

***Town of Long Harbour - Mount Arlington Heights/
Minutes of Regular Meeting
December 7, 2023***

In Attendance

Mayor Walter Keating

Councillor Wayne Kelly

Deputy Mayor Kevin McDonald

Councillor Lydia Burke

Councillor Gary Keating

Absent: Councillor William Murphy

Absent: Councillor Barry Murphy

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

CALL TO ORDER

Mayor Walter Keating called the meeting to order at 7:00 p.m.

ADOPTION OF AGENDA

MOTION 12-07-23-01 - Adopt the Agenda

Moved by Deputy Mayor Kevin McDonald, seconded by Councillor Wayne Kelly.

BE IT RESOLVED THAT the Agenda be adopted as presented.

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

MOTION CARRIED

ADOPTION OF MINUTES

MOTION 12-07-23-02 - Adopt the Minutes of the Regular Meeting held November 16, 2023

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

BE IT RESOLVED THAT the minutes of November 16, 2023, Regular Meeting be adopted without errors or omissions.

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

MOTION CARRIED

MOTION 12-07-23-03 - Adopt the Minutes of Special Meeting held November 16, 2023

Moved by Deputy Mayor Kevin McDonald, seconded by Councillor Wayne Kelly.

BE IT RESOLVED THAT the minutes of the Special Meeting held November 16, 2023, be adopted without errors or omissions.

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

MOTION CARRIED

MOTION 12-07-23-04 - Adopt the Minutes of Special Meeting held November 29, 2023

Moved by Councillor Lydia Burke, seconded by Deputy Mayor Kevin McDonald.

BE IT RESOLVED THAT the minutes of the Special Meeting held November 29, 2023, be adopted without errors or omissions.

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

MOTION CARRIED

BUSINESS FROM THE MINUTES

Ratify MOTION S11-16-23-01 - Adopt the Minutes of October 19, 2023

Moved by Councillor Gary Keating, seconded by Deputy Mayor Kevin McDonald.

BE IT RESOLVED THAT the minutes of October 16, 2023, Regular Meeting be adopted without errors or omissions.

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

MOTION CARRIED

Ratify MOTION S11-16-23-02 - Letter of Support for the Town of Placentia

Moved by Councillor Lydia Burke, seconded by Deputy Mayor Kevin McDonald.

BE IT RESOLVED THAT Council will forward a letter of support to the Town of Placentia for their Community Collaboration Grant Application.

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

MOTION CARRIED

Ratify MOTION S11-16-23-03 – Meet with Steven Brothers – Re: Veteran’s Road

Moved by Deputy Mayor Kevin McDonald; seconded by Councillor Wayne Kelly.

BE IT RESOLVED that Council will meet with Steven Brothers to discuss Veteran’s Road.

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

MOTION CARRIED

Ratify MOTION S11-16-23-04 – Accessibility Plan

Moved by Councillor Lydia Burke; seconded by Deputy Mayor Kevin McDonald.

BE IT RESOLVED that Council will meet J.W. Consultant John Walsh to discuss an Accessibility Plan.

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

MOTION CARRIED

Ratify MOTION S11-16-23-05 – Miles for Smiles Proclamation

Moved by Deputy Mayor Kevin McDonald; seconded by Councillor Wayne Kelly.

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

MOTION CARRIED

Christmas Gifts for Councillors and Staff

Ratify MOTION S11-16-23-06 – Christmas gifts for councillors and staff

Councillor Lydia Burke declared a conflict of interest as she is the chairperson of the Sports and Recreation Committee.

Moved by Deputy Mayor Kevin McDonald; seconded by Councillor Gary Keating.

BE IT RESOLVED that Council will purchase Christmas Gifts for councillors and staff as was done in December of 2022, including a donation to the Fire Department and Sports and Recreation Committee.

