On August 27, 2015, the Department of Municipal and Intergovernmental Affairs received your request for access to the following records/information:

_All correspondence regarding conflict of interest issues and town plan issues between the Department of Municipal and Intergovernmental Affairs and/or the Minister of Municipal and Intergovernmental Affairs, and Town of Witless Bay Councillor Albert Murphy._

I am pleased to inform you that a decision has been made to provide partial access to the requested information.

Some personal information contained within these records, including all of page 51 which has not been enclosed, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

_Disclosure harmful to personal privacy_

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.
The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement’s website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at (709) 729-5846 or by email at aliskary@gov.nl.ca.

Sincerely,

Ali Askary
Manager, Information Services/ATIPP Coordinator

Enclosures
Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
Mr Murphy

First of all congratulations on being elected to the council in Witless Bay. Serving ones community in this capacity has proven to be very rewarding for many individuals.

With respect to your being sworn in as councillor, the legislation requires all councilors to take and sign the Oath or Affirmation within two weeks of being elected. I have included portions of both sections 9 and 10 of the Municipal Elections Act for your reference.

Give me a call if you wish to discuss.

Dan

9. (2) A councillor shall, before entering on the duties of his or her office, take and sign an oath or affirmation of office in the required form before the returning officer, clerk, provincial court judge, justice of the peace or commissioner for oaths.

10. The term of office of a councillor, whether elected or appointed, shall (a) begin within 2 weeks of his or her election or appointment provided that the total number of councillors elected or appointed constitutes a quorum;

Dan Noseworthy B. Comm. (Hons)
Regional Director
Department of Municipal and Intergovernmental Affairs
709-729-7390 (b)
709-693-5904 (c)
St. John's, NL
A1B 4J6

Dear Mr. Noseworthy:

On February 25, 2015 myself and Kenneth Brinston were elected in the Town of Witless Bay Bi-Election. On Feb. 27, 2015 I inquired of the Town Clerk, Ms. Caul when I would be sworn in. I was told by Ms. Caul that Mayor Despres would swear us in at the next public meeting of Council. That is not until the second Tues. of each month which is March 10. I was hoping that we could be sworn in as soon as possible and meet with council privately before the next public meeting so we could be brought up to speed on the issues of our Town particularly a possible conflict of interest involving two council members. As an elected official it boggles my mind why I would have to wait two weeks minus a day to be sworn in when our Town so desperately needs two new councillors.

Thank you for your attention to this matter.

Albert Murphy
Elected Councillor

cc: Honourable Keith Hutchings
Albert

The Municipalities Act places the responsibility for determining conflict on the council. If you are uncertain as to your potential conflict, the Act also provides you with the opportunity to present your specific relationship and circumstances of the matter to your fellow councilors who will determine whether you are in a position of conflict prior to you taking part in the discussion or vote on the matter.

I will be attending the meeting on Tuesday.

Dan

From: Noseworthy, Dan
Sent: Monday, March 23, 2015 9:18 AM
To: 'Albert Murphy'; Hutchings, Keith
Subject: RE: Question on Conflict of Interest

March 22, 2015

Mr. Dan Noseworthy
Director
Eastern Region
Department of Municipal & Intergovernmental Affairs
P.O. Box 8700
St. John's, NL
A1B 4J6

Dear Mr. Noseworthy:

I am writing for clarification on a situation where I could possibly present myself in a conflict of interest. [redacted] registered a complaint with your Department about Councillors, Carey, Wiseman and Smart when they voted on the Ten Year Plan knowing their own land that is being rezoned under the new Town Plan. My question to you is will I be in a conflict of interest because [redacted] made a complaint to your Department if I deal with the conflict of interest issue against these councillors?

Waiting to hear from you before Tuesday's meeting with your Department. I can be reached at [redacted]

Thanks
Councillor Albert Murphy
Town of Witless Bay
cc: Honourable Keith Hutchings, Minister
Albert

If the meeting is called for the specific purpose as you indicate that should constitute the agenda. Is it possible this meeting is being held to determine if council feels the matter should proceed to the friendly hearing you refer to. Council may decide not to proceed any further at the meeting tomorrow.

Sent from my BlackBerry 10 smartphone.

From: Albert Murphy
Sent: Monday, April 20, 2015 7:40 PM
To: Noseworthy, Dan; Hutchings, Keith
Subject: Private Hearing re: Conflict of Interest

April 20, 2015

Hi Dan:

Council is having a private hearing at 7:30 p.m. tomorrow night April 21, 2015 pertaining to an alleged conflict of interest against two councillors Ralph Carey and Dena Wiseman. I would like to avail of your expertise on a couple of questions.

No. 1. Would there be an Agenda for this hearing?

No. 2. Would this Agenda be adopted?

No. 3. Discussion on protocols re private hearing before private hearing starts.

Dan is this the norm for a private hearing?

My understanding of a private hearing would be to sit down and listen to the explanations and reasons why this happened concerning the parties involved. Then after the hearing council would go to a privileged session if needed. This is just my opinion so could you give me a template on how those private hearings work.

Thanks

Albert Murphy
Councillor
Town of Witless Bay
Good Afternoon:

I disagree with the friendly hearing being postponed. Councillor Wiseman and Councillor Carey [REDACTED] knew the issue regarding this conflict of interest and have known for a long time. Council advised both councillors at the privileged meeting on March 24, 2015 that they would be given a friendly hearing at 7:30 p.m. on April 21, 2015. They were also emailed of the time and date of the hearing. Councillor Wiseman and Councillor Carey emailed Council saying they would be at the hearing with [REDACTED] The friendly hearing is for them to explain to Council what took place and why they feel they are not in conflict of interest. As far as the Agenda for tonight’s proposed hearing there is nothing that would warrant a postponement of the friendly hearing. It is time the Council deal with these issues as instructed by Dept. Municipal Affairs and get on with Town business.

