

***Town of Long Harbour - Mount Arlington Heights  
Minutes of Regular Meeting  
May 16, 2024***

**In Attendance**

Mayor Walter Keating

Deputy Mayor Kevin McDonald

Councillor Gary Keating

*Absent: Councillors Barry Murphy*

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

Councillor Wayne Kelly

*Absent: Councillor William Murphy*

*Absent: Councillor Lydia Burke*

**CALL TO ORDER**

**Note:** *Councillor William Murphy sat in the gallery; he did not take his seat at the council table, therefore he is considered absent.*

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

**ADOPTION OF AGENDA**

**MOTION 05-16-24-01 - Adopt the Agenda**

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

**BE IT RESOLVED THAT** the Agenda be adopted as presented.

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

**Councillors:** G. Keating, W. Kelly,

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**MOTION 05-16-24-02 - Adopt the Minutes of the Regular Meeting held March 28, 2024**

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

**BE IT RESOLVED THAT** the minutes of March 28, 2024, Regular Meeting be adopted without errors or omissions.

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

**MOTION CARRIED**

**MOTION 05-16-24-03 - Adopt the Minutes of the Regular Meeting held April 18, 2024**

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

**BE IT RESOLVED THAT** the minutes of April 18, 2024, Regular Meeting be adopted without errors or omissions.

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

**MOTION CARRIED**

**MOTION 05-16-24-04 - Adopt the Minutes of the Special Meeting held April 19, 2024**

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

**BE IT RESOLVED THAT** the minutes of April 19, 2024, Special Meeting be adopted without errors or omissions.

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

**MOTION CARRIED**

**BUSINESS FROM THE MINUTES**

**Ratify Motions from the Special Meeting of April 19, 2024**

**Ratify Motion to Hire Security**

**MOTION S04-19-24-03 – Hire Security**

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

**BE IT RESOLVED THAT** that Council will hire security for Regular Council Meetings, as well as any other meeting or gathering as they feel necessary.

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

**MOTION CARRIED**

**Ratify Motion approving Town Manager’s Annual Leave**

Town Manager is requesting to take annual leave from July 2 to 5, 2024 and September 9 to 20, 2024.

**MOTION S04-19-24-04 Annual Leave Town Manager**

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

**BE IT RESOLVED THAT** the Town 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, W. Kelly

**MOTION CARRIED**

**Ratify Motion Approving Heat Pump for Community Centre and Fitness Centre**

**MOTION S04-19-24-05 Heat Pump for Community Centre and Fitness Centre**

Moved by Councillor Wayne Kelly, seconded by Councillor Gary Keating

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights approves of installing heat-pumps at the Community Centre and Fitness Centre. Max HVAC & Refrigeration will do this work.

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

**MOTION CARRIED**

**Ratify Motion to Accept Active NL Funding**

**MOTION S04-19-24-06 Accept Active NL Funding**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights accepts the funding under the Active NL Funding Program to upgrade the Maturin Pond Walking Trail including grubbing, widening where necessary, and resurfacing the trail.

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

**MOTION CARRIED**

**Ratify Motion to Extend Maturin Pond Walking Trail**

**MOTION S04-19-24-07 Extend Maturin Pond Walking Trail**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights will call tender for and accept bids to extend the Maturin Pond Walking Trail to include the other side of Maturin Pond.

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

Councillors: G. Keating, W. Kelly

**MOTION CARRIED**

**Ratify Motion to adopt Code of Conduct Policy for Municipal Officials & Employees**

**MOTION S04-19-24-08 Code of Conduct Policy for Municipal Officials & Employees**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights adopts the Code of Conduct Policy for Municipal Officials and Employees, in its entirety, without amendments or additions.

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

Councillors: G. Keating, W. Kelly

**MOTION CARRIED**

**Ratify Motion to donate to Ronald McDonald House**

**MOTION S04-19-24-09 Donation to Ronald McDonald House**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights will donate \$1,000.00 to Ronald McDonald House.

