

**TOWN COUNCIL OF BAY BULLS**  
**PUBLIC MEETING – May 8, 2017**

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

Regrets: Councillor Jason Sullivan

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

**1. Call to Order**

Mayor Patrick O’Driscoll assumes the Chair & calls the meeting to order at 8:16 pm.

**2. Adoption of Agenda**

MOTION: 2017-8765 Harold Mullooney/Wendy O’Driscoll  
Move to adopt the agenda of May 8, 2017 with the addition of New Business.

- a) # I) under Action is moved to Privileged
- b) Request for Leave of Absence (moved to Action)
- c) Councillor Resignation (Gerard Mulcahy)
- d) Sheldon Drive Playground
- e) Legal Fees

In favour - 5

MOTION CARRIED UNANIMOUSLY

b) Rules & Procedures & Roberts Rules of Order

MOTION: 2017-8766 Wendy O’Driscoll/Joan Luby  
Move to defer Rules & Procedures & Roberts Rules of Order for the next public meeting.

In favour - 5

MOTION CARRIED UNANIMOUSLY

**3. Adoption of Minutes**

- a) MOTION: 2017-8767 Harold Mullooney/Wendy O’Driscoll  
Move to adopt the minutes of the Public Meeting April 11, 2017 with corrections:

Pg. 8 No. 9 reads:

Motion: 2017-8768 Wendy O’Driscoll/Evelyn Tucker

Move to approve that on a go forward bases, any & all correspondences done by any council member including the mayor, to & from the lawyer, the town planner are to be cc: to all of council by electronic mail.

Add: “This applies to all communications/correspondence between council, office staff & legal”.

In favour - 5

MOTION CARRIED UNANIMOUSLY

**Delegations:**

**Applications:**

1. Business

I.D. # 2017- 100  
54 St. John's Rd.

Councillors Wendy O'Driscoll, Evelyn Tucker & Deputy Mayor Harold Mullooney declare Conflict of Interest on above noted application & leave the chambers at 8:36 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 Mullooney has immediate family (brother) that lives on St. John's Rd.

Council will request Ministerial Approval as quorum is lost on this item (2<sup>nd</sup>. request) & tow (2) councillors remain in chambers.

Councillors Wendy O'Driscoll, Evelyn Tucker & Deputy Mayor Harold Mullooney returns to the chambers as 8:37 pm.

2. Business

I.D. # 2017- 101  
73 Sheldon Drive

MOTION: 2017-8769 Harold Mullooney/Wendy O'Driscoll  
Move to approve above noted business application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

3. Develop Land & Shed

I.D. # 2017- 408  
1 Farm Rd. (Parcel 2)

MOTION: 2017-8770 Wendy O'Driscoll/Harold Mullooney  
Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

4. Develop Land

I.D. # 2017- 409  
23A Long Pond Path

Mayor Patrick O'Driscoll declares Conflict of Interest & leaves the chambers at 8:40 pm. Mayor O'Driscoll has immediate family (sister) who's property is on the intersection of Long Pond Path & Cabot Drive (1 Cabot Drive).

MOTION: 2017-8771 Wendy O'Driscoll/Joan Luby  
Move to not support Mayor Patrick O'Driscoll conflict of Interest.

In favour - 4

MOTION CARRIED UNANIMOUSLY

Mayor Patrick O'Driscoll returns to the chambers at 8:43 pm.

5. Shed

I.D. # 2017- 304  
712 Southern Shore Hwy

Councillor Evelyn Tucker asks council to decide if she has a Conflict of Interest on this application as her son lives on the Southern Shore Hwy. & leaves the chambers at 8:45 pm.

MOTION: 2017-8772 Wendy O'Driscoll/Joan Luby  
Move to not support Councillor Evelyn Tucker's Conflict of Interest.

In favour - 4

MOTION CARRIED UNANIMOUSLY

Councillor Evelyn Tucker returns to the chambers at 8:46 pm.

