

Public Meeting of Witless Bay Council
Town Hall – 7:30 p.m.
October 14, 2014

Attending: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Rene Estrada, Kevin Smart and Ralph Carey

Recording: Geraldine Caul

1. The meeting was called to order at 7:33 p.m. by Mayor Sebastien Despres.

Before beginning the meeting, Mayor Despres reminded the audience of the rules for public participation. According to Council's established Rules of Order, the public may be allowed to speak, at the discretion of the Chair, but only when there is a motion on the floor and only after Council has had the opportunity to discuss it. If there is no motion and no action is to be taken on an item, the public will have an opportunity to discuss it after adjournment, where the same Rules of Order apply.

2. **2014-259** - Ralph Carey/Kevin Smart
Be it resolved Council adopt the Oct. 14, 2014 agenda.
Amendment - Additions to the agenda:
 - Under New Business add l) Report from the 2014 MNL Annual General Meeting
 - Under Public Works add z) Testing new pavement patching product
 - Under Finance remove item c) 50+ - Additional furniture for Community Centre
 - Under Business Arising from Minutes, 5 (a) should read, "Strategic Vision for Witless Bay 2030: **Applying** our Integrated Community Sustainability Plan
 - Under Business Arising from Minutes, remove items c, d, e, & f.

2014-260 - Ralph Carey/Kevin Smart
Be it resolved Council adopt the October 14, 2014 Agenda as amended.
Amendment carried unanimously.
Motion carried unanimously.

3. **2014-261** - Ralph Carey/Rene Estrada
Be it resolved Council adopt the September 9, 2014 Minutes of Meeting.
Discussion: Ralph Carey noted that Public Works item (m) should include that the applicant's own survey shows they do not own the access to their property.

2014-262 - Ralph Carey/Kevin Smart
Be it resolved Council adopt the September 9, 2014 Minutes of Meeting as amended.
Amendment carried unanimously.
Motion carried unanimously.

4. **2014-263** - Ralph Carey/Dena Wiseman
Be it resolved Council adopt the September 16, 2014 Minutes of Meeting.
Motion carried unanimously.

5. Business arising from minutes:
 - a. Strategic Vision for Witless Bay 2030: Applying our Integrated Sustainability Plan - Sebastien gave a brief report on the development of the ICSP that was drafted between the Towns of Witless Bay and Bay Bulls in 2010. The Vision 2030 Plan will include participation of Council, the public, businesses and other organizations.
 - b. Development/Control Officer update - Sebastien explained that Petty Harbour, Bay Bulls and Holyrood may be interested in the project, and that a meeting with representatives from the Town of Holyrood will be arranged in the near future.
 - c-f. Items have been removed from the agenda to give Council time for review.
 - g. Fence application for Mallowney's Lane - Sebastien explained that this item had been postponed at the last meeting, and that the Town had since discussed some of the legal concerns raised during the last meeting. It was noted that although Council could now proceed with the application, no location plan was submitted with the application. On the recommendation of Public Works, the item was postponed until a location plan is submitted.

6. New Business:
 - a. Ratification of Group -

2014-264 Ralph Carey/Dena Wiseman
Be it resolved Council ratify the 1st Witless Bay Brownies as a group.
Motion carried unanimously.
 - b. Resignation of two councillors (and related correspondence from resident) - Mayor Despres explained that two councillors resigned from Council, and that a letter was received requesting details of their departure, but that there was no reason stated in the councillors' notice.
 - c. Request to meet with Council to discuss private land - Council set a date of October 28th at 7:30 to meet with the individuals.
 - d. Bristol Landing, Phase III - Mayor Despres read out a letter received from the Town of Bay Bulls, which states that if the Witless Bay Council approves the development (which would be constructed to the required standard and turned over to Witless Bay), the

Town of Bay Bulls is willing to provide for the service and maintenance of that section of the road. Mayor Despres highlighted that this is one example of the many ways in which the two Councils work productively together. Since no formal submission has been made by the Town of Bay Bulls, it was decided that there was no need for any decision at this time.

- e. Correspondence relating to ATV and dirt bike users - Mayor Despres said the town received a letter from a resident looking for a resolution to some of the issues related to the use of recreational vehicles on Town roads. The Mayor listed some possible solutions that have been suggested by residents and members of Council, included the maintenance and protection of existing trails and the development of new trails to keep them off the roads. It was suggested staff communicate with other towns to see how they handle this issue, and that the letter be forwarded to the RCMP, if the sender of the letter agrees to it being shared.

