

Public Meeting of Witless Bay Council  
Town Hall - 7:34 p.m.  
June 9, 2015

Attending: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman  
Councillors: Rene Estrada, Kevin Smart, Ralph Carey, Albert Murphy, Kenny Brinston

Recording: Barb Harrigan

1. The meeting was called to order by Mayor Sebastien Despres at 7:34 p.m.

2. **2015-108** - Councillor Ralph Carey/Councillor Kevin Smart  
Be it resolved Council adopt the agenda of June 9, 2015

Amendment:

Councillor Ken Brinston/Councillor Rene Estrada

Be it resolved Council defer items 4a under Business Arising from Minutes & 5a under New Business until the meeting with Minister Keith Hutchings on June 15, 2015.

Deputy Mayor Dena Wiseman questioned whether or not she would be in conflict on voting on the agenda item 4a.

Mayor Sebastien Despres requested that Deputy Mayor Dena Wiseman and Councillor Ralph Carey leave the chamber for a vote to be taken to determine if they were in conflict in relation to the decision relating to the agenda item #4a.

Councillor Ralph Carey & Deputy Mayor Dena Wiseman left the chambers at 7:36

**2015-109** - Councillor Albert Murphy/Councillor Rene Estrada

Be it resolved that Deputy Mayor Dena Wiseman & Councillor Ralph Carey are in conflict by voting on item 4A of the agenda.

For the motion: Councillors Albert Estrada, Ken Brinston and Albert Murphy

Against the motion: Mayor Sebastien Despres, Councillor Kevin Smart

**Motion Carried.**

Deputy Mayor Dena Wiseman & Councillor Ralph Carey returned to the chamber at 7:42

Deputy Mayor Dena Wiseman & Councillor Ralph Carey left the chamber at 7:43 for Council to take a vote on adopting the agenda as amended.

For the Amendment: Councillors Ken Brinston, Rene Estrada & Albert Murphy

Against the Amendment: Mayor Sebastien Despres & Councillor Kevin Smart

**Amendment carried.**

**Motion carried.**

Deputy Mayor Dena Wiseman & Councillor Ralph Carey returned to the chamber at 7:44

3. **2015-110** - Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council adopt the May 26, 2015 Minutes of Meeting as presented.

For the motion: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Kevin Smart & Ralph Carey

Against the motion: Councillors Albert Murphy, Rene Estrada & Ken Brinston

**Motion carried.**

4. **Business Arising:**

a. Vote of allegations of conflict of interest relating to motions on snow clearing - Deferred until meeting with Minister Keith Hutchings, June 15, 2015.

b. Lands Act Review

**2015-111** - Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved that Council send the same letter as the Towns of Logy Bay-Middle Cove-Outer Cove, Torbay, Flatrock, Pouch Cove, Bauline and Portugal Cove-St. Phillips to Department of Municipal & Intergovernmental Affairs regarding the Review of the Current Lands Act and Service Delivery.

**For the motion:** Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Kevin Smart & Ralph Carey.

**Against the motion:** Councillors Rene Estrada, Ken Brinston & Albert Murphy  
**Motion carried.**

c. East Coast Trail - Financial Support

**2015-112**- Councillor Rene Estrada/Councillor Ken Brinston

Be it resolved Council table this item until the Finance Committee meets in the near future.

**Motion carried unanimously.**

d. Public Works' list for asphalt repairs - Public Works will compile a list of asphalt repairs and present it to Council when completed.

e. Public Works' list for road sweeping

**2015-113**- Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council set aside \$1000.00 to sweep the intersections of the Town roads. This does not include roads that intersect with the Southern Shore Highway.

Contractor is to provide a list of roads that were swept.

Amendment: Deputy Mayor Dena Wiseman/Councillor Albert Murphy

Be it resolved Council use the Standing Offer price.

**Amendment carried unanimously**

**Motion carried unanimously.**

f. Ditching tender results - Due to an error made by office staff ditching tender will have to be retendered.

**2015-114** - Councillor Ralph Carey/Councillor Ken Brinston

Be it resolved that Public Works finalize the list for ditching and submit the list to Council for approval.

**Amendment:** Deputy Mayor Dena Wiseman/ Councillor Rene Estrada

Be it resolved that Public Works submit finalized ditching list to council by June 16, 2015 and empower council to approve via email.

**Amendment carried unanimously.**

**Motion carried unanimously.**

- g. Re-purposing of Municipal Buildings - Approval of project scope

**2015-115** - Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved Council approve the project scope submitted by the Town's Architectural firm for the review of our existing facilities, functional programming and a cost estimate for the conceptual design of the Witless Bay Fire Department and Town Hall.