Councillor
Albert Murphy

> Subject: Urgent request to postpone the 'Friendly Hearing' this evening
> From: [REDACTED]  
> Date: Tue, 21 Apr 2015 13:37:38 -0230
> CC: [REDACTED] dannoseworthy@gov.nl.ca
> To: townofwitlessbay@nl.rogers.com; sebastiend@mun.ca; restrada@rcsi.org; [REDACTED]
>  
> Geraldine & Council
>  
> and due to issues surrounding the friendly hearing set for this evening we are requesting a postponement.
>  
> The alleged conflict of interest described on the draft agenda sent out yesterday conflicts with that described in the memo from Municipal Affairs which outlines the issue. In addition, we did not receive notice
by registered mail setting forth the allegations. Due to these two issues we feel justified in requesting a postponement of the meeting.

> Council has not complied with the rules of natural justice which requires it to provide timely notice which is sufficiently explicit to enable Ralph and I to understand the nature and extent of the conflict of interest charges against us.

> Please note I am also copying Dan Noseworthy on this email.

> Thank you,
> Dena Wiseman
> Ralph Carey

>
April 24, 2015

Good Morning. I do not agree with holding the Public Meeting on April 28, 2015. Council made a motion at the private hearing (meeting) on April 21, 2015 to reschedule the April 28, 2015 meeting until we meet with Town’s lawyer April 30, 2015 pertaining to conflict of interest. This issue has to be settled as ordered by the Minister of Municipal Affairs. We can call the meeting for May 5, 2015 which is only a few days later to deal with Town business. I apologize to the taxpayers of Witless Bay for the delay, however, many residents are asking when this issue will be dealt with. Unfortunately, the April 14th meeting had to be rescheduled because the Mayor [REDACTED]. We are all volunteers and things come up from time to time which is beyond our control.

Albert Murphy
Councillor
Town of Witless Bay

> CC: townofwitlessbay@nl.rogers.com; restrada@rcsj.org
> From: [REDACTED]
> Subject: Re: Meeting with Lawyer
> Date: Fri, 24 Apr 2015 08:31:34 -0230
> To: sebastiend@mun.ca
>
> I agree. The business of town has been delayed long enough and we are obligated to have a public meeting once a month.
>
> Dena
>
> Sent from my iPad
I looked up the Municipalities Act this evening, and saw that it does not give us the leeway to delay the monthly meeting:

Section 24 of the Act reads,

(1) The mayor or 2 councillors shall request that the town clerk call and there shall be held, at least once a month, a meeting of the town council to which the public shall be admitted.

(2) A meeting called and held under subsection (1) shall be for the dispatch of general business.

We had initially set the public meeting for April 28th - I suggest we keep this date. Thoughts?

-Sébastien

Sébastien Després
Mayor of Witless Bay
Action Canada Fellow (2012/13)
Department of Anthropology, Memorial University of Newfoundland
(709) 334-1166; sebastiend@mun.ca
http://seastiendespres.ca

Quoting Sébastien Després <seastiend@mun.ca>:

My suggestion for the next public meeting is to hold it either Tuesday, May 5th,
or simply hold off another week until the scheduled time for the May meeting (May 12th).

Thoughts?

-Sébastien

Sébastien Després
Mayor of Witless Bay
Action Canada Fellow (2012/13)
Department of Anthropology, Memorial University of Newfoundland
(709) 334-1166; seastiend@mun.ca
http://seastiendespres.ca

Quoting Town of Witless Bay <townofwitlessbay@nl.rogers.com>: 
Good morning Council,

The meeting with [redacted] is confirmed for Thursday, April 30 at 5:30 p.m. in the chamber. We should determine the date for the next public meeting as well.

Geraldine
Askary, Ali

From: [Redacted] on behalf of Albert Murphy
Sent: Monday, May 04, 2015 9:45 AM
To: Hutchings, Keith
Subject: FW: Private Hearing re: Conflict of Interest

Keith here it is again. There is not an attachment. I am forwarding the correspondence. Pls see below. It is only short.

Thanks
Albert

From: keithhutchings@gov.nl.ca
To: [Redacted]
Subject: Re: Private Hearing re: Conflict of Interest
Date: Mon, 4 May 2015 12:34:17 +0000

No attachment Albert.

Keith

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Albert Murphy
Sent: Monday, May 4, 2015 9:59 AM
To: Hutchings, Keith
Subject: FW: Private Hearing re: Conflict of Interest

Good Morning Keith. Here is a copy of recent correspondence sent to Dan Nosewothy.

Thanks
Albert

From: [Redacted]
To: dannoseworthy@gov.nl.ca
Subject: RE: Private Hearing re: Conflict of Interest
Date: Mon, 4 May 2015 09:50:46 -0200

Thank you Dan for your reply, I was requesting this information to help in our decision pertaining to THE CONFLICT OF INTEREST on Councillors Wiseman, Carey and Smart. I will contact Corrie Davis. Thanks Albert.

From: dannoseworthy@gov.nl.ca
To: [Redacted]
Albert. I'm not quite sure I understand your question. If this is about the adoption of the municipal plan you should contact Corrie Davis.

Sent from my BlackBerry 10 smartphone.

From: Albert Murphy
Sent: Friday, May 1, 2015 3:49 PM
To: Noseworthy, Dan
Subject: RE: Private Hearing re: Conflict of Interest

Hi Dan. When council took back the Town Plan was that in whole or part. When the TOWN PLAN was taken back, would it be fair to say that this was the NEW COUNCILS TOWN PLAN TO DEAL WITH. THANKS Albert

From: dannoseworthy@gov.nl.ca
To: dannoseworthy@gov.nl.ca
Subject: RE: Private Hearing re: Conflict of Interest
Date: Tue, 21 Apr 2015 09:59:19 -0200

Hi. Dan. I C alled but your line was busy. Thanks. Albert

From: dannoseworthy@gov.nl.ca
To: dannoseworthy@gov.nl.ca
Subject: Re: Private Hearing re: Conflict of Interest
Date: Tue, 21 Apr 2015 12:21:23 +0000

Can you call me. 6935904

Sent from my BlackBerry 10 smartphone.

