

Public Meeting of Witless Bay Council  
Town Hall  
December 13, 2016

Attending: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Kevin Smart, Ralph Carey, Maureen Murphy, Vince Swain, Fraser Paul

Recording: Geraldine Caul & Barb Harrigan

1. Mayor Sebastien Despres called the meeting to order at 7:44 p.m.
2. **2016-299** Deputy Mayor Wiseman/Councillor Murphy  
Be it resolved that Council adopt the Agenda of December 13, 2016.

**2016-300** Amendment: Councillor Carey/Councillor Smart

Be it resolved that the following items be added to the agenda:

4a. Tax Structure be included with the adoption of the 2017 Budget

4d. Quote for 2016 Audit

4e. Group Ratification (Knights of Columbus) and Funding Request

4f. Capital Works Phase III Quote

4g. Advertising the Town's Tax Structure

Amendment carried unanimously

**2016-301** Amendment: Councillor Paul/Councillor Murphy

Be it resolved that the following item be added to the agenda:

4p. Southern Shore Joint Council –Regional Services

For the amendment: Mayor Despres, Deputy Mayor Wiseman, Councillors Smart, Swain, Murphy, and Paul.

Against: Councillor Carey

Amendment carried.

Motion to adopt the Agenda as amended carried.

3. **2016-302** Councillor Carey/Councillor Swain  
Be it resolved that Council adopt the Minutes of November 8, 2016 as presented.  
Motion carried unanimously.

4. COMMITTEE REPORTS:  
**Finance & Economic Development**

- a. **2016-303** Deputy Mayor Wiseman/Councillor Carey

Be it resolved that Council adopt the 2017 Budget & Tax Structure.

Discussion: Deputy Mayor explained that the budget included a further reduction in the residential mil rate from 4.5 mils to 4, a reduction in the minimum residential property tax from \$600 to \$500, an inclusion of categories for "Bread and Breakfasts, Inns, and Efficiency Units" with a mil rate of 5, and businesses with no fixed addresses will be charged 5% of gross revenue.

Motion carried unanimously.

- b. Resolution for Capital Works – Southside Track-Dunn’s Lane Phase III. Mayor Despres reported that Phase I of this project brought upgrades as far as the Community Centre, and Phase II, which cost almost \$800,000 reached almost to the end of Southside Track. The Town will be applying for Phase III to complete the project, which will bring upgrades from the end of Southside Track down Dunn’s Lane to the Southern Shore Highway. Phase III will cost \$750,000.

**2016-304 Deputy Mayor Wiseman/Councillor Paul**

Be it resolved that the Town of Witless Bay make application to the Department of Municipal Affairs for Capital Works funding for Southside Track-Dunn’s Lane Upgrading, Phase III, 2017. Be it further resolved that upon approval of the application from Municipal Affairs, the Town will enter into a loan, including capital interest, with the Community Credit Union for the Town's portion of the project cost. Motion carried unanimously.

- c. Income Statement & Payables – Information only.

- d. **2016-305 Deputy Mayor Wiseman/Councillor Swain**

Be it resolved that Council accept the Quote of \$4000 for the Town’s 2016 Audit. Motion carried unanimously.

- e. **2016-306 Deputy Mayor Wiseman/Councillor Murphy**

Be it resolved that Council accept the Knights of Columbus as a ratified group with the Town. Motion carried unanimously.

**2016-307 Deputy Mayor Wiseman/Councillor Murphy**

Be it resolved that Council provide the Knights of Columbus with their requested \$250 towards their Christmas Hamper Project. Motion carried unanimously.

- f. Capital Works Phase III Quote – This item is covered under 4b.

- g. **2016-308 Councillor Paul/Councillor Murphy**

Be it resolved that Council advertise the Town’s Tax Structure with the Irish Loop Post for better circulation and cost.

For the motion: Councillor Swain, Councillor Murphy, Councillor Paul and Councillor Smart.

Against: Mayor Despres, Deputy Mayor Wiseman and Councillor Carey

Motion carried.

**Public Works & Infrastructure**

- a. Municipal Fire Hall – Setback: Mayor Despres explained that the plan designed by the architect for the new fire hall did not comply with the Town Plan requirements for setback.

**2016-309 Councillor Carey/Councillor Smart**

Be it resolved that the architect be informed of the Town Plan’s requirements and request that they design a building that meets those requirements.

