

Public Meeting of Witless Bay Council
Town Hall
September 20, 2016

Attending: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillors Kevin Smart, Ralph Carey, Vincent Swain

Recording: Barb Harrigan

1. The meeting was called to order by Mayor Sebastien Despres at 7:35 p.m.

2. **2016-208:** Deputy Mayor Dena Wiseman/Councillor Kevin Smart
Be it resolved that Council adopt the Agenda of September 20, 2016

2016-209: Amendment: Councillor Ralph Carey/Deputy Mayor Dena Wiseman
Council to include under 4c: Alleged Conflict of Interest against former councillor Albert Murphy
For the amendment: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Kevin Smart, Councillor Ralph Carey

Against the amendment: Councillor Vincent Swain
Amendment carried.

2016-210: Amendment: Deputy Mayor Dena Wiseman/Councillor Ralph Carey
Council to include under Business Arising from Minutes 5l: Salt and Sand – Call for quotes.
Amendment carried unanimously.

2016-211: Amendment: Councillor Ralph Carey/Councillor Kevin Smart
Council to include under Business Arising from Minutes 4d: Shed on 28 Country Path Drive – Increase height of shed from 4m to 6m.
Amendment carried unanimously.

2016-212: Amendment: Deputy Mayor Dena Wiseman/Vincent Swain
Council to include under New Business 5m: Call for quotes to do work on laydown area on Witless Bay Line for storage of the Town's salt and sand.
Amendment carried unanimously.
Motion to adopt agenda as amended carried.

3. **2016-213:** Deputy Mayor Dena Wiseman/Councillor Kevin Smart
Be it resolved that Council adopt the August 23, 2016 Minutes of Public Meeting.
Motion carried unanimously.

4. Business Arising from Minutes:

a. Playground upgrades – Deferred until October meeting

b. Culvert – 54 Gallows Cove Road

2016-214: Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved that Council direct the Town's Engineer to visit the site on 54 Gallows Cove Road and report back to Council whether or not the work the Town requested has been carried out. (As per letter dated July 29, 2016 that was given to the owner of the property.)

2016-215: Amendment: Councillor Vincent Swain/Councillor Ralph Carey

Be it resolved that Council follow up with the Department of Environment and Labour.

Amendment carried unanimously.

Motion carried unanimously.

c. Alleged Conflict of Interest against former councillor Albert Murphy:

2016-216: Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that Council accept the legal opinion provided by the Town solicitor in relation to the allegation of conflict of interest against former councillor Albert Murphy.

For the motion: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Kevin Smart, Councillor Ralph Carey

Against the motion: Councillor Vincent Swain

Motion carried.

2016-217: Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that Council table the legal opinion by our Town solicitor in relation to the allegation of conflict of interest against former councillor Albert Murphy and that this opinion be included in the minutes.

"At the Public Meeting of Witless Bay Council on May 26, 2015, by Motion 2015-100, Councillor Murphy was declared to be in a conflict of interest in relation to the Town Plan. This Motion was passed unanimously, and to our knowledge no appeal or judicial review of the Motion has been sought. Accordingly, as a matter of record, Councillor Murphy is in a conflict of interest with respect to the Town Plan. Based on the recitals to the Motion as set out in the referenced Minutes, it would appear that the basis for the Motion is in accordance with the provisions of the Municipalities Act respecting conflicts of interest.

In our view, Motion 2015-100 would preclude Councillor Murphy from voting on any subsequent motions pertaining to the Town Plan. The Minutes of the Public Meeting of Witless Bay Council of January 12, 2016, show that Councillor Murphy voted on Motion 2016-005, which pertained to the Town Plan. As Councillor Murphy was deemed by Motion 2015-100 to be in a conflict of interest with respect to the Town Plan, he should not have voted on Motion 2016-005."

2016-218: Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that Council declare that Albert Murphy was in a conflict of interest as defined by Section 207 (1) (c.) of the Municipalities Act when he voted on Motion 2016-005.

For the motion: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Ralph Carey, Councillor Kevin Smart

Against the motion: Councillor Vincent Swain

Motion carried.

- d. **2016-219:** Councillor Ralph Carey/
Be it resolved that Council approve shed on 28 Country Path Drive using new height regulations and pending site visit.
Motion called out of order by Mayor Despres.

2016-220: Amendment: Councillor Ralph Carey/ Councillor Vincent Swain
Be it resolved that Council amend the applicant's permit that was issued in July 2015 changing the height of shed from 4m to 6m pending site visit.
Amendment carried unanimously.
Motion carried unanimously.

5. a. Jennifer Aspell – Information Only.

b. Joanie Tobin – Information Only.

- c. **20106-221:** Councillor Kevin Smart/Councillor Ralph Carey
Be it resolved that Council approve the building of a new movable Tourist Chalet on Southern Shore Highway.
Motion carried unanimously.

