

Public Meeting of Council
March 8, 2022

Attending:

Mayor Trevor Croft
Deputy Mayor Lorna Yard
Councillor Jacob Hayden
Councillor Ralph Carey
Councillor Gerard Dunne
Councillor Alex Troake

Regrets: Councillor Nancy Burke

Staff: Shawn Kavanagh

1. Mayor Trevor Croft Called the meeting to order at 7:30PM.
2. Appt. of Acting Town Clerk (for meeting)
2022-058- Councillor Jacob Hayden/Councillor Gerard Dunne
Move that council appoint Shawn Kavanagh Acting Town Clerk.
Motion carried unanimously.
3. Adoption of Agenda of March 8, 2022
2022-059 Councillor Nancy Burke/Councillor Ralph Carey
Motion to amend agenda to include update from Community enhancement committee under committees.
Motion carried unanimously.
4. Adoption of amended agenda for March 8, 2022.
2022-060 Councillor Nancy Burke/Councillor Ralph Carey
Motion carried unanimously.
5. Adoption of Public Meeting Minutes of February 8, 2022
2022-061 Deputy Mayor Yard/Councillor Dunne
Motion carried unanimously.
6. Adoption of Special Public Meeting Minutes of February 17, 2022
2022-062 Councillor Carey/Deputy Mayor Yard
Motion carried unanimously.

7. **Business Arising from Minutes**

a. BBBA – Request to reconsider funding amount

2022-063 Councillor Burke/Councillor Hayden

Move that council approve the BBBA's request of \$50,000 funding.

2022-064 Councillor Troake/Councillor Hayden

Move that the motion be amended to say "subject to receipt of 2021 audited financial statement as per the MOU".

Motion carried unanimously.

Discussion: Councillor Burke

I'd like to start by saying there was a difference in the expectations of the Town and those of the Bay Bulls to Bauline Athletics Association regarding the Memorandum of Understanding between the Town of Witless Bay and The BBBA. There was a signed MOU that extends the deal to the end of 2022. The BBBA was hoping that the amount of \$50,000 would be a part of the extension.

To the Town of Witless Bay, the \$50,000 contribution was a one-time thing made possible by COVID funding provided by the government. The signed MOU makes no mention of an amount. It states neither that the Town would contribute \$50,000 again nor that it would return to the \$37,000. The Town honored the MOU as it was written and approved a contribution of \$37,000. Subsequently, the BBBA has requested that the Town reconsider its contribution amount and keep it at \$50,000.

If the Town of Witless Bay were to return to the funding level of \$37,000 this would put the extra funding from Bay Bulls in jeopardy also. This could potentially lead to cuts in programming. The Covid pandemic has had a tremendous financial impact on the organization, though there have been no change in the organization's costs. The annual auction fundraiser has not been held since 2019 due to the pandemic.

The BBBA has been financially supportive of our community, providing funding to upgrades to our pool area as well as contributions to the Kinsmen and 50+ Club. There has never been a time where Recreation has been so important to the people of our communities, especially our youth. If we do not give them the funding they need to stay afloat, we hinder their ability to help us gain funding and to plan and execute community events and activities.

Discussion: Councillor Troake

The BBBA submitted a letter to the Town on November 1 thanking council for the \$50000 contribution in 2021 and requesting consideration be made

maintaining an annual grant for \$50,000 for operating. At the public meeting on November 9 council agreed to consider the request as part of the 2022 budget process. The BBAA has indicated the Town signed an MOU guaranteeing an annual operating grant of \$50,000, however there is no reference to this in the minutes of previous council, no paper or digital copy exists and repeated requests to the BBAAA have not resulted in a signed MOU being submitted to the Town.

On March 10 2020 Deputy Mayor Maureen Murphy moved a motion that council sign an MOU with BBAA for three years ending on December 31, 2022. The MOU requires an annual contribution of \$37,000 from the Town of Witless Bay which is matched by the Town of Bay Bulls. Together that contribution from both Towns is broken down into \$55,000 for the regional Recreation Director position.

The \$37,000 agreement reflects the organization's operating costs.

