

Public Meeting of Witless Bay Council
Town Hall
March 8, 2016

Attending: Mayor Sébastien Després, Deputy Mayor Dena Wiseman, Councillors Ralph Carey, Albert Murphy, and Kevin Smart

Absent: Councillor Ken Brinston

Recording: Geraldine Caul & Barb Harrigan

1. The meeting was called to order by Mayor Sébastien Després at 7:32 p.m.
2. **2016-031** Deputy Mayor Dena Wiseman/Councillor Kevin Smart
Be it resolved Council adopt the Agenda of March 8, 2016 as presented.
Motion carried unanimously.
3. **2016-032** Councillor Ralph Carey/Deputy Mayor Dena Wiseman
Be it resolved Council adopt the February 16, 2016 Minutes of Public meeting as presented.
Motion carried unanimously.
4. **2016-033** Deputy Mayor Dena Wiseman/Councillor Kevin Smart
Be it resolved Council adopt the Minutes of Privileged Meeting of March 1, 2016 as presented.
Motion carried unanimously.
- 5.a. Adoption of the Town of Witless Bay Harassment Policy – Mayor Després explained that in January the Fire Department requested that the Town adopt an Harassment Policy. Staff compiled copies of harassment policies from other municipalities and other bodies in NL, and Council met twice to develop and further define the draft policy. At the March 1st privileged meeting a draft was finalized, which Council is presenting tonight. Mayor Després explained that since this is policy, the document would need to be read out in full for its adoption.

Councillor Ralph Carey read the Harassment Policy.

2016-034 Councillor Kevin Smart/Deputy Mayor Dena Wiseman
Be it resolved Council adopt the Town of Witless Bay Harassment Policy.
Motion carried unanimously.
- b. Training Opportunity: Conference on Workplace Harassment at Memorial University – Mayor Després explained that when a body adopts an Harassment Policy, the next step is to ensure that there is appropriate training available. On May 13, 2016, there is a one day conference on workplace harassment at Memorial University offered by a Memorial University's Master of Employment Relations Program, and taking place through the NL Centre for Applied Health Research and SafetyNet. The conference specifically is about how harassment and violence in the workplace can be a major health, legal and employment relations issues. The conference

addresses how employees, managers, union reps, legal and health practitioners, and policy makers, deal with the continuous struggle with challenges of prevention, intervention and resolution. Mayor Després invited Councillors, staff, the fire department members, and volunteers to register for this conference. The registration cost is \$75, but early bird registration cost (before March 21) is \$50.

- c. The Town of Witless Bay Logo Design – Mayor Després said he will be presenting a video relating to the development of the town’s new logo. To explain why the town was doing this now, the Mayor said that when the town was incorporated 30 years ago a lot of thought was given to a visual identity of the town. An identifiable symbol was chosen, a motto was written up and a Coat of Arms was drawn up. These had served the Town well, and will hopefully do so in their own way, but now, 3 decades later, the details are in rough shape and in need of being refreshed.

The design brief that was written up to hold the Town’s logo contest asked designers to consider highlighting Witless Bay as a friendly, colorful town, beautiful and rich in assets. It called for the main element of the North Atlantic Puffin. Other possible items would be the Witless Bay Ecological Reserve, humpback whales, icebergs, the history of the fisheries, the seas, waves and rocky beaches, the welcoming people and salt box houses.

Of the 32 submissions from designers, the designs of 15 were presented to Council. Eleven received the most positive reviews, but three stood out the most and received the best reviews. The few negative comments received were minor constructive criticisms with suggested changes, and we worked with the designers to iron out these details. Based on the criteria for a new logo, being unique, fresh, interesting and simple, the choice between the three finalists was very clear.

