



***MINUTES***  
PUBLIC COUNCIL MEETING  
June 19, 2017

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 19 2017, at 7:40 p.m.

**Members Present**

Mayor Ralph Tapper  
Deputy Mayor Geoff Gallant  
*(via speaker telephone)*  
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 24 people in attendance.

*Deputy Mayor Gallant joined the Meeting via speaker telephone at 7:43 p.m.*

**Adoption of Agenda**

140-17      Motion – Councillor Smith / Councillor Thorne-Gosse

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

Question called. Motion carried.

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

Against: 0

Abstained: 0

**Adoption of Minutes**

141-17      Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** in the absence of the Deputy Mayor in person, that the Minutes of the April 26, 2017, Public Council Meeting be deferred to the next Council Meeting.

Question called. Motion carried.

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

Against: 0

Abstained: 0

142-17      Motion – Councillor Whitty / Councillor Scott

**RESOLVED THAT** the Minutes of the June 5, 2017, Public Council Meeting be adopted as presented.

Question called. Motion carried.

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

Against: 0

Abstained: 0

143-17      Motion – Councillor Scott / Councillor Thorne-Gosse

**RESOLVED THAT** the Minutes of the June 14, 2017, Special Public Council Meeting be adopted as presented.

Question called. Motion carried.

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

Against: 0

Abstained: 0

**PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION**

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

- Bauline Line Area Residents' Group
  - Resident spoke on behalf of the Group to discuss their opposition to the application for a Quarry Operation in the Middle Three Island Pond mineral working area. He discussed Town regulations and municipal plan, including discretionary use in a

Rural Zone and preservation of scenic viewpoints; the Habitat Management Plan, including environmental concerns; the Recreation Master Plan, including proposed parks; previous refusal of quarry application; and, safety concerns and nuisance to the public, including blasting and deterioration of roads in the community.

- Chair of the Torbay Environment Advisory Committee (TEAC)
  - TEAC Chair discussed items that Committee have communicated with Council, including conditions for mineral working in Torbay; zero net run off policy; impact and protection to existing residents in neighbourhoods, including flooding, implementation of water management and water flows caused by removal of vegetation; and, artesian and well water disturbance due to blasting.
- Resident of Torbay
  - Resident advised he felt there was some discrimination towards the applicant for the quarry operation. He advised that there are already existing operations off Bauline Line; and, there are Town's rules and regulations as it pertains to quarries that the applicant will adhere to.

### **BUSINESS ARISING**

The Business Arising Report, dated June 19, 2017, was discussed and accepted as presented.

- Item 4 – Project update - renovation and expansion of the Kinsmen Community Centre.
  - CAO to recirculate for Council's review.

### **CORRESPONDENCE**

1. Newfoundland and Labrador Soccer Association – Request for Donation. ***Referred to Corporate and Community Services Committee.***

### **COMMITTEE REPORTS**

#### **Planning and Development**

##### Applications Approved

Under the Applications Approved Report, dated June 16, 2017, the following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay.

*In relation to Application B2017-077, Councillor Thorne-Gosse questioned if she was in conflict of interest. All Council agreed she was not in conflict.*

<b>Application</b>	<b>Location</b>	<b>Proposal</b>
C2017-062	15 Byrne's Lane	Single Family Dwelling
C2017-063	50 Forest River Road	Widening Driveway
B2017-064	21 Bauline Line	General Repairs
B2017-068	61 Morris Avenue	General Repairs
B2017-071	63 Pine Ridge Crescent	General Repairs/Enclose Basement Stairwell
B2017-072	82 Karon Drive	General Repairs
B2017-073	39 Dunphy's Lane	General Repairs/Replace Existing Deck
C2017-074	4 Mary Manning's Place	Accessory Building
C2017-075	5 Mary Manning's Place	Single Family Dwelling
C2017-076	3 Sallesnik Lane	Accessory Building
B2017-077	98 Patrick's Path	General Repairs
B2017-078	4 Upper Evening's Path	General Repairs
B2017-079	9 Keating's Place	General Repairs
DM2017-003	6 Donovan's Hill	Demolition of Single Family Dwelling
DM2017-004	7 Nolan's Lane	Demolition of Single Family Dwelling

