

Public Meeting of Council

October 14, 2020

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

Staff: Pat Curran, CAO
Geraldine Caul, Town Clerk/Administrator
Barb Harrigan, Assistant Clerk/Administrator

Mayor Moran made a statement to the public relating to COVID-19:

Residents. Since March and the onset of the COVID 19 global pandemic, every aspect of our normal way of life has been changed and impacted. The operations of the Town of Witless Bay have been affected as well, causing us to change how we do business both from a day to day perspective and for our public meetings. For the last number of months we have had to run our monthly public meetings by teleconference and speaking on behalf of Council, I can say that it has not been the same – being unable to be in a room with your Council colleagues, and the general public, is not how we'd like to be doing business. But like so many others out there, we've had to change how we usually did things to get by.

Over the past several months, we have been assessing new approaches to our public meetings and have asked our CAO to present Council with options. We have taken a look at returning to the Chamber or using the Puffin Centre as a meeting space, along with technology to enable greater engagement among Council and between Council and the general public. Our options have been somewhat limited by the fact that some members of Council are immune-compromised and unable to attend larger gatherings in person, along with other factors. We are still assessing those options and hope to have a solution in place in time for our next meeting in November. We will keep you apprised of any changes and be assured that we are as anxious as all of you to return to some sense of normal.

Mayor Moran extended a welcome to Councillor Colleen Hanrahan, who was elected by acclamation on Nomination Day, September 23, 2020.

Councillor Hanrahan reported that she was acclaimed in her position so she did not have the opportunity to campaign, but wanted people to know that she is committed to working for the best interests of the town and its residents. She acknowledged that councillors are creatures of the province and is therefore required to follow the legislation and rules to the best of our abilities. She noted that because she is new, she will be asking a lot of questions throughout the meeting.

1. Call to Order.

Mayor Moran called the meeting to order at 7:40 p.m. and noted that before moving forward, he had to make an apology on behalf of Council.

Council, members of the general public. At the last public meeting of Council while discussing a Notice of Motion to amend the Town's Development Regulations for land use on 47-115 Dean's Road, some councillors identified the name of the property owner in their remarks. The identification of individuals by councillors while considering council business is frowned on. On behalf of the Town Council of Witless Bay, I would like to extend our sincerest apologies to the affected individual, along with our commitment to ensure that it does not happen again to this person, or any others, with a matter before Council.

2. Adoption of Agenda of October 14, 2020.

2020-187 Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Move to adopt the Agenda of October 14, 2020.

Motion carried unanimously.

3. Adoption of Minutes:

a. **2020-188** Councillor Dale O'Driscoll/Councillor Fraser Paul

Move to adopt the Minutes of the Public meeting of September 8, 2020.

Discussion: Councillor Hanrahan inquired about item 8a, part (1) of the public meeting minutes that referenced an application to rezone all property including "*parts sold earlier to other persons*" and asked if an individual could make an application related to land you no longer own. The Town's CAO, Pat Curran, confirmed that this application to rezone land was undertaken with the permission of all parties.

Motion carried unanimously.

b. **2020-189** Councillor Vince Swain/Deputy Mayor Maureen Murphy

Move to adopt the Minutes of Privileged Meeting of September 10, 2020.

Motion carried unanimously.

c. **2020-190** Councillor Fraser Paul/Councillor Colleen Hanrahan

Move to adopt the Minutes of Privileged Meeting of September 22, 2020.

Motion carried unanimously.

d. **2020-191** Councillor Vince Swain/Councillor Fraser Paul

Move to adopt the Minutes of Privileged Meeting of October 5, 2020.

Discussion: Councillor Hanrahan commented on the report section pertaining to the Heritage Committee and noted that it is not only her, but also the Heritage Committee who are in support of the relocation of the Town's Visitor Centre from Lower Pond to the new area that was discussed.

Motion carried unanimously.

4. Business Arising from Minutes:

- a. Well on 167 Southside Track - Pat Curran reported that this relates to an impacted well on this property, explaining that council installed an artesian well, followed by a filtration system that continues to have issues, so council had a water filtration technician investigate. The technician provided recommendations which council is prepared to follow through on. Pat noted that Council also agreed to doing some moderate ground repairs from the initial placement of the artesian well, adding that council is committed to completing these projects on the condition that the homeowner acknowledges this is the last requirement the Town is willing to undertake pertaining to remediation, and that the property owner agrees to assume maintenance on the water filtration system.

