



**MINUTES**  
PUBLIC COUNCIL MEETING  
April 2, 2014

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 2, 2014 at 7:48 p.m.

**Members Present**

Mayor Ralph Tapper  
Deputy Mayor Geoff Gallant  
Councillor Thomas Hall  
Councillor Craig Scott  
Councillor Carol Ann Smith

**Staff Present**

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

**Regrets**

Councillor Peggy Roche  
Councillor Mary Thorne-Gosse

**Gallery**

There were a total of 6 people in attendance.

**Adoption of Agenda**

136-14      Motion – Councillor Smith / Deputy Mayor Gallant

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

137-14      Motion – Councillor Hall / Deputy Mayor Gallant

**RESOLVED THAT** the Minutes of the March 18, 2014 Public Council Meeting be adopted as presented.

Question called. Motion carried unanimously.

### **PROCLAMATIONS / PRESENTATIONS**

None.

### **MAYOR'S REPORT**

Mayor Tapper provided a report, dated March 17 - 27, 2014, of his work and connections that he has made in the community over the past two weeks.

### **CORRESPONDENCE**

1. Department of Environment and Conservation – 2013 Summer Drinking Water Quality Report. ***Referred to Public Works Committee.***
2. Correspondence from residents concerning Development of Property at 102-104 Bauline Line. ***Referred to Planning, Land Use and Development Committee.***
3. Atlantic Mayors Congress – Invitation – April 23-25, 2014. ***For information purposes. Mayor is considering attending.***
4. Department of Municipal Affairs – Appointment of Member to Eastern Regional Service Board. ***For information purposes. This correspondence confirms Councillor Roche's appointment as Member of the Eastern Regional Service Board. Mayor congratulated her.***
5. Royal Newfoundland Constabulary (RNC) – National Police Week – May 11-17, 2014. ***Mayor advised all Council Members are welcome to attend and suggested possibility of holding an event. He suggested taking into consideration and coming up with some ideas.***
6. St. John's and District Labour Council – Annual Wreath Laying Ceremony observing National Day of Mourning for Workers Killed or Injured in the Workplace. ***Ceremony takes place at the Confederation Building on Monday, April 28<sup>th</sup> at 12:00 p.m. Mayor Tapper and Deputy Mayor will be attending and laying a wreath.***
7. Municipalities Newfoundland and Labrador – InfoNote. ***For information purposes. Pertains to Municipal Symposium in early May and Municipal Awareness Day on May 7<sup>th</sup>.***
8. Department of Municipal Affairs – Torbay Municipal Plan Amendment No. 19, 2011 and Development Regulations Amendment No. 38, 2011. ***Director of Planning noted that a notice will be published in the Newfoundland and Labrador Gazette. An ad will also go in the Telegram to advise notice advertised in the Gazette. Referred to Planning, Land Use and Development Committee.***

### **CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated March 31, 2014, was accepted as presented.

- Item No. 3 – Correspondence from Anglican Parish of Pouch Cove/Torbay – it was suggested to follow up with property owners for update and status, as we are now into Spring.

- Item No. 6 – Public Meeting regarding Strategic Plan – Under Action Taken, date should read April 7<sup>th</sup>, not April 17<sup>th</sup>.

## **COMMITTEE REPORTS**

### **Economic Development**

Councillor Hall provided an overview of items discussed under the Economic Development Committee Meeting Minutes, dated March 19, 2014.

Items discussed in the report included:

- Review of Action Items from Previous Meeting on March 3, 2014
  - Targa NL
    - Resident requested change of date or location. Councillor Roche to follow up with resident again and provide status.
  - Canadian Heritage
    - Canadian Heritage representative, Rebecca Moyse, will be attending the next Committee Meeting to assist in coming up with some projects here in Torbay.
- Project Updates
  - Business Park Feasibility Update
    - Ten of Fifteen proposed test wells have been approved. Waiting for response from two property owners, including the Airport. In discussions with the Department of Environment and Conservation to see the Town can proceed with drilling of the ten test sites. Waiting for their reply.
- Upper Three Corner Pond Park Project
  - Economic Development Officer is still researching funding options.
  - Consultant is engaged to provide quotes for work to have building under cost of \$500,000.
- Town Centre Feasibility Study
  - Study is being worked on, discussions are ongoing with all funding partners, and we should move on the project shortly.
- Small Business Awards 2013-14
  - Event went off very well. Councillor Smith provided an overview at last Council Meeting.
- MNL Economic Development Accord
  - Economic Development Officers from all over the Province created an Accord – motion to come forward.
- New Business Leads
  - Ongoing – there are always new business leads. The Economic Development Officer meets with individuals on a weekly basis regarding business ideas for the Community.