MOTION: 2017-8773 Joan Luby/Harold Mullooney  
Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

6. Shed

I.D. # 2017- 305  
41 Dunn Drive

MOTION: 2017-8774 Harold Mullooney/Wendy O'Driscoll  
Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

7. Shed

I.D. # 2017- 306  
35 Dunn Drive

MOTION: 2017-8775 Wendy O'Driscoll/Harold Mullooney  
Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

8. Develop Land

I.D. # 2017- 410  
32Quays Road (lot 2)

MOTION: 2017-8776 Wendy O'Driscoll/Evelyn Tucker  
Move to approve above noted application pending clarification from the town planner.

In favour - 5

MOTION CARRIED UNANIMOUSLY

9. Develop Land

I.D. # 2017- 411  
163 Northside Road

MOTION: 2017-8777 Wendy O'Driscoll/Evelyn Tucker

Move to deny above noted application until the following conditions are met.

- Developer must install adequate ditching and culverts to control the water runoff.
- The developed must bear all cost of upgrading this infrastructure

In favour - 5

MOTION CARRIED UNANIMOUSLY

10. Commercial Development

I.D. # 2017- 406  
738 Southern Shore Hwy

MOTION: 2017-8778 Wendy O'Driscoll/Evelyn Tucker

Move to approve above noted application.

In favour - 5

MOTION CARRIED UNANIMOUSLY

## SECTION A - ACCOUNTS FOR PAYMENT May 8, 2017

Cheq No.	Payable to:	Reason	Amount
746	Rental Hutch	Rental	28.75
747	Triware	February Hosting	281.75
748	Triware	Labour Processional fees	74.75
749	Triware	May Monthly Hosting	281.75
750	Cal Legrow	Insurance	2,300.00
751	NEJA	Membership fees	300.00
752	Big Erics	Supplies	12.52
753	Foodland	Misc. Supplies	146.50
754	Saltwire Network	Outside Maintenance Ad	1,083.30
755	Paul Murphy Services	Broom Replacement Kit	1,884.82
756	Hub Trophies	Name Plate	12.59
757	Business Post	Outside Maintenance Ad	269.10
758	Kean's Pump Shop	Service on Water System/UV Light	574.43
759	Credit Recovery	Collection Fees	93.15
760	Bird Stairs	Road Supplies	362.25
761	JW Consulting	Facilitate Hiring	1,897.50
762	Stewart McKelvey	Professional Fees	1,058.00
763	Blue River Media	Yearly Web Site Hosting	286.35
764	O'Brien's Trucking	Snow removal Invoice # 14	2974.73
765	O'Brien's Trucking	Snow removal Invoice # 15	2,549.78
766	Harold Mallowney	Travel	100.44
767	Sandra Cahill	Travel	96.39
<b>TOTAL</b>			<b>16,668.85</b>
	<b>Section B</b>		
Cheque No.	Payable to:	Reason	Amount
On line	Bell Aliant	Office Phones	<b>445.81</b>
On line	Bell Mobility	Cell	<b>66.01</b>
On line	NL Power	Garage	<b>48.14</b>
On line	NL Power	Street Lights	<b>3,796.41</b>
On line	NL Power	Office	<b>863.77</b>
On line	NL Power	RCMP	<b>136.31</b>
On line	Eastern Waste	May Garbage Collection	9,810.00
On line	Ultramar	Fuel Town Truck	<b>160.27</b>
On Line	Orkin	March	<b>177.68</b>
741	Canada Post	6 roll of Stamps	<b>586.50</b>
742	North Atlantic	Fuel Town Truck	<b>188.30</b>
743	Staples	Office Supplies	<b>241.13</b>
744	Canada Revenue Agency	Remittance for April	<b>4,303.63</b>
745	NAPE	Union Dues	<b>50.45</b>
D.D.	G. O'Driscoll	Gross Pay for April (5 Wks)	<b>4,022.00</b>
D.D.	Ashley Wakeham	Gross Pay for April (2 Wks)	<b>1,404.00</b>
D.D.	S. Cahill	Gross Pay for April (5 Wks)	<b>5,120.00</b>
<b>Total</b>			<b>31,420.41</b>