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

MOTION CARRIED

Ratify MOTION S11-16-23-07 – Community Christmas Dinner and Dance

Moved by Councillor Wayne Kelly; seconded by Deputy Mayor Kevin McDonald.

BE IT RESOLVED that Council will donate \$1,500.00 to the 50+ Club to offset expenses for the Community Christmas Dinner and Dance.

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

MOTION CARRIED

Ratify MOTION S11-16-23-08 - Approve Cheque List & Visa Statement

Moved by Deputy Mayor Kevin McDonald; seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the cheque list for the period of September 22, 2023, to November 16, 2023 in the amount of \$374,047.93 be approved for payment as well as the Visa Statement for September in the amount of \$ 8,522.60 and the Visa Statement for October in the amount of \$3,786.21.

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

MOTION CARRIED

Ratify MOTION S11-16-23-09 – Banning Councillor William Murphy from the Municipal Complex

The regular meeting of November had to be adjourned because of disruptions caused by Councillor William Murphy. In an effort to ensure Council can complete their regular public meetings to do the business of the municipality, they made the following motion:

Moved by Deputy Mayor Kevin McDonald; seconded by Councillor Lydia Burke.

BE IT RESOLVED that Council will ban Councillor William Murphy from the Municipal Complex until further notice.

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

MOTION CARRIED

Ratify MOTION S11-16-23-10 – Seek Legal Advice Re: Videotaping

As the Town Clerk Manager, Mayor Keating, Deputy Mayor and all Councillors have verbally advised that they do not give permission to anyone to videotape them, Council made the following motion:

Moved by Deputy Mayor Kevin McDonald; seconded by Councillor Gary Keating.

BE IT RESOLVED that Council will seek legal advice about Councillor William Murphy videotaping the Town Clerk/Manager and Councillors and displaying the videos on his social media Facebook page.

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

MOTION CARRIED

2024 Budget and Tax Structure

The Finance Committees Budget and Tax Structure for 2024 was presented by the Town Clerk/Manager to Council in a Special Meeting of November 29, 2023. For the purpose of transparency, the Town Clerk/Manager will present it again in this public meeting. The 2024 Budget and Tax Structure was presented.

Ratify RESOLUTION S11-29-23-01 -2024 Budget

Moved by Councillor Wayne Kelly, seconded by Deputy Mayor Kevin McDonald.

BE IT RESOLVED THAT the 2024 Budget in the amount of \$1,362,014.00 be adopted as presented.

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

MOTION CARRIED

Tax Structure for year 2024

The tax structure was presented to and adopted by Council in a Special Meeting of November 29, 2023. Again, for the purpose of transparency, the 2024 Tax Structure will be presented again in this regular meeting.

Long Harbour-Mt. Arlington Heights 2024 Tax Structure

Property Tax - Residential	3 mils
Minimum Residential Property Tax	\$20.00
Property Tax -Commercial	5.5 mils
Minimum Commercial Property Tax	\$175.00
Water Tax	
Bait Depot	\$300.00
Harbour Authority (flat rate)	\$100.00
Residential Water Rate	\$168.00
Commercial Water Rate	\$300.00
Hotel/Motel/B&B/Efficiency Units/Other Accommodations (4 units or less)	\$360.00
(Each Additional Unit)	\$50.00
New Water Connection	\$500.00

