

***Town of Long Harbour - Mount Arlington Heights***  
***Minutes of Regular Meeting***  
***March 28, 2024***

**In Attendance**

Mayor Walter Keating

Councillor Lydia Burke

Deputy Mayor Kevin McDonald

Councillor Wayne Kelly

Councillor Gary Keating

Councillor Barry Murphy

*Absent: William Murphy*

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

**CALL TO ORDER**

Mayor Walter Keating welcomed everyone to our meeting and called the meeting to order at 7:04 p.m. He had the Town clerk/manager read a prepared statement regarding his responsibility to ensure decorum during the council meeting. As well, this statement from Council addressed some false information that was voiced during our last meeting.

**A Message from Council**

At our last council meeting there were impromptu presentations from the gallery.

To ensure proper decorum in our council meetings, members of the public, who have not been added to the agenda, will not be permitted to speak. If this happens, Mayor Keating will ask council for a motion to recess until the meeting is brought to order. If he feels order cannot be achieved, he will request a motion to adjourn.

Regarding the minutes of Council - the minutes of council are not meant to be a verbatim account of the meeting. Correct minutes will introduce the issue to be debated. Our town manager provides a brief description of the agenda items. (Keep in mind, all councillors have a copy of each document in their meeting file and have reviewed them prior to the meeting.) The debate is not recorded as councillors opinions will be swayed during the debate process. The vote is recorded to show who is in favor of, or opposed to, a motion of Council.

Council has the authority to amend the minutes to correct an error or omission regardless of when it's brought to light. It is council who amends the minutes, by a motion and vote. Minutes are not changed to protect people; they are amended to ensure accuracy.

There was another impromptu presentation about the contents of our water treatment plant discharge.

Allow us to provide accurate information.

The amount of chlorine discharged to the pipe going to the ocean, is not considered a good trace by the Department of Health. Months of chlorine tests taken at this site show .00 to .07 ppm's or parts per million. The Health Inspector wants to see .20 ppm's in the cove as this amount is considered a good trace.

Our backwash does not run through this pipe. When the plant backwashes, the wash water is held in an underground tank for 12 hours to allow the sludge to settle to the bottom. After 12 hours of settling the supernatant on top is pumped over to another underground tank. This allows for additional settling while the supernatant off the top seeps slowly over to the discharge pipe that flows to the catch basin on Newtown Rd. So only water is flowing to the pipe. The sludge is allowed to build up in the tanks and is trucked away by Pardy's. The sludge is not sent to the ocean.

Our Water Treatment Plant backwashes on average, every 36 hours. Our operators are confident in this process as is the Dept of Environment.

We hope this provides a better understanding of the discharge process.

**ADOPTION OF AGENDA**

**MOTION 03-28-24-01 - 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 03-28-24-02 - Adopt the Minutes of the Regular Meeting held February 15, 2024**

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

**BE IT RESOLVED THAT** the minutes of February 15, 2024, Regular Meeting be adopted without errors or omissions.

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

**MOTION CARRIED**

**BUSINESS FROM THE MINUTES**

**Ratify Resolution to hire Security for the Meeting of March 28, 2024**

**MOTION 03-28-24-03 – Hire Security for the Regular Council Meeting of March 28, 2024**

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

**BE IT RESOLVED THAT** the Council will hire Security for the entrance to the Municipal Complex for March 28, 2024, Regular Council Meeting.

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

**MOTION CARRIED**

**Disclosure Statements for Councillors and Management**

Disclosure Statements submitted by the Mayor, Deputy Mayor, all councillors, and the Town Manager were presented to council in the privileged meeting of March 27, 2024. Council reviewed the information and will make the following motion:

**MOTION 03-28-24-04 – Disclosure Statements**

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

**BE IT RESOLVED THAT** the Council accepts the disclosure statements as submitted.

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

**MOTION CARRIED**

**ATV Purchase**

The Town Manager presented five specifications sheets and price quotes on ATV's to Council at the privileged meeting. These included:

Gator Utility Vehicle – by John Deere with an estimated price of \$33,749.00 US Dollars  
NL Kubota RTV-X1100C - \$32,527.06, taxes included.  
Coastal Outdoors Ranger XD \$51,369.00 plus tax  
Can-am Defender Pro \$45,750.00 plus tax

**MOTION 03-28-24-05 – Purchase ATV**

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

**BE IT RESOLVED THAT** the Council approves purchasing the Kubota RTV-X1100C at the quoted price.

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

**MOTION CARRIED**

### **MANAGERS REPORT**

I am very pleased to announce that our maintenance operator Mike Kelly passed the exam for level II Water Treatment Plant Operator certification.

Waterline Replacement Phase 4 - We have received our permit to construct for Phase 4 of our waterline replacement. Getting these things out of the way now will provide a shovel-ready project for the spring.

### **NEW BUSINESS**

#### **Code of Conduct Complaint filed by Councillor Barry Murphy against Councillor Gary Keating**

- *Councillor Gary Keating declared a conflict of interest as he is the respondent. He removed himself from the meeting.*
- *Councillor Barry Murphy declared a conflict of interest as he is the complainant. He moved to the public gallery.*
- *Councillor Wayne Kelly declared a conflict of interest as he is related to the complainant. He removed himself from the meeting.*

This complaint, of a violation of Council's Respectful Workplace Policy, was filed February 26, 2024, for an alleged incident of February 15, 2024. The complaint was investigated by the Town Clerk/Manager, pursuant to the Municipal Conduct Act. The report was presented to Council in a privileged meeting held March 27, 2024.

As Councillor Barry Murphy failed to prove the allegations against Councillor Gary Keating, Council will dismiss the complaint.

#### **MOTION 03-28-24-06 Code of Conduct Complaint against Councillor Gary Keating**

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 the complaint filed against Councillor Gary Keating by Councillor Barry Murphy dated February 26, 2024.

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

**MOTION CARRIED**

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

- *Deputy Mayor Kevin McDonald declared a conflict of interest as he is the respondent. He left the meeting.*
- *Councillor Barry Murphy declared a conflict of interest as he is the complainant. He moved to the public gallery.*
- *Councillor Wayne Kelly declared a conflict of interest as he is related to the complainant. He left the meeting.*

This complaint, of a violation of Council's Respectful Workplace Policy, was filed February 26, 2024, for an alleged incident of February 15, 2024. The complaint was investigated by the Town Clerk/Manager, pursuant to the Municipal Conduct Act. The report was presented to Council in a privileged meeting held March 27, 2024.

As Deputy Mayor Kevin McDonald dealt with the incident during the regular meeting of February 15, 2024, Council will dismiss the complaint.

**MOTION 03-28-24-07 Code of Conduct Complaint against Deputy Mayor Kevin McDonald**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights dismisses the complaint filed against Deputy Mayor Kevin McDonald by Councillor Barry Murphy dated February 26, 2024, under Council's Respectful Workplace Policy.

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

**MOTION CARRIED**

**Code of Conduct 2<sup>nd</sup> Complaint filed by Councillor Barry Murphy against Deputy Mayor Kevin McDonald**

- *Deputy Mayor Kevin McDonald declared a conflict of interest as he is the respondent. He left the meeting.*

- *Councillor Barry Murphy declared a conflict of interest as he is the complainant. He moved to the public gallery.*
- *Councillor Wayne Kelly declared a conflict of interest as he is related to the complainant. He left the meeting.*

This complaint, of a violation of the Municipal Conduct Act – Conflict of Interest Policy, was filed February 26, 2024, for an alleged incident of September 14, 2023. The complaint was investigated by the Town Clerk/Manager, pursuant to the Municipal Conduct Act. The report was presented to Council in a privileged meeting held March 27, 2024.

As Councillor Barry Murphy failed to substantiate a personal relationship with Deputy Mayor Kevin McDonald, Council will dismiss the complaint.

**MOTION 03-28-24-08 Code of Conduct Complaint against Deputy Mayor Kevin McDonald**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights dismisses the complaint filed against Deputy Mayor Kevin McDonald by Councillor Barry Murphy dated February 26, 2024, under the Municipal Conduct Act – Conflict of Interest Policy.

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

**MOTION CARRIED**

**Code of Conduct Complaint – Filed by the Town Manager against Councillor Barry Murphy**

- *Councillor Barry Murphy declared a conflict of interest as he is the respondent and moved to the gallery.*
- *Councillor Wayne Kelly declared a conflict of interest as he is a relative of the respondent and left the meeting.*

Our Town Clerk/Manager filed a complaint against Councillor Barry Murphy for breaches of our Code of Conduct – Respectful Workplace Policy.

The complaint was investigated by Mr. John Walsh, JW Consulting, in accordance with the Municipal Conduct Act and the report was reviewed by Council in a privileged meeting held March 27, 2024.

Council agreed to the following: Councillor Barry Murphy violated the Code of Conduct – Respectful Workplace Policy for the statements he made at a privileged meeting held February 12, 2024, as well as statements he made during the regular council meeting of February 15, 2024.

According to our Respectful Workplace Policy, councillors are expected to conduct themselves appropriately and professionally when interacting with colleagues and staff. Councillors are expected to treat staff fairly and without intimidation. It is inappropriate to voice human resource issues in a public forum. If a member of our staff has conducted themselves inappropriately, their violation should not be voiced in a public meeting. This is unprofessional and can be interpreted as harassment and/or bullying.

For breaches of the Code of Conduct – Respectful Workplace Policy, Council makes the following resolution:

**RESOLUTION 03-28-24-09 – Suspension of Councillor for Breach of the Code of Conduct – Respectful Workplace Policy**

Moved by Deputy Mayor Kevin McDonald; 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 Barry Murphy, without remuneration, for three months. This suspension is effective immediately.

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

Councillors: G. Keating, L. Burke

**MOTION CARRIED**

- *Councillor Barry Murphy left the meeting.*

**Gas Tax Audit 2023**

The 2023 Gas Tax Audit was copied to all councillors for review. It requires a motion of approval.

**MOTION 03-28-24-10 2023 Gas Tax Audit**

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 Gas Tax Audit as presented.

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

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

**MOTION CARRIED**

**Cancer Care Foundation**

The Cancer Care Foundation is requesting a donation. We donated \$200.00 last year.

**MOTION 03-28-24-11 – Donate to Cancer Care Foundation**

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

**BE IT RESOLVED THAT** Council approves a donation of \$200.00 to the Cancer Care Foundation.

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

**MOTION CARRIED**

### **Janeway – Request for Donation**

Janeway request for a donation. Council gave \$500.00 in 2023.

### **MOTION 03-28-24-12 – Janeway Donation**

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

**BE IT RESOLVED THAT** Council approves a donation of 500.00 to the Janeway.

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

**MOTION CARRIED**

### **Backdraft Magazine – Request to Purchase Advertising**

The Backdraft Magazine is requesting council's support in the purchase of an advertisement in their magazine. Ad prices are noted on the rate sheet. A business card ad would cost \$225.00.

- Council will not support this initiative.

## **DEVELOPMENT**

## **DELEGATIONS**

## **FINANCE**

### **Cheque List and Visa Statements**

The cheque list was presented covering the period from February 16, 2024, to March 28, 2024, in the amount of \$282,302.91. Also, the Visa Statement for February in the amount of \$2,065.50 and the Visa Statement for March in the amount of \$4,130.90. The Town Manager noted there are two contract payments included for Waterline Replacement Phase 2 capital work project. Keep in mind that 90% of this funding was received before the cheques were written to the contractor. These cheques represent the final payments to the contractor for this project.



**MOTION 03-28-24-13 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 February 16, 2024, to March 28, 2024, in the amount of \$282,302.91. Also, the Visa Statement for February in the amount of \$2,065.50 and the Visa Statement for March in the amount of \$4,130.90 be approved for payment.

**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.

**CORRESPONDENCE**

**Email from Linda and Eugene Murphy**

A copy of this email was copied to all councillors and the Fire Department.

They would like to address concerns regarding the road conditions on the side roads in Long Harbour after the storm last week. The storm started Thursday and ran through the day on Friday. The side roads, including Newtown Road, were not ploughed until Saturday afternoon. There were considerable huge drifts, coupled with a layer of ice in between the snow that made snow clearing difficult for the average homeowner, and impossible for others. Long Harbour has a number of residents who are elderly.

There email lists a number of concerns:

1. Most residents do not have access to vehicles with ploughs.
2. All residents do not have snowblowers and depend on others to clear the snow from their property.
3. As the side roads were not ploughed until Saturday afternoon, residents could not reach other residents who were snowed in.
4. Snowblowers do not work adequately in clearing this type of combination of snow and ice.
5. The side roads were blocked for a day and a half making it impossible for people to get in or out. If there had been an emergency, such as an illness or fire, the consequences could have been severe.
6. Some residents were shut in for two days or more, as they could not open their outside doors or get out of their driveway.

They state this is not a complaint against the outside Maintenance workers. In Council's Public notice letter dated November 10, 2023, Council asked, "What can we do to bring our community together?" Their suggestion is that maybe Council, together with the Fire Department, can develop a contingency plan for emergencies such as last week's storm to include:

1. A plan to have snow clearing services available sooner.

2. Wellness checks for the elderly and shut-ins.
3. Snow clearing services for those who have none, especially those who live alone and are elderly.
4. Provisions for power outages, such as hot meals for those who do not have generators.

These are only a few things that we can do to ensure safety and peace of mind for all residents. This type of storm does not happen every day, so the cost to Council to provide services for residents would not be exorbitant. Let's work together to ensure a safer community and to show our concerns for others, in times of need.

The Town Manager reported on the town's snow clearing efforts during this storm. Council provided snow clearing on Thursday evening. Mike went out at 6:46 pm and finished at 8:16 pm. Council provided snow clearing on Friday. Both outside maintenance employees spent most of Friday clearing snow in an effort to keep ahead of it. Glen was out again Friday evening. He went out snow clearing at 5:30 pm and finished at 7:22 pm, and both maintenance staff were out on Saturday. I called Mike in to assist Glen as this was a major storm that required the backhoe as well as the truck plow. Glen was on the backhoe pushing snow and Mike was following in the truck, doing the clean-up and sanding.

In my opinion, our outside staff did an exceptional job snow clearing during this storm.

It was established that Council has an Emergency Management Plan in place in conjunction with the Fire Department. We have, in the past, talked about a warming station and a checkup list for seniors. We are confident that many residents are checking on their neighbors. This is the norm in a small community, especially in Newfoundland. The difficulty we have with implementing the suggestions is that the main road must be cleared before anyone can travel around the community safely. Anyone venturing out before the main roads are cleared is putting themselves at risk and adding to the potential for an emergency. In the case of an emergency, we are confident that this community will come together, Fire Department, Council members, and residents alike, would be out in full force with the needed equipment. We know from past experiences that this community comes together when needed.

- Councillor Kelly spoke on behalf of the Fire Department. In the case of emergency, the Fire Department will come together if it is safe to do so. In a storm like this, the Fire Department would have to make a decision whether it is safe to go out.
- Mayor Keating said the letter is very much appreciated and we will defer it to our Emergency Management Committee for further discussion.

### **Email from JW Consulting – Re: Advantages of Strategic Planning**

The email was provided to all councillors to review. Good planning is critical to any organization's success. JW Consulting Associates have been working with municipalities to develop their strategic plans for 22 years. They are extremely proud of the work they do and the success of the municipalities they work with.

JW Consulting Associates can come to our community, work with council, develop your statements and beliefs, and help you develop your strategic priorities. The cost can be as high as \$25,000 + HST, however, they can do this work for \$7,900 + HST.

Enclosed with the document is a list of advantages of a strategic plan.

### **Infrastructure Canada –Green and Inclusive Community Building Program**

Through GrantMatch, Council submitted an application through the Green and Inclusive Community Building Program to improve energy efficiency in the municipal complex building. The funding would have installed heat pumps throughout the building which would not only prove more cost efficient, but heat pumps would also offer air conditioning. The grant would fund replacing two windows, resolve the condensation problem we have in the ceiling throughout the building, as well as the condensation on the floor of the Community Centre space, especially in the summer. Funding amount was \$350,123. Regretfully, the Town Council of Long Harbour – Mount Arlington Heights was not approved for this funding.

As Council was not approved for the funding under the Green and Inclusive Community Building Program, Council must address the problem with the condensation on the floor of the Community Centre. This is a liability when offering this space for rental. We can resolve the problem by installing a mini split heat pump in the Community Centre. A heat pump will reduce heating costs and will offer built-in dehumidifying and air conditioning. This also applies to the fitness centre.

The size of the community centre will determine the type of heat pump unit necessary. I have requested a price quote for a mini split for the Community Centre and a single unit for the Fitness Centre. We should receive the quotes in the next day or so.

### **Community Waste Diversion Fund**

Letter thanks the Town for their application, unfortunately, the Selection Committee did not approve the program. We are invited to apply again next year.

### **Approval to Call Public Tender from Department of Transportation and Infrastructure**

In accordance with our recently submitted plans, specification, cost estimate, and approved funding, the Department of Transportation and Infrastructure has approved us to proceed with a public tender call for this project.

## **Tender Results for Project Waterline Replacement Phase 4**

We received the tender results today from Department of Transportation and Infrastructure. The lowest tender was submitted by Cougar Engineering & Construction with a bid total of \$509,450.00. To move forward we need the following motion:

### **MOTION 03-28-24-14 Award Tender for Waterline Replacement Phase 4 – Project 17-GI-24-000034**

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

**BE IT RESOLVED THAT** the Town of Long Harbour-Mount Arlington Heights awards this project work to the lowest bidder, Cougar Engineering & Construction, 1309, who submitted a total bid of \$509,450.00 tax included.

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

**MOTION CARRIED**

### **TRO – Annual General Meeting Notice**

TRO will host their annual general meeting on Wednesday, April 10, 2024, at 11:00 at the Quality Inn in Gander. The agenda is attached to the notice.

### **Memo – Municipal Assessment Agency**

The Board of Directors for the Municipal Assessment Agency Update. Some of the issues addressed by the Board include:

- Human Resources – recruitment and retention tactics, as well as workplace health and safety
- Accessibility Plan for 2024-2026
- Aerial imagery reviews
- Agreement with Town of Conception Harbour
- Welcome the Town of Hawke’s Bay as its newest client
- MNL Avalon and Eastern regional meeting
- Financial Statements
- PMA Sponsor
- Municipal Symposium
- Educational video was presented to the Board
- The Board congratulates Mayor Tony Keats of Dover on winning the 2023 World Mayor Award
- The next Board meeting is scheduled June 6<sup>th</sup> -7<sup>th</sup>, 2024, in Gander

Councillors can read the entire document at their convenience.

**NOTICE OF MOTION** - None

**COMMITTEE REPORTS** - None

**DATE FOR NEXT MEETING** – April 18, 2024

**ADJOURNMENT**

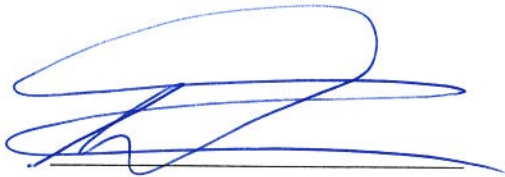
**MOTION 03-28-24-15 Adjournment**

Moved by Deputy Mayor Kevin McDonald seconded by Councillor Gary Keating.  
**BE IT RESOLVED THAT** the meeting be adjourned at 7:50 pm.

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

**MOTION CARRIED**

Mayor Keating thanked everyone for attending our meeting.



Walter Keating  
Mayor



Juanita Gosse  
Town Clerk/Manager