

Public Meeting of Witless Bay Council
Town Hall
August 23, 2016

Attending: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Ralph Carey, Vince Swain and Kevin Smart

Recording: Geraldine Caul

1. The meeting was called to order by Mayor Sebastien Despres at 7:33 p.m.
2. **2016-185** Deputy Mayor Dena Wiseman/Councillor Kevin Smart
Be it resolved Council adopt the Agenda of August 23, 2016.

Discussion: Councillor Swain asked why the items he wanted to add to the agenda weren't included. Mayor Despres explained that the Town's bylaws require agenda items to be detailed enough "*as to apprise the public of the business to be discussed. Broad items shall be avoided.*" ((Section 4.A.4). Mayor Després explained that the final agenda is set by Council as a whole, and that should Councillor Swain want to suggest items for inclusion, he can make a motion to amend the draft agenda prior to its ratification.

2016-186 Councillor Vince Swain/
Be it resolved Council add Upper Pond to the agenda.
Amendment failed due to no seconder.

2016-187 Councillor Vince Swain/
Be it resolved Council add agreement with Ed Vickers and FORB to the agenda.
Amendment failed due to no seconder.

2016-188 Councillor Vince Swain/
Be it resolved Council add threatening letter from resident to the agenda.
Amendment failed due to no seconder.

For the motion to adopt the agenda as presented: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Ralph Carey and Councillor Kevin Smart.
Against the motion: Councillor Vince Swain.
Motion carried.

3. Adoption of Minutes of Meeting of July 26, 2016 –

2016-189 Councillor Ralph Carey/Councillor Kevin Smart
Be it resolved Council adopt the Minutes of Public Meeting of July 26, 2016.
Motion carried unanimously.

4. Business arising from minutes:

a. Adoption of the Town's 2015 Audited Financial Statements.

2016-190 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council adopt the Town's consolidated financial statements for the year ended December 31, 2015.

Motion carried unanimously.

b. Southern Shore Arena – Financial Statements RE: Stabilization Fund. Mayor Despres explained that for the past few years, Council has received requests from the Southern Shore Arena for our continued support. The Town did budget for it for 2016, and at the last public meeting, Council requested their latest financial statements, which have now been received.

2016-191 Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved Council support the Southern Shore Arena for the amount of \$6527.00.

Motion carried unanimously.

c. Dredging – Councillor Ralph Carey reported that Council is in the process of obtaining assistance from the Federal Government on the development of a scope of work for this project.

d. Tender for asphalt – Mayor Despres explained that no qualified quotes were received from the Call for Tenders. The tender called for quotes to be submitted in a sealed envelope, but the only quote received arrived by fax. Council agreed that the tender will be reissued for another date.

2016-192 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council re-issue the tender for asphalt for Friday, August 26, 2016.

Motion carried unanimously.

2016-193 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council be empowered to make the decision on the quotes for asphalt via email.

Motion carried unanimously.

e. Southside Track Tender update – Mayor Despres said that the Province has reported back to the Town on the tenders for the Southside Track project, and the great news is that it has come in under price. There were six bidders, whose bids ranged from \$557,429 to \$753,114. After reviewing the bids, WSP and the Province have recommended that Dexter Construction (the lowest bidder), with a total bid after taxes of \$641,043.35 with a 10% bid bond, be awarded the project. The total project cost including engineering, contracting, administration, and inspection is \$765,117.35.

2016-194 Councillor Ralph Carey/Councillor Vince Swain

Be it resolved Council approve the bid from Dexter Construction in the amount of \$641,043.35 for the second phase of the Southside Track upgrading.

Motion carried unanimously.

5. New Business:

a. Presentation – Jennifer Aspell (Quonset sheds)

b. By-election –

2016-195 Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved Council set the by-election date for October 18, 2016, and the nomination day for September 27, 2016.

Motion carried unanimously.

c. Compliance Officer – Councillor Ralph Carey said he would like for Council to move forward with the compliance officer position, noting that the costing is in the Town's budget, and a consultant was hired in previous years to submit a document to the Town relating to this position. Councillor Carey said he would like for Council to advertise for the position to see if there would be interest.

2016-196 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council move forward with a compliance-development officer as budgeted for, on a part-time basis, using Independent Consultants' Group's document as a guideline.

Discussion: Councillor Vince Swain expressed his opinion that a compliance officer is a very extensive position and Council should consider this before moving forward with it. He suggested that Council use the money budgeted for this position in other areas such as road repairs.

For the motion: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Kevin Smart, and Councillor Ralph Carey

Against the motion: Councillor Vince Swain

Motion carried.

d. Roaming dogs – Mayor Despres explained that Council received a few complaints about roaming dogs in the town, and asked for suggestions from Council on handling the situation.

2016-197 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council get staff to contact other small towns to determine what they do for animal control.

Motion carried unanimously.

e. Correspondence – Intersection of Southside Track and Southern Shore Highway – Mayor Despres explained that there has been a series of recurring problems at this intersection due to ATV activity. For many years, Councils have tried to address the problem and have made significant improvements to increase the safety of this intersection, adding that the problem is difficult to resolve because of the amount of ATV traffic. Mayor Despres said the second issue noted in the correspondence is regarding the government signage, and said that these signs will be removed once the Southside Track road project is completed. Mayor Despres asked that Public Works do a site visit to determine if Council can do anything further.

