

Public Meeting of Witless Bay Council  
June 9, 2020

Attending: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Dale O'Driscoll, Vince Swain

Regrets: Councillor David Ryan

Staff: Geraldine Caul  
Barb Harrigan

1. Mayor Moran opened the meeting at 7:42 p.m. and apologized to the public for Council's delayed opening.
2. *Adoption of Agenda of June 9, 2020:*

**2020-80** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll  
Moved to adopt the agenda of June 9, 2020.  
Amendment: Councillor Vince Swain/Deputy Mayor Maureen Murphy  
Moved to include under 7 j) Generator system for the Puffin Centre  
Amendment carried unanimously.  
Motion to adopt the agenda as amendment carried unanimously.
3. *Adoption of Minutes of Meeting of May 19, 2020:*

**2020-81** Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy  
Moved to adopt the Minutes of Public Meeting of May 19, 2020.  
Motion carried unanimously.
4. *Business Arising from Minutes:*
  - a. Standing Offers 2020-2021

**2020-82** Councillor Fraser Paul/Councillor Vince Swain

Moved that the Standing Offer be awarded to O'Brien's Trucking Ltd.

Discussion: Councillor Fraser Paul explained that an average was done for Class A and B, and for the equipment, and that O'Brien's Trucking Ltd. came in the lowest overall based on the average.

Motion carried unanimously.

- b. Town of Witless Bay Regulations Manual (Notice of Motion of May 19, 2020)
  - 1. Building Regulations
  - 2. Fence Regulations
  - 3. Occupancy and Maintenance Regulations

Deputy Mayor Maureen Murphy reported that on May 19, 2020 a Notice of Motion (2020-60) was made to adopt the following Regulations:

1. Building Regulations; 2. Fence Regulations, 3. Occupancy and Maintenance Regulations.

- b(1) **2020-83** Deputy Mayor Maureen Murphy/Councillor Fraser Paul  
Moved to adopt the Town of Witless Bay Building Regulations 2019.  
Motion carried unanimously.

**2020-84** Deputy Mayor Maureen Murphy/Councillor Vince Swain  
Building Standards

Whereas the *Municipalities Act, 1999 (the Act)* is the legislation governing municipalities in the Province of Newfoundland and Labrador;

And Whereas section 414. (1) (d) of the *Act* requires that municipalities adopt regulation controlling and respecting the design, construction, alteration, reconstruction, minimum lot size and occupancy of buildings and classes of buildings and the demolition, removal, relocation and maintenance of buildings;

And whereas section 414 (3) of the *Act* requires that in making regulations under paragraph (1) (d), a Council shall adopt the National Building Code of Canada and supplements or amendments to that Code and may adopt standards which exceed the requirements of that Code and its supplements and amendments.

And Whereas the Town of Witless Bay has adopted the *Town of Witless Bay Building Regulations 2019 (the Regulations)*;

And Whereas the *Regulations* defines "building" as a structure, erection, excavation, alteration, or improvements placed on, over or under land or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial, and other similar uses;

Therefore Be It Resolved that all buildings constructed within the Town of Witless Bay be constructed in accordance with the standards of the National Building Code of Canada and supplements or amendments to that Code.

Motion carried unanimously.

**2020-85** Deputy Mayor Maureen Murphy/Councillor Fraser Paul  
Compliance with Building Standards

Whereas the Town of Witless Bay Council has adopted the National Building Code of Canada and supplements or amendments to that Code as the building standard for all buildings constructed within the municipality;

And Whereas the Town of Witless Bay does not have the resources to undertake building inspections on any buildings constructed within the municipality;

And Whereas the Town of Witless Bay has adopted a motion that all building constructed within the Town of Witless Bay be constructed in accordance with the standards of the National Building Code of Canada and supplements or amendments to that Code;

Therefore Be It Resolved That the requirement to comply with all building standards of the National Building Code of Canada and supplements or amendments to that Code within the Town of Witless Bay is the responsibility of the developer or building owner.  
Motion carried unanimously.

b(2) **2020-86** Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy  
Moved to adopt the Town of Witless Bay Fence Regulations.  
Fence Regulations

Whereas the *Municipalities Act, 1999 (the Act)* is the legislation governing municipalities in the Province of Newfoundland and Labrador;

And Whereas section 414. (2) (hh) of the *Act* authorizes municipalities adopt regulation prescribing the height and type of construction of fences and requiring the owner or occupier of a lot abutting on a public highway within the municipality to fence the lot and keep and maintain the fence in repair to the satisfaction of the council.

And Whereas the Town of Witless Bay has adopted the *Town of Witless Bay Fence Regulations 2020 (the Regulations)*;

And Whereas the Regulations defines "fence" as includes railing, wall, like of posts, wire, gate, boards or other similar substances used for the purpose of privacy and protection to separate or divide any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto or to establish a property

boundary and shall include hedges, shrubs and landscaping features which are used for these purposes;

Therefore Be It Resolved That all fences constructed within the Town of Witless Bay be constructed in accordance with the standards of the *Town of Witless Bay Fence Regulations 2020*.