Councillor Hall put forward a motion to approve and sign the Municipalities Newfoundland and Labrador Economic Development Accord as presented by the Urban Municipalities Committee of

MNL to the Town of Torbay. After further discussion by Council, Councillor Hall withdrew motion and it was agreed to refer adoption for further review of the document.

**Finance & Administration**

The Financial Report, dated March 17 - 27, 2014, was accepted, as presented. Deputy Mayor Gallant read out payroll and accounts payable information as per the report:

Payroll for the period of March 17 - 27, 2014, for 33 employees is \$74,509.87.

For the period of March 17 - 27, 2014, Accounts Payable invoices in the amount of \$88,348.78 was paid. These expenditures were within budget.

There are five (5) Main Operating Invoices totalling \$49,241.40 for approval:

138-14      Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Irving Energy, for Gas for depot tanks, in the amount of \$6,154.38.

Question called. Motion carried unanimously.

139-14      Motion – Deputy Mayor Gallant / Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co., for Group billing March 2014, in the amount of \$8,351.45.

Question called. Motion carried unanimously.

140-14      Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll deductions March 1-5, 2014, in the amount of \$24,353.65.

Question called. Motion carried unanimously.

141-14      Motion – Deputy Mayor Gallant / Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to Stewart McKelvey Stirling Scales, for Legal advice – Recreation initiatives, in the amount of \$5,110.66.

Question Called. Motion Carried unanimously.

142-14      Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment Valero Energy Inc., for Diesel for depot tanks, in the amount of \$5,271.26.

Question Called. Motion Carried unanimously.

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

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

Councillor Hall provided an overview of items discussed under the Recreation and Community Services Committee Meeting Minutes, dated March 19, 2014.

Items discussed in the report included:

- Crown Lands/Outer Loop
  - Director of Community Services provided a brief update on Application and discussions with Crown Lands. She will provide more detail at next meeting.
- Town Wellness Centre
  - Director introduced Consulting Group who spoke on the process they took for another community on a Wellness Centre and how they engaged stakeholders.
  - Director advising hoping for meeting with stakeholders next Thursday.

### **Planning, Land Use and Development**

Deputy Mayor Gallant provided an overview of items discussed under the Planning, Land Use and Development Committee Meeting Minutes, dated March 25, 2014.

Items discussed in the report included:

- Development Proposals
  - Proposal from property owner at 3 Moore's Valley Road to construct three attached buildings with two units per building (four units will have two bedrooms each and two units will be one bedroom each).
    - From December 3, 2013 Planning, Land Use and Development Meeting:
      - Committee reviewed proposal. Director of Planning gave overview of the application and regulations for the area.
      - The proposal is a high density proposal that the Town has been asked to consider, with six potential units.
      - A site plan is required, which would show access point and parking spaces.
      - It was questioned if the land will have to be blasted, as it's located on a cliff.
        - Director noted that building is terraced for shape of the land.

