



**MINUTES**  
PUBLIC COUNCIL MEETING  
November 12, 2013

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 12, 2013 at 7:35 p.m.

**Members Present**

Mayor Ralph Tapper  
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  
Ann Picco, Executive Clerk

**Regrets**

Bernie Manning, Director of Public Works & Technical Services  
Brian Winter, Director of Planning

**Gallery**

There were a total of 12 people in attendance.

Mayor Tapper introduced MHA Kevin Parsons, who was in attendance at tonight's meeting. Mr. Parsons met with Council this evening, and Mayor welcomed him to say a few words if he so wished. MHA Parsons advised that he's looking forward to the next few years working together with the Town to make sure the needs of Torbay are met. He indicated he's always available and willing to meet when needed.

**Adoption of Agenda**

464-13 Motion – Councillor Smith / Councillor Roche

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

465-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Minutes of the October 28, 2013, Public Council Meeting be adopted as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

None.

**MAYOR'S REPORT**

Mayor Tapper provided a report, dated October 25 – November 7, 2013, of his work and connections that he has made in the community over the past two weeks.

**CORRESPONDENCE**

1. Northeast Eagles Senior Hockey Club – request for corporate sponsorship. *Deferred to Finance and Administration Committee.*
2. Municipal Assessment Agency Inc. – Ballot-Urban & Regional Director. *Councillor Roche has already been nominated by the Town for the position of Urban Director; and, Councillor Smith has been nominated for the position of Avalon Director. See motions below:*

466-13 Motion – Councillor Scott / Councillor Smith

**RESOLVED THAT** the Town of Torbay cast a ballot for Councillor Peggy Roche for the position of Urban Regional Director for the Municipal Assessment Agency.

Question called. Motion carried unanimously.

467-13 Motion – Councillor Thorne Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay cast a ballot for Councillor Carol Ann Smith for the position of Avalon Regional Director for the Municipal Assessment Agency.

Question called. Motion carried unanimously.

3. Targa – request for Council’s approval to run an annual Targa Newfoundland stage in the Town for the next four years. *Council agreed to meet to discuss further, and then refer to Economic Development Committee for recommendation back to Council. Mayor Tapper noted that he did speak to President, Mr. Robert Giannou, and his group would like to do a presentation to Council, at which time Council can ask them to further explain the agreement.*
4. Department of Municipal Affairs – 2014 Municipal Operating Grant Allocation. *For information purposes – allocation has increased by 53.6%. With the Department’s new municipal operating grant formula for 2014, the Town will receive funding in the amount of \$223,492.66 in 2014. Council thanked MHA Parsons and asked that he forward their thanks on to Minister Kent.*
5. Recreation Newfoundland & Labrador – ParticipACTION Teen Challenge Grant Approval. *For information purposes. Director of Community Services noted that this grant will be going towards the Play My Way program, which will benefit the youth in our community. Councillor Smith suggested that the Town be mindful and careful how the public perceives the grant funding, and noted that it is sponsored by Coca-Cola.*
6. Eastern Waste Management – Notice to Eastern Region Property Owners and Commercial Users of the 2014 Fee Structure. *For information purposes. No change in fees – remain the same as in 2013.*
7. Councillor Peggy Roche – Re-Election to position of Urban Director, Municipal Assessment Agency (MAA). *For information purposes, as per Correspondence No. 2.*
8. Mayor Betty Moore – Re-Election to position of Avalon Director, Municipal Assessment Agency (MAA). *For information purposes, as per Correspondence No. 2.*
9. Councillor Norm Collins – Election to position of Urban Director, Municipal Assessment Agency (MAA). *For information purposes, as per Correspondence No. 2.*
10. Correspondence from residents concerning property in the area to the south of Torbay, between St. John’s Airport and South Pond. *Deferred to the Planning, Land Use and Development Committee.*
11. Jack Byrne Arena – Request for meeting concerning Jack Byrne Arena Strategic Plan document. *Deputy Mayor Gallant advised that the Board held a strategic planning session and put together a document some months ago, and would now like to review everything. The Board would like to meet with Council before Christmas – Council to arrange for a meeting on an off-Monday night.*
12. Municipal Assessment Agency – MAA’s Annual Report for 2012-2013. *Councillor Roche advised that the Auditor’s Report is there for information as well. The notes are attached on the last few pages for further explanation. She advised that if anyone has any questions, she can confirm and report back. Councillor Scott discussed assessments and noted that it’s interesting how far MAA are coming with the number of appeals they have had. At their recent meeting, MAA noted that even with high assessments, the number of appeals has declined – they speak to people to work out any issues before actually going to appeal process.*

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated November 12, 2013, was discussed and accepted as presented.