2020-192 Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Move that the Town of Witless Bay undertake the system upgrades outlined in the quotation from Superior Water and Pump Solutions of \$1810.00 + HST, providing the property owner, a) agrees to undertake future system maintenance, and b) signs a waiver releasing the Town from any further responsibility for system upgrades.

Motion carried unanimously.

- b. Results of Nomination Day - Town Clerk and Returning Officer Geraldine Caul reported that on Nomination Day, September 23, 2020, one candidate, Councillor Colleen Hanrahan, came forward and was elected by acclamation.
- c. Amend the Municipal Plan/Development Regulations Plan for zoning on 47-115 Dean's Road.

Councillor Fraser Paul declared a conflict of interest on this item because he has a live application and a vested interest. Councillor Paul left the meeting at 7:54 p.m.

2020-193 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Whereas Council is of the opinion that the possible rezoning of land known as Civic #47-115 Dean's Road from the Residential Rural Zone to the Residential Zone to accommodate a subsequent application for approval to develop it as a residential subdivision in accordance with the requirements of the Witless Bay Development Regulations and the Witless Bay Municipal Plan would be in the interest of the community, I move:

(1) the rezoning application shall include the entirety of the property owner's land, including the parts sold earlier to other persons as unapproved building lots, and that the property owner advise the other property owners of his rezoning application and seek their support of it.

(2) In order to subdivide his property and develop building lots himself or sell lots to others for them to develop on their own, the property owner shall submit to the Town an application for, and obtain approval to, subdivide the entirety of his land, including the parts sold earlier to other persons as unapproved building lots, in accordance with the requirements of the Witless Bay Development Regulations, which may include the conveyance to the Town of Land for Public Open Space in compliance with the

Regulation 78 and the Witless Bay Municipal Plan.

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

Against: 0

Abstained: Councillor Fraser Paul.

Motion carried.

Councillor Paul rejoined the meeting at 7:58 p.m.

- d. Amend the Town Policies & Procedures (Notice of Motion of Sept. 8, 2020).

2020-194 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Move that the Town of Witless Bay's Engineering Subdivision Design Standards, updated September 2018, be amended as follows:

Change the maximum gradient identified in Table 3.1, Section 3.2.1 from 10.0% to 12.0%

Change the minimum side slope identified in Table 3.1, Section 3.2.1 from 2.5 (Horx) to 2.0 (Horz).

Motion carried unanimously.

- e. Tender for road salt and sand for 2020-2021.

2020-195 Councillor Fraser Paul/Councillor Vince Swain

Move that the quotation from Avalon Salt and Coal for \$121.73/tonne, HST included, for salt to be accepted.

Motion carried unanimously.

2020-196 Councillor Fraser Paul/Councillor David Ryan

Move that the quotation from Weir's Construction for \$20,700.00 HST included for sand be accepted.

Motion carried unanimously.

- f. Quote from Newfound Roofing - Roofing of Municipal Building.

2020-197 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Move that the quotation from Newfound Roofing Limited for \$22,712.50, HST included, for roofing repairs to the Municipal Building be accepted.

Motion carried unanimously.

- g. Quote from O'Brien's - cleaning out ditches (Standing Offer of June 9, 2020 M#2020-82).

2020-198 Councillor Fraser Paul/Councillor Dale O'Driscoll

Move that the quotation from O'Brien's Trucking for \$7,963.75, HST included, for ditching and culvert repairs, provided under standing offer agreed at the June 2020 meeting by Motion 2020-82.

Motion carried unanimously.

- h. Quote from DMG Consulting - concept design for Town Pit/Fire Department training area.

2020-199 Councillor Vince Swain/Councillor Dale O'Driscoll

Move that the quotation from DMG Consultants for \$2,668.00, HST included, for concept design for

the Town's Salt and Sand Storage and Fire Department training area, be accepted.
Motion carried unanimously.

- i. Property negotiations with land owner.

2020-200 Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Move that the Town of Witless Bay enter into negotiations with the property owner for the acquisition of the property.

Motion carried unanimously.

- j. Upper Pond MOA - Response to DFO

Councillor Colleen Hanrahan noted that since this is a public safety concern, she wondered if it would help to put the pressure on this to get it resolved in an expeditious way. She also wondered if council could try using a media approach to express the safety concern to the public.

Pat Curran noted that Council has placed some signage, and agreed that a public notice would be a good idea as well.

