

June 13, 2017

Email: [REDACTED]

Dear [REDACTED]:

**Re: Request for Access to Information Under Part II
of the Access to Information and Protection Privacy Act**

On June 6, 2017, the City of St. John's received your request for access to the following information:

"I am looking for all correspondence between Andy Wells, chair of the Public Utilities Board, and mayor and city councillors between December 2015 and May 2017."

Enclosed is the information you requested. As the provision of the information constitutes full disclosure, we now consider this matter completed and will be closing the file.

If you have any further questions, please feel free to contact the undersigned by telephone at 576-8619 or by e-mail: kchafe@stjohns.ca

Yours truly,



Karen Chafe
ATIPP Coordinator

ST. JOHN'S



Re: Neil Martin's severance
Sheilagh O'Leary to: Kevin Breen

2016/05/13 02:07 PM

Thanks Kevin
Sheilagh
Ward 4

Sent from my iPhone

On May 13, 2016, at 12:53 PM, Kevin Breen <KBreen@stjohns.ca> wrote:

Yes, it will be similar to what we have provided by way of explanation previously. We will work on a draft.

Sent from my iPhone

On May 13, 2016, at 12:07 PM, Jonathan Galgay <jgalgay@stjohns.ca> wrote:

Kevin,
Perhaps legal can review this request and prepare a response. Thanks
Jonathan

Jonathan P. Galgay
Councillor, Ward 2
City of St. John's
[\(709\) 576 7144](tel:(709)5767144)

On May 13, 2016, at 11:45 AM, City Clerk and Council <Q2l0eSBDdbGVyayBhbmQgQ291bmNpbC9DU0o=@lnt.noninternet.sub> wrote:

Good Afternoon:

Andy Wells is looking for the answer to many questions as posed in the email below.

Elaine Henley
City Clerk

----- Forwarded by Elaine Henley/CSJ on 2016/05/13 11:44 AM -----

From: Andy Wells <awells@pub.nl.ca>
To: "cityclerk@stjohns.ca" <cityclerk@stjohns.ca>
Date: 2016/05/13 10:32 AM
Subject: Neil Martin's severance

Please forward the enclosed to Councillor Galgay, Chairman of Council's Finance Committee with copies to other members of Council.

Councillor Galgay:

Would you please advise me how it came to pass that Mr. Martin was paid both for unused sick leave and severance allowance in the recently announced retirement package. Terminating employees are eligible for one or the other but not both based on their year of their commencement of employment. In 1980 Council changed its policy re: severance ending the practice of paying departing employees for unused sick leave and replacing it with severance pay based on one week for every year of service.

Pre-1980 employees were 'grandfathered in.' I understand that Mr. Martin's employment commenced after 1980 so he was clearly not eligible for unused sick leave payout. I am requesting an investigation into this matter and have number of questions inter alia: Who on Council or in the Depts of Finance or HR knew about this policy? If nobody knew how come? Did Council know and proceed anyway to agree to this payout? Who represented the taxpayers in the negotiation of Mr. Martin's contract of employment and separation package? Who voted for same? If the 1980 policy was changed when? I am requesting full disclosure of all minutes of ANY Council meeting at which this matter was discussed. Were any other recently terminating employees in receipt of both benefits? I would encourage Council to be candid in this matter. Behind closed doors will "not play in Perioia". Andy Wells.d



Response to email
Jonathan Galgay to: awells
Bcc: Dennis O'Keefe

2016/05/16 02:18 PM

Mr. Wells:

There has been no change to the City's policy regarding retiring allowance, also known as severance pay. City employees hired on or prior to December 31, 1979 receive a payout of unused sick leave upon retirement. Employees hired after December 31, 1979 are not entitled to a sick leave payout, rather they receive one week's pay for each year of service. Council is aware of this policy.

The circumstances of Mr. Martin's employment were unique. When Mr. Martin was appointed to the City Manager position, he entered into a written contract with a termination date of [October 31, 2017](#). The contract did not stipulate entitlement upon early retirement or resignation. When negotiating a fair retirement package, Council had to consider many factors including Mr. Martin's health, positions and responsibilities held, years of service, accrued benefits, and the terms of his written contract. We considered all circumstances and in consultation with the City Solicitor agreed on a retirement package that included accrued benefits as well as severance pay. No other recently terminated employees received both benefits. Mr. Martin's employment contract was discussed and legal advice provided to council at a Special Meeting, therefore minutes of this meeting will not be released pursuant to the *Access to Information and Protection of Privacy Act, 2015*.