Planning and Development Committee Motions

➤ Items Discussed

- Quarry Application Middle Three Island Pond
  - As Chair, Councillor Smith verbally provided a brief background of information on the application. She discussed process, feedback from residents and the Torbay Environment Advisory Committee, safety concerns, and the Town's Mineral Working Conditions.
  - See motion below:

144-17      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay approve application DP2016-002. This application is for a Quarry Operation in the Middle Three Island Pond mineral working area. The site being approved is as per the drawing provide dated August 27, 2015 along with the updated aerial photo sketch received June 12, 2017. This approval is subject to the following conditions:

1. All items listed in the Towns Mineral working conditions Revision 5 shall apply to the approval.
2. The applicant shall provide a Storm Water Management Plan (SWMP) for the quarry that achieves zero net run off.
3. There shall be no excessive storage of equipment on the site; all equipment on site shall be operational.

4. There shall be no structures constructed on the site.
5. The approval is subject to annual renewal and annual quarrying fees as per the Town Tax and Fee Structure.
6. Access to the site shall be through an access easement that is being granted by the Department of Transportations and Works. (Email attached)
7. As per item 19 in the Mineral Working Conditions “Failure to adhere to these requirements shall result in the Town revoking its approval of the operation and the issuing of a Stop Work Order on the property. Any work left uncompleted shall be completed by the Town and invoiced back to the quarry operator.”
8. There shall be no construction on the site until all items above have been addressed and agreed to.

Council discussed the above application and motion. Planning and Development Chair thanked members of the gallery who presented. Deputy Mayor called Point of Order to the Chair’s comment, advising she already had her five-minute preamble. Mayor Tapper advised Point of Order not well taken as her previous comments were an introduction to the motion and Committee report.

Mover of the motion, being Councillor Smith, ended discussion and called question. A vote was then held on the motion.

Question called. Motion carried.

For Motion: 5 (Mayor Tapper, Councillors Scott, Smith, Thorne-Gosse, and Whitty)

Against: 2 (Deputy Mayor Gallant / Councillor Roche)

Abstained: 0

*Deputy Mayor Gallant left the Public Council Meeting at 8:33 p.m.*

Building Applications for Approval

**Application:** C2017-004  
**Location:** 158 Quarry Road Extension  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Large Lot (RLL)

145-17 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2017-004, under the Applications for Approval section of the Building Applications Report, dated June 16, 2017, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The applicant is responsible for the upgrading of Quarry Road Extension from the intersection with Cordelia Crescent southward to the end of 158 Quarry Road Extension.
3. The applicant is responsible for all costs endured to upgrade Quarry Road Extension as noted above to the Town's standards including any engineering, legal and all construction costs that may apply.

Question called. Motion carried.

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

Against: 0

Abstained: 0

**Application:** C2017-005  
**Location:** 154 Quarry Road Extension  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Large Lot (RLL)

146-17 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2017-005, under the Applications for Approval section of the Building Applications Report, dated June 16, 2017, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The applicant is responsible for the upgrading of Quarry Road Extension from the intersection with Cordelia Crescent southward to the end of 158 Quarry Road Extension.
3. The applicant is responsible for all costs endured to upgrade Quarry Road Extension as noted above to the Town's standards including any engineering, legal and all construction costs that may apply.

Question called. Motion carried.

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

Against: 0

Abstained: 0

**Application:** C2017-025  
**Location:** 23 Lynch's Lane  
**Proposal:** 7 m x 5 m (23' x 16') outdoor classroom (gazebo type structure)  
**Zoning:** Public Building (PB)

147-17 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2017-025, under the Applications for Approval section of the Building Applications Report, dated June 16, 2017, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The Town will monitor the use of the outdoor classroom after hours to ensure that it does not become a nuisance to the neighborhood. If at any time in the future it does become a nuisance to the area then the Town will use its authority to have the structure removed from the property.

Question called. Motion carried.

