

Public Meeting of Witless Bay Council  
Minutes  
February 9, 2021

Attending:

Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O'Driscoll, David Ryan, Fraser Paul and Vince Swain

Staff:

Pat Curran (CAO), Geraldine Caul (Town Clerk), Barb Harrigan (Assistant Clerk)

1. Mayor Moran opened the meeting at 7:35.
2. Adoption of February 9, 2021 Agenda  
  
**2021-32** Deputy Mayor Maureen Murphy/Councillor Vince Swain  
Move that the agenda of February 9, 2021 be adopted.  
Carried unanimously.
3. Adoption of January 19, 2021 Public Meeting Minutes  
  
**2021-33** Deputy Mayor Maureen Murphy/Councillor Fraser Paul  
Move that the minutes of the January 19, 2021 Public Meeting be adopted.  
Carried unanimously.
4. Adoption of January 19, 2021 Privileged Meeting Minutes  
  
**2021-34** Councillor Fraser Paul/Councillor Vince Swain  
Move that the minutes of January 19, 2021 Privileged Meeting be adopted.  
Discussion: The CAO noted this to be HR related only.  
Carried unanimously.
5. Business arising from minutes:
  - a. Correspondence from Alicia Ledge related to International Awareness of Epilepsy (Purple Day- March 6, 2021)  
  
**2021-35** Deputy Mayor Maureen Murphy/Councillor Fraser Paul  
Move that the Town of Witless Bay declare March 6, 2021 Purple Day to recognize international awareness of epilepsy.  
Carried unanimously.

- b. Correspondence from Dawn Mercer related to Coastal Community Conservation Opportunity RAP

The CAO reported that he initiated a response to this RFP, requesting an extension to the January 22, 2021 deadline of January 2, 2021. The Town provided a response to the deadline by January 27, 2021 however was advised last week that the RFP had been awarded to another bidder. The CAO is expecting formal notice of the RFP award this week and will advise Council.

- c. Community Peaceful Enjoyment Initiative

Councillor Colleen Hanrahan reported that the Community Peaceful Enjoyment Initiative followed a motion of Council in October 2020 to establish a Committee to consider issues relating to residents' concerns expressed over ATV use, youth engagement, excessive speed, littering, vandalism and so on. Councillor Hanrahan noted she was asked to prepare a draft Terms of Reference and she and the CAO have prepared a discussion paper on potential considerations which has been distributed to Council for review. Since that time, Council has received several additional messages from residents regarding speed and littering.

Preliminary input from other councillors suggest support for a possible broadening of the Peaceful Enjoyment theme. Council has agreed to set aside time at a special meeting to consider the Initiative more closely, and a tentative meeting of Council is set for Tuesday, February 16, 2021 for this purpose. It is hoped that adoption of the Terms of Reference for the Committee can be presented to Council at the March 9, 2021 Public Meeting.

**2021-36** Councillor Colleen Hanrahan/Councillor David Ryan  
Move that Council defer discussion of the Community Peaceful Enjoyment Initiative to the Special Meeting, tentatively scheduled for February 16, 2021.  
Carried unanimously.

- d. Motion to rescind Motion 2021-30

Councillor Dale O'Driscoll reported that at its January 19, 2021 Public Meeting, Council moved to advise partners that it was prepared to consider a per household fee of \$165 per household based on 70/30 financing over 10 years. Following further consultation and input from regional partners, most recently at a meeting of the Regional Fire Advisory Committee on January 28, 2021 attended by all communities, the Town has resulted in an alternative household rate.

**2021-37** Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy  
Move that the Town of Witless Bay rescind motion 2021-30.  
Carried unanimously.

- e. Update and motion on revised Fire Protection Fee for 2021

Council O'Driscoll reported that as noted earlier, following further consultation and input from regional partners, the Town identified a revised household rate of \$155, not just for other communities, but for Witless Bay as well. This was accomplished by extending the term of proposed Fire Hall borrowing from 10 to 15 years and several other adjustments within the

proposed 2021-2025 Fire Department budget. Council advised regional partners of this revised fee structure last week.

