



**MINUTES**  
PUBLIC COUNCIL MEETING  
September 19, 2011

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 19, 2011 at 7:32 p.m.

**Members Present**

Mayor Bob Codner  
Deputy Mayor Geoff Gallant (*left at 7:36 p.m.*)  
Councillor Mike Byrne  
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**

Councillor Peggy Roche

**Gallery**

There were a total of 4 people in attendance.

Deputy Mayor Gallant made a formal announcement that he is running in the upcoming Provincial election as NDP Candidate for the District of Cape St. Francis. He advised that he will be stepping down as Deputy Mayor and removing himself from Council for the duration of this election. Deputy Mayor Gallant left the Council Chambers at 7:36 p.m.

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

385-11      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

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

Question called. Motion carried unanimously.

386-11      **Adoption of Minutes**

Motion – Councillor Tapper / Councillor Whitty

**RESOLVED THAT** the Minutes of the September 6, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS** - None

**CORRESPONDENCE**

- 1) Parents of children in Pine Ridge Creek subdivision – proposed bus route. *Meeting to be arranged with Eastern School District. B/F.*
- 2) Mayor Neville Greeley, City of Corner Brook – request for support for nomination as Vice President of Municipalities Newfoundland and Labrador. *For Information Purposes. Deadline for Candidates is October 3<sup>rd</sup>, then Council will select. COMPLETE.*
- 3) Correspondence from Development Control Officer – RNC and traffic control. *Mayor Codner advised that the crosswalk lines are not down yet near the school on Torbay Road due to paving presently being completed. Council discussed: traffic at the school - Doyles and Quigleys Lane and the lack of parking which creates an issue for the Town in case of emergency; and, the matter of the Kindergarten children not being bused until a week later after school opens, therefore, parents had to drop their children off at the school – Mayor Codner to send letter and arrange meeting with Eastern School District. B/F.*
- 4) Nationalist Party of Canada – request to declare European Heritage Week. *This was forwarded to MNL and FCM for their consideration and advice; and, it was recommended not to bring forward to Council as a proclamation. COMPLETE.*
- 5) Elliston Heritage Foundation – request for letter of support for the Sealers Memorial Project. *See Motion below. COMPLETE.*

387-11      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay write a letter of support to the Elliston Heritage Foundation for the Sealers Memorial Project.

Question called. Motion carried unanimously.

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report was accepted as presented.

**COMMITTEE REPORTS**

**Economic Development**

Councillor Tapper gave an overview of items discussed at the Economic Development Committee Meeting on September 6, 2011.

Items discussed in the Minutes included:

1. Old Business

Committee discussed the 2011 Hillside Festival. As the Grand Opening was not well attended, this will result in a deficit for the Festival.

The Economic Development Officer presented Committee with a tax incentive package. Final proposal will be submitted to Committee at the next meeting and will be included in discussions for Council during 2012 Budget meetings.

Farmer's Market will take place on three dates – September 25<sup>th</sup>, October 2<sup>nd</sup>, and October 9<sup>th</sup>. There are approximately thirty vendors.

The Small Business Awards will be taking place on November 29<sup>th</sup>. Looking at holding a Small Business Breakfast, as well. Councillor Tapper to check if all Council Members can attend.

Councillor Smith requested that all Council receive meeting invitation/dates in their calendars. CAO to advise respective staff and will bring up at Staff Meeting tomorrow. She discussed a new calendar system which will be set up in new greening of Council Chambers.

**Finance**

The Financial Report, dated August 29-September 16, 2011, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of August 29-September 16, 2011 for 27 employees totaled \$74,535.99.

For the period of August 29-September 16, 2011, Accounts Payable invoices in the amount of \$148,719.40 were paid. These expenditures were within budget.

Six (6) Main Operating Invoices totaling \$90,310.74 were presented for approval.

388-11      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to CIBC Mellon, for pension contributions for the month of August 2011, in the amount of \$10,065.40.

Question called. Motion carried unanimously.

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389-11      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Design Associates Ltd., for Engineering for June – July 2011 (Planning and Public Works), in the amount of \$6,550.64.

Question called. Motion carried unanimously.

390-11      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for street lighting for the month of August 2011, in the amount of \$15,999.43.

Question called. Motion carried unanimously.

391-11      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for payroll remittance for the months of August and September 2011, in the amount of \$32,162.52.

Question called. Motion carried unanimously.

392-11      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to RNS Landscaping Ltd., for sod repairs on Kinsmen Center Ball Field from Hillside Festival, in the amount of \$6,125.00.

Question called. Motion carried unanimously.

