

Privileged Meeting of Witless Bay council  
Town Hall - 7:00 p.m.  
March 24, 2015

Attending: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman  
Councillors: Rene Estrada, Kevin Smart, Ralph Carey, Albert Murphy, Kenny Brinston

Recording: Barb Harrigan

1. The meeting was called to order by Mayor Sebastien Despres at 7:00 p.m.
2. **2015-038** - Councillor Kevin Smart/Councillor Ken Brinston  
Be it resolved Council adopt the March 24, 2015 Agenda.  
Amendment:  
#3 Town Snow Clearing be moved from #3 to #7 on Agenda  
-Under Privileged session of Council (iv) should just read Town Plan.  
  
**2015-039** - Councillor Kevin Smart/Councillor Ken Brinston  
Be it resolved Council adopt the March 24, 2015 Agenda as amended.  
**Amendment carried unanimously.**  
**Motion carried unanimously.**
3. Town Snow Clearing: Moved to #7 on agenda.
4. Privileged session of Council:
  - a. Mayor Sebastien explained that a Privileged session of Council is a judicial process and entail delicate details on a matter. Minutes of the meeting are taken and will be ratified at the next Public meeting. All discussions at a Privileged session are fully confidential.
  - b. Motion to hold a privileged session:  
  
**2015-040** - Councillor Ralph Carey/Councillor Kevin Smart  
Be it resolved Council hold a privileged session of council.  
**Motion carried unanimously.**
  - c. Motion to disclose all information related to this privileged session to the Town Clerk-Manager.  
  
**2015-041** - Deputy Mayor Dena Wiseman/Councillor Rene Estrada  
Be it resolved that Council disclose all information related to this privileged session to the Town Clerk-Manager.  
**Motion carried unanimously.**
- c.(i.ii.iii.) Review of the Legislation on Conflicts of Interest  
Review of Council members' and staff members' responsibilities in terms of conflict of interest.  
Review of process to be followed when possible conflicts of interest are identified.  
  
Information Purposes Only - Mayor Sebastien read and explained the Act on Conflict of Interest.

iv.

Conflict of Interest Concerns:

**Town Plan:**

This matter involved Conflict of Interest.

Councillor Kevin Smart was asked by Mayor Despres to leave the Chamber at 7:25 p.m. for discussions on whether or not he was in conflict when he voted on the approval of the Municipal Town Plan.

**2015-042** - Councillor Rene Estrada/Councillor Ken Brinston

Be it resolved Council declare that there was no conflict of interest in the case of Councillor Kevin Smart voting on the approval of the Municipal Town Plan.

**For the Motion:** Mayor Sebastien Despres, Councillor Ken Brinston, Councillor Rene Estrada, Deputy Mayor Dena Wiseman, Councillor Ralph Carey

**Against the Motion:** Councillor Albert Murphy

**Motion Carried.**

Councillor Kevin Smart returned to the Chamber at 7:45 p.m.

Deputy Mayor Dena Wiseman and Councillor Ralph Carey were asked by Mayor Sebastien Despres to leave the Chamber as the matter of Conflict of Interest regarding their participation in the approval of the Town Plan was to be discussed.

Deputy Mayor Dena Wiseman and Councillor Ralph Carey left the Chamber at 7:46

Councillor Albert Murphy invited Council to make a formal vote on whether or not he was in Conflict of Interest in regards to the decision making on whether or not Deputy Mayor Dena Wiseman and Councillor Ralph Carey were in conflict of interest when they participated in voting on the approval of the Municipal Town Plan.

Councillor Albert Murphy left the Chamber at 8:05 p.m.

**2015-043** - Councillor Rene Estrada/Councillor Kenny Brinston

Be it resolved that Council declare that Councillor Albert Murphy is not in conflict of interest in regards to the decision of whether or not Deputy Mayor Dena Wiseman & Councillor Ralph Carey were in conflict of interest when they participated in voting on the approval of the Municipal Town Plan.

**Motion carried unanimously.**

Councillor Albert Murphy returned to the Chamber at 8:13 p.m.

**2015-044** - Councillor Rene Estrada/Councillor Kevin Smart

Be it resolved that Council declare that there was no conflict of interest in the case of Deputy Dena Wiseman and Councillor Ralph Carey voting on the approval of the Municipal Town Plan.

**For the Motion:** Mayor Sebastien Despres, Councillor Kevin Smart, Councillor Rene Estrada.

**Against the Motion:** Councillor Ken Brinston, Councillor Albert Murphy

**Motion Carried.**

iv.(2)

Pond Path Snowclearing:

**2015-045** - Councillor Ken Brinston/Councillor Kevin Smart

Be it resolved that Council hold a private meeting with Deputy Mayor Wiseman & Councillor Ralph Carey to discuss the potential Conflict of Interest regarding the snow clearing of Pond Path.

**For the Motion:** Councillor Rene Estrada, Councillor Kevin Smart, Councillor Ken Brinston, Councillor Albert Murphy

**Against the Motion:** Mayor Sebastien Depres

**Motion Carried.**

4. d.

**2015-046** - Councillor Albert Murphy/Councillor Ken Brinston

Be it resolved that Council end the Privileged session of meeting.

**Motion carried unanimously.**

Deputy Mayor Dena Wiseman and Councillor Ralph Carey returned to the Chamber at 9:11 p.m.

8.

April Public Meeting of Council - Request for postponement

**2015-047** - Councillor Ken Brinston/Councillor Kevin Smart

Be it resolved that Council hold the Private Hearing for Deputy Mayor Wiseman and Councillor Ralph Carey on April 21, 2015 at 7:30 p.m.

Be it further resolved that the Public Town Meeting be changed from April 14<sup>th</sup> to April 28, 2015 at 7:30 p.m.

**Motion carried unanimously.**

4.

v.

Decision of how to proceed from here:

1. Informing Municipal Affairs regarding decision of Council.
2. Informing residents and stakeholders.

An email will be sent to Municipal Affairs regarding decisions of Council  
No statements to be given as no decisions have been made.

5.

Projects of Council - Deferred to April meeting.

6.

**Council Committees:**

Finance:

Councillor Rene Estrada (Chair), Councillor Ralph Carey, Deputy Mayor Dena Wiseman

Recreation:

Councillor Ralph Carey, Councillor Ken Brinston

Fire Committee:

Councillor Albert Murphy

Waste Management:

Mayor Sebastien Depres

Works & Compliance:

Councillor Albert Murphy, Councillor Ken Brinston, Councillor Ralph Carey

Culture, Heritage & Env.

Deputy Mayor Dena Wiseman, Councillor Kevin Smart

Northeast Avalon Joint Council:

Councillor Rene Estrada

Planning & Dev.

Councillor Kevin Smart, Deputy Mayor Dena Wiseman (Chair)

Communication & Community

Relations:

Deputy Mayor Dena Wiseman, Mayor Sebastien Depres

Southern Shore Joint Council:

Mayor Sebastien Depres, Councillor Rene Estrada

7. **Town Snow Clearing** - Meeting with Ernie Dunne (Harbour Construction) postponed until a later date.
  
9. **2015-048** - Councillor Albert Murphy/Councillor Kevin Smart  
Be it resolved Council adjourn meeting at 9:23 p.m.  
**Motion carried unanimously.**

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Mayor

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Town Clerk