

**TOWN COUNCIL OF BAY BULLS
PUBLIC MEETING – March 14, 2017**

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

Regrets: Mayor Patrick O’Driscoll
Councillor Jason Sullivan

Also Present: Sandra Cahill, Town Clerk

1. Call to Order

Deputy Mayor Harold Mullooney assumes the Chair & calls the meeting to order at 8:00 pm.

2. Adoption of Agenda

MOTION: 2017-8722 Gerard Mulcahy/Joan Luby
Move to adopt the agenda of March 14, 2017.

In favour - 5

MOTION CARRIED UNANIMOUSLY

3. Adoption of Minutes

- a) MOTION: 2017-8723 Gerard Mulcahy /Joan Luby
Move to adopt the minutes of February 13, 2017

Councillor Wendy O’Driscoll says she has an issue with passing the minutes with regard to page 9 #12 & is currently waiting on clarification on whether Councillor Gerard Mulcahy’s introduction of Conflict of Interest under Policies & Procedures was legal. Councillor Joan Luby also speaks & says it’s the same with page 1, 2 d, it was not Rules & Procedures.

Amendment: Councillor Wendy O’Driscoll/ Joan Luby
Move to amend motion to exclude all of #12 page 9, & 2d page 1, until the next public meeting.
The rest of the minutes will be passed & these exclusions can be reentered at that point once

clarification has been received. Also, add the word “friendly” to #14 page 10, Friendly Hearing.

In favour - 5

MOTION CARRIED UNANIMOUSLY

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Business Arising: Page 2, Answers to Delegation from resident t of 257 Northside Road are not completed yet..

Delegations:

Applications:

1. Develop Land

I.D. # 2017- 301
100 Winnonish Dr.

Councillor Gerard Mulcahy declares Conflict of Interest & leaves the chambers at 8:24 pm. Councillor Mulcahy is employed by a company that provides security services to Bay Bulls Marine Terminal/Pennecon.

MOTION: 2017-8724 Joan Luby/Evelyn Tucker
Move to approve above noted application.

In favour - 4

MOTION CARRIED UNANIMOUSLY

Councillor Gerard Mulcahy returns to the chambers at 8:25 pm.

2. Business

I.D. # 2017- 100
54 St. John’s Rd.

Councillors Wendy O’Driscoll, Evelyn Tucker & Deputy Mayor Harold Mallowney declare Conflict of Interest & leaves the chambers at 8:29 pm. 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 Mallowney has immediate family (brother) that lives on St. John’s Rd.

Council has lost quorum, this application is moved to the next public meeting.

Councillors Wendy O’Driscoll, Evelyn Tucker & Deputy Mayor Harold Mallowney returns to the chambers at

8:30 pm.

3. Shed

I.D. # 2017- 302
207 Northside Rd.

MOTION: 2017-8725 Gerard Mulcahy/Joan Luby
Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

4. Develop Land

I.D. # 2017- 405
684 Southern Shore Hwy

MOTION: 2017-8726 Gerard Mulcahy/Wendy O'Driscoll
Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

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5. Develop Land

I.D. # 2017- 404
1 Farm Rd.

MOTION: 2017-8727 Gerard Mulcahy/Joan Luby
Move to approve above noted application.

Discussion:

Parcel 2 may have to acquire more land along the roadway to create more space.

Friendly Amendment: Gerard Mulcahy/

The town will check with the town planner to see what is in the regulations.

In favour - 5

MOTION CARRIED UNANIMOUSLY

SECTION A - ACCOUNTS FOR PAYMENT March 14, 2017

Cheq No.	Payable to:	Reason	Amount
676	VOID	Wrong Payroll code	0
677	Janet O'Brien	Severance Pay & O/T Pay	13271.72
680	Dicks & Company	Floor charge	276.00
681	Bird Stairs	Cold Patch	217.35
682	Stewart Mckelvey	Professional Fees - J. Luby	1,879.17
683	Stewart Mckelvey	Professional Fees - EMA	543.38
684	Gladys Bennett	Bldg cleaning	564.00
685	Royal Canadian Legion	Ad	210.00
686	WHSCC	Workers Comp 2017	2,415.34
687	Credit Recovery	Collection Fees	498.86
688	VOID	A/P Cheque Not L/G	0.00
689	Witless Bay Hardware	building supplies/materials	340.11

