

Public Meeting of Council
Town Hall

November 12, 2019

Attending: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors David Ryan, Vince Swain, Lucy Carew
Councillor Fraser Paul attended via remote means

Recording: Geraldine Caul & Barb Harrigan

1. Mayor Moran called the meeting to order at 7:35 p.m.
2. **2019-273** Deputy Mayor Maureen Murphy/Councillor Lucy Carew
Be it resolved that Council adopt the Agenda of November 12, 2019 as presented.
Motion carried unanimously.
3. **2019-274** Councillor Lucy Carew/Councillor Vince Swain
Be it resolved that Council adopt the minutes of Public Meeting of October 8, 2019.
Motion carried unanimously.
4. **2019-275** Councillor Lucy Carew/Councillor Maureen Murphy
Be it resolved that Council adopt the minutes of Special Public Meeting of October 17, 2019.
Motion carried unanimously.
5. Business Arising from Minutes
 - a. Quotes received for salt and sand pit

2019-276 Councillor David Ryan/Deputy Mayor Maureen Murphy
Be it resolved that Council accept the lowest bid of \$1181.00 from O'Brien's Trucking.
Motion carried unanimously.
6. Public Works & Infrastructure
 - a. Application to demolish and remove or remove existing trailer on 18-26 Butler's Road

2019-277 Councillor Vince Swain/Councillor David Ryan

Be it resolved that Council approve the application to demolish and remove or remove existing trailer on 18-26 Butler's Road, with the tow away to be done in compliance of the provincial regulations.

Motion carried unanimously.

- b. Application to construct a shed on 11-13 Gallows Cove Road – Councillor Vince Swain reported that he visited the site twice but there were no pegs placed as required under the Town's policy.

2019-278 Councillor David Ryan/Councillor Vince Swain

Be it resolved that the application to construct a shed on 11-13 Gallows Cove Road be deferred because the site was not pegged out.

Motion carried unanimously.

- c. Application to clear and excavate property on 165-171 Dean's Road

2019-279 Councillor David Ryan/Councillor Vince Swain

Be it resolved that Council approve the application to clear and excavate property on 165-171 Dean's Road.

Motion carried unanimously.

- d. Application to do maintenance with an excavator on a historical right of way that leads from the town turn around off Mullowney's Lane to the extremes of private property approximately 152 m as shown on Crown Lands map for safe access - Deputy Mayor Maureen Murphy declared a conflict of interest because her brother owns land off Mullowney's Lane. Deputy Mayor Murphy left the chamber at 7:40 pm.

Mayor Derm Moran requested that Council determine if he was in a conflict because he signed a document as a witness for the applicant.

2019-280 Councillor Vince Swain/Councillor David Ryan

Be it resolved that Mayor Derm Moran is not in a conflict of interest on this application.

For: Councillors Fraser Paul, David Ryan, Vince Swain and Lucy Carew

Against: 0

Abstained: Deputy Mayor Maureen Murphy who declared a conflict of interest and Mayor Derm Moran who asked for Council to vote on whether or not he was in a conflict of interest.

Motion carried.

2019-281 Councillor Vince Swain/Councillor Lucy Carew

Be it resolved that Council approve the application to do maintenance with an excavator on a historical right of way that leads from the town turn around off Mullowney's Lane

to the extremes of private property approximately 152 m as shown on Crown Lands map for safe access.

For: Mayor Derm Moran, Councillors David Ryan, Fraser Paul, Vince Swain and Lucy Carew.

Against: 0

Abstained: Deputy Mayor Murphy who declared a conflict of interest.

Motion carried.

Deputy Mayor Maureen Murphy returned to the Chamber at 7:43 pm.

- e. Application to build a single family home on Tower Road

2019-282 Councillor Vince Swain/Councillor David Ryan

Be it resolved that Council approve an application to build a single family home on Tower Road subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

- f. Application to construct residential dwelling on Harrigan's Lane (previously submitted and deferred due to driveway issue)

2019-283 Councillor Vince Swain/Councillor David Ryan

Be it resolved that Council defer this application because it does not comply with Section 11, Backlot Policy.

Motion carried unanimously.

