

TOWN COUNCIL OF BAY BULLS

PUBLIC MEETING – September 11, 2017

Six councilors were acclaimed September 5th, Nomination Day and were sworn in on September 8th by the Town Clerk. The Town Clerk will Chair the meeting until a Mayor is appointed.

Members Present: Councillor Harold Mullooney
 Councillor Evelyn Tucker
 Councillor Wendy O'Driscoll
 Councillor Joan Luby
 Councillor Eric Maloney
 Councillor Kevin O'Brien

Regrets:

Also Present: Sandra Cahill, Town Clerk
 Ashley Wakeham, Assistant Town Clerk

1. Call to Order

The Town Clerk calls the meeting to order at 8:00 pm. & asks for adoption of the agenda.

2. Adoption of Agenda

MOTION: 2017-8961 Harold Mullooney/Wendy O'Driscoll
Move to adopt the agenda of September 11, 2017

In favour - 6

MOTION CARRIED UNANIMOUSLY

3. Nominations for Mayor

The Town Clerk calls for nominations for the position of Mayor. Councillor Joan Luby nominates Councillor Harold Mullooney for Mayor. The clerk asks if there are other nominations for this position:

- Call once
- Call twice
- Call three times

MOTION: 2017-8962 Wendy O'Driscoll/Joan Luby
Move that Councillor Harold Mullooney will be Mayor for Town of Bay Bulls.

In favour - 5

MOTION CARRIED

Mayor Harold Mullooney accepts the position of Mayor.

4. Nominations for Deputy Mayor

Mayor Harold Mullooney assumed the Chair & calls for nominations for the position of Deputy Mayor.

Councillor Wendy O'Driscoll put her name forward for position of Deputy Mayor. The Mayor asks if there are other nominations for the position.

- Call once
- Call twice
- Call three times

MOTION: 2017-8963 Joan Luby/Evelyn Tucker
Move that Councillor Wendy O'Driscoll will be Deputy Mayor for Town of Bay Bulls.

In favour - 5

MOTION CARRIED

5. By-election Date

MOTION: 2017-8964 Wendy O'Driscoll/Joan Luby
Move that October 12, 2017 is By-election Day.

In favour - 6

MOTION CARRIED UNANIMOUSLY

6. Nomination Day

MOTION: 2017-8965 Wendy O'Driscoll/Joan Luby
Move that September 21, 2017 is Nomination Day.

In favour - 6

MOTION CARRIED UNANIMOUSLY

7. Alternate Returning Officer

MOTION: 2017-8966 Wendy O'Driscoll/Joan Luby
Move that Janet O'Brien will be alternate returning officer for the By-election of October 12, 2017.

In favour - 6

MOTION CARRIED UNANIMOUSLY

8. Committee Structures

a) Chair of Public Works

Mayor Harold Mallowney calls for nominations for the position of Chair of Public Works.

Councillor Evelyn Tucker puts her name forward for position. The Mayor asks if there are other nominations for that position.

- Call once
- Call twice
- Call three times

MOTION: 2017-8967 Wendy O'Driscoll/Kevin O'Brien
Move that Councillor Evelyn Tucker will be Chair of Public Works.

In favour - 5

MOTION CARRIED

b) Chair of Finance

Mayor Harold Muldowney calls for nominations for the position of Chair of Finance.

Councillor Eric Maloney puts his name forward for position. The Mayor asks if there are other nominations for that position.

-Call once

-Call twice

-Call three times

MOTION: 2017-8968 Wendy O'Driscoll/Joan Luby

Move that Councillor Eric Maloney will be Chair of Finance.

In favour - 5

MOTION CARRIED

The Mayor comments that council should think about these other committees as the Town will need to fill these eventually. These committees are: Development Committee, Fire Committee, Recreation, North East Avalon & Southern Shore Joint Council.

There was no election for Mayor & Deputy Mayor so no motion is required to destroy ballots.

9. Adoption of Minutes

MOTION: 2017-8969 Joan Luby/Wendy O'Driscoll

Move to adopt the minutes of the Public Meeting of August 31, 2017 as presented.

In favour - 6

MOTION CARRIED UNANIMOUSLY

Delegations:

- 1) Former resident of Bay Bulls now living in Alberta, requests to speak to council by way of a conference call. The caller would like to discuss her dispute regarding a piece of crown land on Northside Road adjacent to 131 Northside Road.

