

Public Meeting of Witless Bay Council  
Town Hall  
October 11, 2016

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

Reporting: Geraldine Caul

1. The meeting was called to order at 6:37 p.m.
2. **2016-239** Councillor Ralph Carey/Deputy Mayor Dena Wiseman  
Be it resolved that Council adopt the Agenda of October 11, 2016.  
Motion carried unanimously.
3. **2016-240** Councillor Ralph Carey/Councillor Kevin Smart  
Be it resolved that Council adopt the Minutes of Meeting of September 20, 2016 as presented.  
Motion carried unanimously.
4. Adoption of the Town of Witless Bay By-Laws Policies and Procedures – Mayor Despres explained that Council will be adopting this document tonight. Most of these were adopted by councils in previous years, combined with what was done two years ago. There are three entire sections that were written two years ago, but are only now ready for ratification.

Council will proceed by reading them in their entirety because they have to be read to the public. If there are questions on any of the regulations, councillors will note the regulation number and they will be excluded when the motion is called so they can be discussed after the motion. Council will adopt the entire document omnibus, minus the ones that are to be discussed. Discussion will be held on each one separately and ratified one at a time.

Mayor Despres noted that there were a few minor corrections: 2.B.1 (the 1 was missing), 3.A.9 (there was a 7 instead of 9), 5.B (the B was missing), and the definition of officer is missing. Mayor Despres proposed that for officer, Council add “see definition for councillor” because when we talk about officers, we use it as a synonym for councillor, but it doesn’t say in our definition what an officer is. All councillors were in agreement.

Deputy Mayor Wiseman asked to remove 3.B.5 and 3.A.1 for discussion.

Councillor Swain asked to remove 4.A.4, 4.B.10 and 6.H.2 for discussion.

**2016-241** Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved that Council approve and adopt the By-Laws, Policies and Procedures as read with the exception of 3.A.1, 3.B.5, 4.A.4, 4.B.10 and 6.H.2.

Motion carried unanimously.

**2016-242** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that Council include in the Town's By-laws, Policies and Procedures, the Policies on Remote Meeting Attendance, the Town's Rules of Order, and the Respectful Workplace Policy. [These have already been ratified previously by Council]

Motion carried unanimously.

Sections removed for discussion:

3.A.1 Deputy Mayor Dena Wiseman recommended a rewording of the following sentence: "This would include training for such things as water testing and certification..." She asked that this be changed to read, "This would include safety training..." since the Town does not have a water supply. Council was in agreement.

3.B.5 Deputy Mayor Wiseman asked for clarification on the sentence that read, "However, per diem rates and hotel costs will be covered the same as if no extended travel was included." Mayor Despres explained that if a staff member was attending a conference elsewhere, and they are due to leave the day the conference ends, but they decide stay, they are still eligible for the per diem rate for that day even though they are using half of it as extended travel. He said they are not getting additional privileges, but getting the same privilege they would have had otherwise since section 3.B.1 states that, "Accommodation costs will be covered for the day before the conference/training begins, as well as for the day on which the conference ends.."

4.A.4 Councillor Swain asked for clarification on the section that states, "Broad items such as 'Report of the Chair' shall be avoided." Mayor Despres explained an item needs to include what it pertains to. He used the example of the agenda item, "Southside Track Phase II" saying it is vague and that is because there are a number of decisions to be made on this item, such as culvert, extension, etc. The item should probably have included what the decision is to be made so everyone understands what will take place.

4.B.10 Councillor Vince Swain asked for clarification on the section that states, "If a motion is not supported by a majority vote, it may be discussed again at Council's discretion, at the next public meeting of Council. If the motion in question is not passed on that date, three months must elapse before Council includes it on the agenda." Mayor Despres explained that this regulation is already in force. It's essentially in place so that Council does not have to come to every meeting and discuss the same matter over and over once it has been dealt with, and decision has already been made on it.

