

Town of Bay Bulls

Meeting Minutes

For the Public Meeting of July 10, 2018

Held in Council Chambers at 8:00 p.m.

Members Present:

Mayor Harold Mallowney
Deputy Mayor Wendy O'Driscoll
Councillor Phillip Burton
Councillor Joan Luby
Councillor Evelyn Tucker
Councillor Eric Maloney
Councillor Kevin O'Brien

Staff Present:

Sandra Cahill, Town Clerk
Ashley Wakeham, Assistant Town Clerk

Regrets:

Call to Order:

Mayor Harold Mallowney assumed the Chair and called the meeting to order at 8:02 p.m.

Adoption of Agenda:

MOTION: 2018-9309 Deputy Mayor O'Driscoll/Councillor Tucker
MOVE THAT the agenda of July 10, 2018 Public Meeting be adopted as presented.
Questions called. Motion carried. Unanimously
For Motion: 7 (Mayor Mallowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)
Against: 0

8:02 p.m. Mayor Mallowney called for New Business additions

Added to New Business:

Irishtown Rd
Time limit on quotes
Legal opinion – Construction
Additional lights on NL Power Poles
Pavement - Corners
Come Home Year Committee
Pavement – Cemetery
Guard Rails
Tax Payment Schedule
Lower Rd
CEEP

Adoption of Minutes:

May 14, 2018 Minutes with Corrections

MOTION: 2018-9310 Councillor Tucker/Councillor Luby

MOVE THAT the corrected Minutes of May 14, 2018 be adopted

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

June 11, 2018 Minutes as presented

MOTION: 2018-9311 Councillor Tucker/Councillor Luby

MOVED for discussion

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

Councillor Tucker:

Page 2 Motion # 2018-9284 – recheck item for corrections

Councillor Luby:

Pages 5-8 Change Motion #'s

MOTION: 2018-9312 Councillor Tucker/Councillor Luby

MOVE THAT the Minutes of June 11, 2018 be adoption once corrected

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

Delegation

No Delegations scheduled for July 10th

Applications:

8:09 p.m. Councillor Tucker asked Council to decide her proposed conflict on Application 2018-113; and left the Chambers. Councillor Tucker has immediate family that reside on Southern Shore Hwy.

MOTION: 2018-9313 Deputy Mayor O'Driscoll/Councillor Luby

MOVE THAT Councillor Tucker is not in conflict

Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Luby, O'Brien, Maloney & Burton)

Against: 0

8:09 p.m. Councillor Tucker returned to the Chambers

Application to Change Use (Operate a Business)

Application # 2018-113
Commercial – Lounge/Pub
710 Southern Shore Hwy

MOTION: 2018-9314 Deputy Mayor O’Driscoll/Councillor Burton
MOVE THAT the letter presented to council be sent to the applicant.
Questions called. Motion carried. Unanimously
For Motion: 7 (Mayor Mullooney, Deputy Mayor O’Driscoll, Councillors Tucker, Luby, O’Brien, Maloney & Burton)
Against: 0

8:13 p.m. Councillor O’Brien declared conflict of interest on application # 2018-420 and left the chambers;
Councillor O’Brien’s has immediate family involved in the sale of property to the applicant

Application to Develop Land
Application # 2018-420
Commercial – Fitness Gymnasium
452 Southern Shore Hwy

MOTION: 2018-9315 Councillor Maloney/Councillor Luby
MOVE THAT Application 2018-420 be approved in principle
Questions called. Motion carried. Unanimously
For Motion: 6 (Mayor Mullooney, Deputy Mayor O’Driscoll, Councillors Tucker, Luby, Maloney & Burton)
Against: 0

8:13 p.m. Councillor O’Brien returned to the Chambers

Application to Operate a Business
Application # 2018-118
Commercial – Restaurant
48A Bread & Cheese Rd

MOTION: 2018-9316 Councillor Tucker/Deputy Mayor O’Driscoll
MOVE THAT Application 2018-118 be approved.
Questions called. Motion carried. Unanimously
For Motion: 7 (Mayor Mullooney, Deputy Mayor O’Driscoll, Councillors Tucker, Luby, O’Brien, Maloney & Burton)
Against: 0

8:17 p.m. Councillor Maloney declared conflict of interest on application # 2018-421 and left the chambers;
Councillor Maloney has immediate family that reside on Northside Rd.

