



MINUTES
PUBLIC COUNCIL MEETING
September 6, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 6, 2011 at 7:35 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Carol Ann Smith (arrived at 7:47pm)
Councillor Peggy Roche
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

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

Absent

Councillor Mike Byrne
Ann Picco, Executive Clerk

Gallery

There were a total of 7 people in attendance.

Meeting was chaired by Mayor Codner.

361-11 **Adoption of Agenda**

Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

362-11 **Adoption of Minutes**

Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the August 22, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

363-11 Proclamation – Sexual Violence Awareness Week

Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay, in the province of Newfoundland and Labrador, do hereby proclaim September 12-16, 2011 as Sexual Violence Awareness week and encourage all citizens to become involved in activities organized throughout this week.

Question called. Motion carried unanimously

CORRESPONDENCE

- 1) Mayor Churence Rogers, Town of Centreville-Wareham-Trinity – request for support for nomination as President of Municipalities Newfoundland and Labrador. **Council would like to review all nominations before making a decision. B/F.**
- 2) Department of Municipal Affairs – Circular to Municipalities re: Municipal Long Service Awards. **For Information Purposes. COMPLETE.**
- 3) Department of Municipal Affairs – Circular to Municipalities re: Municipal Long Service Grants. **For Information Purposes. COMPLETE.**
- 4) Correspondence from resident concerning Pineridge Creek Subdivision safety concerns. **Mayor Codner advised that both the RNC and resident have been contacted regarding this matter. COMPLETE.**
- 5) Correspondence from resident concerning water build up at Doyles and Quigleys Lane. **Supervisor of Outside Operations to follow up with resident.**
- 6) Eastern School District – Town’s request to extend school bus route into Roblyn Place and Pulpit Rock Road.
- 7) Correspondence from resident concerning Pine Line. **Correspondence will be forwarded to Department of Transportation and Works for follow-up.**
- 8) Deputy Mayor Gallant / Holy Trinity Elementary School – request for donation towards construction of a new playground facility/community play area. **Meeting to take place on September 7th. All members of Council invited to attend.**

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report was accepted as presented.

COMMITTEE REPORTS

Economic Development

Councillor Roche reported that the Town is the recipient of a national marketing award for the town’s website. This award will be presented at the Economic Developers Association of Canada

(EDAC) conference in Peterborough in early October. Congratulations are extended to the Economic Development Officer and Chief Administrative Officer for their work on this project. This national award complements the two international awards (for the community profile and e-business newsletter) that will be presented at the International Economic Development Council (IEDC) Conference on September 20, 2011.

Finance

The Financial Report was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll

Payroll for the week of August 22-26, 2011 for 39 employees totaled \$26,916.00.

Accounts Payable

For the period of August 22-26, 2011, invoices in the amount of \$25,482.19 were paid. These expenditures were within budget.

Main Operating Invoices for Approval

The following one invoice, totaling \$5933.23 is presented for approval:

364-11 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT the Town of Torbay approve the invoice from Johnson Inc. for employee group benefits for the month of August 2011 in the amount of \$5933.23.

Question called. Motion carried unanimously.

Capital Invoices for Approval

There are no capital expenditures for approval.

Income and Expense Report

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

Finance Committee Meeting

Finance Committee met on August 23, 2011. Mayor Codner, Councillor Roche, Councillor Tapper and CAO were in attendance. There are five recommendations to be presented for Council's consideration.

365-11 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT the Town of Torbay donate \$200.00 and offer an in-kind rental of the Kinsmen Center to the Canadian Breast Cancer Foundation CIBC Run for the Cure.

Question called. Motion carried unanimously.

366-11 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT the Town of Torbay award tender number 2011008 for the supply and delivery of one 35KW mobile diesel generator to the low bidder, Custom Generators and Equipment in the amount of \$32,750.00 plus HST.

Question called. Motion carried unanimously.

367-11 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT the Town of Torbay award tender number 2011007 for the supply and delivery of one large on-site promotional sign and two small on-site promotional signs to E.C. Boone Ltd. in the amount of \$25,358.25 plus HST. These signs will be installed at the Kinsmen Community Center, Western Island Pond Playground and Pineridge Creek Playground.

Question called. Motion carried unanimously.