- Mayor Tapper and CAO to review the Correspondence and Action Report.
- Councillor Scott discussed the following:
  - Item 45 – Support for Motion M-400, advising that FCM are in support. He advised it's to encourage and help people bring their septic fields up to environmental standards. There is funding for municipal systems, but no programs in place for individuals. He questioned what the Town is planning to do. Deferred to Public Works Committee.
  - Item No. 48 – Motion 367-13 – Town to order demolition of structures on the Lacey property. CAO advised that Mr. Lacey called her today – will provide a report for the next Council Meeting.
- Council discussed the Correspondence and Action Reports and suggested that Council track. Deputy Mayor suggested assigning to proper Committees and then followed up by Chairs.

**COMMITTEE REPORTS**

**Economic Development**

Councillor Hall provided an overview of items discussed under the Economic Development Committee Meeting, dated November 6, 2013.

Items discussed in the report included:

- Review of action items from previous meeting on September 4, 2013
  - Economic Development Strategic Plan – consultant to provide further recommendation later this week and will provide for next meeting.
  - There was a delay in getting letters out to landowners in the business park feasibility area. Twelve wells have to be drilled and locations had to be changed – title searches, etc., are now complete and letters will be going out this week.

Project Updates:

A. Economic Development Strategic Plan Progress Report

- EDO is meeting with advisory committee to discuss final recommendations and action plan. Committee will have final draft hopefully over the next week and findings to be presented to Council in December. Consultants can meet with Council as a whole if there are any questions.

B. Business Park Feasibility Update/Groundwater Assessment

- The groundwater assessment for project is going ahead. Letters are going out to property owners next week for approval to drill and test in the business park feasibility site, and

hoping for positive feedback. Approvals should be in place by the end of November, 2013.

- Councillor Hall asked if Council Members wanted to review letter before mailing. CAO advised that Economic Development Officer has sent a draft to two staff members concerning logistics of locations and sent template to consultants, too, to make sure technical language is correct. Commentary should be received tomorrow.

C. Upper Three Corner Pond Park Project

- There has been a meeting with stakeholders, including soccer and softball groups. Looking at tight timelines as funding from ACOA has to be expended by March 31, 2014. An alternate site was discussed with stakeholders and costs discussed with consultants. Councillor Roche discussed issues including accessibility of the building, which will be accessible to people with handicaps.
- Final drawings are being developed and tender for construction will go out towards the end of November. Will hopefully break ground in the next month or two.

D. Torbay Community Market

- The Community Market was a great success. Approximately 4,000 people came through and there was close to 100 vendors present. Many positive comments coming in from the event for making bigger and better. Timing of event was discussed and looking at scheduling in more detail for next year.

The next meeting is taking place on November 20<sup>th</sup>.

**Finance & Administration**

The Financial Report, dated October 28-November 8, 2013, was accepted, as presented. Councillor Thorne-Gosse read out payroll and accounts payable information as per the report:

Payroll for the two-week period of October 28-November 8, 2013, for 28 employees is \$56,153.18.

For the period of October 28-November 8, 2013, Accounts Payable invoices in the amount of \$50,074.20 were paid. These expenditures were within budget.

There are two (2) Main Operating Invoices totalling \$41,149.36 for approval:

468-13      Motion – Councillor Thorne Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to CIBC Mellon, for Pension Contribution for October 2013, in the amount of \$17,251.96.

Question called. Motion carried unanimously.

469-13      Motion – Councillor Thorne Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for October 16-31, 2013, in the amount of \$23,897.40.

Question called. Motion carried unanimously.

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

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

Councillor Thorne-Gosse provided an overview of items discussed under the Community Services Committee Meeting, dated November 6, 2013.