Of critical importance to the Town was our capacity to leverage government funding on a 70/30 basis under the Municipal Capital Works program, however, to qualify for 70/30 the project has to be regional in nature and requires regional partners to indicate support for the project through a Memorandum of Agreement. All partners, including the Town of Bay Bulls and Mobile, Tors Cove and Burnt Cove-Bauline-St. Michaels' Local Service District were asked to agree to that new fee structure. I am very pleased to report that the Town Council of Bay Bull considered this matter at their Public Meeting last evening and we have been advised that they will agree to the per household rate of \$155.

**2020-38** Councillor Dale O'Driscoll/Councillor David Ryan

Move that the Town of Witless Bay set the household fee for fire protection at \$155/household. Carried unanimously.

6. Proclamations/Presentations

a. Extending appreciation to Hudson and Rex Crew

Mayor Moran reported that this past summer the Hudson and Rex production company filed an episode at Ragged Beach and made a \$3,000 contribution toward upgrading on Mallowney's Lane turn-around. The Ragged Beach episode aired on January 26, 2021 and is available for viewing on CBC Gem or on Demand.

On behalf of Council and residents, Mayor Moran extended thanks and appreciation to the Hudson and Rex crew for choosing our beautiful community to film in, and as well he thanked the residents for their cooperation and support while the crew was in the area.

b. Extending appreciation to Trevor Croft for Northside Dam clean-up project

Mayor Moran reported that this past summer Council agreed to provide a modes contribution toward the clean-up for the dam on Northside Track. This clean-up was led by a young man named Trevor Croft who the Mayor said he knew was active on this project and is also engaged with the Town's Heritage Committee. Trevor also is considering another project focusing on clearing brush along the old railway bed between Witless Bay and Bay Bulls.

On behalf of Council and residents, Mayor Moran extended thanks and appreciation to Trevor for his leadership and community spirit and we look forward to working with him again in the future.

7. Correspondences and Other Business:

a. Portugal Cove St. Philips - Proposed Amendments: St. John's Urban Region Regional Plan Amendment. This item is for information purpose.

- b. Correspondence from Melanoma Network Canada - This relates to the company's goal of spreading awareness by way of information/resources in the form of brochures. It was determined this could be restricted to the Puffin Centre.
- c. Correspondence requesting Town support for Rural Broadband in NL

Councillor Dale O'Driscoll declared a conflict of interest on this item because he is employed with Bell. Councillor O'Driscoll left the meeting at 7:52 pm.

Councillor Colleen Hanrahan noted that this is a solicitation from a private company seeking the Town's support for their rural broadband solution.

**2021-39** Councillor Colleen Hanrahan/Councillor David Ryan

Move that while the Town supports the concept of extension of rural broadband throughout the province, it will not endorse any particular proposal or solution.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, David Ryan, Fraser Paul and Vince Swain.

Against: 0

Abstained: Councillor Dale O'Driscoll

Carried.

Councillor O'Driscoll returned to the meeting at 7:53 pm.

- d. Correspondences: 4 separate correspondences related to questions pertaining to extension to Mullowney's Lane.

Deputy Mayor Maureen Murphy declared a conflict of interest on this item because her brother is mentioned in the correspondences. Deputy Mayor Murphy left the meeting at 7:54.

The Town's CAO reported that Council has a longstanding practice of not commenting publicly on matters that are before a judicial or quasi-judicial body. In this instance, the matter of an extension to Mullowney's Lane is to be considered at a hearing of the Eastern Regional Appeal Board this coming Thursday, February 11, 2021. While Council is considering its response to these correspondences, it is inappropriate for us to discuss these issues while the matters are under appeal.

**2021-40** Councillor Fraser Paul/Councillor David Ryan

Move that further discussion of these correspondences be deferred.

For: Mayor Derm Moran, Councillors Colleen Hanrahan, Dale O'Driscoll, David Ryan, Fraser Paul and Vince Swain.

Against: 0

Abstained: Deputy Mayor Maureen Murphy

Carried.

Deputy Mayor Murphy returned to the meeting at 7:56 pm

- e. Correspondence related to applications for Community Waste Diversion Fund

**2021-41** Councillor Vince Swain/Councillor Fraser Paul

Move that Council prepare an application to the Community Waste Diversion Fund.

Discussion: Councillor Swain spoke on an issue of cardboard disposal due to the Bay Bulls site not accepting this material, and suggested a dumpster might be a solution.

The Town's CAO will look into this option.

Carried unanimously.

