

***Town of Long Harbour - Mount Arlington Heights
Minutes of Regular Meeting
September 28, 2023***

In Attendance

Deputy Mayor Kevin McDonald

Councillor Wayne Kelly

Councillor Lydia Burke

Councillor William Murphy

Councillor Gary Keating

Absent: Mayor Walter Keating

Absent: Councillor Barry Murphy

Also, in attendance: Juanita Gosse, Town Clerk/Manager

CALL TO ORDER

Deputy Mayor Kevin McDonald called the meeting to order at 7:01 p.m.

ADOPTION OF AGENDA

MOTION 09-28-23-01 Adopt Agenda

Moved by Councillor Wayne Kelly; seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the agenda be adopted as presented.

In Favor: Deputy Mayor Kevin McDonald

Councillors: G. Keating, W. Kelly, L. Burke

Contrary Minded: W. Murphy

MOTION CARRIED

ADOPTION OF MINUTES

MOTION 09-28-23-02 Adopt the Minutes of September 14, 2023

Moved by Councillor Gary Keating, seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the minutes of September 14, 2023, Regular Meeting be adopted without errors or omissions.

In Favor: Deputy Mayor Kevin McDonald

Councillors: G. Keating, W. Kelly, L. Burke

Contrary Minded: W. Murphy

MOTION CARRIED

BUSINESS FROM THE MINUTES - None

Code of Conduct – Councillors

A Code of Conduct Template for Councillors, as provided by Municipal Affairs, was copied to all councillors for review.

MOTION 09-28-23-03 Code of Conduct - Councillors

Moved by Councillor Gary Keating; seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights adopts the Code of Conduct – Councillors, as written.

In Favor: Deputy Mayor Kevin McDonald
Councillors: G. Keating, W. Kelly, L. Burke, W. Murphy

MOTION CARRIED

MANAGERS REPORT

Water Treatment Plant: We were having issues with chlorine pump 1 so we have transferred to the spare pump, pump 2, and Cahill has been retained to repair pump 1. Our operators are monitoring the chlorine residual to ensure it is stable.

Outside Work: Outside staff are repairing and painting all town bus shelters. They've reconsidered installing an additional culvert on Norman's Lane. They are confident that the shoulder width is municipal standard, therefore does not require additional culvert. They will mark the area for the winter snow clearing until they get used to the new culvert.

Waterline Replacement Phase 2: The contractor has mobilized. Southern Construction requested to hire three residents from the community, two flags-persons and a labourer. The timeline for this project is 25 days to substantial completion. InnovativeNL will have an engineer onsite for the duration of the project. Council administrator when above and beyond to get three residents trained in flagging so they could work with the contractor. The contractor requested that we assist in getting the three residents certified for flagging and this was done through the town office.

Canteen: The heat pump was installed in the canteen and is working fine.

Deputy Mayor McDonald asked Councillor William Murphy to refrain from videotaping the meeting as this contravenes Council's Policy and the Code of Conduct.

Councillor Murphy said he will not stop videotaping as our policy is not legal. Councillor William Murphy continued videotaping.

Deputy Mayor added that Councillor Murphy just voted to adopt the Code of Conduct for Councillors and he is immediately contravening the policy.

Deputy Mayor McDonald said we will move forward with the council meeting and asked that it be noted that Councillor William Murphy is in contravention of the Code of Conduct, and he has been informed of the contravention.

NEW BUSINESS

Estimate to Renovate the Town Office

Todd Lawrence provided a quote to install security doors between the front entrance and the office area of the Town Hall. These doors would be equipped with a locked mechanism controlled by the town administrator or town manager.

Price quote for material and installation is \$8,900.00 plus tax.

MOTION 09-28-23-04 Renovation of the Town Office

Moved by Councillor Wayne Kelly; seconded by Councillor Gary Keating.

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights approves the renovations.

