



Town of Bay Bulls

Meeting Minutes

Public Meeting

August 13, 2019
8:00 p.m.

Council Chambers
Town Office

Members Present

Mayor Harold Mullooney
Deputy Mayor Wendy O'Driscoll
Councillor Patrick Coady
Councillor Eric Maloney
Councillor Joan Luby
Councillor Evelyn Tucker

Staff Present

Jennifer Aspell, Town Manager
Sandra Cahill, Town Clerk

Regrets

Ashley Wakeham, Assistant Town Clerk

1. Call to Order

Mayor Harold Mullooney assumed the Chair and called the meeting to order at 8:00 p.m.

2. Adoption of Agenda

MOTION: 2019-9775 Deputy Mayor O'Driscoll / Councillor Coady
MOVE THAT the agenda of August 13, 2019 Public Meeting be adopted as presented.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

Items for consideration under new business:

- Water runoff Irishtown Road
- Request for interest relief
- Purchase of new lawn mower

Mayor Mullooney called for any additional new business items for the August 13, 2019 agenda

Councillor Tucker added:

- Donation program/policy

3. Adoption of Minutes

July 8, 2019 Public Minutes

MOTION: 2019-9776 Councillor Coady/ Deputy Mayor O’Driscoll
MOVE THAT the minutes of July 8, 2019 be adopted as presented.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

July 24, 2019 Special Public Minutes (Lower Road Project)

8:05 p.m. Councillor Luby declared conflict of interest on the special public meeting minutes of July 3, 2019 and left the chambers. Councillor Luby has immediate family that is employed by the sub-contractor for the project.

MOTION: 2019-9777 Councillor Tucker/Councillor Coady
MOVE THAT the minutes of July 24, 2019 be adopted as presented.
Questions called. Motion carried unanimously.
For Motion: 5
Against: 0

8:07 p.m. Councillor Luby returned to the chambers.

4. Business Arising

4.1 Request from residents of Lynch’s Lane to extend pavement at the top

8:08 p.m. Deputy Mayor O’Driscoll declared conflict of interest on the request to have pavement installed on the top of Lynch’s Lane and left the chambers. Deputy Mayor O’Driscoll owns property that bounds on Lynch’s Lane.

MOTION: 2019-9778 Councillor Luby/ Councillor Coady
MOVE THAT the request made by the residents of Lynch’s Lane for the Town of Bay Bulls to extend pavement be denied.
Questions called. Motion carried unanimously.
For Motion: 5
Against:0

8:10 p.m. Deputy Mayor O’Driscoll returned to the chambers.

4.2 Information from the developer for Council’s re-consideration of Bristol Landing Phase III emergency access road from the Southern Shore Highway

8:10 p.m. Councillor Eric Maloney declared conflict of interest on the Bristol Landing Phase III – Emergency Access Road and left the chambers. Councillor Maloney has an immediate family member that is the property owner of land adjacent to the proposed development.

MOTION: 2019-9779 Councillor Luby/ Deputy Mayor O’Driscoll

MOVE THAT the developer’s request for an emergency access road from the Southern Shore Highway for the Bristol Landing Subdivision Phase III be denied.

Questions called. Motion carried unanimously.

For Motion: 5

Against:0

An emergency access road from the Witless Bay Line is preferred as the Town of Bay Bulls has concerns regarding traffic safety should the proposed access from the Southern Shore Highway proceed.

8:12 p.m. Councillor Maloney returned to the chambers.

4.3 Application Transfer Request and Driveway Proposal for Application # 2019-434 Track Road Extension

8:18 p.m. Deputy Mayor O’Driscoll and Councillor Luby declared conflict of interest on the requested transfer and driveway proposal for application # 2019-434 and left the chambers. Deputy Mayor O’Driscoll has an immediate family member that is the property owner of land on Track Road Extension and Councillor Luby resides on Track Road Extension.

MOTION: 2019-9780 Councillor Tucker/ Councillor Maloney

MOVE THAT the request from the property owner to have the name on the development application changed from the original applicant to the current owner be approved and further MOVE THAT the amendments to the driveway proposal be approved.

Questions called. Motion carried unanimously.

For Motion: 4

Against: 0

8:20 p.m. Deputy Mayor O’Driscoll and Councillor Luby returned to the chambers.

5. Delegations & Proclamations

No scheduled delegations for the August 13, 2019 Public Meeting.

