



# Town of Bay Bulls

---

## Meeting Minutes

*Public Meeting*

July 8, 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  
Ashley Wakeham, Assistant Town Clerk

### Regrets

## Call to Order

---

Mayor Harold Mullooney assumed the Chair and called the meeting to order at 8:00 p.m.

## Adoption of Agenda

---

**MOTION: 2019-9740** Deputy Mayor O'Driscoll / Councillor Coady  
MOVE THAT the agenda of July 8, 2019 Public Meeting be adopted as presented.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

Mayor Mullooney called for new business additions for the July 8, 2019 agenda

Deputy Mayor O'Driscoll added the purchase of new community picnic tables

## Adoption of Minutes

---

### *June 10, 2019 Minutes*

**MOTION: 2019-9741** Deputy Mayor O'Driscoll / Councillor Coady  
MOVE THAT the minutes of June 10, 2019 be adopted as presented.  
Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

**July 3, 2019 Minutes**

**MOTION: 2019-9742** Councillor Maloney / Councillor Coady

MOVE THAT the minutes of July 3, 2019 be adopted as presented.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

## Delegations & Proclamations

---

### Delegation – Request for Action on Airbnb’s Operating in Bay Bulls

8:01 p.m. Councillor Maloney declared conflict of interest on this issue and left the Chambers; Councillor Maloney is related to the delegate.

8:01 p.m. Councillor Joan Luby asked Council to decide on whether she was in a conflict of interest on this issue under Section 209 of the *Municipalities Act, 1999*. Councillor Luby owns a rental unit however, she does not offer short-term rentals.

**MOTION: 2019-9743** Deputy Mayor O’Driscoll / Councillor Tucker

MOVE THAT Councillor Luby is not in conflict.

Questions called. Motion carried unanimously.

For Motion: 4

Against: 0

8:02 p.m. Mr. Don Maloney addressed Council on the issue of Airbnb’s indicating the following:

- The number of Airbnb’s operating within the Town of Bay Bulls is steadily rising;
- Airbnb’s openly advertise online;
- It is his opinion that the Town has a responsibility to ensure Airbnb’s are regulated in the same manner as licensed accommodations and as such would pay business tax to the Town.

Mr. Maloney asked the Council to consider imposing a business tax on all Airbnb operators.

Council indicated that the town will research this matter and draft a response to Mr. Maloney.

8:07 p.m. Councillor Maloney returned to the Chambers.

## Applications

---

### Application # 2019-103

Operate a Business

Home-Based Child-Care Business

31 Cemetery Lane West, Bay Bulls

**MOTION: 2019-9744** Councillor Coady / Deputy Mayor O'Driscoll  
MOVE THAT application 2019-103 be approved as a home-based business.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

**Application # 2019-304**  
Accessory Bldg. – Commercial  
Tension Fabric Storage Bldg.  
Winnonish Drive, Bay Bulls

8:08 p.m. Deputy Mayor O'Driscoll and Councillor Luby declared conflict of interest on application 2019-304 and left the Chambers; Deputy Mayor O'Driscoll and Councillor Luby are related to employees of the applicant.

**MOTION: 2019-9745** Councillor Maloney / Councillor Tucker  
MOVE THAT application 2019-304 be approved.  
Questions called. Motion carried unanimously.  
For Motion: 4  
Against: 0

8:09 p.m. Deputy Mayor O'Driscoll and Councillor Luby returned to the Chambers.

**Application # 2019-434**  
New Development  
SF Home  
Track Rd Ext, Bay Bulls

8:10 p.m. Deputy Mayor O'Driscoll and Councillor Luby declared conflict of interest on application 2019-434 and left the Chambers; Deputy Mayor O'Driscoll has family owned land in the area around the applicant and Councillor Luby resides on Track Rd Ext.

**MOTION: 2019-9746** Councillor Maloney / Councillor Tucker  
MOVE THAT application 2019-434 be approved in principle with the additional requirement to curve the driveway to alleviate potential water runoff issues.  
Questions called. Motion carried unanimously.  
For Motion: 4  
Against: 0

8:14 p.m. Deputy Mayor O'Driscoll and Councillor Luby returned to the Chambers

## Accounts Payable

---

8:14 p.m. Mayor Mallowney declared conflict of interest on Cheque No. 2029 and left the Chambers; Mayor Mallowney is a board member of the East Coast Trail Association.

### **Cheque No. 2029 for East Coast Trail Trailraiser Fundraiser**

Deputy Mayor O'Driscoll assumed the Chair and called for the motion.

