

Public Meeting of Witless Bay Council
Town Hall
March 12, 2019

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

Recording: Geraldine Caul

1. Mayor Rene Estrada called the meeting to order at 7:30 p.m.
2. **2019-039** Deputy Mayor Maureen Murphy/Councillor Fraser Paul
Be it resolved that Council adopt the March 12, 2019 Agenda.
Motion carried unanimously.
3. **2019-040** Councillor Lucy Carew/Councillor Chris Brinston
Be it resolved that Council adopt the Minutes of Special Public Meeting February 26, 2019.
Motion carried unanimously.
4. Business Arising from Minutes:
 - a. Adoption of the Town of Witless Bay Policies, By-Laws and Procedures 2019

2019-041 Deputy Mayor Maureen Murphy/Councillor Vince Swain
Be it resolved that Council adopt the Draft Policies, By-Laws and Procedures 2019 per Notice of Motion given at the February 26, 2019 Special Public Meeting. Be it further resolved that the Town of Witless Bay Policies, By-Laws and Procedures 2019 will replace the By-Laws, Policies and Procedures of 2016.
Motion carried unanimously.
 - b. Town Planner – Extending RFP submission deadline date to March 29, 2019 at 12:00 p.m. This notification is for information purpose.
5. Public Works & Infrastructure:
 - a. Request to re-zone land on Dean’s Road – It was noted by the applicant that a previous application for placement of storage containers for fishing equipment was not approved by Council due to residential zoning, however, he is requesting Council’s consideration of his request to rezone Parcels B & C to Industrial Light to accommodate his proposed use.

Council noted that while they may consider his request to rezone, there will be a public consultation period during the amendment process, giving the public an opportunity to review and submit any concerns they might have.

2019-042 Councillor Fraser Paul/Councillor Chris Brinston

Be it resolved that Council move forward with the applicant's request to re-zone Parcel B & C on Dean's Road to Industrial, and that all costs related to the amendment be the responsibility of the applicant, as per the Town's Policies, By-Laws and Town Plan development regulations.
Motion carried unanimously.

- b. Request to re-zone land on Cemetery Road – It was noted that this re-zoning request was made to accommodate a residential dwelling.

2019-043 Councillor Fraser Paul/Councillor Chris Brinston

Be it resolved that Council move forward with the applicant's request to re-zone land on Cemetery Road to Residential, and that all costs related to the amendment be the responsibility of the applicant, as per the Town's Policies, By-Laws and Town Plan development regulations.
Motion carried unanimously.

- c. Application to construct a pet enclosure on 5 Dunn's Lane

2019-044 Councillor Chris Brinston/Councillor Neil Stratton

Be it resolved that Council deny the application to construct a pet enclosure because the lot size does not meet the Town's regulation for lot size and maximum lot coverage of 33%.
Discussion: Council noted that when this application was first reviewed by them there were several complaints from individuals in the immediate area regarding the development.
Motion carried unanimously.

- d. Application to construct a shed on 5 Carey's Road

2019-045 Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve an application to construct a shed on 5 Carey's Road in accordance with the Town's development regulations.
Motion carried unanimously.

- e. Application to construct a personal use garage on 47 Country Path Drive

2019-046 Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve an application to construct a personal use garage on 47 Country Path Drive in accordance with the Town's development regulations.
Motion carried unanimously.

- f. Application to construct a residential dwelling on 214-218 Dean's Road

2019-047 Councillor Fraser Paul/Deputy Mayor Maureen Murphy

Be it resolved that Council approve an application to construct a residential dwelling on 214-218 Dean's Road in accordance with the Town's development regulations and subject to approval from Services NL.
Motion carried unanimously.

- g. Application to erect signs on 212-214 Southern Shore Highway – Councillor Fraser Paul declared a conflict of interest on this application due to him having a financial interest in the property, and left the Chamber at 7:47 p.m.

2019-048 Councillor Vince Swain/Councillor Chris Brinston

Be it resolved that Council approve the placement of two signs on the Southern Shore Highway as long as the applicant stays within the Town's regulations.

For the motion: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors Chris Brinston, Neil Stratton, Vince Swain and Lucy Carew.

Against: 0

Abstained: Councillor Fraser Paul abstained due to declaration of a conflict of interest.

Motion carried.

Councillor Paul returned to the Chamber at 7:48 p.m.

- h. Newfoundland Power – Construction related to intake structure on Gull Pond Road – Deputy Mayor Maureen Murphy reported that this projected work is outside of the Town's boundary. She explained that in order to facilitate the project safely and effectively, NL Power will have to lower the pond elevation substantially, install a small cofferdam just upstream of the intake and completely de-water the intake itself.

With Gull Pond lowered and the hydro plant shut down there will be only minor flows into Lower Pond. NL Power recognizes that in the past this has created an issue with the gut closing off between Lower Pond and the Atlantic Ocean which could prevent fish passage, however, they have included a section in their tender package to deal with this issue where the successful contractor, in addition to the NP site supervisor, will have to monitor this daily and if necessary mobilize a piece of equipment to dredge the area and open it back up.

