

Public Meeting of Witless Bay Council  
Town Hall – 7:30 p.m.  
May 26, 2015

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

Recording: Geraldine Caul and Barb Harrigan

1. The meeting was called to order by Mayor Sébastien Després at 7:30 p.m.

2. **2015-098** Deputy Mayor Dena Wiseman/Councillor Kevin Smart  
Be it resolved Council adopt the agenda of May 26, 2015

**Amendment:** Mayor Després/Deputy Mayor Dena Wiseman

Be it resolved Council adopt the agenda of May 26, 2015 as amended to add 5a) Special Public Meeting on May 28, 2015 at 8:00 p.m.

For the Amendment: Mayor Després, Deputy Mayor Wiseman, Councillors Kevin Smart and Ralph Carey

Against the Amendment: Councillor Albert Murphy

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

Against the motion: Councillor Albert Murphy

**Amendment carried.**

**Motion carried.**

3. **2015-099** Deputy Mayor Dena Wiseman/Councillor Ralph Carey  
Be it resolved Council adopt the May 12, 2015 Minutes of Meeting as presented.

**Motion carried unanimously.**

4. Allegations of conflict of interest in relation to the Town Plan – Mayor Després reported that in December 2014 a member of the public made an allegation of conflict of interest against three members of council in relation to the municipal plan. After the matter was investigated and the concern was assessed by Council, it was decided there is no conflict of interest, and a unanimous decision was made to proceed to vote on the ratification of the Town Plan. Municipal Affairs then required that Council hold a formal vote on the matter of the Municipal Plan by way of motion. Council met on March 24 where it was formally decided that Deputy Mayor Wiseman and Councillors Carey and Smart are not in a conflict of interest relating to the Municipal Town Plan. The matter was declared closed and Council informed the councillors of this decision. The minutes of that meeting were ratified at the May 12<sup>th</sup> 2015 public meeting. Council then met with Municipal Affairs where Council's decision was confirmed. Council sought the advice from the Town's lawyer, Steve Penney, who once again confirmed there is no conflict of interest. Mayor Després said this issue is now closed and suggested that Council move on to the next matter of business.

Councillor Murphy raised a question relating to the minutes of the last public meeting, regarding a motion that was made to hold a friendly hearing on the Town Plan. [The motion that Councillor Murphy is making reference to here actually took place at an informal information session. Council consulted with Municipal Affairs who confirmed that such motions must be made at a privileged meeting or a public meeting.]

Mayor Després stated that the public meeting of May 12th was stalled at the point where it wasn't clear who could vote on what issues of conflicts of interest, and that was when it was decided Council would consult with Municipal Affairs.

The question arose as to whether Councillor Murphy was in a conflict of interest pertaining to the Town Plan, since Councillor Murphy had previously declared himself to be. Mayor Després explained that Council needs to determine this in order to move forward with the decision relating to who can vote on the question of the allegations of conflict of interest. He left the Chair to make the following motion:

**2015-100** Mayor Sébastien Després/Dena Wiseman

- Whereas Councillor Murphy's close relative, as defined in the Municipalities Act, Section 207:2) was denied a rezoning request in the Town Plan being considered by the current Council;
- Whereas the land immediately adjacent to Councillor Murphy's close relative's property is being rezoned in the new Town Plan;
- Whereas Councillor Murphy's close relative made a number of submissions opposing the Town Plan, including at the public hearing held by the Town;
- Whereas Council, in the Town Plan, has denied the rezoning of Councillor Murphy's close relative's land;
- Whereas Councillor Murphy has already declared himself to be in a conflict of interest in relation to the Town Plan during a privileged meeting of council.
- **Therefore be it resolved that Councillor Murphy be considered to be in a conflict of interest in relation to the Town Plan.**

Mayor Després explained that the motion made at the March 24<sup>th</sup> meeting was perhaps made out of order since some members were excluded from the vote.

Mayor Després then called the question and asked Councillor Murphy to leave the Chamber because he could not participate in this vote. Councillor Murphy left the Chamber at 7:44 p.m.

**Motion carried unanimously.**

Councillor Murphy returned to the Chamber at 7:47 p.m.

Mayor Després explained that Council now has to decide whether Councillor Murphy can participate on the vote in the conflict of interest relating to the town plan.

Deputy Mayor Dena Wiseman said that she was unclear why this was being discussed because it was clarified already by Municipal Affairs and through the legal process, and that this issue is now closed.

