

Private Planning Meeting – August 25, 2015

Attending: Mayor Sebastien Despres, Councillors Rene Estrada, Kevin Smart, Albert Murphy, Kenny Brinston

Reporting: Barb Harrigan

**2015-198** Councillor Kenny Brinston/Councillor Albert Murphy

Be it resolved council pay a total of \$800.00 for items #1 & 3 on invoice # 0096 to O'Brien's Trucking.

**Motion carried unanimously.**

1. The meeting was called to order by Mayor Sebastien Despres at 7:50 p.m.

2. **2015-199** Councillor Rene Estrada/Councillor Albert Murphy

Be it resolved Council adopt the agenda of August 25, 2015

**Amendment:**

Councillor Kenny Brinston/Councillor Rene Estrada

Be it resolved Council move item #3 on agenda to #8 and move item #8 to item #3.

**Amendment carried unanimously.**

**Motion carried unanimously.**

3. Amy Dunn's application – Deferred to Public Meeting, September 8, 2015

4. **2015-200** Councillor Albert Murphy/Kenny Brinston

Be it resolved Council hire lawyer Peter Shea to represent the Town on Notice of Appeal pertaining to allegations of conflict of interest charges against Ralph Carey & Dena Wiseman regarding snow clearing on Pond Path.

Amendment: Mayor Sebastien Despres/Councillor Kevin Smart

Whereas the alleged declaration of conflict of interest is not justifiable under the legislation;

Whereas the rules of natural justice were not followed properly;

Whereas there is a reasonable apprehension of bias;

Whereas no motions were made "before council" relating to snow clearing on Pond Path;

Whereas the discussion that took place was not raised in a capacity distinct from their functions as councillors;

Whereas there is doubt as to whether there is in fact a monetary interest at stake for the Appellants;

Whereas the interests of the Appellants are not distinct from those of other residents;

I move that Council rescind its decision to find these councillors in a conflict of interest.

For the amendment: Mayor Sebastien Despres/Councillor Kevin Smart

Against the amendment: Councillors Albert Murphy/Rene Estrada/Kenny Brinston

**Amendment Failed.**

For the motion to hire lawyer Peter Shea: Councillors Albert Murphy, Rene Estrada, Kenny Brinston

Against the motion: Mayor Sebastien Despres/Councillor Kevin Smart

**Motion passed.**

**2015-201** Mayor Sebastien Despres/Councillor Kevin Smart

Be it resolved that Council seek the advice of lawyer Peter Shea whether the Town should proceed to court.

**Motion carried unanimously.**

5. Finger Wharves and Launchway

**2015-202** Councillors Kevin Smart/Kenny Brinston

Be it resolved Council formally accept the proposed concept plans for the launchway and dredging.

**Motion carried unanimously.**

6. Survey of our Town Office/Municipal Garage Property – Survey of Town Office/Municipal Garage property to be forwarded to Mr. Peter Jackson.

7. Preliminary plans for Canada 150 grant application

**2015-203** Councillor Kenny Brinston/Councillor Albert Murphy

Be it resolved Council approve the preliminary concept plan for re-development of recreational grounds.

**Motion carried unanimously.**

8. Private/Friendly Hearing

**2015-204** Councillor Kenny Brinston/Albert Estrada

Be it resolved Council extend a notice of a friendly hearing to Councillor Kevin Smart pertaining to an alleged conflict of interest concerning the Town Plan. Councillor Smart has his land being re-zoned from Rural to Residential. Councillor Smart put himself in a conflict when he voted on the adoption of the Town Plan in its entirety.

For the motion: Councillors Albert Murphy, Kenny Brinston, Rene Estrada

Against the motion: Mayor Sebastien Despres

**Motion passed.**

Mayor Sebastien Despres asked that the minutes reflect that he did not give any input or was he aware of the facts of the alleged conflict of interest that were given to Kevin.

Councillor Albert Murphy asked that the minutes reflect that he requested the Mayor to do up a letter stating the facts why Councillor Kevin Smart was in an alleged conflict of interest but as the Mayor was opposed to the conflict he would not do up the letter and the letter had to be done up by Councillors Rene Estrada, Albert Estrada, Kenny Brinston.

The Mayors response to this was that Mayor Sebastien could not write down Councillor Murphy's thoughts.

9. **2015-205** Councillor Kenny Brinston/Albert Murphy

Be it resolved Council adjourn the meeting at 9:10 p.m.

**Motion carried unanimously.**