- k. Application to replace stage building on 76B Harbour Road.

2020-201 Councillor Fraser Paul/Councillor Vince Swain

Move that Council approve an application to replace a stage building for the Barry Group with a new structure on 76B Harbour Road, measuring 19 x 50 ft.

Motion carried unanimously.

- l. Quote from O'Brien's Trucking - other small jobs (Standing Offer of June 9, 2020, M#2020-82)

2020-202 Councillor Fraser Paul/Council Vince Swain

Move that Council approve the quote from O'Brien's Trucking for 2645.00 with HST included.

Motion carried unanimously.

- m. Development Application - 11 Dean's Road - single family home.

Councillor Fraser Paul asked that Council take a vote to determine if he is in a conflict of interest because this application is included within the development regulation plan for zoning on 47-115 Dean's Road.

2020-203 Deputy Mayor Maureen Murphy/Councillor Colleen Hanrahan

Move that Councillor Paul is in a conflict of interest on this application.

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

Against: Councillor David Ryan

Abstained: Councillor Fraser Paul

Motion carried.

Councillor Fraser Paul left the meeting at 8:19 p.m.

2020-204 Councillor Colleen Hanrahan/Deputy Mayor Maureen Murphy

Move to approve the development application on 11 Dean's Road subject to the completion and submission of an updated survey that places the property in compliance to zoning regulations.

Discussion: Councillor Hanrahan inquired if that development can be accommodated within that zoning.

Pat Curran provided gave a briefing on the history of this application noting that Council would have moved a motion to rescind the development application for this property, approved at its July meeting, at its September meeting. He reported that to his understanding, the proponent has acquired additional property, which allows them to meet the minimum lot frontage, which was the concern with the earlier application, and the reason the motion was rescinded.

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

Against: Councillor David Ryan

Abstained: Councillor Fraser Paul

Motion carried.

Councillor Paul rejoined the meeting at 8:26 p.m.

n. Coastal Erosion Project.

2020-205 Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Move that the Town of Witless Bay accept the cost-shared funding as outlined in the Department of Transportation and Infrastructure project approval letter dated October 13, 2020 to complete the Shoreline Protection Harbour Road, Project #17-G1-21-00109 for \$385,815.00. The Town of Witless Bay agrees to provide the municipal share of \$34,987.00 and authorize the Mayor, Derm Moran and the Town's CAO, Pat Curran, to enter into a funding agreement with the Department of Transportation and Infrastructure on behalf of the Town of Witless Bay.

Discussion: Councillor Colleen Hanrahan asked for a project summary.

Deputy Mayor Murphy reported that this is a shoreline protection project with cost-sharing of 40% federal, 50% provincial and 10% municipal funds. It is a continuation of a Harbour Road Shoreline Protection Project [2018] that will continue where the last project ended, which is by Need's Convenience, and will continue up by Mr. Dunphy's place.

Motion carried unanimously.

5. Proclamations/Presentations/Delegations - No Proclamations/Presentations/Delegations at this meeting.

6. Correspondence:

- a. Correspondence related to Council's public notice regarding use of ATVs and off-road vehicles.

Deputy Mayor Maureen Murphy expressed that she thought Council did not address unsigned correspondences.

Councillor Hanrahan, said she would agree with Deputy Mayor, but she read a case today where a situation was presented to the supreme court in 2018 and the judges noted that although it was unsigned, the town needs to investigate.

- b. East Coast Trail Association - Trail Raiser on-the-GO.

Councillor Colleen Hanrahan declared a conflict of interest on this item because she is a member of the East Coast Trail Committee that is seeking the legislation to cover the trail as a park or a designated protected area, and her husband is the CEO. Councillor Hanrahan left the meeting at 8:37 p.m.

It was noted that this item was for information purpose only, and Councillor Hanrahan rejoined the meeting at 8:38.

- c. ATIPPA Statutory Review.

A brief discussion took place where the CAO reported that he has asked the Town Clerk to track for approximately a 4-6 week period what the time commitment and resource commitment is required to manage ATIPP requests, then report back to council. He felt this might be the basis of what the representation might be to the ATIPPA Statutory Review.

7. Committee Reports:

- a. **Finance:**

- (I) Approval of payables:

2020-206 Deputy Mayor Maureen Murphy/Councillor Vince Swain
Move for the adoption of the payable chart in the amount of \$47,183.73.
Motion carried unanimously.