Councillor Eric Maloney declares Conflict of Interest & leaves the chambers at 8:15 pm. Councillor Maloney has immediate family (sister) who resides at 129 Northside Road, which bounds the area to be discussed.

The Town Clerk dials the number provided by delegate. The computerized response is – the number you are calling is not available at this time. Council will call again after the second delegation.

Councillor Maloney returns to the chambers at 8:16

- 2) Resident of 65 Irishtown Road address council about water issues he is having.

Councillor Kevin O'Brien declares Conflict of Interest & leaves the chambers at 8:16 pm. Councillor O'Brien owns property on Irishtown Road directly across from delegate.

Councillor Eric Maloney declares Conflict of Interest & leaves the chambers again at 8:16 pm. Councillor Maloney resides on Irishtown Road.

Resident of 65 Irishtown Road addresses council again on the water issue he has been having with water being directed onto his property by neighboring property. Resident of 65 Irishtown Road will show the contractor where to install the culvert to correct the problem.

A second phone call is made to the first delegate in Alberta but the same response is received – the number you are calling is not available at this time.

Councillors O'Brien & Maloney returns to the chambers at 8:21pm.

Applications:

1. Business

ID # 2017- 105
151 Southside Road

Deputy Mayor Wendy O'Driscoll & Councillor Evelyn Tucker declares Conflict of Interest & leaves the chambers at 8:22 pm. both councillors reside on Southside Road.

Councillor Joan Luby asks council to decide if she is in conflict or not on this application & leaves the chambers at 8:22 pm. This application is for a business on Southside Road but is bounded on one side by Track Road Ext. where Councillor Luby resides.

Quorum is lost as council has 3 councilors remaining in chambers. Council will request Ministerial Approval for Mayor Harold Mullowney, Councillor Eric Maloney & Councillor Kevin O'Brien to approve this application.

Deputy Mayor Wendy O'Driscoll & Councilors Tucker & Luby returns to the chambers at 8:25 pm.

2. Business

ID # 2017- 106
151 Southside Road

This is the same situation as the previous application, Council cannot vote as quorum is lost. Council will request Ministerial Approval on this application as well.

ACCOUNTS

1. Rescind motion 2017-8908 to pay/release cheque no. 829, Section A (J&C Sod Farm) disbursements for August 31, 2017.

Councillor Joan Luby declares Conflict of Interest & leaves the chambers at 8:27 pm. Councillor Luby is related to the owner (sister in-law) & leaves the chambers at 8:27 pm

MOTION: 2017-8970 Wendy O'Driscoll/Evelyn Tucker
Move to rescind motion 2017-8908

In favour - 5

MOTION CARRIED

MOTION: 2017-8971 Wendy O'Driscoll/Evelyn Tucker
Move to pay/release cheque no. 829, Section A (J&C Sod Farm).

In favour - 5

MOTION CARRIED

Councillor Luby returns to the chambers at 8:28 pm.

2. Rescind motion 2017-8909 to pay/release cheques no. 830, 844, 853, 824 & DD payroll, disbursements for August 31, 2017.

Deputy Mayor Wendy O'Driscoll declares Conflict of Interest Section A, cheques no. 830, 844 (Pat's Plants Southside Road), 853 (travel claim for Sandra Cahill Town Clerk), Section B, cheque no. 824 (NAPE) & Direct Payroll for Sandra Cahill. Deputy Mayor O'Driscoll resides on Southside Road, is president of NAPE local 7538 & is related to the Town Clerk (mother in-law) & leaves the chambers at 8: 29 pm.

Councillor Evelyn Tucker declares Conflict of Interest on Section A, cheques no. 830 & 844 (Pat's Plants Southside Road) & leaves the chambers at 8: 29 pm. Councillor Tucker resides on Southside Road.

MOTION: 2017-8973 Joan Luby/Kevin O'Brien
Move to rescind motion 2017-8908

In favour - 4

MOTION CARRIED

MOTION: 2017-8974 Joan Luby/Kevin O'Brien
Move to pay/release 830, 844, 853, 824, DD payroll.

