

Public Meeting of Witless Bay Council
Town Hall - 7:30 p.m.
May 12, 2015

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

Recording: Geraldine Caul, Barb Harrigan

1. The meeting was called to order by Mayor Sébastien Després at 7:37 p.m.
2. **2015-077** Councillor Kevin Smart/Councillor Ralph Carey
Be it resolved Council adopt the May 12, 2015 Agenda.
Correction: Item 6a) under business arising should read:
Notice of Motion: Rules of Order for Public Comment session
Motion carried unanimously as amended.
3. **2015- 078** Deputy Mayor Dena Wiseman/Councillor Kevin Smart
Be it resolved Council adopt the Minutes of the March 24, 2015 Privileged Meeting of Council as presented.
For the motion: Mayor Sébastien Després, Deputy Mayor Dena Wiseman, Councillors, Kevin Smart and Ralph Carey.
Against the motion: Councillors Albert Murphy, René Estrada, and Ken Brinston.
Motion carried.
4. **2015-079** Councillor Ralph Carey/Deputy Mayor Dena Wiseman
Be it resolved Council adopt the Minutes of the Private Meeting (Friendly Hearing) of April 21, 2015 as presented.
For the motion: Mayor Sébastien Després, Deputy Mayor Dena Wiseman, Councillors, Kevin Smart and Ralph Carey.
Against the motion: Councillors Albert Murphy, René Estrada, and Ken Brinston.
Motion carried.
5. **2015-080** Councillor Albert Murphy/Councillor Ralph Carey
Be it resolved Council adopt the Minutes of Meeting of April 28, 2015 as presented.
Motion carried unanimously.
6. **Business Arising:**
 - a. Mayor Sébastien Després explained that at the April 28th public meeting it was agreed Council were to discuss the Rules of Order to help ensure the public comment session can be conducted with proper decorum, so Council unanimously agreed on the drafted Rules of Order. Mayor Després announced that this is also a Notice of Motion for their official ratification. [Appendix A].

2015-081 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council apply the Rules of Order for tonight's Public Comment session.

For the motion: Mayor Sébastien Després, Deputy Mayor Dena Wiseman, Councillors, Kevin Smart and Ralph Carey.

Against the motion: Councillors Albert Murphy, René Estrada, and Ken Brinston.

Motion carried.

7. New Business:

- a. Report from Municipal Affairs - Mayor Després explained that Council received the report from the Department relating to the allegations of conflict of interest. He asked for a motion to table the report.

2015-082 Councillor Kevin Smart/Councillor Ralph Carey

Be it resolved Council table the report from Municipal Affairs.

Motion carried unanimously.

Mayor Sébastien Després said the report is a description of the two allegations of conflicts of interest. He said Municipal Affairs' conclusion relating to the snow clearing allegation of conflict of interest is that Council must decide whether or not Deputy Mayor Dena Wiseman and Councillor Ralph Carey were in a conflict of interest when they voted on the motions concerning snow clearing. [The two motions made on snow clearing are:

- 1. That Council ratify regulations on snow clearing;**
- 2. That Council empower public works via electronic means to award snow clearing contract for 2014-16.]**

The Department's conclusion for the second issue is that Council must decide whether or not Deputy Mayor Dena Wiseman, Councillor Kevin Smart and Councillor Ralph Carey were in a conflict of interest when they voted on the adoption of the new Town Plan. [The motion made on the Town Plan is:

That Council adopt the Town Plan 2014-2024.]

