

***Town of Long Harbour - Mount Arlington Heights
Minutes of Regular Meeting
October 19, 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 7:00 p.m.

ADOPTION OF AGENDA

MOTION 10-19-23-01 Adopt Agenda

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

BE IT RESOLVED THAT the agenda be adopted as presented.

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

MOTION CARRIED

ADOPTION OF MINUTES

MOTION 10-19-23-02 Adopt the Minutes of September 28, 2023

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

BE IT RESOLVED THAT the minutes of September 28, 2023, Regular Meeting be adopted without errors or omissions.

Councillor William Murphy questioned the minutes of September 28. He asked why there were sections of the minutes in bold and italicized.

Town Clerk/Manager answered that the bold and/or italicized sections indicates an action; an example being, if a councillor stated a conflict of interest in a matter. The recording of that would be bold and italicized.

Councillor Murphy asked about the section that was bold and italicized, specifically where Deputy Mayor McDonald asked Councillor William Murphy to stop videotaping.

Town Clerk/Manager replied that a section could also be bold and italicized when the Town Clerk/Manager feels the statement is important to the readers.

MOTION 10-19-23-03 Addition to the minutes

Moved by Councillor William Murphy

BE IT RESOLVED THAT Council add to the minutes of September 28, 2023, “ policies and regulations which are subordinate when in conflict with existing legislation or common law have no force or effect.”

The Motion was not seconded therefore the motion failed.

MOTION FAILED

The following motion was currently on the table:

MOTION 10-19-23-02 Adopt the Minutes of September 28, 2023

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

BE IT RESOLVED THAT the minutes of September 28, 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

MANAGERS REPORT

Waterline Replacement Phase 3: I received a call from Municipal Infrastructure; our Municipal Capital Works application for Waterline Replacement Phase 3 has moved to the next level of screening. This means the application and all accompanying documentation was received and in order. The location of work under the phase 3 application includes the area from the intersection to Middle Pond Road to Magtek. Phase 3 Waterline Replacement Project is a \$949,323.00 MCW application.

Coffee Break: Council will host a Coffee Break tomorrow, October 20, 2023, in aid of the Alzheimer's Society. We will open the doors at 9:00 a.m. We hope all councillors and residents will drop by to support this effort.

NEW BUSINESS

Long Term Service Award for a Councillor

Councillor Gary Keating declared a conflict of interest as he is the councillor celebrating 40 years of service to his community as a councillor and Mayor.

Residents in the Gallery, fellow councillors, and staff applauded as Councillor Gary Keating left his seat to sit in the gallery.

MOTION 10-19-23-04 – Purchase Gift for Long Term Service

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

BE IT RESOLVED that Council will purchase a gift for Councillor Gary Keating to commemorate his 40 years of service to his community as a councillor and mayor of Long Harbour-Mount Arlington Heights.

In Favor: Deputy Mayor Kevin McDonald

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

MOTION CARRIED

Contravention of the Municipal Code of Conduct Act – Code of Conduct for Councillors and Respectful Workplace Policy

The Town Clerk/Manager informed Councillor William Murphy that he will be in conflict of interest regarding this issue as he is the respondent.

Pursuant to Section 6(1) of the Municipal Code of Conduct Act M-20.01, where a Councillor knows or ought reasonable to know that the councillor has a conflict of interest in a matter before council, the councillor shall, where present:

- (a) Declare the conflict of interest before any consideration or discussion of the matter; and*
- (b) Disclose the general nature of the conflict of interest; and*
- (c) Refrain from participating in any discussion relating to the matter; and*
- (d) Refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter; and*
- (e) Leave the room in which the meeting is held for the duration of the consideration of the matter.*

Section 6(2) reads, notwithstanding paragraph 1(e), where the meeting referred to in subsection 1 is open to the public, the councillor may remain in the part of the room set aside for the general public. **Councillor William Murphy declared a conflict of interest and moved to the part of the room set aside for the general public.**

- **The Town Clerk/Manager continued:**

A respectful workplace is a workplace where employees come to work and feel welcomed and included, and where all employees and members of council will be treated fairly and respectfully at all times.

