

Public Meeting of Witless Bay Council
Town Hall – September 12, 2017

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

Reporting: Barb Harrigan

1. The public meeting was called to order at 7:32 p.m.
2. **2017-101:** Deputy Mayor Maureen Murphy/Councillor Vince Swain
Be it resolved that Council adopt the Agenda of September 12, 2017 with the following changes:
Under **Planning and Development** –
 - g. Add area off Dunn's Lane (behind Eddy Ryan's shed) to grading list.
 - j. Tender for salt and sand for 2017**Motion carried unanimously.**
3. Adopt the Minutes of Meeting of August 8, 2017
Councillor Fraser Paul declared himself to be in a conflict of interest and left the chamber at 7:37.
Deputy Maureen Murphy left the chamber at 7:37 asking that council determine if she would be in a conflict of interest on this matter.
2017-102: Councillor Vince Swain/Councillor Lucy Carew
Be it resolved that Deputy Mayor Maureen Murphy is not in a conflict of interest.
Motion carried unanimously.
Deputy Mayor Maureen Murphy returned to the chamber at 7:40
2017-103: Councillor Vince Swain/Deputy Mayor Maureen Murphy
Be it resolved that Council adopt the minutes of August 8, 2017 with the following change:
The Point of Order/motion that was raised by Councillor Ralph Carey under Motion #2017-097 be omitted from the minutes.
Motion carried unanimously.
Councillor Fraser Paul returned to the chamber at 7:43
4. Adopt the Minutes of Meeting of August 17, 2017
2017-104: Deputy Mayor Maureen Murphy/Councillor Lucy Carew
Be it resolved that Council adopt the Minutes of August 17, 2017 as presented.
Motion carried unanimously.
5. Adopt the Minutes of Meeting of August 20, 2017
2017-105: Councillor Lucy Carew/Deputy Mayor Maureen Murphy
Be it resolved that Council adopt the Minutes of August 20, 2017 as presented.
Motion carried unanimously.

6. Nomination Day results – Acclamation of Chris Brinston, Lucy Carew, Rene Estrada, Maureen Murphy, Fraser Paul, Neil Stratton, and Vince Swain

A vote was taken previous to Public Meeting and Rene Estrada was voted as Mayor and Maureen Murphy was voted as Deputy Mayor.

7. **Public Works & Infrastructure**

- a. 144-156 Southside Track – Re: Capital Works Project, Southside Track Phase 11

Deputy Mayor Maureen Murphy advised the Public that she was voted not to be in a conflict of interest on discussions regarding the Southside Track at Nov. 8/16 meeting.

Property has been re-hydro seeded.

- b. 8 Green Hill Drive- Property Issues

Property will be repaired at same time road work is done. Motion was previously made to have property repaired.

- c. 54 Gallows Cove Road update

Councillor Fraser Paul declared himself to be in a conflict of interest and left the chambers at 7:49

Public Works will do a site visit when new members off council have been brought up to date on the issues.

Councillor Fraser Paul returned to chamber at 7:51

- d. 49-51 Dunn's Lane – Property issued

Councillor Swain visited the site and reported that the site had been re-hydro seeded and property looks clean and tidy.

2017-106: Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that Council supply and install stake and longer fencing to replace the fencing that was removed from her property.

Motion carried unanimously.

- e. Correspondence relating to ownership of land and Right-of-Way – 241A Gallows Cove Road

Deputy Mayor Maureen Murphy reported that she had reviewed the *application* and advised Council that all correspondence show that the residents own the land and they own the driveway going to their property. Deputy Mayor Maureen Murphy also stated that the zoning of the property was residential so therefore she did not see any issue with the *application*.

[Amended Oct. 10, 2017 public meeting to replace the word "*application*" with

"correspondence."

Applications

- f. Business for Daycare on 2 Ocean View Drive
Councillor Lucy Carew declared herself to be in a conflict of interest and left the chamber at 7:55.