- g. Application to develop office spaces in existing building on 212-214 Southern Shore Highway – Councillor Fraser Paul declared a conflict of interest on this item because he is the applicant. The remote calling was disconnected at 7:45 pm.
Councillor David Ryan declared a conflict of interest on this item because he parks his heavy equipment on this site, and left the Chamber at 7:45 pm

2019-284 Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that Council approve the application to develop office spaces in existing building on 212-214 Southern Shore subject to approval from Services NL.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Vince Swain and Lucy Carew

Against: 0

Abstained: Councillors Fraser Paul and David Ryan who both declared a conflict of interest.

Motion carried.

Councillor David Ryan returned to the Chamber at 7:46 pm and remote connection was restored with Councillor Fraser Paul also at 7:46 pm.

- h. Grading of gravel roads – Deputy Mayor Maureen Murphy declared a conflict of interest on this item because her brother owns land in the area of one of the roads to be graded. Deputy Mayor Murphy left the Chamber at 7:47 pm.

2019-285 Councillor David Ryan/Councillor Vince Swain

Be it resolved that Council approve grading of John C's Grove Road, Mallowney's Lane, Cemetery Lane, and Campbell's Road.

For: Mayor Derm Moran, Councillors Fraser Paul, David Ryan, Vince Swain and Lucy Carew

Against: 0

Abstained: Deputy Mayor Maureen Murphy who declared a conflict of interest.

Motion carried.

Deputy Mayor Murphy returned to the Chamber at 7:48 pm

- i. Trench on Mallowney's Lane turnaround – Councillor Vince Swain reported that the standing offer will be used for this work.
- j. Tender preparation for fire department pit (Municipal Garage) – Councillor David Ryan declared a conflict of interest on this item because he will be bidding on the tender, and left the Chamber at 7:50 pm.

2019-286 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council move forward with the tender for fire department pit in the Municipal Garage.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, Vince Swain and Lucy Carew

Against: 0

Abstained: Councillor David Ryan who declared a conflict of interest.

Councillor David Ryan returned to the Chamber at 7:51 pm.

- k. Tender for installation of new septic system for swimming pool washrooms as per design submitted to Services NL

2019-287 Councillor David Ryan/Councillor Vince Swain

Be it resolved that Council go to tender for a new septic system for swimming pool washrooms as per design submitted to Services NL.

Motion carried unanimously.

- l. Renovations to Tourism Chalet – Councillor Vince Swain declared a conflict of interest on this item because he will be bidding on this job, and left the Chamber at 7:52 pm

2019-288 Deputy Mayor Maureen Murphy/Councillor David Ryan

Be it resolved that Council move forward with renovations to Tourism Chalet.
For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, David Ryan, and Lucy Carew
Against: 0
Abstained: Councillor Vince Swain who declared a conflict of interest
Motion carried.

Councillor Vince Swain returned to the Chamber at 7:53 pm.

- m. Bridge by the swimming pool on Southside Track – Councillor Vince Swain declared a conflict of interest on this item because he will be bidding on this job, and left the chamber at 7:53.

2019-289 Deputy Mayor Maureen Murphy/Councillor Lucy Carew
Be it resolved that Council move forward with construction of bridge by the swimming pool on Southside Track.
For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, David Ryan, and Lucy Carew
Against: 0
Abstained: Councillor Vince Swain who declared a conflict of interest.
Motion carried.

Councillor Swain returned to the Chamber at 7:54 pm.

- n. Interior finish to new Town Garage – Council reported that the Town’s Maintenance man will be doing this work.
- o. Interior finish to bathrooms, change rooms and storage rooms – Councillor Vince Swain declared a conflict of interest on this item because he will be bidding on the job, and left the Chamber at 7:55 pm.

2019-290 Deputy Mayor Maureen Murphy/Councillor David Ryan
Be it resolved that Council go to tender for interior finish to bathrooms, change rooms and storage rooms.
For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, David Ryan, and Lucy Carew
Against: 0
Abstained: Councillor Vince Swain who declared a conflict of interest.
Motion carried.

Councillor Swain returned to the Chamber at 7:56 pm.

- p. Grading of John C’s Grove Road – covered under item 6 (h).