In Favor: Deputy Mayor Kevin McDonald

Councillors: G. Keating, W. Kelly, L. Burke

Contrary Minded: W. Murphy

MOTION CARRIED

Waterline Replacement Phase 2

Two bids were received. The low bid is from Southern Construction 1981 Ltd. In the amount of \$410,915.70. This bid gives us a project surplus of \$18,911.22.

MOTION 09-28-23-05 Award Contract for Waterline Replacement Phase 2

Moved by Councillor Wayne Kelly; seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights will award the contract to the low bidder, Southern Construction 1981 Ltd.

In Favor: Deputy Mayor Kevin McDonald

Councillors: G. Keating, W. Kelly, L. Burke, W. Murphy

MOTION CARRIED

2nd Quarter Budget Analysis

Presentation compared actual expenditures from January to June 2023 to our 2023 Budget.

- No concerns were raised.

Alzheimer's Society Coffee Break

In past years, Council has sponsored a Coffee Break for Alzheimer's Society. If we are to sponsor this year, we would recommend Friday, October 20, 2023.

MOTION 09-28-23-06 Coffee Break for the Alzheimer's Society

Moved by Councillor Wayne Kelly; seconded by Councillor Lydia Burke

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights will sponsor a Coffee Break for the Alzheimer's Society on Friday, October 20, 2023. The money raised from the Coffee Break will be matched by Council.

In Favor: Deputy Mayor Kevin McDonald
Councillors: G. Keating, W. Kelly, L. Burke, W. Murphy

MOTION CARRIED

TRACT – Cost Estimate for Service Proposal

The proposal for the yearly maintenance of our Asset Management Plan was copied to all councillors to review. The service will provide maintenance and support in the first year after plan development.

The quoted cost for Data Hosting and Maintenance and Asset Management Plan review is \$3,000.00 plus HST.

MOTION 09-28-23-07 Asset Management Plan Maintenance

Moved by Councillor William Murphy; seconded by Councillor Wayne Kelly

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights will retain TRACT for Data Hosting and Maintenance and the Asset Management Plan review at the quoted cost.

In Favor: Deputy Mayor Kevin McDonald
Councillors: G. Keating, W. Kelly, L. Burke, W. Murphy

MOTION CARRIED

Eastern Service Board – Municipal Funding Opportunity

The Multi Materials Stewardship Board is accepting funding applications for up to \$25,000 to develop initiatives for waste diversion. The deadline date to apply is October 27, 2023. In the past, successful projects have included composting, wood chipping and recycling, plastic bag reduction and public education. This year the board will add illegal dumping to the list of acceptable projects. Applications will be accepted to monitor and deter illegal dumping in your community.

MOTION 09-28-23-08 Waste Diversion Fund

Moved by Councillor Gary Keating; seconded by Councillor Lydia Burke

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights will apply for funding to monitor areas for illegal dumping.

In Favor: Deputy Mayor Kevin McDonald

Councillors: G. Keating, W. Kelly, L. Burke, W. Murphy

MOTION CARRIED

Update Rules & Regulations Governing the Procedures of Meetings

This policy requires updates as it contains referenced sections of the Municipalities Act 1999 that have been repealed. The policy also requires corrections.

Page 1 – Under “Composition”, update the line, “the election of Mayor will be by separate election.

- This statement is incorrect as the Mayor is not elected by a separate vote.

Page 3 - Under Section 206 Vacancies – As extracted from the Municipalities Act 1999, Section 1(i), Section 2 and subsections 2(a) and 2(b) have been repealed. The replacement legislation is the Municipal Conduct Act.

Page 10 – Under the heading “Conflict of Interest” This section references the Municipalities Act 1999 Sections 207-210. These sections have been repealed and our policy should reference Section 5 and 6 of the Municipal Code of Conduct Act.

To call a Regular Meeting via teleconference, the following addition is required to the Section under “Order and Decorum”, page 5.