2017-107: Councillor Fraser Paul/Councillor Chris Brinston
Be it resolved that Council approve Daycare on 2 Ocean View Drive.
Motion carried unanimously.

Councillor Lucy Carew returned to the chamber at 7:56.

- g. **2017-108:** Councillor Fraser Paul/Deputy Mayor Maureen Murphy
Be it resolved that Council approve home based business on 5 The Avenue.
Motion carried unanimously.

- h. **2017-109:** Councillor Vince Swain/Councillor Fraser Paul
Be it resolved that Council approve Hair Salon on 367-371 Southern Shore Highway.
Motion carried unanimously.

- i. **2017-110:** Councillor Fraser Paul/Deputy Mayor Maureen Murphy
Be it resolved that Council approve to dig a drain on 1-5 The Avenue.
Motion carried unanimously.

- j. Personal garage on 22 Williams Lane

Councillor Fraser Paul left the chamber at 7:58 for council to determine if he would be in a conflict of interest on this matter as this property borders on his father-in-law's property.

2017-111: Councillor Vince Swain/Councillor Chris Brinston
Be it resolved that Council declare Councillor Fraser Paul not to be in a conflict of interest on this matter as it is only a shed.
Motion carried unanimously.

Councillor Fraser Paul returned to the chamber at 7:59.

2017-112: Councillor Vince Swain/Deputy Mayor Maureen Murphy
Be it resolved that Council approve personal shed on 22 Williams Lane.
Motion carried unanimously.

- k. Detached garage on 49 Country Path Drive

Councillor Chris Brinston declared himself to be in a conflict of interest and left the chamber at 8:01.

2017-113: Councillor Fraser Paul/Councillor Lucy Carew
Be it resolved that Council approve detached garage on 49 Country Path Drive.
Motion carried unanimously.

Councillor Chris Brinston returned to the chamber at 8:02.

I. Storage/Utility shed on 218 Gallows Cove Road

Councillor Lucy Carew declared herself to be in a conflict of interest and left the chamber at 8:03.

2017-114: Councillor Vince Swain/Councillor Chris Brinston

Be it resolved that Council approve storage/utility shed on 218 Gallows Cove Road.

Motion carried unanimously.

Councillor Lucy Carew returned to the chamber at 8:04.

m. **2017-115:** Councillor Fraser Paul/Councillor Neil Stratton

Be it resolved that Council approve retaining wall & replace fence on 123A Harbour Road.

Motion carried unanimously.

n. **2017-116:** Councillor Fraser Paul/Councillor Neil Stratton

Be it resolved that Council approve extension to deck on 69 Harbour Road.

Motion carried unanimously.

o. **2017-117:** Councillor Vince Swain/Councillor Fraser Paul

Be it resolved that Council approve to construct deck and install weeping tile on 34 Dunn's Lane.

Motion carried unanimously.

p. **2017-118:** Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that Council approve installation of weeping tile on 105 Harbour Road.

Motion carried unanimously.

q. Chicken coop on 5 Dunn's Lane – Council decided that this application will require a Discretionary Use Notice posted to be sure that no resident would be impacted by this structure.

2017-119: Councillor Fraser Paul/Councillor Neil Stratton

Be it resolved that Council post to the public a Discretionary Use Notice for chicken coop and results of that notice to be brought back to October's meeting.

Motion carried unanimously.

r. **2017-120:** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve the sloping of land to ocean front on 170 Harbour Road.

Motion carried unanimously.

s. Request to have Council ask Crown Lands to freeze land off Northside Track for subdivision

Councillor Fraser Paul declared himself in conflict and left the chamber at 8:10.

2017-121: Deputy Mayor Maureen Murphy/Councillor Chris Brinston

Be it resolved that Council defer this item until more information is received on the procedure.

Motion carried unanimously.

Councillor Fraser Paul returned to the office at 8:15.

- t. Crown Land Referral – Residential subdivision off Northside Track

Councillor Fraser Paul declared himself to be in a conflict of interest and left the chamber at 8:16.