6. Applications

6.1 Application # 2019-435

Develop Land/Excavation & Backfill (Single Family Dwelling)

48 Marsh Road, Bay Bulls

MOTION: 2019-9781 Councillor Luby/ Deputy Mayor O’Driscoll

MOVE THAT application 2019-435 be approved in principle pending completion of requirements by all other government departments as required.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

6.2 Application # 2019-310

Commercial Accessory Building – Warehouse/Storage
41 Northside Road, Bay Bulls

MOTION: 2019-9782 Councillor Tucker/Councillor Coady

MOVE THAT application 2019-310 be approved.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

Discretionary Notices were sent to residents in the immediate area. No written objections were received.

7. Accounts Payable

7.1 Accounts for Payment

8:25 p.m. Councillor Luby declared conflict of interest on Cheque No's 2060 and 2066 in Section A of the accounts payable report and left the chambers. Cheque No. 2060 is made payable to a business owned by an immediate family member of Councillor Luby's. Cheque No. 2066 is made payable to Steward McKelvey for legal services pertaining to the Lower Road Project and Councillor Luby has immediate family employed by a sub-contractor for the project.

Cheque No. 2060 and 2066

MOTION: 2019-9783 Deputy Mayor O'Driscoll/ Councillor Tucker

MOVE THAT Cheque No. 2060 totaling \$22.43 and Cheque No. 2066 totaling 6,978.29 be released.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:26 p.m. Councillor Luby returned to the chambers.

MOTION: 2019-9784 Deputy Mayor O'Driscoll/ Councillor Coady

MOVE THAT All other payables under Section A totaling \$6,152.82, be released.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

Total for Section A: \$13,153.54

Total for Section B: \$51,594.26 – Re-occurring monthly bills for information only

Total Disbursements for the Month: \$64,747.80

7.2 Lower Road Progress Claim No. 1

8:26 p.m. Councillor Luby declared conflict of interest on accounts payable item # 7.2 and left the chambers. Councillor Luby has immediate family employed by a sub-contractor for the project.

MOTION: 2019-9785 Deputy Mayor O'Driscoll/ Councillor Coady

MOVE THAT Progress Claim No.1 dated for July 10, 2019 in the amount of \$34,704.00, further to the contract with Imperial Excavating Ltd. dated May 22, 2019 is approved, with the entire amount being withheld further to GC 21.13 of the contract and/or further to such rights as the Town might have, on the basis that the Town has sustained damages and /or will sustain future damages that are greater than this amount arising out of Imperial's performance and/or non-performance of the contract.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:28 p.m. Councillor Luby returned to the chambers.

7.3 Renewal for Cloud on-line access for Traffic Sign located on the Southern Shore Highway

MOTION: 2019-9786 Councillor Luby/ Councillor Coady

MOVE THAT the annual fee of \$400.00 for Cloud data services for the digital traffic sign located on the Southern Shore Highway be approved for a one (1) year term.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

8. Committee Reports

8.1 BBBRLC Committee Minutes

8.2 Regional Fire Committee Minutes

8.3 BBBAA Committee Financial Report

8.4 BBBAA Monthly Update

8.5 Financial Committee Report

No action arising from committee reports.

9. Correspondence & Action

9.1 Asset Management Forms & Quote for Tagging System

MOTION: 2019-9787 Councillor Tucker/ Councillor Coady

MOVE THAT the asset management forms presented and the quote for purchase of asset management tags be approved.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.2 Public Works Maintenance Request Form

MOTION: 2019-9788 Councillor Tucker/ Councillor Coady
MOVE THAT the Public Works Maintenance Request forms be approved as presented.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.3 Public Works Weekly Report Form

MOTION: 2019-9789 Deputy Mayor O'Driscoll/Councillor Tucker
MOVE THAT the Public Works Weekly Report form be approved as presented.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.4 Rescind Resolution No. 2019-9719 Winnonish Drive (Gas Tax)

8:30 p.m. Councillor Luby declared conflict of interest on action item # 9.4 and left the chambers. Councillor Luby has immediate family whose employer has business facilities on Winnonish Drive

MOTION: 2019-9790 Deputy Mayor O'Driscoll / Councillor Maloney
MOVE THAT The Town of Bay Bulls rescind Motion No. 2019-9719 to accept the Ultimate Gas Tax Agreement for Winnonish Drive.
Questions called. Motion carried unanimously.
For Motion: 5
Against: 0

8:32 p.m. Councillor Luby returned to the chambers.

