

# Town of Bay Bulls

---

## Meeting Minutes

*For the Public Meeting of Oct 9, 2018*

*Held in Council Chambers at 8:00 p.m.*

### Members Present

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

### Staff Present

Sandra Cahill, Town Clerk  
Ashley Wakeham, Assistant Town Clerk

### Regrets

## Call to Order

---

Mayor Harold Muldowney assumed the Chair and called the meeting to order at 8:04 p.m.

## Adoption of Agenda

---

**MOTION: 2018-9426** Councillor Coady/Councillor Tucker

MOVE THAT the agenda of October 9, 2018 Public Meeting be adopted as presented.

Questions called. Motion carried. Unanimously

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

Against: 0

8:04 p.m. Mayor Muldowney called for New Business additions

Added to New Business:

Mayor Muldowney – office internet service, CEEP

Councillor Tucker - appeals

# Adoption of Minutes

---

## *Sept 10, 2018 Minutes*

**MOTION: 2018-9427** Deputy Mayor O’Driscoll/Councillor Maloney  
MOVE THAT the minutes of the Public Meeting for Sept 10, 2018 be adopted with proposed correction under new business to change Southern Shore Hwy to Irishtown Rd  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

## *Sept 17, 2018 Minutes*

**MOTION: 2018-9428** Deputy Mayor O’Driscoll/Councillor Tucker  
MOVE THAT the minutes of the Special Public Meeting for Sept 17, 2018 be adopted as presented  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

# Delegation

---

No delegations scheduled for Oct 9<sup>th</sup>

# Applications

---

## **Application for Accessory Temp Site Application # 2018-310 Commercial – 2 Northside Rd**

8:07 p.m. Deputy Mayor O’Driscoll declared conflict of interest on application 2018-310; and left the Chambers

8:07 p.m. Councillor Luby asked council to decide her proposed conflict on application 2018-310; and left the Chambers

### **Mayor called for a vote:**

Is Councillor Luby in a Conflict?

Councillor Maloney	No
Councillor Coady	No
Councillor Tucker	No
Mayor Mullowney	No

**MOTION: 2018-9429** Councillor Maloney/Councillor Coady  
MOVE THAT Councillor Luby is not in a conflict  
Questions called. Motion carried.  
For Motion: 4 (Mayor Mullowney, Councillors Coady, Maloney & Tucker)

Against: 0

8:08 p.m. Councillor Luby returned to the Chambers

8:08 p.m. Councillor Tucker asked council to decide her proposed conflict on application 2018-310; and left the Chambers

**Mayor called for a vote:**

Is Councillor Tucker in a Conflict?

Councillor Maloney No

Councillor Coady No

Councillor Luby No

Mayor Muldowney No

**MOTION: 2018-9430** Councillor Maloney/Councillor Coady

MOVE THAT Councillor Tucker is not in a conflict

Questions called. Motion carried.

For Motion: 4 (Mayor Muldowney, Councillors Coady, Maloney & Luby)

Against: 0

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

**Motion of Acceptance: Application 2018-310**

**MOTION: 2018-9431** Councillor Maloney/Councillor Coady

MOVE THAT the letter being requested for this application be sent to the applicant, pending MSDS sheets are provided to the council.

Questions called. Motion carried.

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

Against: 0

8:11 p.m. Deputy Mayor O'Driscoll returned to the Chambers

**Application to Develop Land**

**Application # 2018-424**

**Commercial – Office/Garage – Southside Rd**

8:11 p.m. Deputy Mayor O'Driscoll & Councillor Tucker declared conflict of interest on application 2018-424; and left the Chambers.

**MOTION: 2018-9432** Councillor Maloney/Councillor Coady

MOVE THAT application 2018-424 be approved.

Questions called. Motion carried.

For Motion: 4 (Mayor Muldowney, Councillors Coady, Luby & Maloney)

Against: 0

8:12 p.m. Deputy Mayor O'Driscoll & Councillor Tucker returned to the Chambers

**Application for Crown Land**  
**Application # 2018-512**  
**Residential – Sub-Division – Cemetery Lane West**

**MOTION: 2018-9433** Deputy Mayor O’Driscoll/Councillor Maloney  
MOVE THAT application 2018-512 be approved.  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

**Application to Develop Land**  
**Application # 2018-425**  
**Commercial – Craft Store – Southern Shore Hwy**

**MOTION: 2018-9434** Councillor Tucker/Deputy Mayor O’Driscoll  
MOVE THAT application 2018-425 be deferred for survey showing owner’s name.  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

