

Public Meeting of Witless Bay Town Council  
February 11, 2014

Attending: Mayor Sébastien Després, Deputy Mayor Dena Wiseman, Councillors: René Estrada, Kevin Smart, Ralph Carey, Terry Dunne  
Absent: Tommy Crocker  
Recording: Geraldine Caul/Barb Harrigan

1. The meeting was called to order at 7:34 p.m. by Mayor Sébastien Després.
2. **2014-016** - Dena Wiseman/Kevin Smart  
Be it resolved Council adopt the February 11, 2014 Agenda to include, j) Damages from snow clearing operations.  
**Motion carried unanimously.**
3. **2014-017** - René Estrada/Ralph Carey  
Be it resolved Council adopt January 7, 2014 Minutes of Meeting as presented.  
**Motion carried unanimously.**
4. Swearing in of new councillor - Mayor Sébastien Després performed the official swearing in ceremony of newly-acclaimed Councillor, Terry Dunne.
5. Business arising from minutes:
  - a) Outside Development Officer - Sébastien reported that at the last meeting Council made a decision to call for three quotes through an advertisement. He said that the town received notification from both Bay Bulls and Petty Harbour-Maddox Cove that they were no longer interested in moving forward with the project at this time, but explained that the Town would move forward with the development of a draft plan for the position regardless, in order to be better informed and fully prepared once the final decision was made on this position.
  - b) Parish Council's request to rezone - René Estrada explained that the parish priest was not clear on the plans for this property. He said because the Parish House is considered a Heritage site, there are uncertainties involved with selling the property. Further information will be provided after the parish priest consults with the Vicar General.
6. New Business:
  - a) Municipal Affairs - revised correspondence re Gallows Cove Road / Mullooney's Lane. Sébastien explained that Council received a revised letter from the Minister in response to the Town's letter of November 15/13, clarifying the letter of June 11/13 with respect to upgrading Gallows Cove Road. He said this letter confirms that the Minister mistakenly identified Gallows Cove Road, but it should have been Mullooney's Lane.

**2014-018** - Dena Wiseman/Kevin Smart

Be it resolved Council not commit to upgrading Mullooney's Lane to town standards to accommodate the proposed development relating to the "Amendment Request - Gallows Cove Road."

Discussion: Dena explained that this was a low priority road and, therefore, Council would not be committing to upgrading it.

When the floor was open to the public, the applicant whose proposal was being discussed said that past Council agreed to consider his proposal. The applicant further stated that previous council had also agreed to upgrade Mullooney's Lane, and that he had documentation to prove this.

Sébastien said that Council would need to review this further and recommended that the motion be tabled until the march meeting.

**Motion 2014-018 failed.**

**2014-019** - René Estrada/Terry Dunne

Be it resolved Council table further discussion on Council's decision relating to upgrades to Mullooney's Lane for March meeting, and pending further review.

**Motion carried unanimously.**

- b) Three-way stop - Sébastien explained that where Harbour Road intersects with Bear's Cove Road and Dean's Road, Council recently installed a 3-way sign, but residents have reported that this has made the intersection more dangerous. The key problem is visibility: drivers on Harbour Road cannot properly see the vehicles on Dean's Road. Sébastien asked if Council had any suggestions. It was determined that it would be more effective to have a stop sign on Bear's Cove Road and a warning sign on the other two roads.

**2014-020** - Terry Dunne/René Estrada

Be it resolved Council rescind a previous motion (#2012-081) of August 14, 2012 to "**erect a 3-way stop sign at the intersection of Harbour Road, Bear's Cove Road and Dean's Road.**" Be it further resolved that:

1. Council change this to a one-way Stop on Bear's Cove Road, and add a "Sharp Turn Ahead" on Dean's Road and Harbour Road;
2. The Town keep brush cleared to maintain the sign's visibility.

**Motion carried unanimously.**

- c) BBAA after school program funding - Sébastien explained that Council gave the BBAA permission to apply for funding for the after school program, and that the application is submitted. Ralph Carey added that the funding from this program can range from \$5000 up to \$40,000.
- d) Public Right-of-Way - Ralph Carey reported that he received a letter from a resident regarding a right-of-way that has been destroyed by a nearby property owner, who diverted water away from his property. He said the resident was requesting that the site be put back to its original state. Although public works did visit the area, it was impossible to assess because of the snow, but they will follow up once the snow was gone.

Sébastien also added that it was illegal to divert any water courses.

**2014-021** - Ralph Carey/Dena Wiseman

Be it resolved Council postpone site visit for Bear's Cove right-of-way until the snow has gone.

