



***MINUTES***  
PUBLIC COUNCIL MEETING  
August 17, 2015

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 17, 2015 at 6:06 p.m.

**Members Present**

Deputy Mayor Geoff Gallant  
Councillor Peggy Roche  
Councillor Carol Ann Smith  
Councillor Mary Thorne-Gosse  
Councillor Brian Whitty

**Staff Present**

Ann Picco, Executive Clerk  
Bernie Manning, Director of Public Works & Technical Service

**Regrets**

Mayor Ralph Tapper  
Councillor Craig Scott  
Dawn Chaplin, CAO/Town Clerk  
Tina Auchinleck-Ryan, Director of Community Services  
Brian Winter, Director of Planning

**Gallery**

There were a total of 4 people in attendance.

355-15      Motion – Councillor Roche / Councillor Thorne-Gosse

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk for the period of August 17 – September 8, 2015, that Executive Clerk Ann Picco be appointed the Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department staff member.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

**Adoption of Agenda**

356-15      Motion – Councillor Thorne-Gosse / Councillor Smith

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

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

**Adoption of Minutes**

357-15      Motion – Councillor Roche / Councillor Whitty

**RESOLVED THAT** the Minutes of the August 3, 2015, Public Council Meeting be adopted, with the following change:

- Page 14, under Parks, Recreation and Community Services section, Item 1, Plan B Kinsmen Centre – Councillor Smith advised that minutes do not reflect exchange of correspondence and dialogue, and she requested to amend, as follows: Councillor Smith asked if Committee was moving to the approval of prime consultant, as this has not yet been presented to Council. CAO advised no - notes only were presented.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

358-15      Motion – Councillor Smith / Councillor Whitty

**RESOLVED THAT** the Minutes of the August 10, 2015, Special Public Council Meeting be referred.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

As per the above motion, Council discussed the Minutes of the Special Public Council Meeting, dated August 10, 2015, as follows:

- Under Motion 352-15, Adoption of Agenda, Councillor Roche asked that her name be removed as voting for the motion, as she was not in attendance.
- Councillor Smith advised that normal process was not followed. The Public Works Committee were not advised of the Change Order, and the Minutes do not reflect comments. She called Point of Order, indicating that discussion happened and should be contained in the Minutes of the Special Public Meeting of Council. She put forward a motion that an addition to the Minutes be added as follows:
  - The Minutes do not reflect the Public Work's Chair's concerns and the subsequent discussion at the Special Meeting in terms of process regarding subject matter, specifically that it was decided supposedly by discussion at the Finance and Administration Committee, but reported by CAO, to not share information regarding Change Order #2 with Members of the Public Works Committee.
- Councillor Roche called Point of Order, indicating that discussions should not be included in minutes, facts only.
- After further discussion, it was noted that not all Council Members were in attendance at tonight's meeting. Deputy Mayor noted he was not in attendance at the meeting and discussed his concerns of additions to these Minutes; he advised caution if not one hundred percent sure of comments.
- As per the above motion, Council agreed to refer the Special Meeting Minutes for further discussion with CAO and until all Members of Council are present; however, move forward with the enclosed motion. See below motion:

359-15      Motion – Councillor Thorne-Gosse / Councillor Whitty

**RESOLVED THAT** the Town of Torbay approve change order number two for the municipal depot building project in the amount of \$76,000.00 plus HST, for a total of \$85,880.00. This change order pertains to the redesign of drawings and specifications due to the reduction in scope of work.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

**PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION**

Deputy Mayor Gallant referred to the Gallery and asked if anyone would like to present to Council. The following had comments:

- Resident of 21 Bridge Road
  - Resident questioned the 2015 NL Irish Connections Festival. She asked when tickets would be going on sale for the Torbay Dinner Theatre Production.
    - Economic Development Officer to contact resident and provide information.

**MAYOR'S REPORT**

No report.

**CORRESPONDENCE**

1. Newfoundland & Labrador Public Libraries – Re: Torbay Public Library. *It was noted that the Town agreed to funding rent for the Library for twelve months, which would give them time to look at other funding options. Referred to the Finance and Administration Committee.*
2. Torbay Lions Club – Camp Carey Club House. *Councillor Smith asked if she was in conflict, as she is a Member. Council agreed she was not in conflict as she is not on the Executive Committee. Referred to Finance and Administration Committee.*
3. Holy Trinity, St. Agnes' & St. Michael's Parishes – Parish House. *Referred to Finance and Administration Committee.*

**CORRESPONDENCE & ACTION REPORT**

No report.

**COMMITTEE REPORTS**

**Planning, Land Use and Development**

**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>
D2015-146	42 Morris Avenue	General Repairs
C2015-147	13 Riverdale Drive	Demolition of existing accessory building & construction of 16' x 20' Accessory Building
B2015-149	62 Lower Street	General Repairs
B2015-151	6 Gosse's & Rodger's Crescent	General Repairs
B2015-152	51 Quigley's Lane	General Repairs
C2015-154	10 Garden Road	8' x 10' Accessory Building
B2015-156	2 Whiteway Pond Road	General Repairs

Building Applications for Approval

**Application:** C2015-118/MV2015-025  
**Location:** 268 Indian Meal Line  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill

360-15 Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application C2015-118/MV2015-025, under the Applications for Approval section of the Building Application Report, dated August 14, 2015, subject to the following condition:

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

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

**Application:** D2015-128  
**Location:** 1180 Torbay Road  
**Proposal:** Storage Facility  
**Zoning:** Mixed Development (MIX)

361-15 Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application D2015-128, under the Applications for Approval section of the Building Application Report, dated August 14, 2015, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Subject to approval(s) from Service NL.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

*Councillor Thorne-Gosse left the Public Council Chambers at 6:39 p.m. as it was determined that she was in a conflict of interest.*

**Application:** C2015-142/MV2015-027  
**Location:** Lot 1, Portion of 44 Whiteway Pond Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

362-15 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay Approve Application C2015-142/MV2015-027, under the Applications for Approval section of the Building Application Report, dated August 14, 2015, subject to the following condition:

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

Question called. Motion carried.

For Motion: 4 (Deputy Mayor Gallant, Councillors Roche, Smith, and Whitty)

Against Motion: 0

Abstained: 0

*Councillor Thorne-Gosse returned to the Public Council Chambers at 6:41 p.m.*

**Application:** C2015-150  
**Location:** 17 Howlett's Avenue  
**Proposal:** 20' x 24' accessory building  
**Zoning:** Residential Infill (RI)

363-15 Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application C2015-150, under the Applications for Approval section of the Building Application Report, dated August 14, 2015, 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.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

**Application:** C2015-153  
**Location:** 3-11 Evening's Path  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

364-15 Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application C2015-153, under the Applications for Approval section of the Building Application Report, dated August 14, 2015, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. A plot plan showing the proposed location of the residence must be submitted to the Town for approval.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

Building Applications to be Deferred

**Application:** C2015-116  
**Location:** 41 Lower Street  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

365-15 Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Defer Application C2015-116, under the Applications to be Deferred section of the Building Application Report, dated August 14, 2015, for further review by the Planning Department.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

**Application:** C2015-127  
**Location:** Portion of 557-559 Bauline Line  
**Proposal:** Single Family Dwelling  
**Zoning:** Agricultural (AG)

366-15 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay Defer Application C2015-127, under the Applications to be Deferred section of the Building Application Report, dated August 14, 2015, for further review by the Planning Department.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

Business Applications to be Deferred for Advertising

**Application:** D2015-148  
**Location:** 77 Bauline Line  
**Proposal:** Nail Salon Business  
**Zoning:** Residential Medium Density (RMD)

367-15 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay Defer Application D2015-148, under the Applications to be Deferred for Advertising section of the Business Application Report, dated August 14, 2015, for advertisement as per Condition 9 of the RMD Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0



Business Applications to be Deferred

**Application:** D2015-155  
**Location:** 1785 Torbay Road  
**Proposal:** Small engine repair service to operate out of detached garage  
**Zoning:** Residential Infill (RI)

368-15 Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Defer Application D2015-155, under the Applications to be Deferred section of the Business Application Report, dated August 14, 2015, for review by the Planning Department.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

**Economic Development**

No reports or motions.

**Finance & Administration**

The Finance and Administration Report, dated August 3 - 14, 2015, was accepted as presented. Councillor Thorne-Gosse read out payroll and accounts payable information:

Payroll for the period of August 3 - 14, 2015, for 42 employees totalled \$74,150.48. This payroll period includes 12 summer day camp staff.

For the period of August 3 - 14, 2015, Accounts Payable invoices in the amount of \$22,546.24 were paid. These expenditures were within budget.

There were no Main Operating invoices presented for approval.

There were no Capital invoices presented for approval.

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

369-15 Motion – Councillor Thorne-Gosse / Councillor Smith

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk for the period of August 17 – September 8, 2015, that Executive Clerk Ann Picco be authorized to sign cheques on the main operating bank account.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

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

No reports or motions.

### **Public Works**

Councillor Thorne-Gosse provided an overview of items discussed under the Public Works Committee Update report, dated August 17, 2015

#### 1. Updates

##### A. MYCW - 2012-2014 - Municipal Depot Design Project

- The Director advised that the final contract documents are signed and work is to begin the week of August 17, 2015.

##### B. Capital Investment Plan - 2015

- 1) Multi-Purpose Building (UTC) – design ongoing with consultant and staff with public competition to follow.
- 2) Torbay Pedestrian Safety Review - The Director has informed Committee that the Public Workshop being held on Tuesday, August 18th, is to gather comments and concerns from the public about pedestrian safety in the Town of Torbay.

The review takes place at the Kinsmen Centre on August 18<sup>th</sup>, 6:00 – 8:00 p.m.

- 3) Road Upgrading – Project is in full swing and moving along with approximately 85% of project complete.

##### C. MYCW - 2015-2017 – Road Upgrading – Director has confirmed that the project has been advertised for public tender and will close Tuesday August 18, 2015.

#### 2. Scheduling of the next meeting: Meeting was scheduled for Tuesday August 25 at 7:00 pm at Town Hall.

**ADVISORY COMMITTEES**

**Environment**

No report.

**Heritage**

No report.

**LIAISON COMMITTEES**

**Jack Byrne Arena**

No report.

**Northeast Avalon Joint Council**

Councillor Roche advised that a meeting is scheduled to be held in September.

**Torbay Harbour Authority**

No report.

**Torbay Volunteer Fire Department**

Councillor Thorne-Gosse congratulated the Department on having received their new rescue vehicle.

**Urban Municipalities Committee**

No report.

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

No report.

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

Councillor Roche advised that a meeting was held last week in Goose Bay. She will forward information on this meeting once received.

**Stewardship Association of Municipalities Inc. (SAM)**

No report.

**Eastern Regional Service Board**

Councillor Roche advised that a meeting will be held in two weeks' time.

**Holy Trinity Elementary School Council**

No report.

**NOTICES OF MOTION**

None.

**NEW BUSINESS**

*Mayor Tapper* - Absent

*Deputy Mayor Gallant*

Deputy Mayor thanked everyone for attending the Special Meetings of Council, as it has been a very busy time.

He discussed the upcoming Pedestrian Safety Review. Petitions, emails and calls have been received regarding speeding and safety in the community. The Review is taking place tomorrow, August 18<sup>th</sup> at the Kinsmen Community Centre, and he encouraged residents to attend and provide their input.

Deputy Mayor announced that in relation to the new school construction, the contractor is doing water flow testing. There may be some water pressure issues and water discoloration on the North side of Torbay. If anyone has questions, call the Town Office or the Department of Transportation and Works.

*Councillor Roche* - Pass

*Councillor Scott* - Absent

*Councillor Smith* - Pass

***Councillor Thorne-Gosse***

Councillor Thorne-Gosse discussed abandoned home at 102 Country Drive. There hasn't been any activity for some time at this location, and approximately six months ago a vehicle had been towed and dropped in the driveway. Grass has since grown around the vehicle and there have been sightings of rodents around the area. She asked that staff look into as the property has been vacant for a number of years.

She asked if the Town could have some gravel dropped off at the Parish Hall for their parking lot. She noted that community groups hold their events there, which the Town promotes, and the parking lot is in bad condition. Director of Public Works to check into.

***Councillor Whitty - Pass***

**QUESTION & ANSWER SESSION**

Deputy Mayor Gallant referred to the Gallery and asked if anyone had any questions or comments in relation to tonight's Council Meeting. The following had comments:

- Resident of 105 Indian Meal Line
  - Resident questioned meeting of August 10<sup>th</sup>, asking if it was a privileged or public meeting.
    - Deputy Mayor confirmed that it was a Special Public Council Meeting. Special Meetings can be called by Mayor or two Council Members. He advised that notification was posted to website and social medial. He discussed that the minutes were referred for further clarification, but Council agreed to proceed with the adoption of the motion.

**NEXT PUBLIC COUNCIL MEETING**

The next Public Council Meeting will take place on Monday, August 31, 2015, 6:00 p.m., Council Chambers, Torbay Town Hall.

**ADJOURNMENT**

370-15      Motion – Councillor Smith / Councillor Whitty

**RESOLVED THAT** the meeting be adjourned at 7:03 p.m., as there was no further business.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

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*Mayor*

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*CAO/Town Clerk*