

Public Meeting of Witless Bay Council  
Town Hall – May 9, 2017

Attending: Mayor Maureen Murphy, Deputy Mayor Fraser Paul, Councillor Ralph Carey, Councillor Vince Swain and Councillor Kevin Smart

Reporting: Geraldine Caul & Barb Harrigan

Prior to opening the public meeting, as legislated by the Municipalities Act 1999, Section 19 ( c), Council held a secret ballot to select a Mayor and Deputy Mayor due to the resignation of two councillors who held these positions. Council elected Maureen Murphy as Mayor and Fraser Paul as Deputy Mayor.

1. The public meeting was called to order by Mayor Maureen Murphy at 7:33 p.m.
2. **2017-073** Councillor Ralph Carey/Councillor Kevin Smart  
Be it resolved that Council adopt the Agenda of May 9, 2017.  
Motion carried unanimously.
3. **2017-074** Councillor Vince Swain/Deputy Mayor Fraser Paul  
Be it resolved that Council adopt the Minutes of Meeting of April 26, 2017 as presented.  
Motion carried unanimously.
4. COMMITTEE REPORTS
  - ***Planning & Development***
    - a. Witless Bay Fire Station – A49 notified the Town of the following list of actions required of the Town:
      - Council to procure test pits as indicated. A49 would be available to assist with coordination on a per diem basis if required.
      - Council to contact well supplier to identify new well location and viability. A49 will be available to assist with coordination on a per diem basis if required.
      - Council to approve the new Fire Hall concept after the review drawings and test results.

**2017-075** Councillor Ralph Carey/

Be it resolved that the Town get the test holes dug.

Councillor Swain reported that Crosbie Engineering gave a quote to take care of the septic requirements and we thought that would fall under them. He said that the Town was guaranteed this would be fixed months ago. There are still issues with this project's design.

Motion failed – no seconder.

**2017-076** Councillor Vince Swain/Deputy Mayor Fraser Paul

Be it resolved that Council defer this item pending more information, and a meeting with the Fire Chief.

Motion carried unanimously.

- b. Town Signage – The templates and quote for the signs were received. Council noted a couple of minor changes and would relay them to the designer.

**2017-077** Deputy Mayor Fraser Paul/Councillor Vince Swain

Be it resolved that Council defer this item until the revisions to the signs were made.

Motion carried unanimously.

- c. Development Control Officer – Councillor Ralph Carey suggested that Council move forward and set up interviews with the two applicants.

**2017-078** Deputy Mayor Fraser Paul/Councillor Kevin Smart

Be it resolved that Council defer hiring a Development Control Officer until after the upcoming general election.

For the motion: Mayor Maureen Murphy, Deputy Mayor Fraser Paul, Councillor Vince Swain and Councillor Kevin Smart.

Against: Councillor Ralph Carey.

Motion carried.

- d. Recreation Park Upgrades – There was a brief discussion on what the project startup and completion dates were, and the amount of time required for this project. Geraldine was asked to contact ACOA for this information and to see if the Town could wait until mid to the end of August to start the project to allow residents time to use the pool.
- e. Strategic Plan – It was noted that more information was needed to conclude this project.

**2017-079** Councillor Vince Swain/Deputy Mayor Fraser Paul

Be it resolved that Council defer this item until required information has been received.

Motion carried unanimously.

- **Finance and Economic Development**

- a. Income Statement/Payables – Information purpose only.
- b. Motion to pay off remainder of the Town’s debt –

**2017-080** Deputy Mayor Fraser Paul/Councillor Kevin Smart

Be it resolved that staff contact the bank to obtain information on current interest rates for existing loans and the interest rates for new loans before Council makes a decision on paying off the Town’s debt.

Motion carried unanimously.

- c. Snow clearing invoices for the period covering March 26 to April 29, 2017.

**2017-081** Deputy Mayor Fraser Paul/Councillor Kevin Smart

Be it resolved that Council pay the Snow clearing contractor for the invoices received.

Motion carried unanimously.

- d. Annual Expenditure Report – Gas Tax Agreement (Auditor’s Report) –

**2017-082** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council adopt the Annual Expenditure Report for Gas Tax Agreement.

Motion carried unanimously.

- e. Invoice – Steward McKelvey

Deputy Mayor Fraser Paul declared a conflict of interest due to the matter of the invoice being related to him. Deputy Mayor Paul left the Council Chamber at 8:13 p.m.

**2017-083** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council pay the invoice from Steward McKelvey.

For the motion: Mayor Maureen Murphy, Councillor Kevin Smart, Councillor Ralph Carey and Councillor Vince Swain.

Abstained: Deputy Mayor Fraser Paul abstained due to a conflict of interest on this item.

Motion carried.

Deputy Mayor Paul returned to the Council Chamber at 8:14 p.m.

- f. BBBA Auction –

**2017-084** Councillor Vince Swain/Councillor Ralph Carey

Be it resolved that Council purchase a Corporate Table of 8 for the BBBA Auction.

Motion carried unanimously.

- **Public Works & Compliance**

- a. Youth Ventures – Deputy Mayor Fraser Paul declared a conflict of interest because the Youth Ventures program is associated with the CBDC, who rents office space from him. Deputy Mayor Paul left the Council Chamber at 8:19 p.m.

**2017-085** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council waive the permit and license fees for the Youth Ventures summer jobs for the period of May 2, 2017 to September 5, 2017.

For the motion: Mayor Maureen Murphy, Councillor Kevin Smart, Councillor Ralph Carey and Councillor Vince Swain.

