

Public Meeting of Witless Bay Council  
Town Hall  
March 14, 2017

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

Recording: Barb Harrigan

1. The meeting was called to order by Mayor Sebastien Despres at 7:37 p.m.
2. **2017-035:** Deputy Mayor Dena Wiseman/Councillor Kevin Smart  
Be it resolved Council adopt the Agenda of March 14, 2017.

**Amendments to Agenda:**

Move item 5 (d) under Public Works & Compliance and combine it with 5 (d) under Finance and Economic Development and that item will now read: Southside Track Phase 11 deficiency cost \$24,375.00 and General Update.

Notice of Motion to add a regulation under the Town's Tendering. Item placed under Planning & Development 5 (e).

**2017-036:** Councillor Ralph Carey/Councillor Vince Swain  
Be it resolved Council amend the agenda to add the above two items.

**Amendment carried unanimously.**

**Motion to adopt agenda as amended carried.**

3. **2017-037:** Councillor Maureen Murphy/Councillor Kevin Smart  
Be it resolved that Council adopt the February 16, 2017 Minutes of Public Meeting with the following change: Motion #2017-029 should have read: Against the motion: Councillors Paul and Swain and not Councillors Murphy and Swain.  
**Motion to adopt the Minutes as amended carried unanimously.**
4. **2017-038:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman  
Be it resolved that Council adopt the February 28, 2017 Minutes of Public Meeting with the following change: Motion #2017-032 should have read Section 10 under General Regulations (Discretionary Power of Authority).  
**Motion to adopt the Minutes as amended carried unanimously.**

## 5. COMMITTEE REPORTS

### **Steering & Communication**

Canadian Parks & Wildlife Society

**2017-039:** Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved Council sign a stewardship agreement with Canadian Parks & Wilderness Society of NL & Labrador.

**Motion carried unanimously.**

### **Planning and Development**

- a. Councillor Maureen Murphy declared herself to be in a conflict of interest and left the chamber at 7:47 p.m.

**2017-040:** Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved that the Town submit a formal application as a follow-up to the application for a reserve of Crown Land to be established under Section 8 of the Crown Lands Act alongside the Town's southern coastline, as per Motions # 2014-161 and 2016-115.

This application is to be completed by the Town Clerk-Manager in conjunction with the Town Planner and shall contain all the details of previous applications. The application shall contain a request for a ribbon of Crown Land 15 metres in width leading from Mallowney's Lane to any parcel of verified private land contained within the reserve. This ribbon shall be maintained by the Crown as a potential road reservation.

Where a full width of 15 metres is unavailable because of encroachment by private land, whatever land that is available shall be maintained by the Crown as a potential road reservation. This potential road reservation shall not take in, incorporate, or otherwise encumber any private land.

**For the motion:** Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Ralph Councillor Kevin Smart

**Against the motion:** Councillors Vince Swain, Fraser Paul

**Motion carried.**

Councillor Maureen returned to the chamber at 7:52 p.m.

- b. Strategic Plan Advertisement – Final Draft

**2017-041:** Deputy Mayor Dena Wiseman/Councillor Fraser Paul

Be it resolved Council advertise request for proposals for Town of Witless Bay Strategic Plan.

**Motion carried unanimously.**

- c. Mayor Sebastien Despres left the chair at 7:59 p.m., and was replaced by Deputy Mayor Dena Wiseman.

**2017-042:** Mayor Sebastien Despres/Councillor Ralph Carey

Be it resolved Council put out a call for quotes for the construction of plywood signage for the three entrances to the Town. Signs should be two sided (2 sheets of plywood per sign) with Town Logo and Logo type (Home of the North Atlantic Puffin).

**Motion carried unanimously.**

Mayor Sebastien returned to the chair at 8:01 p.m.

d. Witless Bay Fire Station

**2017-043:** Councillor Fraser Paul/Councillor Maureen Murphy

Be it resolved that Council send design back to Engineer to be re-designed, submit to Service NL and when approved to move forward the Town will then make a decision.

Mayor Sebastien left the chair at 8:05 p.m. to make an amendment to the motion and was replaced by Deputy Mayor Dena Wiseman.

**Amendment:** Mayor Sebastien Despres/Councillor Kevin Smart

Be it resolved Council ask A49 to send the Town a detailed plan that has sufficient detail for Service NL and the Town proceed with an application to Service NL for a permit for this site. Details should include all of the tests and it will not prevent the process from going ahead.