- b. Allegations of conflict of interest regarding motions relating to the Town Plan -

Mayor Després explained the progress Council made to date to deal with the allegation of conflict of interest on the Town Plan. Council held a privileged meeting on March 24 where Council decided unanimously by formal motion that Councillors Smart, Carey and Wiseman were **not in a conflict of interest when voting on the motion to adopt the Town Plan.**

At the March 24 privileged meeting, a friendly hearing was set for April 21 to deal with the snow clearing allegation of conflict of interest against Deputy Mayor Dena Wiseman and Councillor Ralph Carey. This hearing was held. No final decision was made and Council voted to seek a legal opinion. Following that meeting Council held a discussion with the town lawyer to get his opinion. He informed Council he failed to see where there would be any conflicts of interest on either of the two allegations. At this information session with the lawyer, a motion was made to

hold a friendly hearing on the allegation of conflict of interest on the town plan, however, Municipal Affairs advised the Town this motion would need to be made again during a formal meeting of Council.

Deputy Mayor Dena Wiseman asked Council if she would be permitted to make a motion that Council disclose to the public and the media the lawyer's written submission to Council since this was information the taxpayers paid for. After reviewing the sections on conflict of interest in the Municipalities Act, Mayor Després concluded that since the release of this information does not constitute a financial advantage, Council could possibly allow the motion. Mayor Després asked Deputy Mayor Wiseman to read her motion.

2015-083 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council table the opinion of the lawyer's report relating to conflicts of interest, in the interest of accountability, transparency, fairness and fiscal responsibility.

A debate followed whereby Councillor Albert Murphy stated Deputy Mayor Wiseman couldn't make this motion because she was in a conflict. He said we are supposed to have a public hearing on the town plan, and that a motion was made to do this at the April 21 meeting. Mayor Després corrected Councillor Murphy that councillors are not in conflict until they are found to be, but suggested the motion be withdrawn.

Motion to table report from the lawyer was withdrawn.

2015-084 Councillor Rene Estrada/Councillor Ken Brinston

Be it resolved Council set up a meeting with Dan Noseworthy of Municipal Affairs to determine who can vote on the issues of conflict.

Motion carried unanimously.

- c. Allegation of conflict of interest regarding motions relating to snow clearing -

2015-085 Councillor Murphy asked to make a motion they were in conflict on snow clearing on Pond Path.

Motion failed - no seconder.

Mayor Sébastien Després then left the Chair to make the following motion.

2015-086 Mayor Sébastien Després/

Be it resolved Council declare that Deputy Mayor Wiseman and Councillor Carey were not in a conflict of interest when they voted on motions relating to snow clearing.

Motion failed - no seconder.

Mayor Després asked for a motion to defer the decision on this matter until after Council meets with Municipal Affairs.

Deputy Mayor Wiseman asked for permission from Council for her and Councillor Carey to abstain from voting on this motion to avoid any potential conflict of interest. Both Councillors left the chamber at 8:55 p.m.

2015-087 Councillor Albert Murphy/Councillor Kevin Smart

Be it resolved Council defer making a decision on allegation of conflict of interest regarding motions relating to snow clearing.

For the motion: Mayor Sébastien Després, Councillors Ken Brinston, René Estrada, Albert Murphy, Kevin Smart

Motion carried.

Deputy Mayor Dena Wiseman and Councillor Carey returned to the chamber at 8:57 p.m.

- d. Correspondence from Municipal Affairs - Mayor Després called for a motion to table this document. [Appendix B]

2015-088 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council table this document.

For the motion: Mayor Sébastien Després, Deputy Mayor Dena Wiseman, Councillors Kevin Smart, René Estrada, Ken Brinston, Ralph Carey.

Against the motion: Councillor Albert Murphy

Motion carried.

- e. Capital Works - Mayor Després reported that the project for upgrading Southside Track Road has been approved for funding. The total project cost is \$770,000, the cost less the GST rebate is \$735,929, the provincial contribution will be \$662,336 and the town's contribution will be \$73,593. Council will begin work immediately on getting the 2nd phase engineered.

2015-089 Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council authorize the Mayor and Clerk to enter into the following agreement on behalf of Council, 2015-16 Municipal Capital Works Program, Project no. 17-MCW-16-00041 Road Construction - Track Road, Phase 2.

Motion carried unanimously.

