

***Town of Long Harbour - Mount Arlington Heights
Minutes of Regular Meeting
February 15, 2024***

In Attendance

Deputy Mayor Kevin McDonald

Councillor Wayne Kelly

Councillor Gary Keating

Councillor Barry Murphy

Councillor Lydia Burke

Councillor William Murphy

Absent: Mayor Walter Keating

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

CALL TO ORDER

Deputy Mayor Kevin McDonald welcomed everyone to our meeting and called the meeting to order at 7:00 p.m.

Councillor William Murphy commenced video recording the meeting using his cell phone.

ADOPTION OF AGENDA

MOTION 02-15-24-01 - Adopt the 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, B. Murphy, W. Murphy

MOTION CARRIED

ADOPTION OF MINUTES

MOTION 02-15-24-02 - Adopt the Minutes of the Regular Meeting held January 11, 2024

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

Councillor William Murphy stated a problem on page 2, under Code of Conduct Complaint filed against Councillor William Murphy by Mayor Walter Keating. Councillor Murphy asked how Mr. John Walsh found his behavior during the Regular Meeting of November 16, 2023, to be bizarre, contemptuous etc.

Town Clerk/Manager reminded Councillor Murphy that he would be in a conflict of interest to discuss this item. He would not, however, be in a conflict of interest if he is reporting an error or omission in the minutes.

It was established that Councillors Murphy's problem is that he did not agree with Mr. Walsh's report. He was not reporting an error or omission in the minutes.

BE IT RESOLVED THAT the minutes of January 11, 2024, Regular Meeting be adopted without errors or omissions.

In Favor: Deputy Mayor Kevin McDonald

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

Contrary Minded: B. Murphy, W. Murphy

MOTION CARRIED

BUSINESS FROM THE MINUTES

Laboratory Test Results from the Discharge to the Ocean

The Laboratory results from testing the Water Treatment Plant discharge to the ocean were copied to all councillors and should be adopted. Three sets of samples were taken by Cahill Technical Services, independently of Council and sent to AGAT Laboratories for testing. Tests performed included Full Standard Water Analysis and Total Metals. I forwarded the results to the Department of Environment for review. They were reviewed by Genny DeCoste, and she reported that all test results are below the Environmental Control Water and Sewer Regulation limits. There were no concerns noted.

Requesting a motion to adopt the results. Once adopted they are considered a public document and can be shared with the public.

MOTION 02-15-24-03 - Adopt the Lab Results of discharge to the ocean.

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

BE IT RESOLVED THAT the Town adopts the test results from AGAT Laboratory of the water samples taken from the discharge pipe to the ditch on Main Street.

In Favor: Deputy Mayor Kevin McDonald

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

MOTION CARRIED

Mr. Roy Murphy interrupted the meeting and spoke for approximately 2-3 minutes on this issue.

MOTION 02-15-24-04 – Pay for Roy Murphy's Lobsters

Moved by Councillor Barry Murphy, seconded by Councillor William Murphy

BE IT RESOLVED THAT Council pay Roy Murphy for his lobsters.

Councillor Lydia Burke declared a conflict of interest as she does some work for Roy Murphy

In Favor:

Councillors B. Murphy, W. Murphy

Contrary Minded: Deputy Mayor Kevin McDonald

Councillors: W. Kelly, G. Keating

MOTION FAILED

MANAGERS REPORT

I have received several emails from a town resident questioning an entry in the minutes of March 30, 2023. These minutes refer to a meeting of Council held on March 28, 2023 regarding clean-up of properties. This meeting was a privileged meeting. The fact that the meeting was privileged was not reflected in the March 30th minutes. I am requesting Council make a motion to add the word privileged to the March 30, 2023 minutes to reflect that the meeting of March 28, 2023 was indeed a privileged meeting. I spoke with Municipal Affairs, and they said this was the best course of action.

Mrs. Jacqueline Gambin interrupted the meeting and spoke for approximately 2-3 minutes on this issue.

MOTION 02-15-24-05 – Vacate all Council seats and hold a by-election.

Moved by Councillor William Murphy, seconded by Councillor Barry Murphy

BE IT RESOLVED THAT the Municipality of Long Harbour-Mount Arlington Heights vacate all council seats and hold a by-election.

In Favor: Councillors W. Murphy and B. Murphy

Contrary Minded: Deputy Mayor Kevin McDonald

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

MOTIONED FAILED

MOTION 02-15-24-06 – Amendment to the Minutes of March 30, 2023

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

BE IT RESOLVED THAT the Town amend the minutes of March 30, 2023, to reflect that the meeting of March 28, 2023 was a privileged meeting of Council.

