



**MINUTES**  
PUBLIC COUNCIL MEETING  
November 25, 2013

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 25, 2013 at 7:33 p.m.

**Members Present**

Mayor Ralph Tapper  
Deputy Mayor Geoff Gallant  
Councillor Thomas Hall  
Councillor Peggy Roche  
Councillor Craig Scott  
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  
Ann Picco, Executive Clerk

**Regrets**

Councillor Carol Ann Smith

**Gallery**

There were a total of 10 people in attendance.

**Adoption of Agenda**

476-13      Motion – Councillor Roche / Councillor Thorne-Gosse

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

477-13      Motion – Deputy Mayor Gallant / Councillor Hall

**RESOLVED THAT** the Minutes of the November 12, 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 November 7-21, 2013, of his work and connections that he has made in the community over the past two weeks.

Some highlights included:

- November 14<sup>th</sup> – Mayor and Director of Planning met with developers for Phase 2, Kennedy's Estates. This item will come up on a future Planning, Land Use and Development Committee Meeting.
- Council's Strategic Planning Session was held on November 15<sup>th</sup> and 16<sup>th</sup>. Overall it was a great session and a worthwhile exercise, which should take place again possibly midway through next year.
- The bridge near the beach is becoming more dilapidated, and people are still using the bridge. Director of Public Works to look at. Mayor also noted that the bridge may have heritage value.
- Met with Father Lundrigan – they're making some changes to facilities, including the Priest's house, which is 98 years old. The Town should look at this site for historical value – Mayor advised that the Town has to become involved in process. There's a meeting scheduled for Thursday, a public meeting in Pouch Cove – the whole parish, including Torbay, Pouch Cove and Flatrock.
- Attended the Holy Trinity High Graduation ceremony on November 14<sup>th</sup>.
- Mayor and Councillor Thorne-Gosse met with the Chair of the Harbour Authority concerning issue of gate at Tapper's Cove. Looking at options, and hopefully will come to an agreement. Looking forward to meeting with Harbour Authority members and getting issue finalized. They're also anxious to have completed.
- Spoke with a neighbor in the area of Tapper's Cove who's doing some backfilling on the hillside overlooking Torbay Bight. There are a couple issues that the Town can mediate to get cleared up.

**CORRESPONDENCE**

1. Correspondence from resident concerning Discretionary Use Notice in relation to 41 Torquay Place – sound recording studio. ***Deferred to Planning, Land Use and Development Committee.***
2. Correspondence from resident concerning recording studio located in Jones Pond. ***Deferred to Planning, Land Use and Development Committee.***
3. Correspondence from resident concerning sound recording studio at 41 Torquay Place. ***Deferred to Planning, Land Use and Development Committee.***
4. Canada Revenue Agency – Community Volunteer Income Tax Program 2014. ***Deferred to Finance and Administration Committee.***

## **CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated November 25, 2013, was discussed and accepted as presented:

- Mayor and CAO reviewed all items. Recommending on go forward basis that outstanding items for each department be transferred to Committee agendas and reports, in order to keep active. Updates will come from Committees and items will be carried forward until complete. Items will be divided amongst each Committee before next meeting and will remain on reports on a go forward basis.
- Item No. 46 - Councillor Roche discussed the Lacey property and demolition instruction. CAO advised that she spoke to property owner so he's aware of Council's decision. He may have some other ideas of use for the property and he wants to arrange a meeting.

## **COMMITTEE REPORTS**

### **Economic Development**

Councillor Hall provided an overview of items discussed under the Economic Development Committee Meeting, dated November 20, 2013.

Items discussed in the report included:

- Project Updates
  - A. Economic Development Strategic Plan Progress Report
    - At stage where Committee are reviewing and discussing recommendations, including timelines and how to go about obtaining funding.
  - B. Business Park Feasibility Update/ Groundwater Assessment
    - As per last update, still dealing with groundwater assessment. Letters are finalized, but yet to go out to residents who own land where wells will be drilled. The Department of Environment is in last step of reviewing letters before we send out to residents.
  - C. Budget 2014 Draft Request
    - Council will receive update over the next while. Mayor Tapper suggested that Committee provide breakdowns relating to the Piperstock Hill Festival costs. If Council are provided with information pertaining to costs and revenues, then wise decisions can be made on events for the Town.
  - D. Upper Three Corner Pond Park Project
    - Council agreed, after reviewing all information, to go ahead on the location as suggested by planner. This is now at stage that prime consultants agreement is signed and hopefully to tender before Christmas.
- Next meeting is scheduled for December 4<sup>th</sup>.

