

Public Meeting of Witless Bay Council
Town Hall
October 10, 2017

Attending: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors: Lucy Carew, Neil Stratton, Chris Brinston, Fraser Paul & Vince Swain

Reporting: Geraldine Caul & Barb Harrigan

1. The meeting was called to order by Mayor Rene Estrada at 7:30 p.m.
2. **2017-160** Deputy Mayor Maureen Murphy/Councillor Vince Swain
Be it resolved that Council adopt the agenda of October 10, 2017.
Amendment: Deputy Mayor Maureen Murphy/Councillor Lucy Carew
Add to the agenda under Business Arising the following:
 - i. Tender for Swimming Pool
 - j. Kinsmen meeting request
 - k. Application for Crown Land above swimming poolMotion carried unanimously as amended.
3. **2017-161** Councillor Lucy Carew/Deputy Mayor Maureen Murphy
Be it resolved that Council adopt the Minutes of September 12, 2017 Public Meeting.
Deputy Mayor Maureen Murphy requested the following change: Under Public Works & Infrastructure, item e, the last word read "*correspondence*" and not "*application.*"
Amendment: Councillor Chris Brinston/Councillor Neil Stratton
Be it resolved that the last word in item e. of Public Works & Infrastructure be changed from application to correspondence.
Motion carried unanimously as amended.
4. **2017-162** Deputy Mayor Maureen Murphy/Councillor Fraser Paul
Be it resolved that Council adopt the Minutes of September 27, 2017 Special Public Meeting as presented.
Motion carried unanimously.
5. **Business Arising:**
 - a. Minutes of August 8, 2017 Public Meeting (motion 2017-103)

Councillor Fraser Paul stated he was going to step outside for this item and left the Council Chamber at 7:40 p.m. [Councillor Paul declared himself to be in a conflict of interest on this item at the September 12, 2017 Public Meeting].

2017-163 Councillor Lucy Carew/Councillor Chris Brinston

Be it resolved that Council defer this item until Council in complete can review the tape.

For the motion: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors Chris Brinston, Neil Stratton, Vince Swain and Lucy Carew.

Abstained: Councillor Fraser Paul [declared a conflict of interest].

Motion carried.

Councillor Fraser Paul returned to the Council Chamber at 7:41 p.m.

b. Status report on 54 Gallows Cove Road

Councillor Fraser Paul informed Council that he was staying outside of the Chamber for this item since he had previously declared a conflict of interest on this property. [His brother-in-law was the listing agent for 54 Gallows Cove Road].

Councillor Paul left the Council Chamber at 7:42 p.m.

Councillor Vince Swain reported that Council decided to get a contractor down and strengthen up the drain, clean it out, line the drain with 4 minus, and sod the bank for property owner. The property owner would also have to give permission for equipment to go on her land, and it was agreed that she would be kept updated on the process.

Councillor Fraser Paul returned to the Council Chamber at 7:45 p.m.

c. Status of Southside Track Deficiencies

Councillor Fraser Paul stated that this item would be deferred until Council meets with the Contractor and Engineer.

d. Chicken coop on 5 Dunn's Lane (results of discretionary use notice). Three objections were received with concerns being raised about contamination of water wells, and the potential for rodent activity.

2017-164 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that the chicken coop be taken down due to the valid concerns raised by the community residents.

Amendment: Councillor Lucy Carew/Deputy Mayor Maureen Murphy

The application be referred to the proper government departments for input.
Motion carried unanimously as amended.

- e & f. Proposed subdivision on Northside Track & Request for Council to ask Crown Lands to freeze land off Northside Track for subdivision

Deputy Mayor Murphy explained that items e. and f. are from the same applicant. She said the applicant is asking Council to ask Crown Lands to freeze land. The application would have to go back asking them to freeze it because it was about a rezoning process.

2017-165 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council send a letter to Crown Lands that the Town has no issue with the Crown Land being used for subdivision.

Motion carried unanimously

2017-166 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council send a letter to Crown Lands stating that the town will take over and maintain roads leading to and from the subdivision once the contractor brings the roads up to Town Standards.