**Motion carried unanimously.**

- e) Request for the town to upgrade the end of Bear's Cove Road to town standards - Sébastien explained that the Town received a letter written by about a dozen residents requesting upgrades on their road, and to have the road placed on a list for Capital Works.

Sébastien said these types of projects cannot be restricted to just Bear's Cove Road. He said he obtained a very rough quote and that these projects are expensive. He referred to November's public meeting where there was a discussion on the paving cul-de-sacs. Towns have the option of applying service levies and property assessments. He explained that in these instances the applicants can pay a percentage of the cost, determined by what Council feels is appropriate.

Dena added that roads not listed on the town's Limits of Service map are unqualified for paving under Municipal Affairs' requirements, and even if they were, they would be low priority. She said there is room for the levy system, but that Council would have to consult with Municipal Affairs.

It was clarified by a member of the public who signed the petition and lived on Bear's Cove Road that they were not asking for their road to be paved, but simply to have Council maintain it.

Sébastien referred to their petition letter which asked that the town upgrade their road to municipal standards.

There was a brief discussion on government funding for road projects but it was clarified that cul-de-sacs were not prioritized for such funding. It was noted both Council and the provincial government determine priority roads. Sébastien recommended Council table this item and a list of priority roads be compiled.

**2014-022** - Ralph Carey/Terry Dunne

Be it resolved Council table until next meeting discussions on maintaining cul-de-sacs, and a list be compiled of roads in the town with the same needs.

**Amendment** - Dena Wiseman/Kevin Smart

Be it resolved Council table until next meeting discussions on maintaining cul-de-sacs, and a list be compiled of roads in the town with the same needs. Be it further resolved Council investigate how funding is set up with Municipal Affairs.

**Amendment carried unanimously.**

**Motion carried unanimously.**

- f) Appeal Commissioner - Council agreed that with upcoming appeals already scheduled, they would engage the same appeal commissioner as in past years for 2014. Council would commence early in the year with reviewing other option, if this proves to be advantageous.

**2014-023** - René Estrada/Kevin Smart

Be it resolved Council appoint Thomas Strickland of Business Logistics as a Commissioner for the town for 2014, and review other options for 2015 if required.

**Motion carried unanimously.**

- g) Folklore students - There was a brief discussion relating to a group of MUN Masters and Ph.D. students who are learning to be folklorists and are coming to Witless Bay. Part of their course requirement is to learn about the documenting of heritage structures, as well as to learn how to interview residents. Students' work will be made available to the public (**Appendix 1**).
- h) Hosting a cell drop-off program - Council will review this and discuss at a later date.
- i) MMSB - Dena explained that the MMSB is interested in teaming up with municipalities to promote backyard composting. If the program proves to be feasible for the MMSB, it would allow for towns to obtain partially subsidized compost bins to sell back into the community at a total cost of \$25 each. She added that MMSB would come to Witless Bay and provide training. Dena said that Petty Harbour expressed interest in purchasing 10 bins from the town.
- 2014-024** Dena Wiseman/Kevin Smart
- Be it resolved Council agree to purchase 50 composting bins from MMSB's Backyard Composting Program.
- Motion carried unanimously.**
- j) Damages from snow clearing operations - The town received a complaint from a resident on Gull Pond Road that her property was damaged by the snow clearing operator. She informed Council that

this was the 3<sup>rd</sup> consecutive year damage has occurred, and wanted to know who was responsible for repairing her property. She also stated that this year, she had placed markers on her property.

**2014-025** - Terry Dunne/René Estrada

Be it resolved Council notify the snow clearing operator of the damages and advise him to repair the Gull Pond Road property.

**Motion carried unanimously.**

7. Committee Reports:

( I) **Finance:**

a) **2014-026** - Terry Dunne/Ralph Carey

Be it resolved Council adopt the Town of Witless Bay 2014 budget (**Appendix 2**).

**Motion carried unanimously.**

b) Cash flow analysis report and payables - Information only.

c) Snow clearing logs - There was a brief discussion on sanding, and a possible minor error on the log which public works asked to be checked. Public works also had a question about the sanding process and when the contractor should be out.

Sébastien clarified that the contract dictates when the sander is required, and René added that Councils have always left this to the discretion of the snow clearing contractor. Dena suggested a meeting with the snow clearing contractor soon.

**2014-027** - Ralph Carey/Dena Wiseman

Be it resolved Council pay the snow clearing contractor for invoices submitted.

**Motion carried unanimously.**

(ii) **BBBAA** - Report from the accountability Committee - Sébastien read the "Reporting" section of the Memorandum of Agreement (**Appendix 3**).