## **Accounts Payable**

---

8:14 p.m. Councillor Maloney declared conflict of interest on Cheque No. 1683; and left the Chambers

**MOTION: 2018-9435** Deputy Mayor O’Driscoll /Councillor Coady  
MOVE THAT Cheque No. 1683 totaling \$2,817.50 be released.  
Questions called. Motion carried.  
For Motion: 5 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Luby & Tucker)  
Against: 0

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

**MOTION: 2018-9436** Councillor Tucker/Deputy Mayor O’Driscoll  
MOVE THAT Cheque No. 1682 totaling \$37,674.00 be put on hold until the requested repairs are finished  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Tucker, Luby & Maloney)  
Against: 0

**Total Accounts Paid in Section A: \$70,669.98**

**Total Accounts Paid in Section B: \$56,364.87**

**Total Disbursements for October: \$127,034.85**

## **Correspondence & Action**

---

## **Action Report – Info Only**

Under Action Report Councillor Tucker asked about item 11 “railway bed preservation”

8:18 p.m. Councillor Luby declared conflict of interest; and left the Chambers

**MOTION: 2018-9437** Deputy Mayor O’Driscoll/Councillor Coady  
MOVE THAT council grant permission for Councillor Tucker to contact Crown Lands about this piece of property.  
Questions called. Motion carried.  
For Motion: 5 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Maloney & Tucker)  
Against: 0

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

Under Action Report Deputy Mayor O’Driscoll; asked why item 11 “guard rail replacement” was held until spring

**MOTION: 2018-9438** Councillor Tucker/Councillor Luby  
MOVE THAT a closed call for bids be sent out for the guardrail replacement & repairs  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Maloney & Tucker)  
Against: 0

## **JTV – Developers Agreement as Amended**

**MOTION: 2018-9439** Deputy Mayor O’Driscoll/Councillor Tucker  
MOVE THAT the Development Agreement be accepted as presented  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Tucker, Luby & Maloney)  
Against: 0

## **Memorandum of Understanding - BBBAA**

Deferred for one month

## **Directional Signs**

**MOTION: 2018-9440** Deputy Mayor O’Driscoll/Councillor Luby  
MOVE THAT the new signage be accepted as presented  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Tucker, Luby & Maloney)  
Against: 0

## **Meeting Requested – Harbour Authority**

8:24 p.m. Councillor Tucker declared conflict of interest; and left the Chambers

Mayor Mullowney stated this meeting will be held next month.

8:26 p.m. Councillor Tucker returned to the chambers

### **Asset Management Policy**

**MOTION: 2018-9441** Councillor Tucker/Deputy Mayor O'Driscoll  
MOVE THAT the Asset Management Policy be adopted as presented  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Coady, Tucker, Luby & Maloney)  
Against: 0

### **Membership to Grand Concourse**

**MOTION: 2018-9442** Councillor Tucker/Deputy Mayor O'Driscoll  
MOVE THAT Council accept the proposal from Grand Concourse  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Coady, Tucker, Luby & Maloney)  
Against: 0

### **Long Pond Walking Trail**

8:26 p.m. Mayor Mullooney & Councillor Luby declared conflict of interest; and left the Chambers

**MOTION: 2018-9443** Councillor Tucker/Councillor Maloney  
MOVE THAT Council accept the proposal from Vigilant Management for Phase 1 (pre-funding) – costs.  
Furthermore this project will be a multi-phase project spanning over a minimum of 5 years  
Questions called. Motion carried.  
For Motion: 4 (Deputy Mayor O'Driscoll, Councillors Coady, Tucker & Maloney)  
Against: 0

8:27 p.m. Mayor Mullooney & Councillor Luby returned to the Chambers; Mayor Mullooney assumed the Chair

### **Appraisal Quotes**

8:27 p.m. Deputy Mayor O'Driscoll & Councillor Tucker declared conflict of interest; and left the Chambers.

**MOTION: 2018-9444** Councillor Maloney/Councillor Coady  
MOVE THAT Council accept the lowest quote as presented.  
Questions called. Motion carried.  
For Motion: 4 (Mayor Mullooney, Councillors Coady, Luby & Maloney)  
Against: 0

8:28 p.m. Deputy Mayor O'Driscoll & Councillor Tucker returned to the Chambers.

