



**MINUTES**  
**Regular Public Council Meeting**  
**Monday, April 9, 2018, Council Chambers**

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall, on April 9, 2018, at 6:34 p.m.

**COUNCIL PRESENT:** Craig Scott, Mayor  
Justin Martin, Councillor  
Tony Pollard, Councillor  
Peggy Roche, Councillor  
Mary Thorne-Gosse, Councillor

**COUNCIL ABSENT:** Trina Appleby, Deputy Mayor  
Geoff Gallant, Councillor

**STAFF PRESENT:** Ross Houlihan, Economic Development Officer  
Bernie Manning, Director of Infrastructure and Public Works  
Kim Osmond, Office Clerk/Acting Town Clerk  
Brian Winter, Director of Planning

**STAFF ABSENT:** Dawn Chaplin, Chief Administrative Officer/Town Clerk  
Ann Picco, Deputy Clerk

**GALLERY PRESENT:** There were a total of 10 people in attendance.

Mayor Scott asked Members of Council and those in the Gallery to stand for a minute of silence in memory of the victims of the Humboldt Broncos bus crash.

**Motion to appoint Acting Town Clerk**

**RES-89-2018**

Moved by Tony Pollard, seconded by Justin Martin

*RESOLVED THAT in the absence of the Chief Administrative Officer / Town Clerk for the Public Council Meeting of Monday, April 9, 2018, that Office Clerk, Kim Osmond*

*be appointed Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department staff member.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
<b>Justin Martin (Seconded By)</b>	x		
<b>Tony Pollard (Moved By)</b>	x		
Peggy Roche	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.

**1. Agenda/Minutes**

a) Adoption of Agenda

**RES-90-2018**

Moved by Mary Thorne-Gosse, seconded by Peggy Roche

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

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
Justin Martin	x		
Tony Pollard	x		
<b>Peggy Roche (Seconded By)</b>	x		
<b>Mary Thorne-Gosse (Moved By)</b>	x		
	5	0	0

CARRIED.

b) Adoption of Minutes

**RES-91-2018**

Moved by Tony Pollard, seconded by Justin Martin

*RESOLVED THAT the Minutes of the March 26, 2018, Public Council Meeting be adopted with the following change:*

*Councillor Thorne-Gosse asked that it be reflected in in the Minutes that she was not in attendance at the last Planning and Development Committee Meeting held on March 20, 2018, that Councillor Martin chaired the Meeting and that the Mayor was also in attendance.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
<b>Justin Martin (Seconded By)</b>	x		
<b>Tony Pollard (Moved By)</b>	x		
Peggy Roche	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.

**2. Proclamations/Presentations/Question & Answer Session**

a) Proclamation - Human Values Day April 24, 2018

**RES-92-2018**

Moved by Justin Martin, seconded by Peggy Roche

*RESOLVED THAT the Town of Torbay do hereby support the Walk for Values 2018 and proclaim April 24, 2018, to be observed as Human Values Day in the Town of Torbay.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
<b>Justin Martin (Moved By)</b>	x		
Tony Pollard	x		
<b>Peggy Roche (Seconded By)</b>	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.

b) Proclamation - Volunteer Week, April 15-21, 2018

See motion below. Before a vote was held on the below motion, Council discussed the value of our volunteers and the important role they play in our communities.

Mayor Scott welcomed RNC Chief Joe Boland and Roberta Hewitt, Vice Chair of St. John Ambulance, who were in attendance at tonight's Council Meeting. Chief Boland thanked Council for their continued support. He pointed out that this year's theme is "Celebrate the Value of Volunteering," as we often take for granted what our volunteers do in our communities.

Mayor Scott stressed the importance of Volunteers, advising that today, April 9, 2017, was the 44th Anniversary of the Torbay Volunteer Fire Department. He extended a special thank you to Chief Mike McGrath who has been with the Torbay Volunteer Fire Department since the beginning, 44 years ago.

A special thanks to all volunteers within the Community, schools and organizations who help throughout the year.

Council discussed the value of our volunteers and the important role they play in our communities.

It was noted that on Thursday, April 19th, 2018, an Appreciation Reception will be held at the St. Nicholas Hall, 7:00 -8:30 p.m., and all volunteers are welcome to attend.

After discussion a vote was then held on the motion.