Discussion: Deputy Mayor Yard

As a member of the finance committee, I too have a lot of questions and I cannot support additional funding right now. I hope whatever way the vote goes it is certainly not the end of the relationship with the BBAA and the Town of Witless Bay.

It's just right now we are playing catch up as a town, we've had a lot of flooding damage, there are costly repairs needed at the fire hall, and it is great that Bay Bulls has the additional funding available to contribute, but Bay Bulls has a fairly new Town Hall, their infrastructure has been kept up to date, they have a surplus. We don't have any of these things. While I recognize the value of the BBAA, we should absolutely honour our commitment for the \$37,000 and recognize the work they do, but I also get a lot of calls from other committees in the Town requesting for funding for various issues, my concern is if we grant this extra funding, we may not be able to afford to help out with these matters.

Discussion: Councillor Troake: There are issues with the flooding where we may have gaps in the Town Budget. I haven't seen much appreciation for the funding from the BBAA. We can't make it out that if we don't give the BBAA the extra funding we are against recreation, at the end of the day we'd still be living up to our agreement and providing them \$37,000. The focus has been on the \$50,000, but the \$50,000 was a one-time commitment because of COVID.

For the motion: Councillor Hayden, Councillor Burke, Councillor Carey

Against the motion: Councillor Dunne, Deputy Mayor Yard, Councillor Troake, Mayor Croft.

Motion defeated.

b. Crown Land application – Barter's Farm

Councillor Dunne declared a conflict of interest because his employer owns property neighboring the applicant property. Councillor Dunne left the meeting at 7:59pm.

2022-065 Councillor Hayden/Councillor Carey

Move that council reject the application.

Discussion: Councillor Hayden

It has come to our attention that the Town has previously made motion 2012-140, which was moved by councillor Tom Brinston and seconded by Councillor Barb Carey "be it resolved the Town not approve any Crown Land application for agricultural use in excess of one half acre". The motion was carried unanimously. The Town's hands are tied; we have to reject the motion based on our previous council's decisions.

Discussion: Deputy Mayor Yard

In our last public meeting this application came before council. As Fire Department liaison I had concerns about future expansion of the fire department. We deferred the motion and myself and the Town Manager and Fire Chief met with the applicant. We came to the conclusion that the fire department did not have any issues, but as a matter of procedure we would have to refer the matter back to council and the planning committee, and that is when the issue arose. For the motion: Councillor Hayden, , Councillor Burke, Councillor Carey, Deputy Mayor Yard, Councillor Troake, Mayor Croft.

Abstained: Councillor Dunne.

Motion carried.

Councillor Dunne rejoined the meeting at 7:33pm.

c. Crown Land Application - 172-182 Dean's Road

2022-066 Councillor Carey/Councillor Hayden

Move to defer this application. We have received all the information we require from the applicant; we are still waiting on information from Crown Land. We had hoped to have it by the time of this meeting, but we have yet to receive it.

Motion carried unanimously.

d. Crown Land Application – 29-43 Southern Shore Highway – Rescind motion # 2022- 27. Applicant must submit a Discretionary Use application for Agriculture Use.

2022-067 Councillor Carey/Councillor Burke

Move that council rescind motion 2022-027.

Discussion: Councillor Hayden

We approved 2022-027 at the February 8 meeting, we since have received further information from the applicant and the Crown that the requirements had changed and we needed an application for Discretionary Use with this application and it was not provided at the time. For this reason, we have to rescind the motion.

Motion carried unanimously.

e. Cleaning Contract for Municipal Buildings

2022-068 Councillor Troake/Deputy Mayor Yard

Motion to accept lowest bid of Lisa Coffee at \$25 per hour to clean the municipal buildings.

Motion carried unanimously.

8. Correspondence & Other Business:

a. Resident's concerns – Dilapidated residence 174-188 Gallows Cove Road
Discussion: Councillor Carey

Information only: The town has received correspondence from a resident concerning the condition of this residence. The Town will contact the owner of the residence and ask that the dilapidated structure be cleaned up or removed.