Motion carried unanimously.

b(3) **2020-87** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll  
Occupancy and Maintenance Regulations

Whereas the Province of Newfoundland and Labrador has enacted Occupancy and Maintenance Regulations under section 36. (2)(f) of the Urban and Rural Planning Act;

And Whereas the Town of Witless Bay has adopted a motion that all building constructed within the Town of Witless Bay be constructed in accordance with the standards of the National Building Code of Canada and supplements or amendments to that Code;

Therefore Be It Resolved That the Town of Witless Bay adopt the Provincial Occupancy and Maintenance Regulations and request the Department of Municipal Affairs and Environment to prepare a request for Ministerial approval and publication of the Town of Witless Bay being added to the schedule of Towns who have adopted these Regulations.

Motion carried unanimously.

c. Town of Witless Bay Benefits Manual (Notice of Motion of May 19, 2020):

Councillor Dale O'Driscoll reported that on May 19, 2020 a Notice of Motion (2020-61) was made to adopt the Benefits Manual at the June public meeting.

**2020-88** Councillor Dale O'Driscoll/Councillor Fraser Paul  
Moved to adopt the Town of Witless Bay Benefits Manual.  
Motion carried unanimously.

d. Town of Witless Bay Policies and Procedures Manual (Notice of Motion of May 19, 2020):

Deputy Mayor Maureen Murphy reported that on May 19, 2020 a Notice of Motion (2020-062) was made to adopt the Policies and Procedures Manual at the June Public meeting.

**2020-89** Deputy Mayor Maureen Murphy/Councillor Vince Swain  
Moved to adopt the Town of Witless Bay Policies and Procedures Manual.  
Motion carried unanimously.

- e. Application to construct residential dwelling on Lot 11 Dean's Road - deferred at May 19, 2020 public meeting pending a development plan [concept plan per Town Planner's Report] from the development -

Councillor Fraser Paul reported that he spoke with the applicant and that he was waiting to hear from Services NL and the Town Planner. He expected to have this information within the next two weeks. He noted this was for information only.

- f,g,h,m f. Request to have a culvert cleaned out at 10 Lower Loop Road; g. Request to have a drain cleaned out by 220 Gallows Cove Road; h. Ditch clean out, grading and shouldering and m. clean up excess sand/torn sold on sides of roads: Public Works grouped these items together.

**2020-90** Councillor Fraser Paul/Councillor Dale O'Driscoll  
Moved to empower the maintenance workers to do what work they can do. Public Works will meet with them to discuss this and once determined, they can move forward and Council can use the standing offers to do the rest of the work.  
Motion carried unanimously.

- i. Speed bumps vs pavement marking:

**2020-91** Councillor Fraser Paul/Councillor Vince Swain  
Moved that Council to use pavement markings over speed bumps for 2020 season.  
Motion carried unanimously.

- j. Fencing for playground:

**2020-92** Councillor Vince Swain/Councillor Fraser Paul  
Moved to accept the pricing from Provincial Fencing for \$5,968 to replace fence on playground.  
Motion carried unanimously.

- k. Trench out overflow: Councillor Fraser Paul reported that public works looked at this with a contractor and determined they would defer this until a later date.

- l. Ground work for recreation: Councillor Fraser Paul reported that public works are assessing this and will defer until the next public meeting.

- m. Clean up excess sand/torn sod on sides of road:

**2020-93** Councillor Fraser Paul/Councillor Vince Swain  
Moved to proceed with this work under Standing Offers.  
Motion carried.

Public Works determined that they would actually include this item with the other grouped items f, g, and h.

- n. 47-115 Dean's Road: Councillor Fraser Paul reported that Public Works will be meeting with the Town Planner on June 15<sup>th</sup> and they will be able to make a decision based on that.

5. *Public Works & Infrastructure:*

- a. Residential dwelling on 166-168 Southside Track:

**2020-94** Councillor Vince Swain/Councillor Fraser Paul  
Moved to approve application to construct a residential dwelling on 166-168 Southside Track pending approval from Service NL and any other government agencies having jurisdiction.  
Motion carried unanimously.

- b. Residential dwelling on 155 Harbour Road:

**2020-95** Councillor Fraser Paul/Councillor Vince Swain  
Moved to approve application to construct a residential dwelling on 155 Harbour Road pending submission of a complete survey to the Town, and pending approval from Service NL and any other government agencies having jurisdiction.  
Motion carried unanimously.

- c. Single story garage on 155 Harbour Road:

**2020-96** Councillor Fraser Paul/Deputy Mayor Maureen Murphy  
Moved to approve application to construct a single story garage on 155 Harbour Road pending submission of a complete survey to the Town.  
Motion carried unanimously.

