

Public Meeting of Witless Bay Town Council
Town Hall – 7:30 p.m.
June 10, 2014

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

Recording: Geraldine Caul/Barb Harrigan

1. The meeting was called to order at 7:33 p.m.
2. **2014-095** – Kevin Smart/René Estrada
Be it resolved Council adopt the agenda.
Motion carried unanimously.
3. **2014-096** – Dena Wiseman/Kevin Smart
Be it resolved Council adopt the May 13, 2014 Minutes of Meeting.
Errors or omissions: Under business arising from minutes, number 4c., it should be noted that each of the proposed regulations was read out.
Motion carried unanimously.
4. Business Arising from Minutes:
 - a. Notice of motion – Further regulations on permits - Sebastien read a new regulation on permits and asked for a motion to adopt. The regulation states: *“In constructing a driveway, a 3% grade must be respected for the entirety of the street reservation, from the top of the crown at the centre of the road to the end of the street reservation.”*
2014-097 – Ralph Carey/Dena Wiseman
Be it resolved Council adopt the following regulation: In constructing a driveway, a 3% grade must be respected for the entirety of the street reservation, from the top of the crown at the centre of the road to the end of the street reservation.
Motion carried unanimously.
 - b. Lights for Recreation Playground area – Sebastien explained that the Town received requests from a few residents to place lights at the Recreation playground area.
2014-098 – Dena Wiseman/Rene Estrada
Be it resolved Council defer this item until after the meeting with the Town’s accountant.
Motion carried unanimously.
 - c. Structure removal on 432 Southern Shore Highway – Ralph Carey reported that most of the debris was removed from the site, and that he spoke to the property owner who assured him that the structure would be removed within 30 days. Public works would follow up on this at that time.
 - d. Issues relating to 318 Southern Shore Highway – Sebastien said he spoke with the Town’s engineer and advised that the best solution might be to pave the shoulder between the extension road and Southside Track. He said there was a previous suggestion but it would have created a liability to the town.

- e. Flooding on 36A Gallows Cove Road – Ralph reported that this development took place long ago and no culvert was installed. He said this was a private road so Council could not take any responsibility for it.

2014-099 – Ralph Carey/Dena Wiseman

Be it resolved Council meet with residents on 36A Gallows Cove road resolve the flooding issue.

Motion carried unanimously.

- f. Excavation of 1-3 Carey’s Road (property owner left the chamber at 7:50 p.m. for discussions on this item, and returned at 8:00 p.m.) – Ralph reported that there was a stream on this property and the Dept. of Environment prohibits re-routing of streams. There was also a question of how long Council would permit a piece of land to remain excavated before a structure was to be built. Geraldine pointed out there was currently no regulation that specified a deadline. It was suggested that perhaps the application to excavate could be approved contingent on approval from the Dept. of Environment. Ralph recommended that the property owner re-apply to develop a residential dwelling, and Council would then make the approval contingent on approval from the Dept. of Environment.

2014-100 – Ralph Carey/Dena Wiseman

Be it resolved Council not accept the application to excavate land due to an existing stream on the property.

Be it further resolved applicant be advised they can re-apply to develop a residential dwelling.

Motion carried unanimously.

- g. Issues relating to Lot 23 Tamarack Drive – Sebastien explained that a swale was never installed on this property causing water issues the past winter. He said the property owner attempted to install a swale but it wasn’t done properly. Sebastien said the developer was written a letter to have it installed within 15 days and that time isn’t yet up.

At this point, the developer who was in attendance at the public meeting informed Council there was indeed a swale installed on this property but that it was covered in, and that he notified Council of this. It was determined that there were two property owners who would be held responsible for reinstating this swale. There was also a brief discussion on need to have the culvert on this lot, as well as other areas of town cleaned out.

2014-101 – Ralph Carey/Dena Wiseman

Be it resolved two property owners be contacted that they will have to reinstate the swale on this site.

Motion carried unanimously.

2014-102 – Ralph Carey/Dena Wiseman

Be it resolved the Town obtain three quotes and have the culverts cleaned out.

Motion carried unanimously.

2014-103 – Ralph Carey/Rene Estrada

Be it resolved Council withdraw the Order sent to the developer of Tamarack Drive to replace swale.

Motion carried unanimously.

- h. Maintenance of old cemetery – Mayor Sebastien declared conflict on this item, vacated the Chair and left the Chamber at 8:18 p.m. Deputy Mayor replaced the Mayor as chairperson.

Kevin Smart spoke on the terrible condition of the area around the old cemetery. He said there is an old cart trail that they had fixed up but it was currently blocked with machinery and other things.

2014-104 – Dena Wiseman/Kevin Smart

Be it resolved a meeting be set up with Council, a representative from the Plant and the trucking company to discuss the clean-up of this area.

For the motion: Dena Wiseman, Ralph Carey, Kevin Smart, Rene Estrada

Against the motion: 0

Abstained: Sebastien Despres.

Motion carried.

Sebastien returned to the Chamber and Chair at 8:20 p.m.