- Proposal from property owner at Reddy Drive to develop seven Semi-Serviced lots.
  - It's agreed that the proposal would be deferred until Committee reviews comprehensive plan of the area.
- Business Proposal from property owner at 1399 Torbay Road.
  - Director to contact Service NL to inquire as to what types of approvals would be required for this type of business.
- Proposal from property owner at 1683 Torbay Road to construct a single family dwelling.
  - Items of concern are:
    - Set back of the proposed dwelling.
      - Director noted that the proposed setback of 30 meters is required to avoid the steep slope at the front of the property. It still meets Town requirements.
    - Access to the property.
      - Property owner does have frontage on Torbay Road, however, they are proposing access across a family member's property.
    - Application will be dealt with in the Building Application Report, dated March 28, 2014 under Application C2014-025.
- Items for Five Year Review Consideration
  - Correspondence from property owner at 162 Marine Drive requesting land currently zoned Conservation be changed to a Residential zone.
    - Committee reviewed correspondence and agreed that proposal will be added to and further discussed at the development meeting that Council is having in April.
    - Property to be visited once snow goes in the Spring.
- Correspondence
  - Correspondence from the Department of Agriculture in relation to the 610 meter livestock buffer, Bauline Line.
    - Committee reviewed latest correspondence in which the Department of Agriculture restated their request to have the livestock buffer on Connor's Dairy Farm set at 330 meters.
    - Committee agreed that if 330 meter is what the Department is requesting, then that is what the Town should set.
    - Director questioned as to whether or not the amendment should be stopped and taken care of in the Town plan review. Committee questioned what the cost and timing implications are. Director noted that the Town is paying for the amendments anyway so by stopping now it will save some money and by the time an answer comes back from the Department of Agriculture on the second buffer zone, the Town should be ready to submit its first draft of the plan review. Timing would, therefore, be around the same.
    - Committee agreed that the Town should roll the amendments in question over into the plan review.

➤ Other Items

- Information for Economic Development Officer in relation to affordable housing.
  - Committee reviewed information provided it was agreed that this topic was something that should be discussed at the meeting on development in April.

*Councillor Smith left the Public Council Chambers at 8:20 p.m., as it was determined that she was in a conflict of interest.*

- Four building lots previously approved on Mahon's Lane.
  - Although lots approved, Chair requested Committee consider having the Town's engineers visit the site in relation to any possible flooding that the development may cause.
  - It was agreed to have NF Design visit the site to offer their input on development in the area.
  - Director noted that site visit will take place next week.

*Councillor Smith returned to the Public Council Chambers at 8:22 p.m.*

- Planning, Land Use and Development Items for Correspondence and Action Report
  - Committee reviewed table. It was agreed that Item 1 has been ongoing for a long time now and it is time to try and settle. It was suggested that the Director contact the Department of Environment and Conservation to come in to meet with Committee to discuss the Town's options.

*Building Applications Approved*

The following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
C2014-020	14 Bourne's Close	Single Family Dwelling
C2014-022	197 Middle Three Island Pond Road	General Repairs/Foundation Repair

It's noted that some of the application numbers have changed from the previous format. The Town is currently using a new planning program. The applications numbers are generated by the new program. Outlined below are the application types.

- B - Building**
- D - Development**
- C - Building & Development**
- DM – Demolition**
- S – Subdivision of Land**
- MV – Minor Variance**

*Building Applications for Approval*

**Application:** C2014-013  
**Location:** 1-37 Great Pond Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Rural (RUR)

143-14 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2014-013, under the Applications for Approval section of the Building Application Report, dated March 28, 2014, subject to the following condition:

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

Question called. Motion carried unanimously.

**Application:** C2014-021  
**Location:** 14 Bourne's Close (Lot 15)  
**Proposal:** 24' x 24' Accessory Building  
**Zoning:** RLL (Residential Large Lot)

144-14 Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay Approve Application C2014-021, under the Applications for Approval section of the Building Application Report, dated March 28, 2014, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay
3. Subject to issuance of a permit C2014-020 for Single Family Dwelling.

Question called. Motion carried unanimously.

**Application:** C2014-023  
**Location:** 4 Scenic View Drive  
**Proposal:** 24' x 36' Accessory Building  
**Zoning:** RLL (Residential Large Lot)

145-14 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2014-023, under the Applications for Approval section of the Building Application Report, dated March 28, 2014, subject to the following conditions:



1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay

Question called. Motion carried unanimously.

**Application:** C2014-024  
**Location:** Portion of 14-22 Bauline Line  
**Proposal:** Single Family Dwelling  
**Zoning:** RMD (Residential Medium Density)

146-14 Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay Approve Application C2014-024, under the Applications for Approval section of the Building Application Report, dated March 28, 2014, subject to the following condition:

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

Question called. Motion carried unanimously.

**Application:** C2014-025  
**Location:** Portion of 1681-1683 Torbay Road  
**Proposal:** Single Family Dwelling  
**Zoning:** RI (Residential Infill)

147-14 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2014-013, under the Applications for Approval section of the Building Application Report, dated March 28, 2014, subject to the following condition:.

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

Question called. Motion carried unanimously.

*Building Applications to be Deferred for Advertising*

**Application:** MV2014-006  
**Location:** Portion of 14-22 Bauline Line  
**Proposal:** Single Family Dwelling  
**Zoning:** RMD (Residential Medium Density)

148-14 Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay Defer Application MV2014-006, under the Applications to be Deferred for Advertising section of the Building Application Report, dated March 28, 2014, pending public notification and consultation required in accordance with Regulation's 11, 12, and 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be paid by the applicant.

Question called. Motion carried unanimously.

*Business Applications to be Advertised*

**Application:** D2014-026  
**Location:** 10-12 Robin's Pond Hill Road  
**Proposal:** Home Office (Business Management Consulting)  
**Zoning:** RI (Residential Infill)

149-14 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay Defer Application D2014-026, under the Applications to be Advertised section of the Business Application Report, dated March 28, 2014, for advertisement as per Condition 11 of the RI Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried unanimously.

**Public Works**

Councillor Smith provided an overview of items discussed under the Public Works Committee Meeting Minutes, dated March 25, 2014.

Items discussed in the report included:

- 2013 Public Works Report
  - Director of Public Works has conducted a review of operations during 2013 and presented a report to Committee for review. Once complete, Committee will provide recommendation for Council approval.

- Snow Clearing Regulations
  - Director has conducted review of all operations during the Winter season and presented first draft of Town regulations. The regulations will guide staff and Council and work with the developed policy passed by Council February 11, 2014. Once complete, Committee will provide a final recommendation for Council approval.
- Depot Update
  - Looking at finalizing land acquisition.
  - Prime Consultants Agreement - Municipal Affairs is reviewing proposals and process is moving again.
- Pot Holes
  - Town staff have received multiple calls on potholes within the Town. They are doing their best to address and presently using road gravel to repair.
- Snow Clearing
  - Town staff have been working to maintain all areas of Town paying particular attention to areas of concern during snow and rain events.

#### Gas Tax Agreement 2010-2014

On November 2, 2010, the Town of Torbay received approval from the Department of Municipal Affairs regarding its six road improvement projects to be completed under the 2010-2014 Gas Tax Agreement. Project estimates were submitted with the capital investment plan in 2010. Roads selected for rehabilitation were selected as per the town's priority list in its municipal roads report.

To date, Doyle's Quigley's Lane (2011-2012), Evening's Path/Seaview Avenue (2012-2013) have been upgraded. Due to escalating construction costs, 2010 project estimates have differed from tender results. The remaining funding will only cover the costs to upgrade Camp Carey Road and McFayden Street.

The Department of Municipal and Intergovernmental Affairs requires a revised capital investment plan be adopted by Council. A motion of Council is also required to remove the upgrading of Byrne's Lane from the list – due to insufficient funds to complete the project under the current agreement. These motions are required so funding currently held by the Department can be released to the town.

On a related note, the Federal and Provincial Governments are in negotiations now regarding the next round of gas tax funding (2014-2018) for municipalities – which I anticipate we will learn of our funding allocation later this year.

Please find the required motions below:

150-14      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay submit the revised capital investment plan as presented to the Department of Municipal and Intergovernmental Affairs. Priorities outlined include the rehabilitation of five municipal roads as per the Town's municipal roads report.

The roads are as follows: Doyle's-Quigley's Lane (0.5 km), Evening's Path (170 m), Camp Carey Road (85 m), McFayden Street (110 m) and Seaview Avenue (135 m).

Question called. Motion carried unanimously.

It was noted that three of the five roads are currently complete. The remaining two will be completed this year – McFayden and Camp Carey.

151-14      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay remove project number 261-2010-1325 (road rehabilitation on Byrne's Lane) from the 2010-2014 gas tax agreement capital investment plan.

Question called. Motion carried unanimously.

## **ADVISORY COMMITTEES**

### **Environment**

- Town of Torbay Environmental Advisory Committee DRAFT Terms of Reference
  - Referred for further review. To be brought forward at next Council Meeting.

### **Heritage**

No report.

## **LIAISON COMMITTEES**

### **Jack Byrne Arena**

Deputy Mayor Gallant provided an overview of items discussed under a recent Facility Status Report.

