

Public Meeting of Witless Bay Council
Town Hall
February 16, 2016

Attending: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Ralph Carey, Ken Brinston, Kevin Smart & Albert Murphy

Recording: Geraldine Caul/Barb Harrigan

1. The meeting was called to order at 7:32 p.m. by Mayor Sebastien Despres.
2. Adoption of the Agenda of February 16, 2016.

2016-014 Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved Item #7 be removed from the agenda due to the applicant's withdrawal of the application.

2016-015 Amendment: Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Item 5f be removed from the agenda.

Deputy Mayor explained that the Minister was doing a substantive review of this file, and he has asked to meet with Council in the near future to discuss it. She said that the Minister has asked that Council not discuss this matter.

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

Against the amendment: Councillor Albert Murphy, Councillor Ken Brinston.

Amendment carried.

For the motion to adopt the Agenda of February 16, 2016 as amended:

Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Ralph Carey, Councillor Kevin Smart, Councillor Albert Murphy.

Against the motion: Councillor Ken Brinston

Motion carried.

3. Adoption of Minutes of Meeting of January 12, 2016.

Councillor Ralph Carey asked to make a clarification on Item 4b, so that the last paragraph reflects what he said. This paragraph should read, "Councillor Ralph Carey reminded Council that at last month's meeting he brought the conflict of interest guidelines back to Council that he received at training so councillors could make informed decisions on all potential conflict of interest matters."

2016-016 Councillor Ralph Carey/Councillor Kevin Smart.

Be it resolved Council adopt the Minutes of January 12, 2016 as amended.

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

Against the motion: Councillor Albert Murphy.

Motion carried.

4. Business arising from minutes:

- a. Plowing of roads not on the Town's Limits of Service Agreement – Deputy Mayor Dena Wiseman explained that at last month's meeting this was postponed to be addressed at tonight's meeting. Deputy Mayor Wiseman read the following excerpt from January 12 meeting, *"Dena said that since some councillors may consider that there may be a potential conflict of interest if she participates in a discussion on snow clearing on Pond Path at this meeting tonight, she asked that Council make a formal decision on this tonight. Councillor Ralph Carey asked that Council also make a formal decision regarding him on this same item."*

Mayor Despres said this is about a specific road, and Deputy Mayor Wiseman referred to **motion #2016-003 that passed** at last month's meeting that states: Be it resolved that Council consider and discuss each road on a case by case basis.

Deputy Mayor Wiseman and Councillor Ralph Carey left the Chamber at 7:40 p.m. for discussion on this item.

Mayor Despres read the following excerpt from January 12 meeting: *"Mayor Despres explained that the reason for this request from Deputy Mayor Wiseman and Councillor Carey is because this came up a year and a half ago during an informal discussion prior to a public meeting, and at the time there was uncertainty about whether or not they would be in a conflict of interest because they own land that partially fronts on that road. What wasn't clear at the time, because some of the surveys are incorrect, is the fact that only a small part of the parcel fronts on Pond Path. What Council has to decide right now is, given the fact that the entirety of their parcel is accessible from the Southside Track, is there a potential for financial interest in the plowing of Pond Path for these councillors."*

Mayor Despres called for a motion to address the question Council was asked to answer, which is whether Deputy Mayor Dena Wiseman and Councillor Ralph Carey are in a conflict of interest in relation to Pond Path.

Councillor Murphy insisted that Council is dealing with all of the roads and not just Pond Path, but was reminded by Mayor Despres of the motion passed by Council at January 12 meeting that Council consider and discuss each road on a case by case basis.

Because Council refused to make a motion on this matter, Deputy Mayor Wiseman and Councillor Carey returned to the Chamber at 7:45 p.m.

- b. Selecting an Appeal Commissioner for 2016 – Mayor Despres explained that at last month's meeting Council decided to delay the selection of an appeal commissioner for 2016 until a list of potential candidates could be identified. The Town has now received a number of expressions of interest.

2016-017 – Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved the Town appoint Marie Ryan as appeal Commissioner for 2016.

2016-018 Amendment: Councillor Albert Murphy/Councillor Ken Brinston
Be it resolved Council replace the name Marie Ryan with Wayne Thistle.

For the amendment: Councillor Albert Murphy, Councillor Ken Brinston

Against the amendment: Deputy Mayor Dena Wiseman, Councillor Kevin Smart, Councillor Ralph Carey, Mayor Sebastien.

Amendment failed.

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

Against the motion: Councillor Albert Murphy, Councillor Ken Brinston.

Motion carried.

- c. Logo Design – Mayor Despres reported that in the previous year the Town began the process of developing a brand identity, and we managed to complete a number of the elements of this brand, but the next piece to be developed is the logo. He said the Town has a motion on the books from last year to get a logo design, so we collected a number of quotes and prices, and a design brief was drawn up. A number of responses were received and there was a clear winner, 99Designs.

2016-019 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that 99Designs be contracted to draft a Town Logo (cost \$889).

Motion carried unanimously.

5. New Business:

- a. By-election – Mayor Despres explained that council has a resignation so the Town has to proceed with a by-election.