Councillor Joan Luby requests a temporary break 9:00 pm  
Meeting resumes 9:06 pm

- a) Councillor Wendy O'Driscoll declares Conflict of Interest on Section A cheques no. 767 (travel claim for Sandra Cahill mother in law) & 762 Steward Mckelvey (Professional fees for V. Chafe) & on Section B cheque no. 745 NAPE Union Dues & Direct Deposit payroll for Sandra Cahill & leaves the chambers at 9:08 pm. Councillor Wendy O'Driscoll is related to Sandra Cahill Town Clerk (mother-in law) & is president of NAPE local 7538.

MOTION: 2017 – 8779 Evelyn Tucker/Joan Luby  
Move to approve to pay/release all cheques Section A & B except cheque no. 766.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Wendy O'Driscoll returns to the chambers at 9:13 pm.

- b) Deputy Mayor Harold Mallowney declares Conflict of Interest on cheque 766 Section A & leaves the chambers at 9:13 pm. (Travel Claim Deputy Mayor Harold Mallowney).

MOTION: 2017 – 8780 Wendy O'Driscoll/Joan Luby  
Move to approve to pay/release cheque no. 766 Section A.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Deputy Mayor Harold Mallowney returns to the chambers at 9:15 pm.

### **CORRESPONDANCE ACTION:**

1. Municipal approval for Brewers Agent license

Motion: 2017-8781 Wendy O'Driscoll/Joan Luby  
Move to request for municipal approval for brewers agent license.

In favour – 5

MOTION CARRIED UNANIMOUSLY

2. Come Home Year Committee request for Assistance for Event Insurance

Motion: 2017-8782 Wendy O'Driscoll/Evelyn Tucker  
Move to deny request as this group is not an arm of council & they will have to be responsible for their own liability insurance.

In favour – 5

MOTION CARRIED UNANIMOUSLY

3. Request to Repair Dugouts

Motion: 2017-8783 Wendy O'Driscoll/Harold Mallowney  
Move to go with option 1 (size should 8' wide x 20" long x 8' high) & seek three (3) quotes, also see if the Town can get a price on 10' chain link fencing.

In favour – 5

MOTION CARRIED UNANIMOUSLY

1. Concerns from Resident of 119 Southside Road (basement flooding from water Runoff).

Councillors Wendy O'Driscoll and Evelyn Tucker declare Conflict of Interest & leave the chambers at 9:18 pm. both councillors reside on Southside Road.

The town will request ministerial approval as there are only three (3) councillors remaining in chambers & Council has lost quorum, this item is moved to the next public meeting.

5. Road Maintenance Request, 2 Lower Path Road.

Motion: 2017-8784 Evelyn Tucker/Wendy O'Driscoll  
Move to approve for discussion.

In favour – 5

MOTION CARRIED UNANIMOUSLY

Motion: 2017-8785 Evelyn Tucker/Wendy O'Driscoll  
Move to approve that the town's public works committee will look at this request & see what can be done.

In favour – 5

MOTION CARRIED UNANIMOUSLY

6. Request to Clean up Community

Motion: 2017-8786 Wendy O'Driscoll/Joan Luby  
Move to send a letter to resident informing them that the town is in the process of scheduling a community cleanup & these issues will be addressed then.

In favour – 5

MOTION CARRIED UNANIMOUSLY

7. FMC Legal Defense Fund Invoice \$57.50

Motion: 2017-8787 Harold Muldowney/Wendy O'Driscoll  
Move to approve request to pay fund.