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

Against: 0

Abstained: 0

Building Applications to be Deferred for Advertisement

**Application:** C2017-065  
**Location:** 72 Birchy Nap Hill Road  
**Proposal:** Cell Tower  
**Zoning:** Residential (RI)

148-17 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Defer Application C2017-065, under the Applications to be Deferred for Advertisement section of the Building Applications Report, dated June 16, 2017, for advertisement as per Regulations 10, 33 and 90 of the Torbay Development Regulations. In this case, where there are no dwelling's adjacent to the proposal the notices will be mailed out to property owners. Therefore, the notification period will be extended to 14 days versus the normal 7 days. All properties within 300 meters of the site will be notified.

Question called. Motion carried.

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

Against: 0

Abstained: 0

Business Applications to be Approved

**Application:** D2017-056  
**Location:** 5 Eagle Ridge Drive  
**Proposal:** Animal Grooming Business  
**Zoning:** Residential Large Lot (RLL)

149-17 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application D2017-056, under the Applications to be Approved section of the Business Applications Report, dated June 16, 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: 6 (Mayor Tapper, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against: 0

Abstained: 0

**Application:** D2017-059  
**Location:** 1147 Torbay Road  
**Proposal:** Addition of dog boarding/kenneling to existing business  
**Zoning:** Mixed Development (MIX)

150-17 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Defer Application D2017-059, under the Applications to be Approved section of the Business Applications Report, dated June 16, 2017, for further investigation.



Question called. Motion carried.

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

Against: 0

Abstained: 0

### **Executive Committee**

151-17      Motion – Councillor Thorne-Gosse / Councillor Roche

**RESOLVED THAT** as per Section 13 of The Municipal Elections Act that the Deputy Clerk be appointed the Returning Officer for the September 26, 2017 Municipal Election in the Town of Torbay.

Question called. Motion carried.

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

Against: 0

Abstained: 0

152-17      Motion – Councillor Thorne-Gosse / Councillor Roche

**RESOLVED THAT** as per Section 13 of The Municipal Elections Act and in the event that the Deputy Clerk is unable to perform her duties on Election Day, that the Chief Administrative Officer be appointed the Alternate Returning Officer for the September 26, 2017 Municipal Election in the Town of Torbay.

Question called. Motion carried.

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

Against: 0

Abstained: 0

153-17      Motion – Councillor Thorne-Gosse / Councillor Roche

**RESOLVED THAT** as per Section 14 of The Municipal Elections Act, that August 29, 2017 from 8am to 8pm be designated as Nomination Day for the September 26, 2017 Municipal Election in the Town of Torbay.

Question called. Motion carried.

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

Against: 0

Abstained: 0

154-17      Motion – Councillor Thorne-Gosse / Councillor Roche

**RESOLVED THAT** as per Section 26 of The Municipal Elections Act, that September 12, 2017 from 8am to 8pm be set as the Advance Poll for the September 26, 2017 Municipal Election in the Town of Torbay.

Question called. Motion carried.

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

Against: 0

Abstained: 0

**Corporate and Community Services**

Corporate Services

The following sixteen (16) invoices, totalling \$240,404.97 were presented for approval.

155-17      Motion – Councillor Thorne-Gosse / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment of invoices, totalling \$240,404.97, as presented.

<b>Invoice Number</b>	<b>Vendor and Detail</b>	<b>Amount</b>
1.	Architecture49 Inc. (Design Build Community Wellness Centre)	\$22,562.77
2.	Architecture49 Inc. (Design Build Community Wellness Centre)	\$19,258.48
3.	Atlantic Industries Ltd. (Culverts)	\$6,097.19
4.	CIBC Mellon (Pension Contribution May 2017)	\$14,825.00
5.	Commissionaires (Services May 7-20, 2017)	\$10,350.00
6.	Dicks and Company Ltd. (Furniture Supplies for New Depot)	\$5,833.95
7.	Grand Concourse Authority (Trail Development)	\$7,543.75
8.	Grand Concourse Authority (Trail Development)	\$19,607.16
9.	Hot Frost HVAC Ltd. (Upper Three Corner Clubhouse Pump System)	\$22,425.00
10.	Newfoundland Power Inc. (Street Lighting May 2017)	\$18,239.98
11.	Receiver General for Canada (Payroll Deductions May 16- 31, 2017)	\$20,313.21

