



MINUTES
PUBLIC COUNCIL MEETING
January 30, 2017

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on January 30, 2017, at 7:44 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ross Houlihan, Communications
Bernie Manning, Director of Infrastructure and Public Works
Ann Picco, Deputy Clerk
Brian Winter, Director of Planning and Development

Gallery

There were a total of 8 people in attendance.

Adoption of Agenda

013-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Adoption of Minutes

014-17 Motion – Councillor Scott / Councillor Thorne-Gosse

RESOLVED THAT the Minutes of the January 9, 2017, Public Council Meeting be adopted as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

Deputy Mayor Gallant read aloud the proclamation from the Eating Disorder Foundation of Newfoundland and Labrador.

015-17 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay do hereby proclaim February 1 to February 7, 2017, be observed as Eating Disorder Awareness Week in the Town of Torbay.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

The Town will be having a flag raising ceremony on Wednesday, February 1st at 9:00 a.m.

Mayor Tapper referred to the Gallery and asked if anyone would like to present to Council. There were none.

BUSINESS ARISING

The Business Arising Report, dated January 30, 2017, was discussed and accepted as presented.

- Item 9 – Renovation/Expansion of Kinsmen Community Centre
 - An update/status on consultant's work and contract was questioned.
 - CAO advised that contract will be approximately twenty weeks. Anticipate receiving update from consultant tomorrow.

CORRESPONDENCE

1. Correspondence from resident of Flora Drive concerning road conditions and bus accident. *It was noted that nothing changed in relation to snow clearing operations – this is an operational issue and was dealt with immediately by the Director of Infrastructure and Public Works.*
2. Canadian Federation of Independent Business (CFIB) – The Municipal Red Tape Report. *When the NL Municipal Red Tape Report was initially released, the findings indicated that Torbay scored low. It was noted that Torbay’s ranking was not correct as they did not actually contact the Town due to an incorrect email address. They penalized the Town on scores for follow up when the Town was not contacted properly to reply. CFIB did adjust the Town’s ratings after they were advised of the error – the updated report is included for Council’s information.*
3. Correspondence from resident concerning racing cars on Spray Lane and Marine Drive.
4. Correspondence from resident of Spray Lane concerning speeding, loitering and littering issues.
In relation to the above Correspondence 3 and 4, Councillor Smith asked that her comments be reflected - that she made recommendation around blocking the entrance to Spray Lane bulb, which may help address negative activity in the area.

Mayor Tapper advised that a meeting will be scheduled with the RNC to further discuss how the Town can take action. Referred to Infrastructure and Public Works for further discussion and possible solutions.
5. Proposed Fire Protection Mutual Aid Agreement. *See motion below.*

016-17 Motion – Councillor Scott / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay approve the Fire Protection Mutual Aid Agreement between the Towns of Portugal Cove-St. Philip’s, Pouch Cove and Torbay effective January 30, 2017.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

COMMITTEE REPORTS

Planning and Development

Building Applications Approved

Under the Application Approved Report, dated January 27, 2017, the following applications were approved subject to the normal conditions and requirements for building within the Town:

| Application | Location | Proposal |
|--------------------|------------------|------------------------|
| C2016-175 | 1564 Torbay Road | Single Family Dwelling |
| C2016-176 | 1568 Torbay Road | Single Family Dwelling |

Building Applications to be Approved

Application: S2017-004/C2017-002
Location: Portion of 51-81 Mahon's Lane (Lot 1)
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

017-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application S2017-004/C2017-002, under the Applications to be Approved section of the Building Application Report, dated January 27, 2017, subject to the following conditions:

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

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Application: S2017-004/C2017-003
Location: Portion of 51-81 Mahon's Lane (Lot 2)
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

018-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application S2017-004/C2017-003, under the Applications to be Approved section of the Building Application Report, dated January 27, 2017, subject to the following conditions:

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

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Application: MV2016-025
Location: 15 Reardon's Lane
Proposal: Variance on lot area
Zoning: Residential Medium Density (RMD)

019-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application MV2016-025, under the Applications to be Approved section of the Building Application Report, dated January 27, 2017, subject to the following conditions:

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

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Application: C2016-183
Location: 912-924 Torbay Road
Proposal: Commercial building to be used for kitchen cabinet manufacturing
Zoning: Mixed Development (MIX)

020-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2016-183, under the Applications to be Approved section of the Building Application Report, dated January 27, 2017, subject to the following conditions:

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

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Business Applications to be Approved

Application: D2016-179
Location: 91 Western Island Pond Drive
Proposal: Home based business providing hypnotherapy service
Zoning: Residential Large Lot (RLL)