In favour - 4

MOTION CARRIED

Deputy Mayor O'Driscoll & Councillor Tucker returns to the chambers at 8:30 pm.

SECTION A - ACCOUNTS FOR PAYMENT September 11, 2017

Cheq No.	Payable to:	Description	Amount
844	Pat's Plants	Planters	114.81
830	Pat's Plants	Canada Day 150 Flowers	584.30
861	Gladys Bennett	Office Cleaning	612.00
862	Audio Systems	Retrieved Data	159.56
863	The Telegram	Nomination Ad	455.00
864	The Business Post	Nomination Ad & CHY Ad	403.65
865	S & S Supplies	Rental	230.58
866	Sandra Cahill	Nomination Day Pay	250.00
867	Credit Recovery	Collection Fees	1,089.19
868	Triware Tech	Monthly Hosting September	281.75
869	SNC Lavalin	ending July 28/17	400.06
870	Sandra Cahill	Travel Claim	62.37
871	Witless Bay Hardware	Misc Supplies	39.16
TOTAL			4,682.43

SECTION B- ACCOUNTS FOR PAYMENT

Cheq No.	Payable to:	Description	Amount
On line	Bell Aliant	Office Phones	446.96
On line	Bell Mobility	Cell	57.78
On line	NL Power	Town Garage	26.62
On line	NL Power	Street Lights	3,873.49
On line	NL Power	Office	376.26
On line	NL Power	RCMP	135.46
On line	Eastern Waste Management	September Garbage Collection	9,810.00
On line	Ultramar/Fleetcore	Fuel Town Truck	554.72
On line	Orkin	Odour Control	196.08
859	Receiver General	Payroll Remittance August	4,356.84
860	NAPE	Union Dues August	40.36
DD	Town Clerk	Gross Pay for August (4 wks)	4,096.00
DD	Outside Maintenance	Gross Pay for August (4 wks)	3,217.60
DD	Assistant Town Clerk	Gross Pay for August (4 wks)	3,470.00
DD	Summer Student	Gross Pay for August (3 wks)	1,365.00
Total			32,023.17

a) Deputy Mayor Wendy O'Driscoll declares Conflict of Interest on:

- Section A - cheques no. 866 (Nomination Day Pay), 870 (Travel Claim for Town Clerk)
- Section B – cheque no. 860 & DD payroll & leaves the chambers at 8:30 pm.

Deputy Mayor Wendy O'Driscoll is related to the Town Clerk Sandra Cahill (mother in-law) & is President of NAPE Local 7538

MOTION: 2017 – 8975 Evelyn Tucker/Eric Maloney

Move to approve to pay/release cheque # 866, 870 (Section A), 860 & DD payroll (Section B).

In favour –5

MOTION CARRIED

Deputy Mayor O'Driscoll returns to the chambers at 8:32 pm.

- b) Councillor Kevin O'Brien declares Conflict of Interest on DD payroll (summer Student) Section B & leaves the chambers at 8:32 pm. Councilor O'Brien is related to the student (son).

MOTION: 2017 – 8976 Wendy O'Driscoll/Joan Luby
Move to approve to pay/release DD payroll (summer Student).

In favour –5

MOTION CARRIED

Councillor O'Brien returns to the chambers at 8:32 pm.

- c) Section B Accounts – Information Only

Mayor Muldowney comments:

Section B was added to the town's agenda several years ago as, *Information Only*, & never required a motion to pay/release as most are reoccurring budgeted items such as, payroll, NAPE & EWM (contractual agreements), Revenue Canada (mandatory) & utilities (the town will incur interest on overdue accounts).

MOTION: 2017 – 8977 Evelyn Tucker/Joan Luby
Move to approve Section B accounts as, "Information Only".

In favour –6

MOTION CARRIED UNANIMOUSLY

Mayor Muldowney states bills paid this month under Section A total - **\$4,682.43**
Bills paid under Section B total - **\$32,023.17**

CORRESPONDENCE ACTION:

1. Request for a Christmas Tree lighting Ceremony on Municipal Grounds
Respond to resident informing them that Council thinks it is a great idea & will support it.

2. Request from Business for Interest Exemption

This item is moved to a Privileged Session

3. Request for Road Maintenance – Lower Road

Council will respond to the resident informing him the town has applied for capital funding for Lower Road but in the interim this section of road will be taken care of with a major ditching project the town has taken on for this fall.