9.5 Occupational Health and Safety Program for the Town of Bay Bulls

MOTION: 2019-9791 Councillor Tucker / Councillor Luby
MOVE THAT the Town of Bay Bulls approve the expenditure for Rogers Enterprises Ltd. to develop an occupational health and safety program for the Town.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.6 Cemetery Lane West Driveways

MOTION: 2019-9792 Deputy Mayor O'Driscoll/Councillor Coady
MOVE THAT the Town of Bay Bulls notify the developer that work is required on Cemetery Lane West to repair driveways that are washing out as a result of upgrades completed by the developer.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.7 Request from a Business Operator for exemption from Business Tax Roll

MOTION: 2019-9793 Councillor Tucker/Councillor Coady

MOVE THAT the request to exempt the business from the Town's business tax roll be denied.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.8 New Appointment of the Town's ATIPP Coordinator

MOTION: 2019-9794 Deputy Mayor O'Driscoll/Councillor Coady

MOVE THAT the Town of Bay Bulls remove Deputy Mayor Wendy O'Driscoll from position of ATIPP coordinator and appoint Town Manager Jennifer Aspell to the position.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.9 Request to Extend Snow Clearing Contract 2018-2020

MOTION: 2019-9796 Councillor Tucker/Councillor Coady

MOVE THAT the request to extended the snow clearing contract for the optional second year from November 1, 2019 to April 30, 2020 as stated in the contract be approved.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.10 Confidentially Agreement

MOTION: 2019-9797 Deputy Mayor O'Driscoll/Councillor Coady

MOVE THAT the confidentially agreement as presented for signing by council and staff be approved.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.11 Town Engineer/Compliance Officer/Occupational Health and Safety Officer

MOTION: 2019-9798 Councillor Tucker/Councillor Luby

MOVE THAT Action item # 9.11 be deferred to the September 9th, 2019 Public Meeting.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.12 Request to Resolve Water Accumulation on Private Property at Irishtown Road and Associated Cost Estimate

8:33 p.m. Councillor Maloney declared conflict of interest and leaves the chambers. Councillor Maloney resides in the immediate area of the property.

Mayor Muldowney called for a motion to discuss
Called once
Called twice
Called three times

Motion Died

Action item # 9.12 was moved to the September 9th, 2019 Public Meeting

8:36 p.m. Councillor Maloney returned to the chambers.

9.13 Forgotten Corners Design

MOTION: 2019-9799 Deputy Mayor O’Driscoll/Councillor Luby
MOVE THAT the proposed design be rejected and requested additional designs for consideration from the Landscape Newfoundland and Labrador Horticultural Association (LNLHA)
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.14 Winter’s Path

MOTION: 2019-9800 Councillor Tucker/Councillor Coady
MOVE THAT Winter’s Path be included in the list of Town properties to be surveyed to determine whether adjacent property owners are encroaching on the path.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.15.A Title Search for Southside Road Property

8:38 p.m. Under Section 209 of the *Municipalities Act, 1999* Councillor Tucker and Deputy Mayor O’Driscoll asked Council to decide the proposed conflict of interest on action item # 9.14. Councillor Tucker and Deputy Mayor O’Driscoll own properties on the Southside Road.

MOTION: 2019-9801 Councillor Maloney/Councillor Coady
MOVE THAT Councillor Tucker and Deputy Mayor O’Driscoll are not in conflict of interest on action item # 9.14.
Questions called. Motion carried unanimously.
For Motion: 4
Against: 0

MOTION: 2019-9802 Councillor Luby/Councillor Tucker
MOVE THAT a title search of Southside Road property from area bordering the bridge and waterfront to the intersection of the Lower Road and Southside Road.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.15.B Drone Video of Long Pond to be completed by Tract Consulting

8:40 p.m. Councillor Luby and Mayor Mallowney declared conflict of interest and left the chambers. Councillor Luby has immediate family own and operate a business and have a private residence directly across from the proposed trail development. Mayor Mallowney owns property in the immediate area of the proposed trail development.

8:40 p.m. Deputy Mayor O'Driscoll assumed the Chair and called for a motion to discuss.

MOTION: 2019-9803 Councillor Coady/Councillor Tucker

MOVE THAT a drone video will be completed by Tract Consulting for a new funding application for the proposed Long Pond Waking Trail.

