

TOWN COUNCIL OF BAY BULLS
PUBLIC MEETING – July 11, 2017

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

Regrets:

Also Present: Sandra Cahill, Town Clerk
Ashley Wakeham, Assistant 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: 2017-8860 Harold Mullooney/Wendy O’Driscoll
Move to adopt the agenda of July 11, 2017 with the addition of New Business.

- a) Sheldon Drive Playground
- b) Swales
- c) Engineering
- d) Road Shouldering

In favour - 5

MOTION CARRIED UNANIMOUSLY

3. Adoption of Minutes

- a) MOTION: 2017-8861 Harold Mullooney/Joan Luby
Move to adopt the minutes of the Public Meeting of June 12, 2017 with corrections:

In favour - 5

MOTION CARRIED UNANIMOUSLY

- b) MOTION: 2017-8862 Evelyn Tucker/Joan Luby
Move to adopt the minutes of the Emergency Public Meeting June 26, 2017 as presented.

In favour - 5

MOTION CARRIED UNANIMOUSLY

Delegations:

Applications:

1. Business

ID # 2017- 102
45 Northside Road

MOTION: 2017-8863 Evelyn Tucker/Wendy O'Driscoll

Move to defer above noted business application for the following conditions:

- a) Property owner needs to submit an updated survey (not older than 5 years).

In favour - 5

MOTION CARRIED UNANIMOUSLY

2. Develop Land

ID # 2017- 413
36 Quay's Road

MOTION: 2017-8864 Harold Mallowney/Joan Luby

Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

3. Shed

ID # 2017- 308
19 Dunn Drive

MOTION: 2017-8865 Harold Mallowney/Evelyn Tucker

Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

4. Business

ID # 2017- 105
151 Southside Road

Councillors Evelyn Tucker, Joan Luby, & Wendy O'Driscoll declare Conflict of Interest & leave the chambers at 8:23 pm. Councillors Tucker & O'Driscoll reside on Southside Road & Councillor Luby resides on Track Rd. Extension that borders Southside Road. This business is located on the corner of Track Rd Ext. & Southside Rd.

Council has lost quorum & will request Ministerial approval for Mayor Patrick O'Driscoll & Deputy Mayor Harold Mallowney to vote on this item.

Councillors Evelyn Tucker, Joan Luby, & Wendy O'Driscoll return to the chambers at 8:23 pm.

SECTION A - ACCOUNTS FOR PAYMEN July 11, 2017

Cheq No.	Payable to:	Description	Amount
803	Plan Tech Environment	Professional Fees	1051.56
804	APEX Construction	Dugouts	80.53
805	Triware	Labour	149.50
806	Dicks & Company	Floor Charge	414.00
807	Construction Signs	Road Supplies	247.83
808	Town of Witless Bay	3rd. Quarter Fire Protection	14,062.50
809	Melvin's ATV	Equipment supplies	96.49
810	Butlers Sand	Ballfield	511.75
811	The Veterans Magazine	Advertising	200.00
812	Big Eric's	Supplies	160.08
813	BBBAA	Canada Day Donation	1,700.00
814	Credit Recovery	Collection Fees	82.20
815	BBBAA	Directors Salary 2nd. Half for 2017	17,000.00
819	Gladys Bennett	Office Cleaning	744.00
820	Assessment Agency	3rd Quarter Assessment Fees	7,063.00
821	Sandra Cahill	Travel Claim	62.37
822	Witless Bay Hardware	Misc. Building Supplies	865.08
TOTAL			44,490.89
		Section B	
Cheque	Payable to:	Reason	Amount
On line	Bell Aliant	Office Phones	446.98
On line	Bell Mobility	Cell	65.78
On line	NL Power	Town Garage	31.03
On line	NL Power	Street Lights	3,796.41
On line	NL Power	Office	405.66
On line	NL Power	RCMP	65.80
On line	Eastern Waste Management	June Garbage Collection	9,810.00
On line	Ultramar	Fuel Town Truck	419.56
801	LBEL Inc.	Printer Rental	304.00
802	North Atlantic	Fuel Town Truck	72.92
816	Receiver General	Payroll Remittance for June	4,038.76
817	NAPE	Union Dues for June	40.36
818	Canada Revenue Agency	2nd. Quarter HST	4,233.48
D.D.	Outside Maintenance	Gross Pay for June (4 Wks)	3,217.60
D.D.	Town Clerk	Gross Pay for June (4 Wks)	4,096.00
D.D.	Assistant Town Clerk	Gross Pay for June (4 Wks)	3,120.00
Total			34,164.34

