

**Town of Long Harbour - Mount Arlington Heights**  
**Minutes of Regular Meeting**  
**January 11, 2024**

**In Attendance**

Mayor Walter Keating

Councillor Lydia Burke

Deputy Mayor Kevin McDonald

Councillor Wayne Kelly

Councillor Gary Keating

Councillor Barry Murphy

*Absent: Councillor William Murphy*

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

**CALL TO ORDER**

Mayor Walter Keating wished everyone a Happy New Year and thanked everyone for attending our regular meeting. He called the meeting to order at 7:00 p.m.

**ADOPTION OF AGENDA**

**MOTION 01-11-24-01 - Adopt the Agenda**

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

**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, B. Murphy

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**MOTION 01-11-24-02 - Adopt the Minutes of the Regular Meeting held December 7, 2023**

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

**BE IT RESOLVED THAT** the minutes of December 7, 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

Councillor B. Murphy informed Council that he did not vote as he did not attend the December 7<sup>th</sup> meeting.

**MOTION CARRIED**

**BUSINESS FROM THE MINUTES** - None

Councillor Barry Murphy asked Council if he could lose his seat on Council by not voting on the adoption of the minutes.

- It was determined that all councillors have an obligation to vote.

Councillor Barry Murphy asked for his vote to be noted in the minutes, he votes no to the adoption of the minutes of December 7, 2023.

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

**Contrary Minded:** B. Murphy

**MANAGERS REPORT**

Water distribution increased tremendously during the Christmas break. Our outside staff spent every moment available doing leak detection. We used the gate valves to narrow down the area of the break. We found the break yesterday, on a private service line. We learned a lot from this experience and will use those lessons to put a better leak detection plan in place.

We also had issues with VTSCADA during the holidays. Twice, we couldn't access the plant remotely. We had Bell in to reestablish internet connection and Cahill in to reset the VTSCADA program. All is working properly now.

**NEW BUSINESS**

**Code of Conduct Complaint filed against Councillor William Murphy by Mayor Walter Keating**

This complaint was investigated by Mr. John Walsh, JW Consulting Associates, in accordance with the Municipal Conduct Act. Mr. Walsh's report and recommendations were presented to Council in a privileged meeting held December 13, 2023.

Mr. Walsh's findings are as follows: He found Councillor William Murphy's behavior during the Regular Council Meeting held November 16, 2023, to be bizarre, contemptuous, disrespectful, and a clear violation of council's Code of Conduct for Councillors.

As Councillor William Murphy does not seem to respect the Municipal Conduct Act or the 90-day suspension that was imposed on him by council with a majority vote of council on October 19, 2023, Mr. Walsh feels the only choice now is to have the town's lawyers apply to the Supreme Court of Newfoundland and Labrador to have Councillor William Murphy's seat vacated as per the Municipal Conduct Act.

Council considered Mr. Walsh's recommendations, the timelines involved, and the cost to council to file an application with the Supreme Court to have Councillor William Murphy's seat vacated. After careful consideration Council decided not to proceed in this direction, at this time. Council will, however, reiterate that Councillor William Murphy must complete the mandatory training as per the Municipal Conduct Act, including Orientation Training and Access to Information Protection of Privacy Training offered through Municipal and Provincial Affairs. Mr. Murphy must also complete the Code of Conduct Training offered by our Town Clerk/Manager, as well as the additional Respectful Workplace Training offered through Dallas Mercer Consultants.

After January 19, 2024, Councillor Murphy's suspension will be served and, if all mandatory training is complete, Council Murphy will be in a position to hold the office of councillor.

Council will have Steward McKelvey draft a letter on behalf of the Town to Councillor Murphy outlining his responsibilities.