Councillor Fraser Paul declared a conflict of interest on the invoice payment for Paul Boundridge as it relates to Dean's Road applications. Councillor Paul left the meeting at 8:48 p.m.

2020-207 Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy
I move for the adoption of the payables report invoices in the amount of \$4,928.38 paid to Paul Boundridge.
For: Deputy Mayor Maureen Murphy, Councillors David Ryan, Dale O'Driscoll, Colleen Hanrahan, Vince Swain and Mayor Derm Moran.
Against: 0
Abstained: Councillor Fraser Paul
Motion carried.

Councillor Paul rejoined the meeting at 8:50 p.m.

- (II) Cash Flow Chart:

2020-208 Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll
Move to adopt the October cash flow chart.
Motion carried unanimously.

(III) Finance Summary Report:

2020-209 Councillor Dale O'Driscoll/Deputy Maureen Murphy

Move to adopt the Summary Report of the Finance Committee of October 1, 2020.

Motion carried unanimously.

Councillor O'Driscoll added that Council is currently going through our budgeting process for 2021, and we are meeting with various groups and organizations of the town. We are reviewing requests from businesses and individuals regarding the current tax structure and mil rates, and are looking at the 2020 capital program and requirements. We are aiming to present the budget for review and adoption at the November public meeting of council.

Public Works:

(I) Public Works Summary Report:

2020-210 Councillor Fraser Paul/Councillor Colleen Hanrahan

Move to approve the Summary Report of the Public Works.

Discussion: Councillor Hanrahan expressed a concern pertaining to an item within the Public Works Summary Report in relation to council's approval of a gazebo, and the town's permit requirements related to the gazebo, as well as what she heard as ongoing work on the structure, noting she wasn't sure she supported this. She also wanted to bring attention to the fact that the Town must follow its by-laws. She said she will vote for the motion, but reminded Council that she will bring forward further questions on the matter.

Mayor Moran reminded Councillor Hanrahan there is a time factor and many more items on the agenda to be covered, but assured Councillor Hanrahan that she would have an opportunity to discuss this another time.

Councillor Vince Swain made the suggestion that Councillor Hanrahan add this item to the next council agenda.

Motion carried unanimously.

Fire Department:

(I) Fire Department Summary Report

2020-211 Deputy Mayor Maureen Murphy/Councillor O'Driscoll

Move to adopt the Summary Report from the meeting between DMG, the Town and the Fire Department to review the feasibility study on the new fire department.

Motion carried unanimously.

Recreation Committee:

- (I & II) BBBA Monthly Report and Summary Report - Councillor O'Driscoll reported that the BBBA item was for the purpose of highlighting some of the activities transpired with the BBBA programs throughout the past few months. The constraints of COVID-19 has impacted everyone, and the BBBA is being greatly impacted this year compared to other years. Very low numbers have been reported in their summer program, soccer program, and after school program. It is a challenge with the program moving forward, but they are doing the best they can to keep it up and running.

8. **New Business:**

- a. Request for quotes - Cleaning and Janitorial Services.

Pat Curran reported that a Request for Quotations was issued specifically for the Puffin Centre, but no responses were received. He said that there is someone who may be interested, and he will update Council once he has more information. If nothing is confirmed soon, we may have to reissue the Request for Quotations.

- b. Council letter of support for BBAA Community Healthy Living Fund Application - Info only. Councillor O'Driscoll reported that Council will do a letter of support.

- c. Discussion/Clarification on Conflict of Interest.

Councillor Hanrahan reported that she placed this item on the agenda because she feels it would be helpful to have someone from the Department of Environment, Climate Change and Municipalities to participate in a discussion with Council, and agreed to take the lead on this and work with the Town's CAO.

- d. Minutes of Southern Shore Joint Council Meeting, Sept. 16, 2020 - Information purpose.

- e. Minutes of Northeast Avalon Joint Committee Meeting, Sept. 22, 2020 - Information purpose.

- f. Committee Appointment:

- (I) Southern Shore Joint Council (SSJC)
- (II) Northeast Avalon Joint Council (NEAJC)
- (III) Heritage

Councillor Hanrahan agreed to participate in both the SSJC and NEAJC Committee meetings if they are virtual meetings, and she noted that she is currently already a member of the Heritage Committee.