Regards,

Jonathan Galgay
Chair, Finance and Administration Committee



Re: YOUR COMMENTS IN TODAY'S TELEGRAM
Andy Wells to: Jonathan Galgay

2016/06/01 08:15 PM

You're clearly gramatically challanged.

On 2016-06-01, at 3:35 PM, Jonathan Galgay wrote:

Your clearly in position to lecture me on respect. Any further issues contact your Ward councillor. Have a great day.

Jonathan P. Galgay
Councillor, Ward 2
City of St. John's
[\(709\) 576 7144](tel:(709)5767144)

On Jun 1, 2016, at 9:16 AM, Andy Wells <awells@pub.nl.ca> wrote:

You should treat citizens who pay the taxes with more respect. AHW

From: Jonathan Galgay <jgalgay@stjohns.ca>

Date: Wednesday, 1 June, 2016 10:42 AM

To: Andy Wells <awells@pub.nl.ca>

Cc: "Council_group@stjohns.ca" <Council_group@stjohns.ca>

Subject: Re: YOUR COMMENTS IN TODAY'S TELEGRAM

I suspect your planning another run for the mayors chair. I'm not playing into your petty games.

Jonathan P. Galgay
Councillor, Ward 2
City of St. John's
[\(709\) 576 7144](tel:(709)5767144)

On Jun 1, 2016, at 10:33 AM, Andy Wells <awells@pub.nl.ca> wrote:

"A staff budget"

"the budget was crafted solely by staff. Members of Council had little influence over the budget."

Would you please advise me how much time Council collectively spent in budget deliberations. Was the budget approved in a Public Meeting of Council? Did you vote against the budget and note your objections to the process and the substance of the budget? Blaming staff for your incompetence is always the cowards way out. A truly shameful display. Reprehensible in the extreme. Noted in dispatches. AHW



Re: hockey subsidy
Dennis O'Keefe to: Danny Breen

2016/09/19 08:26 PM

Danny

Got it and just sent a suggestion!

Sent from my iPhone

On Sep 19, 2016, at 7:16 PM, Danny Breen <DBreen@stjohns.ca> wrote:

FYI I texted you my draft response

Sent from my iPhone

Danny Breen

Councillor, Ward 1

City of St. John's, NL

Office (709) 576-2332

Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>

Date: September 19, 2016 at 12:19:05 PM NDT

To: "dbreen@stjohns.ca" <dbreen@stjohns.ca>

Subject: re: hockey subsidy

In your announcement two years ago you made reference to an economic study that identifies economic benefits for AHL HOCKEY. Can you provide me a copy.
AHW



Re: Freedom of Information By-Law 2005

Jonathan Galgay to: Kevin Breen

Cc: Dennis O'Keefe

2016/09/20 02:40 PM

He sent this from his work account. This is problematic as one would question is he seeking this for personal reasons or in his official capacity. I'd ask for clarification from the clerk of executive council. Thank you.

Jonathan P. Galgay
Councillor, Ward 2
City of St. John's
[\(709\) 576 7144](tel:(709)5767144)

On Sep 20, 2016, at 2:32 PM, Kevin Breen <KBreen@stjohns.ca> wrote:

fyi.....and on it goes...

Kevin Breen,
City Manager
City of St. John's
P.O. Box 908
A1C 5M2
(709) 576-8446

----- Forwarded by Kevin Breen/CSJ on 2016/09/20 02:31 PM -----

From: Kevin Breen/CSJ
To: Andy Wells <awells@pub.nl.ca>
Date: 2016/09/20 02:30 PM
Subject: Re: Freedom of Information By-Law 2005

So let me get this straight.....you see no conflict between section 4.2 and ATIPP?? So if we settle a dismissal grievance and pay off the employee, the merits and the outcome must be debated and voted on at a public meeting?

Kevin Breen,
City Manager
City of St. John's
P.O. Box 908
A1C 5M2

(709) 576-8446

Andy Wells ---2016/09/20 12:17:26 PM---I am not interested in a response because candour is not something that you or Council are interested

From: Andy Wells <awells@pub.nl.ca>
To: Kevin Breen <KBreen@stjohns.ca>
Date: 2016/09/20 12:17 PM
Subject: Re: Freedom of Information By-Law 2005

I am not interested in a response because candour is not something that you or Council are interested in. There is no conflict between the FOI By-Law(2005) and ATIPP. Council and its bureaucrats are trying to shutdown public debate and I assure you, you will not get away with it. AHW

From: Kevin Breen <KBreen@stjohns.ca>
Date: Monday, 12 September, 2016 6:01 PM
To: Andy Wells <awells@pub.nl.ca>
Subject: Re: Freedom of Information By-Law 2005

Andy, see response in red below....