Application to Develop Land
Application # 2018-421
Residential – Single Family Dwelling
153 Northside Rd

MOTION: 2018-9317 Councillor Tucker/Councillor Burton
MOVE THAT Application 2018-421 be approved.
Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien & Burton)
Against: 0

8:17 p.m. Councillor Maloney returned to the Chambers

Request to Develop Undersized Lot

Application #: N/A

Residential – Single Family Dwelling

Marsh Rd

MOTION: 2018-9318 Councillor Tucker/Councillor Luby

MOVE THAT the request to develop this lot is denied based on recommendations from the Town's planner and non-compliance with development regulations.

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

Accounts Payable:

MOTION: 2018-9319 Councillor O'Brien/Councillor Burton

MOVED for discussion

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

8:20 p.m. Deputy Mayor O'Driscoll & Councillor Luby declared conflict of interest on Cheq # 1561 made payable to Mobile High School and left the chambers; Both Deputy Mayor O'Driscoll and Councillor Luby are members of Mobile High School Council.

MOTION: 2018-9320 Councillor Tucker/Councillor O'Brien

MOVED that Cheq # 1561 in the amount of \$1,135.05 be released

Questions called. Motion carried. Unanimously

For Motion: 5 (Mayor Muldowney, Councillors Tucker, O'Brien, Maloney & Burton)

Against: 0

8:20 p.m. Deputy Mayor O'Driscoll & Councillor Luby returned to the Chambers

MOTION: 2018-9321 Councillor O'Brien/Councillor Burton

MOVED that all other cheques in the amount of \$31,633.26 be released

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

Total Accounts Paid in Section A: \$32,768.31

Total Accounts Paid in Section B: \$45,188.50 Regular Re-Occurring Monthly Bills

Correspondence & Action:

Ratify Vote to submit application a shared application for FCM Staff Grant

MOTION: 2018-9322 Councillor Maloney/Councillor O'Brien

MOVED that The Town submit a letter of commitment in joining nine (9) other municipalities in a joint application for FCM's staff grant

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

Ratify Vote to purchase attachment for the Town's pavement cutter

MOTION: 2018-9323 Councillor O'Brien/Councillor Burton

MOVE THAT a push cart be purchased to assist staff when cutting pavement

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

Complaint Policy

MOTION: 2018-9324 Councillor Tucker/Councillor Luby

MOVE THAT the policy be denied.

Questions called. Motion defeated.

For Motion: 3 (Deputy Mayor O'Driscoll, Councillors Tucker, & Luby)

Against: 4 (Mayor Muldowney, Councillors O'Brien, Maloney, and Burton)

Code of Conduct for Municipal Employees & Elected Officials

MOTION: 2018-9325 Deputy Mayor O'Driscoll/Councillor Tucker

MOVE THAT the code be deferred

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

8:40 p.m. Mayor Muldowney & Councillor Luby declared conflict of interest on correspondence regarding a proposed walking trail at Long Pond and left the chambers; Both Mayor Muldowney and Councillor Luby have immediate family that own land in the area on Long Pond.

8:40 p.m. Deputy Mayor O'Driscoll assumed the Chair

Correspondence: from; property owner at 258 Southern Shore Hwy RE: Concerns about proposed walking trail

MOTION: 2018-9326 Councillor Maloney/Councillor Tucker

MOVE THAT the proposed trail will continue the whole length of the pond including the area around 258 Southern Shore Hwy.

Questions called. Motion carried.

For Motion: 4 (Deputy Mayor O'Driscoll, Councillors Tucker, O'Brien & Maloney)
Against: 1 (Councillor Burton)

8:46 p.m. Mayor Mullooney & Councillor Luby returned to the Chambers

8:46 p.m. Mayor Mullooney assumed the Chair

Petition: from Track Rd residents asking for pavement

MOTION: 2018-9327 Councillor Tucker/Councillor Luby

MOVE THAT Council will have engineers look at moving forward with this request.

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

8:48 p.m. Councillor Maloney declared conflict of interest on correspondence regarding a proposed cleanup and left the chambers; Councillor Maloney has immediate family that reside on Northside Rd.

