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Town of Witless Bay
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Public Meeting of Witless Bay Council
October 11, 2022

Attending: Mayor Trevor Croft (via telephone), Deputy Mayor Lorna Yard, Councillor Ralph Carey,
Councillor Gerard Dunne, Councillor Nancy Burke

Staff: Geraldine Caul, Town Manager (Acting)

Regrets: Councillor Alex Troake, Councillor Jacob Hayden

Deputy Mayor Lorna Yard was appointed Chairperson by Mayor Croft.

1. Deputy Mayor Yard called the meeting to order at 7:31 p.m.
2. Appointment of Clerk for the public meeting
2022-306 Councillor Carey/Councillor Dunne
Moved to appoint Geraldine Caul as Clerk for the public meeting.
Motion carried.
3. Adoption of the Agenda of October 11, 2022
2022-307 Councillor Burke/Councillor Carey
Moved to adopt the Agenda of October 11, 2022
Motion carried.
4. Adoption of the Minutes of September 13, 2022 Public Meeting
 - a. **2022-308** Councillor Dunne/Councillor Burke
Moved to adopt the Minutes of September 13, 2022 Public Meeting
Motion carried.
 - b. Adoption of Minutes of October 5, 2022 Special Public Meeting
2022-309 Councillor Burke/Councillor Dunne
Moved to adopt the Minutes of October 5, 2022 Special Public Meeting
Motion carried.

5. Business Arising from Minutes:

- a. Appointment of Town Planner for the Town of Witless Bay
- 2022-310 Councillor Burke/Councillor Carey**
 Moved that Council appoint Stephen Jewczyk as the new Town Planner for the Town of Witless Bay.
 Motion carried.
- b. Application to construct a single-family dwelling on 109-115 Dean's Road (Deferred at Sept. 13th public meeting)
- 2022-311 Councillor Dunne/Councillor Carey**
 Moved that the Town deny this application because it is a part of a bigger subdivision that is not yet approved by the town.
 Motion carried.
6. Correspondence and Other New Business:
- a. Resident's request for Council to address road and land erosion on Dunn's Lane (Information Only)
- Councillor Carey said the Town would acknowledge the request and let them know Council will be considering this in our next year's budget because it is currently not within our means to do the work this year.
- b. Request from the ATV Association for the Town's cooperation and financial support in repairing the railway trestle in Witless Bay (Information only)
- Councillor Carey noted that Council does support and recognize that the ATV Association is trying to make the town a better place to be for ATV users, however, at this time what Council will need is a financial indication of what they would require, and once they submit this, Council will certainly consider it.
- c. Request from the ATV Association for the Town's written permission to upgrade Bear Pond Path trail in Witless Bay
- Councillor Dunne declared a conflict of interest because Bear Pond Path borders his property boundary. Councillor Dunne left the meeting Chambers at 7:37 p.m.
- 2022-312 Councillor Carey/Councillor Burke**
 Moved that Council approve the ATV Association's request for the Town's written permission to upgrade Bear Pond Path, nothing that while Council can give permission, they may need some other provincial permission as well.
 For: Councillor Carey, Councillor Burke, Mayor Croft, Deputy Mayor Yard
 Against: 0
 Abstained: Councillor Dunne
 Motion carried.

- Councillor Dunne returned to the meeting Chambers at 7:39 p.m.
- d. Resident's request for Council to address issues related to development on Lower Pond Garden in Witless Bay (Information only)

Councillor Carey reported that he checked with the office and there is no record of the Town issuing a permit for any development in that location, so we encourage the individual to contact the provincial departments on this matter where it is on the pond, and where it is within a certain distance from the pond.
 - e. Resident's request for Council to address issues with a water system at 163 Southside Track, previously installed by the Town (Information only)

Councillor Carey reported that the Town would acknowledge the request from the resident and we will be following up in the future for more information on what the issue is, and try to come to a conclusion.
 - f. Resident's request to commence rezoning process of property on Gull Pond Road from Rural to residential, previously approved by the Town

Councillor Carey reported that Council was contacted by the property owners, and there is a cost associated if you are going to do a rezoning on your own at this time, but Council is about to start the process of a new Town Plan, so they will be happy to be included in this process because it will be cost-effective for them.
 - g. Notice of Motion to amend the Town Policy to include a policy on Fire Service Charges for Responding to False Alarms