There is a water line currently running off the penstock that provides water to the fish plant and three (3) fire hydrants servicing the town. With the intake de-watered NL Power's plan is to use the penstock as a large storage tank that will be topped up daily to continue to provide water to the fish plant. However, it should be noted that this will not provide a reliable source of water for the fire department during construction.

Construction is slated between July 1 and August 31 but it is likely that the water levels will start dropping a week or two prior to construction.

Council noted that the office would notify the Fire Department of this upcoming project.

6. Finance:

- a. Payment Chart for Invoice approval

2019-049 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council approve the invoice log for payment for March 12, 2019.

Motion carried unanimously.

- b. Snow clearing logs presented for information purpose – Deputy Mayor Maureen Murphy noted that the total snow clearing cost for the invoices presented is \$25,229.76.
- c. Hiring legal representation for ENRAB appeals and Supreme Court appeals as determined by Council

2019-050 Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Be it resolved that the Town hire legal representation for Eastern Newfoundland Regional Appeal Board appeals and Supreme Court appeals as determined by Council.

Motion carried unanimously.

- d. Applications related to Guaranteed Income Statement – Councillor Neil Stratton declared a conflict of interest on this item due to his relative being included in the applications. Councillor Stratton left the Chamber at 7:55 p.m.

2019-051 Councillor Lucy Carew/Councillor Fraser Paul

Be it resolved that Council approve the applications for Guaranteed Income Statements.

For the motion: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors Chris Brinston, Fraser Paul, Vince Swain and Lucy Carew.

Against: 0

Abstained: Councillor Neil Stratton abstained due to a declaration of a conflict of interest.

Motion carried.

Councillor Stratton returned to the Chamber at 7:56 p.m.

- e. Request for Tax Break – Bear’s Cove Inn

2019-052 Councillor Lucy Carew/Councillor Fraser Paul

Be it resolved that Council deny the request for a tax break from Bear’s Cove Inn.

Discussion: Councillor Carew noted that the Tax Structure and requests for tax breaks are closed for this year, and that any tax break requests after the tax structure is approved may be looked at a later time this year for the next tax year.

Motion carried unanimously.

- f. Request for donation – Mobile basketball team

2019-053 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council deny the request for donation from the Mobile basketball team because this application is not eligible under our funding request criteria.

Motion carried unanimously.

- g. Fire Department Tanker

2019-054 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council submit an application to the Department of Municipal Affairs & Environment, Fire & Emergency Services to purchase a new tanker at estimated cost of \$320,000 under the 80/20 cost-shared funding. Be it further resolved that Council enter into a 5-year loan with the Community Credit Union at a rate of 3.99%.

Motion carried unanimously.

- h. Fire Department request to purchase a thermal imaging camera at estimated cost of \$4000.00

2019-055 Deputy Mayor Maureen Murphy/Councillor Neil Stratton

Be it resolved that Council approve the Fire Department’s request to purchase a thermal imaging camera at estimated cost of \$4000.00 once Council has received three quotes.

Motion carried unanimously.

- i. Communication device for outside/maintenance worker

2019-056 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council approve the purchase of a laptop or Ipad and a cell phone for the maintenance/outside worker.
Motion carried unanimously.

- j. Invoice related to services for typing of Policies, Procedures & By-Laws 2019

2019-057 Councillor Lucy Carew/Councillor Fraser Paul

Be it resolved that Council accept the invoice for work performed on the Town's Policy Manual at the cost of \$969.00.

Motion carried unanimously.

7. Other business:

- a. Eastern Newfoundland Reginal Appeal Board Decision – Grubbing driveway on 341 Gallows Cove Road

2019-058 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council approve the payment to the appellants Jack Foley and Noel O'Dea for the sum of \$230 for the appeal hearing process in accordance with the Board's decision on that appeal.

Motion carried unanimously.

2018-059 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that motion #2018-149 related to the approval of grubbing of driveway on 241A Gallows Cove Road be rescinded as per instructions received by the Eastern Newfoundland Regional Appeal Board.

Motion carried unanimously.

- b. Targa Newfoundland – Request to run annual race in Witless Bay in 2019

Mayor Rene Estrada reported that the Town was recently approached by Targa Newfoundland requesting the Town's permission to come back to where they first started to present their event this year on September 15th.

Councillor Carew questioned the impact this race will have on the Town roads, and whether there was a safety and liability concern related to this event. It was clarified by Councillor Brinston that this event is not a race but a drive through on specific roads identified in their plan.

2019-060 Councillor Neil Stratton/Councillor Vince Swain

Be it resolved that Council approve Targa Newfoundland's request to host their annual opening event in Witless Bay in 2019.

For the motion: Mayor Rene Estrada, Councillors Chris Brinston, Fraser Paul, Neil Stratton, and Vince Swain.

Against: Deputy Mayor Maureen Murphy and Councillor Lucy Carew.

Motion carried.

- c. Witless Bay Heritage Committee

2019-061 Councillor Lucy Carew/Councillor Fraser Paul

Be it resolved that Council approve the request from the Heritage Committee to oversee the operation and provide orientation training on a volunteer basis for Tourist Information Chalet students this summer.

Motion carried unanimously.

8. **2019-062** Councillor Fraser Paul/Councillor Chris Brinston

Be it resolved that Council adjourn the public meeting at 8:12 p.m.

Motion carried unanimously.