- a) Councillor Wendy O’Driscoll declares Conflict of Interest on:
1. Cheque # 821 Section A, travel claim for town clerk Sandra Cahill
 2. Cheque #817 Section B, NAPE Union Dues
 3. Direct Deposit payroll for Sandra Cahill town clerk

Councillor Wendy O’Driscoll leaves the chambers at 8:24. Councillor Wendy O’Driscoll is related to the town clerk (mother-in-law) & is president of NAPE local 7538.

MOTION: 2017 – 8866 Harold Mullooney/Evelyn Tucker
Move to approve to pay/release cheque # 821 (Section A) & cheque # 817 & Direct Deposit Payroll for Sandra Cahill Town Clerk, (Section B).

In favour – 4

MOTION CARRIED

Councillor Wendy O’Driscoll returns to the chambers at 8:25pm.

- b) Councillor Evelyn Tucker declares Conflict of Interest on cheque # 811 (Section A) & leaves the chambers at 8:25 pm. Councillor Tucker has a son that serves in the Canadian Military.

MOTION: 2017 – 8867 Harold Mullooney/Wendy O’Driscoll
Move to approve to pay/release cheque # 811 (Section A).

In favour –4

MOTION CARRIED

Councillor Evelyn Tucker returns to the chambers at 8:25 pm.

- c) MOTION: 2017 – 8868 Wendy O’Driscoll/Patrick O’Driscoll
Move to approve to pay/release all other cheques in section A & B including online utility payments & direct deposit payroll for staff.

In favour –5

MOTION CARRIED UNANIMOUSLY

Amount paid under Section A total \$44,490.89

Under Section B total \$34,164.34

CORRESPONDENCE ACTION:

1. Request from Assistant Town Clerk
This item is moved to privileged session at the end of the meeting.
2. Ministerial Approval – Removal of Debris on 34 Track Road Ext.

Councillors Wendy O’Driscoll & Joan Luby declare Conflict of Interest & leave the chambers at 8:27 pm.
Councillor Wendy O’Driscoll has immediate family that owns land on Track Rd. Ext. & Councillor Joan Luby resides on Track Rd. Ext.

Pursuant to Section 208 (4) of the Municipalities Act 1911, the Minister of Municipal Affairs hereby gives authorization to Mayor Patrick O’Driscoll, Deputy Mayor Harold Mallowney & Councillor Evelyn Tucker, who have not declared conflict of interest under section 208 (1), to vote on the following matters.

- a. Removal of debris/garbage on 34 Track Rd Ext.

Motion: 2017-8869 Harold Mallowney/Evelyn Tucker

Move to send a registered letter to the property owner asking him to remove all the debris & garbage around his property at 34 Track Rd. Ext. This also includes the vehicle (with no wheels) in front of the house. Property owner has ten (10) days from date on the letter to comply.

In favour – 3

MOTION CARRIED UNANIMOUSLY

- b. Removal of structure on 140 Track Rd Ext.

Motion: 2017-8870 Evelyn Tucker/Harold Mallowney

Move to send a registered letter to the property owner of 140 Track Rd. Ext. informing him that he has 30 days from the date on the letter to remove the structure that he erected to repair a boat.