The designer explained how he included the different elements called for in the brief: The flying puffin is soaring proudly, looking up towards an ever brighter future; the eye of the puffin is reminiscent of a dory under sail, and highlights the town’s historic connection to the fisheries; the waves in the Wordmark highlight the importance of the sea; the humpback’s tail identifies another one of the town’s key tourism attractions; the stepped letters in the Wordmark symbolize the town’s rolling hills and promontories of the 12 o’clock hill and The Tolt; the white face and body of the puffin is in the shape of Witless Bay; the black detail that forms the head represents the protection given to us by the islands; the black outline symbolizes open arms giving a warm hug, symbolic of the inviting character of the town’s residents; the 4 feathers on the puffin’s wing represent the 4 islands that make up the Ecological Reserve.

Inspired by the beauty of the landscape that surrounds us and the inviting character of our residents, the logo functions as an ambassador for the Town. We want to portray the Town of Witless Bay accurately, as a vibrant and beautiful place to live, to raise families, do business and to visit. In time it is hoped that the Logo will contribute to the fostering of an easily recognizable and unified identity that will be a source of pride for residents.

2016-035 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved that Council adopt the flying puffin design as the official logo for the Town of Witless Bay, as identified in Appendix 1 of the March 1, 2016 Minutes as Option #3.

Motion carried unanimously.

Mayor Després said that when the three finalists were presented to Council, we held a privileged meeting. It was clear that many people really loved choice B as well (option 2 of Appendix 1) so since we now had a logo, we adapted choice B so the town would also have a Coat of Arms.

2016-036 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved that Council adopt the Coat of Arms adaptation of option #2 design, as identified in appendix 1 of the March 1, 2016 minutes, as the Town of Witless Bay official Coat of Arms.

Motion carried unanimously.

Mayor Després explained that the next step is the development of a visual identity, the brand standards, and he was now giving notice of motion that Council will be presenting a brand standards manual at the next meeting of council. He said this manual is a guide for staff, for the people with whom we work, for advertisers, and for designers who make signage to work with to ensure the identity that's developed in the Town of Witless Bay is consistent.

- d. Nomination of candidates for by-election results – Mayor Després explained Council held a nomination day from 8 a.m. to 8 p.m. and we had one candidate, Tom Crocker, who unfortunately could not attend the meeting tonight due to family illness.
- e. Compliance Officer – Deputy Mayor Dena Wiseman explained that in 2014 we had Pat Curran do a report on how to go about hiring a compliance officer. We approached other towns to see if they were interested in this shared position but nothing much else has been done with this lately other than budgeting for it. Deputy Mayor Wiseman said she would like to see this move forward.

2016-037 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved the Town communicate with nearby communities who had previously expressed an interest in cost sharing a compliance (development control) officer, and move forward with establishing this position. [This does not mean Council is establishing the position, but moving forward towards establishing the position].

Discussion: Mayor Després announced that \$30,000 was budgeted for this position but it's impossible to know the exact cost for the Town at this time because it would depend on the hours the Town would utilize the employee in the cost shared agreement with other towns if they are interested. It would also depend on whether we would be able to access provincial funding in part. One of the other recommendations in the Independent Consultant report is that we approach the province and propose a pilot. Mayor Després clarified that the motion on the floor is not to spend the \$30,000, but to communicate with other towns to see if the interest was still there to cost share, and to write letters to the province for support.

Motion carried unanimously.

- f. Water supply shed – Mayor Després explained that this item was on the agenda last month because the shed was in need of repairs. The repairs are completed, but the electrician has to do the final work. Public works was empowered to finalize the repairs, and the electrician has been contacted.
- g. Used truck for the town – Councillor Albert Murphy felt the town was lacking by not having an old town truck, especially one that might have a sweeper and plow.

Deputy Mayor explained that it wasn't possible for this year because Council did not budget for it, but it could be discussed further when budget discussions start later in the year.