**RES-93-2018**

Moved by Peggy Roche, seconded by Justin Martin

*RESOLVED THAT the Town of Torbay declare the period from April 15-17, 2018, to be observed throughout the Town as Volunteer Week.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
<b>Justin Martin (Seconded By)</b>	x		
Tony Pollard	x		
<b>Peggy Roche (Moved By)</b>	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.

c) Question & Answer

Mayor Scott referred to the Gallery and asked if anyone would like to present to Council.

There were two comments from the Gallery:

- 1) Spokesperson for regarding land rezoning in the area of Great Pond. The Resident/Applicant discussed zoning in the water shed area and history of her family's property, advising the family has put forth a number of development applications without support from Council. She questioned property taxes in the area

and possible reimbursement for property owners. It was noted that a motion was put forth in 1995 concerning land in the watershed area.

2) Resident questioned the new Town Civic Web Portal, inquiring as to when the Council package would be available on the new Town portal. Mayor Scott advised that it was currently under review and will be available in the very near future.

### 3. Mayor's Report

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

Opening and Closing Ceremonies of the Triple AAA Bantam Hockey Tournament and Championship Game. Mayor advised that it was a fast, talented hockey tournament, and he's pleased that the Town of Torbay was able to host.

Jack Byrne Regional Annual General Meeting last week.

### 4. Business Arising

- a) Business Arising Report, dated April 9, 2018

The Business Arising Report was accepted as presented.

### 5. Correspondence

- a) St. John's and District Labour Council

Invitation to participate in the Annual Wreath Laying Ceremony observing the National Day of Mourning for Workers Killed or Injured in the Workplace. The Ceremony will be held in the lobby of the Confederation Building on Saturday, April 28, 2018 at 12:00 noon. **Referred to Human Resources and Administration Committee.**

- b) MP Lakeland - Motion 167 Rural Crime Study

Request for support regarding motion that will be tabled in the House of Commons asking the Standing Committee on Public Safety and National Security to assess crime in rural communities across Canada. **Referred to Human Resources and Administration Committee.**

### 6. Committees of Council

#### 6.1. Community Services & Economic Development

##### 6.1.1. Community Services and Economic Development Report

No report, as an updated item was referred back to Committee for further discussion.

## 6.2. Finance

### 6.2.1. Corporate Services

Minutes of the Corporate Services Committee Meeting, dated April 4, 2018

Items discussed included:

1. Invoice approval, cheque register & expense report were reviewed.
2. Opening of Bank Account for 2017-2020 Multi Year Capital Works Program  
The motion to open a new bank account was deferred at the last council meeting (March 26). CAO confirmed that opening a separate bank account to pay project expenditures is a requirement of the funding agreement.

See motions below.

3. Borrowing Town's portion of the 2017-2020 Multi Year Capital Works Program.

Councillor Pollard advised that the motion to borrow the Town's portion related to the 2017-2020 Multi Year Capital Works Program was deferred at last Council meeting (March 26, 2018). Committee agreed to bring forth a recommendation to Council for a 15 year amortization as it will save the Town \$102,660 based on current day rates.

Committee had recommended that the Town accept the proposed extended scope from the Owner's Advisor, Architecture 49, for the Design Build of the Community Centre Project. After some discussion, Council agreed to defer for further review and clarification, as some work in the proposal from the consultant to move forward would have been covered off by project management.

See motions below.

#### 4. Audit 2017

It was confirmed that the audit of the 2017 financial reports will commence on April 9, 2017. Also confirmed that the adopted 2017 Annual Expenditure Report for the Gas Tax Agreement has been signed by Mayor Scott and submitted to Department of Municipal Affairs and Environment.

#### 5. Meeting Schedule

Committee meeting schedule going forward. The Public Works and Finance Committee meetings will be held back to back at the Town Hall, on the Wednesday of the "off Council Week". Public Works will take place at 11am, followed by Finance at 12:00pm.

6. Budget

CAO requested a review of the budget process at an upcoming meeting, in preparation for the 2019 budget cycle. CAO provided Committee with a copy of the income and expenditure reports to date. Committee Chair will provide an update to all Council at the next Council meeting.

7. Procurement

Councillor Pollard advised that a review of current procurement processes is underway and that a series of changes will be forthcoming to ensure compliance with the new Procurement Act.

