

Public Meeting of Witless Bay Council

February 8, 2022

Attending:

Mayor Trevor Croft
Deputy Mayor Lorna Yard
Councillor Ralph Carey
Councillor Gerard Dunne
Councillor Nancy Burke
Councillor Jacob Hayden
Councillor Alex Troake

Staff: Barb Harrigan

1. Mayor Trevor Croft called the meeting to order at 7:31 pm.
2. Appointment of Acting Town Clerk (for meeting)
2022-23 Councillor Nancy Burke/Councillor Ralph Carey
Move that Council appoint Barb Harrigan as Acting Town Clerk for meeting.
Motion carried unanimously.
3. Adoption of Agenda of February 8, 2022
2022-24 Councillor Nancy Burke/Councillor Ralph Carey
Move that Council adopt the Agenda of February 8, 2022.
Motion carried unanimously.
4. Adoption of Public Meeting Minutes of January 11, 2022
2022-25 Deputy Mayor Lorna Yard/Councillor Alex Troake
Move that Council adopt the Public Meeting Minutes of January 11, 2022.
Motion carried unanimously.
5. Adoption of Special Public Meeting Minutes of January 30, 2022
 - a. **2022-26** Councillor Gerard Dunne/Councillor Jacob Hayden
Move that Council adopt the Special Public Meeting Minutes of January 30, 2022.
Motion carried unanimously.
6. **Business Arising from Minutes:**
 - a. 29-43 Southern Shore Highway – Requesting Crown Land approval for entrance from Dean’s Road
2022-27 Councillor Jacob Hayden/Councillor Ralph Carey
Move that Council approve the application for Crown Land approval for entrance from Dean’s Road. If land usage changes from Agriculture usage the applicant must re-submit a new application to the Town for approval of change of usage.
Motion carried unanimously.

- b. BBAA – Request to reconsider funding amount

2022-28 Councillor Alex Troake/Deputy Mayor Lorna Yard

Move to defer until the Town Manager and Board of Directors can meet to have a discussion.

Discussion: Councillor Alex Troake

Council received a letter from the BBAA in the Fall requesting \$50,000 in funding for 2022. The request was seriously considered as part of the overall budgetary process. The 2022 budget includes \$37,000 to support the BBAA, respecting a MOU signed by the previous Council. While this Council fully supports recreation, we have limited financial resources to address years of neglect in the community, and support growth and community development. To approve additional funding for the BBAA is irresponsible as it would mean taking away from other areas, such as roadwork, community services or support for other community groups. However, since the MOU expires this year, we plan to work with the BBAA throughout the year to come up with a suitable funding model moving forward which provides accountability, predictability and represents good value to the residents of Witless Bay.

Discussion: Councillor Nancy Burke

"I have a lot to say on this matter, but I will save it for when the motion is made in the next public meeting."

Motion carried unanimously.

7. **New Business:**

- a. Notice of Appeal – Information Only
b. Appointment of Town Manager

2022-29 Councillor Alex Troake/Deputy Mayor Lorna Yard

Move that Council appoint Shawn Kavanagh as Town Manager and Acting Town Clerk as of February 21, 2022.

Discussion: Councillor Alex Troake

First of all, I'd like to thank Mayor Croft and Deputy Mayor Yard for assisting me in the recruitment of a new Town Manager. By handling this internally, we were able to have greater control and visibility over the process, and save taxpayers between \$4,000-\$5,000 for just this position. I'd also like to thank all the candidates who came forward to offer their energy and experience to Witless Bay.

We are excited to welcome Shawn Kavanagh to our team. Shawn grew up in Calvert and has deep roots in Witless Bay, having spent time at his grandparent's home on Fisherman's Road and living there in recent years.

In 2011, Shawn graduated from Memorial University with a Bachelor of Arts (Honours). He went on to graduate with a Master of Arts from Queen's University in Political Studies in 2012, and in 2016 he graduated Juris Doctor from the University of New Brunswick. Shawn was called to the bar in 2017, and brings significant experience in Municipal Law as well as labour relations.

