

Public Meeting of Witless Bay Town Council
Town Hall – 7:30 p.m.
July 8, 2014

Attending: Mayor Sébastien Després, Deputy Mayor Dena Wiseman
Councillors: René Estrada, Ralph Carey, Kevin Smart

Recording: Geraldine Caul, Barb Harrigan

1. The meeting was called to order by Mayor Sébastien Després at 7:32 p.m.

2. **2014-134** René Estrada/Dena Wiseman

Be it resolved Council adopt the agenda of July 8, 2014 as presented.

Amendment: To add to the agenda –

Under Public Works & Compliance (t) Quote for ditching & paving

Under New Business (l) Vehicles and hole on Dunn's Lane

Under Business Arising from Minutes (e) Lights for Recreation playground

2014-135 Ralph Carey/Dena Wiseman

Be it resolved Council adopt the agenda of July 8, 2014 as amended.

Amendment carried unanimously.

Motion carried unanimously.

3. **2014-136** Dena Wiseman/Kevin Smart

Be it resolved Council adopt the June 10, 2014 Minutes of Meeting as presented.

Motion carried unanimously.

4. Business Arising from Minutes:

a. Revised Road Standards -

2014-137 Ralph Carey/Dena Wiseman

Be it resolved Council adopt the revised Engineering Design Standards relating to the Notice of Motion made at the June 10th public meeting of Council.

Motion carried unanimously.

b. Proposed Code of Ethics – Sebastien explained that this is a Notice of Motion that the Draft Code of Ethics will be ratified at the next public meeting, and said if Council has revisions to recommend, these should be sent to Council. The proposed Code of Ethics will be reviewed and presented at that meeting.

c. Structure removal on 432 Southern Shore Highway – Ralph Carey reported that the property owner doesn't have the entire structure removed but he has been dismantling it.

- d. Municipal By-Election on Wednesday July 16 – Dena reported that there are three candidates running, and the voting for the by-election will be from 8 am to 8 pm on that day. It was noted that there is a proxy application form for anyone not available on voting day, to have a qualified voter vote on their behalf. This form is to be completed and returned to the town hall the day prior to the election.
- e. Lights at the recreation playground area – It was noted there was one existing light on the site but it wasn't working and need to be repaired. Council agreed that a second light would be sufficient, and that this light would work more efficiently if it was turned inward, toward the playground.

2014-138 Ralph Carey/Kevin Smart

Be it resolved Council repair the existing light and order a second light to be installed on the playground area.

Motion carried unanimously.

5. New Business:

6.

- a. Town of Witless Bay Municipal Plan – Sebastien explained that the Town Plan came back with minor revisions. He then explained the next steps: Council must adopt the Plan with the Department of Municipal Affairs' suggested edits, a public hearing is to be scheduled and a Commissioner to be appointed. He said this must be advertised for a minimum of 14 days, and that the hearing would only take place if there were written objections. Sebastien said if the hearing should proceed, the Commissioner would have 30 days to file his report to Council, and then Council adopts this report at a public meeting, makes a motion to approve the Plan with any recommendations by the Commissioner and approved by Council. He said it gets forwarded to Municipal Affairs for registration and once Gazetted the Plan is officially legal.

2014-139 Dena Wiseman/Ralph Carey

Be it resolved Council adopt the Town Plan as amended by Municipal Affairs.

Motion carried unanimously.

2014-140 Dena Wiseman/Ralph Carey

Be it resolved Council schedule a public hearing relating to the Town Plan for Thursday, August 7, 2014 at 7:30 p.m.

Motion carried unanimously.

2014-141 Dena Wiseman/Ralph Carey

Be it resolved Council contact Tom Strickland to act as Commissioner for the Town Plan public hearing.

Motion carried unanimously.

- b. NEAR Plan Process – Sebastien explained that this Plan encompasses 15 municipalities. He said there was a call for tender for the plan development process,

which was awarded to Tract Consulting Inc. He added that there would be a consultation process early August. Sebastien listed the potential issues explored by Tract Consulting which would be addressed at this upcoming consultation:

- ↓ Affordability
- ↓ Aggregate resources
- ↓ Agricultural land
- ↓ Alternative energy sources
- ↓ Demographics – e.g., aging population
- ↓ Coastal land management and protection
- ↓ Economic development
- ↓ Environmental considerations
- ↓ Future development possibilities / supply of lands / development trends
- ↓ Housing
- ↓ Industrial development
- ↓ Infrastructure
- ↓ Land ownership mapping
- ↓ Open space, recreation facilities, parks and trails
- ↓ Plan Administration
- ↓ Regional planning boundaries
- ↓ Regional services (fire)Regional growth strategy
- ↓ Restricted development / Hazards or limitations to development
- ↓ Scenic areas/highways
- ↓ Settlement patterns
- ↓ Sustaining the built and natural environment
- ↓ Transportation
- ↓ Water supply and protection issues / watersheds

Sebastien stated that Witless Bay and Bay Bulls' additions to this list are:

- Regionalization
- Concerns regarding Galway's potential impact on transportation
- Future plans for infrastructure (new highway)
- Extending limits for developments

Sebastien asked that if the public had anything to add to this they could contact the office.

- c. Municipal Affairs – Capital Works: Sebastien reported that the Town applied for 90/10 funding for four projects but a letter was received advising us they could not approve 3 of

the 4 projects at this time due to a limited budget. One of the projects, the fire truck, was redirected to a different department. He said the Town was asked to re-apply.

- d. Development Control Officer – Ralph explained that a few months ago Council advertised that the Town would be contracting an individual to establish a Scope of Work for a proposed Development Control Officer position. He said the proposal will be ready for the next Council meeting. Ralph said this would be a Notice of Motion for August meeting. Council will determine then whether to move forward with the development of this position.
- e. Fire & Emergency Services – Emergency Management Plan: Dena reported that Council met with Bill Collins of Fire & Emergency Services to discuss the development of an Emergency Management Plan. She said Witless Bay doesn't have such a Plan but there is a requirement for one to be in place. She added there would be a follow up meeting in August with Mr. Collins, and that the Town is hoping to include neighboring communities, including as the Local Service Districts. It was noted an Emergency Management Plan usually takes about a year to complete but the Town plans on doing it quicker than that.

2014-142 Dena Wiseman/René Estrada

Be it resolved Council establish an Emergency Council Committee, appoint an Emergency Management Coordinator, and to gather necessary resources for public and environmental safety in the event of an emergency.

Motion carried unanimously.

2014-143 Dena Wiseman/Ralph Carey

Be it resolved Council appoint Geraldine Caul, the Town Manager as an Emergency Management Coordinator.

Motion carried unanimously.

- f. Reconstructing road leading to Municipal Garage –

2014-144 Ralph Carey/Dena Wiseman

Be it resolved the Town construct a road leading to the Municipal Garage and directly onto Route 10.

Discussion: Sebastien explained that the money that would be used for this project would come directly from the Fire Department's own budget and not the Town's. He explained the 90/10 funding was not received for this project this year but this would be considered an emergency due to the dangerous right turn at the Cemetery Road and the detour as well as the fact that it is difficult for the fire trucks to climb up the hill.

Motion carried unanimously.

- g. Notice of motion to begin the process of moving fire department to the municipal garage - Sebastien explained that it was discussed at previous meetings that neither the municipal garage nor the Town Office building are used to their full potential. He said the Fire Department asked to move into the municipal garage, but that the building needs a full redesign. He announced that this is a Notice of Motion that Council will be discussing this at the next meeting.

- h. Replacing the fire hydrant near the fish plant –

2014-145 Ralph Carey/Kevin Smart

Be it resolved Council do an assessment of all the town fire hydrants and bring them to operating condition.

Motion carried unanimously.