Motion carried unanimously.

It was noted that a new design should not have an additional cost because the architects should have obtained the Town’s requirements prior to designing this structure.

- b. Municipal Fire Hall – Notice of septic system design change and costing

**2016-310** Deputy Mayor Wiseman/Councillor Carey

Be it resolved that the Town approve cost sharing the fee of the septic design with the Fire Department in consultation with the design of the building.

Motion carried unanimously.

- c. Municipal Recommendation for Crown Land on Bear's Cove Road – Councillor Ralph Carey and Deputy Mayor Dena Wiseman asked that Council make a determination whether or not they are in a conflict of interest on this application due to Councillor Carey's great-grandfather's name being listed on the new documentation that was submitted to the Town relating to the proposal. Both Councillor Carey and Deputy Mayor Wiseman left the council chamber at 8:16 p.m.

**2016-311** Councillor Murphy/Councillor Smart

Be it resolved that Council defer this application pending further information on ownership.

Motion carried unanimously

Councillor Carey and Deputy Mayor Wiseman returned to the council chamber at 8:28 p.m.

- d. **2016-312** Councillor Carey/Deputy Mayor Wiseman

Be it resolved that Council retain the services of the Town Engineer to establish a required turnaround for snow clearing and emergency vehicles, and the Town will apply for that portion and approve the applicant's Municipal Recommendation for Crown Land for the remainder that is not needed for the Town's purpose. [Both applications will be submitted to the Crown together for clarification reasons]

Motion carried unanimously.

- e. Application for Ditch on 432-434 Southern Shore Highway – Mayor Despres reported that this application came before Council last month, and was denied. Changes have been made to the proposal and it is back, but the applicant has filed an appeal on the application, so Council can take no action on it.

- f. **2016-313** Councillor Carey/Councillor Murphy

Be it resolved that Council approve application for shed on 69 Bear's Cove Road.

Motion carried unanimously.

- g. Shed on 29 Andrew's Lane – Councillor Swain requested that Council make a determination whether or not he is in a conflict of interest. It was noted that Councillor Swain was previously found to be in a conflict of interest on this property because he was in the process of selling it. The sale is completed and he no longer holds any interest in the property. He added that his son shares a common boundary with the property owner as well. Councillor Swain left the Council Chamber at 8:40 p.m.

**2016-314** Councillor Carey/Deputy Mayor Wiseman

Be it resolved that Councillor Swain is in a conflict of interest in relation to his son being an adjoining neighbour.

For the motion: Councillor Carey and Deputy Mayor Wiseman

Against: Mayor Despres, Councillor Smart, Councillor Murphy, and Councillor Paul.

**Motion failed.** Councillor Swain is not in a conflict of interest on this item and returned to the Chamber at 8:43.

**2016-315** Councillor Carey/Councillor Murphy

Be it resolved that Council approve application for shed on 29 Andrew's Lane.  
Motion carried unanimously.

- h. Fence on 432-434 Southern Shore Highway – Council has received a complaint that the fence is higher than the maximum height allowed.

**2016-316** Deputy Mayor Wiseman/Councillor Smart

Be it resolved that Public Works do a site visit to determine the fence height, and should it exceed the maximum regulation allows, Council issue an Order giving 35 days to adjust the fence so it conforms to the Town's regulation.

Motion carried unanimously.

- i. Reports on Southside Track Phase II residential issues:

- (i) 100 Southside Track – Issues relating to this property are resolved, and the contractor will be returning to complete the job. It was noted that if there were mistakes made during the project, the Town would pursue recovering any costs associated with the errors.
- (ii) 124 Southside Track – Council acknowledged the damage that occurred to the property owner's home, and committed to having the necessary repairs done. The Town will contact the insurance company to assess the home and determine responsibility for the damages, and if the liability lies with anyone other than the Town, steps will be taken to attempt cost recovery.

**2016-317** Councillor Murphy/Councillor Swain

Be it resolved that the Town hire the Insurance Claim adjuster to review the site and have Council move forward to have repairs done to the property, and to have measures taken to prevent re-occurrence of flooding.

Motion carried unanimously.

**2016-318** Councillor Paul/Councillor Smart

Be it resolved that Council determine whether the Engineer or the Contractor are at fault and have them correct the problem if they are responsible.

Motion carried unanimously.

- (iii) 161 Southside Track – There are no further issues with this property, and the well has cleared.

