

Public Meeting of Witless Bay Council  
November 11, 2022

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

Staff: Geraldine Caul, Acting Town Manager

Regrets: Councillor Troake

1. Deputy Mayor Lorna Yard called the meeting to order at 7:33 p.m.

2. Appointment of clerk for the public meeting

**2022-325** Councillor Burke/Councillor Dunne  
Moved to appoint Geraldine Caul as clerk for the public meeting.  
Motion carried.

3. Adoption of Agenda of November 11, 2022

**2022-326** Councillor Dunne/Councillor Carey  
Moved to adopt the Agenda of November 11, 2022.  
Motion carried.

4. Adoption of Public Meeting Minutes of October 11, 2022

**2022-327** Councillor Carey/Councillor Dunne  
Moved to adopt the Public Meeting Minutes of October 11, 2022  
Motion carried.

5. Adoption of Special Public Meeting Minutes of October 28, 2022

**2022-328** Councillor Carey/Councillor Dunne  
Moved to adopt the Special Public Meeting Minutes of October 28, 2022  
Motion carried.

6. Business Arising from Minutes

a. Motion to amend the Town Policies to include Policy on Fire Charges for Responding to False Alarms

**2022-329** Councillor Burke/Councillor Hayden

Moved to amend the Town Policies and Procedures to include Policy on Fire Charges for Responding to False Alarms.

Motion carried.

- b. Application for Council's conditional approval in principle to construct a residential dwelling on 28 Murphy's Lane

**2022-330** Councillor Carey/Councillor Dunne

Moved to deny the application for conditional approval in principle to construct a residential dwelling on 28 Murphy's Lane because it doesn't meet the Town's development regulations.

Motion carried.

- c. Crown Land Application #160178 on Southern Shore Highway

Councillor Dunne declared a conflict of interest because the applicant is a family member. Councillor Dunne left the meeting chambers at 7:37 pm.

Deputy Mayor Yard declared a conflict of interest because her brother works for the applicant. Deputy Mayor Yard left the meeting chambers at 7:37 pm. Councillor Hayden assumed the Chair.

**2022-331** Councillor Carey/Mayor Croft

Moved to approve the Crown Land Application #160178 on Southern Shore Highway.

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

Against: 0

Abstained: Councillor Dunne, Deputy Mayor Yard

Motion carried.

Councillor Dunne and Deputy Mayor Yard returned to the meeting chambers at 7:38 pm. Deputy Mayor Yard resumed the Chair.

- d. Repairs to driveway entrance to Municipal Garage (Fire Dept. building)

Councillor Dunne declared a conflict of interest because the company he works for will be bidding on this work. Councillor Dunne left the meeting chambers at 7:38 pm.

Deputy Mayor Yard declared a conflict of interest because her brother works for the company that will be bidding on this work. Deputy Mayor Yard left the meeting chambers at 7:38 pm. Councillor Hayden assumed the Chair.

**2022-332** Councillor Carey/Mayor Croft

Moved to issue a tender for repairs to the driveway entrance to the Municipal Garage (Fire Department Building).

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

Against: 0

Abstained: Councillor Dunne, Deputy Mayor Yard

Motion carried.

Councillor Dunne and Deputy Mayor Yard returned to the meeting chambers at 7:39 pm. Deputy Mayor Yard resumed the Chair.

e. Awarding Tender for Potholes, Road Repairs, Ditching and Other Work

Councillor Dunne declared a conflict of interest because the company he works for will be bidding on this work. Councillor Dunne left the meeting chambers at 7:40 pm.

Deputy Mayor Yard declared a conflict of interest because her brother works for the company that will be bidding on this work. Deputy Mayor Yard left the meeting chambers at 7:40 pm. Councillor Hayden assumed the Chair.

**2022-333** Councillor Carey/Mayor Croft

Moved to award the Tender for Potholes, Road Repairs, Ditching and other work to O'Brien's Trucking Ltd. in the amount of \$13,998.04.

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

Against: 0

Abstained: Councillor Dunne, Deputy Mayor Yard.

Motion Carried.

Councillor Dunne and Deputy Mayor Yard returned to the meeting chambers at 7:41 pm. Deputy Mayor Yard resumed the Chair.

f. Pad for ballfield bleachers

Councillor Dunne declared a conflict of interest because the company he works for will be bidding on this work. Councillor Dunne left the meeting chambers at 7:42 pm.

Deputy Mayor Yard declared a conflict of interest because her brother works for the company that will be bidding on this work. Deputy Mayor Yard left the meeting chambers at 7:42 pm. Councillor Hayden assumed the Chair.

