

Town of Witless Bay
Public Meeting of Council - October 15, 2013
Town Hall - 7:30 p.m.

Members Present: Mayor: Sébastien Després
Deputy Mayor: Jeff Swain
Councillors: Kevin Smart
Dena Wiseman
René Estrada
Ralph Carey

Members Absent: Tommy Crocker

Also attending: Clerk/Manager: Geraldine Caul
Asst. Clerk: Barb Harrigan

1. The meeting was called to order by Mayor Sébastien Després at 7:30 p.m.
2. Agenda - The Mayor called for motion to adopt the agenda.

Motion 2013-148 - Jeff Swain/Dena Wiseman

Be it resolved Council adopt the agenda of October 8 (rescheduled to Oct. 15)/13.

Amendment: Jeff Swain/Dena Wiseman

Include on agenda: New Business - a) BBBA, b) 50+ Club, c) SSJC, and under public works - l) 2013 Road Improvements.

Amendment: Ralph Carey/Kevin Smart

Include on agenda: Finance c) Motion to review the town's finances.

Amendment: Dena Wiseman/Kevin Smart

Include on agenda: New Business - d) Public Relations/Communications, and e) Council Training.

Amendment: Sébastien Després/Dena Wiseman

Include on agenda: 3 a) Committees

Notice of motion - Sébastien: Include on next public meeting's agenda - 3b) Rules of Order and Rules of Procedure.

Motion carried unanimously.

3. Adoption of September 10, 2013 Minutes of Meeting - Sébastien called for motion to adopt the minutes of the last meeting of council.

Motion 2013-149 - Dena Wiseman/René Estrada

Be it resolved Council adopt the September 10, 2013 Minutes of Meeting as presented.

Point of order: Dena inquired about the protocol for new Council adopting minutes of a meeting for which they had not been in attendance.

Sébastien asked René Estrada and Jeff Swain, two councillors who also sat on the previous council, to verify the minutes contained no errors or omissions. René and Jeff confirmed the minutes to be correct.

Motion carried unanimously.

3. a) Committees - Dena presented Council with a document entitled, "Proposed Committee Structure" which she explained in brief detail.

Sébastien asked if Council had other ideas to include to this list of committees.

Motion 2013-150 - Kevin Smart/Ralph Carey

Be it resolved Council accept the Proposed Committee Structure presented by Dena Wiseman.

Motion carried unanimously.

Based on the adopted committee structure, the following committees were formed:

Finance	Works & Compliance	Planning & Development
<i>René Estrada (Chair) Ralph Carey Dena Wiseman</i>	<i>Jeff Swain (Chair) Ralph Carey Tommy Crocker (tentatively)</i>	<i>Kevin Smart Dena Wiseman</i>
Recreation	Culture, Heritage & Environment	Communication & Community Relations
<i>Ralph Carey Jeff Swain</i>	<i>Dena Wiseman Kevin Smart</i>	<i>Dena Wiseman Sébastien Després</i>
Fire Committee	Northeast Avalon Joint Council (NEAJC)	Southern Shore Joint Council (SSJC)
<i>René Estrada</i>	<i>René Estrada</i>	<i>Sébastien Després René Estrada</i>
Waste Management		
<i>Sébastien Després</i>		

Motion 2013-151 - Jeff Swain/Dena Wiseman

Be it resolved Council approve the committees as set. (See page 2).

Motion carried unanimously.

- b) Rules of Order and Rules of Procedure - Sébastien explained the notice of motion he presented during the adoption of the agenda. He briefly spoke on a change he proposed to the Role of Council section of his revised Rules of Procedure, and added that the creation of a mission statement should also be addressed, and he gave a Notice of Motion relating to the Rules of Procedure at the next meeting.
4. New Business:
- a) BBAA's request to meet with new council - At this time Mayor Sébastien Després vacated the chair (7:53 p.m.) and requested Deputy Mayor Jeff Swain replace him to allow him to speak on communication and transparency. He briefly explained how council would be willing to meet with individuals or organizations who have issues/concerns, and would also be allowing short periods of time after each meeting for informal conversations with the public.

Motion 2013-152 - Sébastien Després/Ralph Carey

Be it resolved Council hold a regular meeting of council every two weeks for the first few months to allow council increased efficiency in dealing with town matters.

Motion carried unanimously.

The mayor returned to the chair at 8:00 p.m.

Jeff Swain suggested, and Council agreed, to set up a meeting with the BBAA at 7:00 p.m. on October 29, 2013, immediately before the next town meeting commenced.

- b) 50+ - Request to meet with Council - Sébastien read a letter from the 50+ regarding their request to use the new Recreation Complex once it's completed. In addition to using the building, they were requesting permission to install their appliances, tables/chairs, dart boards, among numerous other things, inside the building.

It was made known to Council by the Assistant Clerk that Council owned appliances in the building, but when the 50+ received a grant for new equipment, the club replaced what was there initially.

There was a brief discussion on liability relating to major appliances being installed in a public building such as this. Council agreed this concern needed to be referred to the town's insurance company.

Motion 2013-153 - Jeff Swain/Kevin Smart

Be it resolved Council approve a request from the 50+ Club to place appliances in the new Recreation Complex once completed, pending confirmation of no liability for this action from the town's insurance company.

Motion carried unanimously.

Motion 2013-154 - Dena Wiseman/Jeff Swain

Motion to amend Motion #2013-153 to read:

Be it resolved Council first meet with 50+ Club then contact the insurance company regarding any potential liability issues.

Motion carried unanimously.

- c) Southern Shore Joint Council meeting - René Estrada agreed to attend this meeting.
- d) Communications and Councillor Training - Dena explained the need to update the town's website to get the agendas and public documents such as ratified minutes, etc. on the site.