Councillors are not permitted to attend Regular Meetings of Council via Teleconference. Add, except when the Regular Council Meeting is called as a teleconference meeting as it may be from time to time.

MOTION 09-28-23-09 - Update Rules & Regulations Governing the Procedures of Meetings

Moved by Councillor William Murphy that Council invite input from Municipal Affairs before making a motion to update this policy.

The Motion was not seconded.

MOTION FAILED

MOTION 09-28-23-10 - Update Rules & Regulations Governing the Procedures of Meetings

Moved by Councillor William Murphy that Council leave in the reference noting a separate election for Mayor.

The Motion was not seconded.

MOTION FAILED

MOTION 09-28-23-11 Update Rules & Regulations Governing the Procedures of Meetings

Moved by Councillor Gary Keating; seconded by Councillor Wayne Kelly

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights approves the updates reflecting the changes from the Municipalities Act 1999 to the Municipal Conduct Act, as well, remove the reference to the election of Mayor, and add the section regarding attending regular meetings via teleconference, specifically, Councillors are not permitted to attend Regular Meetings of Council via Teleconference except when the Regular Council Meeting is called as a teleconference meeting as it may be from time to time.

In Favor: Deputy Mayor Kevin McDonald

Councillors: G. Keating, W. Kelly, L. Burke

Contrary Minded: W. Murphy

MOTION CARRIED

MOTION 09-28-23-12 – Barry Murphy’s Suspension

Moved by Councillor William Murphy to defer Councillor Barry Murphy’s suspension until council confers with Municipal Affairs.

The Motion was not seconded.

MOTION FAILED

Contract for Consulting Services for Waterline Replacement Phase 4

Meridian Engineering Inc has been selected as the preferred proponent for consultant services for our Waterline Replacement Phase 4.

MOTION 09-28-23-13 Approval of Prime Consultant for Waterline Replacement Phase 4

Moved by Councillor William Murphy; seconded by Councillor Lydia Burke

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights approves Meridian Engineering Inc. as Prime Consultant for the Municipal Capital Work Project Waterline Replacement Phase 4. Meridian Engineering Inc. bid \$58,344.91.

In Favor: Deputy Mayor Kevin McDonald
Councillors: G. Keating, W. Kelly, L. Burke, W. Murphy

MOTION CARRIED

DELEGATIONS

FINANCE

Cheque List and Visa Statements

The cheque list was presented covering the period from August 17, 2023, to September 21, 2023, in the amount of \$53,624.98. Also, the Visa Statement for August in the amount of \$10,294.35.

Councillor William Murphy questioned cheque number 00011904 written to Steward McKelvey.

Town Clerk/Manager said this payment was discussed in a privileged meeting of council as it should be because it was an invoice for legal advice.

She also advised Councillor William Murphy that he may be in a conflict of interest when discussing this particular invoice.

MOTION 09-28-23-14 Approve Cheque List & Visa Statement

Moved by Councillor Wayne Kelly; seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the cheque list for the period of August 17, 2023, to September 21, 2023, in the amount of \$53,624.98 be approved for payment as well as the Visa Statement for August in the amount of \$10,294.35.

In Favor: Deputy Mayor Kevin McDonald
Councillors: G. Keating, W. Kelly, L. Burke
Contrary Minded: W. Murphy

MOTION CARRIED

Cash Analysis: Cash analysis was copied to all councillors.

DEVELOPMENT

CORRESPONDENCE

Note from Roy Murphy

Mr. Murphy's note says that he had some green crab in a holding pond less than 100 ft from the runoff pipe from the town's water treatment plant and these green crab have died. This makes him very suspicious of what is going on with this water system.

Email from Roy Murphy

Councillor Lydia Burke declared a conflict of interest because she does work for Mr. Roy Murphy.

Through email's back and forth, Mr. Murphy asked if Council has ever had the backwash sampled and tested in a laboratory.