Business Tax	
Minimum Business Tax	\$200.00
Retail Establishments	12.0 mils
Takeout / Restaurant	12.0 mils
General Commercial	12.0 mils
Manufacturing	10.0 mils
Business Tax (Mining Quarry)	80.0 mils
Hotels / Motel/Efficiency Units	12.0 mils
B&B	10.0 mils
Professional Offices	20.0 mils
Oil & Liquefied Petroleum Gas	125.0 mils
Business (where no assessed value)	¾ of 1% of gross revenue
Business (utility companies)	2.5% of gross revenue
Permits & Other Fees	
Residential (New Construction)	\$100.00
Residential (repairs, maintenance, extension & other buildings)	\$25.00
Commercial (new construction)	\$200.00
Commercial (repairs, extension, renovations)	\$100.00
Business Permit to Operate	\$100.00
Roadside Vendors (30-day permit)	\$50.00
Roadside Vendors (1-day permit)	\$25.00
Quarry Permit	\$1,500.00
Industrial (new construction)	\$0.15 per square foot
Industrial (extensions)	\$0.12 per square foot
Industrial (repairs & renovations)	\$0.08 per square foot
Industrial (demolition & other structures)	2% of gross costs of demolition
Other Fees	
Tax Certificate/Compliance Letter	\$50.00
NSF cheques	\$35.00
Water on/off (by request)	\$30.00
Water on/off (if for nonpayment of taxes)	\$75.00
Amendment to Municipal Plan	\$400.00 plus costs
Road Excavation Permit	\$25.00
Road Excavation Security Deposit	\$600.00
Coping	.10 Black & White/ .15 Color
Faxing	1-5 pages \$2.00/5+ pages \$5.00
Public Notice for Development - Discretionary Use/Non-compliance	\$50.00
Dog Control – First Impoundment in any 12-month period	\$150.00 for first day/ \$50.00 for every day thereafter
Second Impoundment in any 12-month period	\$150.00 for first day/ \$75.00 for every day thereafter
Third Impoundment in any 12-month period	\$150.00 for the first day/\$100.00 for every day thereafter

The Due Date for all Taxes is June 30, 2024

2% compound interest will be charged monthly on all accounts not paid in full by June 30, 2024. A 20% discount will be applied to 2024 residential property tax paid in full by March 31, 2024.

Ratify RESOLUTION S11-29-23-02 - 2024 Tax Structure

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

BE IT RESOLVED THAT the 2024 Tax Structure be adopted as presented.

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

MOTION CARRIED

Ratify MOTION S11-29-23-03 - Site Specific Health & Safety Plan for Ice Control Materials - Winter 2023-24

Moved by Councillor Wayne Kelly, seconded by Deputy Mayor Kevin McDonald

BE IT RESOLVED THAT the 2023-24 Site Specific Health and Safety Plan for the transportation of ice control materials be adopted as presented.

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

MOTION CARRIED

Ratify MOTION S11-29-23-04 - CEEP Project Work

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

BE IT RESOLVED THAT the project for the CEEP Grant include removing the addition to the building as well as the office trailer and reinstall the rear wall.

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

MOTION CARRIED

MANAGERS REPORT

The CEEP grant started on Monday, November 27, 2023. Four residents were hired for this project.

The Department of Environment has outlined the testing required of the WTP discharge flowing to the ocean. We have confirmation from Cahill Technical Services that they will take the samples from the pipe going to the ocean and have the tests done in compliance with the Department of Environment. I requested that Cahill take three samples for testing over a period of one month. I left the date of the sampling to Cahill; however, I did ask them to alternate the time of day that samples are taken. This will ensure the samples cover multiple time periods and are taken independent of Council.

Canada Student Summer Jobs – Our application was submitted last week, well before the deadline date of January 10, 2024.

NEW BUSINESS

Investigation of Violations of the Code of Conduct

A complaint filed by Councillor Barry Murphy against Councillor Wayne Kelly dated October 16, 2023.

Councillor Wayne Kelly declared a conflict of interest because he is the respondent. He moved to the gallery in accordance with the Municipal Conduct Act.

This complaint was investigated by Mr. John Walsh of J.W. Consultants & Associates pursuant to the Municipal Conduct Act. Mr. Walsh's report and recommendations were presented to Council in a privileged meeting held November 2, 2023.

As Councillor Barry Murphy failed to prove that Councilor Wayne Kelly breached the Code of Conduct, Council dismissed all complaints filed against him by Councillor Barry Murphy.