- i. Enquiry Re: Filling the pumper truck at the river – It was agreed that the Town would have to communicate with the Province on this procedure.
- j. Recommendation to the Regional Fire Committee to increase the honorarium awarded to active members of the Witless Bay Regional Fire Department –

2014-146 Ralph Carey/ Dena Wiseman

Be it resolved Council consider a Fireman's honorarium of \$500 for dedicated firemen, and \$1000 for the Fire Chief.

For the motion: Ralph Carey, Dena Wiseman, Sebastien Despres, Kevin Smart

Against the motion: Rene Estrada

Motion carried.

- k. Re-evaluation of Staff Wages – Council went into a short privilege session to discuss this item. Once Council opened the public meeting , Sebastien called for a motion on staff wages which he explained were budgeted for.

2014-147 Rene Estrada/Kevin Smart

Be it resolved Council grant the pay increase decided on for the Town's staff.

Motion carried unanimously.

- l. Vehicles & Hole – Corner of Dunn's Lane and Southside Track. Sebastien explained the property had an existing homemade catch basin about 4' x 4' which was open and posed a safety concern. He said the land was unregistered and there were old

vehicles parked on the property. It was decided that Council would need to identify the owner, advise them of the danger, and have the vehicles removed from the unregistered land.

2014-148 Ralph Carey/Kevin Smart

Be it resolved Council cover the hole to make the area safe.

Motion carried unanimously.

7. Committee Reports:

Finance –

a-b. Cash Flow Analysis Report and payables – submitted for Council information only.

c. **2014-149** Rene Estrada/Ralph Carey

Be it resolved Council adopt the 2013 Audited Financial Statement as presented.

Motion carried unanimously.

d. **2014-150** Ralph Carey/Dena Wiseman

Be it resolved Council accept the quote of \$345 for Class A for Upper Pond Tourist

Stop.

Motion carried unanimously.

e. **2014-151** Ralph Carey/Kevin Smart

Be it resolved Council accept the lowest quote of \$3900 for grading list of roads.

Motion carried unanimously.

f. **2014-152** Ralph Carey/Kevin Smart

Be it resolved Council make payment to Eastern Contracting of \$32,609.07 for Witless Bay Recreation Centre.

Motion carried unanimously.

g. **2014-153** Ralph Carey/Rene Estrada

Be it resolved Council make payment to Modern Paving of \$170,151.22 for Track Road 90/10 Road Project (Town's portion \$18,890.87).

Motion carried unanimously.

h. **2014-154** Ralph Carey/Rene Estrada

Be it resolved Council make payment of \$65,678.47 to Modern Paving for Track Road Gas Tax Project.

Motion carried unanimously.

Community Enhancement – Sebastien vacated the Chair at 8:56 to present this report.

- a. Puffin Festival – Sebastien said the Kinsmen listed their needs for the festival and Council agreed to assist them. He added that volunteers were needed for Saturday night, and anyone willing to do so can contact Chris Swain or David Brinston.
- b. Sebastien explained that the Town will be holding a Tourism and Economic Development Workshop. This will take the shape of a one-day community retreat on August 23. Anyone wishing to attend can contact the office and leave their names.
- c. Sebastien said the roof of the change room at the swimming pool needed repairs, and should have ice and water shield protection on it.

2014-155 Sebastien Despres/Ralph Carey

Be it resolved Council repair the change room to include the ice and water shield protection.

Motion carried unanimously.

- d. Sebastien reported that the Chalet needed to be painted and added that the door was now installed. He said all that was left was for the electrician to hook up the wiring.

2014-156 Sebastien Despres/Ralph Carey

Be it resolved Council have the Tourism Chalet on Lower Pond painted.

Motion carried unanimously.