7. Finance

a. Approval of payable chart

2019-291 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council approve payment for payable chart.

Motion carried unanimously.

b. Income Statement – For Council information purpose.

c. Adoption of Draft Budget and Tax Structure for 2020

2019-292 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council adopt the Draft Budget and Tax Structure for 2020.

Motion carried unanimously.

Councillor Lucy Carew added that under direction from Municipal Affairs & Environment, Council was informed that the per capita for the Town's Own Source Revenue was below the required level based on the 2016 census report that compared population stats from 2011 to 2016. This generally occurs when there is a spike in population, such as what Witless Bay experienced from 2010 to 2015 with new subdivision builds.

Council submitted proposals to the Department of MAE in an attempt to avoid an increase in the mil rates for 2020 which is what will be required to bring the Town's Own Source Revenue to the required per capita level but unfortunately the Department of MAE was not in agreement, and increases in mil rates for 2020 is the only option. The increases will include:

Residential property mil rates will increase from 4 to 5;

Minimum property taxes will increase from \$500 to \$550

Vacant land taxes will increase from \$150 (minimum per parcel) to \$200

Minimum Business Tax rate will increase from \$250 to \$300

In order to offset the mil rate increases, the Town will be offering a higher early payment discount rate of 8% and will extend this early discount period to May 31 on residential property taxes for 2020 instead of March 31 as in previous years. This will be the only discount offered as the Guaranteed Income Supplement discount of 5% is discontinued. No discounts will be offered after May 31.

d. Paul Boundridge: Planner's Fees for developments and pending developments

2019-293 Deputy Mayor Maureen Murphy/Councillor Vince Swain

Be it resolved that Council pay Paul Boundridge for Planner's fees in the amount of \$1368.50.

Motion carried unanimously.

- e. M & V Construction Ltd. for exterior renovations to Municipal Building and Municipal Garage – Councillor Vince Swain declared a conflict of interest on this item because M & V Construction Ltd. is his company, and left the Chamber at 8:02 pm

2019-294 Councillor Lucy Carew/Councillor David Ryan

Be it resolved that Council pay the invoice for M & V Construction Ltd. for exterior renovations to Municipal Building and Municipal Garage in the amount of \$22,420.00.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, David Ryan and Lucy Carew

Against: 0

Abstained: Councillor Vince Swain who declared a conflict of interest.

Motion carried.

Councillor Swain returned to the Chamber at 8:03 pm.

- f. M & V Construction Ltd. for ground work and construction of change rooms/washrooms/storage on Southside Track (swimming pool) – Councillor Vince Swain declared a conflict of interest on this item because M & V Construction Ltd. is his company, and left the Chamber at 8:03 pm

2019-295 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council pay the invoice from M & V Construction Ltd. for ground work and construction of change rooms/washrooms/storage on Southside Track (swimming pool) in the amount of \$5,748.00.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Fraser Paul, David Ryan and Lucy Carew

Against: 0

Abstained: Councillor Vince Swain who declared a conflict of interest.

Motion carried.

Councillor Swain returned to the Chamber at 8:04 pm.

- g. O'Brien's Trucking invoices for extra work related to Mallowney's Lane turnaround, ballfield, and cost for septic design for washrooms/change rooms by the pool

2019-296 Councillor Lucy Carew/Councillor David Ryan

Be it resolved that Council pay the invoice for O'Brien's Trucking Ltd. for extra work related to Mallowney's Lane turnaround, ballfield, and cost for septic design for washrooms/ change rooms by the pool for a total amount of \$20,731.00.

Motion carried unanimously.

- h. Quote received for electrical for washrooms and change rooms on Southside Track (Swimming pool)

2019-297 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council pay the invoice from Sullivan's Electrical Ltd. for electrical for washrooms and change rooms on Southside Track (swimming pool) in the amount of \$2,000.00.

Motion carried unanimously.

- i. Quote for fabricated steel Christmas Tree

2019-298 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council purchase a steel Christmas tree at a cost of \$1500 plus tax and \$400 plus tax for installation of the base.

Motion carried unanimously.