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

Councillors: G. Keating, W. Kelly

**MOTION CARRIED**

**Ratify Motion to donate to the RNC 34<sup>th</sup> Annual Community Guide**

**MOTION S04-19-24-10 RNC Annual Community Guide**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights will donate \$275.00 to the RNC Annual Community Guide.

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

Councillors: G. Keating, W. Kelly

**MOTION CARRIED**

**Ratify Motion to Forward a Follow-up Letter to the owners of Dilapidated Buildings and Properties**

**MOTION S04-19-24-11 Mail Follow-up Letters to owners of dilapidated buildings and/or properties.**

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

**BE IT RESOLVED THAT** that Council will mail follow-up letters to the owners of properties at civic addresses:

41- 49 Veteran's Road  
749 Main Street  
33 Depot Road  
31 Depot Road  
924 Main Street  
455 Main Street  
244 Main Street  
38 Kings Point Road  
230 Main Street  
17A Church Road

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

Councillors: G. Keating, W. Kelly

**MOTION CARRIED**

**Ratify Motion to Approval Provincial Fencing to Fence the Laydown Area at Depot**

**MOTION S04-19-24-15 Fence Area behind the Municipal Depot for Laydown Area**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights approves retaining Provincial Fencing at the above quoted price, to fence the area behind the Municipal Depot.

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

**MOTION CARRIED**

**Ratify Motion to Purchase a Treadmill for Fitness Centre**

**MOTION S04-19-24-16 Purchase Treadmill**

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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights approves purchasing a treadmill for the Fitness Centre for the approximate cost of \$10,000.00.

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

**MOTION CARRIED**

**Ratify the Motion to Approve the Cheque List and Visa Statements**

**MOTION S04-19-24-17 Approve Cheque List & Visa Statement**

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

**BE IT RESOLVED THAT** the cheque list for the period of March 28, 2024, to April 18, 2024, in the amount of \$80,617.69. Council also approves payment of the Visa Statement for April in the amount of \$1,555.08.

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

**MOTION CARRIED**

**MANAGERS REPORT**

**From the Meeting of April 18, 2024**

New Horizons Seniors Grant – We were not successful in getting the New Horizons Seniors Grant. This funding was to be used to purchase additional equipment for the Fitness Centre.

Our Emergency Management Plan has been updated for 2024. A copy was sent out via Dropbox to all councilors.

Capital Works Project Waterline Replacement Phase 4. This is a \$654,593.00 project funded 90% by the province. The project will replace waterline from Ray Murphy's to the area past the government wharf. This project has officially started. Our kick-off meeting was held Wednesday, April 17, 2024. Cougar



Engineering and Construction won the bid for the work. They've agreed to hire local flagmen and/or laborers. They will also try to give the town notice when disruptions in water services are planned. This will allow Town Staff to get a OneCall out to keep residents informed.

The Kubota Side by Side was delivered on April 17, 2024. This will add to the town's ability to maintain our trail systems and our wet wells. The vehicle has been added to our insurance policy.

**Managers New Report:**

**Maturin Pond Walking Trail – Phase 2**

Mill & Wright will begin the field work of Maturin Pond Walking Trail Phase II in June. They will have someone walk the trail, gathering information on the terrain to note where boardwalk will be needed, the best placement of a bridge, if necessary. They will flag the best route and design the trail based on this information.

I've met with ACOA to discuss the possibility of a funding opportunity for phase 2 of the Maturin Pond Walking Trail development. I had a telephone meeting with Scott Cornish, Account Manager with ACOA, and a Teams meeting with Erin Kearsy, Development Officer with ACOA. We discussed funding new trail development under a program called Innovative Community Fund, (ICF). The first step is to submit a concept paper to ACOA. The concept paper will briefly outline the plan, what Council wishes to do and why. Once ACOA reviews the Concept Plan they will decide if this type of project would be considered for funding. The initial feedback from ACOA is that they want to partner with the town on this project. The ICF funding will partner ACOA, the province and the municipality. According to Scott Cornish, 90% funding could be approved, depending on the project.

