

Public Meeting of Witless Bay Council

August 13, 2019

Attending: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors Vince Swain, Fraser Paul and Lucy Carew

Regrets: Councillors Neil Stratton

Recording: Geraldine Caul and Barb Harrigan

1. Mayor Rene Estrada called the meeting to Order at 7:30 pm.
2. Adoption of Agenda of August 13, 2019

**2019-180** Deputy Mayor Maureen Murphy/Councillor Vince Swain  
Be it resolved that Council adopt the agenda of August 13, 2019

Amendment to add item: Councillor Fraser Paul/Councillor Vince Swain  
Public Works & Infrastructure –  
*e. Snow Clearing Tender – November 2019 to April 2020*

Amendment to add item: Councillor Fraser Paul/Deputy Mayor Maureen Murphy  
Public Works & Infrastructure –  
*f. Application for new home construction on Gull Pond Road*

Amendment to add Item f. carried unanimously  
Amendment to add Item e. carried unanimously  
Motion to adopt the agenda as amended carried unanimously.

3. Adoption of Minutes of Meeting of July 9, 2019

**2019-181** Councillor Lucy Carew/Deputy Mayor Maureen Murphy  
Be it resolved that Council adopt the Minutes of Meeting of July 9, 2019 as presented.  
Motion carried unanimously.

4. Adoption of Special Public Meeting Minutes of July 23, 2019

Deputy Mayor Maureen Murphy announced that due to the lack of clarity of Council voting on the main motion to amend the Agenda of the July 23, 2019 Special Public Meeting, Council will now be calling for a motion to adopt the Agenda of July 23 as amended.

**2019-182** Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Be it resolved that Council adopt the Agenda of July 23, 2019 Special Public Meeting as amended.

For: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors Fraser Paul and Vince Swain

Against: Councillor Lucy Carew

Motion carried.

**2019-183** Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Be it resolved that Council adopt the Minutes of Special Public Meeting of July 23, 2019  
Motion carried unanimously.

5. Business Arising from Minutes:

a. Tender results for new fire tanker

**2019-184** Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council defer this item until further information is received from the Procurement Agency.

Motion carried unanimously.

b. Tender results – Groundwork for extension to Puffin Centre – Pad ready

**2019-185** Councillor Vince Swain/Councillor Fraser Paul

Be it resolved that Council accept the bid from O'Brien's Tender for Groundwork for extension to Puffin Centre (pad ready) at a total cost of \$1894.49

Motion carried unanimously.

c. Tender results – Septic design for change rooms & bathrooms at pool/playground area

**2019-186** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council accept the bid from O'Brien's Trucking for septic design for change rooms & bathroom at pool/playground area at a total cost of \$690.00.

Motion carried unanimously.

d. Tender results – removal and replacement of unsuitable material on land located on Southern Shore Highway (behind Clarity Aquatech)

**2019-187** Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that Council defer this item until more information is received from Crown Land on the application submitted.

Motion carried unanimously.

e. Dept. of Fisheries & Oceans MOU

**2019-188** Councillor Vince Swain/Councillor Lucy Carew

Be it resolved that Council not accept the Memorandum of Agreement (MOU) because the work completed by their department on Upper Pond is not done to the standards required for the Town to take over the property.

Discussion: It was noted that this property is too much debt for the Town to take over as it exists.

Motion carried unanimously.

f. East Coast Trail MOU

**2019-189** Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council not enter into a Memorandum of Agreement (MOU) with the East Coast Trail.

Discussion: It was noted that Council did review the MOU but there are several sections of the MOU that go against the Town Plan.

Motion carried unanimously.

g. Sweeper/Plow

**2019-190** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council accept the quote for the sweeper/plow from Paul Murphy Services Inc. at a total cost of \$11,845.00.

Motion carried unanimously.

6. Public Works & Infrastructure:

a. Application to repair/renovate a home on 93C Northside Track

**2019-191** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve the application to repair/renovate a home on 93C Northside Track subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

b. Application to construct a new home on Gull Pond Road

**2019-192** Councillor Fraser Paul/Deputy Mayor Maureen Murphy

Be it resolved that Council approve an application to construct a new home on Gull Pond Road subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

c. Trails within Witless Bay

**2019-193** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Town staff contact the department responsible for high water markings or layouts within the town to identify town property in the high water mark and any fences or other obstructions to be removed so the town could advance forwards with Town trails.

Discussion: Councillor Lucy Carew questioned if this would be for the whole community.

