



**MINUTES**  
**PUBLIC COUNCIL MEETING**  
February 12, 2018

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 12, 2018, at 6:36 p.m.

**Members Present**

Mayor Craig Scott  
Deputy Mayor Trina Appleby  
Councillor Geoff Gallant  
Councillor Justin Martin  
Councillor Tony Pollard  
Councillor Peggy Roche  
Councillor Mary Thorne-Gosse

**Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Ann Picco, Deputy Clerk  
Brian Winter, Director of Planning and Development

**Absent**

Ross Houlihan, Communications  
Bernie Manning, Director of Infrastructure and Public Works

**Gallery**

There were a total of 4 people in attendance.

**Adoption of Agenda**

039-18      Motion – Councillor Martin / Councillor Roche

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

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

**Adoption of Minutes**

040-18      Motion – Councillor Pollard / Councillor Thorne-Gosse

**RESOLVED THAT** the Minutes of the January 29, 2018 Public Council Meeting be adopted as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

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

Mayor Scott referred to the Gallery and asked if anyone would like to present to Council. There were no comments.

**MAYOR'S REPORT**

Mayor Scott discussed the below meetings/events he recently attended:

- Mayor and CAO met with RBC Royal Bank on Friday past to discuss their Days of Service Program. Within this program they offer volunteer hours to not-for-profit community groups. There's a cash component available for various groups if they have a project to partner with the bank. RBC is looking forward to reaching out in the Community, and discussed how the Town can assist in coordination.
- Completed interview with the Northeast Avalon Times to highlight some 2018 Budget items.
- Attended the MNL Eastern/Avalon Regional Meeting January 26<sup>th</sup> and 27<sup>th</sup>. Also attended were Deputy Mayor, Councillors Martin, Pollard and Thorne-Gosse. Good discussions were held. The next MNL meeting will be the Symposium, held in the Fall.
- Attended a Walk for Prostate Cancer at the Jack Byrne Regional last weekend. Mayor thanked resident in the Gallery for the invite, advising he didn't realize there was such a large support group in our area for survivors. It was a good walk with lots of valuable information provided.
- A meeting is scheduled this Thursday with representatives from the four towns/owners of the Arena to discuss items such as a new lease agreement. Mayor, Deputy Mayor and CAO are attending.

**BUSINESS ARISING**

The Business Arising Report, dated February 12, 2018, was accepted as presented.

**CORRESPONDENCE**

1. Department of Children, Seniors & Social Development – Community Health Living Fund Grant Approval. ***For information – the Town received a \$10,000 grant for towards the Killick Coast Regional Games.***

**COMMITTEES OF COUNCIL REPORTS**

**Community Services and Economic Development**

- Minutes of the Community Services Committee Meeting, dated February 7, 2018.
  - Items discussed included:
    1. Program Update/Community Guide Deadline
      - The Director updated Committee on programs.
      - Spring/Summer Community Guide is currently drafted - deadline of submissions was today. Expected mail out to be the end of April.
    2. Community Fridge/Freezer Correspondence
      - This is a great idea however, there were safety concerns regarding how to monitor fridge in public space. It was agreed to defer to the local food bank as they may be interested in this.
    3. Summer Job Postings
      - Summer job postings for Camp T, and Adventure Camp will be advertised in the Telegram, Career Beacon and Town communications.
    4. Community Healthy Living Fund Submission
      - Director and Economic Development Officer have submitted two applications under the Community Healthy Living Fund.
    5. Killick Coast Games Funding
      - Funding through the Community Healthy Living Fund was approved in the amount of \$10,000.00 for the 2018 Killick Coast Games.
    6. Youth Election Update
      - Nomination Day was today, however, no nominations were received. To be further reviewed by Committee.
      - Council discussed that the importance of the youth representative election process, advising it's a great initiative – to get our youth involved in the democratic process.