- d. **2016-222:** Councillor Ralph Carey/Councillor Kevin Smart
Be it resolved that Council allow the storage of the Puffin Patrol supplies in the Tourist Chalet provided that the Town not be held responsible for the property stored.
Motion carried unanimously.

- e. **2016-223:** Deputy Mayor Dena Wiseman/Councillor Vince Swain
Be it resolved that Council call for quotes for design and construction of signage for the Puffin Centre.
Motion carried unanimously.

2016-224: Deputy Mayor Dena Wiseman/Councillor Ralph Carey
Be it resolved that Council call for quotes for design and construction of signage for Tourist Chalets.
Motion carried unanimously.

2016-225: Deputy Mayor Dena Wiseman/Councillor Kevin Smart
Be it resolved that Council purchase a vinyl sign for the window of the Town office with the Town Logo.
Motion carried unanimously.

- f. **2016-226:** Councillor Kevin Smart/Councillor Vincent Swain
Be it resolved that Council approve a new survey off Municipal Town Office and Municipal Garage.
Motion carried unanimously.

- g. **Notice of Motion of revisions to the Town's By-Laws, and Policy & Procedures** – Notice of Motion was given that council will meet on October 11/16 @ 6:30 p.m. to read Consent Agenda.

- h. **Notice of Motion of Adoption of Design Guideline for Residential Subdivisions** – Notice of Motion was given that Design Guideline for Residential Subdivisions will be discussed at October's public meeting.
- i. **2016-227:** Deputy Mayor Dena Wiseman/Councillor Ralph Carey
Be it resolved that Council set a time for a privileged meeting to discuss item 5i as this item should be discussed in a confidential meeting as is required by the Town's regulations and policies.
Motion carried unanimously.
- j. Town Regulations state: Issues that are of a confidential matter must never be made public. Only the final decisions requiring official council ratification by a motion in a public meeting should be brought forward, all other deliberations shall be conducted openly in an atmosphere of respect and civility.
- k. Request to discuss agreement between FORB (Friends of Ragged Beach) and Ed Vickers and the Town of Witless Bay - Town Regulations and Policies regarding confidential matters apply to this item.
- l. **2016-228:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman
Be it resolved that Council call for quotes for salt and sand.
Motion carried unanimously.
- m. **2016-229:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman
Be it resolved that Council call for quotes to prepare lay down area on Witless Bay Line for storage of salt and sand.
Motion carried unanimously.
- 6 a. Finance – Information Only
- b. **2016-230:** Councillor Ralph Carey/Deputy Mayor Dena Wiseman
Be it resolved that Council seek quotes and purchase a wood chipper up to 3000.00 and empower Council to purchase via email.
Motion carried unanimously.
- 7. Public Works & Compliance:
 - a. Request to issue cleanup of property on Gallows Cove Road- Information Only
 - b. **2016-231:** Councillor Ralph Carey/Councillor Vincent Swain
Be it resolved that council accept the Town Engineer's recommendation for Council's acceptance of Phase 2 of Emerald Estates.
Motion carried unanimously.

- c. **2016-232:** Councillor Ralph Carey/Councillor Vincent Swain
Be it resolved that Council approve in principle single family home on 90 Gallows Cove Road, subject to approval from Service NL and any other departments having jurisdiction.
Motion carried unanimously.
- d. **2016-233:** Councillor Ralph Carey/Councillor Vincent Swain
Be it resolved that Council approve application to construct driveway and erect a fence on 115-121A Gallows Cove Road.
Motion carried unanimously.
- e. **2016-234:** Councillor Ralph Carey/Councillor Vincent Swain
Be it resolved that Council approve construction of baby barn on 5 Williams Lane.
Motion carried unanimously.
- f. **2016-235:** Councillor Ralph Carey/Vincent Swain
Be it resolved that Council approve in principle construction of porch on 451 Southern Shore Highway.
Motion carried unanimously.
- g. **2016-236:** Deputy Mayor Dena Wiseman/Councillor Ralph Carey
Be it resolved that Council defer application to remove ditch and install culvert on 54 Gallows Cove Road until other matter is rectified on this property.
Motion carried unanimously.
- h. **2016-237:** Deputy Mayor Dena Wiseman/Councillor Ralph Carey
Be it resolved that Council deny application to open right-of-way to access private property on Gallows Cove Road since it does not meet the Town of Witless Bay Engineering Design Standards for road construction, including the minimum right-of-way 15m and the applicant does not own the land on which the proposed development is located.
For the motion: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Kevin Smart
Against the motion: Councillor Vincent Swain
Motion carried.
8. **2016-238:** Deputy Mayor Dena Wiseman/Councillor Ralph Carey
Be it resolved that Council adjourn the public meeting of council at 9:00 p.m.
Motion carried unanimously.
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