In favour – 3

MOTION CARRIED UNANIMOUSLY

Councillors Wendy O’Driscoll & Joan Luby return to the chambers at 8:36 pm.

3. Road Maintenance Request from Resident of 127 Southside Rd.

Councillors Wendy O’Driscoll & Evelyn Tucker declare Conflict of Interest & leave the chambers at 8:36 pm.
Both Councillors Wendy O’Driscoll & Evelyn Tucker reside on Southside Rd.

Council has lost quorum & will request Ministerial approval for Mayor Patrick O’Driscoll, Deputy Mayor Harold Mallowney & Councillor Joan Luby who have not declared a conflict, to vote on this item.

Councillor Luby will have the town’s outside maintenance look at this & will inform the resident that the town will be taking care of it.

Councillors Wendy O’Driscoll & Evelyn Tucker return to the chambers at 8:38 pm.

4. Request for Speed Bump – 147 Track Rd.

Councillors Wendy O’Driscoll & Joan Luby declare Conflict of Interest & leave the chambers at 8:38 pm. Councillor Wendy O’Driscoll has immediate family that owns land on Track Rd Ext. & Councillor Joan Luby resides on Track Rd Ext.

Council has lost quorum & will request Ministerial Approval for Mayor Patrick O’Driscoll, Deputy Mayor Harold Mallowney, & Councillor Evelyn Tucker, who have not declared a conflict of interest, to vote on this item.

Councillors Wendy O’Driscoll & Joan Luby return to the chambers at 8:39 pm

5. Quotes for Wildlife Cameras

Motion: 2017-8871 Evelyn Tucker/Wendy O’Driscoll
Move to approve to purchase # 3 – Crush 20 by Wildlife Innovations for 399.95 plus HST.

In favour – 5 MOTION CARRIED UNANIMOUSLY

6. Federation of Canadian Municipalities Capital Projects Grants – Irishtown Rd.

Mayor Patrick O’Driscoll declares Conflict of Interest & leaves the chambers at 8:42 pm. Mayor O’Driscoll has immediate family that live on Irishtown Rd.

Motion: 2017-8872 Evelyn Tucker/Wendy O’Driscoll
Move to approve to apply to FCM for a capital projects grant for Irishtown Rd.

In favour –4 MOTION CARRIED UNANIMOUSLY

7. Federation of Canadian Municipality Capital Projects Grants - Feasibility Study Irishtown Rd.

Motion: 2017-8873 Evelyn Tucker/Joan Luby
Move to apply for FCM funding to cover the cost of a feasibility study for Irishtown Rd.

In favour – 4 MOTION CARRIED

Mayor Patrick O’Driscoll returns to the chambers at 8:44 pm

8. Federation of Canadian Municipalities – GMC Capital Project - Storage Bldg. for Winter Salt & Sand

Motion: 2017-8874 Wendy O’Driscoll/Joan Luby
Move to explore possibilities for GMC capital project funding for a building to house the town’s supply of salt & sand to prevent the salt from leaching into the river.

In favour – 5 MOTION CARRIED UNANIMOUSLY

9. Community Enhancement Employment Program

Motion: 2017-8875 Evelyn Tucker/Joan Luby
Move to apply to Municipal Affairs for the Community Enhancement Employment Program.

In favour – 5

MOTION CARRIED UNANIMOUSLY

10. Guiney Challenge 2017

Motion: 2017-8876 Wendy O'Driscoll/Joan Luby

Move to post on the town's website.

In favour – 5

MOTION CARRIED UNANIMOUSLY

11. Development Regulations Amendment No 2, Stand Alone Day Care Dunn Drive

Motion: 2017-8877 Harold MULLOWNEY/Wendy O'Driscoll

Move to withdraw Development Regulations Amendment No 2 to allow a daycare or day nursery on a separate lot on Dunn Drive.

