

1Public Meeting of Witless Bay Council
Minutes
January 19, 2021

Attending:

Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O'Driscoll, David Ryan, Fraser Paul and Vince Swain

Staff:

Pat Curran, CAO,
Geraldine Caul Town Clerk (Recording)
Barb Harrigan

1. Mayor Derm Moran called the meeting to order at 7:30 p.m.
2. Adoption of January 19, 2021 Agenda

2021-01 Deputy Mayor Maureen Murphy/Councillor Vince Swain
Move to adopt the Agenda of January 19, 2021.
Carried unanimously.
3. Adoption of December 8, 2020 Public Meeting Minutes:

2021-02 Councillor Colleen Hanrahan/Councillor Dale O'Driscoll
Move to adopt the Minutes of December 8, 2020 Public Meeting.
Discussion: Councillor Hanrahan noted that she was out of the chamber for both ECT items, so the minutes should be amended to reflect this.
Carried unanimously.
4. Adoption of December 16, 2020 Special Public Meeting Minutes:

2021-03 Councillor Fraser Paul/Councillor Deputy Mayor Maureen Murphy
Move to adopt the Minutes of December 16, 2020 Special Public Meeting.
Carried unanimously.

5. Business Arising from Minutes:
 - a. Witless Bay Development Regulation Amendment #4: 47-115 Dean's Road - Amendment is registered. Information purpose only.
 - b. Witless Bay Municipal Plan Amendment #3, 2019, and Witless Bay Development Regulations Amendment #3, 2019 (Fire Station Site Rezoning, Southern Shore Highway).
 - (i) Resolution to adopt the Town of Witless Bay Municipal Plan Amendment #3, 2019 (map amendment) - Re-designating land on Southern Shore Highway, abutting boundary of Clarity Aquatech Ltd., from Industrial Land Use and Commercial Land Use to Public Land Use, and request the Minister of Environment, Climate Change and Municipalities to Register.

2021-04 Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Whereas Council of the Town of Witless Bay has pursued the acquisition of a parcel of Crown Land with frontage on the Southern Shore Highway to accommodate development of a new fire station and the land which is proposed to be developed requires a rezoning (Development Regulations Amendment) and a redesignation (Municipal Plan Amendment); and

Whereas notices of the proposed rezoning have been publicly advertised and no representations from interested persons have been received for Council to consider; and;

Whereas the Provincial Department of Environment, Climate Change and Municipalities has recently provided an URPS Section 15 Release for the proposed amendments;

I move that Council pass the attached Resolution to adopt the Witless Bay Development Municipal Plan Amendment Number 3, 2019.

Carried unanimously.

- (ii) Resolution to adopt the Town of Witless Bay Development Regulations Amendment #3, 2019 (map amendment) - Re-zoning land on Southern Shore Highway, abutting boundary of Clarity Aquatech Ltd., from Industrial Light Land Use and Commercial Highway Land Use to Public Buildings Land Use, and request the Minister of Environment, Climate Change and Municipalities to Register.

2021-05 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Whereas Council of the Town of Witless Bay has pursued the acquisition of a parcel of Crown Land with frontage on the Southern Shore Highway to accommodate development of a new fire station and the land which is proposed to be developed requires a rezoning (Development Regulations Amendment) and a redesignation (Municipal Plan Amendment); and

Whereas notices of the proposed rezoning have been publicly advertised and no representations from interested persons have been received for Council to consider; and;

Whereas the Provincial Department of Environment, Climate Change and Municipalities has recently provided an URPS Section 15 Release for the proposed amendments;

I move that Council pass the attached Resolution to adopt the Witless Bay Development Regulations Amendment Number 3, 2019.

Carried unanimously.

(iii) Appointment of Commissioner for Modified Public Hearing pertaining to MPA and DRA #3, 2019.

2021-06 Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Move that Council appoint Mr. Wayne Thistle as an independent Commissioner for a Modified Public Hearing to review submissions received in response to the public notice of a modified public hearing and subsequently provide a written report to Council.

Carried unanimously.

- c. Resolution to adopt Development Regulation Amendment #5: Application to amend text of Development Regulations (Regulation 80. (a) - pertains to Subdivision Design Standards).