368-11 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT the Town of Torbay acquire property at 1436 Torbay Road. This property is located next to the existing Thorne's Lane Pump House. The property is appraised at \$35,000.00.

Question called. Motion carried unanimously.

369-11 Motion – Councillor Tapper/Councillor Roche

RESOLVED THAT the Town of Torbay proceed with repairs to the sewage grinder at an estimated cost of \$34,000.00. The existing motor will be reused, a new grinder cartridge will be purchased and attached to the existing motor. The old grinder cartridge will be returned to the manufacturer for recycling/credit. These repairs will give the grinder another 5 to 10 years of useful life.

Question called. Motion passed. Councillor Smith voted against motion.

370-11 Motion – Councillor Tapper/Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay award tender number 2011006 for curbside recycling for the period of September 12, 2011 to December 31, 2012 to the low bidder, DBI Garbage Removal Ltd.. The cost per household is \$2.69 with a monthly cost of \$7801.00. Total cost of the remainder of the 2011 fiscal year is \$23,403.00.

Question called. Motion carried unanimously.

Committee will be meeting again on September 12, 2011 to discuss the 2012 Budget process and to review a request by Public Works Committee to acquire a trench box.

Human Resources and Administration - no report.

Deputy Mayor Gallant assumes Chair of the Council Meeting at 8:05pm.

Planning and Land Use

Councillor Roche gave an overview of items discussed at the Planning and Land Use Development Committee Meeting on September 1, 2011.

Items discussed in the Minutes included:

1. Municipal Plan Amendment No. 18, 2011 – Livestock buffer removal and rezoning of land. Waiting for clarification from the Department of Natural Resources.
2. Municipal Plan Amendment No. 20, 2011 – re-designating an area of land located on the north side of Indian Meal Line. There were written responses based on the public advertisement. Development and Planning Officer to address letters. Newfoundland Design to examine future development of the area before Town proceeds with the amendment.
3. Development Proposal from property owner at 33-43 Gosse's and Rodger's Crescent.
4. Other Items
 - a) Letter from property owner on Birchy Nap Hill Road
 - *Development and Planning Officer to meet with land owner to answer any questions.*
 - b) Letter from Eastern Newfoundland Regional Appeal Board
 - *For Information Only*
 - c) Inquiry from Gallows Cove land owner regarding a past approval to construct a residence.
 - *Development and Planning Officer to meet with land owner to explain the regulations.*

371-11 **Motion** – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay give the property owner at 33-43 Gosse's and Rodger's Crescent approval to continue with engineering and design work on the proposed

extension to water and sewer services on Gosse’s and Rodger’s Crescent. Subject to the following conditions:

- Water pressure in the area is adequate
- Safety issues with the sharp turn to be addressed
- Water capacity is adequate
- All engineering and design work to be approved by the Town’s consulting engineers
- Approval from all related government agencies required.

Question called. Motion carried unanimously.

Councillor Roche reported that there were five (5) applications approved/issued, under the Building Application Report, dated September 1, 2011.

372-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve the five (5) approved applications, as per the Applications Approved section of the Building Application Report, dated September 1, 2011, as presented:

No.	Application No.	Location	Proposal
1	9581-11	19 Pulpit Rock Road	12’ x 20’ Accessory Building
2	9582-11	4 Reddy Drive	General Repairs
3	9583-11	11 Doyle’s Quigley’s Lane	General Repairs
4	9585-11	40 Doyle’s Quigley’s Lane	Demolition of Residence
5	9689-11	1751 Torbay Road	8’ x 12’ Accessory Building

Question called. Motion carried unanimously.

Application: 9584-11
Location: 2 Blackberry Crescent
Proposal: 24’ x 34’ Accessory Building
Zoning: Residential Infill (RI)

373-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9584-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9586-11
Location: 11-13 Peter’s Place

Proposal: 30' x 44' Accessory Building
Zoning: Residential Infill (RI)

374-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9586-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9587-11
Location: Portion of 73-85 Quigley's Lane
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

375-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9587-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, 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 from the Town.

Question called. Motion carried unanimously.