7. RBC Update
  - RBC is reaching out to registered, non-profit, community groups/organizations to provide assistance, up to \$1,000.00.
- Minutes of the Community Economic Development Committee Meeting, dated February 7, 2018.
  - Items discussed included:
    1. Project Updates
      - a) Picco's Ridge
        - First steps of the project would be to track down and involve families of the victims in this project. Their guidance and interactions would be key to the future success of remembering those who were lost. Town of Torbay and Portugal Cove-St. Philip's staff are working together on the progression of this memorial.
      - b) Chamber of Commerce
        - Work is still in progress.
      - c) Commercial Inventory
        - An inventory of land, buildings, office space and warehouses in Torbay that are vacant or seeking new lessees was updated. This is useful inventory for the Economic Development Officer and planning staff to have on hand should interested entrepreneurs approach the Town looking for start-up business locations.
      - d) History House
        - A preliminary meeting was held, and the consultant's report will be coming forth. Next step is getting application completed for funding.
      - e) Town Centre
        - The party interested in the old depot building is still interested in the building. The Economic Development Officer remains in communication with that group.

### Finance

- Minutes of the Corporate Services Committee Meeting, dated February 7, 2018
  - Items discussed included:
    - Invoice approval, cheque register & expense report were reviewed.
- Corporate Services Report
  - Items discussed included:
    - Payroll for the period of January 27<sup>th</sup> to February 9<sup>th</sup>, 2018, for 38 employees totalled \$86,558.45.
    - For the period of January 27<sup>th</sup> to February 9<sup>th</sup>, 2018, invoices in the amount of \$80,778.98 were processed.

- The following four (4) invoices were presented for approval.
  - See motion below:

041-18      Motion – Councillor Pollard / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment of invoices, as presented.

<b>Invoice #</b>	<b>Vendor and Detail</b>	<b>Amount</b>
27012	Commissionaires (Security Dec31/17 – Jan13/18)	\$10,856.00
2018-6318	Legge Surveys Ltd (Topographic Survey Mahon's Lane)	\$7,992.50
2018 Membership	Municipalities NL (2018 Membership fees MNL & PMA)	\$9,840.67
Jan 16-31 2018	Receiver General for Canada (Payroll Deductions)	\$29,793.68
	<b>Total</b>	<b>\$58,482.85</b>

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

- Memo from Director of Corporate Services regarding Fire Department Tanker Truck Acquisition.
  - The below motion is required to approve borrowing for the acquisition of a Tanker Truck for the Town's Fire Department to be delivered in February, 2018. This is an approved item from the 2018 budget.
  - See motion below:

042-18      Motion – Councillor Pollard / Councillor Roche

**RESOLVED THAT** the Town of Torbay enter a lease agreement with RBC Royal Bank to pay expenditures for a 2018 Tanker truck for the Fire Department in the amount of \$278,206 plus tax. This lease is for a term of five years at which point the residual amount owing will be \$1 and ownership will be transferred to the Town. The interest rate will be set at 4.04% with a monthly payment of \$5,111.42 plus tax. This is a budgeted item for 2018. This is subject to the Department of Municipal Affairs approval.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

Human Resources and Administration

- Minutes of the Human Resources and Administration Committee Meeting, dated February 7, 2018.
  - Items discussed included:
    1. Compensation and Benefits
      - CAO provided Committee with an overview of her research regarding municipal staff benefits. A recommendation will be forthcoming in a month's time.
      - As the Trio Board are considering going to market for all members to research service providers, it was suggested that Committee hold off to see what they come back with first. Committee to take into account.
    2. Performance Evaluations
      - Management evaluations will commence within two weeks.
    3. Respectful Workplace
      - Once the policy is adopted, a training session will be held with all Council and staff.
      - See motion below regarding the policy:

043-18      Motion – Councillor Gallant / Councillor Pollard

**RESOLVED THAT** the Town of Torbay adopt the Respectful Workplace Policy as presented, effective February 12, 2018.

Council discussed the above motion commenting on the importance of this policy, and further noting the importance that all departments and all Town committees operate within this policy.