Discussion: Councillor Hayden

It is Come Home Year, we will see lots of former residents and tourists visiting the Town this year. Dilapidated and hazardous structures are not something we would like to see left around the community. We want to see The Town be the best it can be.

9. Committees:

Public Works & Infrastructure:

a. 22 Cemetery Road – Application to build single family home

2022-069 Councillor Hayden/Councillor Dunne

Motion to approve application.

Motion Carried unanimously.

b. 61 Country Path Drive – Application to build single family home

2022-070 Councillor Carey/Councillor Dunne

Motion to approve application subject to Service NL or any other government agencies having jurisdiction.

Motion carried unanimously.

c. Lot 1, O'Brien's Road – Application to build single family home

2022-071 Councillor Carey/Councillor Hayden

Motion to defer application

Discussion: Councillor Carey

We are still waiting on information; Lot 1 O'Brien's Road is not a civic address so we need further information before the next meeting.

Motion carried unanimously.

d. 24 Dean's Road – Application to build single family home

2022-072 Councillor Carey/Councillor Dunne

Motion to approve application subject to Service NL or any other government agencies having jurisdiction.

Motion carried unanimously.

- e. 49-51 Butler's Road – Application to build garage/shed
2022-073 Councillor Hayden/Councillor Dunne
 Motion to defer application
 Discussion: Councillor Hayden
 This application came in toward the end of the period for submitting applications. There were a couple of discrepancies we need to iron out. Some information was sent to the Town Planner, we have received a response but some clarifications are needed before we can vote to approve or deny.
Motion carried unanimously.
- f. Lot A – Application to grub land on Dean's Road
2022-074 Councillor Carey/Councillor Hayden
 Motion to approve application
 Discussion: Councillor Hayden
 we are not approving building on this lot, only approving grubbing at this point.
Motion carried unanimously.
- g. Lot B – Application to grub land on Dean's Road
2022-075 Councillor Carey/Hayden
 Motion to approve application
 Discussion: Councillor Hayden: same as previous application, this is just an application for grubbing only.
Motion carried unanimously.
- h. Lot C – Application to grub land on Dean's Road
2022-076 Councillor Carey/Hayden
 Motion to approve application.
 Discussion: Councillor Hayden
 This is another application to grub land only.
Motion carried unanimously.
- i. 6 Aspen Place – Application to operate a personal sawmill
2022-077 Councillor Hayden/Councillor Dunne
 Motion to approve application subject to use being limited to during regular daytime hours, and that its use be restricted to personal use and commercial use is forbidden. If The Town receives complains of commercial usage or the sawmill being used outside of regular daytime hours, The Town will put a stop to it.
 Discussion: Councillor Carey
 Are we defining daytime hours?
 Discussion: Councillor Hayden
 If it becomes an issue somebody will bring it to The Town's attention and The Town will put a stop to it.
Motion carried unanimously.

- j. 30 Murphy's Lane – Application to erect a fence
Councillor Hayden requested Council vote on whether he is in a conflict due to his mother being in a potential land dispute with the property owner.
Councillor Hayden exited the Council Chambers at 8:15 PM.

2022-078 Councillor Carey/Councillor Burke

Motion to declare Councillor Hayden in a conflict with regard to this application.

For the Motion: Councillor Dunne, Councillor Burke, Councillor Carey, Deputy Mayor Yard, Councillor Troake, Mayor Croft.

2022-079 Councillor Dunne/Councillor Carey

Motion to approve application.

For the Motion: Councillor Dunne, Councillor Burke, Councillor Carey, Deputy Mayor Yard, Councillor Troake, Mayor Croft

Councillor Hayden rejoined the meeting at 8:17 PM.

Finance:

- a. Approval of Town of Witless Bay Financial Statements – Gas Tax Report, Dec. 31/21

2022-080 Councillor Troake/Deputy Mayor Yard

Motion to accept the Gas Tax Report as presented by Coombs & Associates

Discussion: Councillor Troake

Our current balance for Gas Tax is \$273,795.

Motion carried unanimously.