Shawn has significant experience in studying and examining public policy under some of Canada's greatest scholars in the area, experience which will prove invaluable when tasked with helping Council develop public policy.

As a volunteer, Shawn is currently serving as the Chairman of the Calvert Local Service District, a member of the Southern Shore Joint Council, as well as a member of the Board of Directors for the Community Business Development Corporation Celtic.

Please join me in welcoming Shawn to his new position!

Motion carried unanimously.

- c. Appointment of Fire Chief

2022-30 Councillor Alex Troake/Deputy Mayor Lorna Yard

Move that Council appoint Jack Gatherall as Fire Chief of Witless Bay Volunteer Fire Dept.

Motion carried unanimously.

- 8. **Correspondence & Other Business**

- a. Request for funding towards repairs to the Bay Bulls Regional Lifestyle Centre

2022-31 Councillor Alex Troake/Deputy Mayor Lorna Yard

Move that Council deny request from the Town of Bay Bulls to fund roof repairs to the Bay Bulls Regional Lifestyle Centre.

Discussion: Councillor Alex Troake

At the request of the Town Council in Bay Bulls, the Witless Bay Council attended a meeting in Bay Bulls on November 29, 2021 to discuss fire services in the region, specially fire protection fees and the new Fire Hall project. At the end of the meeting, Bay Bulls brought up the need for repairs to the roof at the Bay Bulls Regional Lifestyle Centre, and were looking for Witless Bay to contribute funding since they considered it a regional facility. Since there had been no prior discussion of this, a presentation or any documentation presented, Witless Bay requested a formal letter/proposal be sent to the Town Office for consideration. Unfortunately, no further correspondence was received until January 4, 2022, after the Witless Bay 2022 budget was finalised and approved. Therefore, the Town of Witless Bay is not in a position to contribute funding for the Bay Bulls Regional Lifestyle Centre in 2022. However, given the importance of recreation, regional cooperation, and the fact that the BBBAA MOU expires in 2022, we should look at how we fund/operate all recreation assets in the region. We do have to be mindful of the recreation assets here in Witless Bay, to ensure they are properly funded, and how they would fit into any agreement moving forward.

For the motion: Councillor Ralph Carey, Deputy Mayor Lorna Yard, Councillor Alex Troake, Councillor Gerard Dunne, Councillor Jacob Hayden, Mayor Trevor Croft

Against the Motion: Councillor Nancy Burke

Motion Carried.

- b. Residents concerns – Right of way off Harbour Road by old cemetery

Members of Public Works Committee will speak with residents in the area and if it is a right of way, it will remain so and if its private land, it will remain private land.

- c. Correspondence - Washout damage on Dunn's Lane

Members of Public Works Committee will be assessing the area and will have something in place as soon as possible.

- d. Correspondence - Washout damage on Butler's Road

Members of Public Works Committee will be assessing the area and will have something in place as soon as possible.

- 9. **Committees:**

Public Works & Infrastructure

- a. Backlot Development (Discretionary Use) - 63-65 Dunn's Lane

2022-32 Councillor Jacob Hayden/Councillor Ralph Carey
Move that Council defer the application as per the Town Planner's report dated February 5, 2022.

Discussion: Councillor Jacob Hayden

The subject property appears capable of meeting the lot area, lot frontage and building setback requirements of the Residential Zone for a Backlot Development. However, as has been noted, the information submitted by the applicant is not adequate to determine conclusively that all requirements of the Development Regulations relevant to a Backlot Development at this location can be satisfied.

It is recommended that Council defer consideration of this application to enable the Town Planner to request that the applicant provide the Town with the following information necessary to establish conformity with municipal requirements:

1. A stamped and signed legal survey of the proposed building lot;
2. A sufficiently detailed site plan (or Location Certificate) drawn to a satisfactory scale showing the exact setbacks of the proposed dwelling from all property lines;
3. Submission of a satisfactory lot grading and drainage plan that meets the approval of the Town Engineer;
4. A report of a geo-physical assessment of the subject property conducted by a Professional Engineer or other person qualified to make a determination, to ensure development can take place without endangerment to health or safety;

Motion carried unanimously.

