

**TOWN COUNCIL OF BAY BULLS
PUBLIC MEETING – January 9, 2017**

Members Present: Mayor Patrick O’Driscoll
Deputy Mayor Harold MULLOWNEY
Councillor Gerard Mulcahy
Councillor Evelyn Tucker
Councillor Wendy O’Driscoll
Councillor Joan Luby

Regrets: Councillor Jason Sullivan

Also Present: Sandra Cahill, Town Clerk

1. Call to Order

Mayor Patrick O’Driscoll assumes the Chair & calls the meeting to order at 8:00 pm.

2. Adoption of Agenda

MOTION: 2016-8663 Gerard Mulcahy/Harold MULLOWNEY
Move to adopt the agenda of January 8, 2017 with the addition of new business.

- a) New Town Clerk
- b) Mobile High School Outreach Dinner
- c) Tarp for salt & sand
- d) Engineering Cost for Cemetery Lane Subdivision
- e) Retirement

In favour - 6

MOTION CARRIED

3. Adoption of Minutes

MOTION: 2016-8664 Gerard Mulcahy/Harold MULLOWNEY
Move to adopt the minutes of December 12, 2016 with corrections.

Page 7, no. 9, Councillor Gerard Mulcahy speaks on Councillor Joan Luby’s Conflict of Interest;

Councillor Joan Luby wants it noted that she is exempt from page 7 no.9 for not voting to pass this section of the minutes as it pertained to Ms. Luby.

Page 7, Deputy Mayor Harold Mallowney asks to have statement removed,
“Deputy Mayor Harold Mallowney says continue moving”.

In favour - 6

MOTION CARRIED

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Delegations:

- a) Resident of 257 Northside Rd. addresses council on miscellaneous issues

Resident speaks on her crown land applications 2009 & 2010, speed signs, private driveways on the SS Hwy, guard rail, culvert & poisonous poles on Northside Rd, private matters discussed in chambers, etc.

Applications:

- 1. Storage

I.D. # 2017- 300
100 Winnonish Drive

Councillor Gerard Mulcahy declares Conflict of Interest on above noted application & leaves the chambers at 8:30. Councillor Mulcahy is employed by a security company that is contracted by Bay Bulls Marine Terminal/Pennecon Energy.

Mayor Patrick O’Driscoll asks council to decide if he is in conflict on above noted application & leaves the chambers at 8:31 pm as his father operated a quarry on Winnonish Drive.

Deputy Mayor Harold Mallowney assumes the Chair & calls for a decision on the Mayor O’Driscoll’s conflict.

MOTION: 2016-8665 Evelyn Tucker/Joan Luby

Move that Mayor Patrick O’Driscoll is in Conflict of Interest on above noted application.

Deputy Mayor Harold Mallowney – No
Councillor Wendy O’Driscoll – No
Councillor Evelyn Tucker – Yes
Councillor Joan Luby – Yes

Motion Dies

Mayor Patrick O’Driscoll returns to the chambers at 8:35 pm & asks what council’s decision is on his conflict. Council informed him that it was a tie vote & the motion died.

Mayor Patrick O’Driscoll leaves the chambers again at 8:36 pm.

MOTION: 2016-8666 Evelyn Tucker/Joan Luby
Move to defer above noted application pending submission of a legal survey.

In favour - 4

MOTION CARRIED

Mayor Patrick O'Driscoll returns to the chambers at 8:38 pm & asks that it be entered into the record that he (Mayor) was exempt from voting on this application & steps out again.

MOTION: 2016-8667 Wendy O'Driscoll/Evelyn Tucker
Move to approve that Mayor Patrick O'Driscoll is exempt from voting on above noted application as council could not come to a decision on the Mayor's request on whether or not he (the Mayor) is in conflict.

In favour - 4

MOTION CARRIED

Mayor Patrick O'Driscoll & Councillor Gerard Mulcahy returns to the chambers at 8:40 pm

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2. Develop Land

I.D. # 2017- 400
22 Cabot Drive

Mayor Patrick O'Driscoll declares Conflict of Interest on above noted application & leaves the chambers at 8:41 pm. Mayor O'Driscoll resides on Cabot Drive.