8. Community Centre

Further to the motion passed at the March 12, 2018 Council meeting regarding the award of project management services regarding all aspects of the community center project, namely construction, procurement, communication, the capital campaign and the operational model; to avoid duplication of services and utilize the most efficient use of tax payers dollars, Committee is recommending the termination of the contract with Architecture49. This is permitted under the contract, by providing 14 days written notice. This has been discussed with the Department of Municipal Affairs and Environment.

See motion below.

**RES-94-2018**

Moved by Tony Pollard, seconded by Peggy Roche

*RESOLVED THAT the Town of Torbay open a separate bank account to pay project expenditures as part of the 2017-2020 Multi Year Capital Works Program.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
Justin Martin	x		
<b>Tony Pollard (Moved By)</b>	x		
<b>Peggy Roche (Seconded By)</b>	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.

**RES-95-2018**

Moved by Tony Pollard, seconded by Peggy Roche

*RESOLVED THAT the Town of Torbay borrow \$1,341,996.00 from RBC Royal Bank to pay expenditures related to the 2017-2020 Multi Year Capital Works Program. This loan will be amortized over fifteen years, with a fifteen year term. The interest rate will be set at 3.81% and a payment of \$9,799.00 per month. This is a budgeted item for 2018. This loan is subject to the Department of Municipal Affairs and Environment approval.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
Justin Martin	x		
<b>Tony Pollard (Moved By)</b>	x		
<b>Peggy Roche (Seconded By)</b>	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.

**RES-96-2018**

Moved by Tony Pollard, seconded by Peggy Roche

*RESOLVED THAT Further to the Owner's Advocate agreement between the Town of Torbay and Architecture49 Inc. dated September 7, 2016 as it pertains to the Kinsmen Community Centre Design-Build Project, DMA Project #17-MYCW-16-00115 and as per Article 6.2 of Schedule C of the agreement, that the Town of Torbay serve notice to Architecture49 Inc., that the agreement shall be terminated within fourteen days of Architecture49 Inc.'s receipt of written notice.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
Justin Martin	x		
<b>Tony Pollard (Moved By)</b>	x		
<b>Peggy Roche (Seconded By)</b>	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.



6.2.2. Corporate Services Report

Items discussed included:

Payroll for the period of March 24th to April 6th, 2018, for 34 employees and first quarter remuneration for Council totalled \$ \$98,213.63.

For the period of March 24th to April 6th, 2018, invoices in the amount of \$166,971.97 were processed.

The following eight (8) invoices totaling \$626,186.10 were presented for approval. See motion below.

**RES-97-2018**

Moved by Tony Pollard, seconded by Peggy Roche

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

<b>Invoice #</b>	<b>Vendor and Detail</b>	<b>Amount</b>
18-042	Core Engineering	\$10,350.00
1921	North Atlantic – Diesel for Depot Tanks	\$6,605.95
14293948	Newfoundland Power	\$13,061.03
March 16-31, 2018	General Receiver – Payroll Deductions for March 16-31, 2018	\$35,689.99
90649216	Stewart McKelvey Stirling Scales	\$10,584.89
19055	Waterwerks Communications	\$6,900.00
19056	Waterwerks Communications	\$16,675.00
Progress Claim#1	Marco Services Limited	\$526,319.24
	<b>Total</b>	<b><u>\$626,186.10</u></b>

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
Justin Martin	x		
<b>Tony Pollard (Moved By)</b>	x		
<b>Peggy Roche (Seconded By)</b>	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.

6.3. Human Resources and Administration

6.3.1. Human Resources and Administration Committee Update

No report as there were no Committee Members in attendance.

6.4. Planning and Land Use Development

6.4.1. Planning and Development

Minutes of the Planning and Development Committee Meeting, dated April 3, 2018

Items discussed included:

1. Development Proposals

Proposal from property owner 2-6 Shea's Lane to subdivide the property to accommodate a second building lot.

Committee discussed the email correspondence from the Department of Environment.

It was agreed that a recommendation would be put forward to approve the application with conditions: one of which would be the requirement for a permit from the Department of Environment, along with all the original conditions that were put in place on the property originally.

The application will be dealt with in the Building Application Report dated April 6, 2018 under application number C2017-145.

2. Correspondence from property owner of 1322-1332 Torbay Road.

Committee reviewed the correspondence, it was agreed that while it would be ideal if the Town could purchase the property to protect it. The Town is not in the land banking business.

