



***MINUTES***  
PUBLIC COUNCIL MEETING  
September 17, 2012

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 17, 2012 at 7:30 p.m.

**Members Present**

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

**Staff Present**

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

**Regrets**

Councillor Mike Byrne

**Gallery**

There were a total of 3 people in attendance.

416-12      **Adoption of Agenda**

Motion – Councillor Smith / Councillor Tapper

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

417-12      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Minutes of the September 4, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

418-12      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay proclaim November 18 – November 25, 2012 as Restorative Justice Week, with this year’s theme being, “Diverse Needs; Unique Responses.”

Question called. Motion carried unanimously.

**CORRESPONDENCE**

1. House of Commons – Private Members Motion (M-400) and Petition – “Protecting the water and public health of our rural communities.” *See motion below.*

419-12      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay support Motion M-400 tabled in the House of Commons by Mylene Freeman, MP, Argenteuil-Papineau-Mirabel; and, support the petition to the House of Commons, “Protecting the water and public health of our rural communities,” which is to be placed at the front counter in Reception.

Question called. Motion carried unanimously.

2. Municipalities Newfoundland and Labrador – Resolution – FCM - Awareness Campaign, Target 2014: Building our Future. *Deferred to Public Works Committee for further review and consideration of infrastructure priorities.*
3. Correspondence from company – request for temporary permit. *Deferred to Planning and Land Use Development Committee.*

**CORRESPONDENCE & ACTION REPORT**

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

Items discussed included:

- Deputy Mayor discussed Item No. 39 - speed calming policies.
  - Director of Public Works and Technical Services advised that the City of St. John’s speed calming policy is being reviewed.
  - Speed bumps were discussed and other ways to address speed calming issues. All bumps/humps are presently installed in recreation areas. Mayor Codner is in process of scheduling meeting with RNC concerning matter of speeding.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**September 17, 2012**

- Councillor Roche questioned Item No. 98 – pot holes.
  - Director of Public Works and Technical Services advised that the Department is doing more pothole mediation over the next couple of weeks; and, the Town is obtaining a roller. Director of Public Works and Technical Services to review Convent Land and South Pond Road, as pavement is gone in an area there.

**COMMITTEE REPORTS**

**Economic Development**

Councillor Roche advised that there is a meeting scheduled for next week.

**Finance**

The Financial Report, dated September 3 - 13, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of September 3 - 13, 2012, for 25 employees totalled \$49,337.15.

For the period of September 3 - 13, 2012, Accounts Payable invoices in the amount of \$128,505.78 were paid. These expenditures were within budget.

There are four (4) Main Operating Invoices totaling \$37,810.97 for approval:

420-12      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Battlefield Equipment Rentals, for Generator rental for Great Big Sea Concert, in the amount of \$6,417.04.

Question called. Motion carried unanimously.

421-12      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Toromont, for Repair Swing Frame 2004 JCB Loader, in the amount of \$20,411.71.

Question called. Motion carried unanimously.

422-12      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Viridis Branding, for Torbay Marketplace Printing, in the amount of \$5,922.33.

Question called. Motion carried unanimously.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**September 17, 2012**

423-12      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Viridis Branding, for Living Well Brand Development, in the amount of \$5,059.89.

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.

**Human Resources and Administration**

No reports or motions.

**Planning and Land Use**

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated September 14, 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>
9844-12	8 Spray Lane	General Repairs
9845-12	8 Rattling Brook Drive	12’x20’ Accessory Building Extension
9848-12	19-20 Indian Meal Line	General Repairs
9849-12	21 Flora Drive	Single Family Dwelling
9850-12	31 Reddy Drive	16’ x 20’ Accessory Building

**Building Applications for Approval**

**Application:**            9846-12  
**Location:**             54 Western Island Pond Drive  
**Proposal:**             18’ X 24’ Accessory Building  
**Zoning:**                Residential Large Lot (RLL)

424-12      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application 9846-12 under the Applications for Approval section of the Building Application Report, dated September 14, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
*September 17, 2012*

Question called. Motion carried unanimously.

**Application:** 9847-12  
**Location:** 101-103 Patrick's Path  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

425-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application 9847-12 under the Applications for Approval section of the Building Application Report, dated September 14, 2012, 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. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9851-12  
**Location:** 43 Bridge Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

426-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application 9851-12 under the Applications for Approval section of the Building Application Report, dated September 14, 2012, 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. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
*September 17, 2012*

**Application:** 9852-12  
**Location:** 98-102 Upper Evening Path  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

427-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application 9852-12 under the Applications for Approval section of the Building Application Report, dated September 14, 2012, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
1. 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.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9853-12  
**Location:** 92-96 Upper Evening Path  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

428-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application 9853-12 under the Applications for Approval section of the Building Application Report, dated September 14, 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.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
September 17, 2012

**Application:** 9854-12  
**Location:** 269 Bauline Line  
**Proposal:** 30' X 30' Accessory Building  
**Zoning:** Residential Infill (RI)

429-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application 9854-12 under the Applications for Approval section of the Building Application Report, dated September 14, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9855-12  
**Location:** 398-402 Bauline Line  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

430-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application 9855-12 under the Applications for Approval section of the Building Application Report, dated September 14, 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.
3. Department Transportation and Works approval for access on to Bauline Line.

