

Public Meeting of Witless Bay Council
May 10, 2022
7:30 p.m.

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, Town Manager
Katherine Doyle, Town Clerk

1. Mayor Croft Called the meeting to order at 7:30PM.
2. **2022-121** Councillor Hayden/Councillor Carey
Move to adopt the Agenda of May 10th 2022.
Amendment: Councillor Hayden/Councillor Carey
Include on the Agenda:
Under Correspondence - Article 7 (a) wording to be changed from Crown Land application – 172-182 Dean’s Road to Development application – 172-182 Deans Road
Amendment carried.
Motion to adopt the agenda as amended carried.
3. **2022-122** Deputy Mayor Yard/Councillor Dunne
Motion to adopt the Public meeting minutes or April 12, 2022
Motion carried unanimously.
4. **Business Arising from Minutes:**
 - a. 49-51 Butlers Road – Application to build garage/shed.

2022-123 Councillor Carey/Councillor Hayden
Move to Deny application

Motion carried unanimously.

Councillor Carey reported that this is an application that was deferred at the previous council meeting, and if deferred again to the best of his knowledge “when we defer something twice it is the same as a denial anyway.” The Shed in question is already in excess of the current regulations that state that all accessory building must be within 70 sq meters total. Council is in the process of looking at adopting new town regulations pertaining to accessory buildings, a motion was passed during the special Public meeting on April 27, 2022 to amend our development regulations to better suit the needs of our community.

Motion carried unanimously.

5. New Business

a) Notice of Appeal decisions from April 22 hearing – Information Only

2022-124 Councillor Carey

Councillor Carey advised Information only - The Eastern Newfoundland Regional Appeals board has determined that for both appeals, they have determined that the board has no jurisdiction to hear the appeal

b) Tender – Potholes around town

Councillor Dunne declared a conflict of interest, his employer will be bidding on the proposed tender. Councillor Dunne left the meeting at 7:34pm.

Deputy Mayor Yard declared conflict of interest. The company her Brother is employed with will likely bid on the proposed tender as well. Yard left the meeting at 7:34pm

2022-125 Councillor Hayden/Councillor Carey

Move that we tender to do the potholes around town

Discussion: Councillor Hayden

An open tender would be our best option on this, as many residents are aware, we do have a lot of potholes around town, so this one may be better sent as an open tender.

We are hoping that we are not going to see much more freeze and thaw which would be hard on the pavement, but it is May in Newfoundland, so it is possible yet. Hopefully that is something we can have sent out soon and we can address that in the next month

It will be a full tender where they get cut and filled properly not just a temporary cold patch over these holes.

Motion carried unanimously.

Councillor Dunne, Deputy Mayor Yard return to Chambers 7:36pm

c) Purchase of Materials for Mobile High School Shop class.

2022-126 Deputy Mayor Yard/Councillor Dunne

Motion to approve the purchase for materials for Mobile High school shop class

Discussion: Councillor Carey advised that he spoke with the principal of Mobile High School who requested that if Council provide materials to the students they will use said materials to build new Hazard barriers for the Town of Witless Bay.

Motion carried unanimously.

d) Stop Work Order – 118-124A North Side Track

2022-127 Councillor Carey/Councillor Dunne

Motion to approve the Stop Work Order for 118-124A North Side Track

Discussion: Let it be noted a permit for demolition was not issued prior to the commencement of work being carried out, as such a Stop Work Order has been issued

Councillor Hayden advised an application for the work to be completed has once been submitted upon receipt of the stop work order and is article 7(k) of today's agenda

For: 0

Against: Mayor Croft, Deputy Mayor Lorna Yard, Councillor Jacob Hayden, Councillor Ralph Carey, Councillor Gerard Dunne, Councillor Alex Troake

Motion defeated

e) Delegation of Authority to the new Town Clerk and Manager to Issue Stop Work Orders

2022-128 Councillor Carey/Councillor Dunne

Motion to Delegation of Authority to the new Town Clerk and Manager to Issue Stop Work Orders

Motion carried unanimously

f) Awarding of Tender for Cleaning and Janitorial Services

2022-129 Councillor Troake/Deputy Mayor Yard

Motion to approve tender and enter into a contract with House Cleaning St. John's for a period of one year.

