

Public Meeting of Council  
September 8, 2020

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

Regrets: Councillor David Ryan

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

1. Mayor Derm Moran called the meeting to order at 7:32 p.m.

2. **2020-164** Deputy Mayor Maureen Murphy/Councillor Vince Swain  
Move to adopt the agenda of September 8, 2020

Amendment: Deputy Mayor Maureen Murphy/Councillor Vince Swain

Add under #6 Correspondence:

*e. Infrastructure Volume 25, June 2020*

*f. Environmental & Science Engineering Magazine June/July 2020*

*g. Canada's Occupational Health & Safety Magazine July/August 2020*

*h. Deluxe Canada - Cheque offer*

**Amendment carried unanimously.**

**Motion to adopt amended Agenda carried unanimously.**

3. **2020-165** Councillor Dale O'Driscoll/Councillor Vince Swain  
Move to adopt the Minutes of August 12, 2020 Public Meeting.

**Motion carried unanimously.**

4. **Business Arising from Minutes:**

a. Residential dwelling on 184-188 Dean's Road

**2020-166** Councillor Fraser Paul/Councillor Vince Swain

Move that Council approve the proposed development at 184-188 Dean's Road with normal conditions regarding permits and an approved septic system, and that the building be sited as per the development application.

**Motion carried unanimously.**

- b. Request to rescind application for work covered under permits for developments on 69 Bear's Cove Road.

**2020-167** Councillor Vince Swain/Councillor Fraser Paul

Move to rescind Motion 2020-63 regarding the proposed developments at 69 Bear's Cove Road.

**Motion carried unanimously.**

- c. Motion to rescind motion 2020-118 related to approval of residential dwelling on 11 Dean's Road.

Deputy Mayor Maureen Murphy noted that this motion was recommended by the Town Planner and CAO and with input from the Department of Municipal Affairs and Environment.

**2020-168** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Move that as Council's decision of July 14, 2020 to approve the development of property known as Lot 11 Dean's Road as a residential building lot [*unanimous approval of a motion to approve an application to construct a residential dwelling on lot 11 Dean's Road per town's development regulations and subject to approval from Service NL and any other government agencies having jurisdiction*] may have been in contravention of the Witless Bay Development Regulations and the Witless Bay Municipal Plan, that:

1. Council rescind its decision of July 14, 2020, and,
2. Council, in accordance with Regulation 19 of the Witless Bay Development Regulation, seek a written agreement of the applicant to defer its consideration of the development application until all associated issues have been addressed and resolved.

*Discussion:* Councillor Fraser Paul declared his disagreement with the motion to rescind because he said that in May 2020 Council learned of the problems with the registered Plan and the Plebiscite Plan, which to date the Department of Municipal Affairs has not resolved. Councillor Paul noted his decision to approve the application was based on the Plan that the Witless Bay people accepted. He said if Council is going to be "stepping in and stepping out, nothing will be done with the Plebiscite Plan versus the Registered Plan and now is the time to move forward with Municipal Affairs and get the changes and the small glitch that they referred to once and forever."

Councillor Vince Swain also declared his disagreement with the motion to rescind and asked if Deputy Mayor Murphy's motion covered all the "screw ups" in the plan or is it just for this application.

Mayor Moran clarified that the motion relates to the one specific site noted in the motion.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillor Dale O'Driscoll

Against: Councillors Vince Swain and Fraser Paul

**Motion carried.**

- d. Update on Northside Track Cleanup - Public Works reported there was no update at this time, and they would provide information once the work was completed.

- e. Adoption of 2019 Consolidated Audited Financial Statement.

**2020-169** Councillor Dale O’Driscoll/Deputy Mayor Maureen Murphy  
Move to adopt the 2019 Consolidated Audited Financial Statement.  
**Motion carried unanimously.**

- f. Adoption of the 2019 Gas Tax Audited Financial Statement.

**2020-170** Councillor Dale O’Driscoll/Deputy Mayor Maureen Murphy  
Move to adopt the 2019 Gas Tax Audited Financial Statement.

*Discussion:* Councillor Dale O’Driscoll noted for clarification purpose that both the 2019 Consolidated Audited Financial Statement and the 2019 Gas Tax Audited Financial Statement were deferred at the August public meeting to provide an opportunity for the CAO to review prior to Council adopting.