In favour – 5

MOTION CARRIED UNANIMOUSLY

12. Request to Refund Zoning Fee \$5,000.00 - for a Stand Alone Day Care, Dunn Drive

Motion: 2017-8878 Joan Luby/Wendy O'Driscoll

Move to refund zoning fee to applicant minus the cost of \$395.54 for advertising in the Telegram that was paid by the town; adjusted amount of refund is \$4,604.36.

Mayor calls for the vote:

Deputy Mayor Harold MULLOWNEY – Yes refund \$4604.36

Councillor Wendy O'Driscoll – Yes

Mayor Patrick O'Driscoll – No

Councilor Evelyn Tucker – Yes

Councillor Joan Luby – Yes

Against - 1

In favour – 4

MOTION CARRIED

13. St. John's Fire Fighters Association Request for Support

Motion: 2017-8879 Evelyn Tucker/Joan Luby

Move to deny above noted request as the Town of Bay Bulls supports the local fire department.

In favour – 5

MOTION CARRIED UNANIMOUSLY

14. Southern Shore Arena Advertising Board \$575.00 HST Inc.

Motion: 2017-8880 Joan Luby/Wendy O'Driscoll

Move to approve request from the Southern Shore Arena for the town to support an advertising board

In favour – 5

MOTION CARRIED UNANIMOUSLY

INFORMATION ONLY:

GENERAL BUSINESS:

1. Come Home Year Committee – Arm of Council

Motion: 2017-8881 Evelyn Tucker/Patrick O'Driscoll

Move to approve the Come Home Year Committee as an Arm of Council.

In favour – 5

MOTION CARRIED UNANIMOUSLY

2. Council's Representative on Come Home Year Committee

Motion: 2017-8882 Evelyn Tucker/Patrick O'Driscoll

Move to approve Councillor Joan Luby as council's representative on the Come Home Year Committee.

In favour – 5

MOTION CARRIED UNANIMOUSLY

3. Events Insurance for the Come Home Year Celebrations

Motion: 2017-8883 Evelyn Tucker/Wendy O'Driscoll

Move to approve to contact the town's insurer to put events insurance in place for the Come Home Year celebrations from August 10-15th.

In favour – 5

MOTION CARRIED UNANIMOUSLY

4. Fire Works Donation

Motion: 2017-8884 Joan Luby/Wendy O'Driscoll

Move to approve a \$1,500.00 donation for fireworks for the Come Home Year celebrations.

In favour – 5

MOTION CARRIED UNANIMOUSLY

5. Quotes for Consultant to Hire an Outside Worker

Motion: 2017-8885 Wendy O'Driscoll/Evelyn Tucker

Move to approve staff to contact the qualified applicants to see if they are still available for work.

Mayor calls for the vote to hire an outside worker:

Deputy Mayor Harold Mallowney – yes

Councillor Wendy O'Driscoll – yes

Councillor Evelyn Tucker – yes

Councillor Joan Luby – yes

Mayor Patrick O'Driscoll – no

Against - 1

In favour – 4

MOTION CARRIED

6. Adjust Quotes for Repainting Traffic Lines

Motion: 2017-8886 Wendy O'Driscoll/Joan Luby

Move to approve to award to SDS Contracting, the lowest price quoted,

In favour – 5

MOTION CARRIED UNANIMOUSLY

7. 122 Southside Road Resident Water runoff Concerns

Councillors Wendy O'Driscoll & Evelyn Tucker declare Conflict of Interest & leave the chambers at 9:18 pm, both councilors reside on Southside Road.

Council has lost quorum & will request Ministerial Approval authorizing Mayor Patrick O'Driscoll, Deputy Mayor, Harold Mullooney, & Councillor Joan Luby to vote on this item.

Councillors Wendy O'Driscoll & Evelyn Tucker return to the chambers at 9:20 pm.

8. Vacant Land Tax Adjustment – Council's Authority to Adjust Taxes

Deputy Mayor Harold Mullooney declares Conflict of Interest & leaves the chambers at 9:21 pm. Deputy Mayor Mullooney has requested a vacant land tax adjustment.