From: Albert Murphy
Sent: Tuesday, April 21, 2015 9:47 AM
To: Noseworthy, Dan
Subject: RE: Private Hearing re: Conflict of Interest

Goodmorning Dan. This is the friendly hearing. I Just wanted some answers to my questions. Thanks. Albert.

From: dannoseworthy@gov.nl.ca
To: keithhutchings@gov.nl.ca
Subject: Re: Private Hearing re: Conflict of Interest
Date: Tue, 21 Apr 2015 00:24:18 +0000

Albert
If the meeting is called for the specific purpose as you indicate that should constitute the agenda. Is it possible this meeting is being held to determine if council feels the matter should proceed to the friendly hearing you refer to. Council may decide not to proceed any further at the meeting tomorrow.

Sent from my BlackBerry 10 smartphone.

**From:** Albert Murphy  
**Sent:** Monday, April 20, 2015 7:40 PM  
**To:** Noseworthy, Dan; Hutchings, Keith  
**Subject:** Private Hearing re: Conflict of Interest

April 20, 2015

Hi Dan:

Council is having a private hearing at 7:30 p.m. tomorrow night April 21, 2015 pertaining to an alleged conflict of interest against two councillors Ralph Carey and Dena Wiseman. I would like to avail of your expertise on a couple of questions.

No. 1. Would there be an Agenda for this hearing?

No. 2. Would this Agenda be adopted?

No. 3. Discussion on protocols re private hearing before private hearing starts.

Dan is this the norm for a private hearing?

My understanding of a private hearing would be to sit down and listen to the explanations and reasons why this happened concerning the parties involved. Then after the hearing council would go to a privileged session if needed. This is just my opinion so could you give me a template on how those private hearings work.

Thanks

Albert Murphy  
Councillor  
Town of Witless Bay

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Good evening Corrie. Thank you for your information. Be in touch.

Albert

Hello Councilor Murphy,

The Minister wrote to Council on March 18, 2015 and outlined the issues that prevented the Department from registering the Municipal Plan.

Furthermore, Dan Noseworthy, Peter Howe and myself attended a meeting with Council in late March to further explain the issues that are preventing registration of the Municipal Plan.

The first issue that Council needs to address is the allegations of Conflict of Interest. Mr. Noseworthy outlined how Council should approach those allegations, including, the provision of a ‘friendly hearing’ for the Councillors alleged to have voted while in a Conflict of Interest.

The Municipal Plan is a comprehensive policy document; it is not a normal practice to extract specific elements from the Municipal Plan but rather that any decisions of Council are usually made in reference to the entirety of the document.

Corrie
Good Morning Corrie. Can you please enlighten me about the New Town Plan. The present Council pulled back the Plan that the previous Council had submitted to Dept. Municipal Affairs. Did the present Council take it back as a whole package or parts of it as amendments

I need this information to deal with the Conflict of Interest relating to Councillors Carey, Wiseman and Smart. Dan Noseworthy asked me to email you on this issue.

Thank you

Albert Murphy
Councillor
Town of Witless Bay
"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
May 8, 2015

Dear Minister Hutchings:

After a Planning Meeting last night in the Town Hall I questioned Mayor Despres about the letters that were to be sent out to three councillors, Wiseman, Carey and Smart pertaining to their Friendly Hearing concerning the alleged conflict of interest on the New Town Plan. I was told by Mayor Despres that there is NO CONFLICT OF INTEREST and he was NOT signing any letters to be sent to those councillors. Council was advised by your Department to deal with this conflict of interest issue through Dan Noseworthy, Regional Director in a letter dated Sept. 30, 2014.

Council made a motion at a privileged which I can copy and send to you if needed on April 30, 2015 to hold a Friendly Hearing with the three councillors, Wiseman, Carey and Smart to deal with the conflict of interest on the New Town Plan. To date Mayor Despres has refused to sign those letters and I want this conflict of interest dealt with so as a councillor I can focus my attention and energy on issues pertaining to the community and its residents.

Thank you

Albert Murphy
Councillor
Town of Witless Bay
Hi Dan:

Witless Bay Council has had a Friendly Hearing with Deputy Mayor Wiseman and Councillor Ralph Carey pertaining to Conflict of Interest on the snow clearing of Pond Path. If Council decides to vacate the seats off those Councillors do we have to give them formal notice or can this be done at a public meeting without notice.

We are waiting to have a Friendly Hearing regarding the Conflict of Interest on the Town Plan.

Thanks

Albert Murphy
Thanks Councillor Murphy I have asked officials for a complete update and will respond shortly.

Regards
Keith

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Albert Murphy
Sent: Thursday, May 14, 2015 10:00 AM
To: Hutchings, Keith; Noseworthy, Dan
Subject: CONFLICTS OF INTEREST.

Dear Minister Hutchings. At this weeks PUBLIC MEETING Mayor Depres allowed Councillors Carey and Wiseman to participate in Council DISCUSSIONS related to the CONFLICT OF INTEREST ALEGATIONS, and in TWO cases they even voted on the matters. They also took part in discussions and voting during two metings of Council 1. Privileged Meeting on March 24, 2015. 2. Private Meeting on April 21, 2015. This Conflict issue has gone long enough. Thanks Councillor Albert Murphy.

Section 40(1)
Hi Dan. Concerning the Conflict of Interest pertaining to SNOW CLEARING, there seem to be some misunderstanding in the wording of the REVIEW SUMMARY, Town of Witless Bay, Allegations of Conflict of Interest. The Conflict of Interest was Snow Clearing on Pond Path, but in your Review Summary, to the Town you just mentioned SNOW CLEARING and FAILED to add ON POND PATH, to which the Conflict was based on. Could you please enlighten me on the correct wording. Thanks Councillor Albert Murphy.
Albert

Geraldine and I arranged a meeting with Council at 7 on Wednesday. See you then.