- b. Application to build a shed – 128 Bears Cove Road

2022-33 Councillor Jacob Hayden/Councillor Ralph Carey
Move that Council approve the application to build a shed on 128 Bears Cove Road.
Motion carried unanimously.

- c. Application to build garage and pour garage slab prior to construction of garage – 82 Country Path Drive

2022-34 Councillor Ralph Carey/Councillor Gerard Dunne

Move that Council approve the application to pour slab for garage. House has to be shelled in before a garage permit is issued to the applicant.

Motion carried unanimously.

- d. Business Application - New Taxi Service

Councillor Gerard Dunne declared a conflict of interest because the application involves his sister. Councillor Dunne left the meeting at 8:00 pm.

2022-35 Councillor Alex Troake/Deputy Mayor Lorna Yard

Move that Council Approve the application for new Taxi Service in Witless Bay.

Discussion: Councillor Alex Troake

As Chair of the Finance and Economic Development Committee, I am pleased to welcome a new business to the community. Despite the recent commercial tax increases, Witless Bay represents good value, especially compared with neighboring municipalities. We look forward to working with existing businesses in the community, and attracting new businesses to support our growing population.

For the motion: Councillor Jacob Hayden, Councillor Nancy Burke, Councillor Ralph Carey, Councillor Alex Troake, Deputy Mayor Lorna Yard, Mayor Trevor Croft.

Abstained: Councillor Gerard Dunne

Motion carried.

Councillor Gerard Dunne rejoined the meeting at 8:02 pm.

- e. Crown Land application - 103-127 Witless Bay Line

Councillor Gerard Dunne declared a conflict of interest because his brother owns a Company that borders on the property that is being applied for. Councillor Gerard Dunne left the meeting at 8:02 pm.

2022-36 Councillor Ralph Carey/Councillor Jacob Hayden

Move that Council defer the Crown Land application pending a meeting with the applicant and the Fire Department to set a buffer between the Fire Department training grounds and the land being applied for.

For the motion: Councillor Nancy Burke, Councillor Ralph Carey, Deputy Mayor Lorna Yard, Councillor Alex Troake, Councillor Jacob Hayden, Mayor Trevor Croft

Abstained: Councillor Gerard Dunne

Motion carried.

Councillor Gerard Dunne returned to the room at 8:04pm.

- f. Crown Land Application – 273-182 Dean's Road

2022-37 Councillor Jacob Hayden/Councillor Gerard Dunne

Move that Council defer the Crown Land application until more information is received from the applicant.

Motion carried unanimously.

- g. 30 Murphy's Lane – Residents concern re-permit issued to build a single family home

Councillor Ralph Carey stated that as this is a private property issue between two residents the Town does not get involved in private property issues and must be worked out between both property owners.

- h. Call for quotes – Road Work

Mayor Trevor Croft declared a conflict of interest as his own personal property is listed on the road work. Mayor Trevor Croft left the meeting at 8:08 pm.

Councillor Gerard Dunne declared a conflict of interest because the company that he works for is owned by his brother and will be bidding on the road work. Councillor Gerard Dunne left the meeting at 8:08 pm.

Deputy Mayor Lorna Yard took the chair at 8:08 pm.

2022-38 Councillor Jacob Hayden/Councillor Ralph Carey
Move that Council call for quotes for road work as per list to be determined.

For the motion: Councillor Jacob Hayden, Councillor Nancy Burke, Councillor Ralph Carey, Deputy Mayor Lorna Yard, Councillor Alex Troake
Abstained: Mayor Trevor Croft, Councillor Gerard Dunne
Motion carried.