021-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application D2016-179, under the Applications to be Approved section of the Business Application Report, dated January 27, 2017, subject to the following conditions:

1. All normal conditions and requirements for operating a business within the Town of Torbay.

2. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
3. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Application: D2016-181
Location: 2 Cherrywood Drive
Proposal: Home office for video production business
Zoning: Residential Large Lot (RLL)

022-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application D2016-181, under the Applications to be Approved section of the Business Application Report, dated January 27, 2017, subject to the following conditions:

1. All normal conditions and requirements for operating a business within the Town of Torbay.
2. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
3. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Business Applications to be Deferred for Advertisement

Application: D2017-006
Location: 8 Tantum View Lane
Proposal: Home office for electrical contracting business
Zoning: Residential Infill (RI)

023-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application D2017-006, under the Applications to be Deferred for Advertisement section of the Business Application Report, dated January 27, 2017, as per Condition 11 of the RI Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Mayor discussed correspondence recently received from the Department of Natural Resources, dated July 5, 2016, concerning quarries. Committee reviewed the letter and asked the Director to follow up with questions, as this letter was only received by the Director a couple of weeks ago. Mayor suggested that a meeting with the Department be requested.

Executive Committee

Appointment of Assessment Review Commissioner

As per Section 32 of the Assessment Act, all municipalities are required to appoint an assessment review commissioner on an annual basis (by January 31st). A motion of Council is required:

024-17 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay appoint Mr. James E.G. Vavasour as the Assessment Review Commissioner for the Town of Torbay for the 2017 calendar year.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Corporate and Community Services

Corporate Services

The following fourteen (14) invoices, totalling \$273,027.55 were presented for approval:

025-17 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment of invoices, totalling \$273,027.55, as presented.

| Invoice Number | Vendor and Detail | Amount |
|-----------------------|---|---------------|
| 1. | Atlantic Powertrain and Equipment (Sterling Truck Inspection and Repairs) | \$13,786.77 |
| 2. | Cal LeGrow Insurance Limited (General Insurance for 2017 – Installment #1) | \$25,987.32 |
| 3. | GFL Environment (Fall Clean Up 2016) | \$6,054.75 |
| 4. | Grand Concourse Authority (Claim #4 Upper Three Corner Pond Train) | \$12,798.15 |
| 5. | H&F Electrical Limited (Upper Three Corner Clubhouse) | \$9,614.00 |
| 6. | Municipal Assessment Agency (First Quarter 2017 Assessment Fees) | \$26,523.00 |
| 7. | Municipalities Newfoundland and Labrador (2017 Membership Fees – MNL \$7,967.60 and PMA \$639.55) | \$8,607.15 |
| 8. | Newfoundland and Labrador Public Libraries (Contribution towards Torbay Library 2017 Rental Fees) | \$17,000.00 |
| 9. | Receiver General for Canada (Payroll Remittance January 1-15, 2017) | \$30,435.95 |
| 10. | Redwood Construction Ltd. (Progress Claim #16 for New Municipal Depot) | \$84,980.86 |
| 11. | Stewart McKelvey Stirling Scales (Legal Advice for November and December 2016) | \$6,829.55 |
| 12. | Trio Benefits (Group Benefits January 2017) | \$8,558.27 |
| 13. | Waterwerks Communications (Website, Ads and Communications and Public Engagement Strategy November and December 2016) | \$5,515.32 |
| 14. | Wm. Tapper Limited (Fuel for December 2016) | \$16,336.46 |

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Community Services

1. Regional Application for Newfoundland and Labrador Games Bid Package

The Director of Community Services provided an overview of the Application for the 2020/2024 Summer Games and what the application requires.

An invite was sent out to the Mayors from the Killick Coast Communities as well as MHA David Brazil and MHA Kevin Parsons to discuss the opportunity to partner together to submit an application for the NL Summer Games for 2020 and or 2024. This meeting took place on January 11, 2017.

Committee discussed and agreed to submit a joint application. See motion below:

026-17 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay endorse the joint submission of the application to host the 2020 and/or 2024 NL Summer Games as the Killick Coast Region.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Infrastructure, Public Works, Public Safety and Shared Services

An overview of items discussed under the Infrastructure and Public Works Motions Report was provided:

➤ MYCW - 2012-2014 - Municipal Depot Design Project

- Work is almost complete and level 1 deficiency inspections are compiled. The contactor will confirm final inspection and commissioning for coordination of move. There is however also two (2) change orders that will need approval for completion of work. Change Order 22 (\$1245.74) - refers to the electrical upgrades for the compressor supplying the service bays. Change Order 23 (\$18,194.25) – refers to insulation required on ductwork in the ceiling cavity. All change orders fall well under the budgeted contingency approved by council.
- See motion below:

