



MINUTES
PUBLIC COUNCIL MEETING
April 26, 2016

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 26, 2016, at 7:43 p.m.

Members Present

Mayor Ralph Tapper
Deputy Mayor Geoff Gallant
Councillor Peggy Roche
Councillor Craig Scott
Councillor Carol Ann Smith
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Stephanie Kane, Director of Corporate & Community Services
Ann Picco, Deputy Clerk
Brian Winter, Director of Planning and Development

Absent

Councillor Thorne-Gosse
Bernie Manning, Director of Infrastructure and Public Works

Gallery

There were a total of 8 people in attendance.

Adoption of Agenda

147-16 Motion – Councillor Whitty / Councillor Roche

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Adoption of Minutes

148-16 Motion – Councillor Roche / Councillor Scott

RESOLVED THAT the Minutes of the April 11, 2016, Public Council Meeting be adopted, as presented.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

- Proclamation – Canadian Mental Health Association (CMHA) – Mental Health Week 2016
 - Councillor Roche read the proclamation aloud.
 - See motion below:

149-16 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay proclaim May 2 – May 8, 2016, as Mental Health Week, and call on the citizens of the Town of Torbay to join with the rest of Canada to celebrate their own mental health.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Mr. Dan Goodyear, CEO of the Canadian Mental Health Association, Newfoundland and Labrador Division (CMHA-NL) was in attendance at tonight's Meeting.

- Mr. Goodyear thanked Council for signing the proclamation to bring awareness to mental health. He further discussed the below:
 - The need to raise awareness for further dialogue to try and eliminate stigma, and enable people who have a mental health issue to come forward and seek services they need and deserve.
 - Mr. Goodyear advised that he worked in education for years, and has seen a huge increase in the number of youth and young adults with mental health issues. He indicated the need to help our young people manage their anxiety.
 - He asked that Torbay join all counterparts across the country to show support by lighting up buildings/landmarks with green lights.

Mayor Tapper referred to the Gallery and asked if anyone would like to present to Council. The following had comments:

- Resident of Civic 106 Bauline Line
 - Resident discussed a recent Provincial Government Press Release, dated April 19th, concerning training sessions for water operators/drinking water systems.
 - He questioned if the Town was taking advantage of these training sessions for staff.
 - CAO confirmed that staff do attend conferences and maintain level II certification for water systems, which requires annual upgrading of courses and includes practical time. The Town has four trained staff – two dedicated resources and two backup that maintain certification.
 - Resident questioned the coffee shop behind Brown's Lane, and when it is scheduled to open.
 - Mayor to confirm and advise.
 - Resident questioned depot construction, noting that the roof was not yet finished.
 - Mayor advised that Councillor Scott will report on this in the upcoming Infrastructure and Public Works Minutes.

MAYOR'S REPORT

Mayor Tapper provided a report, dated April 8 - 21, 2016, of his work and connections that he has made in the community over the past couple of weeks.

NOTICES OF MOTION

None.

CORRESPONDENCE

1. Royal Newfoundland Constabulary - National Police Week. ***Scheduled to take place May 15 – 21, 2016. They have also invited us to their International Police & Peace Officer Memorial Service, taking place on May 18th at 11 a.m. Mayor advised that he will attend.***
2. Presentation from Council Meeting of April 11th from Resident of Bauline Line - concerning proposal from potential property owner in the Middle Three Island Pond area to develop a parcel of Crown land for the purpose of a quarry site. ***Referred to the Planning and Development Committee.***
3. Forget-Me-Not Committee - "Remember the Fallen – Commemorate a Hero" Campaign. ***With the approach of the 100th Anniversary of Beaumont Hamel, they're challenging communities in a campaign to commemorate each and every soldier. Mayor Tapper advised he will contact past mayor who chairs the July 1st and***

- Remembrance Day Ceremonies, as he may have a list of names. Mayor suggested adding this to the Town's website, so residents can view and support.*
4. Department of Municipal Affairs – North East Avalon Regional (NEAR) Planning Process. *For information purposes. May advised that he did write the Minister back and committed to being involved and attend meetings.*
 5. Pouch Cove Spring Classic – Cycling Event. *They are requesting parking space at the soccer/softball complex parking lot on Bauline Line – Mayor advised will have staff open the gate for their event on Sunday, May 8th.*
 6. Department of Municipal Affairs – Information Circular. *CAO advised that this is standard requirement for all tendered projects under the Multi Year Capital Works and Gas Tax Agreement. It's a notification of change in process, as no longer advertising in the newspaper. Any RFPs or tenders will now be found on the Government website at the address on the Circular.*
 7. Request to present to Council concerning sponsorship. *Mayor Tapper advised that he will reply and have the group in to present to Council.*

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated April 26, 2016, was accepted as presented.