5. New Business:

- a. Bi-election – Sebastien announced that when Council adjourned the last month’s meeting, a councillor was lost because he had missed three (3) consecutive monthly meetings. He said since then a second councillor resigned. He announced that there will be a nomination day on Monday, June 16 from 8 a.m. to 8 p.m.

2014-105 –Dena Wiseman/Ralph Carey

Be it resolved Council set the date for bi-election for July 7, with a nomination date of Monday, June 16 from 8 a.m. to 8 p.m.

Motion carried unanimously. [**Note: Due to an error in the nomination date, the alternate date that was set, June 23, resulted in the bi-election also being moved ahead to July 16 to comply with the Municipal Election Act’s requirements**]

- b. Correspondence relating to Council’s decision to change subdivision lot sizes – Council agreed they would set up a planning meeting with this individual on June 24.
- c. Municipal Fire Department Assessment Report – This was submitted for Council information.
- d. Improvements around the Town’s Visitor Centre –

2014-106 – Kevin Smart/

Be it resolved the Town place boulders along the grass edges of the front of the Visitor Centre to prevent vehicles from driving on the grounds.

Discussion: It was recommended that this be brought to the Community Enhancement Committee for discussion.

2014-107 – Kevin Smart/Dena Wiseman

Be it resolved Council table this item for the next public meeting.

Motion carried unanimously.

Because there was no seconder for motion # 2014-106, the motion failed.

- e-f Correspondence - Kinsmen Club’s Puffin Festival & Group Ratification Request– The Kinsmen Club had several requests relating to the Puffin Festival, such as field and ground preparations, access to the ball field on August 1, access to parking space at the recreation complex, staff time for photocopying, Southside Track being used as a one way road from August 2-3, and financial support from the Town.

2014-108 – Dena Wiseman/Kevin Smart

Be it resolved Council support the Kinsmen Club in their preparations for the Puffin Festival as listed in their letter, and a donation of \$500 be given towards the festival.

Motion carried unanimously.

2014-109 – Ralph Carey/Dena Wiseman

Be it resolved Council ratify the Kinsmen Club of Witless Bay as a recognized group.
Motion carried unanimously.

6. Committee Reports:

I **Finance** –

a. Cash flow analysis report/Payables – Submitted for Council information.

b. Release of snow clearing bid bond –

2014-110 – Ralph Carey/Dena Wiseman

Be it resolved Council release the bid bond for the snow clearing contractor.
Motion carried unanimously.

c. Architect's fee – Sebastien explained that at the Community Enhancement Committee level it was indicated that use of municipal buildings was restricted due to the poor layout of the structures. The fire chief voiced concerns with the lack of storage space. Sebastien said the buildings are not in pristine condition, and added that there are safety concerns with having a fire department inside of a municipal building. He said they met with an architect to design a plan that would have the fire department take over the municipal garage and Council to use the entire Town Hall. It was noted for the purpose of the general public that this proposal was designed to be a long term plan, to be done in stages, and the architect's design being a preliminary step. There was a recommendation for Council to obtain other quotes.

2014-111 – Rene Estrada/Dena Wiseman

Be it resolved Council obtain three quotes for architect's plans.
Motion carried unanimously.

d. Request to purchase culverts – Sebastien explained there was a request from a non-resident to purchase one of the used culverts. He said they wouldn't be used in this community because they are galvanized and the Town's requirement is plastic.

2014-112 – Ralph Carey/Kevin Smart

Be it resolved the Town advertise the culverts for bids.
Motion carried unanimously.

e. Request from Youth Ventures to have business tax waived –

2014-113 – Ralph Carey/Rene Estrada

Be it resolved Council waive business tax for Youth Ventures.
Motion carried unanimously.

II **NEAR Plan** –

a. Minutes of Meeting submitted for Council information.

III **Community Enhancement Committee** – Mayor Sebastien left the Chair at 9:00 p.m. for all discussions relating to this committee, and was replaced by Deputy Mayor Dena Wiseman.

- a. Mayor's Hike for Heart & Stroke – Sebastien explained that the Mayor's hike is changed to July 1 because the Recreation building is not ready. He said they are blending the event with the Canada Day celebrations which is being organized by the BBBAA. Sebastien said attending would be the Kinsmen Club, Elementary School students, girl guides, Minister of Municipal Affairs, the Hon. Steve Kent, Hon. Keith Hutchings, Scott Andrews, representatives from the BBBAA and the Town of Bay Bulls, and the 50+.
- b. Community Mapping Initiative – Sebastien reported that Kevin Smart's brother volunteered to do the map, and that the drawings are in place. He said the committee is still looking for a couple more stories.
- c. MMSB composting – Sebastien said the composting workshop went very well, and that Dena gave a great presentation. He said 48 of the 50 composters were sold to date.
- d. Official flower – Sebastien reported that a resident graciously gave the town numerous clippings of daylilies, which the committee members potted, and they are now available to residents free of charge.
- e. Signs for tourism chalet –

2014-114 – Sebastien Despres/Rene Estrada

Be it resolved council purchase Tourism Information signs to post at three ends of the community, along with two directional signs pointing towards Lower Pond, and one sign for the front of the tourism building.
Motion carried unanimously.

