



Town of Witless Bay  
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Public Meeting of Witless Bay Council  
Town Hall  
December 9, 2019

Attending: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, David Ryan, Lucy Carew, Vince Swain, Dale O'Driscoll

Recording: Barb Harrigan

1. Mayor Derm Moran called the meeting to order at 6:05 p.m.
2. Adoption of the agenda of December 9, 2019

**2019-313** Councillor Lucy Carew/Councillor David Ryan  
Be it resolved that Council adopt the agenda of December 9, 2019

Amendment to add item: Deputy Mayor Maureen Murphy/Councillor Vince Swain  
Business Arising from Minutes –

- e. Tender results – Playground New Bridge
- f. Single Family Home – Harrigan Lane (November's Meeting)  
Public Works & Infrastructure

Amendment to correct address: Councillor Lucy Carew/Councillor David Ryan  
7e. Changed to read 440 Southern Shore Highway

Amendment to add item 7e. carried unanimously  
Amendment to add item f. carried unanimously.  
Amendment to change e. carried unanimously.  
Motion to adopt the agenda as amended carried unanimously.

3. Adoption of Minutes of Meeting of November 12, 2019

**2019-314** Deputy Mayor Maureen Murphy/Councillor Lucy Carew  
Be it resolved that Council adopt the Minutes of Meeting of November 12, 2019 as presented.  
Motion carried unanimously.

4. Adoption of Minutes of Special Public Meeting November 19, 2019

**2019-315** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll  
Be it resolved that Council adopt the Minutes of Special Public Meeting, November 19, 2019 as presented.  
Motion carried unanimously.

## 5. Business Arising from Minutes

### a. Tender results for Fire Dept. pit (Municipal Garage)

Councillor David Ryan declared himself in a conflict of interest because he bid on the project. Councillor David Ryan left the chamber at 6:07 pm.

**2019-316** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Be it resolved that Council accept the bid from O'Brien's Trucking in the amount of \$2089.09.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Vince Swain, Dale O'Driscoll & Lucy Carew

Against: 0

Abstained: Councillor David Ryan who declared a conflict of interest.

Motion carried.

Councillor David Ryan returned to the Chamber at 6:08 pm.

### b. Stage Lane & Ivan's Report

**2019-317** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council accept the Town's Engineer report #1- *Mr. Tuff can hire an engineering consultant to study the catchment area, analyze the original infrastructure, and design an engineered solution for submission to the Town, along with the associated fees and deposits, and DMG can review the application on behalf of the Town.*

Motion carried unanimously.

### c. Public Right-of-way end of Gallows Cove Road incomplete

Councillor David Ryan declared himself in a conflict of interest because he bid on the project. Councillor David Ryan left the Chamber at 6:10 pm.

**2019-318** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council reject the completion of Gallows Cove Road Erosion project/Seawall due to changes in the tender documents between the Town and Municipal Affairs without having any input or consultation with Public Works.

Discussion: Councillor Fraser Paul felt that the completion of Ragged Beach project was not what went to tender and discussed with the contractors on site. Councillor Fraser Paul feels that there is a safety issue that needs to be addressed and is not willing to sign off on this project.

A meeting is to be set up with Municipal Affairs, Council, Town Engineer and Contractor as soon as possible.

Mayor Derm Moran removed himself from the chair and was replaced by Deputy Mayor Maureen Murphy at 6:20 pm. Mayor Derm Moran explained that he had received a call from Deputy Minister Susan Squires advising him the work had been inspected and approved and the changes that had been made after their inspection must be rectified immediately.

**Amendment:** Councillor Lucy Carew/Councillor Dale O'Driscoll

Be it resolved that Council set up a meeting with Asst. Deputy Minister Susan Squires and Leah Burry, Town Engineer and Contractor to look at the issues that Public Works may have about the completion of the Ragged Beach Erosion Project. Before any further work takes place it must come back to the office for approval.

For the amendment: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Vince Swain, Dale O'Driscoll & Lucy Carew

Against: 0

Abstained: Councillor David Ryan

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Vince Swain, Dale O'Driscoll & Lucy Carew

Against: 0

Abstained: Councillor David Ryan who declared a conflict of interest.

Amendment carried.

Motion carried.

Mayor Derm Moran returned to the chair at 6:33 pm.