Dan

From: Albert Murphy [mailto:s.40(1)]
Sent: Friday, May 15, 2015 10:13 AM
To: Hutchings, Keith; Noseworthy, Dan
Subject: Snow Clearing on Pond Path

Hi Keith and Dan:

I put this report together on the conflict of interest Snow Clearing on Pond Path. This information is taken directly from correspondence between the Town of Witless Bay, Mayor Despres and Dept. Municipal Affairs. Have a great day.

Regards
Albert
CONFLICT OF INTEREST

RE: SNOW CLEARING - POND PATH

The Review Summary Town of Witless Bay - Allegations of Conflict of Interest

Allegation No. 1. - Snow Clearing of Pond Path

The Minutes seems vague for reason unknown but the correspondence received between the Town of Witless (Mayor Despres) and Mr. Dan Noseworthy, Director, Dept. Municipal and Intergovernmental Affairs speaks volumes on the facts of the matter.

At a meeting on September 30, 2014 Mayor Despres explained what happened at a private meeting on September 16, 2014 (page 7 of correspondence from Dept. Municipal and Intergovernmental Affairs) Mayor Despres what conflict of interest stated in the Municipalities Act and explained how Deputy Mayor Wiseman and Councillor Carey would be in conflict. Both Councillors Jacqueline Mair and Councillor Anne Marie Hann agreed that both Deputy Mayor Wiseman and Councillor Carey participated in the conversation, discussion on snow clearing of the Pond Path. Mayor Despres said it was not an opinion of Council. Mayor Despres also said when a Councillor discusses a matter in which they could gain financially no matter what the intent, the Act clearly identifies that as a conflict.

In a letter from Mayor Despres, Town of Witless Bay to Mr. Dan Noseworthy, Dept. Municipal and Intergovernmental Affairs, Oct.1, 2014 (page 8 of the correspondence) a situation arose where there was a concern raised where there was a concern about a possible conflict of interest. The nature being that two members of Council participated in a discussion about snow clearing off a road- Pond Path on which borders their land and despite the fact that it is not on Council’s road list for snow clearing. Mayor Despres asked several times who owns the land bordering Pond Path and they failed to disclose it was their land. The next morning it was confirmed by a survey identifying the road as being along the boundaries of their land (Deputy Mayor Wiseman and Councillor Carey). A Quieting of Titles confirms the land is theirs and ownership of this land has not been denied by them.

Section 206- Subsection 2(a) fails to disclose that he or she has a conflict of interest being discussed by the Council. Deputy Mayor Wiseman and Councillor Carey failed to disclose that they had a conflict of interest in a matter being discussed by Council.

Noted in the Review Summary Town of Witless Bay - Allegations of Conflict of Interest.
Sept. 9, 2014 prior to the regular Council meeting a brief discussion took place where the matter of snow clearing on the private road/driveway (Pond Path) concern was raised according to the Town Clerk. The Town Clerk said that there were no decisions regarding snow clearing reached during that discussion. Still during the Sept. 9, 2014 public Council meeting there were two motions passed dealing with snow clearing. The minutes indicate that all Council members were present.

1. 2014-217 Kevin Smart/Anne Marie Hann
   Be it resolved Council ratify regulations on snow clearing. Motion carried unanimously.

2. Tender for Snow Clearing 2014-16 Ralph Carey/Kevin Smart
   Be it resolved Council empower Public Works via electronic means to award snow clearing contract. Motion carried unanimously.

Councillor Carey is Chairman of Public Works and his wife Deputy Mayor Wiseman voted on the motion which included snow clearing on the Pond Path in which they were in an alleged conflict of interest.

CONCLUSION:

Section 206(2) of the Municipal Act, 1999 states that Council shall by resolution, declare vacant the office of an elected Councillor where that Councillor:

(a) fails to disclose that he or she has a conflict of interest in a matter being discussed by Council.

(b) discusses or votes on a matter on which he or she has a conflict of interest.

Deputy Mayor Wiseman and her husband Councillor Carey violated three (3) rules of the Municipalities Act 1999, Section 206(2) (a) and (b).

1. They took part in discussions.

2. They refused to disclose to Mayor Despres when asked about who owned property bordering Pond Path.

3. They voted on the snow clearing off Pond Path- private road/driveway which borders their property.

A DIRECT CONFLICT OF INTEREST
For those reasons Deputy Mayor Wiseman and Councillor Carey should have their seats vacated.
Gerardine, Could you please E-mail me the motion I made at the last Public Meeting April 28, 2015. Motion to defer conflicts of interest after council could not come to a decision. Agenda, item 7 New Business b and c. Allegation of conflict of interest regarding motions relating to Town Plan and Snow Clearing. Thanks Albert

Good morning,

The office will be closed tomorrow for staff to attend an ATIPPA session at the Confederation Building in St. John's. This is one training session on a list of several that staff must attend throughout the year as a requirement for the Town to receive the Gas Tax Funding. We have a sign in the door explaining the closure.

G
Hi. Not sure if you received this. Here it is again.

Thanks
Albert

From: keithhutchings@gov.nl.ca; dannoseworthy@gov.nl.ca
To: keithhutchings@gov.nl.ca; dannoseworthy@gov.nl.ca
Subject: CONFLICT OF INTEREST
Date: Thu, 21 May 2015 22:50:27 -0200

Dear Minister Hutchings:

During a privileged meeting of Council on March 24-2015, Mayor Despres [redacted] allowed Deputy Mayor Wiseman, Councillors Carey and Smart to vote on each other pertaining to MOTIONS on the town plan. On motion 2015-042 Deputy Mayor Wiseman and Councillor Carey voted that Councillor Smart was not in Conflict when he voted on the Town Plan, Motion 2015-044 Mayor Despres allowed Councillor Smart to vote that Deputy mayor Wiseman and Councillor Carey were not in Conflict when they voted on the Town PLAN. [redacted] councillors were in conflict when they voted to have their land BEING rezoned to Residential in the Town PLAN. [redacted] Section 209-2 of the act was violated.