### **Lower Rd – Construction Project # 1820**

**MOTION: 2018-9445** Councillor Luby/Councillor Tucker  
MOVE THAT Council accept the recommended proposal valued at \$16,169 (HST Incl)  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullooney, Deputy Mayor O'Driscoll, Councillors Coady, Luby, Maloney & Tucker)

Against: 0

### **Telematik – Auto Messaging System**

**MOTION: 2018-9446** Councillor Luby/Deputy Mayor O’Driscoll

MOVE TO approve pending cost

Questions called. Motion carried. Unanimously

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

Against: 0

### **Municipal Information & Privacy Policy**

**MOTION: 2018-9447** Deputy Mayor O’Driscoll/Councillor Maloney

MOVE THAT council adopted this policy as presented

Questions called. Motion carried. Unanimously

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

Against: 0

### **Catch Basin Annual Maintenance - Quotes**

**MOTION: 2018-9448** Councillor Luby/Councillor Tucker

MOVE THAT Council accept the lowest quote as presented

Questions called. Motion carried. Unanimously

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

Against: 0

### **Request from Southern Shore Arena Association**

**MOTION: 2018-9449** Councillor Tucker /Deputy Mayor O’Driscoll

MOVE THAT Council approve the request; and will continue to contribute \$7000 to the regional arena; pending a more detailed financial statement

Questions called. Motion carried. Unanimously

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

Against: 0

### **Friendly Hearing – Conflict of Interest Allegations**

8:33 p.m. Councillor Coady declared conflict of interest and left the Chambers

**MOTION: 2018-9450** Councillor Tucker /Councillor Luby

MOVE THAT a friendly hearing will be scheduled to deal with these allegations

Questions called. Motion carried.

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

Against: 0

## **Information Only**

---

Radar Speed Sign Report

BBBAA- Information Package

BBRLC – Information Package

Councillor Burton’s Resignation

Dept. of Transportation & Works Correspondence – Radar Speed Sign

Crown Land Correspondence – Long Pond Trail

Progress Report – Lower Rd – Construction Project #1820

## General Business

---

### Culvert Installation – Lower Path Rd

#### Award of Contract

**MOTION: 2018-9451** Councillor Tucker /Councillor Maloney  
MOVE THAT council award the contract to the lowest bidder O’Brien’s Trucking.  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

#### Motion to Approve Hand Rail Quotes

**MOTION: 2018-9452** Councillor Tucker /Councillor Maloney  
MOVE THAT council award the handrails to the lowest bidder  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

#### Rescind Motion #2018-9417-Original Head Wall Quote

**MOTION: 2018-9453** Councillor Tucker /Councillor Maloney  
MOVE THAT council rescind motion 2018-9417  
Questions called. Motion carried. Unanimously  
For Motion: 6 (Mayor Mullowney, Deputy Mayor O’Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

#### New Head Wall Quote

**MOTION: 2018-9454** Councillor Tucker /Councillor Coady  
MOVE THAT council award the headwall to the lowest bidder  
Questions called. Motion carried. Unanimously



For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

### **Alley Rd – Right of Way Maintenance**

Deferred until spring

### **MCW Priority List**

**MOTION: 2018-9455** Councillor Tucker /Councillor Coady

MOVE THAT council approve the presented list, and will add in roads if necessary.

Questions called. Motion carried. Unanimously

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

Against: 0

### **Family Fun Day – BBRLC**

**MOTION: 2018-9456** Councillor Tucker/Councillor Luby

MOVE THAT Council support the Family Fun Day to a maximum of \$500

Questions called. Motion carried. Unanimously

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

Against: 0

### **Honoring Ceremony**

**MOTION: 2018-9457** Councillor Tucker/Deputy Mayor O'Driscoll

MOVE THAT Council cater this event with food & drink.

Questions called. Motion carried. Unanimously

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

Against: 0

### **New Town Sign Design**

**MOTION: 2018-9458** Councillor Tucker/Councillor Coady

MOVE THAT Council approve the design as presented; with the addition of the Town's crest

Questions called. Motion carried. Unanimously

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

Against: 0

### **Legal Representation – Appeal Hearings**

8:47 p.m. Deputy Mayor O'Driscoll & Councillor Luby declared conflict of interest and left the Chambers.

**MOTION: 2018-9459** Councillor Tucker /Councillor Coady

MOVE THAT send legal representation to both hearings

Questions called. Motion carried.