5. Allegations of conflict of interest in relation to motions on snow clearing: Because Council would have no quorum on this issue to vote with two councillors absent, it was deferred and a special public meeting was called for Thursday, May 28 at 8:00 p.m. to deal with it.

Council took a 5 minute recess at 7:50 p.m. to email the two councillors, who were not at this meeting and notify them of the special public meeting scheduled for May 28<sup>th</sup>.

The public meeting resumed at 7:55 p.m.

#### 6. New Business

##### a. Canada 150 Fund application – Recreation Ground Upgrades:

Mayor Després explained that on April 21, the Federal Government announced a new one-time program aimed at celebrating the 150<sup>th</sup> year anniversary of our country. This program will help municipalities, not for profits, corporate groups and businesses in some provinces construct infrastructure and offer more services to help celebrate Canada's 150<sup>th</sup> anniversary. Mayor Després said there are 16.6 million dollars available for Atlantic Canada, and that this project funds infrastructure that can't normally be funded under many of the Federal Government's normal programs. The BBAA has agreed to partner with the Town of Witless Bay in preparing an application for the upgrading of our recreation grounds. Since Council has already budgeted this year's portion of the monies needed for this application to leverage these government dollars.

##### **2015-101** Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved Council commit \$50,000 which constitutes one third of the total project cost of \$150,000, divided equally over the 2015-2016 budget years to the upgrading of Town's main recreation grounds. Be it further resolved that the Town partner with the BBAA to prepare and put forth the application for the federal government's Canada 150 Fund.

**Motion carried unanimously.**

b. Gas Tax Fund – Beautification of Key Locations – Mayor Després announced that Council has allocated \$4,701 for this project.

##### **2015-102** Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council call for quotes to install flag poles, picnic tables, benches, planters, and fencing and/or stones [fencing and/or stones are for Lower Pond].

**Motion carried unanimously.**

c. Correspondence: Review of Current Lands Act and Service Delivery Model – Mayor Després explained that the Towns of Logy Bay-Middle Cove-Outer Cove, Torbay, Flatrock,

Pouch Cove, Bauline and Portugal Cove-St. Phillips have submitted letters to the Review Committee of the Department of Municipal and Intergovernmental Affairs pertaining to the review of the Current Lands Act. Throughout the years, Municipalities have been expressing a need for the Provincial Government to seriously consider transferring ownership of Crown Lands to the municipalities' control for the purpose of promoting controlled development, and contributing to the town's revenue. The letter submitted to the Review Committee also voiced municipalities' support for the East Coast Trail and the protection of access to coastal properties where these trails are located.

**2015-103** Mayor Sébastien Després/Councillor Kevin Smart

Be it resolved Council draft and submit a letter similar to that written by other municipalities to the Lands Act Review Committee of the Department of Municipal and Intergovernmental Affairs.

**Amendment:** Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved Council draft the letter, but defer any further action on it until discussed at the June public meeting.

**Amendment carried unanimously**

**Motion carried unanimously.**

**d.** Correspondence: Open Air Fire Regulations – Mayor Després explained that the Town of Portugal Cove-St. Philip's enacted open air fire regulations and that these were circulated to the other towns in the North East Avalon region. He suggested that Council review these regulations and perhaps use them as a guide for drafting a best practice advisory.

**e.** Delays on the Recreation Centre – Mayor Després explained that the Town has had many inquiries about delays in re-opening of the Town's Recreation Centre (our Puffin Centre). He explained that Council has been trying to work through the many issues with this building since they arose. While waiting on the approval of Service NL last September, Council discovered that the town's engineer did not have the septic system inspected and approved prior to its being covered over. As a result, Service NL determined that the system would have to be uncovered and inspected. Minor issues were identified, but Council dealt with these immediately and the Inspector approved the system. Service NL then informed the Town that a set of architectural plans would be required. These were supposed to have been done prior to the start of the building, but the Town was never made aware that they had not been completed. No architect was willing to approve the plans drawn by the town's engineer or willing to draw plans for a building that was already built. Through further discussions, it was determined that an "as-built" report by an architect would satisfy Service NL's requirements. When the report was completed, a number of changes to the building were required, which the Town promptly addressed. Service NL then requested a recent survey of the land. When the Town sought to obtain this survey, Council was informed that the Town does not own the land on which the building sits. The Town had applied for this Crown land a number of years ago, but the application was never processed by the Province. The Town has now renewed this application, and we are hopeful that this is the last of the challenges we will face with the opening of the Puffin Centre. We apologize for the delays

and the frustration it has caused the users of this facility. Unfortunately, most of the challenges we have been facing were out of the Town's control.

f. South Side Track Phase II: Progress Report – Council met with the Engineer to discuss the details of the project, and will be meeting with him again in early June to view the preliminary site work, and we hope to go to tender very soon after.

