

Public Meeting of Witless Bay Council

January 14, 2020 at 7:30 pm

Attending: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Dale O’Driscoll, Vince Swain and Lucy Carew

Remote: Councillor David Ryan attended by remote means (calling in at 7:40pm)

Absent: Councillor Fraser Paul

Reporting: Geraldine Caul & Barb Harrigan

1. Mayor Derm Moran called the meeting to order at 7:30 pm

2. Adoption of Agenda - January 14, 2020

2020-001 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council adopt the agenda of January 14, 2020

Amendment: Deputy Mayor Maureen Murphy/Councillor Dale O’Driscoll

Add under Other Business 7(h) Urgent request to fix flooding problem [Mullowney’s Lane].

Amendment carried unanimously.

Motion to amend the agenda carried unanimously.

3. Adoption of Minutes of Meeting – December 9, 2019

2020-002 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council adopt the Minutes of Public Meeting of December 9, 2019.

~~Correction: Councillor Lucy Carew/Councillor Vince Swain~~

~~Correction to the minutes of December 9, 2019 meeting to delete Deputy Mayor~~

~~Maureen Murphy from motion 2019-339. Deputy Mayor Murphy was declared not to be in a conflict in motion 2018-010 from January 9, 2018 minutes.~~

~~Amendment carried unanimously. [This section removed per M#2020-023 Feb. 11, 2020 public meeting]~~

Motion carried unanimously.

4. Adoption of Minutes of Privileged Meeting of December 18, 2019

2020-003 Deputy Mayor Maureen Murphy/Councillor Dale O’Driscoll

Be it resolved that Council adopt the agenda of December 18, 2019. [*Motion 2019-344 from privileged meeting of December 18, 2019*].

Motion carried unanimously.

Councillor David Ryan joined the meeting by remote means at 7:40 pm.

2020-004 Councillor Vince Swain/Councillor Dale O’Driscoll

Be it resolved that Council make a motion that Councillor Fraser Paul was not in a conflict of interest when he seconded and voted in favor of awarding the tender to motion #2019-155 to Southeast Construction for the extension to the Puffin Centre in the amounting to \$91,402.00. In the Municipal Act 1999, under Section #207(2) son-in-law is not stated.” [*Motion 2019-345 from privileged meeting of December 18, 2019*].

Motion carried unanimously.

2020-005 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council adjourn at 7:45 pm. [*Motion #2019-346 from privileged meeting of December 18, 2019*].

Motion carried unanimously.

5. Public Works & Infrastructure

- a. Extension to existing residence on 47 Harbour Road

2020-006 Councillor Vince Swain/Councillor Dale O’Driscoll

Be it resolved that Council approve the application for extension to existing residence on 47 Harbour Road.

Motion carried unanimously.

- b. Puffin Centre Interior Design Plan – Councillor Lucy Carew reported that Council will need to come up with a plan for shelving, among other things, for the inside of the building now that the extension is completed. She asked that councillors provide input on this through email. Councillor Carew also noted that a crash bar will be required for the exit door.
- c. Fire Inspections on all Town buildings – Councillor Lucy Carew reported that this was basically a reminder for the Town and the fire team that all municipal buildings are required to be inspected in a timely fashion in order to meet all provincial government regulations.

6. Finance

- a. Payable chart for approval – Councillor Lucy Carew declared a conflict of interest due to a financial reimbursement for postage. Councillor Carew left the Chamber at 7:49 pm.

2020-007 Deputy Mayor Maureen Murphy/Councillor Dale O’Driscoll

Be it resolved that Council approve the payable chart for payment, for total amount of \$63,095.11.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors David Ryan, and Vince Swain

Against: 0

Abstained: Councillor Lucy Carew [declared a conflict of interest]

Motion carried.

Councillor Lucy Carew returned to the Chamber at 7:50 pm.

- Harbour Construction Ltd. Invoice #20006 – Councillor Vince Swain declared a conflict of interest on this invoice because his company was involved in work on this project. Councillor Swain left the Chamber at 7:50 pm.

2020-008 Councillor Lucy Carew/Councillor Dale O’Driscoll

Be it resolved that Council pay Harbour Construction Ltd. Invoice for installation of septic system for the playground change room/washroom/storage rooms, in the amount of \$8570.95.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Dale O’Driscoll, David Ryan and Lucy Carew

Against: 0

Abstained: Councillor Vince Swain [declared a conflict of interest].

Motion carried.

Councillor Lucy Carew noted that the additional work done on this project was because the company ran into bedrock so they had to bring in an additional piece of equipment for this purpose.

Councillor Vince Swain returned to the Chamber at 7:52 pm.

- Harbour Construction Ltd. Invoice #20008

2020-009 Councillor Lucy Carew/Councillor Dale O’Driscoll

Be it resolved that Council pay Harbour Construction Ltd. invoice for grading and Class A for Mullowney’s Lane, Cemetery Lane and John C’s Grove Road, in the amount of \$1380.00.

Motion carried unanimously.

- Harbour Construction Ltd. Invoice #20009

2020-010 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council pay Harbour Construction Ltd. Invoice for backhoe and class A for new municipal garage, in the amount of \$287.50.

Motion carried unanimously.