Items discussed in the report included:

- Good Board Meeting on March 20, 2014.
- The final meeting with the Town of Pouch Cove was cancelled this week due to the weather. This meeting will be rescheduled as soon as possible.
- Annual General Meeting will be coming soon.
- A copy of the Facility Status Report, dated March 13, 2014 is included for information.

### **Northeast Avalon Joint Council**

No report.

**Torbay Harbour Authority**

No report.

**Torbay Volunteer Fire Department**

Councillor Scott advised that the Minutes from the March 10<sup>th</sup> Meeting are not yet adopted by the Fire Department. He attended meeting of March 24<sup>th</sup>. Items discussed included:

- 7 emergency calls since last meeting.
- The Department discussed SOG's and voted.

Councillor Scott extended invitations to Council and staff to the upcoming Ecumenical Worship Service taking place April 9<sup>th</sup> at 7:30 p.m. and, want to invite all to celebrate 40 years of service to the Town of Torbay. Will follow up on email with details. This is open to the public as well.

For information purposes, Councillor Scott noted that a skid unit is a truck. Council passed a motion at the last Council Meeting to purchase. He clarified that it's a mid-size, four-wheel drive truck, purchased for quick ease of access to smaller roads throughout the community.

**Urban Municipalities Committee**

No report.

**North East Avalon Regional (NEAR) Plan**

Mayor Tapper advised that a meeting is scheduled for April 16<sup>th</sup>.

**Municipal Assessment Agency Inc. (MAA)**

No report.

**NEW BUSINESS**

***Mayor Tapper*** - Pass

***Deputy Mayor Gallant***

Deputy Mayor Gallant discussed Habitat for Humanity, indicating that this is an initiative that he would like to see started. Director of Planning advised he will bring forward to Committee to review possible sites in the Town that could be offered.

He thanked the Town of Logy Bay-Middle Cove-Outer Cove (LMO) for hosting recent meeting, advising it was well chaired and great discussions were had. Discussions included working together – regional water study done around area of Jack Byrne Arena, which encompasses land from Torbay and LMO.

***Councillor Hall***

Councillor Hall discussed the 2013 Summer Drinking Water Quality Report from the Department of Environment and Conservations. He advised that there are certain indicators above limits and areas for improvement. There is a meeting with Council and a representative from the Department of Environment and Conservation scheduled in the next two weeks to discuss areas for improvement.

***Councillor Roche*** - Absent

***Councillor Scott***

Councillor Scott advised that he received a complaint from a resident of concerns in the area of the Town's Green Zone on Cemetery Lane. The resident advised that people are using the area for a hang-out and there has been drug paraphernalia found. This correspondence will come up on Council's next Agenda. In the meantime, Public Works staff will look after this – staff to monitor and look for the paraphernalia.

He discussed that the Allied Youth (AY) post in Torbay have recently won some awards in Gander.

- 15 Youth and 2 Advisors from Torbay and surrounding areas travelled to the 51<sup>st</sup> Allied Youth Provincial Conference in Corner Brook. During the Conference, they were awarded with the following Provincial awards:
  - Torbay AY won the John Nolan Cup for Outstanding Community Involvement. The John Nolan Cup for community service is presented annually to the Post which contributes most to its community during the year.
  - Sarah Fitzgerald was elected as Provincial President for 2014-2015. Sarah also won the Kathleen Neal Award for Outstanding Post Executive Leadership.
  - Lucas Ings-Simms, outgoing Provincial President, was awarded the RBC Award for Outstanding Provincial Executive Leadership and the Ralph Davis Memorial Scholarship.
- On AY's return home, they were diverted to Gander due to weather. For two extra days, the group of 89 youth and 15 advisors made the most of the situation. The Provincial Executive under Lucas's leadership came up with the idea of hosting a food drive to give back to the Town that was being so helpful to them. They went door to door collecting food and all items were donated to the local food bank in Gander.
- Another Torbay AY member is part of the outgoing Provincial Executive – Ryan Mahon, Provincial Vice President was also part of the team organizing the food drive.

***Councillor Smith*** - Pass

***Councillor Thorne-Gosse*** - Absent

**ADJOURNMENT**

152-14      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the meeting be adjourned at 8:51 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*