Kevin.

Kevin Breen,
City Manager
City of St. John's
P.O. Box 908
A1C 5M2
(709) 576-8446

From: Andy Wells <awells@pub.nl.ca>
To: Kevin Breen <KBreen@stjohns.ca>
Date: 2016/09/01 12:13 PM
Subject: Re: Freedom of Information By-Law 2005

This is clearly a waste of time, but I do have some final questions.
Tell me how Sec.1.1 of ATIPP invalidates Sec.4.2 of the By-Law.

It was not section 1.1, it is 7.1 of ATIPPA....type o on my part. Section 4.2 of the bylaw provides that Council cannot vote for a financial benefit to any member of council or staff at a private meeting. As previously noted collective agreements and the City Manager's contract are brought to Council for ratification. Additionally reimbursement for travel by either a councillor or a staff member is also on the agenda of the public meeting and council's remuneration scheme is brought to the public meeting. The exceptions provided for in ATIPPA relate primarily to sections 30 - legal advice (ie. discussion/approval of a settlement in relation to termination of employment), section 38 - matters harmful to labour relations (ie grievance settlements such as a settlement of a termination of a unionized employee), and section 40 - matters related to personal privacy as defined by the Act (ie. tax matters, settlements of claims in relation to workplace harassment and the like).

Were the tax concessions re: AHL hockey voted at a public meeting in compliance with the provisions of Sec.5.(I note the requirement of notice of motion)? If voted at a private meeting, I request minutes of same.

On September 15, 2014, Council, approved an additional 350 K per year for 2 years which allowed St. John's Sports and Entertainment to renegotiate its lease agreement with the St. John's Ice Caps. The result was a 350K reduction in the lease fee payable to SJSE each year for the following 2 years.. I have no direct knowledge of this and cannot comment on the substance of the discussions. I assume this is what you are referring to, however it is not a tax concession. This was a lease renegotiation and a legal matter properly discussed and decided on by Council at the Special meeting. Council approved the release of the minute directive from that meeting as follows:

Update . St. John's Ice Caps Contract Extension

Further to the directive of the last special meeting of Council, Councillor Breen reported that the Board of Directors for St. John's Sports and Entertainment had met and discussed Council's position in response to their request for an additional \$350,000 for the next two years. Councillor Breen stated that the Board acknowledged Council's position and it is prepared to review options to offset any additional subsidy during its budget review process. While some members of Council expressed concern with the lack of more definitive and immediate action, Councillor Breen advised that Mile One operations are very unique in so far as it relies heavily on major acts/shows to generate revenue, most of which are difficult to predict a year in advance. It was also noted that, notwithstanding the requested subsidy,

there will likely be a loss of revenue for SJSE this coming year as construction of the new convention centre has negatively impacted on hosting many events. Discussion concluded with the introduction of the following motion:

SJMC2014-09-15/171S

It was decided on motion of Councillor Breen; seconded by Councillor Tilley: That Council approve a subsidy to St. John's Sports and Entertainment in the amount of \$350,000 per year in each of the next two years, the purpose of which is to allow SJSE to provide a reduced rental rate to the St. John's Ice Caps during their two year contract extension. SJSE will make every effort in its budget review process to recoup the additional subsidy increase of \$350,000 through additional revenues and expenditure reductions.

There voting for the motion were the mover and the seconder, Councillors Puddister, Hickman, Galgay, Collins, O'Keefe. Dissenting were Deputy Mayor Ellsworth, Councillors Davis and Hann.

The motion being put was carried.

It was further agreed that Council's approval of this decision will be incorporated in the City's 2015 operating budget presentation.

I also note that individual tax accounts are personal financial information that is protected under ATIPPA (2015) sections 39 and 40.

I did not ask you if Council is now in compliance with ATIPP and the By-Law, I asked you WAS Council in compliance with the FOI BY-LAW in the period 2008 –2015?

Yes, except where the bylaw was superseded by ATIPPA in which case ATIPPA was complied with.

WHEN WILL council be giving notice of motion to amend the FOI BY-LAW.
It will be coming before Council next week. It is up to Council what they do with it.