Councillor Fraser Paul declared a conflict of interest stating he has a live application, and left the meeting at 7:39 pm.

2021-07 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Whereas the Town of Witless Bay Municipal Council wishes to make a minor change to the Subdivision Design Standards contained in the Witless Bay Development Regulations; Be it therefore resolved that the Town of Witless Bay hereby adopts the following text amendment to the Town of Witless Bay Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.

Amend Regulation 80.(a) (Subdivision Design Standards) by deleting the existing and substituting the following:

“(a) The finished grade of streets shall not exceed 12 percent.”

Be it further resolved that the Town of Witless Bay Municipal Council requests the Minister of Environment, Climate Change and Municipalities to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000)

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O’Driscoll, David Ryan and Vince Swain.

Against: 0

Abstained: Councillor Fraser Paul.

Carried.

Councillor Paul returned to the meeting at 7:45 pm.

- d. Community Peaceful Enjoyment Initiative/Committee - Adoption of Terms of Reference.

Councillor Hanrahan noted after making contact with some individuals, there appears to be a lot of interest in the initiative, however, Council has yet to meet for discussions on the Terms of Reference.

2021-08 Councillor Colleen Hanrahan/Deputy Mayor Maureen Murphy

Move that Council further defer discussion on this pending a special meeting to review the terms of reference and the scope of the initiative.

Carried unanimously.

- e. Environment, Climate Change and Municipalities - COVID-19 Stimulus Program, 90/10 application for Enhancements to critical municipal buildings approved in the amount of \$148,695 (Town's portion of cost is \$13,484.18).

2021-09 Councillor Dale O'Driscoll/Councillor Vince Swain

Move that Council accept the letter of offer from Department of Environment, Climate Change and Municipalities under the COVID-19 Stimulus program and allocate \$13,484.18 towards the project.

Carried unanimously.

- f. Motion to release payment to Prime Consultant, DMG Consulting Ltd., in relation to Project #17-MCW-19-00013 Fire Station Feasibility Study, for invoices SJ0425 for \$5750, and SJ0527 for \$13,822.09. (Feasibility Study accepted by Motion #2020-249 on Dec. 8, 2020).

2021-10 Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Further to Council motion #2020-249 accepting final version of the Fire Department Feasibility Study, I move that Council release payments for invoices SJ0425 for \$5750.00, and SJ0527 for \$13,822.09.

I further move that Council advise DTI that the Town has released these final payments.

Carried unanimously.

- g. Southern Shore Arena - Letter of thanks to Council for support. Information only.

6. Proclamations/Presentations/Delegations: None at this time.

7. Correspondences and Other Business:

- a. Logy Bay, Middle Cove, Outer Cove - St. John's Urban Region Regional Plan Amendments #8, 2020 (Former Logy Bay Ski Hill, Maine Lab Road) - Information only.

- b. Epilepsy Newfoundland & Labrador - Purple Day, March 26, 2020 - Information only. Council decided to bring this back on the Agenda for February's public meeting.

- c. Dawn Mercer, DFO - Coastal Community Conservation Opportunities Initiative (CCCOI) request for proposals (RFPs).

Pat Curran, the Town's CAO reported that he had a preliminary discussion with DFO on the scope of this RFP and how and whether the Town should be engaged. The CAO will prepare an information note for Council to consider at the next public meeting.

- d. Appointment of Appeals Commissioner for 2021

2021-11 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Move that the Town of Witless Bay appoint Mitch Moran as Appeals Commissioner for 2020.
Carried unanimously.

- e. Resolution to apply for Federation of Canadian Municipalities (FCM) Municipal Asset Management Program (MAMP).

2021-12 Councillor Fraser Paul/Councillor Colleen Hanrahan

Move that the Town of Witless Bay apply for the Federation of Canadian Municipalities (FCM) Municipal Asset Management (MAMP) Program.
Carried unanimously.

- f. Public meeting agenda packages and late additions of materials.

Councillor Hanrahan expressed the need to follow the Town's policy of accepting agenda items up to 12 noon on Tuesday prior to the public meeting. In doing so, council has time to digest the material and be more informed when making decisions.