**MOTION: 2019-9747** Councillor Coady/ Councillor Luby

MOVE THAT Cheque No. 2029 totaling \$5,462.50 be released to the East Coast Trail Association to cover costs for the Trailraiser fundraising event.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:15 p.m. Mayor Muldowney returned to the Chambers and assumed the Chair

8:15 p.m. Councillor Tucker declared conflict of interest on Cheque No. 2028 and 2032 and left the Chambers. Councillor Tucker has a sea container on her property, which is the type of structure referenced in the Development Regulation Amendment No. 6 and Councillor Tucker's son is a member of the Canadian military.

**Cheque No. 2028 for Development Regulation Amendment and Cheque No. 2032 for advertising in the Military Service Book**

**MOTION: 2019-9748** Councillor Coady/ Deputy Mayor O'Driscoll

MOVE THAT Cheque No's 2028 and 2032 totaling \$2,625.00 be released.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:15 p.m. Councillor Tucker returned to the Chambers.

8:16 p.m. Councillor Luby declared conflict of interest on Cheque No. 2038 totaling \$16,782.49 and left the Chambers. Councillor Luby has family employed by the contractor who will be completing work in the Lower Road Project.

**Cheque No. 2038 to Vigilant Management for Lower Rd Project totaling \$16,782.49**

**MOTION: 2019-9749** Deputy Mayor O'Driscoll / Councillor Coady

MOVE THAT Cheque No 2038 totaling \$16,782.49 be released.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:16 p.m. Councillor Luby returned to the Chambers.

**MOTION: 2019-9750** Deputy Mayor O'Driscoll / Councillor Coady

MOVE THAT all other payables in Section A totaling \$52,713.88 be released

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

**Total for Section A: \$77,583.87**

**Total for Section B: \$100,080.57 – Re-occurring monthly bills for information only**

**Total Disbursements for the Month: \$177,664.44**

# Correspondence & Action

---

## **Borrowing Resolution #1**

**RESOLUTION: 2019-9751** Councillor Tucker/ Councillor Luby

BE IT RESOLVED THAT borrowing resolution number 1 be adopted as presented

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

## **Borrowing Resolution #2**

**RESOLUTION: 2019-9752** Councillor Tucker/ Councillor Luby

BE IT RESOLVED THAT borrowing resolution number 2 be adopted as presented

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

## **Bristol Landing Phase III – Emergency Access Road**

**MOTION: 2019-9753** Deputy Mayor O’Driscoll / Councillor Coady

MOVE THAT Council send a response to Northland Holdings refusing the emergency access from the Southern Shore Highway. As the preferred access point remains the Witless Bay Line based on the following:

- The proponent must provide documentation clearly identifying the Town of Bay Bulls and Town of Witless Bay boundary lines;
- Access from the Southern Shore Highway borders private property;
- The town is concerned about the preservation of the 15-meter conservation area that encircles Maggoty Cove Pond.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

## **Bay Bulls to Bauline Athletic Association (BBAA)- Request for Support Canada Day Activities**

8:22 p.m. Deputy Mayor O’Driscoll declared conflict of interest on the Bay Bulls to Bauline Athletic Association’s request and left the Chambers; Deputy Mayor O’Driscoll is a board member on the BBAA board.

**MOTION: 2019-9754** Councillor Coady / Councillor Tucker

MOVE THAT Council provide a cheque in the amount of \$200.00 to support the Canada Day activities held by the Bay Bulls to Bauline Athletic Association.

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:23 p.m. Deputy Mayor O’Driscoll returned to the Chambers

## **Request for Response Regarding Crownland Applications**

**MOTION: 2019-9755** Deputy Mayor O'Driscoll / Councillor Tucker  
MOVE THAT Council provide a response to the applicant outlining the process to apply for crownland within the Town of Bay Bulls.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

### **Lynch's Lane Petition for Road Work**

8:24 p.m. Deputy Mayor O'Driscoll declared conflict of interest on the Lynch's Lane petition for road work and left the Chambers; Deputy Mayor O'Driscoll lives in the immediate area of Lynch's Lane.

**MOTION: 2019-9755** Councillor Maloney / \_\_\_\_\_  
MOVE THAT Council identify if any work can be done to resolve the issue  
Secunder called once, twice, three times. Motion dies.

Council decided to request surveys from the property owners to identify whether the issue was on private property.

8:37 p.m. Deputy Mayor O'Driscoll returned to the Chambers.

### **Rescind Motion No. 2019-2024**

**MOTION: 2019-9756** Deputy Mayor O'Driscoll / Councillor Maloney  
MOVE THAT Council rescind Motion No. 2019-9608 which stated the acceptance of the Ultimate Gas Tax Agreement at \$368,624.00 for 2019-2024.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

### **Accept Updated Ultimate Gas Tax Agreement**

**RESOLUTION: 2019-9757** Deputy Mayor O'Driscoll / Councillor Coady  
BE IT RESOLVED that the Town of Bay Bulls accept the updated Ultimate Gas Tax Agreement allocation of \$437,115.00 for 2019-2024.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

### **Summer Safety Demonstrations Community Event Budget**

**MOTION: 2019-9758** Deputy Mayor O'Driscoll / Councillor Tucker  
MOVE THAT council approve the presented estimated budget of \$765.00 to host a community summer safety blitz in partnership with the RCMP.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

# Information Only

---

Action Report  
Airbnb information  
Permit & Development Report  
Clar Simmonds Scholarship – MAA  
Note of Thanks from the O'Brien Family  
Quote for building maintenance at the Bay Bulls Regional Lifestyle Centre (BBRLC)

## General Business

---

### Guide to Good Municipal Governance

**MOTION: 2019-9759** Deputy Mayor O'Driscoll / Councillor Coady  
MOVE THAT council order copies of the guide for council and staff.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

### Utility Trailer for Public Works Department

**MOTION: 2019-9760** Councillor Tucker / Councillor Maloney  
MOVE THAT council purchase the lowest priced utility trailer for \$1,399.99 +HST.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

### Road Maintenance 2019

#### 1. Cemetery Lane West

**MOTION: 2019-9761** Councillor Tucker / Councillor Luby  
MOVE THAT council add Cemetery Lane West to the Gas Tax road plan for 2020.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

#### 2. Southside Rd

8:53 p.m. Deputy Mayor O'Driscoll and Councillor Tucker declared conflict of interest on the Southside Road road work and left the Chambers. Deputy Mayor O'Driscoll and Councillor Tucker live in the area of the proposed work.

**MOTION: 2019-9762** Councillor Luby / Councillor Coady  
MOVE THAT council repair portions of southside road around Scott's Hill and by civic 111.  
Questions called. Motion carried unanimously.  
For Motion: 4

Against: 0

**MOTION: 2019-9763** Councillor Luby / Councillor Coady

MOVE THAT council extend the pavement at the intersection of southside Road and Cemetery Lane East to create a wider area for turning traffic.

Questions called. Motion carried unanimously.

For Motion: 4

Against: 0

8:55 p.m. Deputy Mayor O'Driscoll and Councillor Tucker returned to the Chambers.

### **3. Southern Shore Highway**

**MOTION: 2019-9764** Councillor Luby / Councillor Coady

MOVE THAT council extend the pavement at the intersection of Southern Shore Highway and Irishtown Road to create a wider area for turning traffic

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

### **4. Irishtown Road Ditching**

8:57 p.m. Councillor Maloney declared conflict of interest on Irishtown Road, ditching work and left the Chambers; Councillor Maloney lives in the area of the proposed work.

**MOTION: 2019-9765** Deputy Mayor O'Driscoll / Councillor Tucker

MOVE THAT council review the scope of work to have the upper side of Irishtown Road ditched

Questions called. Motion carried unanimously.

For Motion: 5

Against: 0

8:57 p.m. Councillor Maloney returned to the Chambers.

### **5. Northside Road Catch Basin and Ditching**

**MOTION: 2019-9766** Deputy Mayor O'Driscoll / Councillor Tucker

MOVE THAT council outline the scope of work for ditching and installation of a catch basin work will be added to the road maintenance list for the spring of 2020.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0

### **6. Quay's road at Stone's Gulch**

**MOTION: 2019-9767** Councillor Luby / Councillor Tucker

MOVE THAT council will add guard rail to sections of Quay's road.

Questions called. Motion carried unanimously.

For Motion: 6

Against: 0



## Request for maintenance on recreational fields

item was deferred

## Staff and Council Appreciation Day

**MOTION: 2019-9768** Councillor Tucker/ Councillor Luby  
MOVE THAT staff and council gather for a boat tour and BBQ on July 19.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

## Sheldon Drive Request for Speed Bumps

Staff will prepare a communication release to the residents on Sheldon Drive.

# New Business

---

## Order picnic tables from the Her Majesty's Penitentiary (HMP) Carpentry Program

**MOTION: 2019-9769** Deputy Mayor O'Driscoll / Councillor Coady  
MOVE THAT council supply materials for the construction of four picnic tables by the carpentry program at Her Majesty's Penitentiary (HMP).  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

# Adjournment

---

9:13 p.m. Mayor Mallowney called for adjournment as there was no further business of the Council.

**MOTION: 2019-9770** Deputy Mayor O'Driscoll / Councillor Coady  
MOVE THAT the meeting be adjourned.  
Questions called. Motion carried unanimously.  
For Motion: 6  
Against: 0

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

