

Public Meeting of Council
Witless Bay Town Hall
January 9, 2018

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

Recording: Geraldine Caul/Barb Harrigan

1. Mayor Rene Estrada called the meeting to order at 7:35 p.m.
2. **2018-001** Deputy Mayor Maureen Murphy/Councillor Neil Stratton
Be it resolved that the Agenda of January 9, 2018 be adopted.
Motion carried unanimously.
3. **2018-002** Councillor Lucy Carew/Deputy Mayor Maureen Murphy
Be it resolved that the December 12, 2017 Minutes of Meeting be adopted.
Motion carried unanimously.
4. Business Arising from Minutes:
 - a. Residential dwelling on Dunn's Lane –

2018-003 Councillor Vince Swain/Deputy Mayor Maureen Murphy
Be it resolved that Council approve in principle residential dwelling on Dunn's Lane, under Regulation 47 [*Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these regulations*], subject to approvals from Services NL, and with the stipulation that the Right-of-Way is not to be blocked, or placement, or structure, or impede, to provide access to the back land.
Motion carried unanimously.
 - b. Home extension on 5-7 Irishtown Road – Councillor Vince Swain reported that this item is deferred pending further information from the lawyer and Crown Land.
 - c. 54 Gallows Cove Road – Councillor Fraser Paul declared a conflict of interest due to his brother being a listing agent on this property, and left the Council Chamber at 7:38 p.m.

2018-004 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council send a letter to the property owner of 54 Gallows Cove Road in response to their email to the town dated Dec. 15, 2017.

Motion carried.

Councillor Fraser Paul, who abstained due to a declaration of conflict of interest, returned to the Council Chamber at 7:39 p.m.

d. Engineer & Commissioner for 2018

2018-005 Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Be it resolved that Council accept DMG Consulting as the Town Engineering Firm.

Motion carried unanimously.

2018-006 Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Be it resolved that Council accept Wayne Thistle as the Town Plan Hearing Commissioner.

Motion carried unanimously.

Council agreed to defer appointing a property appeal commissioner because the request for submissions resulted in just one submission.

e. **2018-007** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council adopt the 2018 Municipal Budget.

Motion carried unanimously.

5. Public Works & Infrastructure

a. Single family dwelling on 1-3 Carey's Road –

2018-008 Councillor Chris Brinston/Councillor Fraser Paul

Be it resolved that Council approve in principle residential dwelling on 1-3 Carey's Road subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

b. Heavy Equipment Repair on 25 Southern Shore Highway –

2018-009 Councillor Vince Swain/Councillor Neil Stratton

Be it resolved that Council approve in principle Heavy Equipment Repair on 25 Southern Shore Highway subject to him paying his business tax.

Motion carried unanimously.

c. Extension to home on 5-7 Irishtown Road – This item is covered under 4 b.

d. Eastern Newfoundland Regional Appeal Board – Mullowney's Lane

Deputy Mayor Maureen Murphy and Councillor Lucy Carew asked that Council make a determination if they were in a conflict of interest on this item, Councillor Murphy because her brother owns land in that area, and because she made a submission regarding this appeal, and Councillor Lucy Carew

because she also made a submission to the discretionary use notice related to the gazebo application appeal.

Deputy Mayor Murphy and Councillor Lucy Carew left the Council Chamber at 8:43 p.m.

2018-010 Councillor Vince Swain/Councillor Fraser Paul

Be it resolved that Deputy Mayor Murphy is not in a conflict of interest in relation to her brother being a property owner in that area.

Motion carried.

2018-011 Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Deputy Mayor Murphy and Councillor Carew are not in a conflict of interest in relation to their submission regarding this appeal.

Motion carried.

Deputy Mayor Murphy and Councillor Carew who abstained because Council was dealing with a question of conflict of interest, returned to the Council Chamber at 8:45 p.m. and were informed Council found them not to be in a conflict of interest.

Deputy Mayor Murphy announced that under the Regional Appeal Board the decision of Council has to be reversed, and she will be making a motion to rescind motion #2016-085.

2018-012 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council rescind motion #2016-085 [*Be it resolved Council deny this application based on the fact that it does not meet the Town's development regulations. More specifically, a gazebo is classed as an accessory building, and schedule A of our present Plan defines an accessory building as: A detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory, and which has a use that is customarily incidental or complimentary to the main use of the building or land. The Rural Land Use Zone Table does not provide any provision for a stand- alone accessory building. Therefore Council must deny this application.*].

Motion carried unanimously.

2018-013 Councillor Neil Stratton/Councillor Vince Swain

Be it resolved that Council approve a gazebo on 0 Mallowney's Lane under discretionary use of Council under Section 90 of the Witless Bay Development Regulation, and for the Town to pay the appellant the \$226.00 as ordered by Eastern Regional Newfoundland Appeal Board.

Motion carried unanimously.

e. Request for snow clearing on Bear's Cove Road Extension –

2018-014 Councillor Chris Brinston/Deputy Mayor Maureen Murphy

Be it resolved that Council provide snow clearing on Bear's Cove Road extension as requested.

Motion carried unanimously.

6. Finance:

a. Payables – For information purpose only.

b. O'Brien's Trucking – Snow clearing invoices –

2018-015 Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council pay the snow clearing invoices.

Motion carried unanimously.

- c. Harbour Construction invoice for upgrades of swimming pool –

2018-016 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council submit a request to ACOA to amend their completion date of the Playground and Pool Project to January 31, 2018. Be it further resolved that Council request that ACOA adjust their rate of assistance of \$61,250 to bring the total net cost of the project to \$161,500.

Motion carried unanimously.

2018-017 Deputy Mayor Maureen Murphy/Councillor Chris Brinston

Be it resolved that Council pay Harbour Construction invoice for \$173,650 for the Playground/Pool project.

Motion carried unanimously.

- d. Harbour Construction invoice for Southside Track shoulder repair –

2018-018 Councillor Neil Stratton/Councillor Fraser Paul

Be it resolved that Council pay Harbour Construction invoice for \$320.85 for Southside Track shoulder repair.

Motion carried unanimously.

- e. Gregory Stokes – Quote for 2017 audit –

2018-019 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council accept the quote from Gregory Stokes for 2017 audit.

Motion carried unanimously.

- f. Dexter invoices –

2018-020 Council Fraser Paul/Councillor Vince Swain

Be it resolved that Council defer this item until we send the information from Dexter and WSP to the Town's new engineering firm.

Motion carried unanimously.

7. **2018-021** Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council adjourn at 7:55 p.m.

Motion carried unanimously.