Questions called. Motion carried unanimously.

For Motion: 4

Against: 0

NOTE: A drone video of Long Pond was previously completed by Tract Consulting in 2018 and is not required to be completed a second time.

9.15.C Appointment of an Alternate Bay Bulls to Bauline Athletic Association (BBBAA) Board Member

MOTION: 2019-9804 Councillor Tucker/Councillor Maloney

MOVE THAT Councillor Coady be appointed as an alternate board member for the Bay Bulls to Bauline Athletic Association (BBBAA) board of directors in the event that Deputy Mayor O'Driscoll is not available to attend scheduled board member meetings.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.16 Audio Recordings of Consultant Meetings

MOTION: 2019-9805 Councillor Luby/Deputy Mayor O'Driscoll

MOVE THAT audio recordings will be made of all meetings conducted between consultants and the Town of Bay Bulls.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.17 Request for Compensation for Vehicle Damage

MOTION: 2019-9806 Councillor Maloney/Councillor Coady

MOVE THAT the request to pay for vehicular damage reported to be a result of road work be denied.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.18 Request from Property Owner to Replace Survey Pegs

MOTION: 2019-9807 Councillor Maloney/Councillor Coady
MOVE THAT The Town notify the developer that survey pegs must be reinstated on the property as they were removed during upgrades to Cemetery Lane West.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.19 Road Maintenance Request for Southside Road

8:45 p.m. Councillor Tucker and Deputy Mayor O'Driscoll declared conflict of interest on action item # 9.19 and left the chambers. Councillor Tucker and Deputy Mayor O'Driscoll own properties on the Southside Road.

MOTION: 2019-9808 Councillor Luby/Councillor Maloney
MOVE THAT action item #9.19 be referred to Public Works for recommendations.
Questions called. Motion carried unanimously.
For Motion:4
Against: 0

8:46 p.m. Councillor Tucker and Deputy Mayor O'Driscoll returned to the chambers.

9.20.A Survey of Lower Road Infrastructure Upgrade Project

8:47 p.m. Councillor Luby declared conflict of interest on action item # 9.20.A and left the chambers. Councillor Luby has immediate family employed by a sub-contractor for the project.

MOTION: 2019-9809 Deputy Mayor O 'Driscoll/Councillor Tucker
MOVE THAT the email vote to proceed with a survey of the Lower Road Infrastructure Upgrade on July 31, 2019 to confirm compliance with the design specifications be ratified.
Questions called. Motion carried unanimously.
For Motion: 5
Against: 0

9.20.B Consult Legal on Lower Road Infrastructure Upgrade Project

8:47 p.m. Councillor Luby remained out of the chambers on action item # 9.20.B

MOTION: 2019-9810 Deputy Mayor O 'Driscoll/Councillor Tucker
MOVE THAT the email vote to engage legal counsel on the Lower Road Infrastructure project on August 7, 2019 be ratified.
Questions called. Motion carried unanimously.
For Motion: 5
Against: 0

9.20.C Stop Work Order and Performance Bond Claim

8:47 p.m. Councillor Luby remained out of the chambers on action item # 9.20.C

MOTION: 2019-9811 Deputy Mayor O'Driscoll/Councillor Coady
MOVE THAT as a result of issues with the work of Imperial Excavating Ltd. further to the contract dated May 22, 2019 for certain work associated with the Lower Road Infrastructure Upgrading Project, including those deficiencies and issues identified by way of correspondence to Imperial Excavating Ltd. dated July 30, 2019, the Town hereby resolves to have the work stopped further to the contract and proceed to make a claim under Performance Bond No. BND0016476
Questions called. Motion carried unanimously.
For Motion: 5
Against: 0

8:48 p.m. Councillor Luby returned to the chambers

9.21 Commission Surveyor to Survey all Town Owned Property

MOTION: 2019-9812 Councillor Tucker/Deputy Mayor O'Driscoll
MOVE THAT the Town hire a surveyor to complete a survey of Town owned properties.
Including:

- 31-39 Northside Road
- 153A Northside Road
- 2-8 Southside Road
- 5-9 Southside Road
- 2-46 Cemetery Lane West
- Winter's Path area