Abstained: Deputy Mayor Fraser Paul abstained due to a conflict of interest on this item.  
Motion carried.

Deputy Mayor Paul returned to the Council Chamber at 8:20 p.m.

- b. Speed Bumps

**2017-086** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council approve in principle additional speed bumps pending information on costing.

Motion carried unanimously.

- c. Finalizing the list for potholes and ditching – Council to have the list finalized by next week and we then invite the contractors to bid.

- d. Application for home based business (Carpentry Contractor) on 14 Tamarack Drive –

Deputy Mayor Fraser Paul declared a conflict of interest because he is a contractor, and left the Council Chamber at 8:29 p.m.

Councillor Vince Swain asked Council to determine if he is in a conflict of interest because he is a contractor.

It was noted that Council could not make this determination for Councillor Swain because there was no longer a quorum.

Deputy Mayor Paul returned to the Council Chamber at 8:30 p.m.

Council was unable to make a decision on this item for home based business due to lack of quorum.

- e. Preliminary application for residential single family dwelling on 1-11 Bear's Cove Road –

Deputy Mayor Fraser Paul declared a conflict of interest on this item because his brother-in-law is the selling agent for this property, and left the Council Chamber at 8:31 p.m.

**2017-087** Councillor Vince Swain/Councillor Ralph Carey

Be it resolved that Council approve in principle the preliminary application for residential single family dwelling on 1-11 Bear's Cove Road, subject to approvals from Services NL and any other government agencies having jurisdiction.

For the motion: Mayor Maureen Murphy, Councillor Kevin Smart, Councillor Ralph Carey and Councillor Vince Swain.

Abstained: Deputy Mayor Fraser Paul abstained due to a conflict of interest on this item.  
Motion carried.

Deputy Mayor Fraser Paul returned to the Chamber at 8:33 p.m.

- f. Application for storage shed on Southside Track Recreation Ground –

**2017-088** Deputy Mayor Fraser Paul/Councillor Kevin Smart

Be it resolved that Council approve an application for storage shed on Southside Track Recreation Ground.

Motion carried unanimously.

- g. Application for personal garage on 220-228 Dean's Road –

**2017-089** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council approve an application for personal garage on 220-228 Dean's Road subject to compliance of the regulation for not exceeding the maximum floor area of 70 sq. m and the maximum height of 6m.

Motion carried unanimously.

- h. Application for personal garage on 26 Country Path Drive –

**2017-090** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council approve an application for a personal garage on 26 Country Path Drive subject to the compliance of the regulation for not exceeding the maximum floor area of 70 sq. m and the maximum height of 6m.

Motion carried unanimously.

- i. Application for excavation of land on 162-168 Southside Track –

**2017-091** Councillor Vince Swain/Deputy Mayor Fraser Paul

Be it resolved that Council approve an application for excavation of land on 162-168 Southside Track.

Motion carried unanimously.

- j. 54 Gallows Cove Road: (1) Orders (2) Open Culvert – safety concern

Deputy Mayor Fraser Paul declared a conflict of interest because his brother-in-law is the listing agent for this property. Deputy Mayor Paul left the Council Chamber at 8:50 p.m.

Council noted that legal advice was sought on the two Orders given to the property owner. The legal advice relating to the Garage gave Council the authority to proceed with the enforcement of this Order by having the garage removed, and recovering the costs from the property owner.

The lawyer determined that the Order relating to the culvert was closely tied to the substance of the property owner's appeal of Council's decision to defer, and the Urban and Rural Planning Act prohibits parties from completing development work while an order or decision is under appeal. Because the appeal includes development work of both the culvert and ditch, the recommendation was that Council not enforce the Order for work on the culvert and ditch until the appeal was resolved.

**2017-092** Councillor Vince Swain/Councillor Ralph Carey

Be it resolved that Council accept the legal advice pertaining to the culvert removal Order.

For the motion: Mayor Maureen Murphy, Councillor Kevin Smart, Councillor Ralph Carey and Councillor Vince Swain.

Abstained: Deputy Mayor Fraser Paul abstained due to a conflict of interest on this item.  
Motion carried.

Deputy Mayor Paul returned to the Council Chamber at 8:55 p.m.

- k. Re-submission of Crown Land referral application for subdivision on Dean's Road – It was noted that the Town had previously approved the municipal recommendation for this subdivision, subject to an engineer approved conceptual plan, and that the developers were finalizing their plan when the Crown placed a freeze on the area to review the location for potential private properties. The freeze has now been lifted and Council was sent the referral from the Department of Crown Lands.

**2017-093** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council approve the Crown Land Referral application for subdivision on Dean's Road.

Motion carried unanimously.

- l. Crown Land referral application to construct Right-of-Way to access property – Mayor Maureen Murphy declared a conflict of interest on this item because her brother has land in this area. Mayor Murphy left the Council Chamber at 9:00 p.m. and was replaced by Deputy Mayor Paul.

**2017-094** Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved that Council defer this item due to an existing appeal on the land in question.

For the motion: Councillor Ralph Carey and Councillor Kevin Smart

Against: Councillor Vince Swain and Deputy Mayor Fraser Paul

Abstained: Mayor Maureen Murphy abstained due to conflict of interest on this item.

Motion lost (tie vote).

Council noted that they were not in a position to deal with this item due to an existing appeal with the Eastern Newfoundland Regional Appeal Board relating to the land being applied for in this application.

Mayor Maureen Murphy returned to the Council Chamber at 9:09 p.m.

5. **2017-095** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council adjourn at 9:10 p.m.

Motion carried unanimously.