2017-122: Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that Council defer this item until more information is received.

Motion carried unanimously.

Councillor Fraser Paul returned to the chamber at 8:20.

- u. Crown Land Referral – Southern Shore Highway

Councillor Fraser Paul declared himself to be in a conflict of interest and left the chamber at 8:21.

2017-123: Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council defer application until more information is received.

Motion carried unanimously.

Councillor Fraser Paul returned to the chamber at 8:27.

- v. **2017-124:** Councillor Vince Swain/Councillor Neil Stratton

Be it resolved that Council approve extension to shed on 20 Southside Track.

Motion carried unanimously.

- w. **2017-125:** Councillor Fraser Paul/Councillor Chris Brinston

Be it resolved that Council approve garage on 19 Country Path Drive.

Motion carried unanimously.

- x. **2017-126:** Councillor Vincent Swain/Councillor Chris Brinston

Be it resolved that Council approve garage on 7 Spruce Court.

Motion carried unanimously.

- y. **2017-127:** Councillor Fraser Paul/Deputy Mayor Maureen Murphy

Be it resolved that Council approve garage/shed on 128 Bear Cove Road.

Motion carried unanimously.

- z. **2017-128:** Councillor Fraser Paul/Councillor Vince Swain

Be it resolved that Council approve shed on 153 Dean's Road.

Motion carried unanimously.

- aa. **2017-129:** Councillor Vince Swain/Councillor Fraser Paul
Be it resolved that Council approve a backyard fence and install front step/deck on 20 Green Hill Drive.
Motion carried unanimously.
- ab. **2017-130:** Councillor Fraser Paul/Deputy Mayor Maureen Murphy
Be it resolved that Council approve landscaping and build rock retaining wall on 432-434 Southern Shore Highway.
Motion carried unanimously.
- ac. **2017-131:** Councillor Fraser Paul/Councillor Neil Stratton
Be it resolved that Council approve landscaping on 3 Spruce Court.
Motion carried unanimously.
- ad. **2017-132:** Councillor Vince Swain/Deputy Mayor Maureen Murphy
Be it resolved that Council approve garage on 3 Spruce Court.
Motion carried unanimously.
- ae. **2017-133:** Councillor Vince Swain/Councillor Chris Swain
Be it resolved that Council approve garage on 7 Country Path Drive.
Motion carried unanimously.
- af. **2017-134:** Councillor Fraser Paul/Councillor Lucy Carew
Be it resolved that Council direct applicant to Service NL & NL Power regarding removal of road reservation on private property on Dean's Road.
Motion carried unanimously.
- ag. Request from contractor for council to review a quote for Town Hall to clean up/spray parking lot and paint parking lines – Information Only
- ah. Proposed St. John's Urban Region Regional Plan Amendment – Holyrood – Information Only.

Finance & Economic Development

a&aa. Legal Fees – Councillor Fraser Paul declared himself to be in a conflict of interest and left the chamber at 8:35.

2017-135: Councillor Vince Swain/Deputy Mayor Maureen Murphy
Be it resolved that Council pay legal fees for Municipal By-election issues and property dispute issues.
Motion carried unanimously.

Councillor Fraser Paul returned to the chamber at 8:36.