027-17 Motion – Councillor Scott / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay approve change order number Twenty Two and Twenty Three for the municipal depot building project in the amount of \$19,444.99 plus HST, for a total of \$22,361.73. This change order 22 pertains to electrical upgrade of compressor (\$1,245.74) and change order 23 pertains to duct work insulation (\$18,194.25) and deemed necessary to the project.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

➤ Capital Investment Plan – 2015 -2024

- Gas Tax Letter – it has been recommended by Committee that the remaining funds in the 2015-2024 Gas Tax allotment should be redirected for Walkway and Trail enhancement within the Town.
- See motion below:

028-17 Motion – Councillor Scott / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay reallocate the remaining 2015-2024 Gas Tax funds of \$5,725.48 to the development and enhancement of the Town’s growing walkway and trail System.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

➤ Correspondence & Action Report Items

- Emergency Plan – the plan has been completed to final draft form and will require the review of the Provincial Fire and Emergency Service (FES) Board before adopting. Therefore, Committee recommends that the plan be sent to FES to complete the remaining review.
- See motion below:

029-17 Motion – Councillor Scott / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay provide the Provincial FES board with the existing Draft of the Town’s emergency plan for review. Once the draft has been reviewed the Town will bring to Council for final approval.

Council discussed the above presented motion, agreeing that once draft has been reviewed by the Provincial FES Board, Council will have final approval. Councillor Smith advised she had some concerns which she had discussed previously with Councillors and CAO.

After discussion a vote was then held on the motion.

Question called. Motion carried.

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

Against: 1 (Councillor Smith)

Abstained: 0

NOTICES OF MOTION

There were no notices of motion presented.

NEW BUSINESS

Mayor Tapper

Mayor Tapper thanked Deputy Mayor Gallant for Chairing the last Council Meeting in his absence.

Deputy Mayor Gallant

Deputy Mayor thanked residents for reporting unwanted activities in the Community to Council and the RNC. It's important that the Town and the RNC are aware.

He discussed that last year Council passed a motion in support of the creation of a regional refugee committee, noting there were many volunteers who came forward. In relation to the recent news in the US regarding immigration entry travel and refugee ban from some countries, Deputy Mayor asked that the Town write the Committee and Municipalities Newfoundland and Labrador (MNL) advising of our Council's full support for immigration into Newfoundland and Labrador despite religion and country. See motion below:

030-17 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay write a letter of support to our Refugee Committee and Municipalities Newfoundland and Labrador concerning the Town's motion of last year.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Councillor Roche

Councillor Roche thanked the Director of Infrastructure and Public Works for recent tour of the Town's new municipal depot. She advised it's very employee friendly, with state of the art equipment. It's a great accomplishment and a great job by all involved. She further congratulated all involved, advising she's looking forward to the grand opening.

Councillor Scott

Councillor Scott advised it was brought to his attention yesterday that some of the Town's signage were vandalized, including speed limit and stop signs. He reminded everyone that signs are there for important reasons, one of them being safety. He reminded residents that if they see any unwanted activity or acts of vandalism in the Town to report immediately and directly to the Town and/or the RNC, rather than posting issues to social media.

Councillor Smith

Councillor Smith reiterated Councillor Roche's comments concerning the new municipal depot, further noting staff will have ability to work safely with more equipment on the floor. The building is also bright with more natural lighting.

She discussed that there is a coyote issue in the Town, advising there are two adults and pups in the Community going from garbage box to garbage box searching for food in residential areas. Councillor Smith advised that there was a coyote on her property tonight. She asked that this be further looked into and addressed before there's a serious incident.

Councillor Thorne-Gosse

Councillor Thorne-Gosse encouraged all to look at various Town events that they may wish to participate in. Information on events can be viewed on the Town's website.

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. The following had comments:

- Resident of Marine Drive
 - Resident discussed issues of unwanted activities including speeding, loud vehicles, and late night activities in the Community.
 - He advised he has called the RNC, and they are aware. The resident questioned if Council could do anything to assist with area residents' issues; further discussing signage or road blockages.
 - Mayor Tapper advised that this matter is with Infrastructure and Public Works.

NEXT PUBLIC COUNCIL MEETING

The next Public Council Meeting will take place on Monday, February 13, 2017, at 7:30 p.m., Council Chambers, Torbay Town Hall.

ADJOURNMENT

031-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the meeting be adjourned at 9:10 p.m., as there was no further business.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Smith, Scott, Thorne-Gosse and Whitty)

Against: 0

Abstained: 0

Mayor

CAO/Town Clerk