From: Kevin Breen <KBreen@stjohns.ca>

Date: Monday, 22 August, 2016 9:52 AM

To: Andy Wells <awells@pub.nl.ca>
Cc: Linda Bishop <LBishop@stjohns.ca>
Subject: Re: Freedom of Information By-Law 2005

Andy:

See my responses in red below. I hope all your questions have been answered.

Kevin Breen,
City Manager
City of St. John's
P.O. Box 908
A1C 5M2
(709) 576-8446

From: Andy Wells <awells@pub.nl.ca>
To: Kevin Breen <KBreen@stjohns.ca>
Date: 2016/08/09 10:59 AM
Subject: Re: Freedom of Information By-Law 2005

Your response to my email raises more questions than it answers. I am of course not surprised. I have the following supplementary questions.
First of all you state that "the FOI By-Law(2005) is not invalidated in the whole." What does that mean? What provisions of the FOI(2005) have been invalidated by ATIPPA(2015)?

The only section of the bylaw which is invalid is section 4.2.

"4.2 It shall be a violation of this By-Law for Council to vote for any financial benefit to any Member of Council or any member of Staff at a private meeting."

This contradicts section 1.1 and the provisions of ATIPPA.

Section 5 on tax concessions states as follows:

5. Tax

Concession

s

5.1

Corporations seeking tax concessions must be prepared to publicly justify their case; and no discussions of tax concessions shall be permitted at Special Meetings.

5.2 All

Council votes on tax concessions must be preceded by a four week notice to the general public of such vote.

This provision is not invalid however, exceptions for taxation are processed at the staff level in accordance with the City of St. John's Municipal Taxation Act, while collections, which are legal matters, and Payment Review Board, which contains personal financial

information, are for the Special Meeting agenda.

Has Council a legal opinion(s) which it used in making its decision? Please provide a copy of same.

Your question is not clear. To which decision of Council are you referring? Council did not make a decision to make invalid any portion of the bylaw. This was done by virtue of the Province enacting ATIPPA. There would be no legal opinion required.

Please provide minutes of any meetings, public or private, at which these matters were discussed.

Why has FOI(2005) not been amended to reflect the new dispensation and properly displayed on the City's web page. This should be done at once.

This is a good point and the bylaw will be amended to remove the invalid provision.

We are entitled to clarity in this matter.

Finally pre-ATIPPA, I repeat the question in my email of July 26. Did Council follow the provisions of FOI(2005) in the years 2008-2015 as it was legally required to do?

Both ATIPPA (enacted in 2002) and ATIPPA 2015 (the "Acts") contain provisions stating that where there is a conflict between the Act or its regulations and any other legislation, such as the Freedom of Information By-Law, the Acts shall prevail. This is a common transitional provision in legislation. Council is in full compliance with both the ATIPPA Legislation and the Bylaw.

Andy Wells

From: Kevin Breen <KBreen@stjohns.ca>
Date: Thursday, 4 August, 2016 9:36 AM
To: Andy Wells <awells@pub.nl.ca>
Subject: Re: Freedom of Information By-Law 2005

The FOI By Law of 2005 is not invalid in the whole. Certain sections of the bylaw have

been superseded by the Access to Information and Protection of Privacy Act, 2015. Section 7(1) of ATIPPA, 2015 states:

"Where there is a conflict between this Act or a regulation made under this Act and another Act or regulation enacted before or after the coming into force of this Act, this Act or the regulations made under it shall prevail."

There are certain provisions of the By-Law which are still valid and in practice such as provisions respecting the subject matter of Special Meetings of Council (Section 1), the ratification of collective agreements and the tabling of employment contracts (section 4.1 and 4.3). Council and staff are not ignoring the bylaw.

Regarding your last two questions, would you be more specific? My terms and conditions of employment are yet to be finalized.

Kevin Breen,
City Manager
City of St. John's
P.O. Box 908
A1C 5M2
(709) 576-8446

From: Andy Wells <awells@pub.nl.ca>
To: "citymgr@stjohns.ca" <citymgr@stjohns.ca>
Date: 2016/07/26 11:44 AM
Subject: Freedom of Information By-Law 2005

Can you advise me why the FOI By-Law(2005) is still listed on the City's Web Page. According to the Mayor it became invalid as a consequence of the ATIPP Act of 2015. Was it officially rescinded? If it is not rescinded why are Council and senior staff systematical ignoring it. Prior to ATIPP was the By-Law respected by Council and senior staff? Was it followed with respect to your employment as City Manager? If not, why not? ANDY WELLS



Fwd: hockey subsidy
Danny Breen to: Linda Bishop
Cc: Dennis O'Keefe

2016/09/28 03:47 PM

Mayor asked me to send you this. One more to follow.