**Motion carried unanimously.**

5. **New Business:**

- a. Witless Bay Municipal Plan & Development Regulations - Deferred until meeting with Minister Keith Hutchings, June 15, 2015.

- b. Community Sustainability Partnership -

The Town of Witless Bay received a letter from Municipal Affairs informing Council that they have completed a review of the provincial-municipal fiscal framework with the recent Budget 2015 announcement of a Community Sustainability Partnership. In the next 3 years the Town will see increased projected revenues of \$91,969.

- c. Municipal Training circular - Information purpose only.

- d. Ratification of regulations governing public comment sessions - Councillor Ralph Carey read the regulations governing public comment sessions. (Appendix 1)

**2015-116** – Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved Council ratify the regulations governing public comment sessions.

**Motion carried unanimously.**

- e. Bluedot Municipal Declaration - Notice of Motion to be presented at Public Meeting, July 14, 2015. Appendix 2

- f. Kinsmen Club of Witless Bay - Puffin Fest Correspondence

The Kinsmen Club had several requests relating to the Puffin Festival, such as field and ground preparations, access to the ball field on July 31, 2015, access to parking space at the recreation complex, staff time for photocopying, Southside Track being used as a one way road from August 1-2, and financial support from the Town.

**2015-117** - Councillor Albert Murphy/Deputy Mayor Dena Wiseman

Be it resolved Council donate \$500.00 towards the festival.

Amendment: Councillor Ken Brinston/Albert Murphy

Be it resolved Council support the Kinsmen Club in their preparations for the Puffin Festival as listed above.

**Amendment carried unanimously.**

**Motion carried unanimously.**

6. **Finance:**

- a. Income Statement & Payables - Information Purpose Only

- b. Southern Avalon Tourism Association

**2015-118** - Councillor Albert Murphy/Councillor Ken Brinston

Be it resolved Council pay membership fee of \$100.00

**Motion carried unanimously.**

- c. Southern Shore Arena

**2015-119** - Councillor Albert Murphy/Councillor Ken Brinston

Be it resolved Council give permission to Southern Shore Arena to install a sign on the ice surface that represents the Town of Witless Bay.

**Motion carried unanimously.**

**2015-120** - Councillor Ken Brinston/Councillor Albert Murphy

Be it resolved Council pay Annual Arena Stabilization Fund in the amount of \$6527.00 to the Southern Shore Arena.

**Motion carried unanimously.**

- d. Youth Ventures

**2015-121** - Councillor Ken Brinston/Councillor Albert Murphy

Be it resolved that the Town of Witless Bay waive any fees or taxes associated with business start-ups for Youth Ventures program participants operating a business in the Town of Witless Bay during the summer of 2015 (which includes May 1 - September 15, 2015). It is understood that if a participant wishes to continue running a business past this date, the town council has the right to impose the regular business tax rate if deemed necessary.

**Motion carried unanimously.**

- e. O'Brien's Trucking Invoice

**2015-122** - Councillor Albert Murphy/Councillor Rene Estrada

Be it resolved Council pay invoice #0096.

**Amendment:** Deputy Mayor Dena Wiseman/Councillor Rene Estrada

Be it resolved Council not pay for item #1- Repairs to South Side Track

For the amendment: Mayor Sebastien Despres, Deputy Mayor Dena

Wiseman, Councillors Kevin Smart, Ken Brinston & Rene Estrada

Against the amendment: Councillor Albert Murphy./Councillor Ralph Carey

**2<sup>nd</sup> Amendment:** Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved that council amend the motion and not pay item #3 until further clarification from the Contractor regarding the hours that was charged to clean sand from the council parking lot. Contractor will be paid for work that was done on March 30, 2015 and May 26, 2015.

**Amendment #2 carried unanimously.**

**Motion carried unanimously.**

Staff to set up a meeting with Mr. O'Brien to meet with Public Works to discuss Item numbers 1 & 3 on invoice # 0096 that was submitted to the office for payment.

7. **Community Enhancement Committee:**

- a. Quotes for Adopt-A-Spot

**2015-123** - Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved that Council accept the lowest quote from Metro Signs Inc., in the amount of \$1759.36 for 50 adopt-a-spot signs.

**Motion carried unanimously.**

8. **Recreation:**

- a. Repairs to ball field

**2015-124** - Councillor Albert Murphy/Councillor Ken Brinston

Be it resolved Council have backstop and fence repaired. Be it further resolved that necessary repairs to the dugout be carried out.