Items discussed in the report included:

- Sports Facility – Upper Three Corner Pond Park and the Community Wellness Center
  - Not all members of Council have seen the detailed plans. Haven't spoken to the stakeholders that came back with comments on facilities.
- Dog Park
  - Director of Community Services reported that in a previous recreation meeting in 2013, this was discussed and as it is not in this year's budget, she will put the request in for 2014.
- Program Updates:
  - Play My Way
    - This program is up and running and very successful.
  - Trunk or Treat
    - Very successful again this year. Need to look at pros and cons for programs and how to improve for next year.
  - Pumpkin Carving
    - Great success with 48 participants and all left over pumpkins were sent to the Ronald McDonald House.
  - Guy Fawkes Night
    - Over 100 in attendance despite the cold night. Thanks to the Community Development Coordinator, Leigh Fitzpatrick, Torbay Volunteer Fire Department and Allied Youth.
  - Christmas Parade
    - There has been some discussion on this event over the past few weeks. Committee/Council have agreed to ride through the community, due to lack of interest for various floats.
  - Breakfast with Santa
    - Tickets are sold out.
- Christmas Seniors Dinner
  - Date is December 12<sup>th</sup> at the Anglican Church Hall. The event is for anyone 65 and over. More details to follow.

- Snowflakes on Utility Poles
  - NL Power has restrictions on these. We have nine poles that they have agreed to allow us to connect the snowflakes. They will be scattered but will look nice in the Town, and we will proceed.
- Northeast Avalon Times Paper
  - There was an ad in the paper with the headline, “Annual Christmas parade could be cancelled.” There is concern that this will be perceived due to lack of response by businesses to have floats.
- Greenspace
  - Committee are trying to get a handle on some of the land in the Town that may be available through Crown land. See information and motion below.

A motion was included with the Minutes of the Community Services Committee Meeting, which read:

“That effective Wednesday, November 13, 2013, that the Town of Torbay will cease accepting applications from developers or residents, for the development of crown land for an indefinite period of time.”

Council discussed amending the proposed motion to read for a period of six months, rather than for an indefinite period of time.

Councillor Thorne Gosse put for forth an amendment to read that effective Wednesday, November 13, 2013, that the Town of Torbay will cease accepting applications from developers or residents, for the development of crown land for the next six months.

Council further discussed the time period of six to eight months, and Council were in agreement to extend to eight months. Councillor Thorne-Gosse withdrew her amendment. Council discussed the importance of knowing where Crown land is in the community and what the needs of Torbay are first for the benefit of the Community.

470-13      Motion – Councillor Thorne-Gosse / Councillor Roche

**RESOLVED THAT** effective Wednesday, November 13, 2013, that the Town of Torbay will cease accepting applications from developers or residents, for the development of crown land for the next eight months.

Question called. Motion carried unanimously.

**Planning, Land Use and Development**

Deputy Mayor Gallant provided an overview of items discussed under the Planning and Land Use Development Committee Meeting, dated November 5, 2013.

Items discussed in the report included:

1. Development Proposals
  - a) Proposal from property owner at 1696 Torbay Road to continue backfilling property.
    - Going back to applicant for more details regarding site plans and drawings. Final decision to come.
  - b) Proposal from property owner at 10 Weather Station Road to backfill rear of property as part of their development of an accessory building.
    - There are no issues with backfilling. A deposit of \$500.00 will be applied.

*Mayor Tapper left the Public Council Chambers at 8:22 p.m. as it was determined that he was in a conflict of interest. Deputy Mayor Gallant took over as Chair.*

2. Items for Five Year Review Consideration
  - a) Correspondence from property owner Byrne's Lane area, requesting land currently in Agricultural zone be changed to a Residential zone.
    - Deferred to Planning Consultants for Five Year process.