- It was noted that Council has had the backwash sampled several times over the years.

The email asks if council can provide him with laboratory results of the samples taken of the backwash.

Town Manager suggested taking new samples for testing. She recommended that Council test the discharge coming to the catch basin on Newtown Road, (this would contain only discharge from the water treatment plant), and sample also, the flow coming from the pipe on Main Street which will include the discharge from the water treatment plant and the water coming from the ditch on Newtown Road.

MOTION 09-28-23-15 Analyze Water Treatment Plant Discharge

Moved by Councillor Wayne Kelly; seconded by Councillor William Murphy

BE IT RESOLVED THAT the Town of Long Harbour-Mount Arlington Heights will sample the supernatant from the water treatment plant and the water flowing to the ditch on Main Street. These samples will cover all discharge and water flow under the municipal responsibility. It was decided to test up to three samples.

In Favor: Deputy Mayor Kevin McDonald
Councillors: G. Keating, W. Kelly, W. Murphy

MOTION CARRIED

Municipal and Provincial Affairs – Circular

The Circular was copied to all councilors for review.

On July 17, 2023, the call for applications opened for the Community Collaboration Grants through the Department of Municipal and Provincial Affairs. A minimum of three communities must participate in the initiative with the commitment of continued, long-term collaboration.

Email from Councillor William Murphy

Councillor William Murphy stated that the minutes of August 17, 2023, should not include any references to shooting and/or physical violence toward councillors.

Town Manager noted that this motion was formulated by Council in a privileged meeting.

MOTION 09-28-23-16 – Amend the Minutes of August 17, 2023

Moved by Councillor William Murphy to amend the meeting minutes of August 17, 2023, to remove the reference to shooting and physical violence toward councillors.

The Motion was not seconded.

MOTION FAILED

Town Clerk/Manager noted that Councillor William Murphy's Motion to defer Councillor Barry Murphy's suspension was made earlier in the meeting and was not seconded and therefore failed.

Councillor William Murphy said that Council is dysfunctional, and many of our policies are illegal. He recommends we invite a representative from Municipal Affairs for discussions and advice.

MOTION 09-28-23-17 – Seek Advice from Municipal Affairs

Moved by Councillor William Murphy, that Council seeks advice from Municipal Affairs.

The Motion was not seconded.

MOTION FAILED

NOTICE OF MOTION - Code of Conduct - Considered by Council earlier in the meeting.

COMMITTEE REPORTS

Councillor Wayne Kelly noted that council should have any necessary asphalt patching completed when the contractor has Concord Paving in to pave Main Street.

DATE FOR NEXT MEETING – October 19, 2023

Mayor Keating requested that the next regular council meeting be rescheduled to October 12, 2023, or October 26, 2023, as he is not available for a meeting on October 19th.

It was noted that on October 26th, three councillors will be attending the MNL Convention in St. John's.

It was also noted that two councillors are not available on October 12th, 2023.

It was noted that Councillor William Murphy is unavailable for a meeting on October 19th.

MOTION 09-28-23-18 Councillor William Murphy motioned to reschedule the October 19th meeting to accommodate the mayor's return date.

This motion was not seconded.

MOTION FAILED

ADJOURNMENT

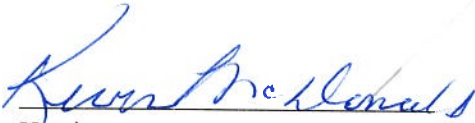
MOTION 09-28-23-19 Adjournment


Moved by Councillor Lydia Burke, seconded by Councillor William Murphy.

BE IT RESOLVED THAT the meeting be adjourned at 8: 35 p.m.

In Favor: Deputy Mayor Kevin McDonald ✓
Councillors: G. Keating, W. Kelly, L. Burke, W. Murphy

MOTION CARRIED


Kevin McDonald
Deputy Mayor


Juanita Gosse
Town Clerk/Manager