- e. Tidy Towns – Sebastien said that every Wednesday from 6:00 to 7:00 p.m. was designated as a clean-up period in preparation for the Tidy Town competition.
- f. Sebastien reported that judging for Tidy Towns would take place on August 18. He listed the eight criteria being adjudicated, and gave details on each of these:
 - 1. Tidiness
 - 2. Environment awareness
 - 3. Community involvement
 - 4. Natural & Cultural Heritage Policy
 - 5. Tree & urban forest management
 - 6. Landscaped areas

7. Turf covering

- g. Mayor's Walk – Sebastien reported the Community Enhancement Committee suggested this be changed to the Mayor's Hike. He said many people are unfamiliar with the town's trails so the hikers left St. Bernard's School and walked up through Upper Pond and on to the recreation field. The amount raised so far was \$300.
- h. Canada Day Celebration – Sebastien announced that the BBBAA did a fantastic job, and acknowledged both Trudy Williams and Paige O'Driscoll for their roles in the organization and running of the event, and recognized the help of the Kinsmen, RCMP, the Fire Department, the 50+ Group, MHA, and Town Council and staff as well.
- i. Sebastien said that in October, Council discussed the installation of a fence along the pool. He said due to safety concerns with the close proximity of the playground to the pool, this work was being done now. He said the best quote received was \$4750.00.

2014-157 Sebastien Despres/Ralph Carey

Be it resolved Council accept the lowest tender of \$4750.00 for installing a fence by the pool.

Motion carried unanimously.

Sebastien returned to the Chair at 9:15.

Culture –

- a. Banning the use of herbicide Tordon 101 –

2014-158 Dena Wiseman/Kevin Smart

Be it resolved Council ban the use of herbicide Tordon 101 within the municipal boundary of Witless Bay.

Motion carried unanimously.

- b. Request for a provincial ban on the use of herbicide Tordon 101 –

2014-159 Dena Wiseman/Kevin Smart

Be it resolved Council make a request to the Provincial Government to establish a province-wide ban on the use of Tordon 101 and other herbicides for the defoliation of any roadsides, the defoliation of the Muskrat Falls Transmission corridor, and the defoliation of

any other areas; and to commit to using non-chemical means such as manual or mechanical cutting methods for clearing unwanted vegetation.

Motion carried unanimously.

- c. Request to the reinstatement of the Witless Bay Ecological Reserve Manager position (to Parks & Natural Areas) –

2014-160 Dena Wiseman/Kevin Smart

Be it resolved Council make a request to the Parks and Natural Areas Division in the Department of Environment and Conservation to re-instate the position of Witless Bay Ecological Reserve Manager.

Motion carried unanimously.

- d. Request to the Department of Environment & Conservation for the establishment of a Crown Land Reserve (under Section 8 of the Lands Act) for 99 hectares of Crown Land on the Town's southern coastline –

2014-161 Dena Wiseman/Ralph Carey

Be it resolved Council petition the Department of Environment & Conservation to establish a Crown Land Reserve under Section 8 of the Crown Lands Act along the southern coastline of Witless Bay. This Crown Land Reserve should begin at the first section of Crown Land located south of Mullowney's Lane, extend south to the end of the Witless Bay boundary for a width of 450 metres, and encompass an area of 99 hectares.

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

Against the motion: Rene Estrada

Motion carried.

- e. MMSB – All compost bins were now sold but Council could order more.
- f. NAACAP – NAACAP will be conducting a Coastal Erosion Study focusing on Witless Bay in the coming year.

Public Works & Compliance

a. **2014-162** Ralph Carey/Dena Wiseman

Be it resolved Council approve in principle, residential dwelling on 12 Country Path Drive, subject to approval from Services NL and installation and inspection of culvert.

Motion carried unanimously.

b. **2014-163** Ralph Carey/Dena Wiseman

Be it resolved Council approve in principle, residential dwelling on 28 Country Path Drive, subject to approval from Services NL (culvert is installed).
Motion carried unanimously.

c. **2014-164** Ralph Carey/Dena Wiseman

Be it resolved Council approve in principle, residential dwelling on 1 Greenhill Drive, subject to approval from Services NL.
Motion carried unanimously.

d. **2014-165** Ralph Carey/Dena Wiseman

Be it resolved Council approve in principle, residential dwelling on 3 Greenhill Drive, subject to approval from Services NL.
Motion carried unanimously.