- f. Correspondence related to Scotts Canada for Gro for Good Grants

**2021-42** Deputy Mayor Maureen Murphy/Councillor David Ryan

Move that Council prepare an application to the Scotts Canada Gro for Good Grants.

Carried unanimously.

- g. Correspondence related to Regional Signage Phase II - Location Plan Project

The CAO reported that this initiative involves municipalities and other partners throughout the Northeast Avalon and is intended to support Destination St. John's hub-and-spoke plan of encouraging visitation from St. John's to outer-lying areas through signage and so on. At this stage, the project, led by the Town of CBS, are seeking expressions of interest from municipal partners who might wish to be involved in a proposal to ACOA and the Province for more detailed concept development. At this stage, the Town is being asked to indicate interest in being involved and at some point, may be asked to provide a contribution toward the communities' share (10-15%) of planning phase of the project, notionally \$8-\$10K combined for all communities involved, with cost-sharing likely done on a per capita basis. The CAO recommended Council indicate their interest in participating in the Regional Signage Phase II - Location Project.

**2021-43** Deputy Mayor Maureen Murphy/Councillor Fraser Paul

Move that the Town of Witless Bay indicate its interest in participating in the Regional Signage Phase II - Location Plan Project.

Carried unanimously.

- h. Notice of postponement of Witless Bay Come Home Year to 2022

Mayor Moran noted that for the past several years the Witless Bay Come Home Year Committee had been planning for the event to be held this year. Council has been supportive of these efforts and made a financial commitment to the initiative to support activities. Given the ongoing uncertainty around COVID-19 for the coming summer, the Committee has decided to postpone the event until 2022.

Council would like to thank the Committee for their efforts to date and we look forward to working with you to stage a safe and successful event in 2022.

## 8. Committee/Other Reports

- a. Finance Committee Report: (The Finance Committee met on Thursday, February 4, 2021).

**2021-44** Councillor Dale O'Driscoll/Councillor Vince Swain  
Move that Council adopt the Summary Report of the Finance Committee of February 4, 2021.  
Carried unanimously.

- b. Motions - Adoption of Terms of Reference - Finance and Administration Committee

***Terms of Reference - Finance Committee:***

*Name:*

*The name of the Committee shall be the Finance and Administration Committee*

*Composition:*

*The Committee shall be appointed by Council and comprise 2-3 Councillors, along with the Mayor and CAO as ex-officio members.*

*Chairperson:*

*One of the Committee members shall be appointed by Council, or the Committee, as Chairperson.*

*Meetings:*

*The Committee shall meet monthly, or more often as required, generally in advance of the monthly Public Meeting of Council, to consider, report and make recommendations to Council on matters within its responsibility.*

*Responsibility:*

*The Committee shall be responsible for the following.*

*Finance: Reviewing finance-related activities, and making recommendations to Council*

*Lead budget development and budget tracking processes.*

*Other Public financial activities that may be required from time to time.*

*Administration: Reviewing administrative activities and providing general oversight on matters relating to human resources and the application of the Town's Employee Benefit Manual.*

*Other planning and development activities that may be required from time to time.*

**2021-45** Deputy Mayor Maureen Murphy/Councillor Fraser Paul  
Move that Council adopt the terms of reference from the Finance and Administration Committee.  
Carried unanimously.

c. Motion - Request for Tax Consideration

On January 26, 2011 the Town received correspondence from a taxpayer requesting an extension to previous tax agreements on undeveloped properties within their subdivision being charged a lump sum payment of \$1,000 versus a per lot vacant land tax.

**2021-46** Councillor Dale O'Driscoll/Councillor Vince Swain

Move that Council extend the lump sum payment of \$1,000 for 2021 as in previous years.

Carried unanimously.

d. Approval of Payable Chart

**2021-47** Councillor Dale O'Driscoll/Deputy Mayor Maureen Murphy

Move that Council adopt the payable Chart, removing the two invoices for Boundridge Planning and Development Services Ltd.

Carried unanimously.

e. Cash Flow Report - Information purpose.

Approval of other invoices:

f.1. DMG Consulting

Councillor Fraser Paul declared a conflict of interest stating he has a live application, and left the meeting at 8:10 pm.

**2021-48** Councillor Dale O'Driscoll/Councillor Vince Swain

Move that Council approve payment of Invoice for DMG Consulting for \$966.00.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O'Driscoll, David Ryan and Vince Swain.