393-11      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Sojourn Group of Companies, for Portable Digital Sign, in the amount of \$19,407.75.

Question called. Motion carried unanimously.

There are no Capital Invoices for approval.

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

The Finance Committee met on September 12, 2011. Timeline dates have been set concerning Budget 2012. Department presentations will be on October 18<sup>th</sup> and 19<sup>th</sup>. Presentation of draft budget to Council on December 5<sup>th</sup> and adoption of the 2012 Budget on December 12<sup>th</sup>.

Public Works request for trench box – a policy is presently being drafted. Once policy is in place, Finance Committee will make recommendation to Council to approve the expenditure.

With regards to the Elementary School request for donation towards playground equipment, Council agreed to defer until the next Public Council Meeting.

**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 September 15, 2011.

Items discussed in the Minutes included:

1. Amendments  
In process of sourcing some additional information concerning the removal of livestock buffers and for re-designate of land on Indian Meal Line. Information should be available for the next meeting.
  
2. Development Proposals  
Proposals received for a daycare and commercial building on Torbay Road, Tim Horton Franchise.

Received proposal for a four-unit residential building – low income/affordable housing.

Councillor Smith reported that there was one (1) application approved/issued, under the Building Application Report, dated September 15, 2011.

<b>No.</b>	<b>Application No.</b>	<b>Location</b>	<b>Proposal</b>
1	9598-11	31 Weather Station Road	14' x 20' Accessory Building

***Application:*** 9596-11  
***Location:*** 37 Birchy Nap Hill Road  
***Proposal:*** 26' x 26' Accessory Building  
***Zoning:*** Residential Infill (RI)

Application 9596-11 was deferred pending further information.

**Application:** 9595-11  
**Location:** 5 Watts Pond Road  
**Proposal:** 3900 sq ft Day Care Center  
**Zoning:** Mix Development (MIX)

394-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9595-11, under the Applications for Approval section of the Building Application Report, dated September 15, 2011, subject to the following conditions:

1. The project shall conform to the requirements of the Mixed Development (MIX) Land Use Zone of the Torbay Development
2. The project shall meet the normal building requirements of the Town.
3. The business will be subject to Business Tax in accordance with the published schedule of Taxes and Fees for the Town of Torbay.
4. Approval from the following Government Agencies is required:
  - a. Eastern Health / Family Child Care Services
  - b. Government Services ( Fire and Life Safety Division)
  - c. Government Services ( Accessibility Division )
5. The development has to comply with the Town of Torbay Parking Requirements.
6. The applicant shall be responsible for bringing Town services to the property as per Town regulations.

Question called. Motion carried unanimously.

**Application:** 9597-11  
**Location:** 22-26 Marine Drive  
**Proposal:** 26' x 44' Extension to existing dwelling and addition of second storey  
**Zoning:** Residential Medium Density (RMD)

395-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9597-11, under the Applications for Approval section of the Building Application Report, dated September 15, 2011, subject to the following condition:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

**Application:** 9601-11  
**Location:** 3 Katrina Place  
**Proposal:** 24' x 32' Accessory Building  
**Zoning:** Residential Large Lot (RLL)

396-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9601-11, under the Applications for Approval section of the Building Application Report, dated September 15, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9602-11  
**Location:** 58 Roblin Place  
**Proposal:** 6' x 18' Sunroom Extension to Existing Dwelling  
**Zoning:** Residential Infill (RI)

397-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9602-11, under the Applications for Approval section of the Building Application Report, dated September 15, 2011, subject to the following condition:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

**Application:** 9602-11b  
**Location:** 58 Roblin Place  
**Proposal:** 28' x 30' Accessory Building  
**Zoning:** Residential Infill (RI)

398-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9602-11b, under the Applications for Approval section of the Building Application Report, dated September 15, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9604-11  
**Location:** 10 Skippers Landing  
**Proposal:** 16' x 24' Accessory Building  
**Zoning:** Residential Large Lot (RLL)

399-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9604-11, under the Applications for Approval section of the Building Application Report, dated September 15, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9599-11  
**Location:** 1333-1337 Torbay Road  
**Proposal:** 2500 sq ft Commercial Building  
**Zoning:** Mix Development (MIX)

400-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 9599-11, under the Applications to be Advertised/Deferred section of the Building Application Report, dated September 15, 2011, pending further review.

Question called. Motion carried unanimously.

**Application:** 9600-11  
**Location:** Portion of 33-43 Gosses & Rodgers Crescent  
**Proposal:** Single Family Dwelling with subsidiary Apartment  
**Zoning:** Residential Infill (RI)

401-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 9600-11, under the Applications to be Advertised/Deferred section of the Building Application Report, dated September 15, 2011, pending further review to servicing requirements for the property.