#### **MOTION 01-11-24-03 Code of Conduct Complaint**

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

**BE IT RESOLVED THAT** Council agrees with Mr. Walsh's report that Councillor William Murphy did indeed contravene the Code of Conduct-Councillors. The Town Council of Long Harbour-Mount Arlington Heights will have Stewart McKelvey draft a letter outlining his responsibilities moving forward. As Councillor Murphy's 3-month suspension will be completed on January 19, 2024, the letter will include his responsibilities pertaining to training and the legislative requirements of the Municipal Conduct Act.

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

Contrary Minded: B. Murphy

**MOTION CARRIED**

#### **Restructure Motion**

**Amend MOTION S11-16-23-09 – Ban Councillor William Murphy from Council Chamber during Council meetings.**

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

**BE IT RESOLVED** that Council will ban Councillor William Murphy from Regular Council Meetings until such time that he becomes an active councillor and can legally carry out a power, duty and function as a councillor.

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

**MOTION CARRIED**

**Complaint filed by Councillor Barry Murphy against Mr. John Walsh, JW Consulting**

This complaint cannot be processed under the Municipal Conduct Act as Mr. Walsh is not a municipal official. Section 3 of the Municipal Conduct Act states, *“This Act applies to municipal officials when the municipal officials are acting in their capacity as municipal officials”*.

In a privileged meeting held December 13, 2023, Council reviewed the complaint in relation to our Respectful Workplace Policy. They found no evidence of disrespectful conduct on the part of Mr. John Walsh.

It is evident that Councillor Murphy disagrees with Mr. Walsh’s report and/or his recommendations, however, Councillor Murphy failed to prove that Mr. Walsh was disrespectful.

*Councillor Barry Murphy declared a conflict of interest because he is the complainant and moved to the gallery.*

**MOTION 01-11-24-04 Complaint filed under Council’s Respectful Workplace Policy**

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

**BE IT RESOLVED THAT** the Council of Long Harbour-Mount Arlington Heights dismisses the complaint filed against Mr. John Walsh by Councillor Barry Murphy.

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

**MOTION CARRIED**

*Councillor Barry Murphy requested a private meeting with Council to discuss John Walsh.*

**Change Orders -Waterline Replacement Phase II – 17-GI-23-00059**

There were change orders throughout the project for additional work required. Existing lines were not where we thought and additional work had to be done to find and tie in new lines.

Email from InnovativeNL - After reviewing the overall budget for the project, it was recognized that the project had some engineering allowances that were used under the construction portion of the work, hence a savings in engineering total cost for the project. A summary of the overall expenditure for the project can now be summarized as below:

Construction: \$434,246.51 (HST included)  
Engineering: \$ 45,985.99 (HST included)  
Total: \$480,232.50 (HST included)  
Approved funding budget: \$482,888.23 (HST included)

The above shows the project is within the approved budget. The final two change orders require signing by the Town and MI, then everything can be finalized and closed out. Claim #2 from Southern Construction has been finalized for payment and claim #3 for the contractors release of holdback will be forthcoming.

**MOTION 01-11-24-05 – Change order approval**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights approves the Change Order number 001 for an addition to contract in the amount of \$23,330.81 including HST, payable by the owner, and PCA Amendment to reallocate funds in the amount of \$53,061.31.

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

**MOTION CARRIED**

**Mr. Howard Brown’s request to purchase property from Council.**

Mr. Brown is requesting to purchase the property council secured from Crown Land to place the Water Treatment Plant. The Water Treatment Plant was placed on the property at Pumphouse Road, therefore, this property at Newtown is no longer needed by the town. The property is located behind Mr. Brown’s property on Newtown Road and of no use to anyone else. Terms of the agreement to sell will be outlined by Council.

**MOTION 01-11-24-06 – Property Sale**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights approves the sale of a parcel of property on Newtown Road for \$3,000.00. If a new survey is required or if any other fees, including legal fees, will be the responsibility of the purchaser.

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

**MOTION CARRIED**

## **Eastern Regional Service Board – Collection of Bulk Waste**

Starting in 2024, the Eastern Regional Service Board will modernize the collection of bulk waste to reflect the process used in several large cities and towns in the region.