Request for Consideration on Removal of Structure 140 Track Road Ext.

Councillor Joan Luby & Deputy Mayor Wendy O'Driscoll declares Conflict of Interest and leaves the chambers at 8:41 pm. Councillor Luby resides on Track Road Ext. & Deputy Mayor Wendy O'Driscoll has immediate family (mother in-law) that owns land on Track Road Ext.

Motion: 2017-8978 Kevin O'Brien/Evelyn Tucker

Move to issue a Remove Order giving the resident (90) ninety days to remove the temporary structure. This remove order is issued because of safety concerns to the public & liability issues.

In favour –4

MOTION CARRIED

Councillor Joan Luby & Deputy Mayor O'Driscoll returns to the chambers at 8:45 pm

5. **New Business** – This section was missed at the beginning of the meeting so it is added now:

- a. Status of Expropriation on Track Road Ext.
- b. Sheldon Drive Playground
- c. Alley Road & Northside Road
- d. Christmas Social

6. Request from Business Owner for a Speedbump & Crosswalk, Southside Road

Councillor Evelyn Tucker & Deputy Mayor Wendy O'Driscoll declares Conflict of Interest & leaves the chambers at 8:46 pm. Both Councilor Tucker & Deputy Mayor O'Driscoll reside on Southside Road.

Motion: 2017-8979 Joan Luby/Kevin O'Brien

Move to install a crosswalk & (2) two signs on Southside Road in the spring of 2018.

In favour –4

MOTION CARRIED

Councillor Tucker returns to the chambers at 8:47 pm. Deputy Mayor O'Driscoll does not return to the chambers at this time as she is in conflict on the next item.

7. Request for Speedbump – Track Road Ext.

Councillor Joan Luby declares Conflict of Interest & leaves the chambers at 8:47 pm. Councillor Luby resides on Track Road Ext. Deputy Mayor O'Driscoll is in conflict on this item & remains out of the chambers. Deputy Mayor O'Driscoll has immediate family (mother in-law) that owns land on Track Road Ext.

Motion: 2017-8980 Eric Maloney/Evelyn Tucker

Move that council will review this request to install a speed bump on Track Road Ext. in the spring of 2018.

In favour –4

MOTION CARRIED

Councillor Joan Luby & Deputy Mayor O'Driscoll returns to the chambers at 8:49 pm.

8. Request for Road Maintenance – Alley Road

Inform the resident that council will be meeting with the engineer & Alley Road will be discussed. The ditching/shouldering project that the town will be undertaking the fall will take care of some of the issues on Alley Road.

9. Quotes for Cleaning out Catch Basins

Motion: 2017-8981 Kevin O'Brien/Joan Luby

Move to get the 4th quote & go with the lowest: get clarification on the 15% fuel surcharge.

In favour –6

MOTION CARRIED UNANIMOUSLY

10. NAPE Collective Agreement – Maintenance Supervisor

Deputy Mayor Wendy O'Driscoll declares Conflict of Interest & leaves the chambers at 8:52 pm. Deputy Mayor O'Driscoll is president of NAPE Local 7538

A tentative date of November 15, 2017 is set for council to meet with NAPE to commence collective bargaining.

Deputy Mayor O'Driscoll returns to the chambers at 8:53pm.

11. BBRL Centre Subsidy Request - \$25,000.00

Motion: 2017-8982 Wendy O'Driscoll/Kevin O'Brien

Move to release \$25,000.00 of the 2017 budgeted allocation to the BBRLC

In favour –6

MOTION CARRIED UNANIMOUSLY

12. Proposed St. John's Urban Regional Plan Amendment – Town of Holyrood

Councillor Kevin O'Brien declares Conflict of Interest & leaves the chambers at 8:55 pm. Councillor O'Brien is employed at the Marine Institute in Holyrood & the Marine Institute is part of the development scheme.

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

13. Municipal Information Network Subscription

Motion: 2017-8983 Evelyn Tucker/Joan Luby

Move to try the 30 day free trial.