**For the motion as amended:** Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Carey and Smart

**Against the motion as amended:** Councillors Swain, Murphy and Paul

**Motion as amended carried.**

Mayor Sebastien Despres returned to the chair at 8:10 p.m.

- e. **Notice of Motion of Adoption** – Notice of Motion to add a regulation under the Town's Tendering to hire an Owners Project Management Company for large scale projects. (Infrastructure projects that cost more than 20,000.00 and Service projects that cost more than 10,000.00). Motion to be discussed at April's public meeting.

### **Finance and Economic Development**

a. Payables – Information Only

b. Invoice for repairs to Towns waterline from flume on Northside Track

**2017-044:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council pay invoice for repairs to the Towns waterline from the flume (Northside Track) to Harbour Construction in the amount of \$2242.50

**Motion carried unanimously.**

- c. Snow clearing for the period February 5 to February 25, 2017

**2017-045:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council pay the snow clearing contractor, Harbour Construction, for invoices for the period of February 5 to February 25, 2017.

**Motion carried unanimously.**

- d. Southside Track Phase 11 deficiency cost of \$24, 375.00 and General Update

**2017-046:** Councillor Fraser Paul/Councillor Maureen Murphy

Be it resolved Council pay no further money to Dexter Construction for cost overruns and 10% hold back is not to be paid until all deficiencies are completed and approved by council.

**Motion carried unanimously.**

- e. Invoice from O’Dea Earle regarding Southside Track Phase 11

**2017-047:** Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council go in camera to discuss item 5e under Finance and Economic Dev.

**Motion carried unanimously.**

The public members left the Council Chamber and in camera session began at 8:43 p.m.

Invoice from O’Dea Earle – Deferred until discussed with Town’s Engineer.

Public members were invited back into the Council Chamber at 8:45 p.m.

### **Public Works & Compliance**

- a. **2017-048:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council approve home based business (child care) on 3 Diamond Place subject to Services NL and any other government agencies having jurisdiction.

**Motion carried unanimously.**

- b. **2017-049:** Councillor Ralph Carey/Councillor Fraser Paul

Be it resolved Council approve fence application on 3 Diamond Place subject to applicant indicating on survey the section of property to be fenced.

**Motion carried unanimously**

- c. Application for fence on 19-23 Mullowney's Lane  
Councillor Maureen Murphy left the chambers at 8:48 for council to determine if she would be in a conflict of interest on the fence application.

**2017-050:** Councillor Vince Swain/Councillor Fraser Paul

Be it resolved that Councillor Maureen Murphy is not in a conflict of interest on this matter.

**For the motion:** Councillor Vince Swain, Councillor Fraser Paul

**Against the motion:** Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Ralph Carey, Councillor Kevin Smart

**Motion failed.**

**2017-051:** Councillor Vince Swain/Councillor Fraser Paul

Be it resolved Council deny permit to erect a fence on 19-23 Mullowney's Lane because no legal stamped survey was attached to the application.

**For the motion:** Councillors Swain & Paul

**Against the motion:** Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Smart & Carey

**Motion failed.**

**Amendment:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council give the applicant the opportunity to provide a legal survey.

Mayor Sebastien Despres ruled the amendment out of order because the amendment is not relevant to the motion. The amendment would either have to approve the application contingent on the applicant bringing in a survey.

**Amendment: 2017-052:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that Council approve the application pending the applicant bring forth a legal survey and at that time a permit will be granted.

**For the amendment:** Deputy Mayor Dena Wiseman, Councillors Carey & Smart

**Against the amendment:** Mayor Sebastien Despres, Councillors Swain & Paul

**Amendment failed.**

**Amendment to amendment:** Councillor Fraser Paul/Councillor Vincent Swain

Be it resolved that Council defer application until a legal survey is submitted with application and voting would take place at that time.

**For the amendment to the amendment:** Councillors Paul, Swain & Smart

**Against the amendment to the amendment:** Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Ralph Carey

**Amendment to amendment failed.**

**Permit to erect fence on 19-23 Mullowney's Lane granted.**

Councillor Maureen Murphy returned to the chamber at 9:02 p.m.

**2017-053:** Deputy Mayor Sebastien Despres/Councillor Ralph Carey

Be it resolved that Council adjourn the public meeting at 9:05 p.m.

**Motion carried unanimously.**