We are working on the Concept Paper and will submit it when completed.

**MOTION 05-16-24-05 Maturin Pond Walking Trail Maintenance**

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

**BE IT RESOLVED THAT** Council approves submitting an Innovative Community Fund application to ACOA to development Phase 2 of the Maturin Pond Walking Trail.

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

**Councillors:** G. Keating, W. Kelly

**MOTION CARRIED**

**NEW BUSINESS**

**Maturin Pond Walking Trail Maintenance**

Two quotes were submitted for this work. The project will start as soon as we receive the permit to alter a body of water from the Department of Environment.

1. Josh Percy - \$29,000.00 plus HST
2. Double Sea Enterprise - \$30,000.00 plus HST

**MOTION 05-16-24-06 Maturin Pond Walking Trail Maintenance**

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

**BE IT RESOLVED THAT** Council approves hiring Josh Piercey for this work at the quoted price.

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

**MOTION CARRIED**

**Code of Conduct Complaint filed by Councillor Barry Murphy against Town Manager Juanita Gosse**

- *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 by Councillor Barry Murphy on March 4, 2024, for alleged incidents of November 16, 2023, and January 9, 2024. The complaint was investigated by Mr. Dan Noseworthy and Mr. Gerard Lewis of LW Consulting, pursuant to the Municipal Conduct Act. LW Consulting submitted their report to Council and the report was reviewed by Council in a privileged meeting held today, May 16, 2024.

The conclusion, as written in the report provided by LW Consulting, in respect to this complaint is as follows: *“From the perspective of this Report, it is determined that the actions and documentation provided for analysis do not support the allegation of a violation of the Town’s Code of Conduct – Respectful Workplace Policy.”*

Recommendation as written in the report provided by LW Consulting is as follows:

*“After reviewing files, documentations, letters, and/or notes relating to this complaint, it is determined that the allegations contained in the complaint filed by Councillor Barry Murphy against Town Clerk/Manager Gosse are not supported. As no breach of the Respectful Workplace Policy has been determined, there is no disciplinary action recommended.”*

Based on the findings and the recommendation of LW Consulting, Council will make the following motion:

**RESOLUTION 05-16-24-07 Code of Conduct Complaint against Town Manager**



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

**BE IT RESOLVED THAT** the Town Council of Long Harbour-Mount Arlington Heights dismisses the complaint filed against the Town Manager by Councillor Barry Murphy March 4, 2024.

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

**MOTION CARRIED**

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

*Mayor Walter Keating declared a conflict of interest as he is the complainant and left council chamber. Deputy Mayor Kevin McDonald 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.

Mayor Walter Keating filed a Code of Conduct Complaint against Councillor William Murphy for violations of Council's Code of Conduct for Councillors.

The complaint was investigated by JW Consulting Associates in accordance with the Municipal Conduct Act and the report was reviewed by Council in a privileged meeting held May 16, 2024.

Council agreed to the following:

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

**Section 3.1.1** – *Councillors must abide by council's Rules of Procedure.*

**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.*

**Section 3.5.1** – *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.*

**Section 3.6.3** – *All members of Council shall treat members of the public, one another, council staff and volunteers appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination, bullying and harassment.*

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

**RESOLUTION 05-16-24-08 – Suspension of Councillor for Breach of the Code of Conduct - Councillor**

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

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

**MOTION CARRIED**

*Mayor Keating returned to the chair and asked Councillor William Murphy, who was sitting in the public gallery, to stop recording the meeting. Councillor Murphy said no, he will not. He said he was about to leave.*

*Mayor Keating asked for a motion to adjourn the meeting.*

**ADJOURNMENT**

**MOTION 05-16-24-09 Adjournment**

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

**BE IT RESOLVED THAT** the meeting be adjourned at 7:21 pm.

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

**MOTION CARRIED**

  
Walter Keating  
Mayor

  
Juanita Gosse  
Town Clerk/Manager