Discussion: Councillor Troake advised the previous contract for janitorial services for municipal buildings including Town hall, Fire Hall and the Puffin Center has expired. Council received two tenders the lowest of which is the one we will be going with at \$30 an hour.

Motion carried unanimously

g) Approval for new regional fire hall

2022-130 Deputy Mayor Yard/Councillor Hayden

Motion to defer approval for the new regional fire hall

Discussion: Deputy Mayor Yard advised that the application for a new regional fire hall was successful before we can proceed we need to have a meeting with the fire department and the Town accountant scheduled for later this week to go over financials for the project, then a Special public meeting can be held for approval.

Motion carried unanimously

h) Tender for new Asphalt sealing – Municipal buildings

2022-131 Councillor Hayden/Councillor Dunne

Motion to Tender for new Asphalt sealing – Municipal buildings

Discussion: Councillor Hayden noted Public works has discussed that with come home year coming up and events happening in the town, Asphalt sealing is a good investment for the town infrastructure as it keeps the asphalt newer and slows deterioration.

Motion carried unanimously

6. **Correspondence & Other Business:**

- a. Request for a business owner to lower tax assessment for business

Councillor Carey advised this is for information purposes only

Discussion: Councillor Carey noted that the business owner is requesting we lower his assessment for his business taxes, Council would like to arrange a meeting with the business owner to discuss

- b. Request from a business owner to meet with the Town Manager to discuss tax arrangements for the coming year

Councillor Carey advised this is for information purposes only

Discussion: The Town Manager will schedule an appointment to discuss matters with the Business owner.

- c. Liquor License – Business located at 407 Southern Shore Highway

2022-132 Deputy Mayor Yard/Councillor Dunne

Motion to approve Liquor License – Business located at 407 Southern Shore Highway
Pending Compliance with all other approvals permits or certifications with other provincial agency's

Discussion: Mayor Croft noted that this business has already been issued and operating with a temporary license.

Motion carried unanimously

- d. Request to clear blocked culvert crossing The Avenue

Councillor Carey advised this is for information purposes only

Discussion: Councillor Carey noted Public Works acknowledges the issue and will be adding it to the list they are compiling of blocked culverts to be cleared.

7. **Committee Reports:**

Public Works and Infrastructure:

- a. Development Application – 172-182 Dean's Road

2022-133 Councillor Dunne/ Councillor Carrey

Motion to deny Development Application – 172-182 Dean's Road

Discussion: Councillor Dunne noted that this parcel of land has already been subdivided and currently has some boundary/ right of way issues Public Works requires additional information from Government services and the prior land owner before it can proceed.

Motion carried unanimously

- b. Lot 1. O'Brien's Road – Application to build single family home

2022-134 Councillor Hayden/Councillor Dunne

Move to approve Lot 1. 16-22 O'Brien's Road – Application to build single family home

Motion carried unanimously.

- c. 291 Southern Shore Highway – Application to renovate home

2022-135 Councillor Carey/Councillor Hayden

Move to deny application due to incomplete and missing information
Discussion: Councillor Hayden noted the application was missing all project details

Motion carried unanimously.