For Motion: 4 (Mayor Mullowney, Councillors Coady, Maloney & Tucker)

Against: 0

8:48 p.m. Deputy Mayor O'Driscoll & Councillor Luby returned to the Chambers

### **New Town Truck**

Mayor Mullaney stated that Public Procurement Agency will be working on a joint purchase for pick-up trucks and can have a savings of about \$15,000 if the Town purchases through this method.

### **Service NL Site Clean Up Recommendations**

**MOTION: 2018-9460** Councillor Tucker/Councillor Maloney

MOVE THAT Council approve SNCL to begin the clean-up process.

Questions called. Motion carried. Unanimously

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

Against: 0

### **Award – Snow Clearing**

**MOTION: 2018-9461** Councillor Tucker/Councillor Maloney

MOVE THAT the contract be awarded for 1 year with option to renew to the lowest bidder

Questions called. Motion carried. Unanimously

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

Against: 0

### **Town Clerk Raise & Bonus**

8:54 p.m. Deputy Mayor O'Driscoll declared conflict of interest and left the Chambers.

**MOTION: 2018-9462** Councillor Maloney/Councillor Luby

MOVE THAT approved the pay out

Questions called. Motion carried.

For Motion: 5 (Mayor Mullaney, Councillors Coady, Luby, Maloney & Tucker)

Against: 0

8:54 p.m. Deputy Mayor O'Driscoll returned to the Chambers.

### **Extra Mail Out for Christmas Events**

**MOTION: 2018-9463** Councillor Tucker/Deputy Mayor O'Driscoll

MOVE THAT council release an additional mail drop for Christmas events planned

Questions called. Motion carried. Unanimously

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

Against: 0

### **Culverts for Road Maintenance**

**MOTION: 2018-9464** Councillor Maloney/Councillor Luby

MOVE THAT 60' of 24" culvert be purchased

Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

#### **45 degree elbow needed for O'Dea's Lane**

8:55 p.m. Councillor Tucker declared conflict of interest and left the Chambers.

**MOTION: 2018-9465** Councillor Maloney/Councillor Coady  
MOVE THAT a 45 degree elbow be purchased for installation  
Questions called. Motion carried.

For Motion: 5 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Coady, Luby & Maloney)  
Against: 0

8:56 p.m. Councillor Tucker returned to the Chambers

#### **Alley Rd**

Councillor Luby addressed council to bring to light some points about the new road construction; Mayor Mullowney added that the work is not yet signed off on, and it will be attended too very soon.

#### **Policy for Staff Attendance at Special or Extra Meetings**

8:59 p.m. Deputy Mayor O'Driscoll declared conflict of interest and left the Chambers

Mayor Mullowney stated that council will revisit in the future.

#### **Cutting Edge/Blade for Truck**

**MOTION: 2018-9466** Councillor Maloney/Councillor Luby  
MOVE THAT the edge be purchased.

Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

#### **By-Election Timelines**

**MOTION: 2018-9467** Councillor Tucker/Deputy Mayor O'Driscoll  
MOVE THAT Nomination Day be held October. 25<sup>th</sup>

Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

**MOTION: 2018-9468** Councillor Tucker/Deputy Mayor O'Driscoll  
MOVE THAT By-Election Day be held November 15<sup>th</sup>

Questions called. Motion carried. Unanimously

For Motion: 6 (Mayor Mullowney, Deputy Mayor O'Driscoll, Councillors Coady, Luby, Maloney & Tucker)  
Against: 0

**MOTION: 2018-9469** Councillor Tucker/Deputy Mayor O'Driscoll  
MOVE THAT Janet O'Brien be appointed Alternate Returning Officer

Questions called. Motion carried. Unanimously

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

Against: 0

## New Business

---

### Internet

**MOTION: 2018-9470** Councillor Tucker/Councillor Coady  
MOVE THAT council switch to fiber op option now available

Questions called. Motion carried. Unanimously

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

Against: 0

### CEEP

**MOTION: 2018-9471** Deputy Mayor O'Driscoll/Councillor Maloney

MOVE THAT council switch to fiber op option now available

Questions called. Motion carried. Unanimously

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

Against: 0

## Adjournment

---

9:04 p.m. Mayor Mullooney called for adjournment as there was no further business of the Council.

**MOTION: 2018-9472** Councillor Tucker/Councillor Luby

MOVE THAT the meeting be adjourned.

Questions called. Motion carried. Unanimously

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

Against: 0

---

Mayor



---

Clerk