**Motion carried unanimously.**

9. **Public Works & Compliance:**

- a. **2015-125** - Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council approve in principle single family home on 45 Harbour Road (New Line Road) subject to approval from Services NL and any other government agencies having jurisdiction.

**Motion carried unanimously.**

- b. **2015-126** - Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council approve in principle single family home on portion of 243-247 Dean's Road subject to approval from Services NL and any other government agencies having jurisdiction.

**Motion carried unanimously.**

- c. **2015-127** - Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council give a conditional approval in principle for residential single family home on 184 Dean's Road subject to approval from Services NL and any other government agencies having jurisdiction. Approval is also subject to the following condition:

- Dwelling is to be located on land that is zoned residential.

**Motion carried unanimously.**

- d. **2015-128** - Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council approve in principle single family home on 11-13 Gallows Cove Road subject to approval from Services NL and any other government agencies having jurisdiction.

**Motion carried unanimously.**

- e. **2015-129** - Councillor Ralph Carey/Councillor Dena Wiseman

Be it resolved Council defer application to build residential single family home on John C's Grove Road and forward it to our lawyer for consideration.

**Motion carried unanimously.**

- f. **2015-130** - Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council approve application to build residential single family home on 46 Country Path Drive subject to approval from Services NL and any other government agencies having jurisdiction. Be it further resolved that building line set back must be a minimum of 8m and a maximum of 32m.

**Motion carried unanimously.**

- g. **2015-131** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved Council approve application to build residential single family home on 41 Country Path Drive subject to approval from Services NL and any other government agencies having jurisdiction.  
**Motion carried unanimously.**
- h. **2015-132** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved Council approve application to build greenhouse on 86 Gull Pond Road.  
**Motion carried unanimously.**
- i. **2015-133** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved council approve application to build greenhouse on 278 Dean's Road.  
**Motion carried unanimously.**
- j. **2015-134** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved council approve shed on 17-23 Carter's Road.  
**Motion carried unanimously.**
- k. **2015-135** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved council approve shed on 170 Harbour Road.  
**Motion carried unanimously.**
- l. Private use garage - 13 North Side Track

Mayor Sebastien Despres brought it to the attention of Councillor Albert Murphy that the application before council was Councillor Murphy's neighboring property. Mayor Sebastien read Section 207 of the Municipalities Act. Councillor Albert Murphy asked that a vote be taken on whether or not he was in conflict.

Councillor Albert Murphy left the chamber at 9:03.

**2015-136** - Councillor Ken Brinston/Councillor Rene Estrada  
Be it resolved Councillor Albert Murphy is not in conflict of interest on voting on item 1.  
**Motion carried unanimously.**

Councillor Albert Murphy returned to the chamber at 9:04

**2015-137** - Councillor Ralph Carey/Councillor Ken Brinston  
Be it resolved council approve personal use garage with a height restriction of 4m.  
**Motion carried unanimously.**

- m. **2015-138** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved Council approve private use garage on 37 Gull Pond Road.  
**Motion carried unanimously.**
- n. **2015-139** - Councillor Ralph Carey/Deputy Mayor Dena Wiseman  
Be it resolved council not approve extension to existing garage on 124-126 South Side Track as the existing garage exceeds the maximum floor area of an accessory building.  
For the motion: Mayor Sebastien Depres, Deputy Mayor Dena Wiseman, Councillors Kevin Smart, Ken Brinston, Rene Estrada and Ralph Carey  
Against the motion: Councillor Albert Murphy  
**Motion carried.**

- o. **2015-140** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved application for a catch basin is declined until more information is presented to the Town.  
**Motion carried unanimously.**
- p. **2015-141** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved council approve fence application on 99 Fishermen's Road.  
**Motion carried unanimously.**
- q. **2015-142** - Councillor Ralph Carey/Councillor Ken Brinston  
Be it resolved council approve fence application on 6 Diamond Place.  
**Motion carried unamiously.**
- r. **2015-143** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved council approve application for deck and culvert on 112 Gallows Cove Road. Applicant must ensure that the culvert does not extend outside of his boundary.  
**Motion carried unanimously.**
- s. **2015-144** - Councillor Ralph Carey/Councillor Albert Murphy  
Be it resolved that council approve deck application on 153 Dean's Road.  
**Motion carried unanimously.**

10.

**Adjournment:**

**2015-145** - Deputy Mayor Dena Wiseman/Councillor Albert Murphy  
Be it resolved Council adjourn the meeting at 9:15  
**Motion carried unanimously.**