- d. 158 Gallows Cove Road – Application to extend existing garage
2022-136 Councillor Carey/Councillor Dunne
Move to defer 158 Gallows Cove Road – Application to extend existing garage pending more information from the applicant.
Discussion: Councillor Troake noted that accessory buildings on the property are already in excess of current regulation of 70sq meters total for all accessory buildings.
Motion carried unanimously.
- e. 51 Southern Shore Highway – General maintenance and repair on commercial building.
2022-137 Councillor Hayden/Councillor Dunne
Move to approve 51 Southern Shore Highway – General maintenance and repair on commercial building
Discussion: Councillor Hayden noted this application is fully detailed and complete
Motion carried unanimously.
- f. 10 Tamarack Drive – Application to build a fence
2022-138 Councillor Dunne/Councillor Carey
Move to approve 10 Tamarack Drive – Application to build a fence
Motion carried unanimously
- g. 72 Southside Track – Application to build a garage
Councillor Carey requested the council determine his conflict of interest prior to the motion. Applicant is Councillor Carey’s neighbor. Councillor Carey left the chamber at 7:52 p.m. Council Determined no conflict was present, requested Counsellor Carey to return to chambers. Councillor Carey returned to chamber at 7:53 p.m.
2022-139 Councillor Dunne/Councillor Hayden
Move to approve 72 Southside Track – Application to build a garage
Discussion: Councillor Hayden Noted that approval is of course subject to the current town regulations of 70 Sq. Meters total for all accessory buildings
Motion carried unanimously
- h. 3 Irish Town road– Application to build a garage
2022-140 Councillor Carey/Councillor Dunne
Move to approve 3 Irish Town road– Application to build a garage
Discussion: Councillor Hayden Noted that approval is of course subject to the current town regulations of 70 Sq. Meters total for all accessory buildings
Motion carried unanimously
- i. 42 Country Path Drive – Application to build a garage
2022-141 Councillor Carey/Councillor Dunne
Move to approve 42 Country Path Drive – Application to build a garage

Discussion: Councillor Hayden Noted that approval is of course subject to the current town regulations of 70 Sq. Meters total for all accessory buildings

Motion carried unanimously

- j. 75 Country Path Drive – Application to build a garage

2022-142 Councillor Hayden/Councillor Dunne

Move to approve 75 Country Path Drive – Application to build a garage

Discussion: Councillor Hayden Noted that approval is of course subject to the current town regulations of 70 Sq. Meters total for all accessory buildings

Motion carried unanimously

- k. 118-124A North Side Track – Application to demolish a structure

2022-143 Councillor Carey/Councillor Hayden

Move to approve 118-124A North Side Track – Application to demolish a structure

Discussion: Councillor Carey Noted to remind residence that a permit is required for demolition. The heritage committee would like to document root cellars and houses prior to demolition for posterity.

Councillor Hayden noted the stop work order that was voted on earlier on the agenda (Item 5d **2022-094**)

Motion carried unanimously

Recreation Committee:

a) Update:

Deputy Mayor Yard noted that the first community Easter egg hunt for the Town of Witless Bay was a success despite the inclement weather. Over 50 Children attended the hunt and the K- 4 Coloring Contest sponsored by the BBBAA.

The Recreation Committee is looking to create more family Recreation area's here within The Town of Witless Bay one such area of discussion is an area to be located near Lower Pond with potential for a fire pit and corn hole game area. Planning for a Canada Day event to take place on July 1st is also being discussed.

ATV Committee:

a) Update:

Councillor Hayden noted that at the previous committee meeting they had MHA Lyola O'Driscoll attend and he is very positive and had offered his support for what the ATV committee is attempting to accomplish within the community. The association has issued a tender for May 17th for community a cleanup project they will be undertaking. Some of the areas they will be taking on are areas that have been neglected for many years. This will be a full reclamation project where they will be cleaned to the best of their ability with no refuse remaining.

The ATV committee is still waiting on the Active NL Fund for the approved amount of \$75,000, once received we will be issuing a tender for work to be completed on the track between Deans Road and Bears Cove, we are looking to make the trails more accessible to people of all abilities to enjoy.

The committee is working to put together a course for the community for ATV Safety and Safe Practices pertaining to the laws and regulations of use for ATV's to be delivered free of charge to local residents.

Heritage Committee:

a) Update:

Councillor Hayden noted Fund Request has been approved for the fence to be replaced at the old heritage cemetery.

The Plaquing project will continue we encourage any residence who have properties built prior to 1930 and are interested in taking part in the heritage plaquing project to contact someone on the Committee.

We will also be looking to have a heritage day as part of the Come Home Year festivities that will take place during the Come Home Year week.

Come Home Year Committee:

a) Update:

Councillor Carey noted signs have been approved for 4'x8' signs to be installed in various locations around town, we will be advertising various events to take place and when and where they will occur. Plans are progressing nicely Come Home Year will take place in July.

Fire Department Liaison report:

Deputy Mayor Yard noted Witless Bay Fire Department is currently at a membership of 30 members. This puts the department in very good standing with lots of their time being spent on training the many new recruits who have signed up the past few months.

