



Town Council of Bay Bulls

Meeting Minutes

For

The Regular Public Meeting of Council held December 11, 2017
At 8:00 p.m. in Council Chamber, Town Hall

Members Present:

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

Regrets:

Councillor Kevin O'Brien

Staff Present:

Sandra Cahill, Town Clerk
Ashley Wakeham, Assistant Town Clerk

A total of 17 members of the Public were seated in the Gallery

1. Call to Order:

Mayor Harold Mullooney assumed the Chair & called the meeting to order at 7:59 p.m.

2. Adoption of Agenda:

MOTION: 2017-9110 Deputy Mayor O'Driscoll/Councillor Luby
MOVE THAT the agenda of December 11, 2017 Regular Public Meeting be adopted as presented
Questions called. Motion carried. Unanimously
For Motion: 6 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Luby, Tucker, Maloney & Burton)
Against: 0

Mayor Mullooney called for 'New Business' additions to the Agenda for December 11, 2017

New Business:

Councillor Luby added: Cameras for illegal dumping within Town boundaries

Mayor Mullooney added: Development Committee

Mayor Mullooney added: Harbour Const. Invoice

3. Adoption of Minutes:

MOTION: 2017-9111 Deputy Mayor O’Driscoll/Councillor Luby

MOVE THAT the Minutes of November 14, 2017 be adopted as presented

Questions called. Motion carried. Unanimously

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

Against: 0

4. Delegations:

Mr. Jason Sullivan, Chair of Sheldon Drive and Area Playground Committee

8:01 p.m. Councillor Burton asked for Council to decide on his deceleration of Conflict of Interest for the Sheldon Dr Playground. Councillor Burton resides on Sheldon Dr.

MOTION: 2017-9112 Deputy Mayor O’Driscoll /Councillor Luby

MOVE THAT Councillor Burton is in a conflict on this matter

Questions called. Motion carried.

For Motion: 5 (Mayor Mullooney, Deputy Mayor O’Driscoll, Councillors Luby, Tucker, Maloney)

Against: 0

8:03 p.m. Councillor Burton was notified of the decision and remained out on conflict of interest.

8:03 p.m. Delegation Jason Sullivan took to the floor

Mr. Sullivan asked Council to explain what is required of the Committee to fix the playground.

Mr. Sullivan also expressed concerns that the Town will proceed with dismantlement of a playground that is owned by the Sheldon Drive and Area Playground Committee and not the Town.

Mr. Sullivan asked for a response to the matter at hand in a timely fashion to resolve this outstanding issue.

8:09 p.m. Delegation ended

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

5. Applications:

No Applications for December 11 meeting

6. Accounts:

SECTION A - ACCOUNTS FOR PAYMENT January 8, 2018			
Cheq No.	Payable to:	Description	Amount
953	Southern Shore Auto	Tires, Parts & Labour	1,749.30
955	Plan-Tech Environment	Meeting with Council	172.50
956	Patrick O'Driscoll Trucking	Backhoe Services	977.50
960	Avalon Coal & Salt	400 Tonnes of Road Salt	46,340.40
961	BBRL Centre	Christmas Dinner Rental	230.00
962	BBRL Centre	Bar Service-Christmas Dinner	461.29
963	Credit Recovery	Collection Fees	420.77
964	Business Post	Advertisement	63.94
965	PMA	Registration Fees	1,49.50
966	Triware	Monthly Hosting	281.75
967	Triware	Toner	846.40
968	Triware	Labour	322.00
969	Gladys Bennett	Cleaning Services	624.00
970	J & C Sod Farm	Repairs following Road Work	73.60
971	The Telegram	Tender Advertisement	343.62
972	The Telegram	Misc. Advertisements	1,358.14
973	Gregory Stokes Accounting	2016 Town Audit	6,900.00
974	Blue River Media	Yearly Fee	343.85
975	Stewart Mckelvey	Professional Services	2,801.69
976	Stewart Mckelvey	Professional Services	1,142.81
977	Stewart Mckelvey	Professional Services	110.40
978	Stewart Mckelvey	Professional Services	1,030.40
979	April Kavanagh Catering	Christmas Dinner	759.00
980	Witless Bay Home Hardware	Misc. Maintenance Supplies	960.87
981	City Sand & Gravel	Crushed Stone	12.12
982	Municipalities NL	Registration Fees	2,163.30
984	Gerald O'Driscoll	Backhoe Services	230.00
985	Gerald O'Driscoll	Snow Removal & Ice Control	1,198.88
986	BCL Industrial	Site Cleanup	661.25
TOTAL			\$72,729.28
SECTION B-Monthly Re-Occurring Bills ----Info Only			
Cheq No.	Payable to:	Description	Amount
On line	Bell Aliant	Office Phones	447.15
On line	Bell Mobility	Cell Phone	65.78
On line	NL Power	Town Garage	29.63
On line	NL Power	Street Lights	3,873.49
On line	NL Power	Office	524.07
On line	NL Power	RCMP	75.01
On line	Ultramar/Fleetcore	Fuel Town Truck	338.34