*Mayor Tapper returned to the Public Council Chambers at 8:23 p.m.*

3. Correspondence
  - a) Correspondence from Department of Municipal Affairs.
  - b) Correspondence from Department of Agriculture in relation to 610 meter livestock buffer, Bauline Line.
    - Resident wants buffer smaller. Municipal Affairs has calculator of what it should be. Director to ask Department if request can be met.
4. Other
  - a) List of Previously Approved Serviced Developments
    - There are certain restrictions on applications serviced with water. Committee went back to review list of applications that were tied up and any applications that were expired. Applications were compiled into categories.
    - Possible motion of Council to come forward for next meeting concerning expired applications and water review – to be reviewed by Committee at next meeting.
  - b) Modular Classroom Holy Trinity Elementary
    - Dealt with in Building Application Report, dated November 12, 2013, Application C2013-009.

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>
C2013-008	54 Country Drive	Connect to W&S / 16' x 20' Patio Deck
C2013-011	108 Upper Evening's Path	14' x 22' Accessory Building

Building Applications for Approval

**Application:** C2013-007  
**Location:** 5 Davalan Place  
**Proposal:** 16' x 24' Accessory Building  
**Zoning:** RMD (Residential Medium Density)

471-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay approve Application C2013-007, under the Applications for Approval section of the Building Application Report, dated November 7, 2013, 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:** C2013-008  
**Location:** 54 Country Drive  
**Proposal:** 24' x 28' Accessory Building  
**Zoning:** RMD (Residential Medium Density)

472-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay approve Application C2013-008, under the Applications for Approval section of the Building Application Report, dated November 7, 2013, 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:** C2013-009  
**Location:** 10 Doyle's & Quigley's Lane  
**Proposal:** Two New Modular Classrooms  
**Zoning:** PB (Public Buildings)

473-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay approve Application C2013-007, under the Applications for Approval section of the Building Application Report, dated November 7, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Approval from the following Government Agencies is required:
  - a. Service NL ( Fire and Life Safety Division)
  - b. Service NL ( Accessibility Division )
  - c. Service NL (Operations Division)

Question called. Motion carried unanimously.

*Business Applications to be Advertised*

474-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay defer the below Application under the Applications to be Advertised section of the Business Application Report, dated November 7, 2013, 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.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
D2013-012	19 Motion Lane	Home Occupation Office – Consulting Business

Question called. Motion carried unanimously.

**Public Works**

No report.

## **ADVISORY COMMITTEES**

**Environment** – No report.

### **Heritage**

Councillor Roche advised that there was a meeting last Wednesday, November 6<sup>th</sup>. In attendance were Mayor Tapper, Councillor Hall and Councillor Roche. They discussed parameters to see where they're going. She advised that she presented a rough draft of regulations to be reviewed by all three and to be adopted by Council at a later time once it's adapted to meet the Town's needs. She further advised that she spoke to a person on a heritage committee in CBS and they have offered their services to meet to discuss further. She indicated that Committee needs to be set up first before inviting public.

Mayor Tapper advised that one of the discussions during Council's Strategic Planning Sessions taking place this weekend is consultation and inclusion of the public on various committees.

Councillor Hall advised that he's looking forward to getting this Committee going to further discuss growth opportunities and tourism in the Community. It will honour history of the Town and will have a lot to add for the Town. He further advised that Councillor Roche is a great Chair for this Committee, as she's been in the Town for a long time and has a lot of knowledge in this area.

## **LIAISON COMMITTEES**

### **Jack Byrne Arena**

Deputy Mayor Gallant advised that he spoke to the Arena Manager, who advised that the Community Room is available if we wanted to schedule a meeting there with all four towns/stakeholders in the Arena, as per request of Arena. Chair Power to contact communities to arrange a meeting.

### **Northeast Avalon Joint Council**

Councillor Roche advised that a meeting is scheduled for tomorrow night, November 13<sup>th</sup> in Paradise, and will have a report for the next Council Meeting.

### **Torbay Harbour Authority**

Councillor Thorne Gosse advised that she spoke to the Chair of the Harbour Authority, who indicated that he would like to do a presentation to Council to update all and to go over what the Harbour Authority is doing.

One of the issues that the Harbour Authority would like to take care of is the gate – access to Tapper's Cove. This is the time of year when safety and dumping are issues, and these concerns could be prevented if the area was closed off.

The Harbour Authority Chair thanked the Town for work done at Tapper's Cove over the summer, such as clean up of garbage, sweeping of road, and providing a washroom. He extended a thank you to Director of Public Works & Technical Services, Bernie Manning.