**2014-028** - René Estrada/Kevin Smart

Be it resolved Council accept the Accountability Committee's report.

**Motion carried unanimously.**

(iii) **NEAR Plan** - Sébastien made reference to correspondence from Minister Steve Kent regarding the process related to the development of a revised regional plan. In order for the starting structure to proceed, Municipal Affairs requires the following from Council:

1. A commitment to participate in the financing of the project;
2. The town's agreement to initiate the process in accordance with the proposed document; and
3. The identification of the official Council wished to be engaged in the discussion as to the past process evaluation and proposal development for the new process.

**2014-029** - René Estrada/Ralph Carey

Be it resolved Council agree to the requirements pertaining to the NEAR Plan as listed above, allowing the committees involved to proceed with the starting structure as a first step in the process for the development of the regional plan.

**Motion carried unanimously.**

(iv) **Community Enhancement Committee Meeting** - Sébastien reported that the first meeting of February 4<sup>th</sup> included a little over 20 people. He briefly explained that he invited the group

to draw up 4 lists that included, 1) Key people to be invited on the committee, 2) Things that could be done to make Witless Bay a more beautiful place, 3) Things that could be done to enhance community spirit, and 4) Things that could be done to ensure we are environmentally sustainable. Sébastien said that the next meeting scheduled for February 18 would be geared towards working on the aesthetics of Witless Bay.

- (v) **NEAJC** - René reported that most of the NEAJC meetings are just getting started and that they only recently held their election of officers. He noted that the October's executive meeting will be held in Witless Bay town hall.
- (vi) **SSJC** - René explained that he was scheduled to attend this meeting but weather conditions prevented him from doing so.

There was a brief discussion on what the meeting consisted of. René and Sébastien both offered information that the SSJC dealt with composting and infrastructure among other things. It was noted that representatives from the Municipalities NL sometimes attend the meetings as well.

- (vii) **Heritage** - Kevin Smart read a report he submitted on behalf of the Heritage (**Appendix 4**). Kevin added that the old graveyard was a designated Historical site. He said the Heritage Committee had story boards to install by the graveyard but they couldn't find a place to put them up because there was too much stuff in the way. He said the area needed to be cleaned up.

(viii) **Public Works & Compliance** -

- a) Street light review - Ralph Carey reported that the public works did an itemized list of town lights. He said one area that needs to be addressed is Tamarack Drive where there is an area with 6 lights in a row. He suggested the town redistribute some of these to have a balance because there are areas that need lighting.

**2014-030** - Ralph Carey/Terry Dunne

Be it resolved Council adjust the 3-1 ratio for lights in the subdivision and address the lights that need to be replaced.

Discussion: Dena spoke on CPAWS' review of hoods for lights in an attempt to cut down on lighting for the protection of the birds. Sébastien explained that they would need for someone to design a directional housing, which did exist, but unfortunately it was not available in our province.

**Motion carried unanimously.**

- b) Application to operate a home based business - A+ cabs (transportation for the public and future tours for tourist).

**2014-031** - Ralph Carey/Dena Wiseman

Be it resolved Council approve application to operate a home based business if it meets the Town's and other government regulations.

Discussion: There was a question of parking since the regulation stipulates there would be a requirement of 4 cars. The applicant confirmed the parking requirement would be met.

**Motion carried unanimously.**

- c) Application to operate a business - Audio Video. It was noted this application was withdrawn.
- d) Municipal recommendation form for Crown Land for the purpose of subdivision (renewal) - Gull Pond Road. Ralph Carey explained that in the past, Council rejected the application by

the developer. He said Council is not willing to look at any proposals until after the Town Plan was finished.

**2014-032** - Ralph Carey/Kevin Smart

Be it resolved Council refuse municipal recommendation form for Crown Land on Gull Pond Road.

**Motion carried unanimously.**

- e) Municipal recommendation form for Crown Land for the purpose of a driveway and power - Dean's Road

**2014-033** - Ralph Carey/Terry Dunne.

Be it resolved Council approve municipal recommendation form for Crown Land on Dean's Road on the condition it meets all town regulations.

**Motion carried unanimously.**

8. **2014-034** - Ralph Carey/Dena Wiseman

Be it resolved Council adjourn the public meeting at 9:50 p.m.