After discussion, a vote was then held on the motion.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

4. Policies and Procedures
  - This agenda item was a carry forward from the last Committee Meeting. Committee discussed the importance of policies and procedures in the day to day operations of the municipality. It was agreed that staff will focus on updating human resource policies, development regulations (in line with ticketing authority), procurement and RFP processes.

5. Customer Service Standards
  - CAO to review the customer service standards documents with staff and bring back a recommendation to Committee to refine/tighten up the process.
6. FCM Conference
  - The FCM Conference is taking place in Halifax this year.
7. Committee Mandates
  - This item is a carry forward from the last Committee Meeting. CAO to follow up with the Mayor to discuss further.
8. Occupational Health and Safety (OHS)
  - Co-Chairs of the OHS Committee to meet with all Council to provide an overview of the Town's OHS policies and procedures. CAO will confirm a date.
9. Council Team Building
  - It was suggested Council team building activities could be tied to the mid-year strategic plan review. CAO to follow up with the Mayor to further discuss.

#### Planning and Land Use Development

- Minutes of the Planning and Development Committee Meeting, dated February 6, 2018
  - Items discussed included:
    1. Development Proposals
      - a) Request from Holy Trinity High School to change the proposed location of the outdoor classroom that was previously approved to be constructed in front of the school.
        - The School is seeking permission to build the outdoor classroom to the rear of the school instead of at the front.
        - Letters were sent out to the neighborhood as per Committee and Council, no written responses received.
        - Committee agreed that the new proposed location still meets the Town requirements; therefore, as per normal procedure the Director should proceed with issuing the permit for the new location.
      - b) Proposal from property owner 2-6 Shea's Lane to subdivide the property to accommodate a second building lot.
        - The Director gave Committee an overview of the proposal which was approved by Council back in 2015. The approval has since expired; therefore, the property owner is looking to have it reapproved.
        - Committee agreed that nothing has changed in the area in relation to zoning so re-approval of the application should proceed.

- All condition's set forward in the original approval shall also apply to the new approval, including a review by the Department of Environment.
- The application will be dealt with in the Building Application Report dated February 9, 2018, application number C2017-145.
- c) Proposal to develop 11 unserviced building lots at Torbay Road South Area across from Middle Cove Road – Kennedy's Brook Estates, Phase II.
  - Council agreed to defer for further discussion. See motion below.

044-18      Motion – Councillor Martin / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay defer this item, Item 1. c) of the PLUD Committee Minutes, dated February 6, 2018, and related recommendation for approval in principal.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

- d) E-Referral from the Department of Fisheries and Lands Resources Lands Branch (Crown Lands) in relation to a Crown Land proposal for residential lots in the area of Eagle Nest Ridge.
    - The Director noted that the attached referral is now the new process for reviewing Crown Land applications.
    - This was approved previously but the approval at Crown Lands has expired.
    - The proposed development has already been granted an Approval in Principal. The developer is establishing clear land ownership as per one of the conditions of the approval.
    - The land being applied for is zoned residential.
    - Committee agreed that there is no issue with the referral. The Director will acknowledge receipt of the referral.
2. Correspondence
- a) Correspondence from Jack Byrne Regional Sports & Entertainment Centre in relation to Kennedy's Brook Drive
    - The Director gave overview of land ownership in the area. It appears that the Town's existing right of way may be wide enough to accommodate a turning lane.



- Committee agreed that the Director should determine land ownership and then pass the file to Public Works to have the work priced and possibly completed.
  - Committee also suggested that the cost of the design work and construction could possibly be cost shared by the owners of the Arena.
- b) Correspondence from Northeast Avalon ACAP
- The Director noted that the correspondence is from October. It was missed previously but is worth discussing. Committee reviewed the correspondence and agreed that the Director should try to set up a time for the group to come in and present to Council.
3. Other Items
- a) Torbay Environmental Advisory Committee (TEAC).
- Director gave Committee an update on his discussions with the Chair of the TEAC. The items that needed to be address have been addressed and will incorporate any required changes into the Terms of Reference for everyone to review.
  - The main take away from the discussion was that with the new Terms of Reference there would be more direction on how proposals and recommendations are dealt with and will result in better communications between PLUD and TEAC.
  - Councilor Martin also noted that he met with TEAC and they were pleased with the discussions and the new approach. He also noted that TEAC would like to be involved with the new storm water management plan process and they are looking to hold an Environmental Spring Fair.