- g. Response from DECCM on Waiver of OSR Assessment Criteria.

The Town's CAO reported that further to Council's request for an exemption to Own Source Revenue (OSR) requirement for 2021, the Department has authorized waiver for 2021 with conditions for which Council has to respond to by January 30, 2021.

The conditions outlined in correspondence from DECCM are:

1. *"The town shall submit (to your regional office) by March 30, 2020 an acceptable plan to be implemented in budget 2022, to bring the OSR to the required per capita level.*
2. *The town's 2021 April MOG and May PGTR payments will be withheld until a plan has been accepted and approved by the department. Once the revenue plan is accepted and approved, the withheld April MOG and PGTR payments will be released.*
3. *The town's 2021 October MOG and November PGTR payments will be withheld until the town's 2022 budget has been submitted and the per capita revenue is verified to be at the acceptable level."*

The CAO believes we can comply with their request for a plan, however, it seems a bit premature to be identifying what 2022 budget requirements will look like by March 30, 2021 in advance of revised assessment rolls which the Town usually get in June/July each year, and as well, preliminary census data from the 2021 census that could impact our overall population figures as part of the OSR calculation.

The Town should acknowledge the letter and prepare a draft response, based in part on the points noted above.

- 8. **Committee Reports:**

Finance

- a. Adoption of Finance Committee Summary Report, January 14, 2021.

2021-13 Councillor Dale O'Driscoll/Deputy Maureen Murphy

Move to adopt the Finance Committee Report of January 14, 2021.

Discussion: Councillor Hanrahan inquired about the summer jobs program, asking if there might

be an opportunity for someone, if they are interested, to help with the History of older homes project in the community. The CAO is working on this project, so more information will be available at a later time.

Carried unanimously.

- b. Motions arising from Finance Committee Summary Report.

- b.1. Establish a Safe Restart Operation Reserve.

2021-14 Councillor Dale O'Driscoll/Councillor David Ryan

Move that Council request Ministerial approval to establish a Safe Restart Operating Reserve based on the contribution from the Safe Restart Program.

Further move that the COVID-related expenditures, including the increase to the BBAA and Ken Williams Southern Shore Arena, along with cleaning and other COVID19 related expenses be applied to this reserve.

Carried unanimously.

- b.2. Quotation for waxing at Puffin Centre.

2021-15 Councillor Dale O'Driscoll/Councillor Fraser Paul

Move that Council accept the quotation of \$437.00, HST inclusive, from Taylor's Janitorial Ltd., for waxing the floors at the Puffin Centre.

Carried unanimously.

- b.3. Proposal from Teletronics Inc. for Phone System Upgrades.

2021-16 Councillor Dale O'Driscoll/Councillor Vince Swain

Move that Council accept the quotation of \$5,463.65, HST inclusive, from Teletronics Inc. for the supply and installation of new telephone systems, and other upgrades, at the Municipal Building.

Carried unanimously.

- b.4. Honoraria for 2 additional Firefighters.

2021-17 Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy

Move that Council approve payment of additional honoraria to two firefighters.

Carried unanimously.

- b.5. Waiver of outstanding taxes for taxpayer.

2021-18 Councillor Dale O’Driscoll/Councillor Fraser Paul
Move that Council waive the outstanding taxes for taxpayer.
Carried unanimously.

b.6. Renew Rental Agreements with Puffin Centre users.

2021-19 Councillor Dale O’Driscoll/Councillor Vince Swain
Move that Council renew Rental Agreements for the 50+, Cadets and Girl Guides for the January 1 to June 30, 2021 period.
Further move that Council continue to waive rental fees for those groups for the above period.
Carried unanimously.

c. Approval of Cheque Disbursement (payable) chart.

2021-20 Councillor Dale O’Driscoll/Deputy Mayor Maureen Murphy
Move to approve payable chart, removing 7 invoices from O’Brien’s Trucking Ltd. (Invoice numbers 77 to 84).
Carried unanimously.

2021-21 Councillor Dale O’Driscoll/Councillor Fraser Paul
Move to remove Martin Survey & Land Services Ltd. from the payable chart.
Carried unanimously.