- b. Payables/Income Statement/Cash Account Balance – Information Only

- c. **2017-136:** Councillor Vince Swain/Councillor Fraser Paul
Be it resolved that Council approve the Tax Recovery Plan 2017.
Motion carried unanimously.
- d,e,&f **2017-137:** Councillor Fraser Paul/Councillor Vince Swain
Be it resolved that Council hold all requests for payments on all invoices for Dexter and WSP until the Southside Track project is fully completed and the deficiencies will be dealt with at a later date.
Motion carried unanimously.
- g. **2017-138:** Deputy Mayor Maureen Murphy/Councillor Vince Swain
Be it resolved that Council accept the quote from Aylward's Design for completion of Town signs.
Motion carried unanimously.
- h. **2017-139:** Deputy Mayor Maureen Murphy/Councillor Vince Swain
Be it resolved that Council adopt the Auditor's Report for 2016.
Motion carried unanimously.
- i. Southern Shore Arena – Unaudited Statement of Income & Surplus – Information Only.
- j. Dugout cost at Recreation Grounds – Information Only.
- k. Tender results Witless Bay Park Upgrades – Councillor Fraser Paul called Seamus O'Regan office to make sure that the Town would not lose its funding from ACOA and spoke with Ruth and she advised Councillor Paul that they are working on this and will get back to him as soon as possible.
- l. **2017-140:** Deputy Mayor Maureen Murphy/Councillor Chris Brinston
Be it resolved that Council reimburse Kinsmen Club for cost of installing fencing on softball field.
Motion carried unanimously.

Planning & Development

- a. **2017-141:** Deputy Mayor Maureen Murphy/Councillor Vince Swain
Be it resolved that Council approve Gas Tax application and Road List in order for the Town to utilize Gas Tax funding for roadwork.
Motion carried unanimously.
- b. **2017-142:** Councillor Vince Swain/Deputy Mayor Maureen Murphy
Be it resolved that Council suspend the contract with A49 for Fire Hall.
Motion carried unanimously.
- 2017-143:** Councillor Vince Swain/Deputy Mayor Maureen Murphy
Be it resolved that Council give approval to the Fire Departments to have driveway paved.
Motion carried unanimously.

- c. **2017-144:** Deputy Mayor Maureen Murphy/Councillor Lucy Carew
Be it resolved that Council defer request to have Fire Department respond to areas outside of boundaries until Council meets with the Fire Department.
Motion carried unanimously.
- d. **2017-145:** Deputy Mayor Maureen Murphy/Councillor Fraser Paul
Be it resolved that Council rescind Motion #2016-241 Town's By-law Policy, Procedures & By-laws Manual that need to be revised and/or removed since Legislation does not support them. A decision to use this manual may expose the Town to unnecessary litigation and potential liability. The Town must now review the document as it is not in conformity with government policies.
Motion carried unanimously.
- e. **2017-146:** Councillor Fraser Paul/Councillor Lucy Carew
Be it resolved that Council appoint Marie E. Ryan for Appeal Commissioner for 2017.
Motion carried unanimously.
- 2017-147:** Councillor Fraser Paul/Deputy Mayor Maureen Murphy
Be it resolved that Council advertise for an Appeal Commissioner for 2018.
Motion carried unanimously.
- f. **2017-148:** Councillor Fraser Paul/Councillor Neil Stratton
Be it resolved that Council advertise for a new Town Engineer for 2018
Motion carried unanimously.
- g. **2017-149:** Deputy Mayor Maureen Murphy/Councillor Vince Swain
Be it resolved that Council accept the bid from Harbour Construction for grading (E595 & E596) and have the work completed with a grader opposed to a backhoe and add to the grading road list a section off Dunn's Lane (behind Eddy Ryan's shed) to the roads list for grading.
Motion carried unanimously.
- 2017-150:** Councillor Vince Swain/Councillor Neil Stratton
Be it resolved that Council allow no hired machinery to enter onto private property without prior written consent from the owners being submitted to the office.
- h. **2017-151:** Councillor Lucy Carew/Councillor Vince Swain
Be it resolved that Public Works identify and mark potholes that need repair and then send to tender for work to be completed.
Motion carried unanimously.
- i. **2017-152:** Councillor Lucy Carew/Councillor Fraser Paul
Be it resolved that Council put snow clearing to tender for Fall 2017-Spring 2019.
For the motion: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillor Vince Swain, Councillor Lucy Carew, Councillor Fraser Paul
Against the motion: Councillor Chris Brinston/Councillor Neil Stratton
Motion carried.

8. **2017-153:** Deputy Mayor Maureen Murphy/Councillor Lucy Carew
Be it resolved that council adjourn the public meeting at 9:30 p.m.
Motion carried unanimously.