On line	Orkin	Odour Control	196.08
944	Community Enhancement	Project Payroll	205.89
945	Community Enhancement	Donation to Christmas Hampers	315.45
946	Community Enhancement	Donation to Christmas Hampers	356.23
947	Christmas Tree lighting	Donation to Christmas Hampers	300.00
948	William Earl	Process Server	250.00
946	English Paving	Patch Paving	16,675.00
950	Staples	Office Supplies	135.08
951	Receiver General	November Remittance	4,494.90
952	NAPE	November Union Dues	40.36
954	Canada Revenue Agency	3rd. Quarter Re-Assessment	51.27
957	WHSCC	Community Enhancement	50.00
958	Evelyn Tucker	Travel Claim	50.22
959	Joan Luby	Travel Claim	50.22
983	Sandra Cahill	Travel Claim	182.79
DD	Outside Supervisor	Gross Pay for November (4 wks)	3,217.60
DD	Assistant Town Clerk	Gross Pay for November (4 wks)	3,670.00
DD	Town Clerk	Gross Pay for November (4 wks)	4,096.00
TOTAL			\$39,690.56

8:11 p.m. Councillor Luby declared conflict of interest on Ck #970 under Section A; Ck # 970 is made payable to J & C Sod Farm owned by Councillor Luby's Sister-in-law.

MOTION: 2017-9113 Deputy Mayor O'Driscoll/Councillor Tucker

MOVE THAT Ck # 970 be released

Questions called. Motion carried.

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

Against: 0

8:11 p.m. Councillor Luby returned to the Chambers.

MOTION: 2017-9114 Deputy Mayor O'Driscoll/Councillor Maloney

MOVE THAT all other payables in Section A totaling \$72,729.28 be released for payment

Questions called. Motion carried. Unanimously.

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

Against: 0

Section B Accounts for Info Only

Accounts Paid: Section A: \$72,729.28 Section B: \$39,690.56

7. Correspondence & Action:

Mayor called for any questions or comments on the Action Report for December 11, 2017

Deputy Mayor O'Driscoll commented that she is actively working to resolve the feral cat population in the area of Irishtown Rd, and will update in the next public meeting.

Letter of Request from the Bauline–Bay Bulls Athletic Association (BBBAA)

MOTION: 2017-9115 Deputy Mayor O'Driscoll/Councillor Maloney

MOVE THAT The Town continue to provide support in the amount of \$37,000 annually for a duration of four years to the BBBAA.

Questions called. Motion carried. Unanimously

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

Against: 0

Letter of Offer from Resilient Business Continuity Management Inc. (ResilientBCM)

The Mayor added that the Town of Bay Bulls already has an Emergency Preparedness Plan in conjunction with the Town of Witless Bay.

The Mayor took note of the services offered by ResilientBCM and will investigate if those services are needed in the future.

Letter of Request from The Knights of Columbus

MOTION: 2017-9116 Councillor Maloney/Councillor Luby

MOVE THAT The Town support the Christmas Hamper Campaign in the amount of \$500.00

Questions called. Motion carried. Unanimously

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

Against: 0

Letter of Concern from Residents at 129 Northside Rd

Mayor Muldowney noted that the concerns stated in the letter will be addressed under Item 1 of General Business.

Request for Approval to Send Letter of Support for the Provincial-Wide Ban on Plastic Bags

MOTION: 2017-9117 Deputy Mayor O'Driscoll/Councillor Luby

MOVE THAT Staff send a letter to our local MHA, The Premier of NL, The Minister of MAE, and The MNL President reflecting the Town of Bay Bulls support for this initiative.

Questions called. Motion carried. Unanimously.

