



Town of Bay Bulls

Meeting Minutes

Public Meeting

September 9, 2019
8:00 p.m.

Council Chambers
Town Office

Members Present

Mayor Harold Mullooney
Deputy Mayor Wendy O'Driscoll
Councillor Patrick Coady
Councillor Eric Maloney
Councillor Joan Luby
Councillor Evelyn Tucker

Staff Present

Jennifer Aspell, Town Manager
Sandra Cahill, Town Clerk

Regrets

Ashley Wakeham, Assistant Town Clerk

1. Call to Order

Mayor Harold Mullooney assumed the Chair and called the meeting to order at 8:12 p.m.

2. Adoption of Agenda

MOTION: 2019-9819 Deputy Mayor O'Driscoll / Councillor Coady
MOVE THAT the agenda of September 9, 2019 Public Meeting be amended to add item 9.17 – Water Accumulation on Irishtown Road.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

MOTION: 2019-9820 Deputy Mayor O'Driscoll / Councillor Coady
MOVE THAT the agenda for the September 9, 2019 Public Meeting be adopted as amended.
Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

Mayor Mullooney called for any additional new business items for the August 13, 2019 agenda

Councillor Luby added:

- Entryway of Municipal Building Repairs
- Scaffolding Cost Analysis

Councillor Tucker added:

- Industrial Clean – Up Status Update

3. Adoption of Minutes

August 13, 2019 Public Meeting Minutes

MOTION: 2019-9821 Councillor Coady/ Councillor Tucker
MOVE THAT the minutes of August 13, 2019 be adopted as presented.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

4. Business Arising

No business arising for September 9, 2019

5. Delegations & Proclamations

5.1 Water Accumulation – 64-66 Irishtown Road

8:15 p.m. Councillor Maloney declared conflict of interest on item 5.1 – Water Accumulation 64-66 Irishtown Road and left the Chambers. Councillor Maloney resides in the immediate vicinity of 64-66 Irishtown Road.

- Delegation presented on water accumulation issues on private property
- Delegation requested that the Town resolve the issues

8:17 p.m. Councillor Maloney returned to the Chambers.

5.2 Business Tax Exemption

- Delegation presented to Council to request tax exemption for a business
- At previous meeting Council voted not to provide the exemption as per the requirements of the Municipalities Act, 1999

6. Applications

6.1 Application # 2019-436

Develop Land/Excavation & Backfill (Single Family Dwelling)
114-120 Quay's Road, Bay Bulls

8:19 p.m. Councillor Tucker declared conflict of interest on item 6.1 – Application No. 2019-436 and left the Chambers. Councillor Tucker resides across the road from the applicant.

MOTION: 2019-9822 Councillor Luby/ Councillor Maloney
MOVE THAT application 2019-436 be approved in principle as per Section 6 (c) of the Residential Land Use Zone Table.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:20 p.m. Councillor Tucker returned to the Chambers.

6.2 Application # 2019-437

Commercial Building – Warehouse/Storage
150 Northside Road, Bay Bulls

8:25 p.m. Councillor Maloney declared conflict of interest on item 6.2 – Application No. 2019-437 and left the Chambers. Councillor Maloney’s sister resides in the vicinity of 150 Northside Road.

MOTION: 2019-9823 Deputy Mayor O’Driscoll/Councillor Luby
MOVE THAT application 2019-437 be deferred pending more information and the submission of an updated survey.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:26 p.m. Councillor Maloney returns to the Chambers.

6.3 Application # 2019-312

Residential Accessory Building
850 Southern Shore Highway, Bay Bulls

8:26 p.m. Councillor Tucker asked Council to decide on whether she was in a conflict of interest on Application No. 2019-312 under Section 209 of the *Municipalities Act, 1999*. Councillor Tucker’s son resides on Southern Shore Highway.