Motion carried unanimously.

- g. Crown Land referral for Southern Shore Highway

2017-167 Deputy Mayor Maureen Murphy/Councillor Neil Stratton

Be it resolved that Council turn down the application from Clarity Aquatech Ltd., and move forward with the Town's application.

Motion carried unanimously.

2017-168 Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Be it resolved that the Town apply to Crown Lands for land for a new fire station.

Motion carried unanimously.

- h. Town of Witless Bay Policy, Procedures and By-laws (motion 2017-145)

Mayor Estrada explained that in Council's dealing with this Manual, there was a question of clarity relating to the directions given by Municipal Affairs. He stated that Council never intended to rescind the entire Manual as such, and that Council was told by Municipal Affairs that the Manual needs to be looked at from beginning to end, correcting particular aspects of the Manual that might lead the Town into legal complications. Mayor Estrada said that this

new Council has begun its review, and once completed, it has to come before the public, be submitted for government perusal, and ultimately we will have a Policy and Procedures Manual validated and incorporated.

2017-169 Councillor Neil Stratton/Councillor Fraser Paul

Be it resolved that Council defer this until such time as we complete our review and receive perusal of Municipal Affairs to make sure we are not in any way impeding the provincial procedures and policies.

Motion carried unanimously.

i. Playground and Pool Tender

2017-170 Councillor Fraser Paul/Deputy Mayor Maureen Murphy

Be it resolved that Council award the tender to Harbour Construction Ltd., and move forward as soon as possible.

Motion carried unanimously.

j. Kinsmen meeting request

2017-171 Councillor Fraser Paul/Councillor Neil Stratton

Be it resolved that the Kinsmen Club be granted a meeting with Council on October 17th at 6:30 p.m.

Motion carried unanimously.

k. Crown Land above the swimming pool – Staff to check the file on the Crown Land received and to bring back to November public meeting.

6. *Finance & Economic Development:*

a. Income Statement/Payables – Presented for information purpose only.

b. Eastern Regional Service Board – Waste Management Agreement

2017-172 Deputy Mayor Maureen Murphy/Councillor Chris Brinston

Be it resolved that Council accept the Service Agreement between the Eastern Waste Management and the Town of Witless Bay.

Motion carried unanimously.

c. Tender for salt and sand

2017-173 Councillor Fraser Paul/Deputy Mayor Maureen Murphy
Be it resolved that Council award the tender for salt to Avalon Coal.
Motion carried unanimously.

Deputy Mayor Maureen Murphy reported the following bids received for sand: Clarkes at \$17,457.00, O'Brien's at \$34,500.00, Butler's at \$25,640.40, and Harbour Construction at \$18,492.00. Deputy Mayor Murphy said that there is \$1000 difference between Clarke's and Harbour Construction, but that Harbour Construction is from our community, pays taxes to the Town, and she was willing to recommend acceptance of the tender submitted by Harbour Construction.

2017-174 Deputy Mayor Maureen Murphy/Councillor Chris Brinston
Be it resolved that Council award the tender for sand to Harbour Construction.
Motion carried unanimously.

d. Tender results for snow clearing 2017-2019

2017-175 Councillor Lucy Carew/Councillor Neil Stratton
Be it resolved that Council defer this item to Public Works & Infrastructure #10 f. and go in camera at that time to discuss.
Motion carried unanimously.

e. Purchasing drinking water for residents of 163 Southside Track

Deputy Mayor Murphy reported that the residents had no previous history of water issues until after the Southside Track road work started. Recent water testing resulted in substandard water. The Dept. of Health will be doing a test directly from the well, and depending on the results, they will get a professional to clean the well. It was noted the residents had already done this several times.

2017-176 Deputy Mayor Maureen Murphy/Councillor Lucy Carew
Be it resolved that Council provide residents of 163 Southside Track with drinking water until such a time that their water is suitable for drinking.
Discussion: There was a brief discussion on cost for cases of water vs the water system with large bottles, and how long Council would be providing bottled water to the property owners. It was noted that there is a motion on the books for Council to replace their well if it continued to be an issue. [Motion 2016-272 and 2016-273].
Motion carried unanimously.