Sent from my iPhone

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: September 20, 2016 at 11:37:01 AM NDT
To: "Danny Breen" <DBreen@stjohns.ca>
Subject: Re: hockey subsidy

Were you or were you not the Chairman of the Finance Committee when the AHL subsidy was agreed to by Council behind closed doors and in conflict with the 2005 FOI By-law? Was it not you who made the announcement on behalf of Council? If it was you who made announcement are you telling me that you cannot remember making reference to an economic study on the supposed benefits of AHL hockey? If indeed it was another member of Council, who made the announcement and the reference to the study? It would appear that if said study exists nobody read it and Council was deliberately misleading the taxpayers of the City whose money you were spending. Breaking the By-Laws of Council and deliberately misleading taxpayers are serious matters but apparently of no concern to you or the other members of this deplorable council. AHW

From: Danny Breen <DBreen@stjohns.ca>
Date: Monday, 19 September, 2016 9:47 PM
To: Andy Wells <awells@pub.nl.ca>
Subject: Re: hockey subsidy

Hi Andy thanks for your email, I hope all is well.

Please forward to me the article or announcement you are referring to so I can find the information you requested.

Thanks,

Danny

Sent from my iPhone

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332

Mobile (709) 725-9259

On Sep 19, 2016, at 12:19 PM, Andy Wells <awells@pub.nl.ca> wrote:

In your announcement two years ago you made reference to an economic study that identifies economic benefits for AHL HOCKEY. Can you provide me a copy.
AHW



Fwd: Your memory loss
Danny Breen to: Linda Bishop
Cc: Dennis O'Keefe

2016/09/28 03:47 PM

Sent from my iPhone

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: September 28, 2016 at 12:12:07 PM NDT
To: "Danny Breen" <DBreen@stjohns.ca>
Subject: **Your memory loss**

For your information the meeting at which you moved the motion of subsidy to the SJIC was held on Sept.15,2014. You issued/made your press release/comment on that day or the next. Does that help your memory re: the economic study? O what a tangled web we weave, when we first practice to deceive. A Council of deceit which will be exposed collectively for what it is. AHW



Fwd: Hockey subsidy
Danny Breen to: Dennis O'Keefe

2016/10/05 12:50 PM

FYI

Sent from my iPhone

Danny Breen

Councillor, Ward 1

City of St. John's, NL

Office (709) 576-2332

Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: October 5, 2016 at 12:15:38 PM NDT
To: "Danny Breen" <DBreen@stjohns.ca>
Subject: Hockey subsidy

I am now in possession of the minutes of SJMC2014-09-15/171S. I presume the S refers to a special meeting. In that meeting you referenced and I quote "Council's position in response to their (SJSE) request for an additional \$350,000 for the next two years." Will you please advise me forthwith what Council's position was on this matter. Is there a document? If so I want a copy of same and a copy of the minutes of the Council Special meeting when this matter would have been discussed. I also ask you once again to confirm or deny that you made an announcement that a decision to pay the \$700,000 SUBSIDY WAS MADE BY YOU at or shortly after the date in question and that the justification was an economic study which purported to show the economic value of AHL hockey. If of course you refuse to comply with my request I will go the official route and note your lack of consideration for a legitimate taxpayer request. ANDY WELLS



Response from City Manager

Janet Adams to: awells

Cc: Council_group

2016/10/05 03:42 PM



Wells Letter SJSEL- Breen.pdf

Please see attached letter from Kevin Breen, City Manager.

Janet Adams
Executive Assistant
Offices of the Mayor and City Manager
576-8207/576-8446



Fwd: Hockey subsidy
Danny Breen to: Dennis O'Keefe

2016/10/06 12:31 PM

FYI

Sent from my iPhone

Danny Breen

Councillor, Ward 1

City of St. John's, NL

Office (709) 576-2332

Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: October 6, 2016 at 12:11:14 PM NDT
To: "Danny Breen" <DBreen@stjohns.ca>
Subject: Re: Hockey subsidy

I am asking you once again. What is that you are talking about in the minute of 2014-09-15 wherein it is noted that "Councillor Breen reported that the Board of Directors of SJSE had met and discussed Council's position in response to their request for an additional \$350,000 for the next two years?." What was Council's position? Is there a document? Where are the minutes at which "Council's position " was discussed? On what basis was Council prepared to offer increased subsidy? We are talking about an expenditure of \$700,00 voted at an illegal privileged meeting. I assume only the first 350,000 was transferred. The money went from one public body, Council, to another public body SJSE and yet you as the instigator did not have the decency to inform taxpayers (so you say) that their money was being spent in this cavalier manner without any supporting documentation according to the minutes. I am also requesting the minutes of the SJSE meeting at which Council's position was discussed. This is public money and we are entitled to full public disclosure in this matter which was the very circumstance that my FOI By-Law was passed to address.