In the last month they have been working incredibly hard modernizing operational practices, including a new dispatch app, updating documentation systems and adapting to new technology.

The Department also have a work term student Brittney Holyes from Keyin College Office Administration Program who will be assisting Chief Gatherall & the Fire Dept administratively from May 2nd- June 24th. I'm sure I join with everyone here welcoming Brittney to this position.

Training In the last two months the Fire Dept has completed Autism Awareness Training in partnership with the Ferryland/ Holyrood RCMP & The Autism Society of Newfoundland. They had (8) members complete Advanced First Aid for Firefighters , and currently (7) firefighters are completing Defensive Firefighter. The Department also has Air Brake Training & Vehicle Extrication Training on the horizon.

Calls Volume - The second quarter of the year started on April 1st and to date the department has had (May 10th 2022) has had 81 calls for service. Combined with the first quarter that puts the call volume at 131 calls so far in 2022. These include, emergency medical calls, structure fires, & road traffic accidents. The department has also responded to a number of out of control brush fires and would like to warn residents not to burn grass or have unattended fires as this is a very dry time of year.

Other news - The department has 3 members slotted to go to the annual firefighter school in June 2022- 2 members Nick Legge & Wes Learning are going for their NFPA 1001 Level 2 Certification as well as Chief Gatherall is going for NFPA 1031 Inspector certification. We wish them luck in achieving these certifications.

Community Engagement: Witless Bay Fire Department will be putting in a team for the annual Fire Fit which is an event hosted by local departments every year. The event is nicknamed the "toughest two minutes in sports" The Fire Department has 5 members planning on attending in Clarenville in June.

The Fire Dept is working closely with the Witless Bay Come Home Year Committee to ensure a safe community event, and will be hosting an open house for the public in July during the come home festivities, with the dates to follow.

8. Payable Charts:

a) Fire Dept Payables

2022-144 Councillor Troake /Deputy Mayor Yard

Move to adopt fire Dept payables chart for the amount of \$18,851.01

Motion carried unanimously.

b) Town of Witless Bay Payables 1

Deputy Mayor Yard declared a conflict of interest on Town of Witless Bay Payables 1 due to an invoice for virtual conference she attended included in the payables. Deputy Mayor Yard left the meeting at 8:08 p.m.

2022-145 Councillor Troake/Councillor Carey

Move to adopt Town of Witless Bay Payables 1

For: Mayor Croft, Councillors, Hayden, Carey, Dunne, Troake.

Against: 0

Abstained: Deputy Mayor Yard

Motion carried.

Deputy Mayor Yard returned to the meeting at 8:09 p.m.

c) Town of Witless Bay Payables 2

Councillor Dunne declared a conflict of interest on the Town of Witless Bay Payables 2, His Employers invoice is part of the payables and his son has an appeal also on the payables chart. Councillor Dunne Left the meeting at 8:09 p.m.

Deputy Mayor Yard declared a conflict of interest on Town of Witless Bay Payables 2. Deputy Mayor Yards brother in law works for the company invoiced in Town of Witless Bay payables 2. Deputy Mayor Yard left the meeting at 8:10 p.m.

2022-146 Councillor Troake/Councillor Carey

Move to adopt Town of Witless Bay Payables 2

Discussion: Councillor Hayden noted one of the Payables is for an invoice from Harbour Construction for the work completed at the municipal Garage for the amount of \$67,217.50 from the COVID funding.

Councillor Carey noted the second is for an invoice from Stewart Mckelvey in the amount of \$1378.61 for professional services rendered for attendance to represent the Town of Witless bay in an appeal with Eastern Newfoundland Regional Appeal Board that took place back on August 11, 2021 involving Councillor Dunne's Son with the previous council, however we did not receive the Bill for that appeal until quite recently.

For: Mayor Croft, Councillors Hayden, Carey, Troake.

Against: 0

Abstained: Deputy Yard, Councillor Dunne

Motion carried.

Deputy Mayor Murphy and Councillor Dunne returned to the meeting at 8:11 p.m.

9. **Adjournment:**

2022-147 Councillor Hayden/ Councillor Dunne

Move to adjourn the meeting at 8:12pm

Motion carried unanimously.