Changes include:

- Bulk collection will be by appointment only. Every household/account holder in receipt of waste service from ERSB will be eligible for one bulk collection per year.
  - Residents will contact the ERSB office and will be provided with an appointment time for when bulk collection is scheduled in their area. Appointments must be made at least ten (10) business days or two weeks prior to the applicable area's bulk collection start date.
  - Bulk collection will run from April through to September to accommodate the weather and any rescheduling requirements due to weather conditions or extenuating circumstances.
  - Residents will have to provide a list of their bulk items when they set up their appointment, and only those items will be collected.
  - To ensure that bulk collections will be completed more reliably and efficiently, bulk collections will be tendered as a separate contract, apart from regular household garbage and recycling collection.
- Council will request additional information on the collection of bulk waste. Deputy Mayor Kevin McDonald is on the ERSB Board, and he will request additional details. Once Council has the information, we will mail out a householder to share the information with residents.

## **2024 Compost Bin Distribution Program**

The Multi-Materials Stewardship Board is now accepting expressions of interest for participation in its Compost Bin distribution Program. Through this program, communities are able to offer compost bins to their residents at a reduced cost.

There are different options for residential composting:

1. Residential Option 1 – A 37 Gallon Compost Tumbler – subsidized rate is \$44.99 per bin – Retail for over \$125.00 - Minimum order – 40 bins.
2. Residential Option 2 – 55-65 Gallon Compost Tumbler – subsidized rate is \$ 99.99 per bin – Retail for over \$290.00 - Minimum order of 40 bins.

3. Community Option 1 – 106 Gallon Compost Tumbler – subsidized rate is \$500.00 per bin – Retails for over \$1,505.00.
4. Community Option 2 – 462 Gallon Compost Tumbler – subsidized rate is \$4,000.00 per bin – Retails for over \$12,500.00.

- As an order must be for a minimum of 40 bins, Council will mail out a request for expressions of interest to determine if there are 40 residents interested in purchasing a compost bin.

**E-Transfer for Councillors Remuneration and Staff Salary’s**

**MOTION 01-11-24-07 – E-Transfers**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights will pay remuneration and employee salaries via e-transfer.

**In Favor:** Mayor Walter Keating  
Deputy Mayor Kevin McDonald

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

**MOTION CARRIED**

- It was determined that any councillor who is not capable of receiving remuneration via e-transfer will be provided with a written cheque.

**First Request to Cleanup Properties**

*Councillor Barry Murphy and Councillor Wayne Kelly declared a conflict of interest and moved to the public gallery. Councillor Murphy is in conflict because he will be the recipient of a letter and Councillor Wayne Kelly is in conflict because he is related to Councillor Barry Murphy.*

In an effort to keep our town clean and tidy, Council will mail out a first request asking residents of 455 Main Street, 244 Main Street, 474 Main Street and 38 King’s Point Road remove debris from their properties.

**MOTION 01-11-24-08 – Mail out First Request to Residents to Clean up their properties.**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights writes to requests that the owners of properties located at civic addresses 455 Main Street, 244 Main Street, 474 Main Street and 38 Kings Point Road, clean up around their properties.

**In Favor:** Mayor Walter Keating  
Deputy Mayor Kevin McDonald

Councillors: G. Keating, L. Burke

**MOTION CARRIED**

**DEVELOPMENT**

*Councillor Lydia Burke and Councillor Barry Murphy declared a conflict of interest. Councillor Burke is in conflict because her daughter-in-law has interest in RGP Holdings Inc. Councillor Barry Murphy is in conflict because he works for RGP Holdings Inc.*

**RGP Holdings Inc. – Commercial Development at Civic 554 Long Harbour Road**

RGP Holdings is requesting approval in principle from Council to operate a convenience store at Civic Address 552 Long Harbour Road, Long Harbour-Mount Arlington Heights. RGP has future plans to expand this business to include a bakery and restaurant.

This area is zoned commercial and meets the requirements of retail development.

**MOTION 01-11-24-09 – Approval in Principle**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights approves the establishment of a convenience store at civic address 552 Long Harbour Road. This approval is conditional, subject to the development meeting the town’s development regulations, and subject to the approval from any/all other government agencies having jurisdiction, specifically the approval from the Department of Health for on-site well and septic.

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

**MOTION CARRIED**

**Amendment to our Respectful Workplace Policy**

Our Respectful Workplace Policy requires an amendment to better align with the Municipal Conduct Act.

Section 11 – states that complaints must be submitted within 7 calendar days following an incident which led to the complaint. This timeline should be amended to 6 months.

Section 14 - A report outlining the findings of the investigation will be provided to (or by) the CAO within three working days following completion of the investigation. This timeline should be amended to 10 business days.

Section 15 – Within 7 calendar days after receiving the final report, the CAO will ensure the “complainant” and the “respondent” are aware of the outcome of the investigation and any recommendations made. – This should be amended to – After the final report is considered in a regular



council meeting, the CAO will ensure the complainant and the respondent are aware of the outcome of the investigation.

**MOTION 01-11-24-10 – Amendment to the Respectful Workplace Policy**

Moved by Deputy Mayor Kevin McDonald, seconded by Councillor Barry Murphy.

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights approves the following amendments to the Respectful Workplace Policy:

Section 11 –complaints must be submitted within 6 months following an incident which led to the complaint.

Section 14 - A report outlining the findings of the investigation will be provided to (or by) the CAO within 10 business days following completion of the investigation.

Section 15 – After the final report is considered in a regular council meeting, the CAO will ensure the complainant and the respondent are aware of the outcome of the investigation.

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

**MOTION CARRIED**

**DELEGATIONS**

**FINANCE**

**Cheque List and Visa Statements**

The cheque list was presented covering the period from December 7, 2023, to January 11, 2024, in the amount of \$84,933.18. Also, the Visa Statement for December in the amount of \$4,094.86.

Councillor Murphy questioned three cheque amounts. The first was the Town Clerk/Managers payroll amount, the other two were Councillors Remuneration for the 4<sup>th</sup> quarter of 2023.

Councillor Murphy asked why he did not receive remuneration. He also questioned amounts paid out for councillor to attend the MNL Convention.

Mayor Keating assured Councillor Murphy that his questions will be answered.

**MOTION 01-11-24-11 Approve Cheque List & Visa Statement**

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

**BE IT RESOLVED THAT** the cheque list for the period of December 7, 2023 to January 11, 2024, in the amount of \$84,933.18 be approved for payment, as well as the Visa Statement for December in the amount of \$4,094.86.

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

**MOTION CARRIED**

**Cash Analysis:** Cash analysis was copied to all councillors.

**CORRESPONDENCE**

**Vale – Senior’s Meet and Greet**

An email from Leslie Joy, manager of Vale, thanked council for the opportunity to contribute to the community. She was thrilled to hear that the event went well and meant a lot to the seniors.

**NOTICE OF MOTION**

**COMMITTEE REPORTS**

**DATE FOR NEXT MEETING** – February 15, 2024.

Mayor Keating will be taking holidays starting January 18, 2024. During this time, he will be in contact with the Town Manager and Councillors and will be kept informed on Council issues. Mayor Keating will be available via telephone to anyone who wishes to speak with him.


**ADJOURNMENT**

**MOTION 01-11-24-12 Adjournment**

Moved by Deputy Mayor Kevin McDonald, seconded by Councillor Lydia Burke.  
**BE IT RESOLVED THAT** the meeting be adjourned at 7:50 p.m.

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

**MOTION CARRIED**

(FOR)   
Walter Keating  
Mayor

  
Juanita Gosse  
Town Clerk/Manager