e. **2014-166** Ralph Carey/Rene Estrada

Be it resolved Council approve in principle, residential dwelling on 1-3 Carey's Road subject to approval from Services NL, and a condition that the stream does not get altered.
Motion carried unanimously.

f. **2014-167** Ralph Carey/Rene Estrada

Be it resolved Council approve in principle, residential dwelling on 90 Gallows Cove Road subject to approval from Services NL, and a condition that the stream does not get altered.
Motion carried unanimously.

g. **2014-168** Rene Estrada/Dena Wiseman

Be it resolved Council approve storage garage on 18 Greenhill Drive.
Motion carried unanimously.

h. **2014-169** Ralph Carey/Dena Wiseman

Be it resolved Council approve garage on 142 Gull Pond Road.
Motion carried unanimously.

i. **2014-170** Ralph Carey/Dena Wiseman

Be it resolved Council approve garage on 161 Gull Pond Road subject to submission of a plot plan.
Motion carried unanimously.

j. **2014-171** Ralph Carey/Dena Wiseman

Be it resolved Council approve baby barn on 14 Lower Loop Road on the condition it does not exceed the maximum height.

Motion carried.

- k. Sebastien vacated the Chair at 10:06 and was replaced by Dena Wiseman. Sebastien wanted to know how Council would handle making a decision on a matter such as this if the extension of this driveway was actually for the betterment of Town infrastructure. It was suggested that perhaps this should be reviewed further.

l.

2014-172 Ralph Carey/Kevin Smart

Be it resolved Council table the application to extend a culvert on 37 Country Path Drive for the next public meeting.

Motion carried unanimously.

Sebastien returned to the Chair at 10:10 p.m.

- m. **2014-173** Ralph Carey/Dena Wiseman

Be it resolved Council approve application to extend driveway on 227 Gallows Cove Road.

Motion carried unanimously.

- n. **2014-174** Ralph Carey/Rene Estrada

Be it resolved Council approve application to build a retaining wall on 268 Dean's Road.

Motion carried unanimously.

- o. **2014-175** Ralph Carey/Rene Estrada

Be it resolved Council approve application to build a fence on 17-19 Hillsway Drive.

Motion carried unanimously.

- p. **2014-176** Ralph Carey/Dena Wiseman

Be it resolved Council approve application to install an above ground swimming pool.

Motion carried unanimously.

- q. **2014-177** Ralph Carey/Dena Wiseman

Be it resolved Council turn down application for Crown Land on Witless Bay Line.

Council will not approve Crown Land applications for areas not yet zoned properly until after the Town Plan is completed. Be it further resolved applicant be notified if he is to re-apply after the Town Plan is completed, he is to fully detail what he plans to store, and also be advised the Town will not consider approving anything that is an eyesore.

Motion carried unanimously.

- r. **2014-178** Ralph Carey/Kevin Smart

Be it resolved Council turn down application for Crown Land on Gull Pond for residential dwelling because it is zoned rural and residential dwellings are not a permitted use for this zoning.

Motion carried unanimously.

- s. **2014-179** Ralph Carey/Rene Estrada

Be it resolved Council not approve application for "hauling out bog and putting fill there-Backfill" because the property is zoned Rural and Conservation. Be it further resolved this application be referred to the Department of Environment for review.

Motion carried unanimously.

- t. **2014-180** Ralph Carey/Dena Wiseman

Be it resolved Council table application to operate a business, smoke house, for the next public meeting pending feedback from area residents due to the business being a discretionary use.

Motion carried unanimously.

- u. Quotes for ditching and paving – Tenders to be sent next week.

- 2014-181** Dena Wiseman/Ralph Carey

Be it resolved contractors send their list of additional work to Council and a date be set for next week. Be it further resolved, upon recommendation of approval from public works, it is sent to contractors for pricing.

Motion carried.

8. **2014-182** Dena Wiseman/Kevin Smart

Be it resolved Council adjourn at 10:29 p.m.

Motion carried unanimously.