Meeting on April 21 2015 Deputy Mayor Wiseman and Councillor Carey put themselves in a Conflict of Interest when they voted on an AMENDMENT pertaining to Allledge Conflict of Interest relating to the SNOW CLEARING OF POND PATH For the Amendment- Councillors Murphy, Brinston and Estrada. Against the Amendment Mayor Despres Deputy Mayor Wiseman, Councillors Carey and Smart. Amendment Failed. How can Municipal Affairs turn a blind eye and let those Councillors violate the ACT. Minutes were adopted at the Public Meeting on May 12 -2015 in Witless Bay.

During a Public Meeting on April 28-2015, AGENDA under New Business, items b and c, a lengthy and heated discussion took place and Council was going no where fast. The Town Clerk recommended that we move on to other Town Business. Motion to DEFER BY Estrada and seconed by Brinston To set up a Meeting with Dan Noseworthy, Municipal Affairs to determine who can vote on Issues of Conflict. Items b and c under New Business on the Agenda has not been dealt with, even after meeting with Dan. Your Department must have some way dealing with Councillors who violate the Act over and over again.

Regards Albert
Askary, Ali

From: Hutchings, Keith
Sent: Sunday, May 24, 2015 4:23 PM
To: Albert Murphy
Subject: Re: DISREGARD FOR PROPER PROCEDURES

Thanks we are reviewing items and as well items discussed with Municipal Affairs staff last week and with Council members.

Regards
Keith

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Albert Murphy
Sent: Sunday, May 24, 2015 11:32 AM
To: Hutchings, Keith; Noseworthy, Dan
Subject: DISREGARD FOR PROPER PROCEDURES

Dear Minister
Hutchings

This is what happened at a Public Meeting on May 12 2015 in Witless Bay.

1. Adoption of May 12 2015
2. A
3. Adoption of Minutes of a Private
4. Adoption of Minutes of

Then the Adoption of Minutes came to the floor, I objected because there were Changes or Amendments to be done first before the minutes were voted on. Mayor Despres said that we had to vote first. Mayor Despres never asked if any changes, omissions, or errors need to be made to the Minutes before voting. Meetings of March 24, April 21, and April 28, were done illegally and should be declared NULL and VOID by Municipal Affairs. Am I right in saying the CHANGES, OMISSIONS, and ERRORS should be recorded before any voting takes place. Minister Hutchings I believe it is time for you to step in and right this INJUSTICE for the voters of Witless Bay, that has been going on far too long.

THE ALLEGED CONFLICTS OF INTEREST:...
Section 40(1)

 Regards Albert.
Askary, Ali

From: Hutchings, Keith
Sent: Sunday, May 24, 2015 8:22 PM
To: Ken Brinston; Albert Murphy
Subject: Re: DISREGARD FOR PROPER PROCEDURES

All this is being reviewed Ken based on officials visit with council last week and the information and details on direction and motions by council.

Regards
Keith

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Ken Brinston
Sent: Sunday, May 24, 2015 7:56 PM
To: Albert Murphy; Hutchings, Keith
Subject: RE: DISREGARD FOR PROPER PROCEDURES

I agree fully it is time that municipal affairs step in and rectify the problems. Things need to be changed.

Regards Ken

From: [Redacted]
To: [Redacted]
Subject: FW: DISREGARD FOR PROPER PROCEDURES
Date: Sun, 24 May 2015 11:37:58 -0200

Dear Minister
Hutchings

This is what happened at a Public Meeting on May 12 2015 in Witless Bay.

Call to order

1. Adoption of May 12 2015 Agenda
2. Adoption of Minutes of a Privileged Meeting on March 24 2015
3. Adoption of Minutes of a Private
Meeting on April 21
2015
Public Meeting of April 28
2015

4, Adoption of Minutes of

When the Adoption of Minutes came to the floor, I objected because there were Changes or Amendments to be done first before the minutes were voted on. Mayor Despres said that we had to vote first. Mayor Despres never asked if any changes, omissions, or errors need to be made to the Minutes before voting. Meetings of March 24, April 21, and April 28, were done illegally and should be declared NULL and VOID by Municipal Affairs. Am I right in saying the CHANGES, OMISSIONS, and ERRORS should be recorded before any voting takes place. Minister Hutchings I believe it is time for you to step in and right this INJUSTICE for the voters of Witless Bay, that has been going on far too long.

Minutes voted on were the same minutes RELATING TO THE ALLEGED CONFLICTS OF INTEREST.

Regards Albert.
Good evening Minister Huttings.

The town clerk wrote to you in Sept. about a private meeting of Council on Sept 16th 2014 concerning a Conflict of Interest of snow clearing of the POND PATH and still there are no Minutes to indicate the this meeting took place. Also on Sept.30 2014 another private meeting took place, the clerk wrote Dan Noseworthy concerning the same Conflict of Interest and there are no Minutes saying the this meeting happened. Still i have evidence saying that both meetings took place and what happened at those meetings. Lets get to the bottom of this and explain to the Residents just what did take place. Its time to take a stand and do what is right for the Town

Regards Albert.
Dear Minister Hutchings:

At last night's Special Public Council Meeting we had another interesting meeting. Mayor Despres had me voted on as Conflict of Interest pertaining to the Town Plan. However, at a privileged meeting on March 24, 2015 a vote was taken and ratified at a Public Meeting on May 12, 2015. Here is the Motion:

**Motion No. 2015-043** Councillor Estrada and Councillor Brinston be it resolved that Council declare that Councillor Albert Murphy is not in Conflict of Interest in regards to the decision of whether or not Deputy Mayor Wiseman and Councillor Ralph Carey were in Conflict of Interest when they participated in voting on the approval of the Municipal Plan. Motion carried unanimously.