Councillor Carey stated he wished to make a Notice of Motion to include a Policy on Fire Charges for Responding to False Alarms. This Policy, with a detailed process, will be introduced at November's public meeting for Council approval.
 - h. Eastern Regional Service Report 2023 – Budget services and fee structure (Information only)

Councillor Carey reported this is just a notification that there will be no increase in garbage pick-up, and that the cost will remain at \$200.
 - i. Contract Termination

2022-313 Councillor Carey/Councillor Dunne
I move for the following Resolution of Council:
Be it resolved that, pursuant to Section 68 of the Municipalities Act, 1999, the Town Manager be dismissed without cause on June 9, 2022, with pay in lieu of notice according to the Labour Standards Act.
Discussion: Councillor Carey noted that Council is required to hold two separate votes on this matter, and the second vote will be brought forward at the next regularly scheduled public meeting in November.

Discussion: Councillor Burke explained that she was on leave when this happened. Because there weren't things in writing for her to review, she did not feel she was in a position to vote for this motion. She noted she did not want to make an uninformed decision.

For: Councillor Carey, Councillor Dunne, Mayor Croft, Deputy Mayor Yard.

Against: Councillor Burke

Abstained: 0

Motion failed [2/3 vote required].

7. **Public Works & Infrastructure:**

- a. Crown Land application #160178 on Southern Shore Highway

Councillor Dunne declared a conflict of interest because the applicant is his relative. Councillor Dunne left the meeting Chambers at 7:46 p.m.

Deputy Mayor Yard declared a conflict of interest because her brother works for the applicant, and asked Councillor Burke to assume the Chair. Deputy Mayor Yard left the meeting Chambers at 7:46 p.m.

The absence of Councillor Dunne and Deputy Mayor Yard from the meeting resulted in a loss of quorum.

Councillor Dunne and Deputy Mayor Yard returned to the meeting Chambers at 7:47 p.m. and were notified that the quorum was lost. Deputy Mayor Yard resumed the Chair.

- b. Crown Land application #160244 on Dean's Road for construction of access off Dean's Road to private land

2022-314 Councillor Carey/Councillor Dunne

Moved that Council deny the application for Crown Land on Dean's Road.

Discussion: Councillor Carey reported that this application came in requesting approval under Discretionary use for Transportation, but what the applicant has applied for does not fit with the Transportation Classification in Schedule B of our Town Plan. Under Schedule B, the classification listing for Transportation includes Airfields, Railway Yards, Docks and Harbours. Motion carried.

- c. Application to construct a storage shed on 12 Ocean View Drive

Deputy Mayor Yard declared a conflict of interest because the applicant is a family member, and asked Councillor Burke to assume the Chair. Deputy Mayor Yard left the meeting Chambers at 7:49 p.m.

2022-315 Councillor Carey/Councillor Dunne

Moved to deny the application to construct a storage shed on 12 Ocean View Drive due to an existing building on the property, and when combined, exceeds the maximum allowable under the Town's regulations, and even if the 10% was applied, it would still be over the maximum.

Discussion: Councillor Carey noted that Council is working on a new Town Plan, and we realize accessory buildings need to be a bit larger, so we will be addressing this regulation with our Town Planner in the near future.

For: Councillor Carey, Councillor Burke, Councillor Dunne, Mayor Croft

Against: 0

Abstained: Deputy Mayor Yard.

Motion carried.

Deputy Mayor Yard returned to the meeting Chambers at 7:50 p.m., and resumed the Chair.

d. Application for New Business on 147 Southside Track (Golden Paws Animal Grooming Salon)

2022-316 Councillor Carey/Councillor Dunne

Moved to approve a new business on 147 Southside Track, subject to meeting regulations for home-based business.

Motion carried.

8. Committee Reports:

Finance:

a. Approval of Payables Chart – Town of Witless Bay

2022-317 Councillor Carey/Councillor Burke

Moved to approve Payable Chart for the Town of Witless Bay for \$45,399.03.

Motion carried.