6.H.2 Councillor Vince Swain asked for clarification on the section that states, "Expropriation should only be considered if and when all attempts to negotiate a settlement in good faith have failed. Councillor Swain referred to a couple of land owners on Southside Track who said they did not know about any expropriation of their land. Mayor Despres explained that expropriation only takes place if the Town doesn't already own the land in question. The Town owns 50' of right-of-way. If the town wants to acquire a wider right-of-way for safety reasons, we would have to try and negotiate in good faith.

Mayor Despres said the sections that have not been ratified are 3.A.1, 3.B.5, 4.A.4, 4.B.10, and 6.H.2., and called for a motion to ratify them omnibus.

**2016-243** Deputy Mayor Wiseman/Councillor Kevin Smart

Be it resolved that Council ratify omnibus sections 3.A.1, 3.B.5, 4.A.4, 4.B.10, and 6.H.2.

Motion carried unanimously.

Mayor Despres reported that in addition to these, we have our Emergency Management Plan, our Municipal Plan Development Regulations, our Snow clearing Contract, and our Graphic Standards Guidelines. That is the entirety of the list of the Town's regulations in an orderly form.

**2016-244** Deputy Mayor Dena Wiseman/Councillor Kevin Smart

Be it resolved that Council repeal all versions of previous By-Laws, Policies and Procedures Manuals.

Motion carried unanimously.

5. Delegations & Presentations:

- a. Ann Marie Churchill – Joanie Tobin spoke on behalf of Ms. Churchill regarding a fence on 4 Mullowney's Lane. Council information only.

6. Business Arising from Minutes:

- a. Adoption of Design Guidelines for Residential Subdivision – Mayor Despres reported that the Town's Planner was directed to draw up a guide for residential subdivisions, one for councillors benefit, and one for the developers' benefit. The one we received is a guideline for developers, and we are still waiting for the one for Council.

**2016-245** Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved that Council table and adopt the Guidelines for Residential Subdivision.

Discussion: Deputy Mayor Wiseman noted that 1.1 Definitions, 1.1.2 should be changed to "Subdivision Concept Plan" and not just "Subdivision." Council agreed with this change.

Motion carried unanimously.

- b. Engineer's Report on 54 Gallows Cove Road – Mayor Despres reported that there was an order issued to reinstate the site to its previous state. This reinstatement involves the elevations, i.e. some excavation was done to a neighbour's property, and that property has to be brought back to grade, the ditch is to be reinstated, and vegetation to be put back. The property owner at 54 Gallows Cove Road began the reinstatement process by removing some of the pipe. Councillor Carey met with the engineer who said she would provide recommendations of what was needed. Mayor Despres said that Council was very specific with what was needed from the Engineer, but we have not received this recommendation yet.
- c. Salt and sand tender results – A Tender was called for salt and sand. Two bids were received for salt: A. Harvey & Company for \$14,720.00, and Avalon Coal, Salt & Oil for \$14,481.25. Two tenders were received for sand: Harbour Construction for \$8,504.25 and Butler's Sand & Stone for \$9,148.25.

**2016-246** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that Council accept the tender for salt from Avalon Coal, Salt & Oil for \$14,481.25.

Motion carried unanimously.

**2016-247** Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved that Council accept the tender for sand from Harbour Construction for \$8,504.25  
Motion carried unanimously.

- d. Pest Control 2016-2017 – Mayor Despres explained that last year a change in the Town’s infrastructure on Upper Pond area caused a rodent infestation in several areas in and near the Emerald Estates Subdivision. The Town received a quote for continuing pest control. Some of the properties still show activity and some do not. Council agreed to continue the service, but would have the company move the inactive bait stations to other areas that might need it.

**2016-248** Deputy Mayor Dena Wiseman/Councillor Vince Swain

Be it resolved that Council continue pest control services for 2016-2017 for the amount of \$157.50/month, and for the service provider to move the inactive baits to other potential active areas.

Motion carried unanimously.