Against: 0

Abstained: Councillor Fraser Paul

Carried.

Councillor Paul returned to the meeting at 8:11 pm.

f.2. A.C.E. Contracting

**2021-49** Councillor Dale O'Driscoll/Councillor David Ryan

Move that Council approve payment for A.C.E. Contracting for \$1,955.00.

Carried unanimously.

f.3. O'Brien's Trucking Limited

Councillor David Ryan declared conflict of interest stating O'Brien's Trucking Ltd. works for his company, and left the meeting at 8:13 pm.

**2021-50** Councillor Dale O’Driscoll/Councillor Vince Swain

Move that Council approve payment for O’Brien’s Trucking for \$14,406.00 (Plowing/sanding for Jan. 18 to 24/21), \$11,220.14 (Plowing/sanding for Jan. 25 to 31/21), and \$345.00 (Excavator for Mary Ann’s Dam).

Discussion: The CAO noted that while the invoice for \$345.00 was from O’Brien’s Trucking Ltd., it is being paid to Trevor Croft.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O’Driscoll, Fraser Paul and Vince Swain.

Against: 0

Abstained: Councillor David Ryan

Carried.

Councillor Ryan returned to the meeting at 8:14 pm.

f.4. Boundridge Planning and Development Services Ltd.

Councillor Fraser Paul declared conflict of interest stating he has a live application, and left the meeting at 8:14 pm.

**2021-51** Councillor Dale O’Driscoll/Councillor Vince Swain

Move that Council approve payment for Invoices for Boundridge Planning and Development Ltd. for \$406.64 and \$1,352.81.

For: Mayor Derm Moran, Deputy Mayor Maureen Murphy, Councillors Colleen Hanrahan, Dale O’Driscoll, David Ryan and Vince Swain.

Against: 0

Abstained: Councillor Fraser Paul

Carried.

Councillor Paul returned to the meeting at 8:15 pm.

g. Public Works Committee Report: (The Public Works Committee met on Thursday, February 4, 2021).

**2021-52** Councillor Vince Swain/Councillor Fraser Paul

Move that Council adopt the Summary Report of the Public Works Committee of February 4, 2021.

Carried unanimously.

h. Brush Cutting Project on Rail Bed

**2021-53** Councillor Vince Swain/Councillor Fraser Paul

Move that Council approve a \$300.00 donation from the Town toward this project, on presentation of expenses and receipts by Trevor Croft.

Carried unanimously.

The CAO will look into potential funding for this project.

I. Development Application - 22 Cemetery Road

**2021-54** Councillor Vince Swain/Councillor Fraser Paul

Move that Council approve the development application for 22 Cemetery Road.

Carried unanimously.

j. Resident's request to clear snow from ditches on Tamarack Drive, Aspen Place, Spruce Court and other areas.

The CAO reported that Council has had recent requests from residents in certain areas of the town to clear snow from ditches to address potential flooding issues. In the past, Council had determined that it would no longer cover these expenses as the flooding has arisen from improperly installed drainage systems and grading for home construction not carried out, as required, to the National Building Code of Canada.

**2021-55** Councillor Vince Swain/Councillor Fraser Paul

Move, that consistent with past direction of Council, that Council advise property owners on Tamarack Drive, Aspen Place, Spruce Court and other areas as required, that the Town will not assume responsibility for clearing snow from ditches in instances of flooding due to water back-up from ditches.

Discussion: Councillor Hanrahan inquired as to who inspects these areas, and if the town held any liability on this issue. It was noted by Councillor Swain that homeowners and contractors are responsible for following the National Building Codes, and therefore the council did not hold this responsibility. It was also noted that there are many homes which are below grade or not elevated properly.

Carried unanimously.

k. Resident's request for Town to pay costs of snow clearing of ditches from January 2020 flooding.

**2021-56** Councillor Vince Swain/Councillor Fraser Paul

Move that the property owner be advised that Council will not pay the outstanding bill to clear snow from ditches as Council had established a clear approach on its responsibility in such instances.