In favour –6

MOTION CARRIED UNANIMOUSLY

14. Request to Freeze Crown Land

Councillor Joan Luby declares Conflict of Interest & leaves the chambers at 8:57 pm. Councillor Luby has immediate family (brother & sister in-law) that own land in the area.

Motion: 2017-8984 Wendy O'Driscoll/Evelyn Tucker

Move to defer this item until the new council members have an opportunity to review the file.

In favour –5

MOTION CARRIED

Councillor Luby returns to the chambers at 8:58 pm

INFORMATION ONLY:

1. Southern Shore Arena Association Financials

Councillor Kevin O'Brien declares Conflict of Interest on this item & leaves the chambers at 8:59 pm.
Councillor O'Brien serves on the arena board.

This item is for information only & their financials are there for review.

Councillor O'Brien returns to the chambers at 8:59 pm.

2. Councillor Orientation Schedule – Councillors please let the office know if you are interested in attending.

GENERAL BUSINESS:

1. Vacant Land Tax Adjustment

Mayor Harold Mullooney declares Conflict of Interest & leaves the chambers at 9:00 pm. Mayor Mullooney has two (2) pieces of vacant land that is now before council for exemption.

Deputy Mayor Wendy O'Driscoll assumes the Chair & calls for a motion.

Pursuant to Section 111(1) of the Municipalities Act 1999, a person may apply to council for, and council may by vote of 2/3 vote of councilors in office, grant an exemption of taxes and interest applied on taxes, either in whole or in part.

a. Parcel ID 004-421: Amount 125.00

Motion: 2017-8985 Evelyn Tucker/Joan Luby

Move to grant as per request of resident, an exemption of taxes and interest applied on taxes, either in whole or in part.

In favour – 5

MOTION CARRIED

b. Parcel ID 004-574;576;581; & 583: Amount 1,045.00

Motion: 2017-8986 Evelyn Tucker/Joan Luby

Move to grant as per request of resident, an exemption of taxes and interest applied on taxes, either in whole or in part.

In favour – 5

MOTION CARRIED

c. Parcel ID 193-733: Amount 219.40

Motion: 2017-8987 Evelyn Tucker/Joan Luby

Move to grant as per request of resident, an exemption of taxes and interest applied on taxes, either in whole or in part.

In favour – 5

MOTION CARRIED

- d. Parcel ID 004-750 & 826: Amount 347.40

Motion: 2017-8988 Evelyn Tucker/Joan Luby

Move to grant as per request of resident, an exemption of taxes and interest applied on taxes, either in whole or in part.

In favour – 5

MOTION CARRIED

Mayor Mallowney returns to the chambers at 9:05 pm.

2. Salt & Sand Mixing Tender

Motion: 2017-8989 Wendy O'Driscoll/Eric Maloney

Move to request quotes for mixing the salt & sand for the upcoming winter season.

In favour – 6

MOTION CARRIED UNANIMOUSLY

3. Meeting with the Town Engineer

The town will setup a meeting for this week to meet with the engineer to discuss road work.

4. 2017 Sand Tender - 1200 Tons

Motion: 2017-8990 Evelyn Tucker/Wendy O'Driscoll

Move to go to tender for 1200 metric tons of sand delivered to the town, HST Inc. The town will check to see if 900 tons can be delivered in November & the remaining 300 tons in March of 2018, if not the town will take it all now, this is due to limited space.

In favour – 6

MOTION CARRIED UNANIMOUSLY

5. Enforcement Officer – Fee for Service

Mayor Harold Mallowney comments that the town is at the point where an enforcement officer is needed. The town does not have to hire an enforcement officer on its own. The Southern Avalon Joint Council has worked on this for some time & has gone to the Eastern Service Board asking if they could hire external enforcement officers, a lot of towns need this service but cannot afford it. The Service Board can hire these individuals & towns can arrange to have this service for day or half day as needed & pay an hourly rate to the Service Board for their services. The Mayor will take this back to the next Joint Council meeting to see where they are with this & report back for the next public meeting.

6. Change Passwords/Codes

Motion: 2017-8991 Evelyn Tucker/Joan Luby

Move, that as the Town now has a new council, the personal computers & cameras backup remote passwords be changed. Also, all locks on the inside & outdoors of the municipal office be rekeyed. This does not include the RCMP or the BBBAA.