6. New Business:

- a. FFAW Rural Works Campaign update – A form letter was received from FFAW relating to the Rural Works campaign. Council has already signed the Rural Works Pledge, which is posted in the entrance of our Municipal Office. In addition, there are a few details about the new cod fishery, the allocation of the northern shrimp, the Fisheries Advisory Council and Cod Revitalization plan, and the Fish Marketing Council. The Mayor suggested that Council read UNIFOR's letter and consider whether Council wants to move forward with any of these other four items.

Deputy Mayor Wiseman noted that they request that Council address matters relating to the new cod fishery and the allocation of northern shrimp with our MPs and MHAs.

Mayor Després explained that if these issues affect the residents and businesses of Witless Bay then Council should possibly do whatever can be done. Mayor Després suggested that Council draft a letter and present it at the next public meeting in April.

- b. Employee Safety Training – Councillor Ralph Carey reported that he was speaking with Petty Harbour/Maddox Cove and Bay Bulls, and left a message with Holyrood to see what safety training the towns had. He spoke with a provider who suggested that due to the size of our town, we establish a safety rep and then we determine what safety training both the inside and outside workers would need.

2016-038 Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved Council appoint a Health and Safety representative to determine the appropriate safety training for all town staff.

Motion carried unanimously.

2016-039 Councillor Albert Murphy/Councillor Kevin Smart

Be it resolved Council establish a Safety Employment Program and that Councillor Ralph Carey be the representative on this program.

Motion carried unanimously.

- c. Gas Tax Funding – Mayor Després explained that there is a set amount each year given to the Town for Gas Tax, but that it is flexible, which means each year it's a different amount. The deadline for applications to utilize the Gas Tax funding allocation of \$287,271 is March 31, 2019. Council will discuss projects that can be applied for through Gas Tax at the next Planning Meeting.

7. Finance:

- a. Income Statement & Payables – Deputy Mayor Dena Wiseman explained two items on the payables. One was a payment made to one of the Councillors, and Deputy Mayor Wiseman wanted to clarify that none of the councillors were getting paid, but that this amount reflected an overpayment received on a personal tax account which needed to be reimbursed to the councillor. The second item was a legal fee which is the result of an appeal.

b. Request for financial report- Tyler Rideout Benefit Fund Committee. Mayor Després explained that this committee was looking for financial support relating to expenses of the family's extended stay in Ottawa. Mayor Després explained that this is a first application for such support that Council and staff have seen.

After a review was done of the Town's policies relating to donations, and considering the type of serious medical issue this is (the family is forced to leave this province), and it's not an individual use, Deputy Mayor Wiseman recommended that Council consider making a motion to donate to this committee. Deputy Mayor Wiseman read the policy in part. *"In order to receive funds from Council, the group must have been ratified by the Witless Bay Town Council. The group must hold a bank account in the legal name of the group, and must not have any outstanding debts with Council. Funds must be used towards serving the residents of Witless Bay. Funds must not be used for the private use of a few individuals. Council will not disburse funds for direct donation to charity, the cost of alcohol served at any event, or the day-to-day administrative costs of an organization. Any group receiving funds from Council must list the Town of Witless Bay as a sponsor in all advertising for the event or project for which the group received funding."*

Mayor Després explained that his understanding of the town's policy, specifically the section that states that funds must not be used for the private use of a few individuals, the use identified in this application would allow for Council to provide financial support.

Deputy Mayor Wiseman suggested that Council revise the policy to clearly detail a specific use for this type of financial support, such as "travel."

2016-040 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved that Council donate an amount to be determined, and provide a specific use for this donation such as "travel."

2016-041 Amendment: Councillor Albert Murphy/Deputy Mayor Dena Wiseman

Be it resolved Council donate \$1000 to the Tyler Rideout Benefit Fund Committee to defray the cost of travel.

Amendment carried unanimously.

Motion carried as amended unanimously.