Carried unanimously.

l 1. Fire Department:

Councillor David Ryan reported that the training grounds project was put on hold with the arrival of winter, and that they will commence in the spring to get it to the standard where they can begin training.

l.2 Retention of LW Consulting to oversee recruitment of paid Fire Chief

**2021-57** Councillor David Ryan/Councillor Vince Swain

Move that the Town of Witless Bay retain LW Consulting to oversee recruitment of a paid Fire Chief for the Town of Witless Bay Fire Department.

Carried unanimously.

Recreation:

m. BBBA Report:

Past 30 days:

- Continued implementation and planning for After School Project
- Planned and prepared February calendar of events for After School Program
- Communicated with ASP parents
- Applied for Canada's Emergency Wage Subsidy Program (on-going)
- Continued communication with Jim Hamlyn about operation of a Fall/Winter soccer program
- Hosted board meeting to discuss implementation of 2021 Winter Carnival
- Planning of all winter carnival events and activities
- Updated website
- Purchased equipment for ASP & snowshoes using grant money
- Completed Canada Summer Jobs grant
- Held meeting to discuss upgrades needed to Bay Bulls recreation grounds
- Attended Recreation NL Board Meeting
- Attended Recreation NL 50<sup>th</sup> Anniversary Committee Meeting
- Attended Recreation Virtual AGM
- Received \$725 to purchase new soccer equipment
- Received \$10,000 from Provincial Small Business Assistance Program
- Received additional \$20,000 from Canada Business Account

Moving Forward:

- Implementation of 2021 Winter Carnival
- Continued implementation of 2021 After School Program
- Continued communication of soccer program
- Implement block 2 of 10-week soccer program
- Youth & Teen Programming - Engage Mobile School Staff & Students

Key Program Indicators (KPI's) of BBBA:

1. After School Program
2. Fall/Winter Soccer Program

Councillor O'Driscoll noted that Programs are shut down for two weeks due to increased numbers of COVID-19, and that the Winter Carnival is still in the planning.

**2021-58** Councillor Dale O'Driscoll/Councillor Fraser Paul  
Move for the adoption of the BBBA Report.  
Carried unanimously.

Heritage Report:

Book: Councillor Hanrahan reported that since 2017, photographs have been submitted to the Heritage Committee by community residents for possible inclusion in the book. There is quite a

collection. Maureen Walsh and Bonnie Johnstone with the assistance of Anne MacFarlane and Rosalie Walsh are working to match photographs with the text. Thank-you to those who have provided images of Witless Bay for our book. Councillor Hanrahan noted that the editing of the text is completed.

Cemetery: Fencing replacement in the community cemetery is suspended until Spring.

Historic Homes Project: Work is continuing to gather information for a funding proposal to support this initiative.

**2021-59** Councillor Colleen Hanrahan/Councillor Vince Swain  
Move for the adoption of the Heritage Committee Report.  
Carried unanimously.

n. Southern Shore Joint Council

Report of Southern Shore Joint Council, February 4, 2021 submitted to Council by Councillor Hanrahan:

Prior to the meeting, representatives of external organizations participated.

Trina Appleby, Elected member to the Board of NLMA, introduced herself to members. She will attend further meetings and act as liaison between the SSJCI and the NLMA.

Superintendent Dan Austin, RCMP Eastern District reiterated that since 2012, there have been no additional funds provided by the Government of NL to deliver policing services in areas serviced by the RCMP. The RCMP is prevailing upon municipalities to place pressure on provincial politicians to increase funding for the RCMP. Harold Mallowney has drafted a letter in support of this request on behalf of the SSJC.

Items of Interest:

The Eastern Regional Service Board has taken the decision not to expand services beyond those already delivered to residents within its catchment area. Services include garbage collection, fire and emergency services. The decision was taken based on the cost of delivering services.

Canada Post has experienced a privacy breach as super mailboxes were vandalized resulting in the loss of mail. Take notice that towns in the area may be affected.

In anticipation of the formation of a new Government, members of the SSJC were encouraged to consider projects for upgrading the transportation and parks in the area. Prior representations made to elected representatives will need to be redirected to newly elected members.

**2021-60** Councillor Colleen Hanrahan/Deputy Mayor Maureen Murphy  
Move for the adoption of the Southern Shore Joint Council Report.  
Carried unanimously.

8. **2021-61** Councillor Vince Swain/Deputy Mayor Maureen Murphy  
Move to adjourn the public meeting at 8:45 pm.  
Carried unanimously.