- d. Residential dwelling on Jockey's Lane:

**2020-97** Councillor Fraser Paul/Councillor Vince Swain  
Moved to defer this application to seek information from Town land owners and applicant.  
Motion carried unanimously.

e. Garage on 18 Tamarack Drive:

**2020-98** Councillor Vince Swain/Councillor Fraser Paul

Moved to approve application to construct a garage on 18 Tamarack Drive.

Motion carried unanimously.

f. Garage on 72 Country Path Drive:

**2020-99** Councillor Vince Swain/Councillor Fraser Paul

Moved to approve application to construct a garage on 72 Country Path Drive.

Motion carried unanimously.

g. Garage on 17 Andrew's Lane:

**2020-100** Councillor Vince Swain/Councillor Fraser Paul

Moved to approve application to construct a garage on 17 Andrew's Lane.

Motion carried unanimously.

h. Garage on 40-42 Carter's Road:

**2020-101** Councillor Vince Swain/Councillor Fraser Paul

Moved to approve application to construct a garage on 40-42 Carter's Road

Motion carried unanimously.

i. Baby barn on 253 Dean's Road:

**2020-102** Councillor Fraser Paul/Deputy Mayor Maureen Murphy

Moved to approve application to construct baby barn on 253 Dean's Road.

Motion carried unanimously.

j. Armour stone at 57 Bear's Cove Road:

**2020-103** Councillor Fraser Paul/Councillor Dale O'Driscoll

Moved to approve armor stone at 57 Bear's Cove Road.

Motion carried unanimously.

k. Operate a business on 93-95 Harbour Road:

**2020-104** Councillor Fraser Paul/Councillor Vince Swain

Moved to approve application to operate a business on 93-95 Harbour Road.

Motion carried unanimously.

6. *Finance:*

a. Approval of payable chart:

**2020-105** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll  
Moved to approve payment of payables chart in the amount of \$18,397.60.  
Motion carried unanimously.

b. Financial Report - Information purpose.

c. Quote for custom Town Flag:

**2020-106** Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy  
Moved to accept the quote for 12 custom Town Flags at \$1,104.00 before taxes from  
Windco Enterprises Ltd.  
Motion carried unanimously.

7. *Other Business and Correspondences:*

a. Motion to close out Capital Works Project #17-MCW-18-00035 Washrooms & Change rooms on Playground:

Councillor Vince Swain declared a conflict of interest on this item because his company worked on this project. Councillor Swain left the meeting at 8:29 p.m.

**2020-107** Deputy Mayor Maureen/Councillor Dale O'Driscoll  
Moved that Council close out Capital Works Project #17-MCW-18-00035, Washrooms & Change rooms on playground.  
For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Vince Swain and Fraser Paul.  
Against: 0  
Abstained: Councillor Vince Swain who declared a conflict of interest.  
Motion carried.

Councillor Swain returned to the meeting at 8:32.

b. Correspondence - Fisheries & Oceans RE: Transfer of DFO property to Town of Witless Bay: Mayor Derm Moran reported that Council intends to meet with DFO and will try to have the Provincial and Federal members attend this meeting.

c. Correspondence related to excavation on Mullowney's Lane: Council reported that this was dealt with through correspondence previously, and determined this item to be for information purpose.



- d. Correspondence related to culvert installation on 69 Bear Cove Road: Councillor Fraser Paul reported that there is an appeal filed on this, and therefore, Council cannot speak on this matter.
- e. Correspondence related to flooding on 8 Green Hill Drive: Public Works reported that they would do a site visit, and determine if there was anything that the maintenance worker could do. Public Works said they would follow up on this.
- f. Correspondence related to blockage in ditches by the area of 7 Spruce Court: Councillor Swain reported they would look at this with the maintenance worker, and that this item could be included in the motion with the previous items under 4. f, g, h, & m.
- g. Correspondence related to use of Puffin Centre: Councillor Dale O'Driscoll reported that the BBBAA was looking at facilities to provide a summer camp for children, and were looking to see what is available during July and August, for when the province enters Level 2. Councillor O'Driscoll noted that the Town's Puffin Centre could be available to the BBBAA for this purpose during the day time.

**2020-108** Councillor Dale O'Driscoll/Councillor Fraser Paul

Moved to allow the BBBAA day use of the Puffin Centre for the summer program, if needed.

Motion carried unanimously.

- h. BBBAA Financial Reports: Information only.
- i. Notification from Eastern Newfoundland Regional Appeal Board of appeals related to Mullowney's Lane, Dunn's Lane and Bear Cove Road (Information only).
- j. Generator for Puffin Centre:

**2020-109** Councillor Vince Swain/Councillor Fraser Paul

Moved that public works get a price and install a generator into the Puffin Centre at an approximate cost around \$10,000 - \$12,000 for emergency purposes.

Motion carried unanimously.

- 8. **2020-110** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Moved to adjourn the public meeting at 8:43 p.m.

Motion carried unanimously.