**2022-334** Councillor Carey/Mayor Croft

Moved to go to tender for a concrete pad for ballfield bleachers which will be constructed per the engineer's specs for safety purposes.

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

Against: 0

Abstained: Councillor Dunne, Deputy Mayor Yard

Motion carried.

Councillor Dunne and Deputy Mayor Yard returned to the meeting chambers at 7:43 pm, Deputy Mayor Yard resumed the Chair.

g. Wire for Christmas Tree

Councillor Dunne declared a conflict of interest because the company he works for will be bidding on this work. Councillor Dunne left the meeting chambers at 7:44 pm.

Deputy Mayor Yard declared a conflict of interest because her brother works for the company that will be bidding on this work. Deputy Mayor Yard left the meeting chambers at 7:44 pm. Councillor Hayden assumed the Chair.

**2022-335** Councillor Carey/Mayor Croft

Moved that Council install wire for the Christmas Tree on Upper Pond.

Discussion: Councillor Carey reported that Council had a pole installed and there are a lot of transformers in the area, so we will run the proper cables in order to light the Christmas tree on this site. This will provide ample lighting with one extra cord.

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

Against: 0

Abstained: Councillor Dunne, Deputy Mayor Yard

Motion carried.

Councillor Dunne and Deputy Mayor Yard returned to the meeting chambers at 7:45 pm, Deputy Mayor resumed the Chair.

## h. Contract Termination

**2022-336** Councillor Carey/Mayor Croft

I move for the following resolution:

Be it resolved that, pursuant to Section 68 of the Municipalities Act, 1999, the Town Manager be dismissed without cause on July 12, 2022, with pay in lieu of notice according to the Labour Standards Act.

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

Against: Councillor Burke

Motion carried. *This motion is rescinded. See motion 2022-337*

Due to an error in the date noted in motion #2022-336, Councillor Carey moved to rescind motion #2022-336 to correct the date from July 12, 2022 to June 9, 2022, now reflected accurately in motion #2022-338.

**2022-337** Councillor Carey/Councillor Hayden

Moved to rescind motion #2022-336 under 6h, Contract Termination.

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

**2022-338** Councillor Carey/Mayor Croft

I move for the following resolution:

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.

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

Against: Councillor Burke

Motion carried.

## 7. Correspondence and Other Business:

## a. Eastern Regional Service Board – Regional Service Contract

**2022-339** Councillor Carey/Councillor Hayden

Moved that the Town of Witless Bay enter into a 36-month contract for waste collection services with the Eastern Regional Service Board for June 30, 2023 to June 30, 2026.

Discussion: Councillor Carey reported that the town's current contract is up in June 2023 and the same provider wants the Town to commit for a longer term with no cost increase. Councillor Hayden added that the reason we are making this decision in November for a contract starting June 2023 has to do with the Service Board's scheduling, and the company has to commit their equipment for certain areas.

Motion carried.

b. Tender results for Town of Witless Bay Fire Vehicle (1991 Volvo)

Councillor Dunne declared a conflict of interest because the company he works for bid on the equipment. Councillor Dunne left the meeting chambers at 7:52 pm.

Deputy Mayor Yard declared a conflict of interest because her brother works for the company that bid on the equipment. Deputy Mayor Yard left the meeting chambers at 7:52 pm. Councillor Hayden assumed the Chair.

**2022-340** Councillor Carey/Mayor Croft

Moved that Council accept the bid from Modern Paving in the amount of \$15,001.00 as the successful bidder in the tender for the Witless Bay Fire Vehicle, 1991 Volvo.

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

Against: 0

Abstained: Councillor Dunne, Deputy Mayor Yard

Motion carried.

Councillor Dunne and Deputy Mayor Yard returned to the meeting chambers at 7:53 pm. Deputy Mayor Yard resumed the Chair.

8. **Public Works and Infrastructure**

a. Application to construct a fence on 436 Southern Shore Highway

**2022-341** Councillor Hayden/Councillor Dunne

Moved to approve the application to construct a fence on 436 Southern Shore Highway subject to compliance with the Town's development regulations, as well as setback for the Highways.

Discussion: Councillor Carey felt the applicant would be fine, but the onus would be on the applicant to check with the Province.

Motion carried.

b. Application to excavate the rear portion of property on 40 Southside Track

**2022-342** Councillor Dunne/Councillor Carey

Moved to approve the application to excavate the rear portion of property on 40 Southside Track.

Motion carried.

c. Application to operate a portable sawmill on 20 Murphy's Lane

**2022-343 Councillor Hayden/Councillor Dunne**

Moved to approve the application to operate a portable sawmill on 20 Murphy's Lane subject to use during daylight hours and that the town reserves the right to revoke the permit if there are too many complaints or issues in the area.