Motion: 2017-8887 Evelyn Tucker/Joan Luby

Move to defer for more information.

In favour – 4

MOTION CARRIED

Deputy Mayor Harold Mullooney returns to the chambers at 9:31 pm.

9. Councillor Wendy O'Driscoll to speak on Conflict of Interest

Councillor Wendy O'Driscoll addresses council:

"I, Wendy O'Driscoll, Councilor for Town of Bay Bulls, do hereby forfeit my right to a friendly hearing on conflict of interest presented by Mayor Patrick O'Driscoll. My reason for forfeiting my right to a friendly hearing is that the conflicts have no merit & there is no monetary gain in the conflicts presented".

Councillor Wendy O'Driscoll presents the town clerk with a signed written statement which states:

"To be in a conflict an individual has to have a monetary gain or loss. Neither of these conflicts will allow me or family members to gain or lose anything."

Councillor Wendy O'Driscoll requests the conflicts be put to a vote & leaves the chambers at 9:36 pm.

Motion: 2017-8888 Evelyn Tucker/Joan Luby

Move that Councilor Wendy O'Driscoll is not in Conflict of Interest.

Discussion:

Mayor Patrick O'Driscoll calls for the vote:

Deputy Mayor Harold Mallowney – No conflict of interest
Councillor Evelyn Tucker – No conflict of interest
Councillor Joan Luby – No conflict of interest
Mayor Patrick O'Driscoll – Yes there is a conflict of interest

Against - 1
In favour – 3

MOTION CARRIED

Councillor Wendy O'Driscoll returns to the chambers at 9:39 pm

10. Councillor Evelyn Tucker - Conflicts of Interest.

Councillor Evelyn Tucker addresses council:

"I, Evelyn Tucker, councilor for town of Bay Bulls, do by forfeit my right to a friendly hearing on conflicts of interest brought against me by former Councillor Gerard Mulcahy.

- 1) a payment of a hold back by Weir's Construction for O'Dea's Lane
- 2) a decision of a business application at Bay Bulls Harbour Authority.

Councillor Tucker presents the town clerk with a signed written statement waving her right to a friendly hearing on conflicts of interest & further states:

"My reason for forfeiting a friendly hearing is based on the deception of former Councilor Mulcahy for disclosure of parents ownership of property on O'Dea's Lane and his father's involvement with Bay Bulls Harbor Authority. On both occasions former Councillor Mulcahy declared on O'Dea's Lane because his uncle & grandmother lived there. Said he worked for the Harbour Authority not that his father was a member of the Board of Directors at the Harbour Authority. To be in a conflict an individual has to have a monetary gain or loss. Neither of these conflicts will allow me or any of my family members to gain or loss anything".

Councillor Evelyn Tucker requests these conflicts be voted on & leaves the chambers at 9:40 pm.

Motion: 2017-8889 Wendy O'Driscoll/Joan Luby
Move that Councilor Evelyn Tucker is not in Conflict of Interest.

Mayor Patrick O'Driscoll states this is not an agenda item. Councillor Wendy O'Driscoll points out she had conflicts of interest added to General Business.

Discussion:

Mayor Patrick O'Driscoll calls for the vote:

Deputy Mayor Harold Mallowney – No conflict of interest
Councillor Wendy O'Driscoll – No conflict of interest
Councillor Joan Luby – No conflict of interest
Mayor Patrick O'Driscoll – No conflict of interest

In favour – 4

MOTION CARRIED

Councillor Evelyn Tucker returns to the chambers at 9:45 pm

11. Deputy Mayor Harold Mallowney – Conflict of Interest

Deputy Mayor Harold Mallowney addresses council:

“I said in the beginning when all of this was brought against me there is no conflict here; I will not be doing another friendly hearing, this issue was even more aggravous then the first one & I still feel I am not in conflict & ask you to make the decision”.