Approval of Payables Chart A – Town of Witless Bay

Deputy Mayor Yard declared a conflict of interest because her brother works for the company on the Payables Chart A, and asked Councillor Burke to assume the Chair. Deputy Mayor Yard left the Meeting Chambers at 7:53 p.m.

Councillor Dunne declared a conflict of interest because he works for the company that submitted the invoice in Payables Chart A. Councillor Dunne left the meeting Chambers at 7:53 p.m.

The absence of Deputy Mayor Yard and Councillor Dunne from the meeting resulted in a loss of **quorum**.

Deputy Mayor Yard and Councillor Dunne returned to the meeting Chambers at 7:53 p.m.

b. Approval of Payables Chart – Witless Bay Fire Department

2022-318 Councillor Carey/Councillor Burke

Moved to approve Payable Chart – Witless Bay Fire Department for \$16,024.83.

Motion carried.

Fire Department

Deputy Mayor Yard asked Councillor Burke to assume the Chair in order for her to speak.

Deputy Mayor Yard provided the following Fire Department report:

From January 1st to October 1st, the Fire Department had 221 recorded calls for service, a record high. If this average continues, the fire department should close out around 275 calls for service.

Witless Bay Fire Department is implementing a new state-of-the-art software called ONEFIREHALL that allows the chief and executive membership the ability to track everything from when the Jaws was serviced, all the way to how long the air has been in a cylinder. The app has been fantastic and allows members to complete incident reports from their phone which is completely paperless and backed up to a secure cloud. This is state-of-the-art software that will help the chief big time in his role. It also allows members to track their exposure to carcinogens which is part of the cancer legislation by Workplace NL. All of this will be backed up and be accessible for years to come on a secure network.

The volunteers are extremely excited to be completing our first-ever level 1 Firefighter Course. The Province only has the ability to put off 1 course a year with 24 seats, but WB Fire Department plans to have 50% level 1 certified by summer 2023. This would not be possible without the support of the council and regional partners on the training facility.

Witless Bay is also very excited to host FTA (Fire Training Associates) based out of New Brunswick. FTA is going to put off a course in conjunction with Witless Bay, Holyrood and Victoria FD and put our new smokehouse to the test. They are going to be showing advanced skills that wouldn't be taught at traditional fire schools such as advanced forcible entry and limited staffing skills for on the fire ground.

Deputy Mayor Yard resumed the Chair.

Recreation

a. BBBAA

Councillor Burke provided the following Recreation Report from the Bay Bulls-Bauline Athletic Association (BBBAA):

In the past 30 days, the BBBAA:

- *Planned, promoted and implemented After School Program 2022-2023*
- *Completed interviews and hired a youth for the CPRA Youth Employment Experience position*
- *On-going promotion of recreation worker job posting*
- *Partnered with the Town of Bay Bulls and grand opening of Long Pond Trail*
- *Submitted additional information for environmental assessment registration with Gov NL's Environmental Assessment Division for the Cape Pond Road- Horse Chops Road multi-purpose trail*
- *Secured a College of the North Atlantic recreation work term student for a 4-w233k un-paid placement (due to start on October 17)*
- *Hosted meeting to discuss youth programming*

- *Had initial discussions regarding our fall/winter soccer program and discussed expansion of the program*
- *Planning of fall activities*
- *Coordinating ongoing recreation grounds upgrades*
- *Attended and presented at a meeting with the Town of Witless Bay council*

Moving forward:

- *Begin coordination of After School Program 2022-2023*
 - *On-going planning fall/winter activities*
 - *Introduce Boccia Program.*
- b. Town's upcoming Events
- Councillor Burke reported the following upcoming events:
- *Craft Fair scheduled for November 12th*
 - *A second Halloween Activity (the schedule is shifting so the date is not yet finalized). Councillor Burke noted that the Town is ironing out the details for a fun and exciting day for children of all ages in our community.*
 - *Tree Lighting event, which we want to make bigger than last year which was a huge success*

Heritage Report - No report for this meeting

ATV Report – No report for this meeting

9. Adjournment

2022-319 Councillor Dunne/Councillor Burke

Moved to adjourn the public meeting at 8:01 p.m.
Motion carried.