Discussion: Councillor Hayden noted that the Town issued the same stipulation on other permits for the use of portable sawmills in the past, and this stipulation is to make sure people are not using them during the night, or using them for commercial purposes.

Motion carried.

9. **Committee Reports:****Finance**a. **Approval of Payable Chart – Town of Witless Bay****2022-344 Councillor Carey/Councillor Dunne**

Moved to approve payment of the Payable Chart – Town of Witless Bay in the amount of \$212,298.62.

Discussion: Councillor Carey noted that while this is a large payment, \$189,389.67 is for costs related to the Shoreline Protection Project.

Motion carried.

b. **Approval of Payables Chart A – Town of Witless Bay**

Councillor Dunne declared a conflict of interest because he works for the company listed on this Payables Chart. Councillor Dunne left the meeting chambers at 7:58 pm.

Deputy Mayor Yard declared a conflict of interest because her brother works for the company listed on this Payables Chart, and one payment is a reimbursement to her for Town supplies she picked up. Deputy Mayor Yard left the meeting chambers at 7:58 pm. Councillor Hayden assumed the Chair.

**2022-345 Councillor Carey/Mayor Croft**

Moved to approve payment of the Payables Chart A – Town of Witless Bay in the amount of \$6,136.34.

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

Against: 0

Abstained: Councillor Dunne, Deputy Mayor Yard

Motion carried.

Councillor Dunne and Deputy Mayor Yard returned to the meeting chambers at 7:59 pm. Deputy Mayor Yard resumed the Chair.

c. **Approval of Payables Chart B – Town of Witless Bay****2022-346 Councillor Carey/Councillor Hayden**

Moved to approve payment of Payables Chart B – Town of Witless Bay in the amount of \$7,232.35.

Motion carried.

d. **Approval of Payables Chart – Fire Department**

**2022-347 Councillor Carey/Councillor Hayden**

Moved to approve payment of Payables Chart – Fire Department in the amount of \$58,151.43.  
Motion carried.

- e. Request for financial contribution towards the Annual Regional Fireman’s Ball

**2022-348 Councillor Carey/Councillor Hayden**

Moved to make a financial contribution in the amount of \$1500 towards the Annual Regional Fireman’s Ball.  
Motion carried.

- f. Request for financial contribution towards the Community Christmas Hampers

**2022-349 Councillor Carey/Councillor Hayden**

Moved to make a financial contribution to the Knights of Columbus in the amount of \$750 for Community Hampers.  
Motion carried.

- g. Contribution towards the 2022 Christmas Parade

**2022-350 Councillor Carey/Councillor Hayden**

Moved to contribute \$750 to the Kinsmen Club towards the 41<sup>st</sup> Christmas Parade.  
Motion carried.

**Fire Department**

- a. Fire Department Report

Councillor Hayden reported that the Fire Department has had 248 calls for service since January 1, 2022. This is a 64% increase in calls since 2021, and we have two months left to close this year for this data.

The department has done some preventative maintenance on the pumper, and had a company in to flow test both the 2021 Tanker and 2006 Pumper. The flow test indicated the Pumper needed some preventative maintenance and the parts are on order. The truck will need to be brought to Central Newfoundland to be repaired by a qualified technician, but Chief Gatherall has a contingency plan to keep the area protected in the week the truck may be down.

The Witless Bay Fire Department will be hosting Holyrood, Bay Roberts and Victoria Fire Departments in a weekend course next week, hosted by FTA. Fire training associates specialize in advanced firefighter skills and will show case advanced techniques and latest in firefighting innovation.

**Recreation**

- a. BBBAA Report

Councillor Burke reported the following report for October 2022:

- The BBBAA planned, promoted and implemented After School Program 2022-2023

- They have on-going communication with their program staff and parents, and of course, ongoing promotion and communication, via social media, email marketing and their website
- They held a BBBA Board of Directors Meeting
- They attended Board Meeting and AGM for Recreation NL
- College of the North Atlantic recreation work term student started a 4-week placement on October 17<sup>th</sup>
- They oversaw and supervised all work assignments for CPRA Youth and CNA Student
- They opened registration for indoor soccer program
- They organized a Babysitting Course and opened their registration for this course
- They re-opened a youth program at the Lifestyle Centre
- They organized and implemented a community haunted house
- They attended the Town of Bay Bulls Trick or Trunk event
- They organized a Pumpkin Walk (November 1<sup>st</sup>) in partnership with the Children's Make-A-Wish
- They met with Alison Power (Kidmas organizer) to discuss Christmas activities for 2022

b. BBBA Regional Director Funding

**2022-351** Councillor Burke/Councillor Carey

Move to approve the remaining \$18,500 to the BBBA Regional Director Funding.  
Motion carried.

c. Christmas Event 2022

Deputy Mayor requested Councillor Hayden take the Chair so she could speak on this event.