The Code of Conduct Act provides Council with an avenue to deal with disrespectful conduct in the workplace as well as contraventions of council's policies. It is Council's duty to enforce the legislation as outlined in this Act. To do otherwise would be to set a standard outside the legislation provided by Municipal and Provincial Affairs. The Town Council of Long Harbour-Mount Arlington Heights will not tolerate acts of disrespect toward fellow councillors and/or municipal staff, or members of the public, nor will they tolerate breaches of their rules and regulations governing their meetings. It is council's duty and legislative responsibility to provide a safe and healthy workplace for everyone.

Four complaints were filed against Councillor William Murphy for violations of Council's Respectful Workplace Policy and the Code of Conduct for Councillors.

Councillor William Murphy interrupted from his seat in the gallery and said there were five complaints.

Councillor William Murphy interrupted again to say there were five complaints against him.

Town Clerk Manager reiterated there were four complaints filed against Councillor William Murphy for violations of Council's Respectful Workplace Policy and Code of Conduct for Councillors.

They were investigated in accordance with the Municipal Code of Conduct Act and the report was reviewed by Council in a privileged meeting.

In this privileged meeting, Council formulated the following two resolutions:

RESOLUTION 10-19-23-05 – Approve Investigators Recommendation

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

BE IT RESOLVED that council agrees with the investigators recommendation on the following violations of our Code of Conduct - Councillors, and Respectful Workplace Policy, where it was determined that Councillor William Murphy violated The Rules and Regulations Governing the Procedure of Meetings, Section under Order and Decorum, which reads, “ **No part of the meeting shall be recorded unless it is agreed to by council in a majority vote.**”

This, in turn, violates the Town of Long Harbour-Mount Arlington Heights Code of Conduct – Councillors, Section 3.1.1, “**Councillors must abide by the Council's Rules of Procedure.**”

This also violates Section 3.5.1. of the Code of Conduct - Councillors which reads “*Councillors must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Municipality into disrepute.*”

There were several breaches of the Code of Conduct – Councillors, Section 3.1.4, “*Councillors must be respectful of the presiding officer, their colleagues, staff, and members of the public at all times, including during council meetings and proceedings of the municipality.*”

Section 3.1.7. “*Councillors must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.*”

Section 3.1.8, “*Councillors must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council or the municipality.*”

Section 3.2.4 “*Councillors must not communicate on behalf of the Municipality unless authorized by council or by virtue of a position or role the councillor has been authorized to undertake by Council.*”

Section 3.1.6, *Councillors must act in a manner which supports respectful, transparent, and informed debate.*”

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

MOTION CARRIED

RESOLUTION 10-19-23-06 – Suspension of Councillor for Breach of the Code of Conduct Act

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

BE IT RESOLVED pursuant to Section 15(1)(d) of the Municipal Code of Conduct Act, the Town Council of Long Harbour-Mount Arlington Heights suspends councillor William Murphy, without remuneration, for three months. This suspension is effective immediately.

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

MOTION CARRIED

The meeting got out of order. A councillor was speaking directly with another councillor, referring to him as doctor. There were rude comments and accusations made to the chairperson, as well as other councillors. The Town Manager’s Report for October 19, 2023, noted the particulars.

Deputy Mayor McDonald tried to bring the meeting to order without success, so he asked for a motion to adjourn.

ADJOURNMENT

MOTION 10-19-23-07 Adjournment

Regular Meeting of October 19, 2023

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

BE IT RESOLVED THAT the meeting be adjourned at 7:25 p.m.

In Favor: Deputy Mayor Kevin McDonald

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

MOTION CARRIED



Kevin McDonald

Deputy Mayor



Juanita Gosse

Town Clerk/Manager