



***MINUTES***  
PUBLIC COUNCIL MEETING  
March 28, 2016

---

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 28, 2016, at 7:38 p.m.

**Members Present**

Mayor Ralph Tapper  
Deputy Mayor Geoff Gallant  
Councillor Peggy Roche  
Councillor Mary Thorne-Gosse  
Councillor Brian Whitty

**Staff Present**

Ann Picco, Deputy Clerk (Acting Town Clerk)  
Stephanie Kane, Director of Corporate & Community Services  
Brian Winter, Director of Planning and Development

**Absent**

Councillor Craig Scott  
Councillor Carol Ann Smith  
Dawn Chaplin, CAO/Town Clerk  
Bernie Manning, Director of Infrastructure and Public Works

**Gallery**

There were a total of 14 people in attendance.

**Adoption of Agenda**

102-16      Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk for Monday, March 28, 2016, that Deputy 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 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

103-16      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

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

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

**Adoption of Minutes**

104-16      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay rescind Motion No. 088-16, Minutes of the Public Council Meeting, dated March 15, 2016.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

105-16      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the revised Minutes of the March 2, 2016, Public Council Meeting be adopted, as presented.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

The above motions relate to the Public Council Meeting Minutes, dated March 2, 2016. There were a couple items, comments from the Gallery under Proclamations/Presentations/Question and Answer Session, omitted from the Minutes in error.

106-16      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Minutes of the March 15, 2016, Public Council Meeting be adopted, as presented.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

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

➤ Employee Service Awards

Mayor Tapper provided information on the Town of Torbay's Employee Service Awards and 2015 recipients:

- Employee Services Awards were presented to the following:
  - Brian Winter
    - Ten Years of Service
      - Brian is the Director of Planning and Development. He commenced his employment with the Town in August, 2005.
  - Scott Martin
    - Ten Years of Service
      - Scott is in the position of General Maintenance with the Town's Public Works Department. He commenced his employment with the Town June, 2004.

➤ Resident of Civic 41 North Pond Road – Development Concerns

- Resident discussed his displeasure with the Town's approval to construct the commercial building on Piperstock Hill area, noting the below:
  - He discussed permitted and discretionary uses, noting the building is in a Mixed Development Area.
  - Being an all metal building, resident questioned approval noting it would have to be at Council's discretion. He further advised that there are no windows in the building, which he feels would indicate the hours of operation are questionable.
  - Its design indicates the building does not conform with the residential character of the neighborhood, and would be better suited in a commercial/industrial type location. Resident felt that there is lack of pride of appearance and concern for the area. There are many examples of buildings in our community in Mixed Development showing pride in design/structure of building and how it fits into the neighbourhood.

- If a building of this type is approved for zoning, it does not mean that Council cannot question design and can send back to applicant, rather than accept as presented. If no objections from residents, it does not mean that Council cannot use their discretion to approve or turn down an application request.
- Resident discussed that it would be wise if Council requests meetings with developers to review such matters as hours of operations, etc.
- There are other areas in Torbay that are zoned as Mixed Development. There will be future applications, and resident hopes that Council will use vigilance if, and when, applications for these areas are received.
- He discussed other development applications that have been or are now before Council, including condos and daycare centers. Resident further advised that there is a standard that he and other residents expect when Council looks at and considers applications.
- Mayor Tapper clarified that there are two separate applications in same area, both approved by Council. The building in question is a storage warehouse, the other one refers to a nine unit condo. He discussed discretionary use, indicating that the Town do provide notices to neighbourhood residents. Residents provide their information and concerns.
- Mayor advised we will take comments into consideration and bring back to the Planning and Development Committee.

Mayor Tapper referred to the Gallery and asked if anyone would like to present to Council. There were none.

### **MAYOR'S REPORT**

Mayor Tapper provided a report, dated March 14 - 24, 2016, of his work and connections that he has made in the community over the past couple of weeks.

### **NOTICES OF MOTION**

None.

### **CORRESPONDENCE**

1. Department of Environment and Conservation – 2015 Summer Drinking Water Quality Report. ***Referred to the Infrastructure and Public Works Committee and the Environment Advisory Committee.***
2. Save the Torbay Public Library Petitions. ***Referred to the Corporate and Community Services Committee.***
3. Department of Environment and Conservation – Report – Evaluation of the Migration of Potential Contamination from the St. John's International Airport to the Proposed

Pine Valley Subdivision Development. *Mayor advised that this will be discussed under Planning and Development. As Councillors Scott and Smith are not in attendance at tonight's meeting, the Planning and Development Minutes, dated March 22<sup>nd</sup> will be referred to next Council Meeting. The Town is continuing to work on the issue of contamination impacting development and water servicing in the areas of the Arena and Pineridge. Studies have been completed, involving the Department of Environment and Conservation. The Arena wants to construct a new second ice pad, depending on water servicing, and there is also an application from a developer for a subdivision in the area which is on hold as well. Mayor noted that there could be further testing which the two groups need to continue to do. He advised a meeting is to be scheduled with representatives from the Town Council of Logy Bay Middle Cove Outer Cove. The Town is taking advice from the Department of Environment and Conservation, included in this correspondence. Referred to the Planning and Development Committee.*

4. Correspondence from resident of Civic 1 Martin's Lane concerning property taxes on property in Conservation Zone. *Taxes for, and development of, property in conservation zones was questioned. Referred to the Corporate and Community Services Committee for review and options.*
5. Department of Environment and Conservation – Burning Prohibition of Demolition Materials. *For information purposes. Referred to Infrastructure and Public Works Committee.*
6. Department of Municipal Affairs – Federal Gas Tax Program Allocation. *For information purposes.*
7. Fish, Food & Allied Workers (FFAW) – draft form letter for municipalities to send to Minister Tootoo in support of workers and communities dependent on the inshore northern shrimp fishery. *See motion below:*

107-16      Motion – Deputy Mayor Gallant / Councillor Roche

**RESOLVED THAT** the Town of Torbay support and write letter.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

8. Correspondence from property owner concerning property taxes and development of land at 1322-1332 Torbay Road. *This correspondence refers to land in the Conservation Zone. Referred to the Corporate and Community Services Committee.*
9. Sport NL – Program Ad – Stars & Legends Gala. *Referred to the Corporate and Community Services Committee.*
10. Department of Seniors, Wellness and Social Development – Approval of Grant to Holy Trinity High School. *For information purposes.*

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated March 28, 2016, was accepted as presented.

**COMMITTEE REPORTS**

**Planning and Development**

108-16      Motion – Deputy Mayor Gallant / Councillor Whitty

**RESOLVED THAT** the Town of Torbay refer the Minutes of the Planning and Development Committee, dated March 22, 2016, to the next Council Meeting.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

In relation to the above, it was agreed to refer the Minutes as Committee Members, Councillors' Smith and Scott, were not in attendance at tonight's meeting.

**Building Applications for Approval**

Application:            C2016-001  
Location:                1157 Torbay Road  
Proposal:                Increase proposed accessory building size from 36' x 36' to 40' x 40'  
Zoning:                 Mixed Development (MIX)

109-16      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application C2016-001, under the Applications for Approval section of the Building Application Report, dated March 25, 2016, 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 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

**MINUTES**  
**PUBLIC COUNCIL MEETING**  
**March 28, 2016**

---

Application: C2016-015  
Location: 19-21 South Pond Road  
Proposal: Single Family Dwelling with Subsidiary Apartment  
Zoning: Residential Medium Density (RMD), Conservation (CON)

---

110-16 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application C2016-015, under the Applications for Approval section of the Building Application Report, dated March 25, 2016, 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 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

In relation to the above motion, Deputy Mayor advised that last meeting Council chose to defer for more details, and requested map to outline location of the Residential Medium Density and Conservation zones. He advised he reviewed the map, and all structures and septic field are outside the Conservation Zone.

Application: C2016-022  
Location: 437 Indian Meal Line  
Proposal: 28' x 36' accessory building  
Zoning: Residential Infill (RI)

---

111-16 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application C2016-022, under the Applications for Approval section of the Building Application Report, dated March 25, 2016, 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 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

### **Executive Committee**

Deputy Mayor Gallant provided an overview of items discussed under the Executive Committee Meeting Minutes, dated March 21, 2016.

Items discussed included:

1. Communications and Public Engagement Strategy
  - A. Consultant Presentation
    - Consultants presented to Council. Residents will be impressed with what the Town has in the works and will be rolling out in the next couple of months.
2. Organizational Review
  - A. Customer Service Standards
  - B. Customer Service Training
  - C. Performance Evaluation System
    - The Town is putting in place structures to improve customer service standards.
3. Professional Development Requests
  - Deputy Mayor advised that Councillors discussed attending specific events, but no decisions were actually made – names were only suggested for the upcoming FCM Conference and the MNL Symposium. He asked that the Minutes be corrected to reflect same.
4. Compensation and Benefits
5. Resident Issues
  - Relates to residents' issues.
6. Council Minutes/Package
  - There are changes and improvements underway.
7. A Time in Torbay
  - Resources were discussed.

### **Corporate and Community Services**

The Corporate Services Report, dated March 14 - 25, 2016, was accepted as presented. Councillor Thorne-Gosse read out payroll and accounts payable information:

Payroll for the period of March 14 - 25, 2016, for 32 employees, totalled \$78,042.42.



For the period of March 14 - 25, 2016, Accounts Payable invoices in the amount of \$119,077.29 were paid. These expenditures were within budget.

There were no Main Operating invoices presented for approval:

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

Councillor Thorne-Gosse advised that there was no Committee Meeting.

### **Infrastructure, Public Works, Public Safety and Shared Services**

Councillor Thorne-Gosse provided an overview of items discussed under the Infrastructure and Public Works Committee Meeting Minutes, dated March 22, 2016.

Items discussed included:

➤ Updates

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

- The project is moving along quite well with the exterior sheeting being completed and the roof and insulation installation begun.

112-16      Motion – Councillor Thorne-Gosse / Councillor Whitty

**RESOLVED THAT** the Town of Torbay approve change order number six, seven and eight for the municipal depot building project in the amount of \$127,433.63 plus HST, for a total of \$144,000.00. This change order pertains to extra civil work, crane supply and well installation outside the designed scope.

Question called. Motion carried.

For Motion: 4 (Mayor Tapper, Councillors Roche, Thorne-Gosse, and Whitty)

Against Motion: 1 (Deputy Mayor Gallant)

Abstained: 0

In relation to the above motion, Deputy Mayor discussed crane installation and cost benefit analysis. He advised that he voted against it in the budget as he requested information as to how much it would cost the Town to install. Councillor Thorne-Gosse noted that it would be cheaper to install the crane during construction before the roof went on. Deputy Mayor's question can be referred to the Director of Infrastructure and Public Works, as he was not in attendance at tonight's meeting.

B. Capital Investment Plan - 2015

1) Multi-Purpose Building (UTC)

- The builder is on site continuing with the framing portion of project with the roof completed and beginning the windows, doors and exterior cladding in the near future.
- Hoping to be completed by the end of June.

- 2) Torbay Pedestrian Safety Review
  - Phase two of project is ongoing.
- 3) Alternative Water Study
  - The Director has received proposal for project and will meet with consultants to begin project.
  - See motion below:

113-16      Motion – Councillor Thorne-Gosse / Councillor Roche

**RESOLVED THAT** further to correspondence dated February 15, 2016 from the Department of Municipal Affairs regarding remaining gas tax agreement funding, that the Town of Torbay submit a capital investment plan in the amount of \$190,250.00 plus HST for the completion of a water alternatives supply study.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Council discussed the above motion, commenting on the below:

- The Town has recently heard from the City of St. John's in relation to their water study. The study indicates that they have to bring on other sources of water. Torbay is unable to obtain water from Windsor Lake as it is at capacity. In order for the Town to tap into St. John's water supply, we will have to wait approximately fifteen years to get water line through Portugal Cove – St. Philip's and Indian Meal Line.
- The Town has to complete this study to come up with other water alternatives. The Director is taking the lead and will get our consultants to look at all options.
- It was noted that a neighbouring town has their own water supply, They also have some issues, and have come up with a solution so their water is clear. It was suggested that the Town look into for information.
- Mayor advised that a meeting was scheduled with the City's Regional Water Servicing Committee, of which CAO attended. He still has intentions of meeting with the City's Mayor and engineering staff to ask questions.
- Costs on the Town's study was questioned and what it entails, and it was noted that it is part of Gas Tax funding.

- 4) Wastewater Review
  - Phase II of the Wastewater Study will commence with the development of RFP for technology and supplier with a public competition once funding has been determined.

- Recreational Facilities
  - Spring planning on facilities has begun.
- Correspondence & Action Report Items
  - Letter from Kinsman Place
  - Committee has reviewed the correspondence and will address necessary concerns through operations.
- Scheduling of the next meeting: Meeting was scheduled for Tuesday April 5th at 4:30pm at Town Hall.

### **ADVISORY COMMITTEES**

#### **Environment**

- Minutes of the Torbay Environment Advisory Committee, dated January 11, 2016.
  - Presentation on the Geology of the Northeast Avalon and Implications for Past and Future Development.
    - Minutes were included for Council's information.

#### **Heritage**

No report.

### **LIAISON COMMITTEES**

#### **Jack Byrne Regional Sports and Entertainment Centre**

No report.

#### **Northeast Avalon Joint Council**

- Councillor Roche – Northeast Avalon Joint Council Meeting on April 20<sup>th</sup>.
  - A meeting is scheduled for April 20<sup>th</sup> in the Town of Conception Bay South with Minister Joyce.
    - Procedure is to have agendas prepared for the ministers so they are prepared to answer questions. Only fitting, as the Northeast Avalon Joint Council represent towns at these meetings, to bring back to Councils first and ask if there are any issues they would like addressed on Town's behalf. If anyone has any questions or comments for the minister, please forward to Craig Williams, Chair – contact information is included on the email.

**Torbay Harbour Authority**

No report.

**Urban Municipalities Committee**

- Municipalities Newfoundland and Labrador
  - Draft Minutes of the Urban Municipalities Committee Meeting, dated February 5<sup>th</sup> and 6<sup>th</sup>, 2016.
  - Property Assessment Reform Presentation, February 6, 2016.

The above was included for Council's information. Mayor Tapper discussed Crown lands and access for subdivisions. He advised that he spoke to MHA and hoping to get meeting with Minister Hawkins to discuss access points on Provincial roads for potential subdivisions.

**Holy Trinity Elementary School Council**

No report.

**Holy Trinity High School Council**

No report.

**NEW BUSINESS**

***Mayor Tapper*** - Pass

***Deputy Mayor Gallant***

Deputy Mayor Gallant thanked Mayor for doing a great job. He thanked staff for their service; and, personally thanked the Director of Planning indicating he's worked closely with him for a number of years as former Chair of Planning and Development and as Chair of Recreation.

***Councillor Roche*** - Pass

***Councillor Scott*** - Absent

***Councillor Smith*** - Absent

***Councillor Thorne-Gosse*** - Pass

***Councillor Whitty***

Councillor Whitty advised he attending a meeting with the Library Board, and they want to know if the Town could set up a liaison committee with them, so concerns can be brought forward.

**QUESTION & ANSWER SESSION**

Mayor Tapper 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 discussed Town water, water quantity and study on water availability.
    - She discussed that for a number of years water quality has been an issue for those on water. She asked that Council not forget those already serviced.
    - She discussed strategic visions and possible general information program for residents on town water with information on such things as filtration systems and THMs.
    - She questioned what the Town was doing about high levels of THMs.
    - Mayor advised that the Town budgeted funds this year to upgrade the water system to improve quality of water. We are doing some improvements to the plant, which is ongoing. The Town has not received any recommendation from the Provincial Government to issue boil water order. Will request that the Director provide information and summarize.

**NEXT PUBLIC COUNCIL MEETING**

The next Public Council Meeting will take place on Monday, April 11, 2016, 7:30 p.m., Council Chambers, Torbay Town Hall.

**ADJOURNMENT**

114-16      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the meeting be adjourned at 8:39 p.m., as there was no further business.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

---

*Mayor*

---

*CAO/Town Clerk*