**2022-352** Deputy Mayor Yard/Councillor Dunne

Moved that the Town provide \$500 to Christmas Event 2022

Discussion: Deputy Mayor Yard reported that the Recreation Committee met earlier in the Fall and discussed events that the town put off. We identified that many of the events we sponsored are for children and families, which is great, but we also realized need to plan events for adults or seniors, like an adult night out, so we did some leg work and we thought about having a Christmas Concert in the Church for an adult evening. We reached out to Kevin Evans, Darcy Broderick and Ronnie Power to do a Christmas storytelling, singing event, and we received a good price for them to do an event in the Church.

We are not concert promoters or an organization, so it is difficult for us to actually organize it, therefore, we are partnering with the Parish Committee who will do the organizing and selling tickets to pay for the entertainment and sound system. They will decorate the church and advertise. The only part of the Town of Witless Bay Recreation Committee will be a donation of \$500 to help with the sound for the event, and if the event does not go ahead, such as ticket sale issues, the Town will be refunded the \$500.

We are hoping to plan a nice event for adults and seniors or anyone who would like a nice Christmas concert, and down the road we will be looking at getting a few volunteers together to provide transportation to the event to residents of Witless Bay who don't drive. This event will take place on December 15, 2022 at the Church in witless Bay, from 7 to 9 pm. The Parish Committee may be having another 50/50 ticket draw there as well, and the tickets will be \$20 each.

Motion carried.



Deputy Mayor Yard resumed the Chair.

**ATV Report** – No report presented for this meeting.

**Heritage Report**

Councillor Hayden presented the following report:

The Witless Bay Heritage Committee has won another provincial award for its work. Having won the Manning Award for its book, *Bygone Days of Witless Bay* in June, it has won an award for all its work in the town since it was formed in 2004.

The Museum Association of NL awarded the Heritage Committee of Witless Bay its Award of Merit for the significant contributions it has made to the practice of museum and heritage work in Newfoundland and Labrador. Specifically, the Award of Merit was presented to Co-Chairs of the Heritage Committee of Witless Bay, Maureen Walsh and Bonnie Johnstone at the Annual General Meeting of MANL on October 15, 2022.

The Award of Merit was given to the Heritage Committee of Witless Bay for all its efforts including the publication of its book *Bygone Days of Witless Bay*, in 2011 member, Barry Norris, compiled an inventory of houses built before 1930 that was the basis for the celebration of the architecture of the community by providing plaques for its Historic Homes Project, contribution to having the designation of the old cemetery as a registered municipal heritage site and one of Canada's historic places and maintain the cemetery, collected and scanned old photographs to preserve them, hosted events like the ringing of the bells to celebrate the Armistice in 1918, worked with graduate Folklore students of MUN when they held a field school in the community, organized a heritage walk in the town, provided information for storyboards erected in the Town, visited the Alderwood Retirement Centre with a display of artifacts, helped design an information brochure and bookmark for tourists, organized the annual Remembrance Day ceremony at the cemetery, organized and hosted a Heritage Day for Come Home Year, participated in the annual Puffin Festival, members attended various Heritage NL workshops, taught the Girl Guides how to perform traditional dances, sold old photographs of postcards and note cards, and held a contest to identify older artifacts which was enjoyed by young and old alike.

The Award of Merit is awarded to a member of MANL, either organization, agency, or individual for an outstanding, innovative, or creative achievement in the museum, gallery, or heritage field, or in any area related to the preservation and development of the province's cultural heritage, including research, collection, documentation, exhibition, public programming, and management.

The Town of Witless Bay Deputy Mayor, Lorna Yard stated that, "There is pride in our community of the efforts of the Heritage Committee. Its mandate is, 'to promote, preserve, conserve, and celebrate the natural built, and cultural heritage of the town and the people'. This has been achieved."

Accepting on behalf of the members of the Heritage Committee, Maureen Walsh and Bonnie Johnstone expressed their delight at receiving the Award of Merit. Johnstone said, "We are pleased to have this award to acknowledge all the work that has been undertaken by current and past members, some of whom have passed." Maureen Walsh noted that, "While we have accomplished

a lot, but there is much left to do! We are planning our projects for the coming year, so stay tuned.”

For those who would be interested in purchasing a copy of *Bygone Days of Witless Bay*, please contact Maureen Walsh at 709-689-5087 and Lucy Carew at 709-725-9533

9. Adjournment

**2022-353** Councillor Dunne/Mayor Croft

Moved to adjourn the public meeting at 8:10 pm

Motion carried.