- j. Invoice for plumbing for washrooms and change rooms on Southside Track (swimming pool)

2019-299 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council the invoice for plumbing for washrooms and change rooms on Southside Track (swimming pool).

Motion carried unanimously.

- k. Witless Bay Come Home Year 2020 request for financial donation

2019-300 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council donate \$1500.00 towards the Witless Bay Come Home Year 2020.

Motion carried unanimously.

- l. Kinsmen Club request for additional financial donation towards Puffin Festival weekend activities. Previously donated \$1500 and requesting additional \$800.

2019-301 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council donate an additional \$800.00 towards the Kinsmen Club Puffin Festival weekend.

Motion carried unanimously.

- m. Knights of Columbus request for donation towards Christmas Hampers

2019-302 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council donate \$250.00 towards the Knights of Columbus Christmas Hampers.

Motion carried unanimously.

- n. Mobile Central High request for donations from the Town and Fire Department for School Scholarships

2019-303 Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council donate \$50 from the Town and \$50 from the Fire Department to Mobile Central High for School Scholarships.

Motion carried unanimously.

8. Other Business

- a. Draft report on Feasibility Study for Witless Bay Fire Station – Council Information purpose.
- b. Town Council Committee Review

Council Committees will consist of:

Public Works: Councillors Fraser Paul, Vince Swain and David Ryan

Steering Committee: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillor Lucy Carew

Planning Committee: Councillors Vince Swain, Fraser Paul and David Ryan

Finance Committee: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillor Lucy Carew

Fire Department: Councillor David Ryan

- c. Correspondence related to catch basin on Gull Pond Road – Councillor Vince Swain reported that looked at the area and found no problems, but noted that it will be checked again Spring 2020.
- d. Correspondence related to pavement condition on Murphy's Lane – Councillor Vince Swain reported that he checked the area and noted that the Town's Maintenance worker can rake the Class A back and that this will be checked again in the Spring of 2020 when the Town does regular shouldering.
- e. Correspondence related to John C's Grove Road maintenance – While the road grading is covered under item 6 (h), Councillor Lucy Carew noted that acknowledgement should

be made in writing to the individual and the resident should be informed of what criteria is being used once a criteria is developed.

- f. Correspondence related to property issue on Southside Track (land adjacent to Town's playground pool area) – Councillor Lucy Carew reported that the property owner had notified the Town that some of the work which the Town carried out was on their property, and that the location of the dog park was their land based on the survey they submitted. Councillor Carew reported that the Town's survey contradicts this and shows the land to be in the Town's possession. Councillor Carew said that the property owner is to be notified of this, and it can be suggested that Council meet with the property owner.
- g. Subdivision boundaries – Gallows Cove Road – Deputy Mayor Maureen Murphy requested that Council determine whether or not she is in a conflict of interest on this item, and left the Chamber at 8:15 pm

2019-304 Councillor Vince Swain/Councillor David Ryan

Be it resolved that Deputy Mayor Maureen Murphy is not in a conflict of interest on this item because she has no personal gain.

For: Mayor Derm Moran, Councillors Fraser Paul, David Ryan, Vince Swain and Lucy Carew

Against: 0

Abstained: Deputy Mayor Maureen Murphy who asked Council to determine if she was in a conflict and left the Chamber

Motion carried.

Deputy Mayor Maureen Murphy returned to the Chamber at 8:16 pm and was notified that she was not in a conflict of interest.

2019-305 Councillor Lucy Carew/Councillor Vince Swain

Be it resolved that Council will not be approving any subdivision development from John Green's hill proceeding Southwest to Town's boundary line, then proceeding South along the Town's boundary line to Witless Bay Point. (Appendix A)

Motion carried unanimously.

- h. Commissioners – Councillor Lucy Carew reported on the security for municipalities – Information Only
- i. Eastern Waste Management – Councillor Lucy Carew reported on Eastern Waste Management – Information Only
- j. Building Healthy Communities – Councillor Lucy Carew reported on Building Healthy Communities – Information Only

9. Adjournment

2019-306 Councillor Lucy Carew/Deputy Mayor Maureen Murphy

Be it resolved that Council adjourn at 8:25 p.m.

Motion carried unanimously.