8. Finance:

- a. Income statement and payables - For information purpose.
Deputy Mayor Dena Wiseman suggested Council do a mid-year review of the budget. Council agreed and would follow up on this.
- b. East Coast Trail - request for financial support –

2015-090 Councillor Albert Murphy/Councillor Ken Brinston

Be it resolved Council empower the Finance Committee to make a decision on the East Coast Trail's request for financial support. Be it further resolved that the final decision be then brought back to Council.

Motion carried unanimously.

9 Community Enhancement Committee:

- a. Mayor Després reported that the Witless Bay Kinsmen Clean-up was very successful with 64 people participating. In total, the Kinsmen counted 170 bags, a lot less than garbage collected in previous years and especially last year. It was noted though that the Dean's Road area was very littered, with about one third of the garbage collected coming from Dean's Road. The Mayor thanked the organizers: the Witless Bay Kinsmen, and the Community Enhancement Committee, as well as the sponsors: the Witless Bay Kinsmen Club, Tim Horton's, the Witless Bay Home Hardware, the Knights of Columbus, and the Town of Witless Bay.

Mayor Després said that this cleanup was the first activity in the Community Improvement Calendar to prepare for the Communities in Bloom competition.

At the Witless Bay Kinsmen cleanup, the Community Enhancement Committee launched the official Adopt-A-Spot project. He said about 25 groups, businesses and associations, along with individuals, have signed up. The Mayor invited everyone to consider adopting a spot and to speak to him about signing up for this project. Participants will be invited to pick up garbage and debris, plant flowers, mow grass, etc. In turn their names will be placed on signs through the community. The signs would be designed and looked after by the Community Enhancement Committee.

Mayor's March - Witless Bay will be invited to join the Mayor's Hike for the Heart and Stroke Foundation. Anyone making a donation of \$25 or more will get a free T-shirt. As well, anyone wishing to accept pledges can contact the Mayor or visit the town office once the documentation is received. A receipt will be issued for any amount.

Car wrecks - Last year the Town contacted a number of companies and invite them to put quotes in to pay residents for car wrecks collected. He said about 3/4 of wrecks were collected. This year OK Towing has agreed to pay residents \$60 to come and pick up the wrecks directly from their properties.

10. Public Works & Compliance:

- a. **2015-091** Councillor Ralph Carey/Councillor Ken Brinston
Be it resolved Council approve in principle application for residential single family dwelling on Lot 90 Country Path Drive subject to approval from Government Services and any other government agencies having jurisdiction.
Motion carried unanimously.

- b. **2015-092** Councillor Ralph Carey/Councillor Kevin Smart
Be it resolved Council **refuse** application for residential single family dwelling on Birchy Hill/New Line Road due to an incomplete application.
Motion carried unanimously.

- c. **2015-093** Councillor Ralph Carey/Councillor Kevin Smart
Be it resolved Council approve application for garage on 124 Gull Pond Road subject to compliance of the maximum 70 sq. m. regulation.
Motion carried unanimously.

- d. **2015-094** Councillor Ralph Carey/Councillor Albert Murphy
Be it resolved Council approve garage on 4 Country Path Drive with the condition that the applicant complete the paperwork.

Amendment: Councillor Ralph Carey/Councillor René Estrada
Be it resolved Council approve garage on 4 Country Path Drive with the condition that applicant adjust the measurements for setbacks.
Amendment carried unanimously
Motion carried unanimously.

- e. **2015-095** Councillor Ralph Carey/Councillor Albert Murphy
Be it resolved Council approve application for deck and steps on 67 Dunn’s Lane.
Motion carried unanimously.

- f. **2015-096** Councillor Ralph Carey/Councillor Albert Murphy
Be it resolved Council approve application for home-based business (Mobile Hair Salon Services) on 124 Gull Pond Road.
Motion carried unanimously.

- 11. **2015-097** Councillor Kevin Smart/Councillor Ken Brinston
Be it resolved Council adjourn at 9:33 p.m.
Motion carried unanimously.