MOTION: 2019-9824 Deputy Mayor O’Driscoll/Councillor Luby
MOVE THAT Councillor Tucker is not in conflict of interest on Application No. 2019-312.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

MOTION: 2019-9825 Deputy Mayor O’Driscoll/Councillor Luby
MOVE THAT application 2019-312 be deferred pending the submission of a survey and plot plan.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

6.4 Application # 2019-602

Commercial Extension to Existing Building
862 Southern Shore Highway, Bay Bulls

MOTION: 2019-9826 Deputy Mayor O’Driscoll/Councillor Maloney

MOVE THAT Application No. 2019-602 be approved in principle.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

7. Accounts Payable

7.1 Accounts for Payment

8:28 p.m. Mayor Mullooney and Councillor Tucker declared conflict of interest on Cheque No. 2105 in Section A of the accounts payable report and left the chambers. Cheque No. 2105 is made payable to a business owned by an immediate family member of Mayor Mullooney and Councillor Tucker.

8:28 p.m. Deputy Mayor O’Driscoll assumed the Chair and called for a motion to approve Cheque No. 2105.

Cheque No. 2105

MOTION: 2019-9827 Councillor Maloney/ Councillor Luby

MOVE THAT Cheque No. 2105 totaling \$4,830.00 be released.

Questions called. Motion carried unanimously.

For Motion: 4

Against: 0

8:29 p.m. Mayor Mullooney and Councillor Tucker returned to the Chambers. Mayor Mullooney assumed the Chair.

8:29 p.m. Councillor Luby declared conflict of interest on Cheque No. 2096 in Section A of the accounts payable report and left the chambers. Cheque No. 2096 is made payable for maintenance work required on the Lower Road Project. Councillor Luby has immediate family employed by a sub-contractor to the original contractor for the Lower Road Project.

MOTION: 2019-9828 Deputy Mayor O’Driscoll/ Councillor Coady

MOVE THAT Cheque No. 2096 totaling \$3,012.91 be released.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:30 p.m. Councillor Luby returned to the Chambers.

MOTION: 2019-9829 Deputy Mayor O’Driscoll/ Councillor Coady

MOVE THAT All other payables in Section A totaling \$15,746.60 be released.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

Total for Section A: \$23,589.51

Total for Section B: \$69,017.60 – Re-occurring monthly bills for information only

Total Disbursements for the Month: \$92,607.10

8. Committee Reports

8.1 BBBA Board Financial Report

No action arising from committee reports.

9. Correspondence & Action

9.1 Ratification of Motions

Motion No. 1 – Lower Road Maintenance

8:30 p.m. Councillor Luby declared conflict of interest on Motion No. 1 – Lower Road Maintenance and left the chambers. Councillor Luby has immediate family employed by a sub-contractor to the original contractor for the Lower Road Project.

MOTION: 2019-9830 Deputy Mayor O’Driscoll / Councillor Coady

MOVE THAT the email/phone vote of August 14, 2019 to call up the lowest price contractor in the standing offer agreement for a mini-excavator to perform maintenance work on the Lower Road and the intersection of Lower Road and Quay’s Road be ratified.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:31 p.m. Councillor Luby returned to the Chambers.

Motion No. 2 – Alley Road Inspection

MOTION: 2019-9831 Deputy Mayor O’Driscoll / Councillor Tucker

MOVE THAT the email/phone vote of August 14, 2019 to approve the scheduling of a site inspection of Alley Road to be completed by SNC Lavalin and the Town’s Public Works Committee at a cost of approximately \$1,000.00 + HST be ratified.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

Motion No. 3 – JTV Holdings Subdivision Inspection

MOTION: 2019-9832 Deputy Mayor O’Driscoll / Councillor Maloney

MOVE THAT the email/phone vote of August 23, 2019 to award inspection services for the JTV Holdings subdivision on Cemetery Lane West to the lowest bidder be ratified.

Questions called. Motion carried unanimously.