- f. Canadian Union of Postal Workers -

2014-265 - Ralph Carey/Kevin Smart

Whereas Canada Post and the Conservatives are taking an axe to long-treasured postal services - killing good jobs, eliminating door-to-door delivery, drastically increasing postage rates and closing, downsizing and reducing hours at post offices:

Whereas Canada Post did not properly consult on these changes, effectively eliminating any opportunity for input from the people who will be most affected; and

Whereas closing and downsizing post offices, reducing post office hours, and eliminating door-to-door delivery will reduce service and eliminate thousands of jobs in communities throughout our country.

Whereas Canada Post offers a public service that needs to be protected;

BE IT RESOLVED THAT the Town of Witless Bay write a letter to the Minister responsible for Canada Post that calls on the government to reverse the changes to services announced by Canada Post, and to look instead for ways to increase service and revenues in areas such as postal banking.

BE IT FURTHER RESOLVED THAT The Town of Witless Bay ask the Federation of Canadian Municipalities to request that the federal government properly consult with the public about what kind of postal service they need before allowing Canada Post to make such major changes to public postal service.

Motion carried unanimously.

- g. BAE Newplan Group Ltd. - Mayor Despres explained that a submission was received from this company to look at the deterioration of an area on Harbour Road. He said there were two ways the Town could approach this project:
 1. 90/10 Provincial Government application for emergency funding,
 2. Complete a full engineer study on the site and apply for Capital Works funding project (deadline: October 17th).

Mayor Despres explained that when the Town invited engineers to submit a quote, the cost was not expected to be as extensive as it turned out. For this reason, Council cannot accept the scope of work without going to public tender because it exceeds the total allowed by the Tender Act.

2014-266 - Rene Estrada/Ralph Carey

Be it resolved Council make application through Capital Works 90/10 for funding of project relating to Harbour Road.

Motion carried unanimously.

- h. Meeting with Small Craft Harbours October 16th - It was noted Council would discuss options for Witless Bay harbour.
- i. BBBA Regional Recreation Director's Report - Ralph Carey read the report to Council and the public. (Appendix I).
- j. Fire & Emergency Services - Approval of fire protection vehicle.

2014-267 - Ralph Carey/Kevin Smart

Be it resolved Council accept the Municipal Share of Project No. FES-NL140020 (Fire Protection Vehicle).

Motion carried unanimously.

2014-268 - Ralph Carey/Rene Estrada

Be it resolved Council finance the Town's share of Fire Protection Vehicle (\$19,401.77) through a loan with the Community Credit Union if required.

Motion carried unanimously.

- k. Deadline for Capital Works & the new BCF Projects - Council indicated the Town would apply for the same projects as last year with the inclusion of the protection of Harbour Road, and would review the new BCF for projects.
 - l. Report on MNL's Annual General Meeting 2014 - Mayor Despres gave a brief report on the MNL's AGM saying that members of Council participated in several sessions, including sessions focused on The Challenge of Change, Conflicts of Interest, waste water treatment, workshops on tourism/planning, FES, Gas Tax, and the new Fiscal Framework, among a list of others.
7. Committee Reports:

Finance:

- a. Income Statements & Payables - Submitted for Council information.

- b. Lawlor's Excavation - The Town received an application to develop a lot on Tamarack Drive in early summer, which was granted with the condition that the swale showing on the subdivision's Concept Plan and on the survey for the property in question be reinstated. The property owner requested to put in a culvert instead, which Council accepted. Council was later notified by the neighbor that the installation of a culvert interfered with his drain tile, which emptied out into the swale. The applicant extended the existing drain tile, and submitted an invoice for Council for reimbursement.

2014-269 - Ralph Carey/Rene Estrada

Be it resolved Council pay the invoice from Lawlor's Excavation.

Motion carried unanimously.