7. New Business:

- a. Southside Track Phase II – Mayor Despres explained that there was a delay in installing a culvert, but the plan is to have it installed tomorrow. The pipe at the intersection of Southside Track and Country Path Drive was deemed sufficient based on the Manning coefficients, but the engineer projections show the pipe will be too small to handle the planned infrastructure. Council has to decide if what is currently underground will remain, or replace the entirety of it with an adequate pipe which they have designed. The cost of the replacement is \$57,000.00. It was clarified that the cost to the Town is the same as initially approved. Municipal Affairs is still paying 90%, and the Town gets a piece of infrastructure that will protect the residents. Mayor Despres said there are two landowners who requested the Town not conduct work until an agreement was reached. The Engineer proposed an option that we shorten the work in order to move forward with the project, and that is the decision Council has to make tonight. It was noted that if there is recourse with someone who did not do their job properly, Council will pursue it.

**2016-249** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that Council reduce the limits of construction, and use the credit toward the change order, CCO#001, for the culvert upgrades at the intersection of Country Path Drive with Southside Track Road.

Motion carried unanimously.

8. Finance:

- a. Payables and Income Statement – for information purpose.

9. Public Works & Infrastructure:

- a. Residential single family dwelling on Gull Pond Road –

**2016-250** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council approve in principle an application for residential single family dwelling on

Gull Pond Road subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

- b. Residential single family dwelling on Gull Pond Road –

**2016-251** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council approve in principle an application for residential single family dwelling on Gull Pond Road subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

- c-d. Applications for site excavation on Gull Pond Road were withdrawn.

- e. Home-based business on 5-7 Carey's Road –

**2016-252** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council approve in principle a home-based business on 5-7 Carey's Road subject to Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

- f. Drainage ditch on 432-434 Southern Shore Highway – Councillor Ralph Carey reported that the application does not provide details on the depth and width of the proposed ditch. Councillor Carey said he will need to do a site inspection to determine if there are any wells or septic systems in the area.

**2016-253** Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved that Council defer an application for a ditch on 432-434 Southern Shore Highway pending further information.

Motion carried unanimously.

- g. Application to erect 2 gates, and clean up property on 1-17 Southern Shore Highway –

**2016-254** Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved that Council approve an application to erect two gates, and clean up property on 1-17 Southern Shore Highway.

Motion carried unanimously.

- h. Application to construct a greenhouse on 264 Dean's Road –

**2016-255** Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved that Council approve an application to construct a greenhouse on 264 Dean's Road.

Motion carried unanimously.

- i. Crown Land application on Bear's Cove Road – Council noted that consultation has not taken place yet with the Town Planner relating to lot sizes.

**2016-256** Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved that Council defer an application for Crown Land on Bear's Cove Road pending consultation with the Town Planner.

Motion carried unanimously.

- j. Request for a Caution Hidden Driveway sign on 14 Southside Track – Councillor Ralph Carey noted that there were other hidden driveways on this

**2016-257** Councillor Ralph Carey/Councillor Vince Swain

Be it resolved that Council place a "Caution Hidden Driveways Ahead" sign at the Stop Sign intersecting Route 10 and Southside Track.

Motion carried unanimously.

- k. Fence on 432-435 Southern Shore Highway – The property owner wants to complete his fence but a neighbouring property has a shed that was to be moved by order of Council. It was noted that the shed had not been moved, and the order's deadline was passed.

**2016-258** Deputy Mayor Dena Wiseman/Councillor Vince Swain

Be it resolved that the individual be notified that if the shed is not moved by October 18<sup>th</sup>, Council will have it removed at the property owner's expense.

Motion carried unanimously.

- l. Fence on Mallowney's Lane – Councillor Carey reported that he had received an email about an "illegal" fence. On Sept. 25, Councillors Carey explained that he had visited the site previously, but on this occasion Councillor Smart accompanied him. They spoke to the home owner who showed him where the pegs were. Councillor Carey noted that, and while viewing the pegs and the fence, he saw that the pegs lined up with the stakes. He said he was satisfied that the fence was in the correct location.

Councillor Swain said that according to the survey he has, there is a public right-of-way that goes down between two properties.

Councillor Carey noted that the survey he has is the one that the applicant submitted with his application, and which the permit was granted for.

- 10. **2016-259** Deputy Mayor Dena Wiseman/Councillor Kevin Smart.

Be it resolved that Council adjourn at 9:30 p.m.

Motion carried unanimously.