For Motion: 6
Against: 0

Motion No. 4 – Trane Heating/Cooling System Repairs

MOTION: 2019-9833 Councillor Coady / Councillor Tucker
MOVE THAT the email/phone vote of August 28, 2019 to engage Trane to complete repairs on the Town Hall heating and cooling system for a cost of \$584.00 HST included be ratified.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

Motion No. 5 – Title Search on Water Front Property Located at 15 Southside Road

8:31 p.m. Deputy Mayor O’Driscoll declared conflict of interest on Motion No. 5 – Title Search on Water Front Property Located at 15 Southside Road and left the chambers. Deputy Mayor O’Driscoll resides in the vicinity.

8:31 p.m. Councillor Tucker asked Council to decide on whether she was in a conflict of interest on Motion No. 5 - Title Search on Water Front Property Located at 15 Southside Road under Section 209 of the *Municipalities Act, 1999*. Councillor Tucker resides on Southside Road.

MOTION: 2019-9834 Councillor Luby / Councillor Maloney
MOVE THAT Councillor tucker is not in conflict of interest on Motion No. 5 - Title Search on Water Front Property Located at 15 Southside Road.
Questions called. Motion carried unanimously.
For Motion: 4
Against: 0

MOTION: 2019-9835 Councillor Tucker / Councillor Coady
MOVE THAT the email/phone vote of September 5, 2019 to engage McInnes Cooper to complete a title search of the waterfront property located at 15 Southside Road be ratified.
Questions called. Motion carried unanimously.
For Motion: 5
Against: 0

8:33 p.m. Deputy Mayor O’Driscoll returned to the Chambers.

9.2 Quote Summary – Supply and Install of Wooden Privacy Fence at 12 Southside Road

8:34 p.m. Mayor Mullooney and Councillor Tucker declared conflict of interest on 9.2 Quote Summary – Supply and Install of Wooden Privacy Fence at 12 Southside Road and left the chambers. A quote for the work was received was from a business owned by an immediate family member of Mayor Mullooney and Councillor Tucker.

Deputy Mayor O’Driscoll assumed the Chair and called for a motion on 9.2 Quote Summary – Supply and Install of Wooden Privacy Fence at 12 Southside Road.

MOTION: 2019-9836 Councillor Coady / Councillor Luby
MOVE THAT the Town of Bay Bulls acquire more quotes.
Questions called. Motion carried unanimously.

For Motion: 4
Against: 0

8:35 p.m. Mayor Mullooney and Councillor Tucker returned to the Chambers.

Mayor Mullooney assumed the Chair.

9.3 Inspection Services – Lower Road Project

8:35 p.m. Councillor Luby asked Council to decide on whether she was in a conflict of interest on 9.3 Inspection Services – Lower Road Project under Section 209 of the *Municipalities Act, 1999*. Councillor Luby had immediate family employed by a sub-contractor to the original contractor. A new contractor has been awarded the contract to complete the project.

Council discussed and agreed Councillor Luby is not in a conflict of interest on 9.3 Inspection Services – Lower Road Project.

MOTION: 2019-9837 Councillor Maloney/ Councillor Coady
MOVE THAT the Town of Bay Bulls engage Wood Environment and Infrastructure Solutions Canada to provide inspection services for the remainder of the Lower Road Project at a cost of \$18,600 + HST.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.4 Request from Resident on Island Cove Road Speed Bumps

Council will notify the resident that suggestions will be considered for 2020 installation of the speed bumps.

9.5 Purchasing Policy #TBB-002-AD Revisions

MOTION: 2019-9838 Deputy Mayor O’Driscoll / Councillor Luby
MOVE THAT the revised Purchasing Policy #TBB-002-AD be deferred for further review.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.6 Donation Policies for Review

9.6.(a) Donation Policy/ Program #TBB-001-AD

9.6.(b) Medical and Discretionary Donation Policy #TBB-001-CN

MOTION: 2019-9839 Councillor Tucker/ Councillor Luby
MOVE THAT the revisions will be made to the Donation Policy and presented for review at the Public Meeting of October 14, 2019.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.7 Long Pond Walking Trail Application

8:43 p.m. Mayor MULLOWNEY and Councillor LUBY declared conflict of interest and left the chambers. Councillor LUBY has immediate family who own and operate a business and have a private residence directly across from the proposed trail development. Mayor MULLOWNEY owns property in the immediate area of the proposed trail development.