- f. Correspondence re: legal survey for access - Mayor Despres reported that at the last public meeting the town denied an application for a strip of Crown Land. The applicants have submitted a letter stating that the Town may have erred.

Councillor Ralph Carey explained that the correspondence states that he (Councillor Carey) had made a mistake in his motion at the last public meeting (July 26th 2016). Councillor Carey read the relevant sections of the Town Plan to further clarify the matter:

2013-2023 Town of Witless Bay Municipal Plan

4. Conveyance to Council of Private Roads: New subdivision streets shall be constructed and upgraded to the Town's road standards before Council shall assume ownership and responsibility for future maintenance. All new streets shall have a legal land survey and a Deed of Conveyance, approved by the Town's solicitor, before Council assumes ownership.

5. Access and Public Street: All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

Definitions:

"Development is defined as: the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and includes the following:

- a. *Making of an access onto a highway, road or way."*

Councillor Carey said that to conclude the Town Plan clearly requires the "making of an access onto a highway, road, or way" to front onto a publicly maintained street.

- 6. Financial –
 - a. Payables/Income Statement (Information purpose only).
- 7. Community Enhancement Committee
 - a – b. Mayor Despres reported that the Communities in Bloom judges visited two weeks ago, and got to meet about a hundred residents over their three day stay. The judges were very happy with their visit, and the results of the competition will be revealed in October.

- 8. Public Works & Compliance –

- a. Grading – Councillor Ralph Carey noted that two quotes were received.

2016-198 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council accept the tender with grader, and have the worked completed with a grader as opposed to a backhoe.

Motion carried unanimously.

- b. Request for speed bumps – Mayor Despres explained that since the Town installed a trial run of four sets of speed bumps in the community, a lot of positive feedback has been received, and

many residents have requested more speed bumps to address other areas of concern. Council will do an assessment based on the requests received and will determine the need and location for additional speed bumps.

It was noted that drivers are avoiding the speed bumps in two areas by driving on the shoulder, which is causing deterioration to the town's infrastructure. The speed bumps are sold in sets of three, but Council installed two in each location during this test run. Once Council meets to discuss this, there will be more consideration for installing the three speed bumps instead of two on each site.

- c. Application - demolish structure on 14-24 Dean's Road

2016-199 Councillor Ralph Carey/Councillor Vince Swain

Be it resolved Council approve an application to demolish structure on 14-24 Dean's Road.
Motion carried unanimously.

- d. Application -construct a garage on 106 Lar Norris Road

2016-200 Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved Council approve application to construct a garage on 106 Lar Norris Road.
Motion carried unanimously.

- e. Application – single family dwelling on 44 Country Path Drive

2016-201 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council approve a residential single family dwelling on 44 Country Path Drive subject to approval from Services NL and any other government agencies having jurisdiction.
Motion carried unanimously.

- f. Shed – 434A Southern Shore Highway – Councillor Carey said he had done a site visit and confirmed that the structure is built on a neighbour's boundary line.

Councillor Swain asked if there was a permit given for the shed. It was confirmed there is no permit on file. Councillor Swain said if Council didn't give a permit then it's not Council's responsibility. He said as far as he understood, if Council gave a permit, then Council can issue an order, but if Council did not give a permit, it's between the property owners. After a brief discussion on this matter, Mayor Despres asked for a motion on this item.

2016-202 Councillor Ralph Carey/Councillor Vince Swain

Be it resolved Council order the property owner to remove the shed at the property owner's expense.

2016-203 Amendment: Councillor Vince Swain/

Council to give the property owner an opportunity to make an application and move the shed one metre from his neighbor's property in accordance with the rules and regulations.

Mayor Despres called this amendment Out of Order because that action is against the Town's regulations. Council does not have the authority at this time to give the property owner the

option to move the shed since the shed was built without a permit. Council can give enough time in the Order for the property owner to make an application to move the structure.

Amendment 2016-203 failed due to it being called of Out of Order.

2016-204 Councillor Vince Swain/Deputy Mayor Dena Wiseman

Be it resolved Council issue a Removal Order to the property owner, giving the owner 35 days to remove the shed at his expense.

Amendment **2016-204** carried unanimously.

Motion carried unanimously.

- g. Demolition and removal of all structures on 46-50 Southside Track –

2016-205 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council approve the application to demolish and remove all structures on 46-50 Southside Track.

Motion carried unanimously.

- h. Crown Land – Southern Shore Highway

Mayor Despres explained that this was an application for a 91 x 121 m parcel of Crown Land for a residential building lot. Deputy Mayor Wiseman said that Council could not approve this application for a residential building lot because it does not front on a publicly maintained road.

2016-206 Deputy Mayor Deputy Wiseman/Councillor Ralph Carey

Be it resolved Council deny the application for Crown Land for residential development since the indicated land does not front on a publicly-maintained road.

Motion carried unanimously.

9. **2016-207** Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council adjourn at 8:55 p.m.

Motion carried unanimously.