- f. Town Logo – Sebastien explained the Town needs a logo, and Council's plan is to obtain funding from ACOA.

2014-115 – Sebastien Despres/Rene Estrada

Be it resolved the Town call for quotes for a Town logo.
Motion carried unanimously.

Mayor Sebastien returned to the Chair at 9:15 p.m.

IV Public Works & Compliance:

- a. Correspondence re issues with Southside Track Road – Ralph Carey and Sebastien both noted that through conversations with the resident and the engineer, it was confirmed that no curbing will go at this location. Sebastien added that the engineer and the head of the paving company were asked to pay attention to this site, and they reported there would be a lot less water than what was there before.
- b. Potholes and repairs –

2014-116 – Ralph Carey/Rene Estrada

Be it resolved the Town prepare tenders for potholes and repairs.
Motion carried unanimously.

- c. Clearing culverts – This item was covered under #4g.
- d. Notice of Motion – Adoption of new road standards – Sebastien explained that the engineer has drawn up updated road standards and Council would be adopting them at the next meeting.
- e. Rental of street sweeper –

2014-117 – Dena Wiseman/Kevin Smart

Be it resolved Council empower public works to decide which sweeper the Town will use, depending on cost from the Town of Bay Bulls.

Motion carried unanimously.

f. **2014-118** – Ralph Carey/Dena Wiseman

Be it resolved Council approve application for swimming pool on the condition it meets all building codes.

Motion carried unanimously.

g. **2014-119** – Ralph Carey/Kevin Smart

Be it resolved Council approve application to construct a deck on 29 Tamarack Drive.

Motion carried unanimously.

h. **2014-120** – Ralph Carey/Rene Estrada

Be it resolved Council approve application for fence on 19 Country Path Drive.

Motion carried unanimously.

- i. Fence – 432 Southern Shore Highway – There was a brief discussion on this application due to the existence of an easement on the area where the fence is to be erected. Council agreed they would allow it, but the fence would have to be removed if there were any issues reported to the office. ***[Note: Council received a complaint the following day that the proposed fence would affect access to a neighbor's property. A further discussion with a representative from Municipal Affairs confirmed it would be in the best interest of the Town to keep the easement right-of-way clear. For these reasons, contrary to motion #2014-121 below, Council stood by their condition set out in the motion, and did not issue the fence permit]***

2014-121 – Ralph Carey/Kevin Smart

Be it resolved Council approve application for fence on 432 Southern Shore Highway contingent on issues that may arise. Should Council receive any notification of problems relating to the fence, it must be removed.

Motion carried unanimously.

j. **2014-122** – Ralph Carey/Kevin Smart

Be it resolved Council approve application for fence on 36 Bear's Cove Road.

Motion carried unanimously.

k. **2014-123** – Ralph Carey/Dena Wiseman

Be it resolved Council approve application for shed on 21-23 Andrew's Lane.

Motion carried unanimously.

l. **2013-124** – Ralph Carey/Dena Wiseman

Be it resolved Council approve application for shed on 31 Country Path Drive.

Motion carried unanimously.

m. **2014-125** – Ralph Carey/Dena Wiseman

Be it resolved Council approve application for shed on 11 Country Path Drive.

Motion carried unanimously.

n. **2014-126** – Ralph Carey/Dena Wiseman

Be it resolved Council approve application for shed on 16 Gallows Cove Road.

Motion carried unanimously.

- o. **2014-127** – Ralph Carey/Rene Estrada
Be it resolved Council approve garage on 53 Dunn’s Lane.
Motion carried unanimously.

- p. **2014-128** – Ralph Carey/Rene Estrada
Be it resolved Council approve garage on 12 Gull Pond Road
Motion carried unanimously.

- q. **2014-129** – Ralph Carey/Kevin Smart
Be it resolved Council approve application for installation of weeping tile on 16 Gallows Cove Road.
Motion carried unanimously.

- r. Application to construct dwelling on Country Path Drive - This item was removed from the agenda.

- s. **2014-130** – Ralph Carey/Dena Wiseman
Be it resolved Council approve application to add one modular classroom and link to St. Bernard’s School for a period of three years with room for renewal.

Amendment: Dena Wiseman/Kevin Smart
Be it resolved Council approve application to add one modular classroom and link to St. Bernard’s School for a period of three years with room for renewal. Be it further resolved that any future requests for modular structures require consultation with the Town and the community.
Amendment carried unanimously.
Motion carried unanimously.

- t. **2014-131** – Ralph Carey/Rene Estrada
Be it resolved Council turn down application for shed on 142-144 Gull Pond Road due to the applicant’s calculations for size exceeding the maximum permitted lot coverage, and notify the applicant he can resubmit.
Motion carried unanimously.

- u. **2014-132** – Ralph Carey/Kevin Smart
Be it resolved the Town put out a call for quotes to grade all gravel roads in the community.
Motion carried unanimously.

- 7. **2014-133** – Dena Wiseman/Kevin Smart
Be it resolved Council adjourn at 10:05 p.m.
Motion carried unanimously.

Mayor: _____

Town Clerk/Manager: _____