**Finance & Administration**

The Financial Report, dated November 11 - 22, 2013, was accepted, as presented. Deputy Mayor Gallant read out payroll and accounts payable information as per the report:

Payroll for the two-week period of November 11 - 22, 2013, 2013, for 30 employees is \$58,052.22.

For the period of November 11 - 22, 2013, Accounts Payable invoices in the amount of \$210,929.65 were paid. These expenditures were within budget.

There are six (6) Main Operating Invoices totalling \$203,437.74 for approval:

478-13      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay approve payment to A. Harvey and Company, for Ice control materials (salt) for the 2013-2014 snow clearing season, in the amount of \$115,859.56.

Question called. Motion carried unanimously.

479-13      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street lighting for October 2013, in the amount of \$16,858.66.

Question called. Motion carried unanimously.

480-13      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay approve payment to Procom Data Services, Inc., for Mapping and Planning Module for Townsuite Program, in the amount of \$8,323.44.

Question called. Motion carried unanimously.

481-13      Motion – Deputy Mayor Gallant / Councillor Hall

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for November 1-15, 2013, in the amount of \$15,635.43.

Question called. Motion carried unanimously.

482-13      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay approve payment to T2 Ventures Inc., for Garbage and Recycling Collection for October 2013, in the amount of \$40,014.01.

Question called. Motion carried unanimously.

483-13      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay approve payment to Trio Benefits, for Group Benefits for November 2013, in the amount of \$6,745.75.

Question called. Motion carried unanimously.

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

484-13      Motion – Councillor Thorne-Gosse / Councillor Hall

**RESOLVED THAT** the Town of Torbay offer the Clerk-Receptionist maternity leave position to Bernadette Parsons.

Question called. Motion carried unanimously.

485-13      Motion – Councillor Thorne-Gosse/Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay renew loan segment 68 in the amount of \$375,888.00 for a 5 year period at a rate of 3.80% and a monthly payment of \$3770.00. This loan pertains to the Town's portion of capital costs related to the construction of the Jack Byrne Arena. This is a budgeted item for 2013.

Question called. Motion carried unanimously.

As per Point of Order, under Recreation, Parks and Community Services section, Deputy Mayor Gallant read the below information aloud pertaining to Human Resources and Finance motions.

Human Resources

CAO provided an overview of the most recent job posting for the Clerk-Receptionist (maternity leave) replacement position. Thirty six applications were received and seven people were interviewed. CAO made a recommendation for hire, pending the reference check. Committee supported the recommendation. Council to be advised once the reference check was complete. A motion of Council will be required to reconfirm the hiring of the successful applicant.

Committee requested that discussion regarding the Development Control and Animal Control positions be deferred to the next Committee meeting.

Finance

Discussion focused on the 2014 budget process and timelines. It was agreed that the public consultation would take place on November 26, 2013 and department presentations would take place over two nights, namely November 27 and 28. It was requested that CAO follow up with department heads to confirm their presentation times. CAO will also facilitate informing residents of the public consultation process. Committee discussed having the budget presented to Council before the end of the calendar year.

**Recreation, Parks and Community Services**

Councillor Thorne-Gosse provided an overview of items discussed under the Community Services Committee Meeting, dated November 21, 2013.

Items discussed in the report included:

- Santa Claus Parade
  - Rack cards were sent out to residents and business lists were sent to Councillors to contact regarding submitting a float. Advertisements regarding parade will also be updated to the Town's website and Facebook page.
- Seniors Dinner December 12<sup>th</sup>
  - Tickets sold out very quickly for this event.
- Fifty Plus Dinner
  - Event took place on November 20<sup>th</sup> at the Kinsmen Centre. It was a great success.
- Other
  - Director of Community Services spoke to Recreation Department at North Pond Home to see if residents were welcome to events that she will be running at the home. The following events are happening at the home and all seniors are welcome:
    - Seniors Christmas Party at Liddy's on December 6<sup>th</sup> from 1:00 – 4:00 p.m.
    - North Pond Home, music and more on December 11<sup>th</sup> in the evening.
    - North Pond Home Christmas on December 19<sup>th</sup> at 7:00 p.m.
- Sports Hall of Fame
  - Event took place on November 23<sup>rd</sup>. New inductees are Barry Codner, Pauline Byrne, Dave Manning, and Brian Manning.