Community Enhancement Committee:

- a. Report on current projects - Mayor Despres reported that the Community Enhancement Committee was advancing very well, and that the Town will receive a report from Independent Consulting Group about our Tourism Economic Development Plan within the next few weeks. He said the Planning Sessions went well and the consultant will be attending the CEC meeting on the 1st of the month.
- b. Folklorists in Witless Bay - Mayor Despres explained that the Scuff & Scoff went well. He said the students posted many of their findings on their blog, which he encouraged people to view (Google "Witless Bay Field School"). The Mayor said he is looking forward to the publication of the field school's book, which highlights a number of Witless Bay's heritage structures.
- c. Tidy Towns - Mayor Despres announced that Witless Bay has won the 2014 Tidy Towns Award for our category. He gave thanks to all the town's residents and volunteers, the members of the Community Enhancement Committee, the Heritage Committee and Council, the Town staff, as well as the many groups and associations who pitched in and donated their time and energy to this effort (the Kinsmen, The O'Connor 50+, the Girl Guides, the Our Lady Star of the Sea Parish, the BBAA, the Puffin Patrol, St. Bernard's Elementary School, Mobile High School, and all the others!).

Sebastien gave thanks to the many local businesses who helped in the Tidy Towns bid, including the Witless Bay Home Hardware, Witless Bay Ecotours, Needs Convenience, Independent Consultants Group, and Felix's. He also thanked Eastern Waste Management, the fantastic staff at the Department of Municipal and Intergovernmental Affairs, and the great team at Municipalities NL!

Heritage Committee - Kevin Smart reported that there will be a Heritage meeting next Thursday at 7:30 p.m.

Regional Emergency Management Plan - Mayor Despres reported that the Southern Shore North Regional Emergency Management Plan is now in its 2nd draft, and almost ready to be sent out to Councils for comment. He said that Witless Bay and Bay Bulls now have to select a number of representatives to sit on the Emergency Management/Planning Council Committee, and that Witless Bay will need to select representatives from Council to act as formal members.

Public Works:

- a. Seeding where ditching has been done - Mayor Despres said that Council will hold off on this pending further review. He said some towns seed ditches to help protect infrastructure, but further review is needed to assess the feasibility of this project.

- b. Pothole tender results -

2014-270 - Rene Estrada/Kevin Smart

Be it resolved Council accept the lowest bid of \$21,500 from HTL Construction Ltd. for pothole repairs.

Motion carried unanimously.

- c. Tender results for road salt and sand

2014-271 Ralph Carey/Rene Estrada

Be it resolved Council accept the lowest bid for road salt from Avalon Coal Salt & Oil of \$108.48 per ton.

Motion carried unanimously.

2014-272 - Ralph Carey/Dena Wiseman

Be it resolved Council accept the only bid received for sand from Butler's Sand and Stone Co. Ltd. of \$8,616.25.

Motion carried unanimously.

- d. Request for upgrades to entrance of Gull Pond Road -

2014-273 Ralph Carey/Kevin Smart

Be it resolved Council get a study done to determine the feasibility of a full fix of the entrance of Gull Pond Road.

Motion carried unanimously.

- e. Request for Council to address entrance of Harrigan's Lane - Ralph reported that this was looked at previously, but Council will have to revisit to determine if it is a part of the town's infrastructure. If results find it is, Council will use the standing offers on file for various equipment costs and have it taken care of.

2014-274 - Ralph Carey/Dena Wiseman

Be it resolved confirm location of the area in question, and if it is town property, standing offers be used for the work to be carried out on the site.

Motion carried unanimously.

- f. Request to develop sub-grade road on Dean's Road - Ralph Carey said he wasn't certain if the Town was in receipt of a concept plan for the property.

2014-275 Ralph Carey/Kevin Smart

Be it resolved Council refer the request to develop a sub-grade road to the Town Planner and Town Engineer for recommendation.

Discussion: It was suggested the Town Planner and the Town Engineer be asked if they agree with the elevations.

Amendment: Dena Wiseman/Ralph Carey

Council approve pending Engineer's and Town Planner's approval.

Amendment carried unanimously.

Motion carried unanimously.

- g. Request to erect a sign –

2014-276 - Ralph Carey/Rene Estrada

Be it resolved that once the sub-grade road is approved by the Town's professional advisors, approval be granted to erect a sign.

Motion carried unanimously.

- h. Crown Land application on 106 Southside Track -

2014-277 - Ralph Carey/Dena Wiseman

Be it resolved Council approve Crown Land application on 106 Southside Track for driveway and garage.

Motion carried unanimously.

- l-j. Crown Land applications off Mullowney's Lane - Ralph Carey explained that Council has held discussions on this land previously. He said private property would have to be crossed in order for an access road to be developed.

2014-278 Ralph Carey/Kevin Smart

Be it resolved Council **deny** applications for Crown Land off Mullowney's Lane.