In favour – 5

MOTION CARRIED UNANIMOUSLY

8. BBAA Auction Dinner & Dance

Motion: 2017-8788 Wendy O'Driscoll/Evelyn Tucker  
Move to approve to donate a picture in the range of \$250.00 to \$300.00 that can be put on auction to help raise proceeds for the BBAA to enhance regional recreation programming.

In favour – 5

MOTION CARRIED UNANIMOUSLY

9. Gas Tax Outcomes & Outcomes Measures Project

Mayor Patrick O'Driscoll declares Conflict of Interest & leaves the chambers at 9:33; Mayor O'Driscoll has immediate family that lives on Irishtown Road & the Town had applied for capital funding for Irishtown Rd.

Motion: 2017-8789 Evelyn Tucker/Joan Luby  
Move to forward this item to the town's engineer to complete.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Mayor Patrick O'Driscoll returns to the chambers at 9:34 pm.

10. 50+ Plus Club Annual Spring Banquet 2017 Invitation

Motion: 2017-8790 Wendy O'Driscoll/Patrick O'Driscoll  
Move to respond to the 50+ Plus Club thanking them for the invitation but unfortunately council has previous commitments & are unable to attend.

In favour – 5

MOTION CARRIED UNANIMOUSLY

11. JVT Holdings – Subdivision Review

Motion: 2017-8791 Evelyn Tucker/Harold Mallowney  
Move to forward engineers report to developer.

In favour – 5

MOTION CARRIED UNANIMOUSLY

12. BBAA Request for Key to Basement

Motion: 2017-8792 Wendy O'Driscoll/Joan Luby  
Move to approve to give the BBAA a key to the basement of the municipal building so they can have access afterhours to their equipment that is stored in the basement.

In favour – 5

MOTION CARRIED UNANIMOUSLY

13. Southern Shore Arena Association Request for Support

Motion: 2017-8793 Patrick O'Driscoll/Evelyn Tucker  
Move to approve for discussion.

In favour – 5

MOTION CARRIED UNANIMOUSLY

Motion: 2017-8794 Patrick O'Driscoll/Wendy O'Driscoll  
Move to approve to donate \$5,000.00 to the Southern Shore Arena.

In favour – 5

MOTION CARRIED UNANIMOUSLY

14. Veterans Magazine Request for Support

Councillor Evelyn Tucker declares Conflict of Interest & leaves the chambers at 9:40 pm. Councillor Tucker has a son in the Canadian Military.

Motion: 2017-8795 Harold Mallowney/Wendy O'Driscoll  
Move to approve to purchase a quarter page ad for \$100.00.



In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Evelyn Tucker returns to the chambers at 9:44 pm.

15. Come Home Year Committee Request

Motion: 2017-8796 Wendy O’Driscoll/Evelyn Tucker

Move to forward a letter to the Come Home Year Committee informing them that:

- a) There is a community room available at the lifestyle center for meeting as the town’s board room would not be suitable.
- b) The town will put a link on the town’s website to their website
- c) The town requests a meeting with your group to see what their plans are for the event.

In favour – 5

MOTION CARRIED UNANIMOUSLY

16. Conflict of Interest Allegations – Councillor Wendy O’Driscoll

Councillor Wendy O’Driscoll declares Conflict of Interest & leaves the chambers at 9:40 pm. These allegations are directed at her.

Motion: 2017-8797 Evelyn Tucker/Joan Luby

Move to approve for discussion.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Motion: 2017-8798 Patrick O’Driscoll/Evelyn Tucker

Move to approve to offer Councillor Wendy O’Driscoll a friendly hearing.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Councillor Wendy O’Driscoll returns to the chambers at 10:00 pm.

17. Councillor Jason Sullivan - Request for Leave of Absence from council up to August meeting for family reasons.

Motion: 2017-8799 Patrick O’Driscoll/

Move to grant request for leave of absence.

Call once (1)

Call twice (2)

Call three times (3)

MOTION DIES

Motion: 2017-8800 Joan Luby/Wendy O’Driscoll

Move to approve for discussion.