At this point, Deputy Mayor Gallant called Point of Order regarding the Financial Report, dated November 11 – 22, 2013. He asked that the information pertaining to the two motions be read into record so the public can know information.

Council finished the Recreation report, and then Deputy Mayor read information under the Financial Report pertaining to the two motions relating to Human Resources and Finance.

Mayor Tapper advised that every event that Council attended and mentioned in the above Recreation Report, were really successful. The effort from staff is outstanding – great job and well done. He extended thanks to the Director of Community Services, Tina Auchinleck-Ryan;

Sports and Wellness Coordinator, Allison Power; and, Community Development Coordinator, Leigh Fitzpatrick.

### **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 19, 2013.

Items discussed in the report included:

1. Development Proposals
  - a) Proposal from property owner at 41 Torquay Drive to construct an extension to the existing accessory building to attach it to the main dwelling and establish a sound recording studio in the new addition.
    - Letters were received in response to the advertisement published in relation to the proposed business. Main concerns that were identified in letters included:
      - Increased traffic
      - Increased speeding
      - Increased noise
      - Reduction in property values
      - Children's safety
      - Change to aesthetics to the property (the home would lose its residential look)
      - Open door to more business in the area
      - Builders covenant doesn't permit such development
      - Side yard requirement for the attached structure vs. side yard requirement for detached garage
    - Proposal was discussed to a great degree; however, Committee didn't come to a consensus. It was decided to further discuss with Council.
    - Deferred back to Committee for further research.
    - Councillor Hall noted that most of the letters all address the same points. He advised it would be nice for Council to have solutions for each of the points and address those concerns. Each letter lists why development should not go ahead and same issues per each letter. The Town should discuss the particular issues and why development is important in the Town. Mayor Tapper advised will discuss in full in two weeks.
  - b) Proposal from property owner to develop 3 semi-serviced building lots (water only) an extension to Hearn Place (original request was for 6 lots).
    - Councillor Roche referenced correspondence from Manager, Land Use Planning, Department of Municipal Affairs. Deputy Mayor Gallant discussed that this relates to a ransom strip. There is a request for the Town to get involved and expropriate a strip of land to allow for more development.

2. Items for Five Year Review Consideration
  - a) Correspondence from property owner Gallows Cove Road, requesting land currently in Agricultural zone be changed to a Residential zone.
    - Maps were reviewed – the provincial and municipal agricultural zones are not in sync. There’s a small area in question that’s considered Agriculture to the Town but not to the Province. The owner wants looked at in the five year review.
    - Mayor Tapper further clarified that this has been worked on over the last year or so. It appears as though it may take some time, possibly several months, to complete. It has to go through public consultations.
    - Director of Planning advised that planning consultants are working on draft – looks like first part of January to bring back all recommendations and then Council will vote on. Hoping to have completed mid next year.
  
3. Correspondence
  - a) Correspondence from property owner at 29 Indian Meal Line.
    - It was agreed that the Director of Planning should seek input from the Department of Municipal Affairs on what options the Town has for that property.
  
4. Other
  - a) Engineering Design Guidelines for Subdivisions
    - Director of Planning gave Committee an update on the latest draft of the guidelines, currently working on incorporating net zero runoff policy into them. When this is completed a copy of the old and new guidelines will be circulated to all of council for review.
    - It will likely be early in the New Year when they are ready for formal adoption.

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>
C2013-013	6 Riverbend Place	12’ x 18’ Accessory Building
C2013-015	88 Quigley’s Lane	16’ x 14’ Accessory Building
C2013-016	10 Piperstock Place	12’ x 14’ Accessory Building
B2013-018	38 Brixham Crescent	General Repairs
B2013-023	112 Upper Evening’s Path	General Repairs/Fence

Building Applications for Approval

**Application:** C2013-014  
**Location:** 426 Bauline Line (Portion of 412-454 Bauline Line), Lot 1  
**Proposal:** Single Family Dwelling with Subsidiary Apartment  
**Zoning:** RI (Residential Infill)

486-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay approve Application C2013-014, under the Applications for Approval section of the Building Application Report, dated November 22, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

**Application:** C2013-021  
**Location:** 312 Indian Meal Line  
**Proposal:** 26' x 26' Accessory Building  
**Zoning:** RI (Residential Infill)

487-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay approve Application C2013-021, under the Applications for Approval section of the Building Application Report, dated November 22, 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 are met.