Clean Up Order Requested – Property 135 Northside Rd

MOTION: 2018-9328 Deputy Mayor O'Driscoll/Councillor Luby

MOVE THAT Council send a legal order to have debris removed within 10 day(s)

Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien & Burton)

Against: 0

8:52 p.m. Councillor Maloney returned to the Chambers

JTV – Sub-Division Cemetery Lane West

MOTION: 2018-9329 Councillor Burton/Councillor O'Brien

MOVE THAT Item #1 variation of Option #2 – Culverts to be replaced and/or cleaned, Item #2 – Forgiven, Item #3 – Forgiven.

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

NAPE – Letter to Council to include Assistant Town Clerk in the union

Deputy Mayor O'Driscoll stated this is a standard procedure; and a Memorandum of Understanding (MOU) will need to be drawn up, and the classification added to the contract.

New Gateway Signs – Quotes

MOTION: 2018-9330 Councillor Luby/Councillor Tucker

MOVE THAT council approve option #1; for \$28,050.00 + HST

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney &

Burton)
Against: 0

8:56 p.m. Councillor Luby declared conflict of interest on EMA's request to freeze land and left the chambers; Councillor Luby's has immediate family that reside in the area of the proposed sub-division and freeze request.

EMA Enterprises – Request to Freeze Land

MOTION: 2018-9331 Deputy Mayor O'Driscoll/Councillor Tucker
MOVE THAT council grant the requested land freeze; to commence in October 2018.
Questions called. Motion carried. Unanimously
For Motion: 6 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, O'Brien, Maloney & Burton)
Against: 0

8:56 p.m. Councillor Luby returned to the chambers

Information Only:

For Council: from; Christian Morris, Dept. of Transportation and Works Superintendent Operations - Avalon; RE: Radar Feedback Sign – Route 10, Request to install granted with conditions

For Council: from; NL Power; RE: LED street and area lighting proposal

For Council: from; AIM Network; RE: AIM Network selected by FCM to help municipalities in Atlantic Canada make stronger infrastructure decisions

For Council: from; Heart & Stroke Foundation; RE: Mayor's March

For Council: from; Botwood Mural Arts Society; RE: Invitation

General Business:

Asset Management – First Steps-Prepare Policy

MOTION: 2018-9332 Deputy Mayor O'Driscoll/Councillor Luby
MOVE THAT this item be deferred.
Questions called. Motion carried. Unanimously
For Motion: 7 (Mayor Muldowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)
Against: 0

Culvert Clean out – 41 Solomon Close

Council will send maintenance to examine the area, as needed

BBRLC Outdoor Movie Event; Request for Non-Monetary Support & Manpower

MOTION: 2018-9333 Councillor O'Brien/Councillor Burton

MOVE THAT council lend support to this community event

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Assistant Town Clerk annual Leave Request August 6th -17th

MOTION: 2018-9334 Councillor Tucker/Deputy Mayor O'Driscoll

MOVE THAT requested leave be granted

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Derelict Properties – Send 2nd Request

Send 2nd request; and 3rd request will be a legal order to clean up.

Tourism & Beautification Projects

9:06 p.m. Deputy Mayor O'Driscoll & Councillor Tucker declared conflict of interest on Southside Rd beautification and left the chambers; both Deputy Mayor O'Driscoll & Councillor Tucker reside on Southside Rd.

Southside Rd Area:

Mayor Mullooney advised he will make a call to the property owners and inquire on a purchase price for the area

9:08 p.m. Deputy Mayor O'Driscoll & Councillor Tucker returned to the chambers

9:08 p.m. Councillor Maloney declared conflict of interest on Northside Rd beautification and left the chambers; Councillor Maloney has immediate family that resides on Northside Rd.

Northside Rd Area:

MOTION: 2018-9335 Councillor Luby/Councillor Tucker

MOVE THAT council remove guardrail and use fill from Farm Rd project to fill the area.

Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien & Burton)

9:08 p.m. Councillor Maloney returned to the chambers

9:09 p.m. Mayor Mullooney & Councillor Luby declared conflict of interest on the walking trail at Long Pond and left the chambers; both Mayor Mullooney and Councillor Luby have immediate family that own land in the area of Long Pond.

9:09 p.m. Deputy Mayor O'Driscoll assumed the Chair

Walking Trail Design & Project Scope

MOTION: 2018-9336 Councillor Burton/Councillor Maloney

MOVE THAT Vigilant Management send out RFP.