COMMITTEE REPORTS

Planning and Development

Councillor Smith provided an overview of items discussed under the Planning and Development Meeting Minutes, dated April 19, 2016.

Items discussed included:

1. Development Proposals
 - a) Proposal from potential property owner in the Middle Three Island Pond area (454A Bauline Line) to develop a parcel of crown land for the purpose of a Quarry site.
 - Will be discussed in the Building Application Report, dated April 22, 2016.
 - b) Crown land application proposal from potential property owner in the Middle Three Island Pond area to develop a parcel of crown land for the purpose of a Quarry site.
 - Application is under discussion at this time.
2. Correspondence
 - a) Letter from property owner Coady's Lane, requesting that the Town rezone a parcel of property from Public Buildings to a Residential Use.
 - They will have to contact staff and apply.

- There are some water capacity issues there.
 - b) Letter from property owner Convent Lane requesting a permit to build a new residence and a possible extension to the existing Church.
 - Process will be clarified by the director to the applicant.
 - c) Letter from Property owner 1322-1332 Torbay Road.
 - It was agreed that the Mayor and the Director should meet with the property owner to discuss options for the property.
 - d) Letter from Property owner Skippers Landing.
 - Reviewed the letter and it was agreed that the information would be passed on to the Town's engineer to form part of their review of the proposal.
3. Other Items
- a) Unightly Properties – Spring clean up
 - The Development Control Officer is compiling a list of unightly properties throughout the Town. There will be two categories, a list of properties that just require minor cleanups and a list of properties that require major work.
 - The Director informed Committee that the Planning Department has been working to have a property on Cannon Marsh Road cleaned up for a while now. Appears the Town will have to look at going to the next step.
 - Committee suggested that the Director discuss options with the CAO and proceed as required.
 - b) Environmental Advisory Committee Engagement Protocol
 - The Director is continuing with research.
 - c) Watt's Pond Flood Analysis
 - The Director advised Committee that the Town's engineer has now completed the flood plain analysis on Watts Pond Brook.
 - Considering a presentation to Council.
 - Committee agreed that it is okay with a drawing of the findings showing the overlay and a brief overview by the Director for now.
4. Planning and Development items for Correspondence and Action Report.
- Attached for information.

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>
B2016-033	21 Marine Drive	General Repairs
B2016-034	6 Clement's Lane	General Repairs
C2016-037	4 McEvoy Street	Removal of existing accessory building and construction of 16' x 20' accessory building
B2016-039	9 Bradbury's Lane	Moving Septic Lines
C2016-040	55 Convent Lane	16' x 20' Accessory Building

Building Applications for Approval

Application: C2016-025/MV2016-006
Location: 55 Convent Lane
Proposal: Single Family Dwelling with Subsidiary Apartment
Zoning: Residential Medium Density (RMD)

150-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2016-025/MV2016-006, under the Applications for Approval section of the Building Application Report, dated April 22, 2016, subject to the following condition:

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

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Application: C2016-035
Location: 18 Duggan Place
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

151-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2016-035, under the Applications for Approval section of the Building Application Report, dated April 22, 2016, subject to the following condition:

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

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Application: C2016-036
Location: 8 Eagle Ridge Drive
Proposal: 1,103 square foot accessory building
Zoning: Residential Large Lot

152-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2016-036, under the Applications for Approval section of the Building Application Report, dated April 22, 2016, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Application: C2016-038
Location: 27-37 Salerno Place
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

153-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2016-038, under the Applications for Approval section of the Building Application Report, dated April 22, 2016, subject to the following condition:

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

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Building Applications to be Deferred

Application: DP2016-002
Location: 454A Bauline Line
Proposal: Quarry
Zoning: Rural (RUR)

154-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application DP2016-002, under the Applications to be Deferred section of the Building Application Report, dated April 22, 2016, at the request of the applicant.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Business Applications to be Deferred for Advertisement

Application: D2016-032
Location: 149 Indian Meal Line
Proposal: Home Based Child Care Program
Zoning: Residential Medium Density (RMD)

155-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application D2016-032, under the Applications to be Deferred for Advertisement section of the Business Application Report, dated April 22, 2016, as per Condition 9 of the RMD Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Executive Committee

No report.

Corporate and Community Services

The Corporate Services Report, dated April 11 - 22, 2016, was accepted as presented.

Councillor Roche read out payroll and accounts payable information:

Payroll for the period of April 11 - 22, 2016, for 32 employees and 7 members of Council, totalled \$90,378.36.