MOTION 12-07-23-05 Code of Conduct Complaint

Moved by Deputy Mayor Kevin McDonald, seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the Town Council of Long Harbour-Mount Arlington Heights dismisses all complaints made and filed against Councillor Wayne Kelly by Councillor Barry Murphy.

In Favor: Mayor Walter Keating
Deputy Mayor Kevin McDonald

Councillors: G. Keating, L. Burke,

MOTION CARRIED

Code of Conduct Complaint filed against Deputy Mayor Kevin McDonald by Councillor Barry Murphy

Deputy Mayor Kevin McDonald declared a conflict of interest as he is the respondent and moved to the gallery in accordance with the Municipal Code of Conduct.

This complaint was investigated by Mr. John Walsh of J.W. Consultants & Associates pursuant to the Municipal Conduct Act. Mr. Walsh's report and recommendations were presented to Council in a privileged meeting held November 2, 2023.

As Councillor Barry Murphy failed to prove that Deputy Mayor Kevin McDonald breached the Code of Conduct, Council dismissed all complaints filed against Deputy Mayor Kevin McDonald by Councillor Barry Murphy.

MOTION 12-07-23-06 Code of Conduct Complaint

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

BE IT RESOLVED THAT the Council of Long Harbour-Mount Arlington Heights dismisses all complaints made and filed against Deputy Mayor Kevin McDonald by Councillor Barry Murphy.

In Favor: Mayor Walter Keating
Councillors: G. Keating, L. Burke, W. Kelly

MOTION CARRIED

Code of Conduct complaint filed against the Town Clerk/Manager by Councillor Barry Murphy

This complaint was investigated by Mr. John Walsh of J.W. Consultants & Associates pursuant to the Municipal Conduct Act. Mr. Walsh’s report and recommendations were presented to Council in a privileged meeting held November 2, 2023.

As Councillor Barry Murphy failed to prove that the Town Clerk/Manager, Juanita Gosse, breached the Code of Conduct, Council dismissed all complaints filed against her by Councillor Barry Murphy.

MOTION 12-07-23-07 Code of Conduct Complaint

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

BE IT RESOLVED THAT the Town Council of Long Harbour-Mount Arlington Heights dismisses all complaints filed against the Town Clerk/Manager, Juanita Gosse, by Councillor Barry Murphy.

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

MOTION CARRIED

Code of Conduct Complaint filed against Councillor William Murphy by Deputy Mayor Kevin McDonald

This complaint was investigated by the Town Clerk/Manager in accordance with the Municipal Conduct Act. Her report and recommendations were presented to Council in a privileged meeting held November 2, 2023.

Councillor William Murphy posted a complaint he filed against Deputy Mayor McDonald on his social media Facebook page. This violates the Confidentiality Clause of the Town’s Respectful Workplace Policy which reads, “ *All records of breaches of this policy by employees or members of the Town Council of the Town of Long Harbour-Mount Arlington Heights are considered confidential and will not be disclosed to anyone except to the extent required by law. The Town council of the Town of Long Harbour-Mount Arlington Heights will do everything it can to protect the privacy of the individuals involved and will ensure that both the complainant and the respondent are treated fairly and respectfully throughout the investigative process. The*

town of Long Harbour-Mount Arlington Heights will protect the individual's privacy as long as doing so remains consistent with the enforcement of this policy and adherence to the law. In all cases, investigations, expectations, and timelines will be guided by Bill 37 relating to the Municipal Conduct Act for the province of Newfoundland and Labrador".

Councillor William Murphy also violated Section 3.1.8 of the Code of Conduct for Councillors, which reads, "***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***".

As well, Councillor Murphy is in violation of Section 3.5.1 of the Code of Conduct for 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***".

As Councillor William Murphy is currently suspended for violations of the Municipal Code of Conduct, Council will, pursuant to Section 15(1)(b) of the Municipal Conduct Act, require Councillor William Murphy to attend training as determined by the Council.

MOTION 12-07-23-08 Code of Conduct Complaint

Moved by Deputy Mayor Kevin McDonald, seconded by Councillor Wayne Kelly.

BE IT RESOLVED THAT for contraventions of the Code of Conduct, the Town Council of Long Harbour-Mount Arlington Heights, pursuant to Section 15(1)(b) of the Municipal Conduct Act, do hereby require Councillor William Murphy to complete the following training course:

1. Respectful Workplace Training offered by Dallas Mercer Consultants

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

MOTION CARRIED

Mr. Howard Brown's request to purchase property from Council.

Email from Mr. Brown request to purchase property from the town. The property is located behind his dwelling on Newtown Road, and he plans to use the property to build a shed.

Council purchased this property through crown land to be used as the location of the Water Treatment Plant, however, as the Water Treatment Plant was built on Pumphouse Road, Council has no use for this property.

- Deferred to the next meeting.

Approve Annual Leave for Town Manager

The Town Clerk/Manager is requesting to take annual leave from December 27 to the 29th.

MOTION 12-07-23-09 Approve Town Clerk/Manager annual leave.

Moved by Councillor Lydia Burke, seconded by Deputy Mayor Kevin McDonald.

BE IT RESOLVED THAT the Council of Long Harbour-Mount Arlington Heights approves the annual leave as requested.

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

MOTION CARRIED

Eugene Pike – Veteran’s Road

Mr. Pike is experiencing problems with his driveway intersecting with Veteran’s Drive. Veteran’s Drive is a one-way street and Mr. Pike’s driveway is constructed in a way that does not allow an easy transition from his driveway on to Veteran’s Drive. He is requesting Council excavate at the front of his property and bring in fill to shape his driveway where it intersects with Veteran’s Drive.

- Council met with Mr. Pike. It was agreed Mr. Pike will do repair work to fix the problem with his driveway.

Cost of Living Increase for Staff

Council considered a cost-of-living increase for all town permanent staff when they approved the 2024 budget.

Councillor Wayne Kelly declared a conflict of interest as he is a relative of two of our staff.

MOTION 12-07-23-10 Cost of Living Increase

Moved by Deputy Mayor Kevin McDonald, seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the Council of Long Harbour-Mount Arlington Heights will approve a 3.4% cost of living increase effective January 1, 2024.

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

MOTION CARRIED

DELEGATIONS

FINANCE

Cheque List and Visa Statements

The cheque list was presented covering the period from November 16, 2023, to December 7, 2023, in the amount of \$99,845.14. Also, the Visa Statement for November in the amount of \$10,164.51.

MOTION 12-07-23-11 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 November 16, 2023, to December 7, 2023, in the amount of \$99,845.14 be approved for payment, as well as the Visa Statement for November in the amount of \$10,164.51.

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

MOTION CARRIED

Cash Analysis: Cash analysis was copied to all councillors.

DEVELOPMENT

CORRESPONDENCE

NOTICE OF MOTION

COMMITTEE REPORTS

MOTION 12-07-23-12 Schedule Next Meeting

Moved by Deputy Mayor Kevin McDonald; seconded by Councillor Lydia Burke.

BE IT RESOLVED THAT the next council meeting is scheduled for January 12, 2024

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

MOTION CARRIED

DATE FOR NEXT MEETING – January 12, 2024

ADJOURNMENT

Before the meeting adjourned, Mayor Keating explained why security was on the door this evening. He said the RCMP was here earlier in the evening and everything is under control.

Mayor thanked everyone for coming to our council meeting.

MOTION 12- 07-23-13 Adjournment

Moved by Deputy Mayor Kevin McDonald, seconded by Councillor Wayne Kelly
BE IT RESOLVED THAT the meeting be adjourned at 8:05 p.m.

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

MOTION CARRIED



Walter Keating
Mayor



Juanita Gosse
Town Clerk/Manager