MOTION: 2016-8668 Evelyn Tucker/Wendy O'Driscoll
Move to approve above noted application under Municipal Plan Regulation Section 47 (town planner's recommendations) which states:

47. Lot Area and Size Exceptions

- Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations

In favour - 5

MOTION CARRIED

Mayor Patrick O'Driscoll returns to the chambers at 8:42 pm

3. Develop Land

I.D. # 2017- 402
Lot 3 Dunn Drive

MOTION: 2016-8669 Harold Mullooney/Wendy O'Driscoll
Move to approve above noted application.

In favour - 6

MOTION CARRIED

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January 9, 2017 SECTION A - ACCOUNTS FOR PAYMENT

Cheque No.	Payable to:	Reason	Amount
617	Harold Mullooney	Travel	103.68
627	Stewart McKelvey	Prof fee	1,421.40
628	O'Brien Trucking	Tender Salt Sand Mix	3,450.00
629	NAPE	Union Dues	50.45
630	Receiver General	Remittance	5,023.94
631	Credit Recovery	Collection Fee	116.63
632	Desjardine	Office supplies	479.34
633	Cal LeGrow	Travel Insurance	616.00
634	Canada Rev. Ag.	HST	4,213.64
635	Triware Tech.	Tech Work on Computer	373.75
636	Gladys Bennett	Office Cleaning	624.00

637	MNL	Near Plan	1,845.00
638	O'Brien Trucking	Snow Removal	21,141.86
639	Triware Tech.	Backup Hosting	281.75
640	O'Brien Trucking	Snow Removal	23,818.20
641	BBBAA	1st Quarter Dir. Grant	17,000.00
642	Mun. Ass. Agency	Assessment Fees	7,063.00
643	Witless Bay Home	Building Supplies	180.40
			87,803.04
TOTAL			
Cheque No.	Payable to:	Reason	Amount
On line	Bell Aliant	Office Phones	445.24
On line	Bell Mobility	Cell	66.47
On line	NL Power	Garage	33.10
On line	NL Power	Street Lights	3,796.41
On line	NL Power	Office	631.82
On line	NL Power	RCMP	118.77
On line	Eastern Waste	Garbage Collection	
On line	Ultramar	Fuel Town Truck	406.63
On Line	Orkin	Pest Control	177.68
Total			5,676.12

Deputy Mayor Harold Mallowney declares Conflict of Interest on cheque no. 617 & leaves the chambers at 8:44 pm., this is Deputy Mayor Harold Mallowney's travel claim.

- a) MOTION: 2016-8670 Wendy O'Driscoll/Gerard Mulcahy
Move to approve to pay/release cheque no. 617, section A.

In favour – 5

MOTION CARRIED

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Deputy Mayor Harold Mallowney returns to the chambers at 8:45pm

Councillor Wendy O'Driscoll declares Conflict of Interest on cheque no. 629 & leaves the chambers at 8:45 pm.
Councillor Wendy O'Driscoll is President of Nape Local 7538.

- b) MOTION: 2016-8671 Gerard Mulcahy/Evelyn Tucker
Move to approve to pay/release cheque number 629.

In favour – 4

MOTION CARRIED

Councillor Wendy O'Driscoll returns to the chambers at 8:46 p.m.

- c) MOTION: 2016-8672 Gerard Mulcahy/Wendy O'Driscoll
Move to approve to pay/release all other cheques in section A.

In favour – 6

MOTION CARRIED

- d) Eastern Waste Management invoice for 2017

MOTION: 2016-8673 Wendy O'Driscoll/Gerard Mulcahy
Move to approve to pay in ten (10) equal payments for 2017.

In favour – 6

MOTION CARRIED

CORRESPONDANCE ACTION:

1. Town Manager's Position

MOTION: 2016-8674 Patrick O'Driscoll/Gerard Mulcahy
Move to go with the consultant's recommendation for a town manager.

Councillor Wendy O'Driscoll asks if she should remove herself as this is a staffing issue & her mother-in-law is the Assistant Town Clerk. Mayor Patrick O'Driscoll says she should ask council to make that decision.