Invoices from O’Brien’s Trucking Ltd. [Invoices numbers 77 to 84].

Councillor David Ryan declared a conflict of interest because O’Brien’s Trucking Ltd. might be called as a sub-contractor for him. Councillor Ryan left the chamber at 8:30 pm.

2021-22 Councillor Dale O’Driscoll/Councillor Fraser Paul
Move to pay O’Brien’s Trucking Ltd. for Invoice numbers 77 to 84.
For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O’Driscoll, Vince Swain and Fraser Paul.
Against: 0
Abstained: Councillor David Ryan.
Carried.

Councillor Ryan returned to the meeting at 8:31 pm.

Invoices separated for individual approvals:

d. Invoice #WB80 from O’Brien’s Trucking for Fire Department Pit.

Councillor David Ryan declared a conflict of interest on this item, stating it was for the same reason as before [O’Brien’s Trucking Ltd. might be called as a sub-contractor for him]. Councillor Ryan left the meeting at 8:32 pm

2021-23 Councillor Dale O’Driscoll/Councillor Vince Swain
Move that Council approve payment to O’Brien’s Trucking Ltd. for \$6532.00.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O'Driscoll, Vince Swain and Fraser Paul.

Against: 0

Abstained: Councillor David Ryan.

Carried.

Councillor Ryan returned to the meeting at 8:33 pm.

- e. Invoice: Boundridge Planning & Development Services, \$2690.08 (Review of Municipal Plan and Development Regulations 2013-2023 Version A and the Witless Bay Approved/Registered Municipal Plan and Development Regulations 2013-2023 texts and mapping. (Includes review of discrepancies of the two plans).

2021-24 Councillor Dale O'Driscoll/Councillor Vince Swain

Move that Council approve payment to Boundridge Planning and Development Services for \$2,481.70.

Deputy Mayor Maureen Murphy declared a conflict of interest because her brother is one of the people involved in the issue with the zoning. Deputy Mayor Murphy left the meeting at 8:34 pm.

For: Mayor Derm Moran, Councillors Colleen Hanrahan, Dale O'Driscoll, David Ryan, Vince Swain and Fraser Paul.

Against: 0

Abstained: Deputy Mayor Maureen Murphy

Carried.

Deputy Mayor Maureen Murphy returned to the meeting at 8:35 pm.

- f. Invoice: Boundridge Planning and Development Services, \$2481.70 (Amendment #4, 47-115 Dean's Road.

2021-25 Councillor Dale O'Driscoll/Councillor Vince Swain

Move that Council approve payment to Boundridge Planning and Development Services for \$2481.70.

Councillor Fraser Paul declared a conflict of interest stating he has a live application, and left the meeting at 8:35.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O'Driscoll, David Ryan and Vince Swain.

Against: 0

Abstained: Councillor Fraser Paul

Carried.

Councillor Paul returned to the meeting at 8:36 pm.

g. Invoice: M & V Construction Ltd., \$1437.50 (Town Office plumbing)

2021-26 Councillor Dale O’Driscoll/Deputy Mayor Maureen Murphy
Move that Council approve payment to M & V Construction Limited for \$1437.50.

Councillor Vince Swain declared a conflict of interest stating he has shares in this company, and left the meeting at 8:36 pm.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O’Driscoll, David Ryan and Fraser Paul.

Against: 0

Abstained: Councillor Vince Swain

Carried.

Councillor Swain returned to the meeting at 8:36 pm.

h. Invoice: M & V Construction Ltd., \$8337.50

2021-27 Councillor Dale O’Driscoll/Councillor Fraser Paul
Move that Council approve payment to M & V Construction Ltd., for \$8337.50.

Councillor Vince Swain declared a conflict of interest, stating he has shares in this company, and left the meeting at 8:37 pm.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O’Driscoll, David Ryan and Fraser Paul.

Against: 0

Abstained: Councillor Vince Swain

Carried.

Councillor Swain returned to the meeting at 8:37 pm.

i. Invoice: The Business Post, \$134.55 (Notice of Registration of Amendment #4 Dean’s Road).