Mayor Despres tells me that I am in a Conflict of Interest on the Town Plan but still he has councillors Deputy Mayor Wiseman, Councillors Carey [redacted] who voted to adopt the Town Plan in which they had land rezoned from rural to residential. A direct Conflict of Interest on [redacted] Councillors. I was a NOT a Councillor when Council voted to adopt the Town Plan nor have I EVER spoken or discussed the Town Plan which is still with Dept. Municipal & Intergovernmental Affairs. Your direction to Council was to deal with the Conflicts of Interest first and then move on to the Town Plan. [redacted] Motion No. 2015-043 was never recinded. Now we have two Motions in the Minutes contradicting each other.

Regards
Albert
May 27, 2015

Dear Minister Hutchings:

During a Special Public Meeting last night May 26, 2015 the vote to deal with Conflict of Interest on Snow Clearing could not go ahead because of the lack of a quorum. I have mentioned to you several times and to Dan Noseworthy that SNOW CLEARING is not the conflict, but SNOW CLEARING ON POND PATH is the conflict. This all started during a private meeting of Council on September 16, 2014 (no Minutes to indicate a meeting ever took place). At that time Mayor Despres ordered the Town Clerk to write you and Dept. of Municipal Affairs & Intergovernmental Affairs on the Conflict. This Conflict DID NOT take place on SEPT. 9, 2014 as Dept. Municipal and Intergovernmental Affairs stated in their Review Summary to the Town. It started at a Private Meeting of Council (No Minutes) Sept. 16, 2014 and continued on in correspondence between Mayor Despres and Dept. Municipal and Intergovernmental Affairs. Your Dept. has to step in and right this injustice for the residents of Witless Bay. This has to be clarified in what we are voting on whether it is SNOW CLEARING OR SNOW CLEARING ON POND PATH. Snow Clearing on Pond Path has been referred to as the Conflict of Interest by Mayor Despres in numerous correspondence to your Dept.

As to this date I see no resolve unless you as Minister step in and rectify this situation immediately. This Conflict of Interest should have been taken care off months ago.

Regards
Albert
Hi. Keith you can reach me at [redacted]. Thanks Albert

In HOA what is a good number

Sent from my BlackBerry 10 smartphone on the Bell network.

Hi Keith I can speak or meet with you anytime. Albert

Hi. Keith I will be delighted to meet with you, let me know the time. Thanks Albert

Hey Albert

Are you around to speak with me in next days

Keith

Sent from my BlackBerry 10 smartphone on the Bell network.
Dear Minister Hutchings:

At a public meeting on May 26, 2015 Mayor Despres made a motion to declare me in conflict of interest concerning the Town Plan, even though the Town Plan is off the table for now until the conflicts are dealt with.

Regards,

Albert

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Minister Hutchings I was wondering if it would be a bad idea to have those [redacted] Councillors in conflict to attend the Meeting. This is the problem all along. They take part in discussions and voting on their conflicts, just a though. Albert
Askary, Ali

From: Albert Murphy <[REDACTED]>
Sent: Monday, June 08, 2015 9:47 PM
To: Hutchings, Keith
Subject: RE:

Thanks Keith.

Regards
Albert

From: keithhutchings@gov.nl.ca
To: [REDACTED]
Subject: Re:
Date: Mon, 8 Jun 2015 22:47:00 +0000

Thanks Albert we will forward response to your questions and as well I have requested the Town that full council meet with me when we can arrange to address any items.

Regards
Keith

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Albert Murphy
Sent: Sunday, June 7, 2015 5:21 PM
To: Hutchings, Keith
Subject:

Dear Minister Hutchings:

The Town's Public Meeting will be held Tuesday, June 9, 2015. First item on the Agenda:

4(a) Vote on allegations of Conflict of Interest relating to motions on Snow Clearing

Section 40(1)

As we know the allegations reported to your Department pertained to Snow Clearing on Pond Path on which borders a large track of land owned by Deputy Mayor Wiseman and Councillor Carey. How do we deal with this? Can we try to make an amendment to this motion and add the correct wording and vote or do we defer until we meet with you? Time is ticking and we need your professional opinion ASAP.

Awaiting your reply.
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Regards
Albert
Hi Barb. Myself and Councillor Brinston would like to call a Special Public Meeting to deal with the Conflicts of Interest on Tuesday, June 16, 2015 at 7:30 p.m. Minister Hutching stated in his letter of June 9, 2015 that it is incumbent on council to move expeditiously to deal with these conflicts of interest.

Regards
Albert
Dear Minister Hutchings,

Below you will see an email sent to Councillor Smart from Town Clerk clarifying motion made at June 9, 2015 council meeting re conflict of interest on snow clearing. Please see email from Mayor Despres:

See you Monday evening.

Regards
Albert

---Original Message-----

From: townofwitlessbay@nl.rogers.com
To: [mailto:sebastiend@mun.ca; restrada@rcsj.org;]
CC: sebastiend@mun.ca;
Subject: FW: Question about one of the motions/re
Date: Fri, 12 Jun 2015 12:56:27 -0230

Thank you Kevin.

Barb

To clarify the vote on Albert Murphy motion on the snow clearing I voted against it.

Barb

Kevin
--- sebastiend <sebastiend@mun.ca> wrote:

Hi Kevin,

Sebastien,

I am clearly against this motion

Kevin

When we were adopting the agenda during Tuesday’s public meeting,
councillor Albert Murphy made a motion that stated that Dena & Ralph
would be in a conflict of interest if they participated in the
discussion about postponing item 4A of the agenda (Albie wanted to
postpone making a decision on the allegations of conflict of interest on snow clearing).

Barb was unsure about how you voted... Albie, Ken, and Rene voted FOR
the motion, I voted AGAINST it, and you said, "I’m staying out of it."
I then asked, "I take that as a vote against the motion?" and you
nodded, so I thought that your vote had been clear to everyone. Please
let Barb and I know if you were indeed intending to vote FOR or AGAINST this motion.