690	Gary O'Driscoll	Staff medical Benefits	767.39
691	Janet O'Brien	Staff medical Benefits	1,500.00
692	O'Brien's Trucking	Snow Removal	38,033.12
693	O'Brien's Trucking	Snow Removal	9,218.86
694	Sandra Cahill	Staff medical Benefits	1,049.76
695	Sandra Cahill	Monthly Travel Claim	83.16
696	Construction Signs	Town Road Signs	362.25
697	O'Brien's Trucking	Snow Removal	7,543.08
698	North Atlantic	Diesel Town Truck	248.25
699	Triware	Monthly hosting	281.75
TOTAL			79,303.55
		Section B	
Cheque No.	Payable to:	Reason	Amount
On line	Bell Aliant	Office Phones	445.44
On line	Bell Mobility	Cell	67.39
On line	NL Power	Garage	29.83
On line	NL Power	Street Lights	3,796.41
On line	NL Power	Office	954.16
On line	NL Power	RCMP	165.01
On line	Eastern Waste	March Garbage Collection	9,810.00
On line	Ultramar	Fuel Town Truck	257.50
On Line	Orkin	Pest Control	177.68
678	Revenue Canada	February Remittance	4,096.56
679	NAPE	February's Union Dues	40.36
D.D.	G. O'Driscoll	Gross Payroll for February	3,217.60
D.D.	J. O'Brien	4 wks annual leave February .	4,096.00
D.D.	S. Cahill	Gross Payroll for February	3,232.00
675	True Comfort	Mini Split	3,225.76
Total			33,611.70

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- a) Councillor Wendy O'Driscoll declares Conflict of Interest on cheque no. 694 & 695 Section A, 679 & DD Payroll for Sandra Cahill Section B & leaves the chambers at 8:33 pm. Councillor Wendy O'Driscoll is related to the town clerk (mother in law) & is president of NAPE local 7538.

MOTION: 2017 - 8728 Gerard Mulcahy /Joan Luby

Move to approve to pay/release cheque no. 694, 695 Section A; 679 & DD payroll for Sandra Cahill, Section B.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Wendy O’Driscoll returns to the chambers at 8:34 pm.

- b) Councillor Joan Luby declares Conflict of Interest on cheque no. 682 Section A & leaves the chambers at 8:34 pm; payment of Councillor Luby’s legal fees.

MOTION: 2017 - 8729 Evelyn Tucker/Wendy O’Driscoll
Move to approve to pay/release cheque no. 682 Section A.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Joan Luby returns to the chambers at 8:35 pm.

- c) Councillor Evelyn Tucker declares Conflict of Interest on cheque 685 Section A & leaves the chambers at 8:35 pm, Councillor Tucker has a son in the Canadian Military.

MOTION: 2017 - 8730 Gerard Mulcahy/Joan Luby
Move to approve to pay/release cheque no. 685 Section A.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Evelyn Tucker returns to the chambers at 8:39 pm.

MOTION: 2017-8731 Gerard Mulcahy/Joan Luby
Move to approve to pay/release all other cheques in Section A.

In favour – 5

MOTION CARRIED UNANIMOUSLY

CORRESPONDANCE ACTION:

1. User Group Insurance for BBRL Centre

Motion: 2017-8732 Evelyn Tucker/Joan Luby
Move to approve quote for User Group Insurance for BBRL Centre

In favour – 5

MOTION CARRIED UNANIMOUSLY

2. Ministerial Approval – Authorization from Municipal Affairs for Councilors to vote on a matter.

The Town requested & received ministerial approval for councilors to vote on a matter to replace poles on St. John's Rd. The four councilors in conflict due to immediate family living on St. John's Road are Deputy Mayor Harold Mullooney (brother) and Councilors Wendy O'Driscoll (mother in-law/town clerk) and Evelyn Tucker (sister) & Councilor Gerard Mulcahy who is employed by a company that does security work for Bay Bulls Marine Terminal/Pennecon. Remaining three (3) councilors are Jason Sullivan, Joan Luby & Mayor Patrick O'Driscoll.

3. Epilepsy Newfoundland Proclamation

Motion: 2017-8733 Wendy O'Driscoll/Evelyn Tucker
Move to approve to sign the proclamation on March 24, 2017.

In favour – 5

MOTION CARRIED UNANIMOUSLY

4. Plan-Tech Environment Professional Fees (DRA 4) Invoice # 622 amt. \$1,863.00

Councillor Joan Luby declares Conflict of Interest & leaves the chambers at 8:46 pm. Councillor Luby has immediate family (brother) that owns land in the area.

Motion: 2017-8734 Evelyn Tucker/Wendy O'Driscoll
Move to approve to pay fees, invoice # 622 in the amount of \$1,863.00.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Luby returns to the chambers at 8:46 pm.