Deputy Mayor O'DRISCOLL assumed the Chair and called for a Resolution on 9.7- Long Pond Walking Trail Application

RESOLUTION: 2019-9840 Councillor TUCKER/ Councillor MALONEY

BE IT RESOLVED THAT The Town of Bay Bulls approve Municipal Capital Works (MCW) funding application number AP-MCW-19412 for the development of a walking trail at Long Pond as per design Option 2 as presented by Tract Consulting, for a total project cost of \$440,009.76

Questions called. Motion carried unanimously.

For Motion: 4

Against: 0

8:45 p.m. Mayor MULLOWNEY and Councillor LUBY returned to the Chambers.

Mayor MULLOWNEY assumed the Chair.

9.8 Come Home Year Committee – Acceptance and Allocation of Funds

MOTION: 2019-9841 Councillor COADY/ Deputy Mayor O'DRISCOLL

MOVE THAT the Town of Bay Bulls accept the funds from the Come Home Year Committee in the amount of \$10,000 and allocate the funds to the construction of a gazebo at 12 Southside Road.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.9 Town Engineer/Compliance Officer/Occupational Health & Safety Officer

MOTION: 2019-9842 Deputy Mayor O'DRISCOLL / Councillor MALONEY

MOVE THAT the Town of Bay Bulls issue an Expression of Interest (EOI) to identify the options available to fill a newly created position of Town Engineer/Compliance Officer/Occupational Health and Safety (OHS) Officer.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.10 Request to Extend Crown Land Freeze on Southern Shore Highway

8:46 p.m. Councillor LUBY declared conflict of interest and left the chambers. Councillor LUBY has immediate family who own and operate a business and have a private residence adjacent to the land included in the Crown Land Freeze.

MOTION: 2019-9843 Councillor TUCKER / Deputy Mayor O'DRISCOLL

MOVE THAT the Town of Bay Bulls request that Crown Lands grant a one (1) year extension of the Crown Land freeze located at land along the Southern Shore Highway to allow time for the zoning amendment and

title documents to be received.
Questions called. Motion carried unanimously.
For Motion: 5
Against: 0

8:47 p.m. Councillor Luby returned to the Chambers.

9.11 Request for Street Light – Track Road Extension

8:47 p.m. Under Section 209 of the *Municipalities Act, 1999*, Deputy Mayor O’Driscoll and Councillor Luby asked Council to decide on whether they were in a conflict of interest on 9.11- Request for a Street Light at Track Road Extension. Deputy Mayor O’Driscoll has immediate family that own land on Track Road Extension and Councillor Luby resides on Track Road Extension.

MOTION: 2019-9844 Councillor Tucker / Councillor Maloney
MOVE THAT Deputy Mayor O’Driscoll and Councillor Tucker are not in conflict of interest on 9.11 - Request for a Street Light on Track Road Extension.
Questions called. Motion carried unanimously.
For Motion: 4
Against: 0

MOTION: 2019-9845 Councillor Tucker / Councillor Coady
MOVE THAT the Town of Bay Bulls deny the request for additional street lighting on Track Road Extension. As the street light allocation on this road is consistent with other roads in the Town.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.12 Winter 2019-2020 Salt and Sand Order

MOTION: 2019-9846 Deputy Mayor O’Driscoll / Councillor Luby
MOVE THAT the Town of Bay Bulls send an open call for bids on the purchase of 700 tons of road sand
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

MOTION: 2019-9847 Deputy Mayor O’Driscoll / Councillor Luby
MOVE THAT the Town of Bay Bulls send a closed call for bids on the purchase of 300 tons of road salt to the two companies offering road salt for purchase.
Questions called. Motion carried unanimously.
For Motion: 6
Against: 0

9.13 Request for Proposal (RFP) – St. John’s Road Upgrade Project

8:48 p.m. Mayor Mallowney, Deputy Mayor O’Driscoll and Councillor Tucker declared conflict of interest and left the chambers. Mayor Mallowney, Deputy Mayor O’Driscoll and Councillor Tucker have immediate family that own property on St. John’s Road.