Questions called. Motion carried. Unanimously

For Motion: 5 (Deputy Mayor O'Driscoll, Councillors Tucker, O'Brien, Maloney & Burton)

9:12 p.m. Councillor Luby declared conflict of interest on Station Rd Repairs and left the chambers; Councillor Luby has immediate family that resides on Station Rd.

Station Rd Repairs

MOTION: 2018-9337 Councillor Tucker/Deputy Mayor O'Driscoll

MOVE THAT a portion of an existing ditch be filled in, the gravel road be graded and cleaned up.

Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, O'Brien, Maloney & Burton)

9:14 p.m. Councillor Luby returned to the chambers

9:14 p.m. Councillors O'Brien & Maloney declared conflict of interest on Irishtown Rd & O'Driscoll's Lane culvert Installation and left the chambers; Councillors O'Brien & Maloney have family land on Irishtown Rd, as well Councillor Maloney resides on Irishtown Rd.

Irishtown Rd & O'Driscoll's Lane Culvert Installation

MOTION: 2018-9338 Deputy Mayor O'Driscoll/Councillor Tucker

MOVE THAT the Town will complete the work necessary to correct the water issue in this area.

Questions called. Motion carried. Unanimously

For Motion: 5 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby & Burton)

9:16 p.m. Councillors O'Brien & Maloney returned to the chambers

Council & Staff Tablets

Deferred

New Business:

9:16 p.m. Councillors O'Brien & Maloney declared conflict of interest on 43 Irishtown Rd and left the chambers; Councillors O'Brien & Maloney have family land on Irishtown Rd, as well Councillor Maloney resides on Irishtown Rd.

34 Irishtown Rd

MOTION: 2018-9339 Councillor Luby/Councillor Tucker

MOVE THAT the town fix the sods, and extend the swale at 34 Irishtown Rd

Questions called. Motion carried. Unanimously

For Motion: 5 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby & Burton)

Against: 0

9:17 p.m. Councillors O'Brien & Maloney returned to the chambers

Time Limit for Quotes

Councillor Tucker stated a 30 day time limit for contractors to start jobs once a quote has been approved.

Legal Opinion: liability Councillors on construction sites

Councillor Burton stated he would like to check policy & legal to ensure we are covered in the event a councilor is injured on an active construction site

Mayor Mullooney stated staff will check the insurance policy, and call for a free legal opinion on this item

Add Lights on Poles

Councillor Luby stated she would like maintenance staff to check for working pole lights at night

Mayor Mullooney stated this is beyond staffs work day, and residents should be calling in lights for repairs as was done in the past.

Paving Corners

MOTION: 2018-9340 Councillor Luby/Councillor Tucker

MOVE THAT standing offer be used to call in pavers to pave areas as needed, outside maintenance to make a list of these areas

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Come Home Year Committee

Councillor Luby resigned as council's representative on the Come Home Year Committee; staff will send a letter to the committee informing them of the resignation.

Pavement for Catholic Cemetery

MOTION: 2018-9341 Deputy Mayor O'Driscoll/Councillor Luby

MOVE THAT Town maintenance pickup and delivery the asphalt to the Cemetery Committee.

Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Guardrails on Alley Rd & Quay's Rd

Moved to September agenda to include in guardrail list for replacement and repair

Lower Rd-Upgrades

MOTION: 2018-9342 Deputy Mayor O'Driscoll/Councillor Luby
MOVE THAT Town move ahead with design & scope for the Lower Rd.
Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mallowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Tax Payment Schedule for ID# 204557

Mayor Mallowney stated the Finance Committee met, and will provided a payment schedule to ID# 204557

Community Enhancement Employment Project (CEEP)

MOTION: 2018-9343 Councillor Luby/ Deputy Mayor O'Driscoll
MOVE THAT the Town apply for CEEP again this year
Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mallowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Adjournment:

9:26 p.m. Mayor Mallowney called for adjournment as there was no further business of the Council.

MOTION: 2018-9344 Councillor Burton/Councillor Luby
MOVE THAT meeting be adjourned
Questions called. Motion carried. Unanimously

For Motion: 7 (Mayor Mallowney, Deputy Mayor O'Driscoll, Councillors Tucker, Luby, O'Brien, Maloney & Burton)

Against: 0

Mayor



Clerk