5. Middle School for Witless Bay/Mobile School System

Councillors Wendy O'Driscoll & Joan Luby declares Conflict of Interest & leaves the chambers at 8:47 pm. Councillor Wendy O'Driscoll is Chair of the school council & Councillor Joan Luby serves on the school council.

Council has lost quorum on this item so a request for an email vote will be sent out to councilors for a letter to be sent out by the deadline of March 22 deadline.

Councillors O'Driscoll & Luby returns to the chambers at 8:51 pm.

6. Military Retirement Letter, Sgt. Logan Bennett

Councillor Evelyn Tucker declares Conflict of Interest & leaves the chambers at 8:52 pm. Councillor Tucker

has a son in the Canadian Military.

Motion: 2017-8735 Wendy O'Driscoll/Gerard Mulcahy
Move to approve the Mayor will do a Military Retirement letter .

In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Evelyn Tucker returns to the chambers at 8:52 p.m.

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7. Conflict of Interest – Mayor Patrick O'Driscoll

Motion: 2017-8736 Evelyn Tucker/Joan Luby
Move to set a friendly hearing date for Mayor Patrick O'Driscoll.

In favour – 5

MOTION CARRIED UNANIMOUSLY

8. Conflict of Interest – Councillor Wendy O'Driscoll

Councillor Wendy O'Driscoll declares Conflict of Interest & leaves the chambers at 8:53 pm. These allegations are alleged against her.

Motion: 2017-8737 Evelyn Tucker/Joan Luby
Move to defer this item for the next public meeting.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Wendy O'Driscoll returns to the chambers at 8:55 pm.

INFORMATION ONLY:

1. Government of NL – Amendments to Municipalities Act, 1999
2. Keith Hutchings, M.H.A. – New School for Mobile/Witless Bay School System

GENERAL BUSINESS:

1. Consultant to screen resumes for Assistant Town Clerk Position

Motion: 2017-8738 Evelyn Tucker/Joan Luby
Move to with the lowest quote to hire a consultant to screen resumes, (John Walsh \$1650 + HST).

In favour – 5

MOTION CARRIED UNANIMOUSLY

2. Quote to insulate Town Garage

Motion: 2017-8739 Evelyn Tucker/Joan Luby
Move to with the lowest quote to insulate town garage.

In favour – 5

MOTION CARRIED UNANIMOUSLY

3. Track Rd. Ext

Councillor Wendy O’Driscoll & Joan Luby declare conflict of Interest & leave the chambers at 9:00.
Councillor O’Driscoll’s mother in law owns land on Track Rd. Ext. & Councillor Luby resides on Track Rd. Ext.

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Council has lost quorum so this item will be added to the next public meeting. Councillor Evelyn Tucker gives some information & comments that she was approached by a resident & he expressed concerns over the condition of the new pavement & where the shoulders are falling away, this pavement was laid three (3) years ago. Council started expropriation process but nothing to date has been done with it.

Councillor Wendy O’Driscoll & Joan Luby returns to the chambers at 9:01 pm.

4. Seasonal Outside Worker

The council will look into hiring a seasonal outside worker to work alongside of the town’s maintenance supervisor; this position will be for approximately six (6) months.

Councillor Joan Luby requests a private discussion with Deputy Mayor Harold Mallowney at 9:04 p.m. everyone is asked to leave the chambers & too turn of recorders. The council meeting resumes at 9:18 p.m.

Councillor Wendy O’Driscoll asks Councillor Gerard Mulcahy to stop his phone recording & erase the private meeting that just took place between Councillor Joan Luby & Deputy Mayor Harold Mallowney. Councillor Gerard Mulcahy says he was not recording. Councillor Wendy O’Driscoll points out, recording conversations where people are not aware of is illegal. Councillor Joan Luby says she will report this to Municipal Affairs as her privacy has been breached.

5. Meeting Agendas

Motion: 2017-8740 Wendy O'Driscoll/Joan Luby
Move to revamp the agendas so provides more detail & is in line with what other towns provide.

In favour – 5

MOTION CARRIED

6. Conflict of Interest – Councillor Gerard Mulcahy

Councillors Gerard Mulcahy & Evelyn Tucker declares Conflict of Interest & leaves the chambers at 9:28 pm. The conflicts are alleged against Councillor Mulcahy & Councillor Tucker is the councilor who brought the conflicts against him.

Council has lost quorum so this item is deferred for the next public meeting.

Councillors Gerard Mulcahy & Evelyn Tucker returns to the chambers at 9:28 p.m.

Adjournment:

Deputy Mayor Harold Mallowney moves this meeting is adjourned at 9:29 p.m.

Deputy Mayor

Town Clerk