2016-020 Councillor Ken Brinston/Deputy Mayor Dena Wiseman

Be it resolved the Town hold a by-election from 8 am to 8 pm on Monday, March 28, with nominations taking place on Monday, March 7 from 8 am to 8 pm.

Discussion: Councillor Murphy asked if the by-election could be delayed until after Council met with the Minister. Mayor Despres said it was up to Council to decide this and if it was in the best interest of the Town, then Council could delay the by-election. Mayor Despres asked Councillor Murphy if he wished to amend the motion to delay the by-election. There was no amendment to delay.

Motion carried unanimously.

- b. Notice of Motion: Policy relating to harassment – The fire chief has requested that The Town develop a workplace harassment policy for the Town and the Fire Department, so Council has been collecting policies from several sources. We have also been in touch with the NL Human Rights Commission to try and understand the policy making process. Mayor Despres announced that this is a notice of motion that Council will be putting forward a policy on harassment at the next public meeting. Mayor Despres thanked the Fire Chief for initiating this process.

Council agreed to meet next Tuesday at 7:30 to begin this process by reviewing the policies that have been received.

- c. Correspondence from MHA to Dept. of Transportation & Works relating to snow clearing practices on Witless Bay Line – Council is in receipt of a letter from our Member of the House of Assembly. He submitted a request to the Department of Transportation & Works for an assessment for a priority clearing of the snow to be done on the Witless Bay Line. This is just a notification to Council that this has been done.
- d. Mobile Central High School – request for support for the Seniors’ Outreach Dinner.

2016-021 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council support the Mobile Central High School’s request for financial support for the Seniors’ Outreach Dinner to a maximum of \$1000.

2016-022 Amendment: Councillor Ken Brinston/Deputy Mayor Dena Wiseman

Be it resolved Council donate \$1000 towards the Seniors’ Outreach Dinner.

Amendment carried unanimously.

Motion carried unanimously as amended.

- e. Public comment sessions –

2016-023 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved the public comment sessions be suspended indefinitely.

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

Against the motion: Councillor Albert Murphy, Councillor Ken Brinston.

Motion carried.

- f. Item removed from the agenda (see motion #2016-015).
- g. Council’s decision to close litigation with Friends of Ragged Beach (FORB) in 2014 – Mayor Despres suggested to Councillor Murphy that perhaps he should excuse himself from these discussions since some of this item pertains to the rezoning of land on Ragged Beach, part of which is owned by Councillor Murphy’s brother-in-law.

Councillor Murphy asked if his land was involved in this, and Mayor Despres explained that his brother-in law’s land was involved in the rezoning, and therefore he suggested again that Councillor Murphy leave the room for discussions on this matter.

Mayor Despres asked that the minutes reflect that he asked Councillor Murphy to leave the chamber.

Mayor Despres said he would read his statement of fact which he prepared, and asked that it be recorded in the minutes.

Councillor Murphy left the chamber at 8:11 pm.

Mayor Despres' statement of fact:

"In early March 2014, the Town received a letter from the Minister of Municipal Affairs informing Council that the rezoning of the lands at Ragged Beach would require bringing Mallowney's Lane to Town Standards. This would have required the Town to expropriate, at considerable expense, private land and assets from residents. In addition to these expropriation costs would have been the considerable cost of widening the land.

Given these facts, the Town decided that it was not going to proceed with the amendment. At the March 11th 2014 Public meeting, Council passed the following motion:

2014-035: Be it resolved that Council not allow the widening of Mallowney's Lane to accommodate the proposed development relating to the 'amendment Request – Gallows Cove Road' therefore terminating the rezoning process and closing the file on the Gallows Cove Ragged Beach development."

Subsequently, the Town's lawyer contacted Council and informed the Town that this decision eliminated all issues in the pending litigation between FORB and the Town of Witless Bay. The Town solicitor advised that he contacted FORB to discontinue the litigation that was before the courts.

It is important to note that the Town's lawyer communicated with the Town having heard about the Town's recent decision in the media.

In April 2014, FORB agreed to close the litigation.

These are the facts related to council's decision, and they are on the public record, available for anyone to investigate."

Mayor Despres stated that there was no private agreement.

Councillor Murphy returned to the Chamber at 8:16 p.m.

- h. Legal Counsel representing the Town at appeals - Councillor Murphy questioned why Steve Penney represented the Town in an appeal relating to Carey's Road/John C's Grove Road since Geraldine handles the appeals.

Geraldine explained that the appeal in question is the exact same application that the Town received a notice of a Statement of Claim and that it was going to the Supreme Court, which Council agreed to hire a lawyer for.

Mayor Despres added that it is not in the clerk's job description to be the town's lawyer.

- 6. Finance:

- a. Payables – No discussion.

- b. Snow clearing invoices for the periods January 3-9, 10-16, 17-23/16

2016-024 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council pay snow clearing invoices for January 3-9, 10-16, 17-26, 2016.

Motion carried unanimously.

- c. Quotes/Cost for repairs to water supply shed –

2016-025 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council empower public works to make a decision for electrical work.

Motion carried unanimously.

- 7. Item removed due to withdrawal of application.

8. **2016-026** Deputy Mayor Dena Wiseman/Councillor Ralph Carey
Be it resolved Council adjourn at 8:20 p.m.
Motion carried unanimously.