Councillor Fraser reported that any time we are doing an application that involves the high water mark, and he noted that the town is doing one right now, and if we were to be able to identify the whole town, Council would not have to keep going back and forth. He said once it is done, we know where our town boundaries are.

Motion carried unanimously.

d. Salt and Sand for snow clearing

**2019-194** Councillor Vince Swain/Councillor Lucy Carew

Be it resolved that Council defer the salt and sand for snow clearing until the next meeting.

Motion carried unanimously.

e. Snow Clearing 2019-2021

**2019-195** Councillor Fraser Paul/Deputy Mayor Maureen Murphy

Be it resolved that the town staff start the tendering process for Snow clearing 2019-2021 and have the advertisement on August 24<sup>th</sup>.

Motion carried unanimously.

f. Application for new home construction on Gull Pond Road

**2019-196** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve an application for new home construction on Gull Pond Road subject to approval from Services NL and another government agencies having jurisdiction.

Motion carried unanimously.

7. Finance:

- a. Payment chart for approval – Deputy Mayor Maureen Murphy declared a conflict of interest because one invoice, Steward Mckelvey, was for fees related to Mallowney's Lane, and her brother owns land off Mallowney's Lane. Deputy Mayor Murphy left the Chamber at 7:48 pm.

**2019-197** Councillor Lucy Carew/Councillor Fraser Paul

Be it resolved that Council approve payment listing with the exception of the invoice from Steward McKelvey and Maureen Walsh.

For: Mayor Rene Estrada, Councillors Fraser Paul, Vince Swain and Lucy Carew

Against: 0

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

Motion carried.

**2019-198** Councillor Lucy Carew/Councillor Fraser Paul

Be it resolved that Council pay the invoice for Stewart McKelvey.

For: Mayor Rene Estrada, Councillors Fraser Paul, 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 7:58 pm

Councillor Lucy Carew declared a conflict of interest on the payment for Maureen Walsh because Councillor Carew is a member of the Heritage Committee who picked up the supplies for them, and the invoice was made out Maureen Walsh, who would be reimbursing Councillor Carew. Councillor Carew left the Chamber at 8:00 pm.

**2019-199** Councillor Vince Swain/Councillor Fraser Paul

Be it resolved that Council pay Maureen Walsh for Heritage supplies.

For: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors Fraser Paul and Vince Swain.

Against: 0

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

Motion carried.

Councillor Lucy Carew returned to the Chamber at 8:01 pm.

b. Playground equipment

**2019-200** Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council approve equipment for Playground area.

Motion carried unanimously.

c. Invoices from Town Planner for Council review – Information only.

8. General Business:

a. By-Election

**2019-201** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council move forward with the By-Election, with Nomination Day on August 28<sup>th</sup>, and the By-Election on September 19<sup>th</sup>.

Motion carried unanimously.

b. Fire Department Constitution

**2019-202** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council defer this item pending minor revisions.

Motion carried unanimously.

c. Capital Works funding application for completion of Harbour Road Coastal Erosion

**2019-203** Councillor Lucy Carew/Councillor Vince Swain

Be it resolved that the Town of Witless Bay apply to the Department of Municipal Affairs & Environment for funding to complete Harbour Road Erosion, and to refer the application process to the Town's engineer, as well as have the application copied to both federal members.  
Motion carried unanimously

- d. Correspondence from resident related to development on Ragged Beach – Deputy Mayor Maureen Murphy reported that the Town received information from the property owners and that Council has no issues with that development.
- e. Correspondence from resident related to damage to public Crown Land on Ragged Beach area

Deputy Mayor Maureen Murphy asked that Council determine if she is in a conflict of interest on this correspondence because her brother owns land in this area. Deputy Mayor Murphy left the Chamber at 8:05 pm

**2019-204** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Deputy Mayor Maureen Murphy is not in a conflict of interest on this because her brother's land is separated by other land, and is further up in the woods.

For: Mayor Rene Estrada, Councillors Lucy Carew, Fraser Paul and Vince Swain

Against: 0

Abstained: Deputy Mayor Maureen Murphy [requested Council to determine if she was in a conflict of interest]

Motion carried.

Deputy Mayor Maureen Murphy returned to the Chamber at 8:06 pm

Councillor Vince Swain reported saying that we didn't cross Crown Land and we got permission verbally from the property owner to cross the private land. He said that public works made all contractors aware of the route to be taken during the site visit.

- 9. **2019-205** Councillor Vince Swain/Deputy Mayor Maureen Murphy  
Be it resolved that Council adjourn at 8:07 pm  
Motion carried unanimously.