From: Danny Breen <DBreen@stjohns.ca>
Date: Wednesday, 5 October, 2016 9:48 PM
To: Andy Wells <awells@pub.nl.ca>
Cc: Elaine Henley <Ehenley@stjohns.ca>
Subject: Re: Hockey subsidy

Mr. Wells:

I note the City Clerk has provided you with the information you requested and also noted that no official announcement was made by myself with regards to this.

I have forwarded your latest email to the City Clerk to ensure you have been provided all the information you are requesting.

Thank you.

Sent from my iPhone

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

On Oct 5, 2016, at 12:15 PM, Andy Wells <awells@pub.nl.ca> wrote:

I am now in possession of the minutes of SJMC2014-09-15/171S. I presume the S refers to a special meeting. In that meeting you referenced and I quote "Council's position in response to their (SJSE) request for an additional \$350,000 for the next two years." Will you please advise me forthwith what Council's position was on this matter. Is there a document? If so I want a copy of same and a copy of the minutes of the Council Special meeting when this matter would have been discussed. I also ask you once again to confirm or deny that you made an announcement that a decision to pay the \$700,000 SUBSIDY WAS MADE BY YOU at or shortly after the date in question and that the justification was an economic study which purported to show the economic value of AHL hockey. If of course you refuse to comply with my request I will go the official route and note your lack of consideration for a legitimate taxpayer request. ANDY WELLS



Re:
Andy Wells to: Jonathan Galgay

2016/10/27 04:25 PM

History:

This message has been forwarded.

You have failed to address the \$700,000 illegal payment to SJSE. As I said to Coun.Breen this is not going away. You and the rest of Council can deal with this issue honestly or suffer the consequences. You should understand by now that I do not give up and will go to court if necessary to prove that you acted illegally. I will argue for a jail sentence for the lot of you to set a badly needed example of what should be done when there is no respect for the rights of oppressed taxpayers. Andy Wells

On 2016-10-27, at 1:33 PM, Jonathan Galgay wrote:

I have instructed staff to prepare the documents, which is currently underway. Once I receive them I will forward along. If there is any further clarification you require once you receive them, please let me know.

Jonathan

Jonathan P. Galgay
Councillor, Ward 2
City of St. John's
[\(709\) 576 7144](tel:(709)5767144)



Re: Council Illegality
Dennis O'Keefe to: Danny Breen

2016/10/30 07:52 PM

Wow! He rivals Trump! Ignore him! He still doesn't understand there was no subsidy but a renogiated lease!

Sent from my iPhone

On Oct 26, 2016, at 5:58 PM, Danny Breen <DBreen@stjohns.ca> wrote:

FYI

Sent from my iPhone

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: October 26, 2016 at 12:13:22 PM NDT
To: "Danny Breen" <DBreen@stjohns.ca>
Subject: Council Illegality

You can stonewall the issue all you want but it is not going away. The meeting of Sept.15,2014 was illegally constituted and the motion instigated by you was illegal passed. All current members of Council are therefore liable to a fine of \$5000 OR JAIL under Sec.403 of the City of St.John's Act. To avoid prosecution you must follow the provisions of Freedom of Information By-Law (2005), I.e. You must give notice of motion at least 4 weeks in advance of the motion to grant the subsidy of \$700,00,SJSE must make a public case for the subsidy and the taxpayers will have the opportunity to know how you propose to spend their money. The matter is quite simple: Do you and the rest of Council respect the rights of taxpayers or not? So far you have shown no respect. I note you are in deliberations re: the 2017 budget. Taxpayers expect serious reductions.Tokenism will not suffice.