Mayor Trevor Croft rejoined the meeting at 8:12 pm
Councillor Gerard Dunne rejoined the meeting at 8:12 pm
Deputy Mayor Lorna Yard returned to her seat at 8:12 pm.

Finance:

- a. Purchase broom for pick-up truck

2022-39 Councillor Gerard Dunne/Deputy Mayor Lorna Yard
Move that Council purchase broom/bracket for pick-up truck.
Motion carried unanimously.

- b. Call for quotes for removal and installation of gyprock and insulation in Municipal Garage

2022-40 Councillor Alex Troake/Deputy Mayor Lorna Yard
Move that Council call for quotes for removal and installation of gyprock and insulation in the Municipal Garage.
Motion carried unanimously.

- c. Call for quotes for new lighting in Municipal Town office

2022-41 Councillor Alex Troake/Deputy Mayor Lorna Yard
Move that Council call for quotes for new lighting in Municipal Town office.
Motion carried unanimously.

- d. Town to purchase 3 copies of the new Heritage book.

2022-042 Councillor Alex Troake, Councillor Ralph Carey
Move that Council purchase 3 copies of the new Heritage book @ \$25. per book.

Discussion: Councillor Ralph Carey
Books are to be donated to St. Bernard's School, Mobile Central High School and Memorial University.

Motion carried unanimously.

- e. Clean Harbour Initiative – Motion to commence Harbour clean-up

2022-043 Councillor Alex Troake/Deputy Mayor Lorna Yard
Move that staff contact Clean Harbour Initiative to commence with the Harbour clean up project.

Motion carried unanimously.

- f. BBAA – MOU Payment

2022-044 Councillor Alex Troake/Councillor Nancy Burke
Move that Council approve funding for the BBAA in the amount of \$37,000.00 to be issued in 2 payments as per the signed MOU in place.

Discussion: Councillor Alex Troake

I acknowledge that the BBAA requested an additional \$13,000 in funding, and was looking to receive the entire \$50,000 in one payment. However, the signed MOU between the Town and the BBAA sets the amount of annual funding at \$37,000 to be paid in 2 instalments. The Town was able to provide a one-time increase in funding for 2021 based on COVID funding received from the government. In 2022, any increase over-and-above \$37,000 would have to be funded by the taxpayers of Witless Bay, and that would mean cuts to other areas of the budget. While the Town fully supports recreation and youth, we also have to consider our own cash flow and the taxpayers of Witless Bay. Since the After School Program runs a profit each month, and the BBAA ended 2021 with just over \$150,000 in assets, including almost \$140,000 in cash, I trust their Board can work with the \$74,000-\$87,000 it will receive from Bay Bulls and Witless Bay in 2022 to cover their financial obligations and continue their programming uninterrupted.

Motion carried unanimously.

- g. Eastern Waste Management – Motion to renew garbage collection contract

2022-045 Councillor Alex Troake/Deputy Mayor Lorna Yard
Move that Council renew its contract with the Eastern Regional Service Board for waste collection services.

Discussion: Councillor Alex Troake

The Eastern Regional Service Board advised the Town of a fee increase of \$20/household (from \$180 to \$200) in 2022. While this represents the first increase since 2011, being a new Council committed to controlling costs, we asked Town staff to look into alternative service providers. Based on their research, the bet option is to remain with Eastern Regional Service Board.

Motion carried unanimously.

Recreation:

- a. BBBA update – Information Only

Community Enhancement Committee:

Community Enhancement Committee (CEC)

Oral Report to Town Council

Councillor Nancy Burke, as citizen

February 8, 2022

This oral report is an information item for Council and the residents of Witless Bay.