Councillor David Ryan returned to the Chamber at 6:33 pm.

d. Fencing – New bathrooms on Playground

Councillor Vince Swain declared himself in a conflict of interest because his Company did work on the bathrooms. Councillor Swain left the Chamber at 6:34 pm.

Councillor Fraser Paul asked that the Maintenance Worker put up a snow fence and rebar from the corner of the fence to the corner of the building to prevent vandalism over the winter.

Councillor Vince Swain returned to the Chamber at 6:35.

e. Tender results – Playground New Bridge

Councillor Vince Swain declared himself in a conflict of interest because his Company bid on this project. Councillor Vince Swain left the Chamber at 6:36 pm.

**2019-319** Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Be it resolved that Council award the tender to O'Brien's Trucking Limited in the amount of \$10,489.00 for the Playground New Bridge.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Vince Swain, Dale O'Driscoll & Lucy Carew

Against: 0

Abstained: Councillor Vince Swain who declared a conflict of interest.

Motion carried.

Councillor Vince Swain returned to the Chamber at 6:37 pm.

f. Single Family Home – Harrigan Lane (November’s meeting)

**2019-320** Councillor Fraser Paul/Deputy Mayor Maureen Murphy

Be it resolved that Council approve single family home on Lot #2, Harrigan’s Lane. Site visit completed, driveway installed and paperwork submitted to office.

Motion carried unanimously.

6. **New Business:**

a. Information and correspondence in and out of the office incomplete

Councillor Fraser Paul reminded office staff that all emails must be forwarded to all of council regardless of emails content as per motion that was previously made.

7. **Public Works & Infrastructure:**

a. 212 Southern Shore Highway – Construction of Building

Councillor Fraser Paul declared himself in a conflict of interest because he is the Director of the Company submitting the application. Councillor Fraser Paul left the Chamber at 6:40 pm.

Councillor David Ryan declared himself in a conflict of interest because his Company previously did work on this site. Councillor David Ryan left the Chamber at 6:41 pm.

**2019-321** Councillor Vince Swain/Councillor Dale O’Driscoll

Be it resolved that Council approve construction of new building on 212-214 Southern Shore Highway subject to approval from all Government Agencies having jurisdiction.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Vince Swain, Dale O’Driscoll & Lucy Carew

Against: 0

Abstained: Councillor Fraser Paul, Councillor David Ryan who declared a conflict.

Motion carried.

Councillor David Ryan & Councillor Fraser Paul returned to the Chamber at 6:42.

b. 40 Gallows Cove Road – Single Family Home

**2019-322** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve construction of single family home on 40 Gallows Cove Road subject to approval from all Government Agencies having jurisdiction.

**Amendment** Councillor Fraser Paul/Councillor Dale O’Driscoll

Be it further resolved that before the building permit is issued the driveway to the property must be installed and approved by Public Works.

Amendment carried unanimously.

Motion carried unanimously.

- c. 112 Harbour Road – Extension to existing building

**2019-323** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve extension to existing building on 112 Harbour Road subject to approval from all Government Agencies having jurisdiction.

Motion carried unanimously.

- d. 294 Southern Shore Highway – Extension to existing building

Councillor Fraser Paul declared himself in a conflict of interest because he has interest in this project. Councillor Fraser Paul left the Chambers at 6:46 p.m.

**2019-324** Councillor Vince Swain/Councillor Dale O'Driscoll

Be it resolved that Council approve in principle an extension to existing building on 294 Southern Shore Highway subject to approval from all Government Agencies having jurisdiction. Discussion: Councillor David Ryan wished to advise the applicant that it looked like there could be an encroachment on a NL Power easement.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Dale O'Driscoll, Vince Swain, David Ryan & Lucy Carew

Against: 0

Abstained: Councillor Fraser Paul who declared a conflict of interest.

Motion carried.

Councillor Fraser Paul returned to the Chambers at 6:48 pm.

- e. 440 Southern Shore Highway – Drainage Ditch

**2019-325** Councillor Vince Swain/Councillor Dale O'Driscoll

Be it resolved that Council approve the drainage ditch on 440 Southern Shore Highway pending approval from the Dept. of Highways to tie the drain into the Departments catch basin.

Motion carried unanimously.

- f. 432-434 Southern Shore Highway – Personal Storage Garage

**2019-326** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve the personal storage garage on 432-434 Southern Shore Highway as per criteria given to applicant.

Motion carried unanimously.

- g. 26 Tuff's Road – Personal Use Garage

**2019-327** Councillor David Ryan/Councillor Fraser Paul

Be it resolved that Council approve personal use garage as per criteria given to applicant.

Motion carried unanimously.

h. Sub-division off Dean's Road – Development of Lots #4,5,6,7

**2019-328** Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council not approve the application for sub-division on Lots 4, 5,6,7 on Dean's Road and that the Engineering Reports received from the Town's Engineer be forwarded to the applicant. Applicant can re-submit when all the Engineer's recommendations have been met.

Motion carried unanimously.

8. Finance

a. Payables

Councillor Vince Swain declared himself in a conflict of interest and left the Chamber at 7:00 pm. because his Company was on the Payable list.

Councillor David Ryan declared himself in a conflict of interest and left the Chamber at 7:00 p.m. because his company was on the Payable list to be paid.

**2019-329** Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that the Payable Chart be approved for payment.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Dale O'Driscoll & Lucy Carew

Against: 0

Abstained: Councillors Vince Swain & David Ryan who declared a conflict of interest.

Motion carried.

Councillor Vince Swain & Councillor David Ryan returned to the Chamber at 7:02 pm.

b. Invoice – Harbour Construction for putting up signs

**2019-330** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council make payment to Harbour Construction for putting up signs in the amount of \$2368.72,

Motion carried unanimously.

c. Invoice- O'Brien's Trucking – End of Gallows Cove Road Erosion Project

Councillor David Ryan declared himself in a conflict of interest because his Company bid on this project. Councillor David Ryan left the Chambers at 7:03 pm.

**2019-331** Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council approve make payment to O'Brien's Trucking for end of Gallows Cove Road Erosion Project in the amount of \$25,015.25.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Vince Swain, Dale O'Driscoll & Lucy Carew

Against: 0

Abstained: Councillor David Ryan

Motion carried.

Councillor David Ryan returned to the Chambers at 7:04 pm

- d. Invoice – O'Brien's Trucking – Delays in carrying out work due to parked car on end of Gallows Cove Road.

Invoice in the amount of \$2070.00 included in the invoice for end of Gallows Cove Road Erosion Project.

- e. O'Brien's Trucking – Sanding logs Nov. 14 – Nov. 29, 2019

Councillor David Ryan declared himself in a conflict of interest because he had bid on the snow clearing contract. Councillor David Ryan left the Chambers at 7:06 pm.

**2019-332** Councillor Fraser Paul/Councillor Dale O'Driscoll

Be it resolved that Council make payment to O'Brien's Trucking for sanding logs in the amount of \$1217.99.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Vince Swain, Fraser Paul, Dale O'Driscoll & Lucy Carew

Against: 0

Abstained: Councillor David Ryan declared himself in a conflict.

Motion carried.

Councillor David Ryan returned to the Chamber at 7:07 pm.

- f. HMK Roofing & Renovations Ltd. - Shingles on new washrooms- Playground

Councillor Fraser Paul declared himself in a conflict of interest because his name was mentioned on the invoice submitted for payment. Councillor Fraser Paul left the Chambers at 7:08 pm.

Councillor Vince Swain declared himself in a conflict of interest because his Company bid on the job. Councillor Vince Swain left the Chambers at 7:09 pm.

**2019-333** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Be it resolved that Council make payment to HMK Roofing and Renovations Ltd., in the amount of \$690.00.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Dale O'Driscoll, David Ryan & Lucy Carew

Against: 0

Abstained: Councillor Fraser Paul & Councillor Vince Swain who declared a conflict.

Motion carried.

Councillor Fraser Paul & Councillor Vince Swain returned to the Chambers at 7:10 pm.

- g. Southeast Construction – Extension to Puffin Centre

Councillor David Ryan declared a conflict of interest because he is the owner of the Company that did the work on the extension.

Councillor David Ryan left the Chambers at 7:10 pm.

Councillor Vince Swain declared a conflict of interest because his company did some contract work on the project. Work was awarded to his company after project began.  
Councillor Vince Swain left the Chambers at 7:11 pm.

**2019-334** Deputy Mayor Maureen Murphy/Councillor Dale O'Driscoll

Be it resolved that Council make payment to Southeast Construction in the amount of \$91,402.00.