Mayor Després announced he was making a notice of motion that Council will be adapting the town's policy relating to Group Ratification and Funding Requests.

c. Request for financial support – Kinsmen Spring Zone. Mayor Despres asked Deputy Mayor Wiseman to read the policy again. The policy states, in part, that *"the event must be used to serve the residents of Witless Bay, must not be used for the private use of a few individuals, Council will not disburse funds for the cost of alcohol served at any event, or the day to day operational costs of the organization.* It was determined that the town's policy would not allow council to financially support this event.

2016-042 Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved Council refuse funding request from the Kinsmen Club for their Spring Zone. For the motion: Deputy Mayor Dena Wiseman, Mayor Sébastien Després, Councillors Ralph Carey and Kevin Smart.

Against: Councillor Albert Murphy

Motion carried.

- d. Snow clearing invoices for the periods: January 31 – February 6, February 7-13, February 14-20, February 21-27.

2016-043 Councillor Albert Murphy/Councillor Ralph Carey

Be it resolved Council pay Harbour Construction Ltd. for snow clearing invoices for January 31 to February 27, 2016.

Motion carried unanimously.

8. Public Works & Compliance:

- a. Pothole repairs - Mayor Despres said that in 2015 council purchased one bag of cold patch to test it against a new product, a pallet of the Epoxy Asphalt that so far is holding up very well.

2016-044 Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved Council purchase one pallet of the Epoxy Asphalt for pothole repairs.

Discussion: It was noted that this product will be used for smaller potholes and not large areas which would be covered under a paving project.

Motion carried unanimously.

- b. Gazebo – Ragged Beach. Mayor Després explained that Council made a motion to approve the application and it was appealed by a resident. The decision of the Appeal body was that the town has to reconsider the application by publishing a discretionary use notice in the locally circulating newspaper in accordance with Section 32 of the Town’s development regulations. Council is then required to consider the comments or objections received as a result of the public advertisement prior to making a decision, in accordance to Section 90 of our development regulations.

2016-045 Councillor Albert Murphy/Councillor Ralph Carey

Be it resolved that Council publish a discretionary use notice in a locally circulating newspaper in accordance with Section 32 of the town’s development regulations, and consider comments or objections received as a result of the public advertisement prior to making a decision, in accordance to Section of our development regulations.

Discussion: Gary Churchill asked who has the right to object to what he is putting on his land for recreational use, as in what radius. Deputy Mayor noted this was outlined in Section 32 of the Town’s development regulations, and that the Province doesn’t limit input.

Motion carried unanimously.

- c. Appeal results – John C’s Grove Road. Mayor Després said that last summer Council made a decision to allow a permit on John C’s Grove Road. However, it was not zoned appropriately so Council had to rescind that motion. It was appealed and the Appeal Board *“determined that the Town of Witless Bay had the authority to revoke the August 11, 2015 Approval in Principle issued to Ms. Amy Dunn. However, the Board found that the Town erred by not providing clear and accurate reasons for revoking the approval in Principle. The Board concluded that the fact that Ms. Dunn’s property is not zoned appropriately should have been the reason for revoking the Approval in Principle. Therefore, the Board will vary the Town’s decision made at the September 8, 2015 Regular Meeting of Council. That is to say, the Town must issue a new decision letter to Ms. Dunn indicating the August 11, 2015 Approval in Principle is revoked due to her property being zoned Residential Subdivision Area and single dwellings are prohibited in the RSA zone. The Board derives its authority to vary the decision being appealed from section 42(10) of the Urban and Rural Planning Act, 2000, which states: In*

determining an appeal, a board may confirm, reverse, or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the council, regional authority or authorized administrator to carry out its decision or make the necessary order to have its decision implemented.” Therefore, it is ordered that, “Based on the information presented, the Board orders that the decision made by the Town of Witless Bay on September 8, 2015 to revoke the Approval in Principle issued to Ms. Dunn for a single dwelling on John C’s Grove Road, be varied. The Town of Witless Bay and the Appellant are bound by this decision of the Eastern Newfoundland Regional Appeal Board. According to Section 46 of the Urban and Rural Planning Act, 2000, the decision of the Eastern Newfoundland Regional Appeal Board may be appealed to the Supreme Court of Newfoundland and Labrador Trial Division on a question of law or jurisdiction. If this action is contemplated, the appeal must be filed no later than 10 days after the Board’s decision has been received by the appellant.