➤ Applications Approved Report, dated February 9, 2018

The following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

<b>Application</b>	<b>Location</b>	<b>Proposal</b>
C2018-004	13 Rosebud Street	Additional Driveway Access
C2018-005	1288 Torbay Road	Renovations to Municipal Building

- Building Application Report, dated February 9, 2018

Building Applications to be Approved

Application: C2017-145  
Location: 2-6 Shea's Lane  
Proposal: Single Family Dwelling  
Zoning: Residential Medium Density (RMD)/Conservation (CON)

Councillor Martin put forth a motion, seconded by Councillor Thorne-Gosse, to approve Application C2017-145, under the Applications to be Approved section of the Building Application Report, dated February 9, 2018, with attached conditions.

Council discussed the proposed motion noting concerns of changing conservation zones around the buffer from fifteen to ten meters, commenting on the below:

- Potential flooding issues.
- Precedent setting – future applications.
- The stream runs into a waterfall – there may be impact to the falls.
- The Province has changed their regulations from fifteen to ten meters.
- The Department of Municipal Affairs and Environment have changed their policy and do not review these applications anymore.
- Torbay does not have the expertise to make decisions that were once referred to Environment. Proper conditions have to be included.
- Although this is a reduction of the buffer, it doesn't permit construction in the Conservation Zone.
- The application cannot proceed without the reduction.
- Buffer is there for environmental protection.

It was suggested that the motion be deferred, and that all Members of Council do a site visit. Further analysis to be completed.

Councillors Martin and Thorne-Gosse were in agreement to withdraw the proposed motion for approval, and Council agreed to defer for further information. See motion below:

045-18      Motion – Councillor Martin / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer this item, Application C2017-145, for further information.

Council discussed the proposed motion to defer, with majority feeling they didn't have enough information to make a decision. Site visit to be completed and will seek further information on this matter. Councillor Gallant felt the reduction in the buffer should not be allowed.

After discussion as vote was then held on the motion.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Martin, Pollard, Roche and Thorne-Gosse)

Against: 1 (Councillor Gallant)

Abstained: 0

### Protective Services and Public Safety

- Minutes of the Protective Services and Public Safety Committee Meeting, dated January 31, 2018
  - Items discussed included:
    1. Municipal Ticketing
      - A discussion was held on the municipal enforcement partnership between the Towns of Portugal Cove-St. Philip's and the next steps. Commissionaires provided an overview of municipal ticketing on the Northeast Avalon - a two pronged approach – property based under the Municipalities Act and the Highway Traffic Act.
      - It was agreed that the Commissionaires would review the regulations of both Towns to identify any gaps and to ensure the correct violation provisions are included before submitting to the Provincial Government. Both Towns would then submit letters to the Department of Transportation and Works and Department of Municipal Affairs and Environment seeking Ministerial approval for ticketing authority.
- Protective Services and Public Safety Committee Update, dated February 7 2018
  - Items discussed included:
    1. Residential Traffic Calming
      - The resident engagement sessions regarding speed calming measures on Convent Lane, Country Drive, Mahon's Lane and Patrick's Path have commenced. The consultants advised that feedback from residents has been positive.
    2. Torbay Road Sidewalk Plan and Roundabout
      - The consultants are in process of arranging a meeting with Transportation and Works to discuss installation of sidewalks on Torbay Road from Mahon's Lane to Juniper Ridge and the roundabout on Torbay Road at the Marine Drive and Convent Lane intersections.
    3. Juniper Ridge Intermediate
      - The consultants will seek approval to install pedestrian safety crossing in the Spring.

- Municipal Enforcement Report, dated January 2018
  - Report included for information.
- Minutes of the TVFD Meeting, dated January 22, 2018
- Minutes of the TVFD Meeting, dated February 5, 2018
  - Minutes included for information.