For the motion: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Dale O'Driscoll & Lucy Carew

Against: 0

Abstained: Councillor Vince Swain & Councillor David Ryan who declared a conflict of interest.  
Motion carried.

Councillors Vince Swain & David Ryan returned to the Chambers at 7:12 pm.

h. Acting Pay, Christmas Bonus, Salary Increase

**2019-335** Councillor Lucy Carew/Councillor Maureen Murphy

Be it resolved that Council approve Christmas bonuses for staff as recommended by Finance Committee.

Motion carried unanimously.

**Acting Pay:**

Council is currently finalizing the Policy for the timeline when Acting Pay will come into effect. Acting pay will apply after a person has performed all or a significant part of the duties of a higher classification level position for a period of (to be determined) The qualifying or vestibule period of a minimum of (to be determined) has not been meet, therefore, the employee is not entitled to acting pay.

Council is trying to determine a time frame and will advise. Acting pay will be retroactive if and when decision is made.

**Salary Increase:**

**2019-336** Councillor Lucy Carew/Councillor Maureen Murphy

Be it resolved that Council deny any increase in employees' salaries at this time.

This will be reviewed again in June 2020.

Motion carried unanimously.

i. Town office Christmas hours

The Town office will be closed as per NL Government Regulations. Town office will be closed half day on Dec. 24, all day December 25, 26, 12 p.m. December 31 and all day January 1, 2020.

j. 2020 Municipal Assessment Service Fee

**2019-337** Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council pay 2020 Assessment fee in quarterly payments of \$6363.50.

Motion carried unanimously.



9. Other Business:

Correspondence: Follow up to original written request of August 2, 2019 from resident related to damage by excavator to Public Crown Lands in Ragged Beach area and damage to Crown Lands in Ragged Beach area.

Deputy Mayor Maureen Murphy declared herself in a conflict of interest because her name and her brother's name were mentioned in the correspondence. Deputy Maureen Murphy left the Chambers at 7:15 pm.

Councillor Fraser Paul asked for Council to vote on whether or not he was in a conflict of interest because his name was mentioned in the correspondence. Councillor Fraser Paul left the Chambers at 7:16 pm.

Councillor Vince Swain asked for Council to vote on whether or not he was in a conflict of interest because his name was mentioned in the correspondence. Councillor Vince Swain left the Chambers at 7:17 pm.

**2019-338** Councillor Lucy Carew/Councillor David Ryan

Be it resolved that Councillors Fraser Paul & Councillor Vince Swain are not in a conflict of interest in regards to the correspondence received by the office related to damage done in the Ragged Beach area.

For the motion: Mayor Derm Moran, Councillors Dale O'Driscoll, David Ryan & Lucy Carew

Against: 0

Abstained: Deputy Mayor Maureen Murphy who declared a conflict of interest. Councillors Fraser Paul & Vince Swain who asked Council to determine if they were in a conflict of interest. Motion carried.

Councillor Fraser Paul & Councillor Vince Swain returned to the office at 7:18 pm.

Discussion: Councillor Lucy Carew said that Council should respond to the resident that there was no damage done to any Crown Land or private property and that Public Works had a written permission from the private land owner to go across his property.

Deputy Mayor Maureen Murphy returned to the Chambers at 7:19 pm.

*b. Correspondence: Follow up to original written request of July 29, 2019 from resident related to violations of the Town's Development Regulations-Request for investigation and removal of unauthorized structures.*

*Deputy Mayor Maureen Murphy said that even though she was declared not to be in a conflict interest previously, her name is mentioned in the correspondence and would like for Council to vote on whether or not she is in a conflict of interest.*

*Councillor Maureen Murphy left the Chambers at 7:20 pm.*

*Councillor Fraser Paul & Councillor Vince Swain asked council to vote on whether or not they are in a conflict of interest because their names are mentioned in the correspondence.*

*Councillor Fraser Paul & Councillor Vince Swain left the Chambers at 7:21 pm.*

**2019-339** Councillor Lucy Carew/Councillor David Ryan

Be it resolved that Councillor Fraser Paul, Councillor Vince Swain and Deputy Mayor Maureen Murphy are not in a conflict of interest in regards to the correspondence received from a resident regarding violations of the Town's Development Regulations – Request for investigation and removal of unauthorized structures on Ragged Beach. [Motion 2020-002 removed Deputy Mayor Maureen Murphy from this motion because she was declared not to be in a conflict in January 9, 2018 public meeting via motion 2018-010).