3. Other Items

Correspondence from property owner in the Great Pond area seeking approval to have land rezoned to a residential use for the purpose of developing eight unserviced building lots.

It was noted that after the Planning Committee meeting there was a Committee of The Whole meeting to discuss the Great Pond proposal.

At that meeting, the Director gave an overview of the proposal along with an overview of the area. The area in question is zoned Watershed in both the Town's Municipal Plan and Development Regulations and in the St. John's Urban Region Regional Plan. The area is also listed as a potential water supply on the Provincial Governments water resources portal.

After much discussion, Committee of the Whole agreed that the application to rezone the property to a residential use to facilitate the development of eight unserviced building lots should be refused.

Committee of the Whole agreed that Great Pond has been in watershed protection since the late 1970's. Council of the day had the foresight to protect the pond as a future water supply for the Town and until the pond is proven not required or useable for a water supply then it should remain protected.

See motion below.

Before a vote was held on the motion, Council discussed, commenting on the below:

This has been something ongoing for a number of years. Council must be mindful when making decisions in the allocated watershed area that this is a potential water source for the Town in the future.

Hopefully solutions can be found in the future to help residents that have land they are unable to develop.

This really signifies the importance of the Town's water supply issue. The issue of compensation should be a separate conversation.

Council has to protect residents who have land tied up and look into the possibility of the land owner being compensated. This could be something addressed at the next municipal convention.

The Town is in a precarious situation with our water source. According to the Town's last water study, Great Pond was identified as a potential water source. The area is already in the protected water shed area, therefore, Council really has no choice but to keep it protected.

After discussion, Council then voted on the motion.

**RES-98-2018**

Moved by Mary Thorne-Gosse, seconded by Justin Martin

*RESOLVED THAT the Town of Torbay refuse the request to have land within the Great Pond watershed area rezoned to a residential use. Council is still of the opinion that the pond should be protected as a possible future water supply for the Town.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
<b>Justin Martin (Seconded By)</b>	x		
Tony Pollard	x		
Peggy Roche	x		
<b>Mary Thorne-Gosse (Moved By)</b>	x		
	5	0	0

CARRIED.

6.4.2. Applications Approved

Applications Approved Report, dated April 5, 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>
C2018-022	61 Roblin Place	Extension to Single Family Dwelling
C2018-023	135 North Pond Road	Accessory Building

6.4.3. Building Applications

Building Application Report, dated April 5, 2018

**RES-99-2018**

Moved by Mary Thorne-Gosse, seconded by Peggy Roche

*Building Applications to be Approved*

*Application: C2017-145*

*Location: Portion of 2-6 Shea's Lane*

*Proposal: Single Family Dwelling*

*Zoning: Residential Medium Density (RMD)/Conservation (CON)*

*RESOLVED THAT the Town of Torbay approve Application D2017-145, under the Building Application Report, dated April 5th, 2018, subject to the following conditions:*

- 1. All normal conditions and requirements for building within the Town of Torbay.*
- 2. It is recommended that the property owner be permitted to construct a portion of his dwelling (not more than 5 meters) within the 15 meter stream reservation.*
- 3. A permit from the Department of Environment and Conservation is required as per email correspondence from the department dated March 27, 2018.*
- 4. Any building being constructed on the property shall be built to a grade that will reduce the probability of potential flooding from the nearby stream.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
Justin Martin	x		
Tony Pollard	x		
<b>Peggy Roche (Seconded By)</b>	x		
<b>Mary Thorne-Gosse (Moved By)</b>	x		
	5	0	0

CARRIED.

6.5. Protective Services and Public Safety

6.5.1. Protective Services and Public Safety Committee

Report for Protective Services and Public Safety Committee Meeting, dated April 9, 2018

1. Residential Traffic Calming

A resident letter is in draft format and will be circulated to residents on Mahon's Lane, Convent Lane, Country Drive and Patrick's Path within the next couple of days. The letter will outline the proposed speed calming solutions identified, with feedback requested by April 19, 2018. Feedback will be reviewed with Committee before bringing forth a recommendation to Council. The consultants advised that implementation of speed calming measures on these four streets can be tendered and implemented in the 2018 construction season, pending the decision of Council.

Speed calming measures have been requested on Karon Drive and Quigley's Lane. Traffic counts on these local roads will take place in the next 7-10 days.