**2016-319** Councillor Paul/Deputy Mayor Wiseman

Be it resolved that Council bring the engineer and contractor on site to discuss all the residential issues noted.

Motion carried unanimously.

- (iv) 187 Southside Track – There are no further issues with this property.

- j. Report on 54 Gallows Cove Road -

**2016-320** Deputy Mayor Wiseman/Councillor Carey

Be it resolved that the Town approach Tom Kendall to produce a scope of work to complete the reinstatement of 54 Gallows Cove Road property, and once the scope is received the Town hire a contractor to carry out this work in accordance with the scope.

Discussion: The shed's placement was noted to be an issue since he detailed on his application that he would be 2m from side boundary and he went less than a metre, and 15m from the back boundary, but he went about 7-8 m instead.

Motion carried unanimously.

**2016-321** Councillor Paul/Councillor Murphy

Be it resolved that Council get a lis pendens on 54 Gallows Cove Road, preventing it from being sold until this property issue is resolved, pending consultation and recommendation from the lawyer if Council is to move forward.

Motion carried unanimously.

- k. Water problems on 139 Southside Track & 8 Green Hill Drive – Council will add these properties to the list of problem areas on Southside Track. It was noted that a motion was made by Council on the issue relating to 8 Green Hill Drive previously. Councillor Swain will do a site visit on these areas.
- l. Damage to private property and Town infrastructure off Gull Pond Road – Councillor Carey reported that he spoke to Mr. Dillon from the Transportation and Works office who said a recommendation was made in previous years to the Town to place a barrier across the area currently being used by ATV's, in order to protect properties and Town infrastructure.

**2016-322** Councillor Carey/Councillor Smart

Be it resolved that Council take Mr. Dillon's recommendation and install a piece of guard rail by the entrance of Gull Pond Road to prevent ATV traffic.

Motion carried unanimously.

**2016-323** Councillor Paul/Councillor Murphy

Be it resolved that in addition to the guard rail, Council put up a berm or swale to direct the water flow to the main drain.

Motion carried unanimously.

- m. Snow clearing contractor's concerns with Bear's Cove Road extension and Butler's Road – Council was informed that Bear's Cove Road extension was no longer an issue since the guard rail across the road was now removed. On Butler's Road, the contractor noted that the 6" drop from the pavement to the gravel will likely cause damage to the snow clearing equipment, but that a half load of class A would take care of this.

**2016-324** Deputy Mayor Wiseman/Councillor Carey

Be it resolved that a half load of class A be placed at the end of Butler's Road for snow clearing purposes.

Motion carried unanimously.

- n. Parking Stops for Municipal Hall parking lot – Mayor Despres reported that at the last MNL Convention he asked for a quote for parking stops to place where the drop is between the municipal parking lot and the municipal garage.

**2016-325** Councillor Carey/Deputy Mayor Wiseman

Be it resolved Council mark the drop off with the most economic means.

Motion carried unanimously.

- o. Signs for Emerald Estates –

**2016-326** Councillor Murphy/Councillor Swain

Be it resolved that Council place slow down signs at Emerald Estates and Juniper Estates.

Motion carried unanimously.

- p. Southern Shore Joint Council Regional Services – Mayor Despres reported that discussions have been held about potential regional services sharing. A municipal enforcement officer is a possibility for some towns. The next step for determining the viability of services on a regional level is for them to know what our interest is. There is a motion on the Town’s books about a municipal enforcement officer, but what they have in mind is different from what the Town is looking for, however, perhaps if we are one of the larger employers of this potential employee, we can guide the call. They need to know how many days or hours a week we envision this position to be for in order to determine if it is feasible to hire on a shared basis. The Town has budgeted for 2 days. We need to give them a number for what the town would need for a development officer or municipal enforcement officer.

**2016-327** Councillor Carey/Deputy Mayor Wiseman

Be it resolved that Council notify the Southern Shore Joint Council that the Town would require the services of a municipal enforcement officer/development officer for 2 days.

For the motion: Mayor Despres, Deputy Mayor Wiseman, Councillor Carey and Councillor Smart.

Against: Councillor Murphy, Councillor Paul and Councillor Swain

Motion carried.

**2016-328** Deputy Mayor Wiseman/Councillor Carey

Be it resolved Council adjourn at 8:00 p.m.

Motion carried unanimously.