For the period of April 11 - 22, 2016, Accounts Payable invoices in the amount of \$152,007.71 were paid. These expenditures were within budget.

There were two (2) Main Operating invoices presented for approval:

156-16 Motion – Councillor Roche / Councillor Scott

RESOLVED THAT the Town of Torbay approve payment to Receiver General For Canada, Invoice Number Apr 1-15 2016 (Payroll Remittance), in the amount of \$20,647.56.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

157-16 Motion – Councillor Roche / Councillor Scott

RESOLVED THAT the Town of Torbay approve payment to Redwood Construction, Invoice Number 2016-074 (Depot), in the amount of \$155,028.68.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

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

Infrastructure, Public Works, Public Safety and Shared Services

Councillor Scott provided an overview of items discussed under the Infrastructure and Public Works Committee Meeting Minutes, dated April 19, 2016.

Items discussed included:

➤ Updates

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

- The Director advised that the project is moving along quite well with the exterior and roofing almost completed.
- It was noted that work over the Winter months has been challenging due to high winds, especially as it relates to steel work and roof installation. There were some construction days lost on the depot when the wind was high, for the safety of the workers.
- The roof was completed today, April 26th, and now moving to windows, doors and concrete next.
- Deputy Mayor requested that the Director share updated work plan with all Council Members.

B. Capital Investment Plan - 2015

1) Multi-Purpose Building (UTC)

- The Director has advised that the builder has completed the envelope of the multiuse facility and proceeding with completion of the entryways and decking portion.

- Project is moving along quite well, and the septic field is in place. The next step will be to start interior work.
- 2) Torbay Pedestrian Safety Review
 - The Director has presented Committee with draft polices for Speed Calming and Speed Zone Restructuring. Copies have been sent to all Council for feedback, which Committee is requesting by the end of this week.
- 3) Alternative Water Study
 - The Director has informed Committee that the project has begun and should be completed within 12 – 14 months; however, throughout the study several components will be rolled out to Council as need for funding and related projects.
 - Council discussed that the Town needs to look at all alternatives, including increasing capacity, water tower, and all technologies.
- 4) Wastewater Review
 - Phase II of the Wastewater Study will commence with the development of RFP for technology and supplier. The Director has secured funding and will meet with the consultant to begin the Wastewater RFP and Phase II.
 - Council discussed the wastewater study and how to move forward, further nothing that this is a concern that residents have as it relates to pumping sewage into Torbay Bight.
 - Councillor Smith questioned funding opportunities before proceeding with motion. CAO clarified that the Economic Development Officer is pursuing and a meeting is scheduled with the Department of Municipal Affairs next week.
 - At this point, Deputy Mayor called Point of Order questioning if Council was debating the enclosed motions. Councillor Smith clarified no, she was only asking a question.
 - Councillor Scott advised that last year a meeting was held with the Department of Municipal Affairs, at which time the Town was told that in order to apply for funding, an RFP had to be completed first – in order to know details such as estimated cost for treatment plant, layout, location, etc.
 - Mayor noted that the CAO forwarded an email to all Council Members concerning federal funding, types of funding, and criteria for each.

A motion was put forward by Councillor Scott, seconded by Councillor Smith – Surplus Funds from project - due to the surplus of \$18,000 as identified in the recent progress report for 17-MYCW-15-00104 Mahon’s Upgrading Project, that the Town of Torbay request this surplus be reallocated to the Wastewater RFP development. This reallocation is subject to the review and approval of the Department of Municipal Affairs.

After further discussion the motion was withdrawn and it was agreed to defer. Council commented on the below pertaining to the motion:

- Wastewater treatment is one of the items listed in Council's Strategic Plan. It's been an item identified by residents that they would like to see completed.
- It's also a Federal Government legal requirement, a regulation that requires compliance by towns.
- A Best Available Technologies (BAT) Study has been completed and sampling studies done. It's important that the Town proceed as the longer the Town waits, the less relevance our BAT Study will be, and there's the possibility that costs could increase.
- In relation to the Town's Budget and moving funds to the wastewater RFP review, it was requested that the matter go to the Corporate and Community Services Committee for clarification and confirmation from the Chair.
 - CAO advised that both she and the Director are meeting with representatives from the Department of Municipal Affairs on Tuesday to discuss next phase of wastewater treatment. She suggested deferring motion until that meeting so information can be brought back to the Infrastructure and Public Works Committee.
- See below motion:

158-16 Motion – Councillor Scott / Councillor Smith

RESOLVED THAT the Town of Torbay defer the above referenced motion as presented in the Infrastructure and Public Works Minutes, dated April 19, 2016.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

A second motion was put forward by Councillor Scott, seconded by Councillor Smith - Funds reallocation - due to the commitment of surplus Gas Tax funding and reallocation to the Water Alternative Study (Gas Tax 2014-2019), original funds tabled within the main operating Water Quality THM Study(5372-6310) be reallocated to help supplement the Wastewater RFP review.