Councillor Wendy O'Driscoll declares Conflict of Interest & leaves the chambers at 8:49 pm as the assistant town clerk is her mother in law & she feels this discussion can spill over into more than a discussion on the town managers position.

Deputy Mayor Harold Mallowney comments that he's not sure the individual picked by the consultant has the skills set needed, when we looked for that individual the town was a lot busier, that been said the most urgent need now is a town clerk, we can revisit the manager's position later.

Mayor Patrick O'Driscoll comments as you are aware there is a report coming from Municipal Affairs; this person (manager) will take the report & review it & bring the issues & concerns back to council. The manager would take the pressure of council by putting out expressions of interest for hiring the town clerk, now council will have to do it & it could take months to hire a clerk. The manager will go to meetings to represent council, for towns our size it is common to have a manager.

Mayor Patrick O'Driscoll calls for the vote:

Councillor Gerard Mulcahy – Yes
Mayor Patrick O'Driscoll – Yes

Councillor Evelyn Tucker – No
Councillor Joan Luby – No
Deputy Mayor Harold Mullooney – No

In favour – 2
Against - 3

Motion Defeated

Councillor Wendy O'Driscoll returns to the chambers at 8:57 pm

2. Irishtown Rd. Agreement & Design

Mayor Patrick O'Driscoll declares Conflict of Interest & leaves the chambers at 8:58 pm. Mayor O'Driscoll has family that lives on Irishtown Road.

Deputy Mayor Harold Mullooney assumes the Chair.

Motion: 2016-8675 Evelyn Tucker/Joan Luby

Move to defer this item until public works meets to discuss what other roads within the town needs upgrading.

In favour – 5

MOTION CARRIED

Mayor Patrick O'Driscoll returns to the chambers at 9:00 pm

3. Request for Road Maintenance 5 O'Driscoll's Lane

Motion: 2016-8676 Evelyn Tucker/Wendy O'Driscoll

Move to send a letter to resident that the Town will have a look at the problem & do a temporary fix. The town will revisit this in the spring & do a proper job.

In favour – 5

MOTION CARRIED

4. Development Regulation Amendment No. 4

Councillor Joan Luby declares Conflict of Interest & leaves the chambers at 9:03 pm. Councilor Luby has immediate family (brother) that owns land next to this propose amendment area.

Mayor Patrick O'Driscoll reads out the town planners 3 options & states that 1 letter of objection was submitted.

Motion: 2016-8677 Gerard Mulcahy/

Move to approve to go with option one (1)

Call once (1)

Call twice (2)

The Mayor seconds the motion

Deputy Mayor Mullooney states that he cannot support option one (1) as the letter from the proponent has a number of concerns & option one (1) should be taken off the table. Councillor Evelyn Tucker asks if the letter has been reviewed by council & Mayor Patrick O'Driscoll responds that all information was forwarded to the town's legal & town planner for review before making the recommendations.

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Mayor Patrick O'Driscoll says for the record we are tabling a letter from Municipal Affairs that was sent to Councillor Evelyn Tucker upon her request for direction on this item asking if the onus is on council to make a decision on this application. Councillor Tucker reads out Municipal Affairs response which states the investigation into Town of Bay Bulls is an active investigation that will review actions of council & make recommendations on process & decisions on past applications. Council may wish to proceed with caution & seek a legal opinion before proceeding on any application.

Mayor Patrick O'Driscoll says he spoke to Municipal Affairs & we (the town) have to continue as a council, Municipal Affairs will continue to make recommendations & part of the process is that the town seek legal opinions on how to proceed. All the information was supplied to the town's legal team & for months they worked on an opinion. The town's lawyer & town planner came forward with an opinion to council & that is how we got to where we are today. Deputy Mayor Mullooney says lawyers will give advice but at the end of the day it's council's decision.

Mayor Patrick O'Driscoll calls for the vote to go with option number one (1)

Councillor Gerard Mulcahy – Yes

Mayor Patrick O'Driscoll – Yes

Deputy Mayor Mullooney - No

Councillor Wendy O'Driscoll – No

Councillor Evelyn Tucker – No

Against – 3

In favour – 2

Councillor Joan Luby returns to the chambers at 9:15 pm

MOTION DEFEATED

5. Concerns from Resident of 65 Irishtown Road

Mayor Patrick O'Driscoll declares Conflict of Interest on above noted item & leaves the chambers at 9:14 p.m.
Mayor Patrick O'Driscoll has family that lives on Irishtown Road.

Deputy Mayor Harold Mullooney assumes the Chair

Motion: 2016-8678 Harold Mullooney/Joan Luby

Move to approve to send a letter to resident of 63A Irishtown Road & ask them to reinstate the ditch as soon as possible to its original condition as other home owners could be impacted.

In favour – 5

MOTION CARRIED

Mayor Patrick O'Driscoll returns to the chambers at 9:21 pm.

6. 38 Track Road Extension

Councillors Joan Luby & Wendy O' Driscoll declares Conflict of Interest & leaves the chambers at 9:23 pm. Councillor Luby resides on Track Road Extension. Councillor Wendy O' Driscoll has family that owns land on Track Road Extension.

Motion: 2016-8679 Harold Mullooney/Evelyn Tucker

Move to approve to send a letter to property owner of 38 Track Road Extension asking that the property be cleaned up asap as it has become an eye sore again.

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In favour – 4

MOTION CARRIED

Councillors Joan Luby & Wendy O'Driscoll returns to the chambers at 9:25 pm.

7. Representation Letter for the Town's Auditor

Motion: 2016-8680 Wendy O'Driscoll/Gerard Mulcahy

Move to approve to sign a representation letter as requested by Mr. Gregory Stokes town's auditor.

In favour – 6

MOTION CARRIED

8. Legal Advice

Motion: 2016-8681 Patrick O'Driscoll/Gerard Mulcahy

Move this item to a privilege session.

In favour – 6

MOTION CARRIED

9. Overlapping Agricultural Areas of Interest

Motion: 2016-8682 Wendy O'Driscoll/Harold Mullooney

Move to request the Department of Agriculture provide the town with more detailed mapping before decision is made.

In favour – 6

MOTION CARRIED

10. Set Hearing Date for Conflict of Interest allegations - Councillor Gerard Mulcahy

Councillors Gerard Mulcahy & Evelyn Tucker declares Conflict of Interest & leaves the chambers at 9:35 pm.
The allegations are brought against Councillor Gerard Mulcahy by Concillor Evelyn Tucker.

Motion: 2016-8683 Joan Luby/Wendy O'Driscoll
Move to approve to set a date for a hearing for Councillor Gerard Mulcahy.

Mayor Patrick O'Driscoll comments this does not warrant a motion.

Councillor Wendy O'Driscoll also comments she is not sure it's conflict.

The Mayor calls for the vote:

Councillor Joan Luby – Yes
Councillor Wendy O'Driscoll – Yes
Deputy Mayor Harold Mallowney – Yes
Mayor Patrick O'Driscoll – No, does not warrant a hearing

Against 1

In favour – 3

MOTION CARRIED

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11. MNL Invoice \$1,845.00

Motion: 2016-8684 Patrick O'Driscoll/Wendy O'Driscoll
Move to approve to pay the MNL invoice for the town's contribution to the NEAR plan.

In favour – 6

MOTION CARRIED

INFORMATION ONLY:

1. Meeting reminder from BBBAA, Wednesday January 18, 2017 @ 6:30 pm.
2. Market Value Pricing Policy for Municipalities.

GENERAL BUSINESS:

1. Advertising 2017 Tax Structure

Motion: 2016-8685 Harold Mullooney/Wendy O'Driscoll
Move to approve to advertise 2017 Tax Structure

In favour – 6

MOTION CARRIED

2. Redactions Related to Exemptions Section 30 of the Municipalities Act

Motion: 2016-8686 Wendy O'Driscoll/Patrick O'Driscoll
Move to approve to go with legal advice as it relates to section 30 of the Municipalities Act.

In favour – 6

MOTION CARRIED

3. Canada Summer Jobs

Motion: 2016-8687 Patrick O'Driscoll/Harold Mullooney
Move to approve to apply for 3 students under Canada Summer Jobs.