**Motion carried unanimously.**

- g. Taxpayer’s request to review property tax arrears.

**2020-171** Deputy Mayor Maureen Murphy/Councillor Dale O’Driscoll  
Move that the Town waive interest charges and agree to a payment schedule of \$100 a month for the next 15 months until the principle balance is covered.  
**Motion carried unanimously.**

- h. Taxpayer’s request for Council to review business tax.

**2020-172** Deputy Mayor Maureen Murphy/Councillor Dale O’Driscoll  
Move that the Town advise the business owner that a seasonal rate will be considered in the annual budgeting process for 2020-2021.  
**Motion carried unanimously.**

- i. Well on 163 Southside Track.

CAO Pat Curran noted that Council did discuss this previously, and his recommendation is for Council to defer until contact is made with the original installer, and to have him do a site visit to determine what the problem with the system is.

**2020-173** Councillor Vince Swain/Councillor Fraser Paul  
Move to defer this item and wait for results of system installer to give an update on what the problem is with the filtration system.  
**Motion carried unanimously.**

- j. Set date for by-election.

**2020-174** Deputy Mayor Maureen Murphy/Councillor Dale O’Driscoll  
Move that Council advertise for the upcoming nomination and by-election, and for the Ad to be posted and ran in The Telegram on September 12th for nomination to be held on September 23

and by-election to be held on October 14th.

**Motion carried unanimously.**

5. **Proclamations/Presentations/Delegations** - There were no proclamations, presentations or delegates registered for this meeting.

6. **Correspondence:**

- a. Government of NL Fisheries & Oceans - Crown Land Grant 93396 - It was noted that this Crown Land application was submitted by the Town and pertains to area off the ballfield.
- b. Request from Girl Guide group to use Puffin centre for meetings.

**2020-175** Deputy Mayor Maureen Murphy/Councillor Vince Swain

Move that staff review commitment to current groups, including 50+ Association, New Hope Group and Kinsmen, to determine potential openings in the schedule for rental and if feasible, make space available to Girl Guides.

*Discussion:* Councillor Dale O'Driscoll noted that the Girl Guides are no longer permitted to use schools as a meeting space so they are searching for other areas.

CAO Pat Curran added that because there is no payment contract in place for Kinsmen Club or New Hope Group, he would recommend no fees be charged to the Girl Guides.

**Motion carried unanimously.**

- c. Request to increase signage or speed monitor signs on Dean's Road.

CAO Pat Curran reported that the Town has received multiple requests for the installation of speed bumps, and noted that in recent days Council has provide additional signs as well as spray painted the pavement. He said that while the Town can do more of that, he sensed from Council they would be prepared to look at purchasing additional speed bumps next year.

- d. 50+ Club request to review contract agreement.

**2020-176** Deputy Mayor Maureen Murphy/Councillor Vince Swain

Move that the Town of Witless Bay refund 50% of the annual fees to the 50+ Association due to their being unable to use the facility from mid-March to present.

I further move that staff review the 50+ Association's request for additional rental requirements, and that of other groups, and advise Council of considerations on a revised rental agreement.

**Motion carried unanimously.**

- e. Infrastructure Volume 25, June 2020 - Information purpose.
- f. Environmental & Science Engineering Magazine June/July 2020 - Information purpose.
- g. Canada's Occupational Health & Safety Magazine/July/August 2020 - Information purpose.

h. Deluxe Canada - Cheque offer - Information purpose.

7. **Committee Reports by the Name of each Committee:**

a. ***Finance:***

(I) Payment chart for approval

**2020-177** Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy  
Move to pay the Chart as presented.

**Motion carried unanimously.**

(II) Cash flow chart - Information purpose.

(III) Report on Finance Meeting August 24, 2020

**2020-178** Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy  
Move to adopt the Minutes of Finance Meeting of August 24, 2020.