Council lost quorum on 9.13 Request for Proposal (RFP) – St. John’s Road Upgrade Project. The item is moved

to the October 14th, 2019 public meeting.

Council will seek ministerial approval for Councillors Luby, Maloney and Coady to vote on the Request for Proposal - St. John's Road Upgrade Project.

9.14 Paving Quotes – Pavement Repairs at Various Locations

MOTION: 2019-9848 Deputy Mayor O'Driscoll / Councillor Luby
MOVE THAT the list presented will be prioritized by the Public Works Committee for presentation in the October 14th, 2019 Public Meeting, as the quote received exceeded the authorized, purchase amount for public works as per the Procurement Act.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.15 Technical Service Rates

Deferred to allow the Town obtain rates from multiple services providers for cost comparison.

9.16 Landscape NL Modification to Design

MOTION: 2019-9849 Councillor Tucker / Deputy Mayor O'Driscoll
MOVE THAT the design for the Forgotten Corners Project be accepted with modifications as presented by Landscape NL.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

9.17 Water Accumulation at 64 Irishtown Road

MOTION: 2019-9850 Deputy Mayor O'Driscoll / Councillor Tucker
MOVE THAT the request to resolve the water accumulation issue at 64 Irishtown Road be denied.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

10. Information Only

10.1 Traffic Data Report

11. Correspondence Received

11.1 Veteran Family Program

11.2 RCMP Request for Information – Asbestos Containing Materials

11.3 Canadian Union of Postal Workers – Memo

Council expressed the need to follow up with Canada Post on a previous request to extend the service at the Bay Bulls Post Office to include weekends.

11.4 Northland Holdings – Bristol Landing Phase III Emergency Access Road

Deferred until additional information is received from the proponent, specifically confirmation of site review by the Department of Transportation and Works.

12. Correspondence Sent

12.1 Stop Work Order – Lower Road Upgrades Project

12.2.(a) Response to Resident on Lynch’s Lane RE: Pavement Request

12.2.(b) Response to Resident on Lynch’s Lane RE: Pavement Request

12.3 Northland Holdings Ltd. – Bristol Landing Emergency Access

12.4 Approval in Principle Application #2019-435

12.5 Transfer of Approval in Principle Application #2019-434

12.6 Requirements for Driveway Reinstatement – Cemetery Lane West

12.7 Reinstatement of Survey Pegs – Cemetery Lane West

12.8 Response to RCMP Request for Information – Asbestos Containing Materials

12.9 Request for Ministerial Approval for St. John’s Road Infrastructure Upgrade Project

12.10 Extension of Snow Clearing Contract 2019-2020

12.11 Response to Request for Business Exemption

12.12 Landscape NL – Forgotten Corner’s Project

12.13 Response to Application #2019-308

13. New Business

13.1 Entryway of Municipal Building Repairs

MOTION: 2019-9851 Councillor Luby / Councillor Tucker

MOVE THAT the Town explore obtain prices to level the front entryway to improve accessibility.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

13.2 Scaffolding Cost Analysis

MOTION: 2019-9852 Councillor Luby / Deputy Mayor O'Driscoll

MOVE THAT the Town complete a cost analysis for the purchase of eight (8) pieces of scaffolding compared to rental fees of same.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

13.3 Industrial Clean up

MOTION: 2019-9853 Councillor Tucker / Councillor Coady

MOVE THAT the Town obtain a status update on industrial cleanup requirements.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

14. Adjournment

9:00 p.m. Mayor Mallowney called for adjournment as there was no further business of the Council.

MOTION: 2019-9854 Deputy Mayor O'Driscoll / Councillor Tucker

MOVE THAT the meeting be adjourned.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

Mayor

Town Manager

Date