Question called. Motion carried unanimously.

**Application:** 9856-12  
**Location:** 404-410 Bauline Line  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

431-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application 9856-12 under the Applications for Approval section of the Building Application Report, dated September 14, 2012, subject to the following conditions:

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
 September 17, 2012

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.
3. Department Transportation and Works approval for access on to Bauline Line.

Question called. Motion carried unanimously.

**Business Applications to be Approved**

432-12      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the following application under the Applications to be Approved section of the Business Application Report, dated September 14, 2012:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1096-12	453 Indian Meal Line	Pet Grooming Business

The above application was advertised as per discretionary use regulations; there were no written responses received in response to the advertisements.

The above noted application is approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

433-12      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the following application under the Applications to be Approved section of the Business Application Report, dated September 14, 2012:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1097-12	882 Torbay Road	General Repair Garage



**MINUTES**  
**PUBLIC COUNCIL MEETING**  
 September 17, 2012

The above application was advertised as per discretionary use regulations; there were no written responses received in response to the advertisements.

The above noted application is approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. Application B1097-12 is permitted to have commercial vehicles parked on the property.

Question called. Motion carried unanimously.

After some discussion amongst Council concerning history of the above referenced Application B1097-12, Council agreed to defer back to the Planning and Land Use Development Committee. See motion below.

434-12      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay rescind Motion 433-12 and defer the following application under the Applications to be Approved section of the Business Application Report, dated September 14, 2012, for further review.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1097-12	882 Torbay Road	General Repair Garage

Question called. Motion carried unanimously.

435-12      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the following application under the Applications to be Approved section of the Business Application Report, dated September 14, 2012:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1098-12	5 Concepta's Place	Home Office for a Landscaping Business

The above application was advertised as per discretionary use regulations; there were no written responses received in response to the advertisements.

The above noted application is approved subject to the following conditions:

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
 September 17, 2012

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

436-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the following application under the Applications to be Approved section of the Business Application Report, dated September 14, 2012:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1099-12	5 Flora Drive	Home Office for a Mobile Floral Design Business

The above application was advertised as per discretionary use regulations; there were no written responses received in response to the advertisements.

The above noted application is approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

**Business Applications to be Advertised**

437-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer/advertise the following application under the Applications to be Advertised section of the Building Application Report, dated September 14, 2012, 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.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1101-12	52 Bauline Line	Child Care Business

Question called. Motion carried unanimously.

**Crown Land Applications**

**Application:** C1027-12  
**Location:** 454 Bauline Line  
**Proposal:** Possible Future Residential Development  
**Zoning:** Residential Infill (RI) and Residential Large Lot (RLL)

438-12 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve application C1027-12 to obtain crown land at the above noted location under the Crown Land Application Report, dated September 14, 2012.

Question called. Motion carried unanimously.

**Public Works**

No reports or motions.

**Recreation, Parks and Community Services**

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated September 12, 2012.

Items discussed in the report included:

- Recreation Master Plan
  - a) Adventure Park
  - b) Trail at Western Island Pond
    - Recreation and Planning Committees are making a recommendation to License to occupy to extend the trail. Councillor Smith questioned term License to occupy, in which Deputy Mayor clarified that private land is required to extend trail. If resident deeds over land, the family will be credited as donating land to the trail.
  - c) Town Centre
    - Concerns were discussed regarding implications of residential development on Town centre. Options for action will be coming up at budget time.
    - Councillor Smith questioned comments of rezoning behind the Town Hall and Lower Motion – she questioned Lower Motion and advised comment doesn't reflect Town Centre. Deputy Mayor to bring back to Committee to make minutes more specific.
- Open Space Management
  - a) Crown Lands
  - b) License to Occupy
  - c) Open Space Management Plan
- Programming
  - Killick Coast Games
  - Huff and Puff

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
*September 17, 2012*

- Pat Dawe Tournament
- Torbay Minor Soccer
- Senior's Social
- Torbay Family Church
- Big Bike Ride
- Dinner Theatre
- Ronald McDonald Walk

Councillor Tapper provided a verbal report, as follows:

- TETC will be holding a Coyote Information Session on October 5<sup>th</sup> at 7:00 p.m. at the Kinsmen Community Centre.
- The SAM Fall Meeting is scheduled for October 11<sup>th</sup> and 12<sup>th</sup>, Happy Valley Goose Bay. Deputy Mayor is attending to represent the Town.

Councillor Tapper asked if he could question an item discussed at a recent TETC Meeting regarding an area near Tapper's Cove. Council agreed, however, that he was in a conflict of interest.