Question called. Motion carried unanimously.



**Application:** 9605-11  
**Location:** 32-34 Quigley's Lane  
**Proposal:** Multi Family Dwelling, (four separate units)  
**Zoning:** Residential Infill (RI)

402-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer Application 9605-11, under the Applications to be Advertised/Deferred section of the Building Application Report, dated September 15, 2011, pending 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.

**Application:** 9603-11  
**Location:** Portion of 29-33 Motion Drive  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

403-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay refuse Application 9603-11, under the Applications to be Refused section of the Building Application Report, dated September 15, 2011, for the following reasons:

1. The minimum lot area requirement for a lot in the Residential Infill land use zone is 1860 square meters; the proposed lot only has an area of 1250 square meters.
2. The minimum frontage requirement for a lot in the Residential Infill land use zone is 30 meters; the proposed lot only has a frontage of 22.44 meters.

Question called. Motion carried unanimously.

Councillor Smith reported that there were three (3) applications to be advertised as per discretionary use regulations, under the Applications to be Advertised/Deferred section of the Business Application Report, dated September 15, 2011.

404-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer/advertise the three (3) applications under the Applications to be Advertised/Deferred section of the Business Application Report, dated September 15, 2011, 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.

No.	Application No.	Location	Proposal
1	B1067-11	32 Whitten's Lane	Home office for a contracting business
2	B1068-11	26 Forest River Road	Home office for a contracting business
3	B1069-11	60 Pineridge Crescent	Home office for an oil consulting business

Question called. Motion carried unanimously.

**Application:** B1065-11  
**Location:** 169 Marine Drive  
**Proposal:** Home Office for a Snow Clearing and Excavation Business  
**Zoning:** Residential Infill (RI)

405-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application B1065-11, under the Applications to be Approved section of the Business Application Report, dated September 15, 2011, 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.

**Application:** B1066-11  
**Location:** 148 Indian Meal Line  
**Proposal:** Child Care Business (Maximum of Six Children)  
**Zoning:** Residential Medium Density (RMD)

406-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application B1066-11, under the Applications to be Approved section of the Business Application Report, dated September 15, 2011, 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. Approval from the Department Health and Community Services is required before final approval is given.
3. Approval from the Department Government Services is required before final approval is given.
4. Approval from the Eastern Health Child Care Services Division is required before final approval is given

Question called. Motion carried unanimously.

### **Public Works**

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting on September 15, 2011.

Items discussed in the Minutes included:

#### **Old Business**

Committee discussed curb and gutter done for problematic areas and work on Matthew Drive.

Tender is being posted for the Grinder/Channel Monster.

#### **New Business**

Electronic Board is now in operation.

Curbside Recycling Started September 13<sup>th</sup>. A pamphlet/flyer was circulated to residents outlining all information relating to curbside recycling. Residents to be reminded via Green Communications System, to keep recyclables separate from garbage, as there are two different contractors.

Mayor and Supervisor of Outside Operations visited Hiscock's Lane area regarding ditching.

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

Councillor Byrne gave an overview of items discussed at the Parks, Recreation and Community Services Committee Meeting on September 14, 2011.

Items discussed in the Minutes included:

Supervisor of Recreation and Healthy Living forwarded a letter to the Grand Concourse requesting partnership. They have agreed to partner with the Town and help develop a policy as well as oversee some construction work.

The Fall Community Guide has been sent out to residents. Torbay is a very busy place.

The 2012 Budget meeting is on September 20<sup>th</sup>.

There are no new developments ready for review of open space by the Recreation Committee. A \$2,500 grant for Cooking for Wellness has been approved.

Outdoor furniture should be delivered next week.

Councillor Whitty asked about the Camp Carey Building. Councillor Byrne advised that no final decision has been reached concerning budget for the cost to bring the building up to specifications.

Councillor Smith discussed Item No. 3 of the Minutes of the Recreation Committee Meeting, dated September 14<sup>th</sup>. She discussed possible damage to the soccer field from the concert. Councillor Byrne advised that this was discussed at the Committee Meeting and Committee discussed possibility of damage costs to be included in overall event costs. This will be reviewed and further discussed - Councillor Byrne to bring back to Committee. Councillor Tapper advised this is also being discussed at the Economic Development Committee level, as well.

With regards to garbage being dumped in and around the Community, Municipal Enforcement Officer to research with other communities to see how they handle this problem.