ANDY WELLS,
Taxpayer



Fwd: Hockey subsidy

Danny Breen to: Elaine Henley, Kevin Breen, Linda Bishop
Cc: Dennis O'Keefe

2016/11/04 12:05 PM

FYI

Sent from my iPhone

Danny Breen

Councillor, Ward 1

City of St. John's, NL

Office (709) 576-2332

Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: November 4, 2016 at 12:02:53 PM NDT
To: "Danny Breen" <DBreen@stjohns.ca>
Subject: **Hockey subsidy**

You have not seen fit to respond to my last email on this matter which I repeat is not going away. You will not evade responsibility for your financial illegality and irresponsibility. I have written the City Clerk asking if the \$700,000 you squandered was paid in a lump sum or were there two installments, one each for fiscal '16 and fiscal '17. If this matter is not properly addressed in the context of the current budget review, I can assure you that there will be political consequences for you and every other member of Council who are a party to this illegality. Time to step up to the plate and show some political courage. Acknowledge the error of your ways and seek forgiveness from the taxpayers who you kept uninformed as to how their money was illegally squandered.
AHW



FW: BUDGET REVIEW
Andy Wells to: Jonathan Galgay

2016/11/04 12:10 PM

History:

This message has been forwarded.

When can I expect a reply to this email?.

I have advised your partner in illegality Coun.Breen that a failure by this Council to properly deal with this matter will have political consequences for all members of Council. I strongly recommend that you take me very seriously. I do not give up and I am not a neophyte in these matters. AHW

From: Andy Wells <awells@pub.nl.ca>
Date: Thursday, 27 October, 2016 12:01 PM
To: Jonathan Galgay <jgalgay@stjohns.ca>
Subject: Re:BUDGET REVIEW

I understand from media reports that under your inspired leadership a review of the unconscionable level of municipal spending which has characterized Council over the past seven years or so is underway. So far you have apparently identified some \$13-20 m. in savings. This is ostensibly impressive but context is important. To assist those of us who are interested in this issue (and we are legion) I am asking that the following information be made immediately available to the taxpayers of the City:

2008 budget with per capita expenditures vs 2016 budget with same

2008 salary costs per employee inclusive of all payroll and any other related costs vs 2016

2008 salary costs (all in) vs 2016 costs per classification for the senior executive group—top ten paid positions

2008 costs as above for Local 569 and Local 1289 vs 2016

The same as above for the supervisory/non-bargining unit group,Fire Dept and Nape

Total payroll burden as per above 2008 vs 2016

Total number of employees 2008 vs 2016

Population of COSJ 2008 VS 2016.

On a related matter of unnecessary tax expenditure by the Council I have already informed Coun.Breen who was the instigator of the motion re: SJSE subsidy that the meeting of Sept. 9/14 was illegally constituted as contrary to the Freedom of Information By-Law 2005. This renders the decision to provide a \$700,000 subsidy for hockey null and void but unless reversed renders members of Council liable to legal action under the COSJ Act Sec403 and if found guilty in a court of law a fine of up \$5000 or jail (my preference). I have asked Coun. Breen to do the honourable thing and give the requisite 4 week notice of motion if he wishes to make this expense legal.

The people are watching and will not be fooled by and legerdemain.

Andy Wells.



Fwd: BUDGET REVIEW
Danny Breen to: Dennis O'Keefe

2016/11/04 03:36 PM

Sent from my iPhone

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Jonathan Galgay" <jgalgay@stjohns.ca>
Date: November 4, 2016 at 12:12:32 PM NDT
To: "Kevin Breen" <KBreen@stjohns.ca>, "Linda Bishop" <LBishop@stjohns.ca>, "Danny Breen" <DBreen@stjohns.ca>
Subject: Fwd: BUDGET REVIEW

See below

Jonathan P. Galgay
Councillor, Ward 2
City of St. John's
[\(709\) 576 7144](tel:7095767144)

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: November 4, 2016 at 12:10:50 PM NDT
To: "Jonathan Galgay" <jgalgay@stjohns.ca>
Subject: FW: BUDGET REVIEW

When can I expect a reply to this email?.

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The people are watching and will not be fooled by and legerdemain.

Andy Wells.



Fw: 105 New Cove Rd.
City Clerk and Council to: Council_group
Sent by: **Elaine Henley**

2017/01/18 04:48 PM

Good Afternoon:

Mr. Wells has asked that I forward his email to Councillor's O'Leary and Lane; however, he references all Council in the content and as such I felt all should be copied.

Elaine

----- Forwarded by Elaine Henley/CSJ on 2017/01/18 04:47 PM -----

From: Andy Wells <awells@pub.nl.ca>
To: City Clerk and Council <cityclerk@stjohns.ca>
Date: 2017/01/18 10:38 AM
Subject: 105 New Cove Rd.