Thank you!

*Sébastien Després*
Mayor of Witless Bay
Action Canada Fellow (2012/13)
Department of Anthropology, Memorial University of Newfoundland
(709) 334-1166; sebastiend@mun.ca
http://sebastiendespres.ca
From: Noseworthy, Dan  
Sent: Friday, September 25, 2015 3:44 PM  
To: Askary, Ali  
Subject: FW: Snow Clearing on Pond Path

From: Noseworthy, Dan  
Sent: Tuesday, June 09, 2015 1:50 PM  
To: [REDACTED]  
Cc: Hutchings, Keith; Dunne, Darlene  
Subject: Snow Clearing on Pond Path

Re: Snow Clearing on Pond Path

Councillor Murphy,

The Minister has asked that I respond to your e-mail to him of June 7, 2015 in which you ask for clarification on how Council can address an agenda item.

Please be reminded, as previously discussed with Council by me, the minutes of Council did not include a specific vote on Pond Path snow clearing. The minutes of Council, as per September 9, 2014, indicate that there were two motions passed dealing with snow clearing. According to the minutes (below), there was no discussion and there was no mention of Pond Path. In addition, to the Department’s knowledge, Pond Path is not on the inventory of roads in the contract for which there was a motion to award.

1. (4d) Ratifying Regulations on Snow Clearing - Jacqueline Mair read proposed regulations on snow clearing.

   2014-217-Kevin Smart/Ann Marie Hann

   Be it resolved Council ratify regulations on snow clearing. Motion Carried (Unanimously)

2. (5d) Tender for Snow Clearing 2014-16 – Ralph Carey/Kevin Smart

   Be it resolved Council empower public works via electronic means to award snow clearing motion contract for 2014-16. Motion carried unanimously.

Therefore, if a motion regarding conflict of interest on Pond Path snow clearing was to be made, then the vote would have to consider whether the councillors in question voted on the specific issue of the clearing of Pond Path.

As you indicated, council may decide they need to defer the motion or amend the original motion. As a reminder, Council should refer to their adopted “rules of procedure” for how to conduct a Council meeting. The rules of procedure should outline a number of procedural motions that may occur during the public council meetings.

The motion to “postpone to a certain time” may be used to defer a motion. The motion to postpone can be used to defer further discussion of an issue until a certain time that Council decides. Amendments to motions may be moved during discussion of a motion. Amendments can be moved at any time, subject to the normal rules of debate. Please note, an amendment may only modify the main motion and must not substantively change the intent of the original motion. An
amendment must be seconded in order to be debated and discussed. For more information on amendments to motions, you can refer to the *Municipal Councillor Handbook*, edition 2014 on page 4.11.

Tusting this is satisfactory. If you have any questions, you can contact me at 729-0259.

As your initial email was not copied to either your fellow councilors or council officials, I will leave it to your discretion whether or not you provide these comments to them.

Dan
Motion 2015-051 Failed because Mayor Despres and Councillor Smart voted in favour, Councillors Brinston, Murphy, and Estrada voted against as stated in the Minutes. A discussion took place immediately and Motion failed should have been placed after the Discussion was over. Albert
Good morning Keith. At the meeting you came up with Two good options and i think you as Minister proceed with one of them 1. give your power to the three remaining Councillors who are not in conflict and deal with the Plan, 2. As Minister bring the Plan back to the People and let them decide the Faith of their Private Lands
Good Morning Minister Hutchings:

I have been getting numerous inquiries regarding the new Town Plan. Council wants the Plan to move as swiftly and smoothly as possible but that came only come with your intervention as Minister. At a Special Public Meeting last night Council took the first step to get the process moving. Council vacated the seats of Deputy Mayor Wiseman and Councillor Ralph Carey on Conflict of Interest pertaining to Snow Clearing on Pond Path. Conflict of Interest relating to the Town Plan is pending due to the decision of the Courts if the Appeal Process takes place. As I mentioned in an earlier email to you about options and that you suggested as to how the Town Plan can be registered, as Minister you could grant permission to three councillors who are not in conflict and deal with the Town Plan. Regardless the outcome of the Conflict of Interest issues council will still be left with only three councillors who are not in conflict when dealing with the Town Plan. I agreed wholly that this would be the best route for you to take as Minister.

Awaiting your directions on this matter regarding the New Town Plan.

Regards,

Albert
Hi, Keith, Myself and Councillors [REDACTED] want the Plan sent back to the Town for review. Could you please advise us with the proper protocol to make this happen. Thanks Albert.
Hi Minister Hutchings. A privileged Meeting was called for July 8, 2015 to deal with the future possible conflicts of interest concerning who could vote on the Adoption of the Town Plan. Mayor Despres and Councillor Smart could not attend so we were left without a quorum and the meeting was cancelled. Council will have to deal with this issue on Tuesday, July 14, 2015 at our next Public Meeting of Council. I have requested that it be put on the Agenda.

Regards
Albert
From: Noseworthy, Dan
Sent: Friday, September 25, 2015 11:20 AM
To: Askary, Ali
Subject: FW: Abuse of Power
Attachments: 20150715_125731 (2).jpg

From: [Redacted]
Sent: Wednesday, July 15, 2015 12:27 PM
To: Hutchings, Keith; Noseworthy, Dan
Subject: Abuse of Power

Sent from Windows Mail
July 15, 2015

Dear Minister Hutchings,

At a public meeting last night [Redacted]

During a public meeting May 26, 2015 Mayor Despres made a Motion # 2015-100 to declare me in conflict on the Town Plan. Councillors [Redacted] Wiseman and Carey who were already in an alleged conflict pertaining to the Town Plan went ahead and voted in favour of the motion made by Mayor Despres. According to the Act councillors were not entitled to vote. [Redacted]

I am requesting that your Department investigate the Minutes for the Public Meeting of May 26, 2015 and make a ruling on whether or not I am in a conflict at the present time. Council does not have quorum to deal with this issue.

