application.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty provided an overview of items discussed at the Public Works Committee Meeting, dated October 29, 2012.

Items discussed in the report included:

- Town Culverts.
 - Town staff reviewing culvert design criteria for areas of town. Since ditching completed, culverts have been seen as undersized and need to be replaced.

- Water Pressure
 - Staff have been investigating town water issues with pressure on the north side of the community. Director of Public Works & Technical Services advised that they think they know what the issue may be.
- Eustace Lane
 - Deferred to PLUD.
- College of the North Atlantic (CNA)
 - The Town has developed an understanding with CAN for students to research and provide reports on town projects regarding net zero runoff, wastewater treatment and potential water sources.
- Peter's Place
 - Consultants have provided a costing to upgrade storm water flows from Flora Dr. Motion attached with the Minutes.
- Seasonal Staff
 - Staff have identified three HEO candidates for the upcoming snow clearing season.
- Depot Access
 - Town reviewing alternating sites for access to IML.
- Multi Year Capital Works
 - Email correspondence from the Department of Municipal Affairs regarding 2012-2014 MYCW projects was attached for information.

Councillor Whitty put forth a motion, seconded by Councillor Smith that the Town of Torbay reinstate the natural storm water course for Flora Dr. and Peter's Place thereby establishing an easement on the south side of Civic #40 – 42 Peter's Pl. This in turn will allow storm water to flow across Peter's place to its natural course of Robin's Pond. The developer is responsible for all work and associated costs. This work shall be completed prior to any additional development in the area.

Council further discussed reinstating the natural storm water course and flooding in this area. Mayor indicated that this matter was previously discussed; and, there were some concerns with this route. The intent was to install culverts and run water down Peters Place. He also discussed possible flooding to area residents on Woodfine's Lane.

Council discussed history of the area. There would be significant costs to repair the west side of Peters Place and install a detention chamber. There would be major upgrades required to run water down Peter's Place and down Indian Meal Line. The Director of Public Works and Technical Services advised that the Town needs to upgrade all drive way culverts to 24".

The motion was withdrawn and deferred for further research.

Recreation, Parks and Community Services

Councillor Tapper gave an overview of items discussed at the Recreation Committee Meeting, dated October 24, 2012.

Items discussed in the report included:

- Adventure Park
 - Looking for more information and a detailed breakdown from Consultant.
- Inner & Outer Loop Crown Lands
 - The study is ongoing and has been mapped out. Will have a report within the next couple of weeks.
- Trails
 - This concerns Western Island Pond. Letter was sent to the land owners adjacent to trail. Copy of letter is attached for information.
- Bourne Holdings
 - Another meeting is scheduled to further discuss this matter. Dealing with issue of open space. There is some space that Committee are looking to develop a duck pond. Also looking at land adjacent to this area. Will bring forward to the PLUD Committee to discuss with the developer and bring under their consideration, as we will require 6 percent, instead of 4 percent of land and then need to arrive at some figure of cash value.
 - Deputy Mayor further clarified that the duck pond and the adjacent lot at the end of the cul de sac would constitute 8 percent of the 10 percent rule. Then, take the other 2 percent in cash and put back into the development of the duck pond area. Process needs to be worked out for this.
- TETC Committee
 - TETC requested that their Terms of Reference be brought forward for committee to review. Their TOR's are outdated and were adopted by Council in 2002.
- Hall of Fame
 - The 2012 Hall of Fame Inductees will be presented on November 10th at the Kinsmen Centre.
- Special Olympics
 - Director of Community Services recognized a resident of Torbay, Jeremy Muller, who was named the 2012 Provincial Male Athlete; in October, 2012, was named the Canadian Male Athlete; and, has earned a spot in the 2013 World Games in South Korea for snowshoeing. Mayor Codner to forward a letter of congrats. Councillor Tapper suggested adding him to the Sports Hall of Fame – to get him in and introduce him. He also suggested including him in the Santa Claus Parade.
- Cooking for Wellness.
 - Response has been great; currently have 37 seats filled on the program.
- Community Market
 - This event was a great success.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Tapper advised arranging a meeting for late next week to discuss and provide a final report back to Council and the public.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

Councillor Whitty advised that there was a meeting held in Colliers on October 17th. The Minister of Municipal Affairs was in attendance. One topic of discussion was the NEAR Plan. The Minister plans to have a steering committee put together and everything completed in about 12 months.

Also discussed were delays at Municipal Affairs and how things are processed, including engineering costs.

He advised that he will provided the Minutes to Council once received.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne welcomed members of the Harbour Authority in the Gallery. There was a meeting held on October 17th concerning Tapper's Cove Hill Road. This has been ongoing for some time and he has reported to Council the issues that the Harbour Authority are having at Tappers Cove over the past couple of years. He indicated that the Town's solicitor has received

the formal deed regarding transfer of Tappers Cove Hill Road ownership from the Government of Newfoundland and Labrador to the Town of Torbay. He advised that meeting took place as a result of security issues in Tappers Cove. There were also other incidents where the gate was cut, signs were torn down - untold amounts of money in damage to contractor on site. Had several meetings, but this time we included the RNC to seek their advice and feedback. They indicated that the only way to secure the area is to replace the gate at the top of hill. Last Christmas, it was reported to Council that vehicles were stuck on the road in snow. The RNC advised that safety is a primary concern. Councillor Byrne indicated that the Harbour Authority do have funding pending; it was confirmed last Friday by an email from DFO. From the Town's perspective, liability now rests with the Town. A gate should be secured at top of the road, so that no vehicles can access as it is a safety concern for residents during the winter months.