7. Community Enhancement Committee :

a. Witless Bay Adopt-A-Spot – Mayor Després announced that the program is going very well. Two thirds of the community's roadways are now adopted by 37 groups from the community, as well as one group of residents from a neighbouring Local Service District.

b. Civic addresses/street numbers: A contest to help emergency responders locate households and businesses – Mayor Després reported that at the last Fire Services Committee it was discussed that with the new 911 service that was coming, one of the problems that may arise is that first responders may have difficulties in identifying buildings. Because the calls are no longer necessarily going to be routed through our local numbers, first responders won't necessarily know every resident, so having civic numbers will be very important. To help resolve this problem, the Enhancement Committee is launching a contest for the best/most original civic numbers/street addresses, to encourage businesses and residents to post the numbers. Those entering the contest can take a picture and email it to the Town or drop it off. The deadline is July 16 and the contest will be adjudicated by a panel of judges. It was suggested Council fund the contest by setting aside \$250 or an amount to be determined by Council. Mayor Després left the Chair at 8:20 to make the following motion:

**2015-104** Mayor Sébastien Després/Councillor Kevin Smart

Be it resolved Council set aside \$250 for the Community Enhancement Committee's contest for civic addresses/street numbers.

**Motion carried unanimously.**

c. The Witless Bay PuffinFest 2015 – The Community Enhancement Committee held meetings with the Kinsmen to discuss ideas for the PuffinFest's Sunday event. It has been suggested by the Kinsmen Club that the Town assist by helping them attract vendors and other exhibitors. The Kinsmen have agreed to allow free admission on the field until 2:00p.m. then charge the regular rate. Some vendors and other exhibitors will not be charged a fee for a table for this first year.

**2015-105** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council delegate one of the summer students to assist in the preparation of the Kinsmen PuffinFest for the Sunday events.

**Motion carried unanimously.**

d. Report from the Chair on other activities – Nothing new to report.

e. Old Cemetery cleanup with MUN students June 23 – Mayor Després explained that the Town of Witless Bay and the Heritage Committee are partnering with Memorial University on June 23 for their Make Mid-term Matter program, where a group of students will be coming to Witless Bay to volunteer their time by helping to clean up the old cemetery. Dale Jarvis, the Province’s Intangible Cultural Heritage Development Officer will be on site to accompany the students, as well as Memorial University staff. Co-sponsoring the program, the Heritage Committee will also be hosting the students.

f. Signage for the Tourism Chalet – The Town is in need of a sign identifying the Visitor Information Centre.

**2015-106** Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved Council put out a call for quotes for signage specifically for the Lower Pond Tourism Chalet.

**Motion carried unanimously.**

g. MMSB Composters & Composting Training Workshop – The Town has again partnered with the MMSB to provide composters to residents. The Town has now received the 50 bins ordered, which have been subsidized by the Multi-Materials Stewardship Board. Residents can avail of them at a cost of \$25. On Tuesday, June 2, at 7:00pm, the Town will hold a composting training workshop at the Town Office.

8. Public Works:

a. Call for Quotes – Ditching:

Report from Public Works: contractors were contacted and will be meeting with public works committee the following night, Wednesday.

b. Call for Quotes – Asphalt repairs:

The list of areas to be repaired is expected to be finalized for the June public meeting. It was noted that the aprons that were widened last year would need to be looked at since some of them were not wide enough, since ATV traffic is resulting in stones being cast on some roadways. It was suggested that when the Engineer begins the site work for the Phase II South Side Track, the problematic areas be identified.

c. Sweeping the town’s roadways – Public works will draw a list of the areas in need of sweeping and submit it to Council at the June 9<sup>th</sup> public meeting.

**2015-107** Deputy Mayor Dena Wiseman/Councillor Albert Murphy

Be it resolved Council adjourn the meeting at 8:45 p.m.

**Motion carried unanimously.**