Discussion: It was noted additional documentation was available on the property.

Motion failed.

2014-279 - Ralph Carey/Dena Wiseman

Be it resolved Council table this item until further documentation is received.

Motion carried unanimously.

- k. Residential dwelling on Gallows Cove Road - It was noted this application was on the agenda last month for a cabin but the applicant changed the use from cabin to residential dwelling. The property is zoned partially rural and partially residential, but that the lot will be entirely residential once the Town Plan is approved.

2014-280 - Ralph Carey/Dena Wiseman

Be it resolved Council **deny** application for residential dwelling on Gallows Cove Road because the zoning is partially rural and partially residential.

Motion carried unanimously.

- l. **2014-281** - Ralph Carey/Dena Wiseman

Be it resolved Council approve shed on 26 Tuff's Road.

Motion carried unanimously.

- m. **2014-282** - Ralph Carey/Rene Estrada

Be it resolved Council approve garage on 1-5 Northside Track.

Motion carried unanimously.

- n. **2014-283** - Ralph Carey/Kevin Smart

Be it resolved Council approve garage on 9 Green Hill Drive.

Motion carried unanimously.

- o. **2014-284** - Ralph Carey/Dena Wiseman

Be it resolved Council approve garage on 7 Green Hill Drive.

Motion carried unanimously.

- p. **2014-285** - Ralph Carey/Kevin Smart

Be it resolved Council approve garage on 112 Gallows Cove Road.

Motion carried unanimously.

- q. Install culvert on 5 Diamond Place - Ralph Carey reported that Council will need to know how much culvert will be installed because it isn't indicated on the application.

2014-286 - Ralph Carey/Dena Wiseman

Be it resolved Council **deny** application to install culvert on 5 Diamond Place until further information is received on how much culvert applicant plans to install.

Motion carried unanimously.

- r. **2014-287** - Ralph Carey/Rene Estrada

Be it resolved Council approve garage on 5 Diamond Place.

Motion carried unanimously.

- s. **2014-288** - Ralph Carey/Kevin Smart
Be it resolved Council approve shed on 10 Green Hill Drive.
Motion carried unanimously.
- t. **2014-289** - Ralph Carey/Dena Wiseman
Be it resolved Council approve garage on 126 Bear's Cove Road **contingent on it not exceeding 70m sq.**
Motion carried unanimously.
- u. **2014-290** - Ralph Carey/Rene Estrada
Be it resolved Council approve shed on 126 Bear's Cove Road.
Motion carried unanimously.
- v. **2014-291** - Ralph Carey/Kevin Smart
Be it resolved Council approve gazebo on 126 Bear's Cove Road.
Motion carried unanimously.
- w. **2014-292** - Ralph Carey/Rene Estrada
Be it resolved Council **deny** application for fence on 27 Northside Track because applicant does not have a plot plan completed.
Motion carried unanimously.
- x. **2014-293** - Ralph Carey/Rene Estrada
Be it resolved Council approve business on 211 Southern Shore Highway subject to approval from all government agencies and the Fire Department.
Motion carried unanimously.
- y. Request for Council to reconsider subdivision proposal on Gull Pond Road - Deputy Mayor Dena Wiseman and Councillor Ralph Carey declared conflict and left the chamber at 10:05 p.m.

Mayor Despres stated that there is a motion on the books that no subdivision proposals will be considered until the new Town Plan is in effect.

Deputy Mayor Dena Wiseman and Councillor Ralph Carey returned to the Chamber at 10:37 p.m.

- z. Testing new pavement patching product - Mayor Despres reported that cold patch has rarely been used by Councils in Witless Bay because it does not perform well in this area. He said a test was done last winter with concrete and it worked relatively well, but that this is not a feasible long-term solution for potholes. A new product carried by K&D Pratt is guaranteed for the lifetime of the surface around it. While more expensive than cold patch, it hardens with water in less than an hour and can be installed by using a hand

tamper. It was suggested that Council purchase a few buckets to test the product's durability.

2014-294 - Dena Wiseman/Kevin Smart

Be it resolved Council test the new patching product, alongside cold patch.

Motion carried unanimously.

8. **2014-295** - Dena Wiseman/Kevin Smart

Be it resolved Council adjourn at 10:31 p.m.

Motion carried unanimously.

Mayor: _____

Town Clerk/Manager _____