Question called. Motion carried unanimously.

*Mayor Tapper left the Public Council Chambers at 8:10 p.m. as it was determined that he was in a conflict of interest. Deputy Mayor Gallant took over as Chair.*

Building Applications to be Deferred

**Application:** C2013-019  
**Location:** 35 Quarry Road Extension  
**Proposal:** Single Family Dwelling with In-law Suite/Double Dwelling  
**Zoning:** Residential Large Lot (RLL)

488-13 Motion – Councillor Scott / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer Application C2013-019, under the Applications to be Deferred section of the Building Application Report, dated November 22, 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 billed to the applicant.

Question called. Motion carried unanimously.

*Mayor Tapper returned to the Public Council Chambers at 8:11 p.m. and resumed as Chair.*

**Application:** C2013-020  
**Location:** 3 Moore's Valley Road  
**Proposal:** Three Attached 55+ Condo Rentals (650 SF per unit)  
**Zoning:** Mixed Development (MIX)

489-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay defer Application C2013-020, under the Applications to be Deferred section of the Building Application Report, dated November 22, 2013, for review by the Planning and Land Use Development Committee.

Question called. Motion carried unanimously.

**Application:** C2013-017  
**Location:** 31 Quarry Road Extension  
**Proposal:** Single Family Dwelling with In-law Suite/Double Dwelling  
**Zoning:** Residential Large Lot (RLL)

490-13 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay defer Application C2013-017, under the Applications to be Deferred section of the Building Application Report, dated November 22, 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 billed to the applicant.

Question called. Motion carried unanimously.

### **Public Works**

No report.

### **ADVISORY COMMITTEES**

**Environment** – No report.

#### **Heritage**

Councillor Roche advised that Committee held a very successful meeting this evening – this was their second meeting. The Heritage, Arts and Culture Coordinator, Contessa Small has agreed to be staff person and prepare the minutes of Committee Meetings.

She further provided an update from the meeting:

- Draft regulations have been distributed to Committee – Contessa Small, Councillor Hall, Councillor Roche, and Mayor Tapper.
- Two Heritage Committee positions will be advertised hopefully by end of December. Then call for Sub-Committee for beach area.
- Have discussed designation areas/places.
- Will have minutes for the next Council Meeting.
- Next meeting is scheduled for January 6, 2014.
- Have resources we can use from consulting/tourism group which will fit nicely in Heritage.

Councillor Hall discussed the five billboards being set up in the Spring, 2014. They were finished last year – these contain pictures and wording about why sites are important. Sites include the beach, Tapper’s Cove, Liddy’s, Prayer Garden and St. Nicolas. He further reported that these will have memory pods, so you can listen to what the site is about and the history. CAO noted that the next five sites will be worked on over the Winter months.

### **LIAISON COMMITTEES**

#### **Jack Byrne Arena**

- Facility Status Report, dated November 1, 2013.
  - Deputy Mayor discussed the report, indicating the Board also held a strategic planning session, which report has been forwarded to CAO to distribute to Council Members. Chair Power will present formally in first week of December.
  - Items discussed included:
    - Next Board meeting will be held before Christmas.
    - Upcoming Events:
      - Saturday, November 9<sup>th</sup> – Torbay Community Market
      - Community Skate Schedule:
        - Saturday, November 9<sup>th</sup> – Pouch Cove

- Saturday, November 16<sup>th</sup> – LMO
- Saturday, November 23<sup>rd</sup> – Flatrock
- Financial Status.
- Operations Update – recently completed preventative maintenance on ice re-surface, as well as pump house, pumps and gauges.
- Board Update – All towns will be contacted in the next week to arrange a meeting to discuss the recently completed Strategic Planning Report. The meeting will be hosted by Board Chair Bradley Power, and the Facility Manager, Lorne Tucker. This meeting will be to seek input on the strategic direction of the facility. All councillors and staff are encouraged to attend this meeting and formal request is forthcoming.

Deputy Mayor further reported that date is set for meeting with Board Chair – December 9<sup>th</sup>. CAO has sent invite out. He further noted that there has been some turnover in members and he reminded the public that they are currently accepting applications for this filling and worthwhile volunteer experience.