Sebastián said he had spoken to the Town Clerk on this matter, and recommended replacing the existing website with a more user friendly platform, such as Wordpress.

Dena mentioned a community member had offered to assist with the website, and said she would speak to this person and provide a report at the next meeting. She also suggested a newsletter be sent out immediately, but Sebastián suggested Council wait until after the next meeting on October 29.

Councillor Training - Dena said there were four areas of training she felt would be helpful to new council: (1) Municipal Affairs re governance - MA Orientation - Dec. 7, (2) Crown Lands, (3) Reg Garland, Town Planner, and (4) Government Services re septic designs.

René Estrada explained that the annual conventions provided information sessions in all those areas.

5. Finance:

- a) Tender results of salt and sand -

Motion 2013-155 - Dena Wiseman/Jeff Swain

Be it resolved Council accept the lowest bid of \$109.90/ton for 125 tons of salt submitted by Avalon Coal Salt and Oil Ltd.

Motion carried unanimously.

Motion 2013-156 - Jeff Swain/Kevin Smart

Be it resolved Council accept the lowest bid of \$7531.45 for 500 tons of sand submitted by Butler's Sand and Salt.

Motion carried unanimously.

- b) Tender for shouldering and ditching -

Motion 2013-157 - Dena Wiseman/Jeff Swain

Be it resolved Council accept the lowest bid of \$4491.75 for shouldering and ditching submitted by Harbour Construction Ltd.

Discussion: Dena asked if this should be reviewed by the new public works and compliance committee to determine if it's an adequate amount of ditching and shouldering. She felt there may be other areas that could be included on the list.

Sebastián suggested for the purpose of getting the tendered work completed before the weather changed, Council accept the lowest bid, and add to the list at a later time if needed.

Motion carried unanimously.

Motion 2013-158 - Dena Wiseman/Ralph Carey

Be it resolved Council complete the priority list of tendered shouldering/ditching.

Motion carried unanimously.

c) Motion to review town finances -

Motion 2013-159 - Ralph Carey/Dena Wiseman

Be it resolved the Town Clerk and accountant review all spending and commitments and report back to council by November 7, 2013, with their analysis and recommendations so that the 2014 Witless Bay property tax can be reduced.

Motion carried unanimously.

6. Public Works:

a) Request to clear brush and open driveway to property on 241A Gallows Cove Road -

Jeff stated if the proposal was only to clear brush to open a driveway, there was no requirement in the town plan for residents to make application to clean up their private properties. Dena noted that the right of way was a light and power right of way according to the information provided. Staff to contact applicant to obtain further information and clarification on the application.

Motion 2013-160 - Jeff Swain/Ralph Carey

Be it resolved Council **defer application** re 241A Gallows Cove Road pending clarification of the proposal.

Motion carried unanimously.

b) **Motion 2013-161** Jeff Swain/Ralph Carey

Be it resolved Council approve application to operate business on 285-291 Southern Shore Highway based on proper zoning.

Discussion: There was a general discussion on permitted use for the zoning, and business operator's ownership of property. Once this was resolved and it was confirmed the proposed business was a permitted use for the zoning, Council felt satisfied the application could be approved.

Motion carried unanimously.

c) **Motion 2013-162** - Jeff Swain/Dena Wiseman

Be it resolved Council approve application for garage on 17 Hillsway Drive.

Motion carried unanimously.

d) **Motion 2013-163** - Jeff Swain/Ralph Carey

Be it resolved Council approve application for shed on 15 Greenhill Drive.

Motion carried unanimously.

- e) **Motion 2013-164** - René Estrada/Kevin Smart
Be it resolved Council **defer application** for garage on 8 Oceanview Drive pending confirmation of an existing discretionary use regarding height requirement.
Discussion: A brief discussion was held regarding the probability of the existence of a discretionary use in the town plan regarding height for accessory buildings.
Motion carried unanimously.
- f) **Motion 2013-165** - René Estrada/Jeff Swain
Be it resolved Council **defer application** for garage extension on 481-485 Southern Shore Highway pending clarification on whether the proposed size reflects the extension itself, or the overall size of the building once completed.
Motion carried unanimously.
- g-h) **Motion 2013-166** - Jeff Swain/René Estrada
Be it resolved Council approve application for residential dwellings on:
Lot # 56 (6 Diamond Place)
Lot #57 (4 Diamond Place)
Motion carried unanimously.
- l) **Motion 2013-167** - Jeff Swain/Kevin Smart
Be it resolved Council approve application for residential dwelling on 136 Gull Pond Road.
Discussion: Dena asked if public works would need to do a site visit. There was a brief discussion on the 10% allowable variance of a lot. It was determined the lot was of insufficient size for the proposed development.
Motion failed.
- j) **Motion 2013-168** - Jeff Swain/René Estrada
Be it resolved council **deny** application for residential dwelling on 20-22 Hillsway Drive due to insufficient lot size.
Motion carried unanimously.
- k) **Motion 2013-169** - Ralph Carey/Dena Wiseman
Be it resolved Council approve application for residential dwelling on Andrew's Lane.
Discussion: There was a brief discussion on the lot size requirement and the 10% variance. It was determined this applicant had 8% variance and had the 30 m road frontage.
Motion carried unanimously.
- l) 2013 Road Improvement -
Motion 2013-170 - Jeff Swain/Ralph Carey
Be it resolved Council accept the lowest bid of \$188,817.35 from Weir's Construction for road improvements to be funded in large part through a gas tax allocation.
Motion carried unanimously.
- 7. **Motion 2013-171** - Kevin Smart/René Estrada
Be it resolved Council adjourn the meeting at 9:45 p.m.
Motion carried unanimously.