Heritage Committee Report: Councillor Hanrahan listed three projects that the Committee is currently involved in:

- 1. The Books of Memories of Witless Bay that is being prepared for the Come Home Year Celebration, which Maureen Walsh and Bonnie Johnstone are still working on in hopes of submitting to the publisher in the near future;
- 2. There will be another Remembrance Day Ceremony this year in recognition of people from this community;
- 3. A new project is being started. The committee began inventory of historic homes, which was completed by Barry Norris several years ago, and we have started the Historic Plaque Program for the town.

- g. Registration for MNL Conference:

2020-212 Councillor Colleen Hanrahan/Deputy Mayor Maureen Murphy
Move that Councillor Hanrahan and Pat Curran be delegates for the Town of Witless Bay at the

MNL 2020 Virtual Conference.
Motion carried unanimously.

- h. Councillor Hanrahan - discussion on Community Peaceful Enjoyment.

Councillor Hanrahan reported that this pertains to recent issues around ATV users, and young people being dropped off by parents around the school area for long periods of time, as well as gatherings at the end of Northside Track, where these individuals are acting inappropriately. She suggested it might benefit the community to have a committee developed that consists of council members, community members, as well as young adults as, a means of being proactive in reducing these issues. Also, if there are youth programs in the area with available staff, this would be helpful. Councillor Hanrahan expressed that she would be interested in taking this on, but would like for other councillors to be involved. Mayor Moran noted that if any councillors are available to assist, they can reach out to her.

- i. Community drains - Pat Curran reported is in reference to the Town's Asset Management Plan, explaining that there is a Federal/Provincial Program available through the Federation of Canadian Municipalities that might offer some support to do that. This program's starting point is with an inventory of assets, so this could be a part of the town's overall asset management plan, and we can include the issue of the community drains into a scope of that exercise when the town gets it going.
- j. Sullivan's Road.

2020-213 Councillor Vince Swain/Councillor Dale O'Driscoll

Move to get public works to check out the problem and to get a quote under the standing offer to have the berm and the guard rail at the end of the Southside Track and Southern Shore Highway removed because it is a public right-of-way.

Motion carried unanimously.

- K. Removal Orders - It was noted by the Mayor that this pertains to houses that are a safety concern as in dilapidated condition, an eye sore, environmental concerns, etc.

2020-214 Councillor Vince Swain/Councillor Fraser Paul

Move to have public works run around the town and identify dilapidated buildings and bring this back to council for review, and make a decision on which ones are to be considered for removal orders.

Discussion: Councillor Hanrahan asked if Council would first approach the property owners, and the Mayor noted it would be part of the process. Councillor Hanrahan also explained that some of the structures could be included in the heritage inventory. She said some of the houses that look to be in a hard shape might just need a nudge to do some work on them. She also reported that there is money available from the Heritage Foundation for this type of repair project. Mayor Moran assured Councillor Hanrahan that Council would touch base with the Heritage Committee on this.

Motion carried unanimously.

- l. Engagement of planner to carry out review of registered Town Plan.

Deputy Mayor Maureen Murphy declared a conflict of interest on this item because her brother is

one of the landowners in the issue regarding the mapping of the St. John's Urban and Rural Plan.
Deputy Mayor Murphy left the meeting at 9:31 p.m.

2020-215 Councillor Vince Swain/Councillor Fraser Paul

Move that Council approve resources, notionally in the \$2,500.00 to carry out a review and prepare a report on potential inconsistencies in the Town's registered Municipal Plan, Development Regulations and associated land use mapping.

Discussion: There was a suggestion that Council get together with Municipal Affairs to discuss and move forward with the Town Plan.

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

Against: 0

Abstained: Deputy Mayor Maureen Murphy.

Motion carried.

Deputy Mayor Murphy rejoined the meeting at 9:35 p.m.

- m. Quote from Terrapure - Storm drain clean-out.

2020-216 Councillor Fraser Paul/Councillor Dale O'Driscoll

Move that the Town accept the quotation from Terrapure for catch basin clean-out for \$3,622.50, HST included, plus any additional costs for traffic control.

Motion carried unanimously.

- n. Replace septic system - 4 Mallowney's Lane

2020-217 Councillor Fraser Paul/Councillor Vince Swain

Move that we defer this application pending a complete survey directly from the surveying company, with no changes by landowner because the current survey makes it unclear where the boundaries are. We defer until we get a complete survey and septic design.

Motion carried unanimously.

9. **2020-218** Councillor Fraser Paul/Councillor Dale O'Driscoll

Move to adjourn the public meeting at 9:40 p.m.

Motion carried unanimously.