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

Councillor Roche advised that a meeting was held in Paradise on November 20<sup>th</sup>. She provided an update from the meeting:

- Mr. Ed Grant, Eastern Regional Service Board was in attendance and provided information concerning tippage fees. He discussed nominations to the Board and the upcoming election on December 20<sup>th</sup>. Further correspondence will be going out this week to towns reminding of nomination process.
- Election of Officers will be held on December 18<sup>th</sup> in Mount Pearl. NEAJC is operating with an appointed secretary and chair. Melanie Bartlett from Paradise is the Recording Secretary.
- Finance Report was provided.
- There will be a meeting scheduled in the New Year – Councillor Roche will invite to come to Torbay and all Council Members are welcome to attend meeting. Meeting should take place the third Wednesday in January; a full year's schedule of meetings for 2014 will then be completed. She provided a copy of the Minutes dated June 25<sup>th</sup>, 2013, which will be tabled at the next Council Meeting.

#### **Torbay Harbour Authority**

Councillor Thorne Gosse discussed the gate, which the Harbour Authority would like in operation as soon as possible. They suggested that Council and CAO visit Tapper's Cove to see its current status.

#### **Torbay Volunteer Fire Department**

- TVFD Meeting Notes, dated November 7, 2013.
  - Councillor Scott provided highlights under the Minutes of November 12<sup>th</sup>, 2013.

- TVFD Meeting Notes, dated November 18, 2013.
  - Items discussed in the report included:
    - Meeting was late getting started as members were out on a fire call.
    - There have been 13 calls since the last meeting
    - Received email from the Town of Logy Bay Middle Cove Outer Cove that the Fire Department is now closed. St. John's is taking over.
    - Received request from the Town of Flatrock for assistance with their Santa Claus Parade on December 8<sup>th</sup>.
    - Christmas parties – December 21<sup>st</sup>.
    - The Department is preparing for the 2014 budget process.

### **Urban Municipalities Committee**

Mayor Tapper advised that there's a meeting in Gander the second weekend in January.

### **NEW BUSINESS**

#### ***Mayor Tapper***

Mayor Tapper discussed Jones Pond, which has been on the books now for several years. The trail has been barred off going down towards Marine Drive, and there is no emergency access to the subdivision, which is the main issue. This matter will be on agenda for the next meeting

#### ***Deputy Mayor Gallant***

Deputy Mayor Gallant thanked everyone involved for recent events, including Breakfast with Santa and the recent Awards Banquet. He also thanked everyone involved with the first public consultation concerning the 2014 budget. We're opening doors so people can have their say, and he thanked all for their attendance. Council has done a lot of work in our first couple months on Council.

#### ***Councillor Hall***

Councillor Hall advised of recent contact from Green Rock E.V.S. This is a great time to bring up as climate change is happening in the world now. He reported stats in the Globe and Mail recently and provided update. Green Rock E.V.S are the first company to bring electric vehicles to Newfoundland. We're the last province in the country to have them on the road. This company is asking for interest from environmentally minded business or local governments to host charging stations. They do have a location in St. John's. He noted that the Jack Byrne Arena area may be a facility that has space in Torbay available for this. Torbay could be one of the first communities/towns in Newfoundland to think about recognizing request from this company.

Deputy Mayor Gallant advised that this is an excellent topic to bring up at a Jack Byrne Arena Strategic Planning session.

#### ***Councillor Roche - Pass***

***Councillor Scott***

Councillor Scott thanked everyone on recent Town events over the weekend, including the 50 Plus, Breakfast with Santa, Hall of Fame, and Wreath Making sessions. These events were very well attended and staff did a great job. It's also nice to see lots of people come out to our events. Director of Community Services also noted that Craft Night was sold out.

***Councillor Smith*** - Absent

***Councillor Thorne-Gosse***

Councillor Thorne-Gosse advised that there's a public meeting at Pouch Cove Roman Catholic Church on Thursday night, November 28<sup>th</sup>. This meeting is to discuss the future of both parishes and the two priest houses located in Torbay and Pouch Cove. They're looking at future direction of the parishes and times of masses. They're looking at changing times of current masses amongst the three parishes and will be looking at the Christmas schedule for the churches. There was already one meeting held back in August at the Torbay church and this upcoming meeting will be more formalized.

She thanked everyone for the recent Town events.

With regards to the upcoming Santa Claus Parade, all Council Members were given a list of business in the community to contact for their interest in submitting a float. She asked for those Council Members who haven't called, and if unable to call, to provide their lists to CAO or another Council Member so contacts can be made. She noted that it's important that all business are contacted and asked for cooperation to make parade happen.

**ADJOURNMENT**

491-13      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the meeting be adjourned at 8:36 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***