Public Works and Infrastructure

No reports or motions.

**LIAISON COMMITTEES**

- Jack Byrne Regional Sports and Entertainment Centre
  - A Board meeting was held on February 1<sup>st</sup>. Items discussed included:
    - In relation to position of Secretary, it was decided that the Arena's Staff Person will take meeting minutes.
    - The Board discussed purchase of land and provided an update. Lease agreement was also discussed.
    - Community representatives were in attendance.
- Northeast Avalon Joint Council (NEAJC)
  - Meeting has been rescheduled for Wednesday in Paradise.
- Torbay Harbour Authority
  - No report or update.
- Torbay Volunteer Fire Department
  - The Department is in process of reviewing their Constitution and Standard Operating Guidelines. They are also reviewing the Respectful Workplace Policy.
- Urban Municipalities Committee
  - The next meeting is scheduled to take place March 14<sup>th</sup> and 15<sup>th</sup> in John's.

**NOTICES OF MOTION**

None.

**NEW BUSINESS**

***Mayor Scott***

Mayor Scott thanked everyone for great work.

He acknowledged everyone who had birthdays in the month of February and wished everyone a Happy Birthday.

Mayor thanked MNL and UMC regarding signage for concussion awareness, which were placed in various areas of the Arena. A presentation to be arranged with the four other towns to raise awareness on this issue and promote safety in the Arena.

***Deputy Mayor Appleby***

Deputy Mayor Appleby discussed the library at Juniper Ridge Intermediate, advising they're looking for support. She noted she did advise them of the RBC Days of Service Program, and she spoke to the Lions Club about a fundraising event. Deputy Mayor asked that the Town look at what the situation is with the School Library and explore ways to work together to assist them in getting infrastructure in place. She discussed the importance to support literacy, raise awareness that the library does need support, and work with the other communities in the Killick Coast region.

***Councillor Gallant***

Councillor Gallant thanked colleagues from the Town of Portugal Cove-St. Philips for recently meeting regarding ticket legalization. He advised the meeting was extremely productive, noting both town's CAOs are working well together towards this common goal.

***Councillor Martin***

Councillor Martin congratulated the Tradition Coffee House on their expansion to another location in Mount Pearl. He suggested that Council attend their grand opening to show support.

***Councillor Pollard***

Councillor Pollard discussed Provincial roads in the Community and suggested that the Town take initiative to do repairs to assist our residents. This item to be forwarded to the Public Works and Infrastructure Committee to look into.

***Councillor Roche***

Councillor Roche congratulated all members of the Human Resources and Administration Committee who worked on the Respectful Workplace Policy.

She thanked all Infrastructure and Public Works staff for doing a great job on keeping our roads safe.

***Councillor Thorne-Gosse***

Councillor Thorne-Gosse provided clarification from last meeting on comments regarding Council remuneration - that she agreed to a substantial increase on a previous term of council in position of deputy mayor. She advised she was not on council at that time and she was not in the position of deputy mayor.

She suggested that all Council Members ensure they have correct facts before making comments in the Chambers, so as to not give the wrong impression to the public and relay incorrect information.

**QUESTION & ANSWER SESSION**

Mayor Scott 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 discussed the recent Prostate Cancer Survivor Walk at the Arena.
  - He advised there was great turnout and good support from Council.
  - It was a great place to meet. Lunch was provided, and is a terrific addition to our Community.
  - The event drew people in, and shows that this area can do new and thoughtful things.

**NEXT PUBLIC COUNCIL MEETING**

The next Public Council Meeting is scheduled to take place on Monday, February 26, 2018, at 6:30 p.m., Council Chambers, Torbay Town Hall.

**ADJOURNMENT**

046-18      Motion – Councillor Martin / Councillor Thorne-Gosse

**RESOLVED THAT** the meeting be adjourned at 8:07 p.m., as there was no further business.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche, and Thorne-Gosse)

Against: 0

Abstained: 0

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*Mayor*

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*CAO/Town Clerk*