In favour – 6

MOTION CARRIED

4. Notice of Motion - Councilors Conflict of Interest on roads that councilors live on.
Councillor Wendy O'Driscoll will contact Municipal Affairs on this issue for clarification.

5. Heat for Town Garage

Motion: 2016-8688 Evelyn Tucker/Wendy O'Driscoll
Move to get three (3) quotes for a mini split for the town garage.

In favour – 6

MOTION CARRIED

6. Backhoe or Kubota for loading sand into the Town

Mayor Patrick O'Driscoll asks council to decide if he is in Conflict of Interest & leaves the chambers at 9:45 pm. Mayor Patrick O'Driscoll's father does work for the town.
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Motion: 2016-8689 Wendy O'Driscoll/Evelyn Tucker
Move that Mayor Patrick O'Driscoll is not in conflict of interest.

In favour – 5

MOTION CARRIED

Mayor Patrick O'Driscoll returns to the chambers at 9:46 pm.

When needed, the town's maintenance will arrange to have the snow clearing operator scoop sand into the back of the town truck.

7. Town Roads

Before the spring comes, Council will get together & compile a priority roads list.

8. Answers to Delegation - 257 Northside Road

Motion: 2016-8690 Wendy O'Driscoll/Joan Luby
Move to approve a response to resident's questions.

In favour – 6

MOTION CARRIED

9. Mobile Outreach Dinner

Mayor Patrick O'Driscoll, Councilors Wendy O'Driscoll & Joan Luby declares Conflict of Interest & leaves the chambers at 9:50 pm. Mayor Patrick O'Driscoll & his wife is employed by Eastern School Board. Councilor Wendy O'Driscoll is Chair of the school council & Councillor Joan Luby serves on the school council.

Council has lost quorum, this item is deferred for the next public meeting of council.

10. Engineer's Cost estimate for Cemetery Lane West Subdivision

Motion: 2016-8691 Patrick O'Driscoll/Gerard Mulcahy
Move to approve cost estimate for the second review of subdivision.

In favour – 6

MOTION CARRIED

11. Tarp for Salt & Sand Stock Pile

Motion: 2016-8692 Gerard Mulcahy/Harold Mallowney
Move to approve to get three (3) quotes for a tarp to cover the salt & sand stock pile.

In favour – 6

MOTION CARRIED

Privileged Session 10:00 pm.

In camera Session – staff leaves the chambers as there are staffing items to be discussed.

Public Session 10:44 pm.

12. Legal Options to Dedicate Property for Playground in Sheldon Dr. Subdivision

Motion: 2016-8693 Wendy O'Driscoll/Evelyn Tucker

Move to drop the issue & it is not to be brought up again.

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Mayor Patrick O'Driscoll calls for the vote:

Councilor Joan Luby – Yes, to drop the issue

Councillor Evelyn Tucker – Yes

Councillor Wendy O'Driscoll – Yes

Deputy Mayor Harold Mullooney – Yes

Councillor Gerard Mulcahy – No

Mayor Patrick O'Driscoll- No

Against – 2

In favour – 4

MOTION CARRIED

13. Town Clerk Position

Councillor Wendy O'Driscoll declares Conflict of Interest & leaves the chambers at 10:50 pm. Councillor Wendy O'Driscoll's is related to the Assistant Town Clerk Sandra Cahill (mother-in law).

Motion: 2016-8694 Harold Mullooney/Gerard Mulcahy

Move to approve to appoint Sandra Cahill as Town Clerk. This position will have a six (6) month probationary period.

In favour 5

MOTION CARRIED

14. Temporary Assistant Town Clerk Position

Motion: 2016-8695 Evelyn Tucker/Gerard Mulcahy

Move to approve to advertise for a temporary assistant town clerk, this ad is to run in the Telegram for Saturday January 14, 2017 & the Irish Loop Post as well.

In favour 5

MOTION CARRIED

Councillor Wendy O'Driscoll returns to the chambers at 10:57 pm.

Adjournment:

Motion: 2016-8696 Evelyn Tucker/Joan Luby

Move to adjourn this meeting at 10:57 p.m.

In favour – 6

MOTION CARRIED

Mayor

Town Clerk

Draft