**Torbay Volunteer Fire Department**

Councillor Scott advised that he attended a meeting on November 4<sup>th</sup>. The Minutes will be included for the next Council Meeting; however, highlights of the meeting included:

- Emergency Response Review – six calls since the last meeting. A total of 175 calls for the year.
- Condolences to the Chief and his family on the passing of his niece. Extended Council's condolences as well.
- Committee for the Fire Fighter's Ball was selected.
- Fire Chief for a Day - there were some complaints of poor organization by the school this year as they were not prepared.
- The Department received a thank you from St. John's for their participation in the Fire Prevention Parade.
- Names were taken for those attending the Flatrock Christmas Parade.
- Names were taken for those attending Bonfire night in Torbay and Flatrock.
- Donation of \$500.00 was received from Republic of Doyle, which will go in social account for Christmas party.
- Remembrance Day, November 11<sup>th</sup> – names were taken for those attending Torbay and Flatrock.
- Trunk or Treat was a big success.
- Training is ongoing and certificates were handed out.
- Great job by the Department for Billy Wood's funeral and wake. Donations are being accepted in his memory and a list of donations will be completed for the family.
- Committee to be formed for special events.
- Congratulations to Karen Greeley regarding the Vegas Fire Fit Challenge – her team captured silver medal.
- Truck checks were completed as per usual.

**Urban Municipalities Committee**

Mayor Tapper advised that Committee met as part of the MNL Convention over the weekend past. They had a meeting at 8:00 a.m. Sunday morning and put out some guidelines as to what committee will be involved with. The first meeting is scheduled for December 9<sup>th</sup> and 10<sup>th</sup> and will provide a report.

**NEW BUSINESS**

***Mayor Tapper***

With regards to the 2014 Budget, Departmental presentations will take place on November 27<sup>th</sup> and 28<sup>th</sup>. Public Consultation will take place on November 25<sup>th</sup>. There will be a letter going to residents by the end of the week requesting feedback in the budget process. People need to send in requests by November 22<sup>nd</sup> to schedule presentations.

Mayor noted that all Council should attend. Chair of Finance, Councillor Thorne-Gosse advised that Committee are into very tight time frames – want consultation done and budget approved before the end of December. Decision was made to move ahead as fast as possible due to everyone's current schedules.

***Deputy Mayor Gallant***

Deputy Mayor Gallant thanked MHA Kevin Parsons for meeting with Council this evening; and, looking forward to four years of good relations.

He thanked Councillor Thorne-Gosse for taking the Finance and Administration Committee off to a great start and for support for public consultation.

Deputy Mayor thanked all Council for ceremony between 10:30 and 11:00 a.m. on Monday, November 11<sup>th</sup>, Remembrance Day.

***Councillor Hall*** - Pass

***Councillor Roche*** - Pass

***Councillor Scott***

Councillor Scott congratulated the Town and staff for recently being awarded in Philadelphia for its leadership in the area of economic development and winning internationally Bronze for our 2013 Community Profile. It's quite an accomplishment.

He discussed Remembrance Day, advising he was disappointed and proud yesterday, Monday, November 11<sup>th</sup> when the ceremony was cancelled due to weather and there was no other plan in place. No matter who is handling or organizing an event, the Town should have a handle on overall event process. Once event was cancelled, Council came together at a moment's notice to stand in the rain and take time to show respect and lay a wreath. Going forward, we will come up with a more concrete plan for the future, and everyone will know what happens in case of bad weather.

Mayor Tapper advised that for future, there will be an alternate plan in place and have staff organize and involved. He thanked all involved and thanked former Mayor, Bob Codner, who organized this year's event again – once weather turned bad, he had to contact all groups to notify of cancellation. Mayor advised that he would like him to play role as Emcee for this event as he has done in the past several years, as he does a great job. The July 1<sup>st</sup> and Remembrance Day ceremonies will be considered as annual Town events in the future.

*Councillor Smith - Pass*

*Councillor Thorne-Gosse - Pass*

**ADJOURNMENT**

475-13      Motion – Councillor Smith / Councillor Hall

**RESOLVED THAT** the meeting be adjourned at 8:52 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*