- Harbour Construction Ltd. Invoice #20010

2020-011 Councillor Lucy Carew/Councillor Maureen Murphy

Be it resolved that Council pay Harbour Construction Ltd. Invoice for materials, labour, tools and to repair waterline on Northside Track, in the amount of \$2210.74.

Motion carried unanimously.

- O'Brien's Trucking Ltd. Invoices for snow clearing (Dec. 7, 2019 – Jan. 4, 2020)

2020-012 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council pay O'Brien's Trucking Ltd. Invoices for snow clearing for the period December 7, 2019 to January 4, 2020.

Motion carried unanimously.

- O'Brien's Trucking Ltd. Invoice #WB-48

2020-013 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council pay O'Brien's Trucking Ltd. Invoice for ditching and excavator rental, in the amount of \$862.50.

Motion carried unanimously.

- O'Brien's Trucking Ltd. Invoice #WB-47

2020-014 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council pay O'Brien's Trucking Ltd. Invoice per tender estimate for Salt and Sand Pit, in the amount of \$3159.00.00.

Motion carried unanimously.

- O'Brien's Trucking Ltd. Invoice #WB-54

2020-015 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council pay O'Brien's Trucking Ltd. Invoice for filling in pit and pouring concrete to support the Town vehicles, in the amount of \$2089.09.

Motion carried unanimously.

b. Auditor

2020-016 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council advertise in The Post and The Telegram for a new auditor for best practice.

Motion carried unanimously.

c. BBBA Financials – Information Purpose

d. BBBA Draft MOU (Council opted not to sign MOU)

Councillor Lucy Carew questioned why this was on the agenda since Council had already made a motion that they would not be signing a three year MOU. It was noted by Mayor Derm Moran that the BBBA wanted to discuss further due to the probability of the association having to discontinue services of the Regional Director in the absence of a three-year commitment.

2020-017 Deputy Mayor Maureen Murphy/Councillor Dale O’Driscoll

Be it resolved that Council defer this item until Council has an opportunity to meet with the BBBA.

Motion carried unanimously.

7. Other Business

a. Fire Department’s revised Constitution and updated call list

2020-018 Deputy Mayor Maureen Murphy/Councillor Dale O’Driscoll

Be it resolved that Council adopt the Fire Department’s revised Constitution.

Motion carried unanimously.

b. Correspondence: Consulting services for new fire chief – Mayor Derm Moran explained that the Town intends on holding a meeting with the regional areas under the fire department regarding a fire chief and expenses involved with a part-time or full-time paid position. Council may also hire a consulting firm to assist with this process.

c. Correspondence: Request to have motion for Crown Land Reserve rescinded – Deputy Mayor Maureen Murphy declared a conflict of interest because her brother owns land in this area. Deputy Mayor Murphy left the Chamber at 8:03 pm.

Mayor Derm Moran referenced Motion #2014-161 and explained that the Department of Municipal Affairs & Environment did not approve the 99 hectares. He also noted that private property was included in the 99 hectares and that while the property owners would have access to their land, they would not be able to build structures.

2020-019 Councillor Vince Swain/Councillor Dale O’Driscoll

Be it resolved that Council rescind motion 2014-161 for Crown Land Reserve on Gallows Cove Road.

For: Mayor Derm Moran, Councillors David Ryan, Dale O’Driscoll, Vince Swain and Lucy Carew

Against: 0

Abstained: Deputy Mayor Maureen Murphy [declared a conflict of interest].

Motion carried.

Deputy Mayor Maureen Murphy returned to the Chamber at 8:04 pm.

d. Correspondence: Request for investigation of Conflict of Interest

Councillor Lucy Carew reported that this was addressed through motion #2019-345 at a Privileged Meeting of Council on December 18, 2019 whereby Council determined that Councillor Fraser Paul was not in a conflict of interest when he seconded and voted on a motion to award a tender to Southeast Construction. See motion #2020-005 above.

e. Correspondence: Request for clarification on Council’s actions related to Right- of-Way at the end of Gallows Cove Road

Councillor Lucy Carew reported that staff will respond to the letter on behalf of Council.

f. Correspondences: Inquiry regarding a horseback riding business, and the provision of fire services outside of the Town’s boundary

Deputy Mayor Maureen Murphy reported that this property is within the town’s boundary, but the interested party would have to apply to the town to have the land rezoned at their expense.

In reference to the second correspondence from an individual requesting to be provided with Fire Services, they would not be eligible because they are located outside of the Town’s fire services boundary.

g. LW Consulting: Proposal for recruitment of CAO

2020-020 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council approve the Proposal of CAO of LWC Ltd.

Discussion: It was noted that this company said they would be available to assist the Town with the search for a fire chief.

Motion carried unanimously.

- h. Correspondence related to flooding of private property on Mallowney's Lane – Deputy Mayor Maureen explained that she was previously voted not to be in a conflict on the Mallowney's Lane turnaround.

Councillor Vince Swain reported that when the Town put in the turnaround, proper ditching was done and a culvert was installed and there was no problem with drainage. Councillor Swain reported that there was a man-made pond on the private property and noted that he visits the turnaround site regularly and can confirm that the development of the turnaround is not the cause of flooding.

8. **2020-021** Councillor Lucy Carew/Councillor Vince Swain
Be it resolved that Council adjourn the public meeting at 8:20 pm
Motion carried unanimously.