- b. Approval of Town of Witless Bay Consolidated Financial Statement, Dec. 31/21
Councillor Dunne declared a conflict due to some bills pertaining to his employer.
Councillor Dunne exited the Chambers at 8:19pm.
Discussion: Councillor Carey
There may be some confusion, as this is approval of a consolidated financial statement, there is nothing to be in conflict about.

2022-081 Deputy Mayor Yard/Councillor Hayden

Motion that Councillor Dunne is not in a conflict of interest pertaining to this agenda item.

For the motion: Councillor Hayden, Councillor Burke, Councillor Carey, Deputy Mayor Yard, Councillor Troake, Mayor Croft.

Councillor Dunne rejoined the meeting at 8:22pm.

2022-082 Councillor Troake/Deputy Mayor Yard

Motion that Council accept the consolidated financial statements prepared by Roger Coombs and Associates for the year ending December 31, 2021.

Discussion: Councillor Troake

The report will be posted on the Town website for the public to review.

Professional fees for 2021 were \$141,363. Of that, \$70,661 was for the law firm Stewart McKelvey. To LW Consulting, the Town spent just over \$26,000. For a communication assistant, \$260. For an evaluation of the CAO position, the Town spent \$782. For recruitment of the Fire Chief, the Town spent almost \$4,000. For CAO recruitment, almost \$6,000. The Town then spent another almost \$2600 to LW Consulting to replace those employees. For union negotiations, The Town spent almost \$13,000.

Motion carried unanimously.

- c. Fire Department - Approval to purchase 13 used bunker gear suits (Cost \$2800.00 plus freight)

2022-083 Councillor Troake/Deputy Mayor Yard

Motion that the Fire Department proceed with the purchase of 13 used bunker suits at the cost of \$2800 plus freight.

Discussion: Councillor Troake

This is a fantastic deal. One new suit would generally cost that same amount.

Though they are used, to have 13 new suits for the Fire Department to use is great.

Discussion: Councillor Hayden

This is a fantastic deal. Some of the suits the Fire Department are currently using for active members are dated 2008.

Motion carried unanimously.

ATV Committee:

- a. Funding Update

Discussion: Councillor Hayden

As the Chairperson of the ATV Association, we are pleased to announce the ATV Association has been awarded a grant of \$5,000 from the MMSB for the Come Home Year Community Cleanup project. This will help with community cleanup and the overall ambiance of the Town.

BBBAA:

- a. Update

Discussion: Councillor Burke

In the past 30 days they have promoted and implemented the After School Program. They have also reopened their indoor soccer program in St. Bernard's and Mobile. They received funding from the Community Healthy Living Fund for equipment and youth programming. They will continue coordination on the after school program and soccer program.

Community Enhancement Committee:

- a. The Committee is focused on developing community engagement for residents of all ages. They have set up a Facebook page to communicate with all residents. They have a virtual event planned for April, please check the Facebook page for updates. The Committee attended the Come Home Year on Sunday evening to discuss involvement in festivities, and the Committee is excited to get things going.

10. **Payable Charts:**

a. Fire Dept. payables

2022-084 Councillor Troake/Deputy Mayor Yard

Motion to approve Fire Department payables in the amount of \$4,894.29.
Motion carried unanimously.

b. Town of Witless Bay Payables

Councillor Dunne declared a conflict due to invoices from his employer being included with the payables.

Councillor Dunne exited the Council chambers at 8:30pm.

2022-085 Councillor Troake/Deputy Mayor Yard

Motion to approve the Witless Bay payable chart in the amount of \$77,605.23

Discussion: Councillor Troake

Snowclearing makes up almost \$40,000, almost \$10,000 is from roadwork. Other than that mostly routine bills.

Discussion: Councillor Hayden

The road work was actually completed in November, but the invoice was only submitted this month.

For the motion: Councillor Hayden, Councillor Burke, Councillor Carey, Deputy Mayor Yard, Councillor Troake, Mayor Croft.

Motion carried.

Councillor Dunne rejoined the meeting at 8:32pm.

11. **Adjournment:**

2022-086 Councillor Burke/Councillor Dunne

Motion carried unanimously.