**Motion carried unanimously.**

b. ***Public Works & Infrastructure:***

(I) Summary Report:

Councillor Fraser Paul reported that they have a full list of all projects that are underway and ones that are gone to tender, and ones being worked on, and that everything is moving forward.

c. ***Fire Department:***

CAO Pat Curran reported that this refers to building and site inspections conducted by Councillor Paul and Swain and the Acting Chief Cole, as well as himself. The areas toured would be the Fire Department portion of the Municipal Building, the former Municipal Depot and the training grounds. Some of the projects would require Capital programming, and some of them would be of an immediate nature, which Councillor Paul noted would be included in the public works job report as well.

d. ***Recreation:***

(I) BBBA Monthly Report - Information purpose.

Councillor Dale O'Driscoll spoke to this item to highlight the strong summer the BBBA had using their multi-site program at the Bay Bulls Lifestyle Centre and Puffin Centre, and noted that it worked well.

Councillor O'Driscoll recommended to residents that BBBA is currently seeking individuals that require use of their after school program. He said there are currently some issues with people

trying to sign up but wanted residents to know that if they are in need of after school care for their kids, they can reach out to BBBAA and sign up for that service.

**2020-179** Deputy Mayor Maureen Murphy/Councillor Vince Swain

Move that Council request a meeting with the BBBAA to review financials and program activity in advance of 2021 budgeting process, and that Council also request a meeting with the Southern Shore Arena Association to review financials and program activity in advance of 2021 budgeting process.

**Motion carried unanimously.**

**8. Notice of Motions:**

**a. Notice of Motion to amend the Town Plan for Zoning on 47-115 Dean's Road:**

Deputy Mayor Maureen Murphy noted that Council took advice from the Town Planner, the CAO and the Department of Municipal Affairs & Environment on this item.

Deputy Mayor Murphy reported that 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, Council proposes that:

- (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.

Councillor Swain inquired who will be covering the cost of the amendment, and was informed by CAO Pat Curran that the Town's annual Tax Structure obligates any cost for amendments to be borne by the property owner/developer.

**b. Notice of Motion to amend the Town's Policies and Procedures.**

Deputy Mayor Maureen Murphy announced this is Notice of Motion that a motion will be made to amend the Town's Policies and Procedures at the next public meeting on October 13, 2020.

9. **New Business:**

- a. Application to construct a new road and 4-lot development on 212-214 Southern Shore Highway.

Councillor Fraser Paul declared a conflict of interest on this item because he is the applicant. Councillor Paul left the meeting at 8:20 p.m.

**2020-180** Councillor Vince Swain/Councillor Dale O'Driscoll

Move that Council give a conditional approval for the proposed development, subject to submission of detailed subdivision plan and road plan.

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

Against: 0

Abstained: Councillor Fraser Paul [declared a conflict of interest].

**Motion carried.**

Councillor Paul returned to the meeting at 8:21 p.m.

- b. Application to extend existing residence on 69 Bear's Cove Road.

**2020-181** Councillor Vince Swain/Councillor Fraser Paul

Move to approve application to extend existing residence on 69 Bear's Cove Road.

**Motion carried unanimously.**

- c. Application to develop greenhouse on 9 Island View Place.

**2020-182** Councillor Fraser Paul/Councillor Vince Swain

Move to approve application for greenhouse on 9 Island View Place.

*Discussion:* Councillor Swain reported that they used the same standard for approving which has been done in the past.

**Motion carried unanimously.**

- d. Invitation to Tender for Road Salt & Sand Requirements.

**2020-183** Councillor Fraser Paul/Councillor Vince Swain

Move to move forward with tendering for road salt and sand for 2020-2021.

**Motion carried unanimously.**

- e. Quotes for roofing - Town Hall.

**2020-184** Councillor Fraser Paul/Councillor Vince Swain

Move to accept tender of \$7,173.91 from HMK Roofing and Renovation.

**Motion carried unanimously.**

f. Asset Management - Information purpose

CAO Pat Curran noted that staff has already done some work on the asset management plan. He noted that there might be a meeting to discuss further this week, and added there might be an asset management plan drafted by the end of the year.

g. Letter to ESDNL regarding replacement of amber light at crosswalk.

**2020-185** Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Move that Council write a letter to ESDNL regarding replacement of lights at crosswalk near St. Bernard's School.

**Motion carried unanimously.**

10. **2020-186** Deputy Mayor Maureen Murphy/Councillor Vince Swain

Move to adjourn the meeting at 8:31 p.m.

**Motion carried unanimously.**