2021-28 Councillor Dale O’Driscoll/Councillor David Ryan
Move that Council approve payment to the Business Post for 134.55.

Councillor Fraser Paul declared a conflict of interest, stating he has a live application, and left the meeting at 8:37 pm.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O’Driscoll, David Ryan and Vince Swain.

Against: 0

Abstained: Councillor Fraser Paul

Carried.

Councillor Paul returned to the meeting at 8:38 pm.

j. Town of Witless Bay Cash Flow - Information only.

9. **Public Works**

k. Adoption of Public Works Committee Summary Report, January 15, 2021

2021-29 Councillor Vince Swain/Councillor David Ryan

Move that Council adopt the Public Works Committee Summary Report of January 15, 2021.

Carried unanimously.

Fire Department

l. **2021-30** Councillor Dale O'Driscoll/Councillor Vince Swain

Move that the Town advise partners that it is prepared to amend the per household fee to \$165.00 per household based on 70/30 financing over 10 years.

Discussion: Councillor O'Driscoll noted that while our neighbours to the north and south would pay the \$165/house fee, the Town of Witless Bay would be paying the fee of \$180/household.

Carried unanimously.

Recreation

m. BBBA Report submitted to Council:

*Bay Bulls-Bauline Athletic Association
Monthly Update - December 2020
Town of Bay Bulls & Witless Bay*

Past 30 days:

- *Continued implementation and planning for After School Program*
- *Planned and prepared January calendar of events for After School Program*
- *Communicated with ASP parents*
- *Attend meeting with the Town of Bay Bulls*
- *Applied for Canada's Emergency Wage Subsidy Program (on-going)*
- *Continued communication with Jim Hamlyn about operation of a fall/winter soccer program*
- *Implementation of Christmas activities (Kids Activity Kits, Social Media Contest, Social Media Holiday Countdown)*
- *Alderwood Estates Partnership: ASP kids/staff wrote letters to their senior pen pals at Alderwood Estates*
- *ASP & Alderwood Event: ASP kids/staff travelled to Alderwood Estates to decorate their bird tree.*
- *Attended Recreation NL 50th Anniversary Committee Meeting*

Moving Forward:

- *Continued implementation of 2021 After School Program*
- *Continue communication of soccer program*
- *Implement block 2 of 10 week soccer program*

- Youth & Teen Programming - Engage Mobile School Staff & Students
- Research virtual and socially distanced programs/activities for Winter Carnival 2021
- Winter activity ideas

Key Program Indicators (KPI's) of the BBBAA

1. *After School Program*
2. *Fall/Winter Soccer Program.*

Heritage Report

n. Heritage Report submitted to Council:

1. *Book Project: The final edit of the book is complete. Maureen Walsh and Bonnie Johnston are locating photographs for inclusion in the book. They are being assisted by Anne McFarlane and Rosalie Walsh. Submission to the publisher should be within the coming month.*
2. *Graveyard project: Work is suspended until spring.*
3. *Historic Homes Project - The Heritage Committee produced an inventory of homes in the Town that was built before 1930. Compiled by Barry Norris, the information was collected and published in 2011. It is posted on the website of Heritage NL (formerly known as the Heritage Foundation of NL). The link is: <https://heritagefoundation.ca/wp-content/uploads/2020/04/Witless-Bay-Inventory.pdf>*

Presumably, if the Public Works Committee identifies house(s) which is one which poses hazard and could be removed, the owners would be notified of the Town's intent to remove it, and the process thereafter.

If the house is listed in the inventory, and if the owner is interested, they could be advised of funding available through Heritage NL to restore the property. Jerry Dick, CEO of Heritage NL is willing to make a presentation to the Council.

For purposes of developing a funding proposal, Pat Curran is checking on the requirements and cost of the application for use with cell phones. Colleen Hanrahan has met with Irvin Crane re the mounting of plaques and the costs. When the information is received, the funding application will be developed.

9. Adjournment

2021-31 Councillor Vince Swain/Councillor Fraser Paul
Move to adjourn the meeting at 9:00 pm.
Carried unanimously.