After further discussion, the motion was withdrawn and it was agreed to defer. Council commented on the below:

- There are some corrections that need to be made to the motion. Funds in the amount of \$30,000 to be reallocated should be referenced in the motion, and moved to new GL called Wastewater RFP Review.
- It was agreed to defer the motion as it is tied to the first motion, and needs to be reworded for clarity. See motion below:

159-16 Motion – Councillor Scott / Councillor Smith

RESOLVED THAT the Town of Torbay defer the above referenced motion as presented in the Infrastructure and Public Works Minutes, dated April 19, 2016.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

5. Recreational Facilities

- Spring planning on facilities has begun, and all facilities are targeted to open May 17, 2016.

➤ Scheduling of the next meeting

- Meeting is scheduled for Tuesday May 17 at 4:30 pm at Town Hall.

ADVISORY COMMITTEES

Environment

- Torbay Environment Advisory Committee, Submission Concerning Proposed Quarry at Big Three Corner Pond.
- Referred to the Planning and Development Committee.
 - Deputy Mayor thanked the Environment Advisory Committee for their work, indicating they have done lots of research and he encouraged all to read.

Heritage

Councillor Roche advised that no meeting was held due to unavailability of venue.

She noted that the Heritage, Arts and Culture Coordinator will be returning to work in May.

LIAISON COMMITTEES

Holy Trinity Elementary School Council

No report.

Holy Trinity High School Council

Councillor Scott advised that the Council met last week. He reported that they had an external review completed – in the way of policies, staff, students, etc., which was very positive. It is a public document and once posted will forward to all Council.

He further advised that two school council meetings are scheduled for next week. Discussions will take place around changing the hours of school and the new school.

Jack Byrne Regional Sports and Entertainment Centre

Councillor Smith advised that she attended the 8th Annual General Meeting (AGM) on April 21st at the Arena. She tabled and provided reports to the CAO, including copies of the Arena's financial statements.

She advised that at the end of the AGM, a Directors' Meeting was held. There will be an update on expressions of interest for second ice surface. There was a call for proposals, which has now closed. Three bids were accepted at the Directors' Meeting on April 21st. A sub-committee was struck to review and recommend.

Councillor Smith reported that there's still an issue of ice coming off the roof. Between now and next Winter, hoping the Manager can find a solution.

Northeast Avalon Joint Council

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

No report.

Urban Municipalities Committee

No report.

NEW BUSINESS

Mayor Tapper

Mayor Tapper congratulated CAO Dawn Chaplin on receiving Long Service Recognition, 10 Years, of service and contribution to municipal government from Professional Municipal Administrators (PMA) at their recent convention.

He also congratulated her on her election as Avalon Director to the Board of Directors with PMA.

Mayor Tapper congratulated Deputy Clerk Ann Picco on receiving her PMA Certificate in recognition of the successful completion of the course of study as developed by the Association – Core Program Studies, a five module program.

Deputy Mayor Gallant

Deputy Mayor thanked Council for covering for him last Council Meeting, as he was unable to attend due to travel delays in Toronto.

He suggested that Council look at video/telephone conference attendance at Council Meetings if a Member of Council is unable to attend. CAO advised that this was discussed, but not formalized. Councillor Roche advised she will be bringing forth a Notice of Motion pertaining to same, as it's important that Members of Council can attending the meeting when they're away and unable to attend.

Councillor Roche

Councillor Roche congratulated CAO Dawn Chaplin and Deputy Clerk Ann Picco as Mayor referenced above.

Councillor Scott - Pass

Councillor Smith - Pass

Councillor Thorne-Gosse - Absent

Councillor Whitty - Pass

QUESTION & ANSWER SESSION

Mayor Tapper referred to the Gallery and asked if anyone had any questions or comments in relation to tonight's Council Meeting. There were none.

NEXT PUBLIC COUNCIL MEETING

The next Public Council Meeting will take place on Monday, May 9, 2016, 7:30 p.m., Council Chambers, Torbay Town Hall.

ADJOURNMENT

160-16 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the meeting be adjourned at 8:45 p.m., as there was no further business.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, and Whitty)

Against Motion: 0

Abstained: 0

Mayor

CAO/Town Clerk