In favour – 6

MOTION CARRIED UNANIMOUSLY

Friendly Amendment: Evelyn Tucker/Joan Luby

Move to go with the lowest quote for rekeying the locks for the municipal building.

In favour – 6

MOTION CARRIED UNANIMOUSLY

7. Municipal Ditching Tender

Motion: 2017-8992 Evelyn Tucker/Wendy O’Driscoll

Move to go to tender for the municipal ditching project.

In favour – 6

MOTION CARRIED UNANIMOUSLY

8. Cleaning Office Floors, Carpets & Upholstery

Motion: 2017-8993 Wendy O’Driscoll/Joan Luby

Move to request quotes for cleaning & waxing all floors, steam cleaning carpets & chamber upholstery.

In favour – 6

MOTION CARRIED UNANIMOUSLY

9. Letter to M.H.A. Keith Hutchings – Sheldon Drive & Southern Shore Hwy

Motion: 2017-8994 Wendy O’Driscoll/Joan Luby

Move to send a letter to the letter to M.H.A. Keith Hutchings expressing concerns over the amount of accident occurring in the intersection of Sheldon Drive & Southern Shore Hwy. Posted speed limits are not working, possible solution could be a turning lane.

In favour – 6

MOTION CARRIED UNANIMOUSLY

New Business

1. Expropriation Land Track Rd. Ext.

Councillors Joan Luby & Deputy Mayor Wendy O’Driscoll declares Conflict of Interest on this item & leaves the chambers at 9:23 pm. Councillor Luby resides on Track Rd. Ext. & Deputy Mayor O’Driscoll has immediate family (mother-in-law) that owns land on Tack Rd. Ext.

Motion: 2017-8995 Evelyn Tucker/Eric Maloney

Move to send a letter to the property owner of the land in question informing her that the Town is starting the process of expropriation of land along Track Rd. Ext., this is for the purpose of creating a shoulder along Track Rd. Ext. for that section of road that runs along the side of her property. Property owner is asked to forward a copy of proof of ownership of that land to the Town within 30 days from the date of the letter before expropriation commences.

In favour – 4

MOTION CARRIED

Councillor Luby & Deputy Mayor O’Driscoll returns to the chambers at 9:24 pm.

2. Northside Road – Bill Joy’s Lane

The engineer will meet with public works & does a site visit to determine what is needed to correct the problem with that section of road.

3. Sheldon Drive Playground Invoices

The Town will contact the auditor & ask him to review the invoices submitted by the playground committee. These invoices are requested by the auditor as part of the 2016 audit.

4. Rodent Problem on Sheldon Drive

Motion: 2017-8996 Joan Luby/Wendy O'Driscoll

Move to send a flyer to all residents on Sheldon Drive & Dunn Drive outlining recommendations on how residents can maintain their property/garbage boxes to help control problems that area is having with rodents.

In favour – 6

MOTION CARRIED UNANIMOUSLY

Motion: 2017-8997 Joan Luby/Wendy O'Driscoll

Move to send a registered letter to property owner on Sheldon Drive informing them, to avoid further action from the Town they have ten (10) days to remove the livestock from their property.

In favour – 6

MOTION CARRIED UNANIMOUSLY

5. Christmas Social

The Town will contact the BBRL Centre to book the Youth Room as the venue for the Town's Christmas social & will contact caterers for quotes on a sit down meal & or finger foods. These quotes will be brought back for the next public meeting.

6. Privileged Session – 9:45 pm

Motion: 2017-8998 Evelyn Tucker/Joan Luby

Move to go to a privileged session

In favour – 6

MOTION CARRIED UNANIMOUSLY

Councillor Joan Luby declares Conflict of Interest & leaves the chambers at 9:45 pm Councillor Luby is related to the business owner (sister in-law).

Public Session – 9:46 pm.

Motion: 2017-8999 Wendy O'Driscoll/Evelyn Tucker

Move to deny request for exemption of interest on business tax.

In favour – 5

MOTION CARRIED

Councillor Joan Luby returns to the chambers at 9:47 pm.

Adjournment:

Motion: 2017-9000 Wendy O'Driscoll/Joan Luby
Motion to adjourn 9:46 p.m.

In favour – 6

MOTION CARRIED UNANIMOUSLY



Mayor



Town Clerk