In Favor: Deputy Mayor Kevin McDonald

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

Contrary Minded:

B. Murphy, W. Murphy

MOTION CARRIED

Managers' Report Continued:

Operating Permit for Water Treatment Plant: Ms. Genny DeCoste with the Department of Environment inspected our water treatment plant last week for the renewal of our permit to operate. There were no issues reported.

Fitness Centre: Both treadmills in the fitness centre are out of order. Apparently, they are older model treadmills that can't be serviced anymore, because parts are discontinued. I applied for funding to replace one treadmill and to purchase a recumbent bike specifically designed for seniors. This application is being processed and we should hear something in March or April.

Seeking council approval to purchase one new treadmill at the cost of \$6,999.00 plus tax and installation. This will replace one of the older models. If we are successful in getting the funding, we can replace the other treadmill.

MOTION 02-15-24-07 – Purchase Treadmill

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

BE IT RESOLVED THAT the town council approves the purchase of the treadmill at the quoted price.

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

Councillor William Murphy changed his vote.

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

MOTION CARRIED

NEW BUSINESS

Disclosure Statements

A Disclosure Statement form was provided to all Councillors. Disclosure Statements must be filed with the Town each year on or before March 1st. Once the Disclosure Statements are submitted, they must be reviewed by council in a privileged meeting and then tabled for adoption in a regular council meeting.

Code of Conduct Complaint – Investigation Report

Deputy Mayor Kevin McDonald and Councillor William Murphy declared a conflict of interest as they are the complainant and respondent. They moved to the public gallery.

Councillor Gary Keating took the chair.

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 or municipal staff or the Town Council as a whole. It is council's duty and legislative responsibility to provide a safe and healthy workplace for everyone.

Deputy Mayor Kevin McDonald filed a Code of Conduct Complaint against Councillor William Murphy for violations of Council's Code of Conduct for Councillors.

The violation was investigated by the Town Clerk/Manager in accordance with the Municipal Conduct Act and the report was reviewed by Council in a privileged meeting held February 12, 2024, and a privileged meeting held today, February 15, 2024.

Council agreed to the following:

Councillor William Murphy violated the following sections of the Code of Conduct – Councillors:

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 positions, the Council or the municipality; and*

Section 3.1.9 – *Councillors must not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.*

For breaches of the Code of Conduct Act, Council makes the following resolution:

RESOLUTION 02-15-24-08 – Suspension of Councillor for Breach of the Code of Conduct - Councillor

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

BE IT RESOLVED pursuant to Section 15(1)(d) of the Municipal 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:

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

Contrary Minded: B. Murphy

MOTION CARRIED

Councillor William Murphy left the meeting at 7:34 p.m. Deputy Mayor Kevin McDonald took the chair.

Email from Leona Caul-Fitzgerald Regarding Long Harbour Access Road

She writes to bring attention to the deplorable conditions of the Long Harbour Access Road. She writes that in winter this road continuously proves to be extremely high risk with slippery/snow covered and often icy treacherous conditions especially in the early morning. In the warmer season this road is high risk with moose/wildlife population and reduced visibility. Brush cutting is badly needed as well as guardrails in certain areas. She also feels this road should have reduced speed signs.

She acknowledges this may not be a municipal road, but requests council to forward her concerns to the provincial government and support her efforts to have changes made to make this road safer for all commuters.

MOTION 02-15-24-09 – Letter Re: Long Harbour Access Road

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

BE IT RESOLVED THAT the town council will forward this letter to MHA Jeff Dwyer and the Department of Transportation and Works.

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

MOTION CARRIED

NL Geographical Name Database

The Department of Fisheries, Forestry and Agriculture are inviting residents to submit feature names that are missing from official maps, for Newfoundland and Labrador Geographical Names Database. Knowledge of local usage is a critical factor in determining whether or not a geographical feature name will be considered as an official name. Any individual or organization may propose a name for an unnamed feature or suggest a change to an existing name, provided they comply with established principles and procedures.

The main functions of the board are to:

- Gather, organize, and record information respecting names of places and geographical features in the province.
- Consult with and advise government departments and agencies, municipalities and other bodies concerned with the selection of place names or the renaming of places and features regarding the suitable and spelling of the names.
- Consider and make recommendations respecting a proposed change in the name of a place or geographical feature already in use that may be considered to be inappropriate to the place.
- Collaborate with the Canadian Permanent Committee on Geographical names respecting the selection of new geographical names, the elimination of alternative for duplicated names.

- Hold public meetings or invite submissions to board meetings.
- Recommend the minister approve the names of places or geographical features.

Strategic Planning 2024

Councillor Lydia Burke asked that this item be added to the agenda. She is requesting Council schedule a strategic planning meeting to get the process started.

- Council will send out something tomorrow on a Strategic Planning Meeting.

24th Annual Veterans Service Recognition Book

The Royal Canadian Legion Newfoundland and Labrador Commands are seeking our support for their 24th annual edition of its Veterans Service Recognition Book to honor and recognize our Veterans.

Our annual partnership ad is \$255.00 tax included.

MOTION 02-15-24-10 – Annual Partnership Ad

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

BE IT RESOLVED THAT the town council approves the purchase of the Annual Partnership Ad for the 24th Annual Veterans Service Recognition Book.

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

MOTION CARRIED

OH&S Policy Statement Update for 2024

The OH&S Policy was copied to all councillors for review. If there are no changes required, please approve the OH&S Policy Statement for 2024.

TOWN OF LONG HARBOUR - MOUNT ARLINGTON HEIGHTS

Occupational Health & Safety Policy

The Town of Long Harbour-Mount Arlington Heights is ultimately responsible for workers occupational health and safety at the workplace. We will strive to protect workers from injury and illness related to work; and we will provide the resources necessary to keep the workplace healthy and safe. To fulfil this commitment the Town of Long Harbour – Mount Arlington Heights will make every effort to provide and maintain a safe and healthy workplace by following industry standards and complying with OH&S legislation. In keeping with OH&S legislation, a healthy and safe workplace will be created in consultation and cooperation with Council, management and workers, in particular the health and safety representative.

Supervisors will be held accountable for the health and safety of employees under their supervision.

Responsibilities include ensuring machinery and equipment are safe and established safe work practices are followed. To protect their health and safety, employees must receive an OH&S orientation and specific work task training.

Every employee must protect his/her health and safety and the health and safety of other employees by following legislative requirements and safe work practices and by reporting unsafe condition they observe.

Contractors will be required to meet legislative requirements and follow The Town of Long Harbour – Mount Arlington Heights policies and procedures regarding health and safety.

Health and safety is an integral part of this town's everyday business. It is in the best interest of all to join together and put into practice health and safety principles in all work activities.

This OH&S policy will be reviewed on an annual basis and revised as necessary.

MOTION 02-15-24-11 – OH&S Policy Statement

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

BE IT RESOLVED THAT the town council approves the OH&S Policy Statement for 2024.

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

MOTION CARRIED

Safe Return to Work Policy Update 2024

The Safe Return to Work Policy was copied to all councillors for review. If there are no changes required, please adopt the policy for 2024.

POLICY STATEMENT:

The Town of Long Harbour-Mount Arlington Heights is committed to assisting workers who have been injured on the job to return to work in a timely and safe manner.

We will fulfil this commitment by contacting the worker as soon as possible after the injury and if practicable, offering employment that is consistent with the worker's functional abilities. Job options will be identified and offered using the Workplace NL's Hierarchy of Return to Work as identified in WHSC Policy RE-18 and in accordance with section 89 and 89.1 of the Workplace Health, Safety and Compensation Act.

All members of the organization including supervisors and co-workers are responsible for actively participating and cooperating in the return to work process when required. Where necessary the company will seek input and advice from other parties involved in the RTW process including the Workplace Health Safety and Compensation Commission and external health care providers.

Any personal information received or collected that can lead to the identification of an injured worker will be held in the strictest of confidence. Information of a personal nature will be released only if required by

law with the approval of the worker who will specify the nature of the information to be released and to whom it can be released.

This statement will be reviewed at least annually and may be updated or changed as required.

MOTION 02-15-24-12 – Safe Return to Work Policy Statement

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

BE IT RESOLVED THAT the town council approves the Safe Return to Work Policy Statement for 2024.

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

MOTION CARRIED

Town of Harbour Grace – Resolution made during the MNL Conference

The Town of Harbour Grace made the following resolution at the MNL Conference:

BE IT RESOLVED that Municipalities Newfoundland and Labrador shall lobby the Provincial Government to enact legislation such that when towns are forced to remove dilapidated buildings, debris, waste etc. from property they would recover the expenses related to such removal by having the right of first lien on the sale of that property.

The Town of Harbour Grace is asking for your support and to write your members to ask that the Town of Harbour Graces's Resolution, which as presented at the MNL Conference be tabled in the House of Assembly.

MOTION 02-15-24-13 – Support for Resolution

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

BE IT RESOLVED THAT the town council of Long Harbour-Mount Arlington Heights supports the Town of Harbour Graces's resolution and will forward a request to MHA Jeff Dwyer to request the resolution be tabled in the House of Assembly.

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

MOTION CARRIED

Municipal Assessment Agency – Contract

The contract was forwarded to all councillors for review. It outlines the agreement between the Municipal Assessment Agency and the Town relating to the work the Municipal Assessment Agency does on behalf of the town. It further outlines the obligations of the Town and the obligations of the Municipal Assessment Agency. I'm requesting a motion to sign the agreement on behalf of the town.

MOTION 02-15-24-14 – Agreement between the Municipal Assessment Agency and the Town of Long Harbour-Mount Arlington Heights

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

BE IT RESOLVED THAT the Town Council will enter into the agreement with the Municipal Assessment Agency.

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

MOTION CARRIED

2024 Municipal Symposium

The 2024 MNL Symposium will be held in Gander, May 2nd to May 4th.
Registration is now open. Anyone wishing to attend please let the office staff know so we can book your stay in Gander. Travel approval requires a motion of council; therefore, a motion is required to state how many councillors are approved to attend.

MOTION 02-15-24-15 Approval to attend the MNL Symposium in Gander

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

BE IT RESOLVED THAT Council approves three Councillors to attend the 2024 Municipal Symposium in Gander.

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

MOTION CARRIED

Department of Fisheries, Forestry and Agriculture, Forestry and Wildlife Branch

The Department of Fisheries, Forestry and Agriculture, Forestry and Wildlife Branch is seeking potential opportunities to engage with local municipalities on the Avalon Peninsula, (Forest Management District 1), by offering informational sessions on guidance for wildlife interaction to help further public awareness and understanding and how residents can mitigate some of the conflicts that may occur with local wildlife in your area.

If Council is interested in coordinating a meeting at your town office for municipal staff and other interested parties, please feel free to contact us to book a weekday session during regular business hours.

MOTION 02-15-24-16 Schedule Session with Forestry and Wildlife

Moved by Councillor Barry Murphy; seconded by Councillor Wayne Kelly.

BE IT RESOLVED THAT Council approves scheduling a session with Forestry and Wildlife to discuss wildlife interaction.

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

MOTION CARRIED

Municipal Circular – Accessible Communities Grant

The Circular was copied to all councillors.

The Department of Municipal and Provincial Affairs has created a one-time Accessible Communities Grants to assist communities in funding initiatives and small-scale infrastructure improvements. Municipalities can apply for up to \$20,000, (less HST) on a 90/10 cost share ratio. The grant is specifically targeting small municipal infrastructure projects and initiatives, such as minor upgrades to community property for the purpose of providing better accessibility for all.

Please advise if you have a project opportunity that we can apply for.

DEVELOPMENT

DELEGATIONS

FINANCE

Cheque List and Visa Statements

The cheque list was presented covering the period from January 11, 2024, to February 15, 2024, in the amount of \$144,109.90. Also, the Visa Statement for January in the amount of \$800.54.

MOTION 02-15-24-17 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 January 11, 2024, to February 15, 2024, in the amount of \$144,109.90 be approved for payment, as well as the Visa Statement for January in the amount of \$800.54.

In Favor: 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

Placentia Bay Industrial Showcase

Mark the date. The Placentia Bay Industrial Showcase is scheduled for September 18 and 19, 2024.

Trades NL – Re: Equinor’s Bay du Nord Project

The document was copied to all councillors. Over the past 18 months Trades NL has been advocating publicly in support of the Bay du Nord Project, and in particular ensuring that the project proceeds with maximum benefits to the people of Newfoundland and Labrador.

As you are aware, Equinor announced a pause-for-review on the project in May of 2023, but just recently issued several requests for proposals for the project.

Trades NL are seeking Council’s support for this project and are asking Council to stay informed as the project process unfolds.

NOTICE OF MOTION

COMMITTEE REPORTS

DATE FOR NEXT MEETING – March 28, 2024

ADJOURNMENT


MOTION 02-15-24-18 Adjournment


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

BE IT RESOLVED THAT the meeting be adjourned at 7:55 p.m.

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

MOTION CARRIED


Kevin McDonald
Deputy Mayor


Juanita Gosse
Town Clerk/Manager