Mayor Codner also reported that there has been vandalism, damage to equipment working in tappers cove, and garbage dumped over the wharf. The Harbour Authority challenged and got conviction. With a gate in place, it would provide security and safety to residents. Vandalism is minimal when gate in operation. The road is closed every year from October to May due to the steep grade going down there. The Harbour opens at 4 in the morning closes at 11 at night. If anyone wants to get down there seasonally, it's open and available. When gate closed at night, security measures are in place in case someone has to get down there in case of an emergency. Keys are available to open in an emergency. Mayor Codner recognized that the Harbour Authority is in place now a couple of years. The Authority has won two awards last year. Members have done a lot of work and a lot of funding has been put in there. Another contract is being awarded in the near future. He thanked the members of the Harbour Authority for all their efforts. See below motion.

498-12 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay enter into an agreement with the Department of Fisheries and Oceans regarding the administration, control and access to Tapper's Cove Hill Road.

Question called. Motion carried unanimously.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed in the Torbay Volunteer Fire Department Meeting Notes, dated October 22, 2012:

Items discussed in the reports included:

- There have been five emergency calls since the last meeting. To date the Department is up to 192 calls.
- Safety at the Jack Byrne Arena was mentioned. There was an incident relating to first aid – the first aid kit was not up to date and there were questions surrounding safety. Fire fighters questioned if the Arena has a Health and Safety Committee.
- Fire Prevention Report – Nicholas Codner was the Fire Chief for a Day.

- Public Relations – St. John’s thanked the Department for their participation in the parade during Fire Prevention week.
- Members of the Department are attending the Remembrance Day Ceremony.
- The Department has been very busy, participating in activities, including Trunk or Treat, Bonfire/Guy Fawkes Night, and Pumpkin Patrol.
- Under New Business, the fire truck will be ready for delivery mid November. There was a certification issue, which is why later arriving. There are a number of trucks being inspected at this time.
- Question asked on when the pumper stationed in Flatrock should proceed.

Urban Municipalities Committee

Councillor Smith advised that they’re looking to have a meeting before Christmas or in February, 2013.

NEW BUSINESS

Mayor Codner

Mayor Codner discussed the recent Atlantic Mayors Congress, which he attended in CBS, October 17 – 19, 2012. There were mayors in attendance from all over Atlantic Canada. Items discussed included water and sewer, costs associated with repairs, roads and infrastructure, federal funding, and affordable housing. Premier was also in attendance.

The Annual Remembrance Day Ceremony is scheduled for 11:00 a.m. on Sunday, November 11th. There is a full slate of people who want to participate. Hope to see everyone there.

Deputy Mayor Gallant

Deputy Mayor Gallant discussed open space and Regulation 78.2. Any land we acquire under our 10 percent rule can be leased, rented, sold, traded, etc. Can use proceeds to put into green space in other areas of the community. When we acquire green space, can trade it. It has been controversy whether we can do this or not. This Council has taken land held it and traded it in next phase of a subdivision. There has been some public statements indicating it’s illegal under provincial legislation. Deputy Mayor asked CAO to get legal opinion on this.

He discussed Fair Market Value; and, he advised he would like a legal opinion on pre-development land appraisal. To ensure we do correctly, he asked that the Town get a legal opinion, as it’s important that we know what we’re doing. This is a new process for us to engage on. Appraisal land done up front - for better informed decision to build community we want to build. Do need process as old way doesn’t work anymore. Councillor Smith advised to defer to CAO for legal opinion on how to handle fair market value and time frame. CAO will discuss with Director of Planning as well and bring back a recommendation.

Deputy Mayor thanked everyone who participated in the Community Market.

Councillor Byrne

Councillor Byrne discussed Town functions.

- Community Market – He advised that he visited vendors and spoke to them afterwards. Congratulations to organizers and everyone who made it a success. It was a great event - concept seemed to be a lot more organized. There were cards to be stamped from different booths in order to win a prize – this went over very well. Vendors said this worked well as people browsed their booths and they got more traffic to their booths this way.
- Trunk or Treat – Congratulations to the Recreation Department. Approximately 500 children attended the event. There was a lot of work and effort put into this and congrats to everyone involved. It was a great success.

Councillor Roche

Councillor Roche congratulated everyone on the 2012-13 Snow Treasures Celebrations brochure. She also discussed the recent North East Avalon Regional Board brochure – great job on this as well. She thanked CAO for getting Torbay in this brochure and for the pictures.

She congratulated all students who received the Duke of Edinburgh awards during the ceremony that took place at the beginning of the Council Meeting. She discussed having this has a separate event next time, possibly at the Kinsmen Centre, so that it's much more personable.

Councillor Roche discussed disposing of pet waste. Most people do carry baggies and dispose of their pet waste; but, it is a problem if there's no container to put it in. In a recent Municipal News Letter for October, it included the topic of community enhancement, and dealing with dog waste challenges. There is a company that distributes these types of dispensers and waste bins. We have to seriously think about this and agree to do it. She asked the Department of Public Works if they can identify potential sites that we can use this technology and be leaders around our whole region and find out the costs involved. She provided the Director of Public Works and Technical Services with the newsletter and asked him to investigate.

Councillor Smith - Pass

Councillor Tapper - Pass

Councillor Whitty

Councillor Whitty recognized the Economic Development Officer and his work on the recent Community Market, which was a success.

ADJOURNMENT

499-12 Motion – Councillor Smith / Councillor Whitty

RESOLVED THAT the meeting be adjourned at 10:16 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk