



**MINUTES**  
PUBLIC COUNCIL MEETING  
March 3, 2014

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 3, 2014 at 7:35 p.m.

**Members Present**

Deputy Mayor Geoff Gallant  
Councillor Thomas Hall  
Councillor Peggy Roche  
Councillor Craig Scott  
Councillor Carol Ann Smith  
Councillor Mary Thorne-Gosse

**Staff Present**

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

**Absent**

Mayor Ralph Tapper  
Ann Picco, Executive Clerk

**Gallery**

There were a total of 7 people in attendance.

**Adoption of Agenda**

098-14      Motion – Councillor Thorne-Gosse / Councillor Smith

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

099-14      Motion – Councillor Hall / Councillor Scott

**RESOLVED THAT** the Minutes of the February 17, 2014 Public Council Meeting be adopted as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

1. Scouts Canada

Michael Fleming (Group Registrar) and Augusta Harris (Group Commissioner) were in attendance at tonight's meeting and gave a brief presentation of the 1st Torbay Scouts Group.

2. Epilepsy Newfoundland and Labrador – Purple Day for Epilepsy.

100-14      Motion – Councillor Scott / Councillor Hall

**RESOLVED THAT** that the Town of Torbay hereby proclaim March 26<sup>th</sup> as Purple Day in an effort to raise the awareness and understanding of epilepsy and to support all those who live with serious seizures each day.

Question Called. Motion carried unanimously.

3. Dietitians of Canada Nutrition Month – March, 2014.

101-14      Motion – Councillor Hall / Councillor Smith

**RESOLVED THAT** that the Town of Torbay hereby proclaim the month of March 2014, as Nutrition Month.

Question Called. Motion carried unanimously.

**MAYOR'S REPORT**

No report, as Mayor Tapper was out of Town.

**CORRESPONDENCE**

1. Avalon Karate – Request for Donation – Newfoundland Athlete is Kumite Champion 2014 Karate Canada Nationals. ***Referred to Finance Committee***
2. Department of Municipal Affairs – 2012-14 Multi-Year Capital Works Program. ***For information purposes.***
3. Municipal Assessment Agency Inc. – Information pertaining to meeting on February 7<sup>th</sup> and Board of Directors. ***For information purposes - the 2014 Board of Directors is listed in the correspondence.***
4. Department of Municipal Affairs – Training and Professional Development Opportunities 2014-2015. ***For information purposes.***

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated March 3, 2014, was accepted as presented.

- Item # 27 – Development off Country Drive – it was requested that the name be removed from this piece of correspondence.

**COMMITTEE REPORTS**

**Economic Development**

No report.

**Finance & Administration**

The Financial Report, dated February 17-28, 2014, was accepted, as presented. Councillor Thorne-Gosse read out payroll and accounts payable information as per the report:

Payroll for the period of February 17-28, 2014, for 33 employees is \$75,298.59.

For the period of February 17-28, 2014, Accounts Payable invoices in the amount of \$207,306.54 was paid. These expenditures were within budget.

There are six (6) Main Operating Invoices totalling \$91,773.13 for approval:

102-14      Motion – Councillor Thorne-Gosse / Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Group Billing for December 2013, in the amount of \$6,310.00.

Question called. Motion carried unanimously.

103-14      Motion – Councillor Thorne-Gosse / Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Group Billing for February 2014, in the amount of \$8,735.18.

Question called. Motion carried unanimously.

104-14      Motion – Councillor Thorne-Gosse / Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance February 1 – 15, 2014, in the amount of \$24,807.53.

Question called. Motion carried unanimously.

105-14      Motion – Councillor Thorne-Gosse / Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to SynreVoice Technologies Inc., for Annual renewal of green communications system, in the amount of \$11,865.00.

Question Called. Motion Carried unanimously.

106-14      Motion – Councillor Thorne-Gosse / Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to Trio Benefits, for Group Benefits for February 2014, in the amount of \$7,063.19.

Question called. Motion carried unanimously.

107-14      Motion – Councillor Thorne-Gosse Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to Workers Compensation, for 2014 Payroll Assessment, in the amount of \$32,992.07.

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**

No reports or motions.

**Planning, Land Use and Development**

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

Councillor Scott provided an overview of items discussed under the Planning, Land Use and Development Committee Minutes, dated February 25, 2014.

Items discussed in the report included:

1.      Development Proposals
  - a)      Proposal to develop four building lots on Mahon's Lane.
    - The Town has received similar proposals to develop the property in the past which were refused for the following reasons:
      - The Provincial Department of Environment, Water Resources Division advised that the proposed development does not meet the Department's Policy with respect to preservation of minimum buffer from the high water mark of all bodies of water.

- The Provincial Department of Environment, Wildlife Division (Eastern Habitat Joint Ventures) advised against such development in the Gully Area.
- The proposed development is contrary to the Town's Municipal Plan Policy with respect to onsite sewage disposal in that such disposal system would be located less than 30m from a water body or water course.

In this case, there is no development proposed within the conservation area and the proposed location of the septic system is more than 30 meter from the water course.

- There was some question about the size of the proposed lots; DOP noted that the proposed lots can meet all the requirements for development within the Residential infill land use zone.
- It was agreed that the proposal should be deferred to the Department of Environment for further review and recommendation.
- Dealt with in the Building Application Report, dated February 28, 2014 – Applications C2013-028, C2013-029, C2013-030 and C2013-031. See below motions:

*Building Applications for Approval*

**Application:** C2013-028  
**Location:** Portion of 51-81 Mahon's Lane (Lot 1)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

108-14 Motion – Councillor Scott / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application C2013-028, under the Applications for Approval section of the Building Application Report, dated February 28, 2014, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The recommendations outlined on the correspondence from the Department of Environment Water Resources Division and Eastern Habitat Joint Ventures shall form part of conditional approval of these lots.
3. The homes shall be built to a grade that will reduce possible flooding from the nearby stream.

Question called. Motion carried unanimously.

**Application:** C2013-029  
**Location:** Portion of 51-81 Mahon's Lane (Lot 2)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

109-14 Motion – Councillor Scott / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application C2013-029, under the Applications for Approval section of the Building Application Report, dated February 28, 2014, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The recommendations outlined on the correspondence from the Department of Environment Water Resources Division and Eastern Habitat Joint Ventures shall form part of conditional approval of these lots.
3. The homes shall be built to a grade that will reduce possible flooding from the nearby stream.

Question called. Motion carried unanimously.

**Application:** C2013-030  
**Location:** Portion of 51-81 Mahon's Lane (Lot 3)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

110-14 Motion – Councillor Scott / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application C2013-030, under the Applications for Approval section of the Building Application Report, dated February 28, 2014, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The recommendations outlined on the correspondence from the Department of Environment Water Resources Division and Eastern Habitat Joint Ventures shall form part of conditional approval of these lots.
3. The homes shall be built to a grade that will reduce possible flooding from the nearby stream.

Question called. Motion carried unanimously.

**Application:** C2013-031  
**Location:** Portion of 51-81 Mahon's Lane (Lot 4)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

111-14 Motion – Councillor Scott / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application C2013-031, under the Applications for Approval section of the Building Application Report, dated February 28, 2014, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The recommendations outlined on the correspondence from the Department of Environment Water Resources Division and Eastern Habitat Joint Ventures shall form part of conditional approval of these lots.
3. The homes shall be built to a grade that will reduce possible flooding from the nearby stream.

Question called. Motion carried unanimously.

*Councillor Smith returned to the Public Council Chambers at 8:30 p.m.*

Councillor Scott continued with an overview of items discussed under the Planning, Land Use and Development Committee Minutes, dated February 25, 2014.

Items discussed included:

- b) Proposal from property owner at 419 Bauline Line to develop their property with 4 unserviced building lots.
  - Committee reviewed the proposal and, it was agreed that the proposal can meet the Town requirements for developing land. It was agreed that prior to recommending the proposal for approval that committee would like to have the new requirement for trail ways (a 3 meter trail along on the inside of the drainage ditch) shown on the proposal.
2. Correspondence
  - a) Correspondence from property owner at Whitty's Ridge.
    - Committee reviewed correspondence, it was noted that the Town hasn't expropriated land in the past for developers. Committee isn't prepared to recommend that it start doing so now. Committee's understanding is that the Town can only expropriate land for public good, not to permit developers to develop land.

3. Planning, Land Use and Development Items for Correspondence and Action Report.
  - Attached for information.

It's noted that some 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

*Building Applications for Approval*

**Application:** B1127-13  
**Location:** 5 Watts Pond Road  
**Proposal:** 4,000 sq ft Day Care Center  
**Zoning:** Residential Infill (RI)

112-14 Motion – Councillor Scott / Councillor Roche

**RESOLVED THAT** the Town of Torbay Approve Application B1127-13, under the Applications for Approval section of the Building Application Report, dated February 28, 2014, subject to the following conditions.

1. The project shall conform to the requirements of the Residential Infill (RI) 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. Property to be serviced with Town services.



Question called. Motion carried unanimously.

Building Applications to be Deferred

**Application:** C2014-013  
**Location:** 1-37 Great Pond Road  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

113-14 Motion – Councillor Scott / Councillor Roche

**RESOLVED THAT** Town of Torbay Defer Application C2014-013, under the Applications to be Deferred section of the Building Application Report, dated February 28, 2014, pending public notification and consultation required in accordance with Regulation's 10, 33, and 90 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.

Business Applications for Approval

Councillor Hall questioned if he was in conflict with the below Application D2014-004 as the applicant is his neighbor. It was agreed that he was not in conflict according to the Municipalities Act, 1999 Section 207.

The following applications were advertised as per discretionary use regulations. There were no written responses received in response to the advertisement:

**Application:** D2014-004  
**Location:** 8 Davalan place  
**Proposal:** Home Office (Consulting and Advertising)

114-14 Motion – Councillor Scott / Councillor Smith

**RESOLVED THAT** the Town of Torbay Approve Application D2014-004, under the Applications for Approval section of the Business Application Report dated February 28, 2014 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.
3. The development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

**Application:** D2013-022  
**Location:** 298 Indian Meal Line  
**Proposal:** General Business (Custom Art/Picture Framing/Printing)

115-14 Motion – Councilor Scott / Councillor Smith

**RESOLVED THAT** the Town of Torbay Approve Application D2013-022, under the Applications for Approval Section of the Business Application Report dated February 28, 2014 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.
3. The development shall comply with the Town of Torbay Parking Requirements

Question called. Motion carried unanimously.

### **Public Works**

No reports or motions.

## **ADVISORY COMMITTEES**

### **Environment**

Deputy Mayor Gallant advised that the terms of reference are currently being drafted.

### **Heritage**

Councillor Roche advised that the meeting is postponed until Monday, March 24<sup>th</sup>, 2014.

## **LIAISON COMMITTEES**

### **Jack Byrne Arena**

Deputy Mayor Gallant provided an overview of items discussed under the Facility Status Report, dated February 20, 2014.

Items discussed in the report included:

- Next Board Meeting
  - To be determined. Usually follows the completion of the Annual Financial Audit.

- Upcoming Events
  - AESHL Semi-Final: North East Eagles vs. Southern Shore Game – February 21<sup>st</sup>.
  - Community Skate – Town of Flatrock - February 22<sup>nd</sup>.
  - Junior Hockey League Quarter Final Jr. Celtics vs. St. John's – February 23<sup>rd</sup>.
- Financial Status
  - 2013 Year End before adjustments.
- Operations Update
  - The digital sign is now back in operation - repairs are completed.
  - The Jack Byrne Arena is now a TicketPro Outlet. Tickets for all future events will be available on-line, including the Deepak Chopra Show-which is now available.
- Board Update
  - The Board of Directors continues to work with all municipalities in advancing the strategic plan for the facility.
  - Two new board members have recently been appointed by the Town of Torbay and a third was reappointed.
  - The next board meeting will be scheduled in the coming weeks.

### **Northeast Avalon Joint Council**

Councillor Roche advised that the next meeting will be held on March 19<sup>th</sup> at Portugal Cove St. Phillips.

### **Torbay Harbour Authority**

No report.

### **Torbay Volunteer Fire Department**

Councillor Scott provided an overview of items discussed under the Torbay Volunteer Fire Department Meetings, dated February 10, 2014.

Items discussed included:

- Fire Department hosted Beavers on Thursday night.
- 10 emergency calls since last meeting – total of 39 for the year.
- Civic addresses readdressed.
- Tender for new Fire Truck.
- Nominations for Firefighter of the year - down to three nominees.

Insurance provider for the Fire Department was questioned. The Fire Chief had completed an investigation and went with a group insurance that provided the best fit for the Fire Department.

Information pertaining to the TVFD Ladies Auxiliary 2014 Annual Chicken Dinners was included for information purposes.

**Urban Municipalities Committee**

Deputy Mayor Gallant represented the Town of Torbay in Deer Lake at the end of February at a MNL/UMC Meeting.

Highlights included:

- There will be a new Municipal Councillors Handbook. There may possibly be an electronic copy.
- Urban Municipalities Development Accord – discussed in great detail and the Deputy Mayor would like the Town of Torbay to be one of the first municipalities to be the first on board. Towns will be working and collaborating with one another.
- Garbage audit completed by MMSB - there were sample slides taken of people going through and reviewing garbage. It was determined that 35% of garbage is organics.

It was noted how well the Town of Torbay is doing with the recycling program within the Town.

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

No report.

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

Councillor Roche advised that a meeting is scheduled to take place in Deer Lake in March.

**NEW BUSINESS**

***Mayor Tapper*** - Absent

***Deputy Mayor Gallant***

Deputy Mayor Gallant thanked Council for their support during tonight's meeting as his first time as Chair.

***Councillor Hall*** - Pass

***Councillor Roche***

Councillor Roche discussed Middle Three Island Pond. Cabin owners in the area are wondering if it will be reserved as a cabin area. It was noted that the Town Plan indicates that this area will not be developed. Properties that are there will exist, but there will be no future development.

Director of Planning to confirm that the Town Plan has measures in place to protect the area from further development and that it remain a cabin area.

***Councillor Scott***

Councillor Scott congratulated student at Holy Trinity - Emily Hynes won spelling bee last week and will be moving on to Nationals. Emily will be coming in to meet with Council on March 18<sup>th</sup>.

***Councillor Smith***

Councillor Smith discussed resident concern on Mahon's Lane – resident claimed his driveway was completely plowed in by plow operator. The resident is a senior and was not able to handle the large amounts of ice buildup in the area. She asked that Public Works Department be mindful during snow clearing and removal.

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

**ADJOURNMENT**

116-14      Motion – Councillor Smith / Councillor Hall

**RESOLVED THAT** the meeting be adjourned at 9:05 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***