2016-046 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council issue a new decision letter to the applicant indicating that the approval in principle of September 8, 2015 is revoked due to her property being zoned RSA and single family dwellings are prohibited in RSA zone.

Motion carried unanimously.

- d. Home based business – 37 Gallows Cove Road. The proposed business name is CMC Consulting Services Ltd. The nature of the proposed business is consulting services including Project Management, property Management, Bookkeeping and Event Planning. It was noted that parking requirements would not be required for this home based business since this will be a virtual office and the business would be done at the property of the clients and not the applicant’s.

2016-047 Deputy Manager Dena Wiseman/Councillor Ralph Carey

Be it resolved Council approve home based business for CMC Consulting Services.

Motion carried unanimously.

- e. NL Power – Penstock repair. This is an \$18 million application for the Pierre’s Brook Penstock, Dam, and Hydro Plant replacement and repairs, which will be starting within the next few weeks. They are going to replace the entirety of the penstock and do associated work on the dam, the surge tank and the hydro plant.

2016-048 Councillor Albert Murphy/Councillor Ralph Carey

Be it resolved Council approve the application from NL Power to replace the penstock and associated work on the dam, surge tank, and hydro plant.

Discussion: Mayor Després said Council has made arrangements with NL Power ensuring that the work won’t impact the rivers negatively, and also made arrangements that it won’t impact our future development possibilities in zones that are nearby by ensuring there is adequate flow underneath and through the pipe. Council has met with them on two occasions to ensure that there will be ATV passage. In addition, a new trail was opened up by this project, so hopefully where the trail meets the bridges, ATVs, other recreational vehicles and pedestrians will be able to use it safely. Council also made arrangements so that a large portion of pipe will be fully buried so wildlife and people can cross. NL Power will be putting out information to the public to keep them informed on what they are doing.

Motion carried unanimously.

- f. Garage & porch – 1 Lundrigan’s Road. Councillor Ralph Carey noted that on the applicant’s survey, his name is listed since he has adjoining property. He said he would have to leave the Council chamber and ask that Council make a decision on whether he would be in a conflict of

interest on discussing the application. Deputy Mayor Dena Wiseman said the same would apply to her, and she would have to leave the Chamber as well.

Councillor Albert Murphy said he didn't see how they would be in a conflict of interest on this application. Council noted that once Councillor Carey and Deputy Mayor Wiseman left the room there would no longer be a quorum. This item was deferred until April's public meeting.

g. Residential dwelling – 64 Country Path Drive:

2016-049 Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council approve in principle application for residential dwelling on 64 Country Path Drive subject to approval from Services NL and any government agencies having jurisdiction.

Motion carried unanimously.

h. Residential dwelling – 67 Country Path Drive:

2016-050 Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council approve in principle application for residential dwelling on 67 Country Path Drive subject to approval from Services NL and any government agencies having jurisdiction.

Motion carried unanimously.

i. Residential dwelling - 75 Country Path Drive:

2016-051 Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council approve in principle application for residential dwelling on 75 Country Path Drive subject to approval from Services NL and any government agencies having jurisdiction.

Motion carried unanimously.

j. Residential dwelling – 97 Country Path Drive:

2016-052 Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved Council approve in principle application for residential dwelling on 97 Country Path Drive subject to approval from Services NL and any government agencies having jurisdiction.

Motion carried unanimously.

k. Fence – 432 Southern Shore Highway

2016-053 Councillor Albert Murphy/Councillor Ralph Carey

Be it resolved Council approve application for fence on 432 Southern Shore Highway.

Motion carried unanimously.

9. Adjournment:

2016-054 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council adjourn at 9:00 p.m.
Motion carried unanimously.