Councillor Smith advised that she's attending the Provincial Wellness Council Meeting, which recognizes towns for their efforts of building healthy communities. She commended the Supervisor of Recreation and Health Living's work. She is involved with Recreation Newfoundland and Labrador; she's keen on putting out initiatives in our Community. The Eat Great and Participate was a great project. The work done at the Jack Byrne Arena in ensuring healthier choices during hockey camps was a great incentive. The Supervisor's hard work is being noticed at the provincial level.

### **Technical Services**

No report.

## **SPECIAL COMMITTEES OF COUNCIL**

### **2012 Celebrations**

No report.

### **By Pass Road**

Mayor Codner advised that he talked to the contractors, who advised that construction should be completed in approximately two to three weeks, including the guide rails. The lights are now on site. Farrell's is responsible for the Bauline Line, Indian Meal Line and intersection with Torbay

Road. The lights by the Jack Byrne Arena should be operating in approximately two to three weeks.

With regards to recent Torbay Road construction, Mayor Codner advised he talked to the contractor and the MHA. They advised no more digging work to be done on this section until the Bypass road opens, so that traffic can detour.

## **LIAISON COMMITTEES**

### **Heritage/Museum**

Councillor Byrne advised that there's a meeting on September 22<sup>nd</sup>.

With regards to the Constitution, CAO advised that there is further research being done with other municipalities.

### **Jack Byrne Arena**

No report.

### **Northeast Avalon Joint Council**

No report.

### **Northeast Avalon Regional Plan**

Mayor Codner advised that there is no new information. The Department of Municipal Affairs is drafting the NEAR Plan.

### **Torbay Harbour Authority**

Councillor Byrne reported that this weekend coming will be the last for the food fishery. He is asking all participants to keep safety a number one priority; and, he wishes all good luck.

He reported that Eugene Tapper, President, has been nominated for an award. This will be held next month at the Small Harbours Conference, issued by the Department of Fisheries and Oceans. He wished him good luck – he puts a lot of time and energy into his work with the Harbour Authority.

Councillor Byrne advised that he is trying to reach Mr. Tapper to arrange a meeting – will advise.

**Torbay Volunteer Fire Department**

Councillor Byrne discussed the snow clearing policy. He advised there were some issues with driveway signs last winter; and, he asked if anything new has been developed for the year. CAO advised that a level of service has been drafted relating to fire hydrants, keeping Fire Hall opened. This will come back to Public Works Committee, then Council.

He asked if there was any news on a meeting with the Department of Municipal Affairs concerning an emergency vehicle. Mayor Codner advised that he and CAO did meet with MHA and he is in the process of arranging a meeting.

Councillor Byrne provided a verbal report:

Elections for the Executive Committee will be held at the next meeting. He will provide a report.

The Department is in process of developing a new program for text calls.

The Compressor issue seems to be solved. Air samples have been taken; and, he will report back on that.

There have been six (6) emergency calls since the last Council Meeting.

The Fire Department has done an inspection on North Pond Home. There has been a lot of work completed; following up with Government Services and the Torbay Volunteer Fire Department on September 28<sup>th</sup>.

An inspection has been completed on the school regarding some issues. The Department to revisit for another inspection.

Fire Prevention week is October 11<sup>th</sup> – 15<sup>th</sup>. There's an Open House at the Fire Hall on October 13<sup>th</sup>. The Department will be doing school visits, drills, inspections around the Town, etc.

Safety issue of new lights being activated was discussed.

Proper times to turn on emergency lights - it was agreed that lights will not be turned on until everyone is on board.

**Urban Municipalities Committee**

Councillor Smith reported that there is a meeting scheduled for the end of the month.

**NEW BUSINESS**

***Mayor Codner - Pass***

**Deputy Mayor Gallant** - Absent

**Councillor Byrne**

Councillor Byrne congratulated Mayor Codner on winning the Parkinson Superwalk Mayor's Challenge in the metro area. It was agreed that he's a great ambassador for the Town of Torbay.

Councillor Smith reported that the Town also has the highest incident of breastfeeding in the province. The Town is headed in the right direction for health.

**Councillor Roche** - Absent

**Councillor Smith** - Pass

**Councillor Tapper**

Councillor Tapper discussed the Coastal Park. In the Minutes of the Recreation Committee, he noticed that the Grand Concourse will come on board. In preparation for that, he tried to get motion through on land issue – still haven't heard back from land owner on what she's going to do. He advised he will bring this back to the table when he comes back from holidays, as it's important to get started. Need to take action on it.

**Councillor Whitty** - Pass

**ADJOURNMENT**

407-11 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:34 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**