In favour – 5

MOTION CARRIED UNANIMOUSLY

Motion: 2017-8801 Evelyn Tucker/Joan Luby

Move deny request for a leave of absence for the following reasons;

- a) His effectiveness as a councillor is less than acceptable
- b) From a period of May 2016 –April 2017 he has attended one (1) of every three (3) public meetings.
- c) He have failed to address conflict of interest allegation's brought forth from the period of 2015-2016

Mayor Patrick O'Driscoll calls for the vote:

Deputy Mayor Harold Mullooney – No, do not grant leave  
Councillor Wendy o'Driscoll – No, do not grant leave  
Councillor Evelyn Ticker – No, do not grant leave  
Councillor Joan Luby – No, do not grant leave  
Mayor Patrick O'Driscoll – Yes, grant leave

In favour – 4

MOTION CARRIED

**INFORMATION ONLY:**

1. Government of Canada Bill C-203, Amend the Supreme Court Act
2. Government of Newfoundland – Minimum Property Tax Requirements
3. Priority Roads list, Farm Rd., Cemetery Lane West, Northside Rd., Alley Rd., Lower Rd.
4. Letter of Resignation - Councillor Gerard Mulcahy

**GENERAL BUSINESS:**

1. Seasonal Outside Worker

Motion: 2017-8802 Patrick O'Driscoll/Evelyn Tucker

Move to defer this item until council has a chance to review resumes & resumes are checked by staff for possible councillor conflict of interest.

In favour - 5

MOTION CARRIED UNANIMOUSLY

2. Ratify Support Letter for Middle School for Witless Bay/Mobile School System

Councillors Wendy O'Driscoll, Joan Luby & Mayor Patrick O'Driscoll declares Conflict of Interest & leaves the chambers at 10:27 pm. Councillor Wendy O'Driscoll is Chair of the school council & Councillor Joan Luby serves on the school council. Mayor Patrick O'Driscoll & his wife are employed by the Eastern School Board.

Council will request Ministerial Approval as quorum is lost & there are two (2) councillors remaining in chambers.

Councillors Wendy O'Driscoll, Joan Luby & Mayor Patrick O'Driscoll returns to the chambers at 10:29 pm.

- Standing offer on Equipment Rentals /Unit Costs/Road Work, any purchased services

Mayor Patrick O'Driscoll declares Conflict of Interest & leaves the chambers at 10:29 pm. Mayor Patrick O'Driscoll father is a contractor & does work for the town.

Motion: 2017-8803 Evelyn Tucker/Joan Luby

Move to approve to get standing offers on equipment, rentals, unit costs on salt & sand, gravel & on any purchased services by the town.

In favour – 4

MOTION CARRIED UNANIMOUSLY

Mayor Patrick O'Driscoll returns to the chambers at 10:30 pm.

4. Gateway Signage

Councillor Evelyn Tucker updates council & the current signs that are there are fine for another year until such a time as council can make a decision on design & cost.

5. News Letter – Come Home Year – Community Cleanup

The town will send out a newsletter encouraging residents to clean up their properties, the town will have a bulk cleanup week & will try to get some organizations involved. The town will contact some businesses for donations for gloves & garbage bags.

6. Dumpster for Municipal Property

The town will get a quote for a dumpster to put behind the municipal bldg. as the town truck is not permitted in the dump. So when outside maintenance has branches & other debris it can be threw in the dumpster.

7. Garbage on Eastern Waste Management

Motion: 2017-8804 Joan Luby/Wendy O'Driscoll

Move to approve to get quotes on wildlife cameras to erect neat the dump gate/fence & erect signage (under video surveillance).

In favour – 5

MOTION CARRIED UNANIMOUSLY

8. Town Truck – this item is moved to privilege session.

9. Track Rd. Ext. – Fill by the River

Councillors Wendy O'Driscoll & Joan Luby declares Conflict of Interest & leaves the chambers at 10:45 pm. Councillor Wendy O'Driscoll has immediate family (Sandra Cahill mother in law) who owns land on Track Rd. Ext. & Councillor Joan Luby resides on Track Rd. Ext.