For the motion: Mayor Derm Moran, Councillors Dale O'Driscoll, David Ryan & Lucy Carew  
Against: 0

Abstained: Deputy Maureen Murphy, Councillor Fraser Paul, Councillor Vince Swain who asked council to vote on whether or not they were in a conflict of interest.

Motion carried.

Deputy Mayor Maureen Murphy, Councillors Fraser Paul & Vince Swain returned to the chambers at 7:22 pm.

*Discussion: Mayor Derm Moran stated that on November 25, 2019, Supreme Court of NL dismissed an appeal against the Eastern Regional Appeal Board and the Town of Witless Bay in relation to the structure on Ragged Beach. Therefore, the structure is a non-issue with Council. [This entire section of 9b removed per Motion #2020-029, Feb. 11, 2020 public meeting]*

- c. Correspondence from BBBAA – Consider and commit to a three-year agreement January 1, 2020- December 31, 2023.

**2019-340** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council will continue with the financial contribution of \$37,000 towards the Regional Recreational Director's salary for 2020. Be it further resolved that Witless Bay Council will not be signing the BBBAA memorandum of agreement and will review the Town's financial contribution towards this position on an annual basis.

Motion carried unanimously.

- d. Correspondence from land owner near Ragged Beach.

Council recommends that landowners in the Ragged Beach area should submit surveys and land grants etc. to council so that council can acknowledge that there is land owned in the area. The Town is not closing the right-of-way, the land is accessible by foot, bike etc.

- e. Request for tax break – 158-160 Southern Shore Highway  
Budget and Tax Structure have already been approved for 2020. All tax breaks were reviewed at that time so there will be no additional tax breaks for 2020.
- f. Correspondence from Town of Bay Bulls – Request to share services

**2019-341** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council will not be accepting the Town of Bay Bulls request to join the Commissioners for policing activities.

Motion carried unanimously.

- g. Parking vehicles on Town property – Info Only
- h. Correspondence from resident – Request for payment of damages to vehicle.

Council consulted the Town's lawyer and took his advice that if any vehicle was impeding Town's work it was within the Town's right to have the vehicle towed.

The vehicle was towed from Ragged Beach to the Town's enclosed compound. The owner's family member came and picked up the vehicle (with the owner's permission). The vehicle was inspected by the family member in the presence of the Town Clerk and Town maintenance worker. There were no issues at the time of pick up and the vehicle was then moved to the public parking lot where it remained for a day or so before the vehicle was moved.

It was also noted that when the vehicle was removed from the Town's compound the family member mistakenly drove down a non-serviced road where she turned around and came back and asked the Town's maintenance worker how to get out of here. The Town is not acknowledging any responsibility for damages to vehicle in relation to this incidence.

- i. Discussion for search for new Fire Chief

**2019-342** Councillor David Ryan/Deputy Mayor Maureen Murphy  
Be it resolved that council start the search for a new Fire Chief.

Discussion:

Councillor David Ryan and also member of the Fire Dept. said that as of January 1, 2020 the Town will be searching for a new Fire Chief. Fire Chief Paul Evoy will be stepping down for personal and work reasons. Councillor David Ryan feels it is time for the Town to be looking at a paid position of Fire Chief. He also said that the Town should be looking at what other Towns in this position is offering. He would also like to get together with the Town of Bay Bulls and all the Local Service Districts and have a conversation and see if they can get a committee together.

Motion carried unanimously.

- j. Town Planner – Requested information on land on Dean's Road and Southern Shore Highway.

Councillor Fraser Paul declared himself in a conflict because he has interest in the project taking place on Southern Shore Highway.

Councillor Fraser Paul left the Chambers at 7:41

Discussion: Councillor Vince Swain asked was it standard procedure for the Town of Witless Bay to have the Town Clerks or Manager to go ahead and deal with issues without any permits or any consultation with council or any authorization from council to hire the Town Planner to do this type of work without consent of council.

Councillor Lucy Carew said that all of Council should read the section of the Municipalities Act Section 58 and if they have any further questions they should come back at a later time to discuss.

Councillor Fraser Paul returned to the Chambers at 7:42.

10. Adjournment

**2019-343** Councillor Vince Swain/Councillor Lucy Carew

Be it resolved that Council adjourn at 7:43.

Motion carried unanimously.