Deputy Mayor Harold Mallowney presents the town clerk with a signed written statement waving his right to a friendly hearing on conflicts of interest presented by former Councillor Gerard Mulcahy. Deputy Mayor Harold Mallowney states his reason for forfeiting a friendly hearing is based on:

“To be in a conflict an individual has to have a monetary gain or loss. Neither of these conflicts will allow me or family members to gain or lose anything”.

Deputy Mayor Mallowney requests these conflicts be put to a vote & leaves the chambers at 9:45pm.

Motion: 2017-8890 Evelyn Tucker/Joan Luby

Move that Deputy Mayor Mallowney is not in Conflict of Interest.

Discussion:

Mayor Patrick O’Driscoll calls for the vote:

Councillor Wendy O’Driscoll – No conflict of interest

Councillor Evelyn Tucker – No conflict of interest

Councillor Joan Luby – No conflict of interest

Mayor Patrick O’Driscoll – Yes, there is a conflict of interest

Against - 1

In favour – 3

MOTION CARRIED

Deputy Mayor Harold Mallowney returns to the chambers at 9:47 pm

12. Councillor Joan Luby - Conflict of Interest

Councillor Joan Luby leaves the chambers at 9:47 pm.

Discussion:

Councillor Evelyn Tucker states that Councillor Joan Luby was brought up on two previous occasions for the same conflict of interest by former Councillor Gerard Mulcahy. Councillor Mulcahy was told at the time by the town clerk that this issue was already dealt with by motion of council. Councillor Evelyn Tucker states that, “you can’t bring someone up twice on the same conflict twice”.

Motion: 2017-8891 Wendy O’Driscoll/Evelyn Tucker

Move that the alleged conflicts of interest that were brought against Councilor Joan Luby be dismissed & that these conflicts are never to be brought up again.

Mayor Patrick O'Driscoll calls for the vote:

Councillor Wendy O'Driscoll – Yes, in favour
Councillor Evelyn Tucker – Yes, in favour
Deputy Mayor Harold Mullooney – Yes, in favour
Mayor Patrick O'Driscoll – Against

Against -1
In favour – 3

MOTION CARRIED

Councillor Joan Luby returns to the chambers at 9:55 pm.

13. Councillor Evelyn Tucker asks for an update on the Sheldon Drive Playground.

On June 27th an email was sent to the town's engineer & he responded that he would be getting back to the town with a proposal on the playground for the following week; inspection will be completed after proposal acceptance.

14. Swales for Irishtown Road

Mayor Patrick O'Driscoll declared Conflict of Interest & leaves the chambers at 9:56 pm. Mayor Patrick O'Driscoll has immediate family that lives on Irishtown Road.

Motion: 2017-8892 Evelyn Tucker/Wendy O'Driscoll

Move to approve to get unit pricing on meterage of swales, once the cost is received the town can go ahead & install where needed.

In favour – 4

MOTION CARRIED

Mayor Patrick O'Driscoll returns to the chambers at 9:59 pm.

15. Road Shouldering Needed

Motion: 2017-8893 Harold Mullooney/Wendy O'Driscoll

Move to approve to get unit pricing on class A & B stone to spread where needed.

In favour – 5

MOTION CARRIED UNANIMOUSLY

Privileged Session 10:05 pm

Public Session 10:14 pm.

16. Request from Assistant Town Clerk – Hourly Pay Increase

Motion: 2017-8894 Harold Mullooney/Wendy O'Driscoll

Move to approve half of the hourly increase amount requested (\$1.25) immediately as requested by the assistant town clerk & the second half increase in three (3) months.

In favour – 5

MOTION CARRIED UNANIMOUSLY

Adjournment:

Motion: 2017-8895 Patrick O'Driscoll/Wendy O'Driscoll

Motion to adjourn 10:16 p.m.

In favour – 5

MOTION CARRIED UNANIMOUSLY

Mayor

Sandra Cahill

Town Clerk