Application: 9588-11
Location: 2 Pulpit Rock Road
Proposal: 20' x 24' Accessory Building
Zoning: Residential Infill (RI)

376-11 Motion – Councillor Roche / Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9588-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9590-11
Location: 15 Gallows Cove Road
Proposal: 16' x 24' Sunroom Extension to Existing Dwelling
Zoning: Residential Infill (RI)

377-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9590-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, subject to the following condition:

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

Question called. Motion carried unanimously.

Application: 9591-11
Location: 56 Salerno Place
Proposal: 20' x 28' Accessory Building
Zoning: Residential Infill (RI)

378-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9591-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9592-11
Location: Portion of 9-11 Byrne's Lane
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

379-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9592-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, subject to the following conditions:

1. All normal conditions are 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 from the Town.

Question called. Motion carried unanimously.

Application: 9593-11
Location: 77 Upper Evening's Path
Proposal: 28' x 34' Accessory Building
Zoning: Residential Infill (RI)

380-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9593-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9594-11
Location: 113 Karon Drive
Proposal: 20' x 28' Accessory Building
Zoning: Residential Large Lot (RLL)

381-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay approve Application 9594-11, under the Applications for Approval section of the Building Application Report, dated September 1, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Councillor Roche stated there were no building applications to be advertised/deferred or refused.

Councillor Roche reported that there were two (2) business applications to be advertised as per discretionary use regulations, under the Building Application Report, dated September 1, 2011.

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

382-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay defer Application B1065-11, under the Applications to be advertised/deferred section of the Business Application Report, dated September 1, 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.

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)**

383-11 Motion – Councillor Roche/Mayor Codner

RESOLVED THAT the Town of Torbay defer Application B1066-11, under the Applications to be advertised/deferred section of the Business Application Report, dated September 1, 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. The application will also be deferred to the following departments:

- Department of Health and Community Services
- Department of Government Services

Question called. Motion carried unanimously.

Councillor Roche stated there were no business applications to be approved or refused.

Mayor Codner resumes Chair of the meeting at 8:31pm.

Public Works

No report.

Parks, Recreation and Community Services

Deputy Mayor extended thanks to staff for their assistance with logistics related to the most recent Tri for Health Triathlon held in the Town.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche wanted to extend congratulations to the Heritage, Culture and Arts Coordinator for a job well done regarding the summer theatre and musical.

By Pass Road

Mayor Codner stated he has received no formal reply regarding Bullocks Town Road. However, it is his understanding that the work is underway.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Deputy Mayor Gallant advised that there was a board meeting last Thursday. The scheduling for ice time has been revised: there is an extra public skating session and recreational hockey will start later in the evening. Councillor Tapper stated the Board is aware of our request regarding a fee reduction for the walking for wellness program. The Special Events Coordinator is to negotiate with the Arena Manager. If the matter remains unresolved, the Board will revisit the matter.

Northeast Avalon Joint Council

Councillor Roche advised that the next meeting will be held on September 21, 2011. Councillor Whitty to attend.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

No report.

Urban Municipalities Committee

Councillor Smith advised that there is a meeting the last weekend in September in Gander.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant tabled email correspondence from a resident in the Pineridge Creek subdivision regarding speeding. Deputy Mayor spoke to the use of signs, speed humps, new digital sign and 4 way stop signs as a means to address the matter. Mayor Codner stated that the RNC is aware of issues in this area and they are monitoring. It was agreed that the matter would be discussed with the Development Control Officer and a recommendation would come back to Council.

Deputy Mayor thanked Mayor Codner for his efforts on implementing curbside recycling in the Town of Torbay.

Councillor Byrne - Absent

Councillor Roche

Councillor Roche reminded everyone that the Targa Road Race is taking place in our town this Sunday. She wanted to ensure that the all measures were put in place to ensure the safety of residents and spectators. CAO confirmed that the Torbay Volunteer Fire Department has notified 911. The Town will also be sending a notice to residents via the green communications system to advise everyone of the road closures.

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper requested a status report of the line painting on various roads throughout the Town. CAO replied the Public Works Staff are actioning this week.

Councillor Whitty - Pass

ADJOURNMENT

384-11 Motion – Deputy Mayor Gallant/Councillor Smith

RESOLVED THAT the meeting be adjourned at 9:02 p.m., as there was no further business.

Question called. Motion carried unanimously.

MINUTES
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September 6, 2011

Mayor

CAO/Town Clerk