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

Burton)
Against: 0

8. Information Only:

- *Provincial Government to begin Consultations for Municipal Legislation*
- *PMA Memo*
- *Town of Torbay Amendment to Municipal Plan*

9. General Business:

Municipal Plan Amendment No 2 & Development Regulation Amendment No 3

8:17 p.m. Councillor Maloney declared conflict of interest on this matter; Councillor Maloney's sister resides on Northside Rd bordering the site of these proposed amendments.

MOTION: 2017-9118 Councillor Burton/Councillor Luby
MOVED for discussion.

Questions called. Motion carried.

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

Against: 0

Mayor Mullooney asked for questions or comments

No discussion took place

Mayor Mullooney called for a Motion to adopt MPA No 2 & DRA No 3

Councillor Burton MOVED THAT MPA No 2 & DRA No 3 be adopted.

Mayor Mullooney called once for a seconder, called twice, called three times

No seconder. Motion died.

MPA No 2 & DRA No 3 was rejected

MOTION: 2017-9119 Councillor Burton/Councillor Luby

MOVE THAT The Town in light of the previous motion dying; The Town will refund the resident the \$5,000.00 deposit for the re-zoning amendments.

Questions called. Motion carried.

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

Against: 0

8:21 p.m. Councillor Maloney returned to the Chambers

Objection Letter to DRA No 5

8:21 p.m. Councillor Luby declared conflict of interest on this matter; Councillor Luby's brother and sister-in-law reside on Southern Shore Hwy bordering the site of the proposed amendment.

MOTION: 2017-9120 Councillor Tucker/Deputy Mayor O'Driscoll

MOVED for discussion

Questions called. Motion carried.

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

Against: 0

Deputy Mayor O'Driscoll commented that the objection letter did not address any specific reasoning or objection to Development Regulation Amendment No 5.

MOTION: 2017-9121 Councillor Tucker/Deputy Mayor O'Driscoll

MOVE THAT the objection letter was considered and determined to not be germane to the matter at hand.

Questions called. Motion carried.

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

Against: 0

Development Regulation Amendment No 5

8:24 p.m. Councillor Luby remained out on conflict for the same reason as stated above.

Council was given the following options to consider in light of the objection letter received for DRA No 5;

1. Council has taken into consideration the objection letter, and will proceed to adopt DRA No 5 with no changes
2. Council has taken into consideration the objection letter, and will proceed to reject DRA No 5 in light of the objection.
3. Council has taken into consideration the objection letter, and will proceed with DRA No 5 with changes in light of the objection.

MOTION: 2017-9122 Deputy Mayor O'Driscoll/Councillor Tucker

MOVE THAT Council go with Option 1 "Council has taken into consideration the objection letter, and will proceed to adopt DRA No 5 with no changes"

Questions called. Motion carried.

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

Against: 0

8:25 p.m. Councillor Luby returned to the Chambers

Car Painting Operation at 122 Southside Rd

8:26 p.m. Deputy Mayor O'Driscoll & Councillor Tucker both declared conflict of interest on this

matter; Deputy Mayor O'Driscoll & Councillor Tucker reside on Southside Rd.

MOTION: 2017-9123 Councillor Maloney/Councillor Burton
MOVE THAT Council send the business owner a Stop Work Order.

Questions called. Motion carried.

For Motion: 4 (Mayor Mallowney, Councillors Luby, Maloney & Burton)

Against: 0

8:26 p.m. Deputy Mayor O'Driscoll & Councillor Tucker returned to the Chambers

Adoption of the 2018 Budget

MOTION: 2017-9124 Councillor Maloney/Councillor Luby
BE IT RESOLVED that the Town of Bay Bulls adopt the proposed Budget as presented for year 2018 effective January 1, 2018. Be it resolved that the Town of Bay Bulls, as per Section 77 of the Municipalities Act, Chapter M-24 accepts recommendations of the Finance Committee and adopts the 2018 Municipal Operating Budget with the total Revenues of \$2,637,060.24 and total Expenditures of \$2,410,569.23. Taxes will be imposed as per Section 101 and the due date for same will be May 31, 2018. An 8% early payment discount shall be granted to Residential Tax payers only until this date in accordance with section 108.

Residential Property Tax shall be imposed at 4 mills

Commercial Property Tax shall be imposed at 13.5 mills

Minimum Property Tax shall be \$365.00

Vacant Land Tax shall be \$150.00

Business Tax shall be imposed as per Section 120, 121, 122, 123, and 124

Minimum Business Tax shall be \$375.00 per year as per section 125.

Utility Taxes shall be applied at 2.5% bases on gross revenue & in accordance with the applicable legislation.

Simple Interest will be applied as per section 107.1 of the Municipalities Act at a rate of 2% per month.

Questions called. Motion carried.

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

Against: 0

MOTION: 2017-9125 Councillor Maloney/Councillor Luby
MOVE THAT the 2018 Tax Structure be adopted as presented

Questions called. Motion carried.

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

Against: 0

Vacant Land Tax Refund

Pursuant to Section 111(1) of the Municipalities Act 1999, a person may apply to Council for, and Council may by vote of 2/3 vote councilors in office, grant an exemption of taxes and interest applied on taxes, either in whole or in part.

Parcel ID 004-597 in the amount of \$368.95 + interest.

MOTION: 2017-9126 Deputy Mayor O'Driscoll/Councillor Luby
MOVE THAT Council reverse the vacant land tax adjustment for the 2017 tax year.
Questions called. Motion carried. Unanimously
For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Luby, Maloney, Tucker & Burton)
Against: 0

Parcel ID 201-873 & 201-874 in the amount of \$730.00 + interest

MOTION: 2017-9127 Deputy Mayor O'Driscoll/Councillor Luby
MOVE THAT Council reverse the vacant land tax adjustment for the 2017 tax year.
Questions called. Motion carried. Unanimously
For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Luby, Maloney, Tucker & Burton)
Against: 0

Parcel ID 004-326, 004-345 & 004-776 in the amount of \$719.80 + interest

MOTION: 2017-9128 Deputy Mayor O'Driscoll/Councillor Luby
MOVE THAT Council reverse the vacant land tax adjustment for the 2017 tax year.
Questions called. Motion carried. Unanimously
For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Luby, Maloney, Tucker & Burton)
Against: 0

Forensic Audit of Public Funds

MOTION: 2017-9129 Councillor Tucker/Councillor Luby
MOVE THAT Council enlist a forensic auditor to complete this request.
Questions called. Motion carried. Unanimously
For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Luby, Maloney, Tucker & Burton)
Against: 0

Staff Bonuses

8:31 p.m. Deputy Mayor O'Driscoll declared conflict of interest on this matter; Deputy Mayor O'Driscoll's mother-in-law is the Town Clerk.

MOTION: 2017-9130 Councillor Tucker/Councillor Luby
MOVE THAT Council give all staff \$400.00 bonus.
Questions called. Motion carried.
For Motion: 5 (Mayor Mullowney, Councillors Luby, Maloney, Tucker & Burton)
Against: 0

8:31 p.m. Deputy Mayor O'Driscoll remains out on conflict for Motion # 2017-9131; as stated above.

Office Christmas Hours

MOTION: 2017-9131 Councillor Tucker/Councillor Luby

MOVE THAT the Office close Dec 22, 2017 at noon and re-open 8:00 a.m. Jan 2, 2018.

Questions called. Motion carried.

For Motion: 5 (Mayor Muldowney, Councillors Luby, Maloney, Tucker & Burton)

Against: 0

8:32 p.m. Deputy Mayor O'Driscoll returned to the Chambers

Assistant Town Clerk Request

MOTION: 2017-9132 Deputy Mayor O'Driscoll/Councillor Luby

MOVE THAT Council pay all owed overtime to the Assistant Town Clerk.

Questions called. Motion carried. Unanimously

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

Against: 0

Ratify email/phone vote: H.T.L. to complete shouldering on Track Rd Ext.

8:32 p.m. Deputy Mayor O'Driscoll & Councillor Luby declared conflict of interest on this matter; Deputy Mayor O'Driscoll has family land on Track Rd Ext & Councillor Luby resides on Track Rd Ext.

MOTION: 2017-9133 Councillor Tucker/Councillor Maloney

MOVE THAT H.T.L. complete the shouldering needed on Track Rd Ext in the amount of 1,198.00 + hst.

Questions called. Motion carried.

For Motion: 4 (Mayor Muldowney, Maloney, Tucker & Burton)

Against: 0

Ratify email/phone vote: to hire lowest quote BCL Industrial for site cleanup at 38 Track Rd Ext

8:33 p.m. Deputy Mayor O'Driscoll & Councillor Luby remain out on conflict on this matter; for the same reasons as stated above.

MOTION: 2017-9134 Councillor Tucker/Councillor Maloney

MOVE THAT BCL Industrial preform a site cleanup at 38 Track Rd Ext in the amount of \$575.00 + hst

Questions called. Motion carried.

For Motion: 4 (Mayor Muldowney, Maloney, Tucker & Burton)

Against: 0

8:33 p.m. Deputy Mayor O'Driscoll & Councillor Luby returned to the Chambers

Ratify email/phone vote: To correct water runoff issue on Southside Rd.

8:33 p.m. Deputy Mayor O’Driscoll & Councillor Tucker declared conflict of interest on this matter; Deputy Mayor O’Driscoll & Councillor Tucker resides on Southside Rd.

MOTION: 2017-9135 Councillor Maloney/Councillor Luby

MOVE THAT outside maintenance perform the work necessary to correct the water runoff issue on Southside Rd.

Questions called. Motion carried.

For Motion: 4 (Mayor Mullooney, Maloney, Luby & Burton)

Against: 0

8:34 p.m. Deputy Mayor O’Driscoll & Councillor Tucker returned to the Chambers

Ratify email/phone vote: To award repairs to residents driveway during roadwork to English’s Paving

MOTION: 2017-9136 Deputy Mayor O’Driscoll/Councillor Maloney

MOVE THAT English’s Paving preform the paving in the amount of \$3,500 + hst

Questions called. Motion carried. Unanimously

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

Against: 0

Reinstate Public Works Stipend

MOTION: 2017-9137 Deputy Mayor O’Driscoll/Councillor Maloney

MOVE THAT Council reinstate the policy for a Public Works stipend of \$120.00/monthly.

Questions called. Motion carried. Unanimously

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

Against: 0

Developers & Sub-Division Development

Councillor Burton addressed the Chair to discuss the following;

Requested a firmer process for sub-division development, in particular with dedication of Green Space requirements.

Councillor Burton added that a closer look at what recourse the Town has to enforce green space requirements is needed.

Councillor Burtin further asked could our Town Planner be involved to explain the process and give advice on areas that may need to be reviewed

The Assistant Town Clerk informed Councillor Burton & Council that a call had gone out to members of the Professional Municipal Administrations (PMA) to provide any processes other Town's are willing to share.

Rules of Procedure

Mayor Mallowney addressed Council and the Gallery

Rules of Procedures are being reviewed and re-written, this process should be completed by the next public meeting on January 8th 2018.

Delegate Authority to staff to approve/reject certain development applications

MOTION: 2017-9138 Deputy Mayor O'Driscoll/Councillor Burton

MOVE THAT Council delegate Authority to approve/reject Shed applications and Extensions to Staff

Questions called. Motion carried. Unanimously

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

Against: 0

Strategic Consultants

MOTION: 2017-9139 Deputy Mayor O'Driscoll/Councillor Luby

MOVE THAT Council move forward with the training sessions offered by Strategic Consultants for staff and council.

Questions called. Motion carried. Unanimously

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

Against: 0

Annual Council Meeting Schedule

MOTION: 2017-9140 Deputy Mayor O'Driscoll/Councillor Burton

MOVE THAT Regular Public Meetings of Council shall be held the second Monday in the month in Council Chambers, unless otherwise approved by Council.

Questions called. Motion carried. Unanimously

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

Against: 0

10. New Business:

New Camera for Surveillance

MOTION: 2017-9141 Councillor Luby/Councillor Tucker

MOVE THAT Council purchase another surveillance camera to deter illegal dumping within the Town's

boundaries, and monitor some Town assets.

Questions called. Motion carried. Unanimously

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

Against: 0

Harbour Const. Invoice for Completed Ditching Work

MOTION: 2017-9142 Deputy Mayor O'Driscoll/Councillor Luby

MOVE THAT the invoice from Harbour Const. for the Municipal Ditching in the amount of \$27,106.00 be paid.

Questions called. Motion carried. Unanimously

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

Against: 0

Development Committee

Mayor Mullooney addressed Council & the Gallery

Mayor Mullooney set the Planning and Development Committee meeting for January 4th 2018 at 6:30 p.m.

11. Adjournment:

8:44 p.m. Mayor Mullooney called for adjournment as there was no further business of Council.

MOTION: 2017-9143 Deputy Mayor O'Driscoll/Councillor Luby

MOVE THAT the meeting be adjourned.

Questions called. Motion carried. Unanimously

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

Against: 0

Mayor

Clerk



Draft