A resident petition from Indian Meal Line will be brought forward for discussion at the next Committee meeting. This petition is an outstanding item from the last term of Council.

Council discussed there was a meeting held last term of Council with the Minister of Transportation and Works regarding Indian Meal Line. At the time, it did not meet our speed calming policies as it's a provincially owned road, and the Province does not allow speed calming measures.

It has been confirmed that the Town has received email correspondence confirming the City of St. John's will be updating the Regional Transportation Plan. Once this work commences, Torbay residents will be able to provide input on regional transit through the completion of a survey.

## 2. Torbay Road Sidewalk Plan and Roundabout

An update is being sought from FCM regarding the status of the funding application for sidewalks along Torbay Road and a roundabout at Marine Drive.

## 6.6. Public Works and Infrastructure

### 6.6.1. Public Works and Infrastructure

Minutes of the Protective Services and Public Safety Committee Meeting, dated April 4, 2018

Items discussed included:

#### 1) MYCW 2017-2021

Community Center Project – the project is moving along with design work continuing. The contractor has mobilized and has begun the civil work in preparation for the building footings. Footings are scheduled for completion end of April.

#### 2) Recreational Facilities

Multi-Purpose Court UTC – the final surfacing to be completed in the spring.

Junior Softball Pitch – ongoing with approximately 35% of the project has been completed with subgrade and preliminary layout complete.

Summer Planning and scheduling has begun with Grand Concourse.

UTC Softball Clubhouse – renovations of the building will begin next week with a complete upgrade of the interior facility.

3) Correspondence & Action Report Items

Skippers Landing – the Town’s municipal consultants have completed tender documents as well as pretender estimates. The project cost is much higher than anticipated and the committee is recommending deferring project until budget funds are allocated during the next round budget reviews.

Council discussed the below:

Costs could be a lot higher than initially thought, and funding may have to be reallocated. It was suggested to defer and look at it in the Fall.

It was questioned how much money was budgeted for this work. The original scope of work was formatted based on maintenance in the area. It was suggested that if the budget is not there, it should be deferred and the situation monitored closely.

**7. Liaison Committees**

- a) Jack Byrne Regional Sports and Entertainment Centre  
No report.
- b) Northeast Avalon Joint Council  
No report.
- c) Torbay Harbour Authority  
The Harbour Authority has no issues with the access road to the harbor and that they are looking forward to this year's season.
- d) Torbay Volunteer Fire Department  
No report.
- e) Urban Municipalities Committee  
No report.

**8. Notices of Motion**

**9. New Business**

- a) **Mayor Scott**

Mayor highlighted birthdays in the month of April and wished a Happy Birthday to Councillor Pollard.

He extended a thank you to the Torbay Volunteer Fire Department on 44 years of service.

Mayor expressed his condolences to the Town's Assessment and Taxation Clerk on the recent passing of her father.

b) ***Deputy Mayor Appleby***

Absent

c) ***Councillor Gallant***

Absent

d) ***Councillor Martin***

Councillor Martin congratulated the Torbay Volunteer Fire Department and Fire Chief Mike McGrath on their 44th Anniversary in our Community.

e) ***Councillor Pollard***

Passed

f) ***Councillor Roche***

Councillor Roche congratulated the Torbay Volunteer Fire Department and Fire Chief Mike McGrath on their 44th Anniversary in our Community.

She highlighted the success of Olympic Medalist Kaetlyn Osmond.

g) ***Councillor Thorne-Gosse***

Passed

**10. Question & Answer Session**

- a) There were no comments from the Gallery.

**11. Next Public Council Meeting**

- a) The next Public Council Meeting is scheduled to take place on Wednesday, April 25, 2018, at 6:30 p.m. Council Chamber, Torbay Town Hall.



**12. Adjournment**

a) Adjournment of Meeting

**RES-100-2018**

Moved by Justin Martin, seconded by Tony Pollard

*RESOLVED THAT the meeting be adjourned at 7:50 p.m., as there was no further business.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Craig Scott	x		
<b>Justin Martin (Moved By)</b>	x		
<b>Tony Pollard (Seconded By)</b>	x		
Peggy Roche	x		
Mary Thorne-Gosse	x		
	5	0	0

CARRIED.

\_\_\_\_\_  
CAO/Town Clerk

\_\_\_\_\_  
Mayor