- A group of residents of Witless Bay met on October 5, 2021, to discuss establishing a Community Enhancement Committee to contribute to the liveability of Witless Bay.
- The citizens wanted to build on citizen-led initiatives undertaken in 2021, such as clean-up on Gully Road, efforts at Alderwood Estates to engage residents that have generated positive media for the community, and the Historic Places Walk hosted by the Heritage Committee.
- These residents are interested in undertaking citizen-led projects to enhance services within the community.
- Youth come to Witless Bay from the region. The citizens want to work with the Town Council, community groups, and partners in the region, i.e., Bay Bulls to Bauline.
- Among the ideas generated for action were enhancing/developing:
 - youth programming as there are limited programs for youth 13-18 years, e.g., drop-in centre where youth could engage in youth-led music and arts programs
 - public spaces, e.g., community garden, access to the beach via folding steps and boardwalk, fire pits on the beach,
 - community events, e.g., BBQ and bonfire on the beach,

- walking trails that are accessible for people with all levels of ability,
- animal control measures so residents feel safe walking around the community,
- seniors' programs, i.e., affordable housing, transportation.
- The CEC intended to have a public meeting to inform the residents of Witless Bay and invite participation from interested citizens.
- Covid-19 restrictions were tightened, and a public meeting could not be held.
- However, despite the restrictions, a small group have been working on youth programming by collecting information about programs that are available, and contacting school principals, representatives of organizations, the Town of Bay Bulls, and local service districts to gauge their interest in working to enhance youth programming in the area. To date, there has been support for the work of the youth sub-committee, and work is ongoing.
- Further, the CEC has made representation to the Town Council of Witless Bay to:
 - During its budget deliberations, to set aside funding for maintenance of existing trails and replace missing story boards, and
 - Protect the railbed and trestle for use as a public trail for use by residents for recreational activities, such as, walking, cross-country skiing, ATV use.
- As soon as the Covid-19 restrictions allow, a public meeting will be called to discuss the activities of the CEC.
- Residents of Witless Bay interested in the CEC can contact Colleenhanrahan@bellaliant.net

13. **Payable Charts:**

a. Fire Department payables

2022-046 Councillor Alex Troake/Councillor Ralph Carey
 Move that Council approve the payable chart for Fire Department in the amount of \$30,377.08.
Motion carried unanimously.

b. Town of Witless Bay payables

2022-047 Councillor Alex Troake/Councillor Ralph Carey
 Move that Council approve the payable chart for Town of Witless Bay in the amount of \$191,175.42.
Motion carried unanimously.

c. Stewart McKelvey – Conflict of Interest allegations

Deputy Mayor Lorna Yard declared a conflict of interest because the allegations were made against her. Deputy Mayor Lorna Yard left the meeting at 8:42 pm.

2022-048 Councillor Alex Troake/Councillor Ralph Carey
Move that Council approve the invoice for Stewart McKelvey in the amount of \$1911.88.

For the motion: Councillor Nancy Burke, Councillor Ralph Carey, Councillor Alex Troake, Councillor Jacob Hayden, Councillor Gerard Dunne, Mayor Trevor Croft.

Abstained: Deputy Mayor Lorna Yard

Motion carried.

Deputy Mayor Lorna Yard returned to the meeting at 8:43 pm.

d. LW Consulting – Representation fees for Appeal hearing

Councillor Gerard Dunne declared a conflict of interest because the appeal was against his application to the Town. Councillor Dunne left the meeting at 8:45 pm.

Councillor Ralph Carey declared a conflict of interest because he was the appellant. Councillor Carey left the meeting at 8:45 pm.

2022-049 Councillor Alex Troake/Deputy Mayor Lorna Yard
Move that Council approve the invoice for LW Consulting in the amount of \$747.50.

For the motion: Councillor Nancy Burke, Councillor Alex Troake, Councillor Jacob Hayden, Deputy Mayor Lorna Yard, Mayor Trevor Croft

Abstained: Councillor Gerard Dunne, Councillor Ralph Carey

Motion carried.

Councillor Gerard Dunne & Councillor Ralph Carey returned to the meeting at 8:46 pm.

11. **Adjournment:**

2022-050 Councillor Nancy Burke/Councillor Alex Troake

Move to adjourn the meeting at 8:50 pm.

Motion carried unanimously.