**Motion carried unanimously.**

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Mayor

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Clerk/Manager

## **Appendix 1**

### MEMORIAL UNIVERSITY FOLKLORE DEPARTMENT FIELD SCHOOL

The incoming class of Masters and Ph.D. students at MUN's Department of Folklore will be taking part in a three-week field methods course in Witless Bay this coming September. From September 7<sup>th</sup> to 27<sup>th</sup>, these graduate students will learn how to document heritage buildings in the community, learn how to conduct interviews with residents, and learn about Witless Bay traditions, practices, local knowledge and skills. Students will be living in the Holy Trinity Convent during their stay in Witless Bay. Several guest lecturers and experts will help out in the teaching and documentation. At the commence of the field school, a welcome gathering will be held. Throughout their stay, students hope to immerse themselves in the daily life of Witless Bay, learning about the landscape, build heritage and oral traditions - meeting, visiting and learning from local residents. Students will keep a blog and reflect on their daily activities. During the final day of the field school, a presentation will be made to the community of what students found and experienced. The documented traditions will be available online through memorial University's Digital Archive Initiative. A published booklet of Witless Bay buildings and landscapes documented in the field school is also planned.

**Appendix 2**

Budget (separate attachment)

## **Appendix 3**

### **Memorandum of Understanding**

#### **Parties – Town of Bay Bulls, Town of Witless Bay and Bay Bulls-Bauline Athletic Association February 9, 2014**

This Memorandum of Understanding is to be presented at the next Council meetings of the respective towns for ratification. The terms agreed upon are as follows:

#### **Financial Contribution:**

Towns of Bay Bulls: \$37,000 per annum                      Town of Witless Bay: \$37,000 per annum  
Contribution Schedule: \$18,500 x 2 (January 1<sup>st</sup> and July 1<sup>st</sup>)  
Term: 4 Years (January 1, 2014 to December 31, 2018)

#### **Detailed Breakdown of the \$74,000**

\$55,000 for RRD position – includes base, MERC, health, cell, office phone, travel and training  
\$8000 Part Time bookkeeper  
\$6,200 Insurance /Worker's Comp  
\$2,300 Annual Financial Statement  
\$2,500 Office Operating

#### **Opt out of or "Change in Responsibility" Clause:**

If at any time during the 4 years, both towns choose to incorporate the Regional Recreation Director position into its municipal office operations, both towns must mutually agree to do so. Once that notice is given in writing by both towns to the BBBAA to assume the responsibility of the Regional Recreation Director and the structure is mutually agreed upon between both the Town of Bay Bulls and the Town of Witless Bay; notice of such action is to be served 12 months prior to the transition effective date.

#### **Accountability Committee:**

To ensure accountability to both councils, all 3 parties delegated one representative to sit on a temporary working committee whose mandate was to develop accountability guidelines that are to be adhered to by all three parties, but in particular the BBBAA.

#### **Reporting**

The Accountability Committee (comprising of Karl Tee, Sébastien Després, and Jason Sullivan) met on February 5, 2014 and agreed on the following requirements with respect to reporting and oversight:

- (1) A copy of minutes from BBBAA meetings will be emailed to the Town Office of each Council within 48 hours of their ratification.
- (2) Monthly report of BBBAA activities, including number of participants from Bay Bulls and from Witless Bay, are to be sent to the Town Offices by the last Friday of each month.
- (3) BBBAA will immediately (starting Jan 1/14) migrate all of its financial reporting to Simply Accounting to match the towns' systems. Monthly financial statements will be provided to councils by email to the Town Offices. A one-month lag will allow for reconciliation with bank statements following the month end.
- (4) Two representatives from each Council will sit on the BBBAA board and have full access to any and all financial information. This information is to be made available to them within a week of their request.
- (5) The BBBAA commits to a "full, official audit" by an independent accounting firm going forward starting with the current 2014 fiscal year. The target date for completion of the audit will be June 30, 2015.

Sébastien Després  
Mayor, Town of Witless Bay

Patrick O'Driscoll  
Mayor, Town of Bay Bulls

Scott Penney  
Chair, BBBAA

#### **Appendix 4**

### WITLESS BAY HERITAGE COMMITTEE

#### ONGOING PROJECTS FOR 2014

The Committee is currently developing an anthology based on a series of interviews of our senior citizens. When completed the stories will be edited and published, together with historical photos of the town. At present we have interviewed 25 elderly people in the community. Formerly, the committee, under the authorship of Barry Norris, developed an extensive inventory of historical homes prior to 1930. The inventory is available at the town hall.

We have maintained our historical graveyard by repairing the fences, securing the head stones, and improving the landscape. We also refurbished the old access pass to the grave yard.

Once again, the Committee is making plans to participate in the puffin festival.

As in the past year, we plan to continue the Christmas tradition of sending an historical Christmas card to our town's residents.

Currently, we are developing a heritage/educational quiz/contest for all residents.