Questions called. Motion carried unanimously.
For Motion: 5
Against: 0

9.22 Request of School Supply Donation

MOTION: 2019-9813 Councillor Tucker/Councillor Luby
MOVE THAT request to supply school supplies for a back to school drive be denied.
Questions called. Motion carried
For Motion: 5
Against: 1 (Deputy Mayor O'Driscoll)

9.23 By-Election Dates

MOTION: 2019-9814 Deputy Mayor O'Driscoll /Councillor Maloney
MOVE THAT Council approve Wednesday September 4th, 2019 as Nomination Day. The office will remain open from 8:00 a.m. – 8:00 p.m. to receive nominations. If required, the by-election will take place on September 30, 2019.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.24 and 9.25 Pavement Work Request – Public Works Department

MOTION: 2019-9815 Councillor Tucker/ Deputy Mayor O’Driscoll

MOVE THAT the Town defer action item # 9.24 and 9.25 to the September 9th, 2019 public meeting. Additional areas for patch paving will be ratified and quotes requested for review will be presented at the September 9th, 2019 Public Meeting.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.26 Subdivision Cemetery Lane West Extension Inspection

MOTION: 2019-9816 Councillor Tucker/ Deputy Mayor O’Driscoll

MOVE THAT the Town of Bay Bulls engage an engineering firm to conduct inspections at the subdivision on Cemetery Lane West and forward the cost to the developer as per the development contract.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.27 St. John’s Road Municipal Capital Works Road Upgrade Project

8:53 p.m. Mayor Mullooney, Deputy Mayor O’Driscoll and Councillor Tucker declared conflict of interest and left the chambers. Mayor Mullooney, Deputy Mayor O’Driscoll and Councillor Tucker have immediate family that own property on St. John’s Road.

Council lost quorum and action item # 9.27 is moved to the September 9th, 2019 public meeting. Council will seek ministerial approval for Councillors Luby, Maloney and Coady to vote on the St. John’s Road Upgrade Project.

9.28 Fishing Stage on Lower Road

8:55 p.m. Councillor Luby asked Council to decide on her proposed conflict of interest on action item # 9.28.

MOTION: 2019-9817 Councillor Tucker/ Deputy Mayor O’Driscoll

MOVE THAT Councillor Luby is not in a conflict of interest on action item # 9.28

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

Council will defer action item # 9.28 for consideration once work on the Lower Road Project resumes.

10. Information Only

10.1 Maintenance Work List by Season

10.2 Lower Road Project Monthly Report

10.3 Application No. 2019-307

10.4 Request to extend existing culvert at 124 Track Road Extension

10.5 Memorandum of Understanding (MOU) between the Town of Bay Bulls and the Bay Bulls to Bauline

Athletic Association (BBBAA)
10.6 Permit and application Report
10.7 Local Climate Adaptation Plan for Coastal Erosion and Watershed Management

11. Correspondence Received

11.1 Design and Safety Concerns for Lower Road
11.2 Withdrawal of Application # 2019-432
11.3 Municipal Capital Works (MCW) Notification of Application Status Application #AP-MCW-19440 (Softball Lighting) and Application #AP-MCW-19412 (Walking Trail at Long Pond)
11.4 Municipal Capital Works (MCW) Call for Applications 2019

12. Correspondence Sent

12.1 Response – Crownland Inquiry
12.2 Response – Speed Bump Request
12.3 Response – Application #2019-434
12.4 Response – Bristol Landing Phase III Emergency Access Road

13. New Business

13.1 Purchase of a New Lawn Mower

MOTION: 2019-9818 Councillor Coady / Deputy Mayor O’Driscoll
MOVE THAT the Town purchase the lowest priced option presented.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

13.2 Request for Interest Relief

Deferred until a later date.

13.3 Irishtown Road Water Runoff Concerns

MOTION: 2019-9819 Councillor Tucker / Councillor Luby
MOVE THAT work to resolve the water runoff issues on Irishtown Road, as a result of previous road work completed by the Town, will be included in the patch paving request for quotes.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

13.4 Donation Program and Policy # TBB-001-AD Review

Notice of Motion

TAKE NOTICE THAT at the September 9th, 2019 public meeting, Council will move a motion to review and revise the Donation Program/Policy #TBB-001-AD

14. Adjournment

9:08 p.m. Mayor Mullooney called for adjournment as there was no further business of the Council.

MOTION: 2019-9819 Mayor Mullooney/ Deputy Mayor O’Driscoll
MOVE THAT the meeting be adjourned.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

Mayor

Town Manager

Date

