



MINUTES
PUBLIC COUNCIL MEETING
October 15, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 15, 2013 at 7:44 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
Bernie Manning, Director of Public Works & Technical Services
Brian Winter, Director of Planning
Ann Picco, Executive Clerk

Gallery

There were a total of 15 people in attendance.

Adoption of Agenda

412-13 Motion – Councillor Roche / Councillor Thorne-Gosse

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

413-13 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the September 30, 2013, Public Council Meeting be adopted, with the following change:

- Page 2 – under Confirmation of Deputy Mayor Section, Motion 397-13 – remove words at end of sentence, "... and was previous Deputy Mayor."

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS – None.

MAYOR'S REPORT

Mayor Tapper provided a report consisting of connections in the community that he has made over the past two weeks. A report will be presented at each Council meeting.

- He advised that he has been very busy. He's met with each Councillor individually, indicating that the meetings went very well – he thanked all Members of Council for their time.
- Talked to all mayors in surrounding communities and hope to meet on regional issues in the coming months.
- Attending a meeting with the Elementary School Council on issues, including safety matter in area at front of the school. He met with the Principal and the School Council concerning issue of crosswalks. Council are going to revisit tonight as a separate issue and hope to take action as soon as possible.
- Council had orientation last Monday night, October 7th – all Council Members and staff were in attendance for three hours. Second part of Orientation takes place on Monday, October 21st. Orientation is going quite well.
- Met with CAO and MHA on Thursday night for a couple of hours – it was a good meeting. We covered a lot of outstanding issues and will be updating Council in the next few weeks.
- On Monday, October 14th, Council and CAO visited areas of concern around the community. Spoke to residents to hear their concerns. This is a very worthwhile practice for all Council to keep up to date with issues around the community.

CORRESPONDENCE

1. Municipal Assessment Agency Inc. – Call for Nominations – Avalon and/or Urban Region Director. *See motions below.*

414-13 Motion – Deputy Mayor Gallant / Councillor Hall

RESOLVED THAT that the Town of Torbay nominate Councillor Peggy Roche for the position of Urban Regional Director with the Municipal Assessment Agency.

Question called. Motion carried unanimously.

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415-13 Motion – Councillor Thorne Gosse / Councillor Scott

RESOLVED THAT that the Town of Torbay nominate Councillor Carol Ann Smith for the position of Avalon Regional Director with the Municipal Assessment Agency.

Question called. Motion carried unanimously.

2. Email Correspondence from Councillor Smith regarding Eastern Waste Management Committee. *Councillor Smith advised that she wishes to withdraw her nomination to position, indicating that position is from North East Avalon Joint Council perspective and she has never served, further advising that Councillor Roche served there for a number of years. See motions below.*

416-13 Motion – Deputy Mayor Gallant / Councillor Hall

RESOLVED THAT that the Town of Torbay rescind Motion 398-13, Minutes of the Public Council Meeting of September 30, 2013. (*Motion 398-13 reads: RESOLVED THAT the Town of Torbay nominate Councillor Carol Ann Smith to position as Member of Eastern Waste Management Committee.*)

Question called. Motion carried unanimously.

417-13 Motion – Councillor Smith / Councillor Thorne-Gosse

RESOLVED THAT that the Town of Torbay nominate Councillor Peggy Roche as candidate for the Metro Sub-Region, North East Avalon position, Eastern Waste Management Committee.

Question called. Motion carried unanimously.

3. Municipalities Newfoundland and Labrador – Eastern Night. *This concerns the upcoming annual convention – they are lobbying surrounding towns to contribute to opening night. The Town has contributed in the past. See motion below.*

418-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT that the Town of Torbay be a corporate sponsor for the MNL Convention in St. John's and sponsor Eastern Night by providing appropriate corporate involvement level up to amount of \$5,000.

Question called. Motion carried unanimously.

4. Jack Byrne Arena – Appointment/Re-appointment of Representatives to the Jack Byrne Arena Board of Directors. *The Town will not be confirming representatives at tonight's meeting - Deferred.*

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5. Correspondence from resident concerning water runoff and drainage at Ned’s Place. **Mayor Tapper advised that cost estimates are received from CAO. Deferred to Public Works & Technical Services Committee.**
6. Correspondence from resident concerning speeding at Bullocks Road Extension. **Deferred to Public Works & Technical Services Committee. It was noted that correct name is Bullock’s Town Road.**
7. Holy Trinity Elementary School Council – Issues surrounding safety of the HTE parking lot and surrounding areas. **Council discussed crosswalks and local policing in the area. It was requested that the Town’s mobile digital sign be place in the area in relating to speeding. CAO is in process of getting costs for related work pertaining to the crosswalk. See motions below.**

419-13 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT that the Town of Torbay Defer matter of work relating to crosswalk in vicinity of the school to the Finance Committee.

Question called. Motion carried unanimously.

420-13 Motion – Councillor Smith / Councillor Thorne Gosse

RESOLVED THAT that the Town of Torbay write the RNC and the Department of Transportation & Works expressing our concerns and that of the School Council, back as far as November, 2012, of issues we have in the area and ask for full support in policing. We can advise our concerns to the Department of Transportation regarding potential injury. CAO to write letters and copy of correspondence to be forwarded to MHA.

Question called. Motion carried unanimously.

8. Building Application Report, dated October 11, 2013.

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>
10105-13	1853 Torbay Road	General Repairs
10106-13	7 McEvoy Street	General Repairs/Front Porch
10107-13	59-63 Lower Street	General Repairs
10108-13	165 Indian Meal Line	General Repairs
10113-13	3 North Pond Road	General Repairs
10115-13	3 Davalan Place	10’ x 12’ Accessory Building

Building Applications for Approval

Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 8:15 p.m.

Application: 10095-13
Location: 32 Fleming's Hill (Portion of 32-34 Fleming's Hill)
Proposal: Single Family Dwelling
Zoning: RMD (Residential Medium Density)

421-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10095-13, under the Applications for Approval section of the Building Application Report, dated October 11, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay
2. The property shall be serviced with municipal water and sewer services.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Mayor Tapper resumed as Chair of the Public Council Meeting at 8:17 p.m.

Application: 10112-13
Location: 11 Rattling Brook Road
Proposal: 22' x 24' Accessory Building
Zoning: RLL (Residential Large Lot)

422-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10112-13, under the Applications for Approval section of the Building Application Report, dated October 11, 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.

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Application: 10114-13
Location: 1176B Torbay Road
Proposal: Onsite Commercial Signage (4' x 8', approx 16 feet high)
Zoning: Mixed Development (MIX)

423-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10114-13, under the Applications for Approval section of the Building Application Report, dated October 11, 2013, subject to the following conditions:

1. All normal conditions and requirements for development within the Town of Torbay.
2. The proposed signage location requires review by the Department of Transportation and Works.

Question called. Motion carried unanimously.

Building Applications to be Deferred

Application: 10109-13
Location: 43 Lower Street
Proposal: Subdivide Property
Zoning: Residential Medium Density (RMD)

424-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 10109-13, under the Applications to be Deferred section of the Building Application Report, dated October 11, 2013, for further review by the PLUD Committee.

Question called. Motion carried unanimously.

Application: 10110-13
Location: 41 Torquay Drive
Proposal: 25' x 30' Extension to Single Family Dwelling
Zoning: RLL (Residential Large Lot)

425-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 10110-13, under the Applications to be Deferred section of the Building Application Report, dated October 11, 2013, until application B1126-13 is considered. The extension is only required if the business application is approved.

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Question called. Motion carried unanimously.

Application: 10111-13
Location: Portion of 68-70 Marine Drive
Proposal: Single Family Dwelling
Zoning: RMD (Residential Medium Density)

426-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 10111-13, under the Applications to be Deferred section of the Building Application Report, dated October 11, 2013, for further review by the PLUD Committee.

Question called. Motion carried unanimously.

Application: B1127-13
Location: 5 Watt's Pond Road
Proposal: Day Care Facility
Zoning: RI (Residential Infill)

427-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application B1127-13, under the Applications to be Deferred section of the Building Application Report, dated October 11, 2013, for further review by the PLUD Committee.

Question called. Motion carried unanimously.

9. Business Application Report, dated October 15, 2013.

Business Applications to be Deferred

Application: B1119-13
Location: 7 Edgewater Drive
Proposal: Refinishing Metal Parts Business (Home Based)
Zoning: RLL (Residential Large Lot)

428-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application B1119-13, under the Applications to be Deferred section of the Business Application Report, dated October 15, 2013, for further review by the PLUD Committee.

Question called. Motion carried unanimously.

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Application: B1126-13
Location: 41 Torquay Drive
Proposal: Music Production and Recording Studio
Zoning: RLL (Residential Large Lot)

429-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application B1126-13, under the Applications to be Deferred section of the Business Application Report, dated October 15, 2013, for review by the PLUD Committee.

Question called. Motion carried unanimously.

10. Motion – Committees of Council.

Further to the individual councilor meetings held with Mayor Tapper on October 1-2, 2013 and the Committee of the Whole discussion held on October 7, 2013, included for Council's information is the proposed committee structure recommendation from Mayor Tapper to Council. This structure and schedule will be in place for a two year period (2013-2015). At that point in time, committee appointments will be revised for the balance of the council term (2015-2017).

A motion of Council is required to implement the committee structure and meeting schedule. *See motion below.*

430-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay adopt the council standing committee structure and meeting schedule for 2013-2017. Committee appointments will be revised after two years (2015).

Question called. Motion carried unanimously.

Mayor Tapper read aloud members' names on each committee. With regards to the Jack Byrne Arena, Mayor advised that the Town has four representatives from Torbay and two from the other communities. Deputy Mayor Gallant confirmed he would like to remain as representative. The Town will be going out to the public for interest concerning the other three vacant positions and will confirm at a later date. See motion below.

431-13 Motion – Councillor Scott / Councillor Roche

RESOLVED THAT the Town of Torbay appoint Deputy Mayor Geoff Gallant as Council Representative to the Jack Byrne Arena.

Question called. Motion carried unanimously.

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11. Motion – Onsite Promotional Signage Tender.

Implementation of the Town's signage strategy is a budgeted item for 2013. At the March 4, 2013 Council Meeting the original tender was rejected due to cost (\$67,155.73 plus HST). Further to discussion at the June 25, 2013 Council meeting, it was agreed that the Town would re-tender the signage tender based on supply only. The Director of Public Works confirmed public works staff could install the signs upon delivery. Delivery will occur within two months of the tender award.

The first re-tender resulted in no bids being received. A second re-tender resulted in five packages being picked up and one bid being received. There are significant costs savings based on supply only. ***Please find below the proposed motion to award the signage tender.***

432-13 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay award tender number 2013010A – supply of onsite promotional signage to EC Boone Ltd in the amount of \$20,677.33 plus HST.

Question called. Motion carried unanimously.

12. Motions – Articulating Wheel Loader Tender.

The acquisition of a wheel loader as part of the public works fleet is an approved budget item for 2013. Tender number 2013011 closed on September 30, 2013. Eight tender packages were picked up and four bids were received. The Town will require approval from the Department of Municipal Affairs for financing. In addition the 950 CAT loader will be retired from the fleet and auctioned off. The auction proceeds will be utilized to pay down debt.

Awaiting load details from the bank and will forward upon receipt. ***See motions below.***

433-13 Motion – Deputy Mayor Gallant / Councillor Roche

RESOLVED THAT the Town of Torbay award tender number 2013011 – articulating wheel loader to Nortrax Canada Inc. in the amount of \$224,725.00 plus HST. Tender award is subject to the approval of the Department of Municipal Affairs and confirmation of financing with RBC Royal Bank.

Question called. Motion carried unanimously.

434-13 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay finance the acquisition of the articulating wheel loader over a 5 year (60 month) term with RBC Royal Bank. Interest rate to be set at 3.34%, with a monthly payment of \$4,072.28.

Question called. Motion carried unanimously.

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13. Motions – Multi Year Capital Works Road Improvements Tender.

The tender for the road improvement project under the 2012-2014 multi-year capital works program closed on October 7, 2013. Newfoundland Design, the Town's engineering consultants have reviewed the bids and made a recommendation (as per report included for Council's information). Due to additional work requested by the Department of Municipal Affairs, the budget is over by \$9,558.65. This amount needs to be re-allocated from the existing projects. The award of the tender and reallocation of project funds is subject to the approval of the Department of Municipal Affairs.

Included for Council's information is the required background documentation to support the proposed motions. *Please find the required motions below.*

435-13 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay award the 2013 Road Improvements Project tender to Modern Paving Ltd., in the amount of \$538,198.65. Total project cost including engineering is \$642,558.65. This tender award is subject to the approval of the Department of Municipal Affairs.

Motion carried.

For Motion: Mayor Tapper, Deputy Mayor Gallant, Councillor Roche, Councillor Scott, and Councillor Smith.

Against Motion: Councillor Hall and Councillor Thorne Gosse.

Council discussed the timing of the award for paving, indicating that paving should not be completed beyond September. When paving is put down late in the year, there are normally problems that arise due to temperature. It was requested that paving not take place until next Spring. It was also requested that the motion be deferred for further research.

Director of Public Works advised that the above motion is only acceptance of Tender and that the Town is looking at paving in the Spring, 2014. He further advised that there is drainage work that needs to be completed - if we decide that we don't go forward and do in Spring, drainage would also have to be deferred to the Spring.

Councillor Thorne Gosse put forward an amendment to the above motion concerning paving – see motion below:

436-13 Motion – Councillor Thorne Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay carry out work in the Spring of 2014 when the asphalt plant reopens.

Motion defeated.

For Motion: Councillor Hall and Councillor Thorne-Gosse.

Against Motion: Mayor Tapper, Deputy Mayor Gallant, Councillor Roche, Councillor Scott, and Councillor Smith.

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Concerning the above motion, Council discussed the following:

- Tendering Act, including timelines to award.
- This is capital works funding.
- Possibility that costs could escalate by next Spring.
- There are some safety concerns.
- Director of Public Works confirmed that asphalt will not be laid if too late in the year.

437-13 Motion – Councillor Roche / Councillor Scott

RESOLVED THAT the Town of Torbay reallocate \$9,559 from the municipal depot project (project number 12117) to road improvements project numbers 12121, 12122 and 12123 to cover the project deficit as identified in the report from Newfoundland Design dated October 10, 2013. This reallocation is subject to the approval of the Department of Municipal Affairs.

Question called. Motion carried unanimously.

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated October 15, 2013, was discussed and accepted as presented.

- Mayor Tapper provided an overview to new Members of Council, indicating report is provided at every Council Meeting.

NEW BUSINESS

Mayor Tapper

Mayor Tapper asked the Director of Community Services to provide an update on the Community Awards.

Director advised that the 2012-2013 Community Awards will take place on Thursday, October 17th at the Holy Trinity Elementary School.

RBC has sponsored Ben Russell to speak at the Awards Ceremony.

Categories include:

- Junior High Athlete of the Year
- Senior High Athlete of the Year
- Senior Athlete of the Year
- Coach Recognition Award
- Leader of Tomorrow
- Individual Community Builder/Volunteer

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- Corporate/Business/Company Community Builder
- Employee Community Service Award
- Citizen of the Year

She further advised that approximately thirty community groups received two tickets each, with approximately 67 attending.

Deputy Mayor Gallant

Deputy Mayor Gallant thanked all Members of Council for working together as a team. Council rented a bus and visited areas throughout the community and received good dialogue from residents. He thanked all for participating and visiting areas throughout the community.

He thanked Council for using their iPads for Council Meetings.

Councillor Hall - Pass

Councillor Roche

Councillor Roche reference an article located on the internet concerning infrastructure challenges in Newfoundland and Labrador. She indicated that the Town had an audit on its infrastructure some time go, which included water pipes, sewer lines, etc. The article referenced infrastructure means including power lines, roads, etc.; and she questioned if the Town is responsible or liable for other utilities. She questioned if any other audit would be completed on infrastructure items referring to power lines, wires, etc. With today's technology and communications, she asked if the Town is responsible for these as well and knowing locations, as she discussed studies that have been done indicating that there were more diagnoses of cancer in areas because of electrical or cell towers.

Councillor Scott

Councillor Scott advised that he's glad the Town is starting to make a real effort in moving forward with painting of signs/crosswalks on roads in the school areas.

Councillor Smith

Councillor Smith suggested that the Town forward along a letter of congrats to Hon. Steve Kent, the new Minister of the Department of Municipal Affairs.

She discussed complaints concerning ATV issues on Mahon's Lane. She also noted speeding in the school areas, especially during lunch time. She asked if CAO could write letter to the Chief of Police concerning these matters asking for policing and have voice heard in media around this.

In a recent FCM Bulletin of September 20th, she saw information concerning the release of a green fund initiative. FCM funds three different environment initiatives; and she recommended that the Town look into applying for funding. If we want to look at doing study on Great Pond, option to get some money for the waste water to get started - this funding may be worthwhile. We have projects we could use this funding to get started. CAO advised the our Economic Development Officer receives this information and updates from a different perspective and this is on his radar, along with the Director of Community Services and the Director of Public Works.

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Councillor Thorne-Gosse - Pass

ADJOURNMENT

438-13 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the meeting be adjourned at 9:02 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk