

TOWN COUNCIL OF BAY BULLS
PUBLIC MEETING – February 13, 2017

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

Regrets:

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: 2016-8698 Harold Mullooney

Move to adopt the agenda of January 8, 2017 with the addition of new business.

- a) Councillor Wendy O’Driacoll to discuss Chair of Public Works
- b) Deputy Mayor to discuss Assistant Town Clerk Position
- c) Councillor Jason Sullivan requests an update on Recreation Field Lighting
- d) Councillor Gerard Mulcahy to discuss Rules & Procedures
- e) NL Power request approval for pole (3) installation St. John’s Road

In favour - 7

MOTION CARRIED

3. Adoption of Minutes

- a) MOTION: 2016-8699 Gerard Mulcahy/Wendy O’Driscoll

Move to adopt the minutes of February 9, 2017 - Emergency Meeting as presented.

Councillor Joan Luby declares Conflict of Interest & leaves the chambers at 8:14 pm. This meeting

was called to deal with payment of Councillor Luby's legal fees.

In favour - 6

MOTION CARRIED

Councillor Luby returns to the chambers at 8:14 pm

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- b) Special Public Meeting, January 18, 2017 – Softball & Soccer Field Lighting

MOTION: 2016-8700 Gerard Mulcahy/Wendy O'Driscoll
Move to add the comments made at this meeting to the public record.

Councillor Wendy O'Driscoll would like the record to reflect the discussions & comments. The town clerk adds: for the record, last year minutes were recorded verbatim & Municipal Affairs came back & said that only council's decisions & motions are to be recorded.

Friendly Amendment made by Mayor Patrick O'Driscoll that these minutes be deferred until the next public meeting before being adopted.

In favour - 7

MOTION CARRIED

- c) MOTION: 2016-8701 Gerard Mulcahy/Joan Luby
Move to adopt the minutes of January 9, 2017 with corrections.

Page 5/6, No. 1 under Action, Town Managers Position.

Mayor Patrick O'Driscoll calls for the vote - should read:

Councillor Gerard Mulcahy – Yes
Mayor Patrick O'Driscoll – Yes
Councillor Evelyn Tucker – No
Councillor Joan Luby – No
Deputy Mayor Harold Mallowney – No

In favour – 2

Against - 3

MOTION DEFEATED

Business Arising: Page 10 no. 8, Answers to Delegation from resident t of 257 Northside Road
Council is in the process of answering these questions.

Delegations:

Applications:

1. Develop Land

I.D. # 2017- 403
32 Quay's Road

MOTION: 2016-8702 Gerard Mulcahy/Harold Mullenney
Move to approve pending an updated survey that shows lot frontage of ninety ft. (90) minimum.

In favour - 7

MOTION CARRIED

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Section A – Accounts for PAYMENT February 13, 2017

Cheq No.	Payable to:	Reason	Amount
649	Pat O'Driscoll Trucking	Road Work	345.00
650	Pat O'Driscoll Trucking	Road Work	575.00
651	Town of Witless bay	1st. Quarter Fire Protection	14,062.50
652	Audio Systems	Service for chambers	357.65
653	Anne Marie's Catering	Retirement Party	661.25
654	Tthe Business Post	Assistant Clerk Ad	310.50
655	MNL	2017 Membership Fees	1,720.73
656	Federation of CM	Membership	348.13
658	Nuited Sail Works	Tarp for Truck	258.75
659	Brunswick News	Career Beacon Ad	258.75
660	TheTtelegram	Assistant Town Clerk Ad	792.81
661	Credit Recovery	Collection Fees	24.84
662	O'Brien'sTtrucking	Snow Removal	20,096.48
663	O'Brien'sTtrucking	Snow Removal	9,304.43
664	O'Brien Trucking	Snow Removal	20,157.99
665	O'Brien Trucking	Snow Removal	12,961.35
666	Sandra Cahill	Banking, Dec 22/16-Feb 10/17	83.16
667	Sandra Cahill	Reimbursement for Retirement Party	19.99
668	Gladys Bennett	Office Cleaning for January	492.00
669	Procom Data	Tech. Support 04/16 to 03 2017	4,685.10

670	North Atlantic	Diesel	269.65
671	BBRLC	Retirement Party (Bar)	363.45
672	W. B Home Hardware	Building Maintenance	318.47
673	O'Brien's trucking	Snow Removal	20,648.05
TOTAL			109,116.03

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Section B

Cheque No.	Payable to:	Reason	Amount
On line	Bell Aliant	Office Phones	445.53
On line	Bell Mobility	Cell	60.01
On line	NL Power	Garage	30.59
On line	NL Power	Street Lights	3,796.41
On line	NL Power	Office	1,028.69
On line	NL Power	RCMP	141.88
On line	Eastern Waste	Jan Garbage Collection	9,810.00
On line	Eastern Waste	Feb. Garbage Collection	9,810.00
On line	Ultramar	Fuel Town Truck	159.20
On Line	Orkin	Pest Control	177.68

646	Revenue Canada	January Remittance	4,084.97
647	NAPE	January's Union Dues	40.36
648	The NL Shop	Picture/Gift for Janet	286.35
D.D.	G'Driscoll	Gross Pay for January	3,217.60
D.D.	J. O'Brien	1 wk gross PR 3 wks annual leave Jan.	4,096.00
D.D.	S. Cahill	Gross Pay for January	3,232.00
674	Stewart McKelvey	Settlement for J. Luby	7,049.40
Total			47,466.67

- a) Mayor Patrick O'Driscoll declares Conflict of Interest on cheque no. 649 & 650 Section A & leaves the chambers at 8:34 pm., Mayor O'Driscoll is related to the contractor.

MOTION: 2016 - 8703 Gerard Mulcahy /Wendy O'Driscoll
Move to approve to pay/release cheque no. 649 & 650 Section A.

In favour – 6

MOTION CARRIED

Mayor Patrick O'Driscoll returns to the chambers at 8:34 pm

- b) Councillor Wendy O'Driscoll declares Conflict of Interest on cheque no. 666, 667 Section A & 647 Section B & leaves the chambers at 8:35 pm. Councillor Wendy O'Driscoll is related to the town clerk (mother in law) & is president of NAPE local 7538.

MOTION: 2016 - 8704 Gerard Mulcahy /Harold Mallowney
Move to approve to pay/release cheque no. 667, 667 Section A. & 647 Section B.

In favour – 6

MOTION CARRIED

Councillor Wendy O'Driscoll returns to the chambers at 8:36 pm.

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- c) Councillor Joan Luby declares Conflict of Interest on cheque no. 674 Section & leaves the chambers at 8:35 pm. Cheque no. 674 Section B is for payment of Councillor Joan Luby's legal fees.

MOTION: 2016 - 8705 Gerard Mulcahy /Evelyn Tucker
Move to approve to pay/release cheque no. 674 Section B

In favour – 6

MOTION CARRIED

Councillor Joan Luby returns to the chambers at 8:36 pm.

MOTION: 2016-8706 Gerard Mulcahy/Wendy O’Driscoll
Move to approve to pay/release all other cheques in section A

In favour – 7

MOTION CARRIED

CORRESPONDANCE ACTION:

1. Overlapping Agricultural Areas of Interest

Motion: 2016-8707 Gerard Mulcahy/Wendy O’Driscoll
Move to approve to leave the 3 hectares of agricultural land that overlaps Bay Bulls boundary as is outlined in map submitted to the town by Department of Fisheries, Forestry & Agriculture.

In favour – 7

MOTION CARRIED

2. Mobile Central High School Outreach Dinner

Mayor Patrick O’Driscoll, Councillors Wendy O’Driscoll & Joan Luby declares Conflict of Interest & leaves the chambers at 8:40 pm. Mayor Patrick O’Driscoll & his wife is employed by Eastern School Board. Councillor Wendy O’Driscoll is Chair of the school council & Councillor Joan Luby serves on the school council.

Motion: 2016-8708 Gerard Mulcahy/Evelyn Tucker
Move to approve to cost share 50/50 the outreach dinner with the Town of Witless Bay.

In favour – 7

MOTION CARRIED

Mayor Patrick O’Driscoll, Councillors Wendy O’Driscoll & Joan Luby returns to the chambers at 8:41pm.

3. Request to Reduce Business Tax 11.5 to 4.5 mills

Motion: 2016-8709 Wendy O’Driscoll/Joan Luby
Move to approve to reduce business tax to 4.5 mills for efficiency units.

In favour – 7

MOTION CARRIED

4. The Royal Canadian Legion

Councillor Evelyn Tucker declares Conflict of Interest & leaves the chambers at 8:43 pm. Councillor Tucker has children that serve in the Canadian military.

Motion: 2016-8710 Wendy O'Driscoll/Joan Luby

Move to approve to purchase a business card size advertisement in the Military Service Recognition Book.

In favour – 6

MOTION CARRIED

Councillor Tucker returns to the chambers at 8:45 pm.

5. Community Credit Union Agreement to Renew

Motion: 2016-8711 Wendy O'Driscoll/Joan Luby

Move to approve to renew loan for 10 months with the CCU for the rate of 3.040%.

In favour – 7

MOTION CARRIED

6. Quarry Permit – Arianna Construction Inc. Lower Path Rd.

Mayor Patrick O'Driscoll declares Conflict of Interest & leaves the chambers at 8:46 pm. Mayor O'Driscoll father operate a quarry on Winnonish Drive.

Motion: 2016-8712 Wendy O'Driscoll/Joan Luby

Move to approve quarry application.

In favour – 6

MOTION CARRIED

Mayor Patrick O'Driscoll returns to the chambers at 8:47 pm.

7. Questions from Resident of Grand Prairie, AB

Motion: 2016-8713 Wendy O'Driscoll/Harold Mullaney

Move to defer this item until Councillor Wendy O'Driscoll consults with the town's lawyer & the town planner for more information.

In favour – 7

MOTION CARRIED

8. Conflict of Interest – Councillor Jason Sullivan

Councillor Jason Sullivan declares Conflict of Interest & leaves the chambers at 8:49 pm. These allegations are directed at him.

Motion: 2016-8714 Patrick O’Driscoll/Gerard Mulcahy
Move this item to privilege session for discussion.

In favour – 6

MOTION CARRIED

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Mayor Patrick O’Driscoll calls for the vote:

Deputy Mayor Harold Mullooney – Yes
Councillor Gerard Mulcahy - Yes
Councillor Wendy O’Driscoll – Yes
Councillor Evelyn Tucker – Yes
Councillor Joan Luby – Yes
Mayor Patrick O’Driscoll - Yes

In favour – 6

MOTION CARRIED

Councillor Jason Sullivan returns to the chambers at 8:55 pm.

INFORMATION ONLY:

1. Office of the Premier – legislative amendments affecting firefighters

GENERAL BUSINESS:

1. Businesses Not Paying Taxes

Councillor Evelyn Tucker requests a list of business that pays taxes as there are several business operating within the town that are not paying taxes.

2. Public Works Update

Councillor Evelyn Tucker updates council on the meeting with the town’s engineer, discussed some of the roads & preliminary work already done & what money may be available. Another meeting is required to decide what roads need to be done, perhaps submit packages with several roads included, possibility that the town

could cover of cost for some of these roads not covered under funding. If town had some roads they (engineers) could be working on, it could be turned around in two or three weeks.

3. Town Signage

Councillor Evelyn Tucker points out this is Come Home Year & it would be nice to have new entrance/exit signs erected & up for the spring. If you see a sign you like send in pictures & the town will send out for pricing.

4. Quotes for Salt Pit

Councillor Gerard Mulcahy comments we got a quote for a tarp & it is quite expensive, there could be some money available under a green project. The town will have to look into a structure instead of a tarp.

5. Mini Split for Town Garage

Motion: 2016-8715 Jason Sullivan/Gerard Mulcahy

Move to approve to go with the lowers quote of \$3225.76 (True Comfort Inc.) for installation of a mini split for the town garage.

In favour – 7

MOTION CARRIED

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6. Chair of Public Works

Motion: 2016-8716 Wendy O’Driscoll/Joan Luby

Move that Councillor Evelyn Tucker is Chair of Public Works.

In favour – 7

MOTION CARRIED

7. Severance Pay

Councillor Wendy O’Driscoll declares Conflict of Interest & leaves the chambers at 9:17 pm. Councillor Wendy O’Driscoll is related to the Town Clerk (mother-in-law).

Motion: 2016-8717 Jason Sullivan/Gerard Mulcahy

Move to approve severance pay for former town clerk as follows: one (1) week of pay per year up to a maximum of sixteen (16) years employment.

In favour – 6

MOTION CARRIED

Councillor Wendy O’Driscoll returns to the chambers at 9:20 pm.

8. Hiring Committee - Assistant Town Clerk Position

Motion: 2016-8718 Harold Mullooney/Wendy O'Driscoll

Move to approve an in house hiring committee for the assistant town clerk position.

In favour – 7

MOTION CARRIED

9. NL Power Request Approval for St. John's Rd. - Pole Replacement for High Load Escort

Councillors Gerard Mulcahy, Wendy O'Driscoll, Evelyn Tucker & Deputy Mayor Harold Mullooney declare Conflict of Interest & leave the chambers at 9:25 pm. Councillor Gerard Mulcahy is employed by a company that is contracted out to do security for Bay Bulls Marine Terminal. Councillor Wendy O'Driscoll has immediate family (mother-law) that lives on St. John's Rd. Councillor Evelyn Tucker has immediate family (sister) that lives on St. John's Rd. Deputy Mayor Harold Mullooney has immediate family (brother) that lives on St. John's Rd.

Council will request Ministerial Approval as Council has lost quorum

Councillors Gerard Mulcahy, Wendy O'Driscoll, Evelyn Tucker & Deputy Mayor Harold Mullooney returns to the chambers at 9:30 pm.

10. Town Clerks Rate of Pay

This item is moved to privileged session.

11. Councillor Jason Sullivan requests an update on Recreation Field Lighting Proposal

Councillor Wendy O'Driscoll (BBAA representative on council) updates council on the status of the lighting proposal. A special public meeting was called (January 18/17) to give the information provided to us by the BBAA to all of council.

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BBAA's idea was to hire a consultant to look at the idea to see if it would be something council would be interested in supporting. Mayor Patrick O'Driscoll points out that a proposal to hire a consultant would have to go to tender & if the BBAA is planning on applying for grant money it's a long process & this project would not be done for this year for the Come Home Year celebrations. Council would like to have the proposal up front to review before making a decision.

12. Councillor Gerard Mulcahy - Policies & Procedures

Councillor Gerard Mulcahy passes out documents on policies & procedures on Conflict of Interest allegations to all of council for review, conflicts are alleged against Deputy Mayor Harold Mullooney & Councilors Evelyn Tucker & Joan Luby.

Deputy Mayor Harold Mullooney & Councilors Evelyn Tucker & Joan Luby declare Conflict of Interest & leaves the chambers at 9:50 pm.

Motion: 2016-8719 Gerard Mulcahy/Jason Sullivan

Move to approve Deputy Mayor Harold Mullooney & Councilors Evelyn Tucker & Joan Luby be provided a friendly hearing when reviewed.

Mayor Patrick O'Driscoll calls for the vote:

Councillor Gerard Mulcahy – Yes

Councillor Wendy O'Driscoll – Yes

Councillor Jason Sullivan – Yes

Mayor Patrick O'Driscoll – Yes

In favour – 4

MOTION CARRIED

Deputy Mayor Harold Mullooney & Councilors Evelyn Tucker & Joan Luby returns to the chambers at 9:56 pm.

13. Town Clerk Salary

Councillor Wendy O'Driscoll declares Conflict of Interest & leaves the chambers at 10:23 pm. Councillor Wendy O'Driscoll is related to the town clerk (mother in-law).

Motion: 2016-8720 Patrick O'Driscoll/Gerard Mulcahy

Move that town clerk Sandra Cahill be given the same rate as the previous clerk & that rate is retroactive back to January 9, 2017.

In favour – 6

MOTION CARRIED

Councillor Wendy O'Driscoll returns to the chambers at 10:25 pm.

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Councillor Jason Sullivan leaves the chambers at 10:00 pm

Privileged Session 10:00 pm.

Public Session 10:21 pm.

14. Hearing for Councillor Jason Sullivan

Councillor Jason Sullivan declares Conflict of Interest & leaves the chambers at 10:26 pm. This hearing is for Councillor Sullivan.

Motion: 2016-8721 Gerard Mulcahy/Wendy O’Driscoll
Move to approve a hearing be provided to Councillor Jason Sullivan.

In favour – 6

MOTION CARRIED

Councillor Jason Sullivan returns to the chambers at 10:26 pm

Adjournment:

Mayor Patrick O’Driscoll moves this meeting is adjourned at 10:27 p.m.

Mayor

Town Clerk