Thanks
Albert

cc: Dan Noseworthy
HI all. Let's give Councillor Smart a Second Friendly Hearing at 7:00 P.M on Tuesday, August 11, 2015, just before our regular Public Meeting of Council. As for the Two Questions asked by Mayor Despres last nite, 1. Why Council, let Councillor Smart vote on the Adoption of the Town Plan in its Entirely, when they knew that Councillor Smart had land been Rezoned from Rural to Residential. 2. Why didn"t Mun. Affairs advise Council that they were voting on the Entirely of the Town Plan and not on Amendments to the Plan.
Mayoral Despres. First of all the Friendly Hearing is to give Councillor Smart time for him to explain to Council why he believe that he is not in a conflict, even through [redacted] That is why Council has asked the Minister's permission for the three Councillors who can vote to Deal with the Town Plan. I did not call for a meeting, I just suggested that maybe we could get some unfinished business out of the way, and we dealt with quite a bit that night. Council cannot leave residents hanging for months before we meet with them to discuss their issues. Councillor Murphy

Date: Thu, 6 Aug 2015 18:35:40 -0230
Subject: Re: FRIENDLY HEARING
From: sebastian@mun.ca
To: [redacted]
CC: townofwitlessbay@nl.rogers.com; dannoseworthy@gov.nl.ca; keithhutchings@gov.nl.ca

Councillor Murphy,

Our duty as a Council is to ensure that a fair hearing is provided to Councillor Smart.

As was explained during our meeting on Tuesday evening, procedural fairness requires that Council provide Councillor Smart with enough details regarding the allegation against him so that he is able to prepare a defence. Councillor Smart has notified Council [redacted] This does not necessarily mean that a hearing cannot go ahead. It does, however, mean that if a hearing goes ahead and the details provided by Council are found to be insufficient, a decision to vacate the councillor's seat could be reversed by the courts. For this reason, Council should carefully consider whether the notice that was sent is sufficiently detailed.

A friendly hearing requires care and diligence. While you may feel that Councillor Smart "has only one question to answer," procedural fairness makes it clear that it is not up to you or even to Council to decide this. This is up to Councillor Smart. Our job, once the charges against Councillor Smart have been made clear to him, is to listen to what Councillor Smart has to say about the matter. On the very day of the private hearing, which was scheduled for 7pm, you (Councillor Murphy) had the Town staff schedule three back-to-back meetings with stakeholders at 7:30pm, 8pm, and 8:30pm. You did so without notifying Council or giving us the opportunity to respond or vote on the matter. Allowing only half an hour for the entirety of Councillor Smart's defence and Council's deliberations on the matter could be cause for a court to overturn the Town's decision should Council vacate the councillor's seat. Procedural fairness requires that Council, acting in a quasi-judicial capacity, take the time to hear what he has to say about these charges, and provide him with a reasonable opportunity to defend his case.
Since Council’s decision can be appealed, Councillor Smart also has what is called "the right to reasons." This means that he must be given the reasons for Council’s decision (should Council decide to vacate his seat) so that he can properly prepare for an appeal (should he choose this route). The reasons given must be "sufficiently clear, precise and intelligible." As far as I know, the reasons for Council’s decision to go forward with a private hearing at this juncture have not been articulated.

Natural justice and procedural fairness are difficult concepts to put into practice, since there are so few resources available. One good resource I have found is from the Federal Government. While it doesn’t specifically deal with municipal councils, it’s a very good straight-forward guide to the 12 "most common rules":

**DAN: if there is something that I missed here, or if there is a better resource available for Council to become better informed about procedural fairness issues, please let us know.**

Respectfully,

**Sébastien Després**
Mayor, Town of Witless Bay
Action Canada Fellow (2012/13)
Department of Anthropology, Memorial University of Newfoundland
(709) 334-1186; sebastien@mun.ca
http://sebastiendespres.ca

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On Thu, Aug 6, 2015 at 2:56 PM, Albert Murphy <personallyremoved> wrote:

Mayor Despres, I as a Councillor for the Town of Witless Bay, The Act states that you have to abide by Decission of Council and the Decission of Council was to hold a Friendly Hearing for Councillor Smart on August 4th 2015 at 7:00 P.M. But you cancelled the Meeting about an Hour before it took place. Council followed the Act and Councillor Smart was given ample Time to have his Defence for the Hearing slated for that night. Councillor Smart had one Question to Answer. Did he or did he not Vote on the Adoption of the New Town Plan in which he had Land been rezoned from Rural to Residential, and he knew because he was told several times by Residents during Public Meetings of Council. Councillor Murphy
Dear Minister Hutchings:

Last night before our Public Meeting of Council I questioned Section 410 of the Act which states the appellants of vacated seats has 21 days to appeal to the Courts and a copy of the Notice of Appeal shall be filed with the Clerk so Council shall be notified of the Appeal. The appellants were notified on July 15, 2015 by Registered Letter which puts them over the time frame as stated in the Act. To date Council has not received Notice of Appeal. I made it a point to ask the Clerk several days ago and she had not received any Notice of Appeal from the Appellants or from their solicitor. The Act was violated once again and Council has no other choice but to move on and call a bi-election.

Councillor Murphy
August 26, 2015

Mr. Albert Murphy  
Mr. Ken Brinston  

RE: Town of Witless Bay

Dear Mr. Murphy and Mr. Brinston:

I am writing in response to your e-mails of August 5, 2015, in which you express concern over actions of the Mayor of the Town of Witless Bay regarding a Friendly Hearing scheduled for Councillor Kevin Smart.

Please be advised that the Department of Municipal and Intergovernmental Affairs has provided comments to the Mayor on this matter with the understanding that these comments will be provided to all councilors.

Department officials will continue to provide guidance to the Town as Council works to address these matters.

Sincerely,

DAN NOSEWORTHY  
Eastern Regional Director  
Municipal and Intergovernmental Affairs

cc: Eastern Regional Office