12.	Staples (Canada 150 Promotional Items)	\$9,678.27
13.	T2 Ventures Inc. (Garbage Collection May 2017)	\$44,935.00
14.	Trio Benefits (Group Benefits June 2017)	\$7,028.44
15.	W.M. Flooring (Upper Three Corner Clubhouse Flooring Installation)	\$6,325.00
16.	Xylem (Coppertop Pump Upgrades)	\$5,381.77

Question called. Motion carried.

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

Against: 0

Abstained: 0

### **Infrastructure, Public Works, Public Safety and Shared Services**

Council thanked the Infrastructure and Public Works Department and Grand Concourse for their work on recent new trails in and around the Community and beautification to enhance entry to Torbay at the gateway sign.

### **NOTICES OF MOTION**

There were none.

### **NEW BUSINESS**

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

Mayor congratulated the following staff on their recent positions:

- Economic Development Officer Ross Houlihan – President, Newfoundland and Labrador Economic Developers Association (NLEDA).
- Director of Community Services Tina Auchinleck-Ryan – President, Recreation Newfoundland and Labrador.
- Development Technician Sandy Parsons – Provincial Board Member, Appraisal Institute of Canada, Newfoundland and Labrador Association (NAAIC).
- Chief Administrative Officer Dawn Chaplin for the following positions:
  - Avalon Director, Professional Municipal Administrators (PMA).
  - Canadian Representative on Diversity Task Force, International Institute of Municipal Clerks (IIMC).
  - Director at Large, Economic Development Association of Canada (EDAC).

***Deputy Mayor Gallant*** - Absent

***Councillor Roche***

Councillor Roche congratulated all staff on their recent positions as Mayor mentioned previously.

***Councillor Scott***

Councillor Scott discussed the recent Federation of Canadian Municipalities (FCM) Convention in Ottawa. He advised it was very productive, and he's in process of preparing a report for Council.

He wished good luck to the Killick Coast Chargers Under 13 Girls Basketball Team, who are heading to Halifax on June 22<sup>nd</sup>.

Councillor Scott congratulated staff and councils who played in the Municipal Softball Tournament this past weekend.

***Councillor Smith***

Councillor Smith congratulated all staff on their recent positions as mentioned above.

***Councillor Thorne-Gosse***

Councillor Thorne-Gosse congratulated all staff on their recent positions as mentioned above.

She thanked all who organized and attended the Second Annual Municipal Softball Tournament in Portugal Cove-St. Philip's this past weekend.

***Councillor Whitty***

Councillor Whitty congratulated all staff on their recent positions, advising it speaks to the caliber of staff. He also extended a thank you to all.

***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:

- Chair of the Torbay Environment Advisory Committee (TEAC)
  - TEAC Chair advised that Committee is seeking clarification on some items and awaiting responses to their correspondence from the Town.
  - She discussed the mineral working document - although the Province has adopted the Town's document, that it not be considered complete as it can be edited and updated.
  - Committee reviewed information from the Town's engineering consultant concerning water and sedimentation, recommending storm water management and water retention. She discussed erosion, water flow and flooding to areas

downstream, management of regulations, removal of vegetation, steep slopes, and environmental consequences to marshland and wetlands.

- Chair questioned how existing residents will be protected, including properties and existing water supplies; and, discussed the importance to monitor and protect existing residents so there's no hardship.

**NEXT PUBLIC COUNCIL MEETING**

The next Public Council Meeting is scheduled to take place on Tuesday, July 4, 2017, at 7:30 p.m., Council Chambers, Torbay Town Hall.

**ADJOURNMENT**

156-17      Motion – Councillor Smith / Councillor Scott

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

Question called. Motion carried.

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

Against: 0

Abstained: 0

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*Mayor*

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*CAO/Town Clerk*