Council has lost quorum on this item as only three (3) councillors remain in chambers. Council will request Ministerial Approval.

10. Heavy Load Lift along Southside Rd. (transformers)

Councillors Wendy O'Driscoll & Evelyn Tucker declares Conflict of Interest as both councillors reside on Southside Rd & leaves the chambers at 10:43 pm. The town has lost quorum on this item as there are three (3) councillors remain in chambers. Council will request Ministerial Approval on this item.

Councillors Wendy O'Driscoll & Evelyn Tucker returns to the chambers at 10:44 pm.

1. Land Expropriation Track Rd. Ext.

Councillors Wendy O'Driscoll, Joan Luby & Evelyn Tucker declares Conflict of Interest & leaves the chambers at 10:45 pm. Councillor Wendy O'Driscoll has immediate family (Sandra Cahill mother in law) who owns land on Track Rd. Ext. & Councillor Joan Luby resides on Track Rd. Ext. Councillor Evelyn Tucker resides on Southside Rd. & declares Conflict of Interest on this item because part of land for expropriation is on Southside Rd.

Council will request Ministerial Approval on this item as council has lost quorum & only two (2) councillors remain in chambers.

Councillors Wendy O'Driscoll, Joan Luby & Evelyn Tucker returns to the chambers at 10:46 pm

12. Canada Day Celebrations

Council will wait to find out where the 150 year Canada Day celebrations are taking place.

10:46 pm - Mayor Partick O'Driscoll requests a temporary break

10:55 pm. Meeting resumes

13. Municipal Review

This item is added to the Rules & Procedures meeting.

4. ATIPP – this item is deferred for the next public meeting.

15. Quote for town Suite Training

Motion: 2017-8805 Harold Mallowney/Joan Luby

Move to approve the quote for town suite training, \$1,200.00 for five (5) hours remote training.

In favour – 5

MOTION CARRIED UNANIMOUSLY

16. Repainting Traffic Lines

Motion: 2017-8806 Wendy O'Driscoll/Joan Luby

Move to approve to get quotes to repaint traffic lines in town & also include the lines at the Lifestyle Centre.

In favour – 5

MOTION CARRIED UNANIMOUSLY

17. Twitter & Facebook Account

Motion: 2017-8807 Wendy O'Driscoll/Joan Luby

Move to approve the Assistant Town Clerk will set up a Twitter & Facebook account.

In favour – 5

MOTION CARRIED UNANIMOUSLY

**Adjournment:**

Motion: 2017-8808 Harold Mallowney/Wendy O'Driscoll  
Moved this meeting is adjourned at 10:44 p.m.

In favour – 5

MOTION CARRIED UNANIMOUSLY

Public Meeting called to order again at 10:55 pm. as some items under New Business have been missed.

18. Sheldon Drive Playground

Motion: 2017-8809 Evelyn Tucker/Wendy O'Driscoll  
Move to send a letter to the Chair of the Sheldon Drive Playground Committee advising him that due to the fact that the town does not own the playground, the committee is responsible for putting liability insurance in place.

In favour – 5

MOTION CARRIED UNANIMOUSLY

19. Legal Fees – deferred for the next public meeting.

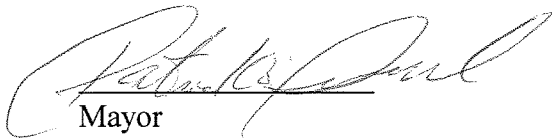
20. Town Truck - deferred for the next public meeting.

**Adjournment:**

Motion: 2017-8810 Harold Mallowney/Wendy O'Driscoll  
Moved this meeting is adjourned at 11:10 p.m.

In favour – 5

MOTION CARRIED UNANIMOUSLY

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Clerk