*Councillor Tapper left the Public Council Meeting at 8:31 p.m. as it was determined that he was in a conflict of interest.*

Councillor Smith advised that according to a recent TETC meeting agenda, the group discussed Gosse's Pond and whether or not it is illegal dumping that's going on in area of Tapper property.

- Mayor Codner advised that the dumping is not illegal according to the Department of Environment and Conservation. For it to be illegal, it has to be specific dumping there. The Department has visited the site and confirmed that what's there is permitted.
- The Development and Planning Officer advised that the dumping is illegal under the Town's regulations, as it's a form of development and it is in the Conservation Zone. The Town has issued a stop work order, however, resident has not yet been served. Development and Planning Officer to bring forward to next Planning and Land Use Development Committee Meeting.

*Councillor Tapper returned to the Public Council Chambers at 8:35 p.m.*

*Bernard P. Manning, Director of Public Works and Technical Services left the Public Council Chambers at 8:35 p.m.*

**Technical Services**

No report.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

Councillor Tapper noted that the Senior's Social, on September 8<sup>th</sup>, went very well. He recognized CAO, Dawn Chaplin, and Staff person, Ed Brennan, who helped with set up of event. Everyone enjoyed the afternoon.

There was a great turn out for the Dinner Theatre. Councillor Tapper reported that it was a great show. He recognized CAO, Dawn Chaplin, and Community Development Coordinator, Leigh Fitzpatrick, for all their assistance and work.

Councillor Smith thanked both the Town and CAO for support in relation to the Dinner Theatre. It's important to recognize the work of the Torbay250 Committee and Theatre. It was a great production. Congratulations to everyone involved.

**LIAISON COMMITTEES**

**Heritage/Museum**

No report.

**Jack Byrne Arena**

Deputy Mayor Gallant advised that there was a meeting on Wednesday, September 12th, however, he was unable to attend. Councillor Tapper reported that the vacant Executive Position is now filled and Mr. Kevin Butt is now Treasurer. There was discussion on whether the Arena should entertain a Newfoundland Senior Hockey Team.

**Northeast Avalon Joint Council**

Councillor Whitty advised that there's a meeting scheduled for Wednesday, September 19<sup>th</sup>, evening hosted by the Town of Portugal Cove – St. Philip's. Councillor Whitty to confirm when Torbay will be hosting.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

Mayor Codner reported that rock barriers were now in place and positioned in a way that they cannot be moved. There were some setbacks, but also some successes.

**Torbay Volunteer Fire Department**

Mayor Codner reported that a new emergency vehicle will arrive around the middle/end of October, 2012.

**Urban Municipalities Committee**

Councillor Smith requested that Mayor Codner attend meeting on her behalf at the MNL Convention, as she is unable to attend.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner discussed Climate Change. He advised that he attended a Provincial Government Seminar, “Launch of Public Awareness Campaign on Climate Change and Energy Efficiency.” He discussed changes in weather – we’re getting heavier storms, changes in temperature, and more shoreline erosion. He requested that the information, including the carbon calculator, be put up on the Town’s website for residents’ information to see if they are energy efficient.

***Deputy Mayor Gallant***

Deputy Mayor Gallant thanked staff and everyone involved in the Torbay Dinner Theatre. He thanked all actors and people behind the scenes. He thanked Mayor Codner and CAO for support and Jack Harris, MP, who came out and attended the play, as well.

***Councillor Byrne*** - Absent

***Councillor Roche*** - Pass

***Councillor Smith***

Councillor Smith discussed Home Share in Torbay and their recent brochure. She noted that a resident of Torbay, Ms. Marg Godden, is on the front cover.

***Councillor Tapper***

Councillor Tapper discussed the bus turnaround at Roblin Place. He received some emails since the last Council Meeting. He reported that the Town has made progress from Eastern School District; and, he’s delighted that children are not being picked up and dropped off on Torbay Road anymore.

Mayor Codner updated that the project has been ongoing since 2010. There’s a mini-bus going in the area now, so there’s no need for a cul-de-sac at the present time. Agreed to revisit area and residents – a 900 ft diameter radius is required and survey requested. Requested financial assistance from Eastern School District and they have agreed. Survey is scheduled this week and there’s a lease arrangement in place of \$1.00/year. Once road is developed for business park, issue will be resolved.

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
*September 17, 2012*

***Councillor Whitty***

Councillor Whitty discussed the super mailboxes and the conditions surrounding them. CAO noted that residents should advise their local postmaster so they can file appropriate paper work. The Town can also contact Canada Post.

He noted the location of the mailboxes next to a residential property on Indian Meal Line. Resident has advised that people park in his driveway to obtain their mail. Mayor to contact resident.

**ADJOURNMENT**

439-12      Motion – Councillor Smith / Councillor Whitty

**RESOLVED THAT** the meeting be adjourned at 8:50 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***