7. NEAR Plan: Council had no concerns with this, and therefore, deemed it to be for information purpose only.

8. Planning & Development:

- a. Municipal Assessment Agency – Nomination of Avalon Regional Director – Council deemed this item to be for information purpose since this was an invitation to participate in the nomination process and not a requirement.
- b. Small Crafts & Harbour – Memorandum of Agreement – Councillor Swain clarified that there is a motion on the books accepting the MOU, but no motion stating the Town has taken the property over. He said there were conditions given and agreed on by all parties that specific work would have to be done before the Town took it over, but to date, that work has not been done.

2017-177 Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council take this further with the Federal member and see if we can get this stopped, and some of the improvements corrected of the problems that exist.

Motion carried unanimously.

- c. Witless Bay Industrial Water Supply – Council agreed they would meet with the Plant Manager to discuss the Water Agreement, on Tuesday, October 17th at 6:45 p.m.

d. **Council Committee –**

Steering & Communication: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors Lucy Carew and Neil Stratton

Recreation: Councillors Chris Brinston and Neil Stratton

Planning & Development: Councillors Vince Swain, Chris Brinston and Fraser Paul

Public Works & Infrastructure: Councillors Vince Swain, Chris Brinston and Fraser Paul

Finance & Economic Dev.: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, and Councillor Lucy Carew

NEAR Plan: Deputy Mayor Maureen Murphy and Councillor Lucy Carew

SSJC: Mayor Rene Estrada and Councillor Neil Stratton

Councillor Brinston invited interested public members join the Recreation Committee.

- e. Advisory Committee – Mayor Rene Estrada announced that Council will be setting up an Advisory Committee, and invited members of the public to consider becoming a part of this committee to help guide Council in future planning of the Town.

9. ***Recreation:*** Councillor Chris Brinston requested that staff provide him with contact information of the BBBAA members, and as well, to provide them with his.

10. ***Public Works & Infrastructure:***

a. Business application (Nutrition Consulting) on 367-371 Southern Shore Highway

2017-178 Councillor Vince Swain/Councillor Lucy Carew

Be it resolved that Council approve a business application for Nutrition Consulting on 367-371 Southern Shore Highway.

Motion carried unanimously.

b. Residential dwelling on 184 Dean's Road

2017-179 Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that Council approve residential dwelling on 184 Dean's Road for maximum line setback of 32 metres per the Town's development regulations.

Motion carried unanimously.

c. Garage (detached) on 20 Hillsway Drive – Councillor Fraser Paul declared a conflict of interest and left the Council Chamber at 9:15 p.m. [Councillor Paul is a potential developer on this property].

2017-180 Councillor Vince Swain/Councillor Chris Brinston

Be it resolved that Council approve a shed on 20 Hillsway Drive.

For the motion: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors Chris Brinston, Neil Stratton, Vince Swain and Lucy Carew.

Abstained: Councillor Fraser Paul [declared a conflict of interest].

Motion carried.

Councillor Fraser Paul returned to the Council Chamber at 9:16 p.m.

d. Install drainage pipe on 432-434 Southern Shore Highway

2017-181 Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve the installation of a drainage pipe on 432-434 Southern Shore Highway as per the drawing submitted.

Motion carried unanimously.

e. Request to have application to build on John C's Grove Road retabled – Council will set up a meeting with the individual(s) representing the applicant.

At this point, at 9:20 p.m., Council announced they are going in camera for a short period, and requested the public to leave the Council Chamber. The Public Meeting resumed at 9:40 p.m.

f. Tender for Snow Clearing

2017-182 Councillor Lucy Carew/Councillor Vince Swain

Be it resolved that Council award the Snow Clearing Contract to O'Brien's Trucking for Fall 2017 to Spring 2019 for the quoted price.

Motion carried unanimously.

11. **2017-183** Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that the public meeting adjourn at 9:45 p.m.

Motion carried unanimously.