Would you please forward this message to O'Leary and Lane.

I am writing with respect to the recent announcement of the a \$9 million lawsuit against Council by the owners of 105 New Cove Rd. You have exposed taxpayers to a liability in this matter that we should not have to assume. Additionally you have made deceived the public because both of you have made statements to the effect that the Council was working with the property owners to effect an acceptable solution. Please document what discussions or documentation you have that led you to make these statements. Additionally all members of Council who supported your very irresponsible motion should assume separately and jointly full responsibility for any liabilities that may arise. It is clear that the owners have a good case and why should the taxpayers of the City be liable for your irresponsibility. Even if you are successful the City will lose because the owners have clearly indicated that they are not interested in restoration. Millions of dollars in potential development activity has been lost as well as permit fees, development fees and tax revenue just so you and the rest of Council who supported this foolishness could troll for votes at our expense. It is clear that the public do not support you in this matter by a large majority and Council has exposed taxpayers to a huge liability even if successfully defended is a recipe for stagnation and waste. Andy Wells



Re: You
Dennis O'Keefe to: Danny Breen

2017/02/22 10:04 PM

Danny

Note this one is from the PUB system.

Sent from my iPhone

On Feb 22, 2017, at 3:47 PM, Danny Breen <DBreen@stjohns.ca> wrote:

I don't usually distribute these salvos from the Chair of the Public Utilities Board widely however I believe although it is addressed and directed at me personally it involves all of Council.

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: February 22, 2017 at 3:33:43 PM NST
To: "DBreen@stjohns.ca" <DBreen@stjohns.ca>
Subject: You

I see from the paper you may run for mayor. Please do as this would be the easiest way to get rid of you thereby giving the taxpayers a badly needed break. And the rest of the incompetents and worse that are this Council. You will all be tied together in a web of waste,dishonesty,corruption,deceit in a campaign that will expose you all for what you really are: the worst Council by far in the history of this benighted city.

Here is just a partial list of issues / decisions that you will be forced to defend. If you think I am bluffing check my info frequents.

The biggest increase in taxes in the history of this City. Tell us as a consequence how we are better off.

Abdication of responsibility. Presumably you agree with your fool of a colleague Galgay that the 2016 budget was a "staff budget" and you played no role in its creation.

A 2017 budget that adjusted for inflation cut expenses by only about 4 percent. Did you play a role in that farce or were you on the sidelines this time as well. A 700000 dollar hockey subsidy..private meeting ...no justification...no public notification.

Hypocrisy...at the public meeting on the other hand and in the context of a

discussion on the subsidy for the CC Conference you stated " we always do an economic analysis before we spend money like this." O my I forget about the hockey subsidy says you. I will

of course get the exact transcript if you can't erase it.

You will be required to tell the taxpayers why they were not asked if they agreed to spend their money on such nonsense as :

A million dollar PR Dept

A Dept of something called Strategy and Engagement with a Director getting over 200000 dollars a year

Six overpaid and underworked Assistant City Managers at an extra cost of around 600000 dollars annually with no public discussion,debate or vote

3.4 million dollars in a special retirement allowance with no public notification,justification or vote

Orchestrating the undermining of the incumbent City Transportation Engineer at a cost of 500000 dollars. Hiring someone not qualified who was let go after less than two years and paying him 115000 in severance

Exposing the taxpayers to an Eight million dollar lawsuit re: 105 New Cove Rd.

You will be required to tell us why you did not have the decency and common sense to ask us if we were willing to underwrite this foolish risk. You will be called to account for turning down a redevelopment project that had a badly needed twenty million dollar value,that would have created 150-200000 dollars in taxes and permit fees and your hypocrisy in allowing the demolition of 9 Garrison Hill

You will be called to account for the same reason on a redevelopment project for Holloway St..details to be obtained

You will be called into account for maintaining a 'heritage hit list' of private properties that you will designate as heritage if owners decide to exercise their legal property rights and seek demolition

You will be forced to acknowledge that you did not understand or choose to ignore the By-laws of this City

And if I am correct you will be charged in a court of law for your ignorance and deceit

And this is just the start as I delve deeper and more comprehensively into the activities if this Council

PS: I did not mention the bike Lane tomfoolery,Hanns Conflict of interest waste,City of St.John's Housing investigation,rising taxes for subsidized housing(do we have any rights to be informed on anything you adult children do)

With much more to come I await your announcement

AHW



Re: you again
Dennis O'Keefe to: Danny Breen

2017/03/02 10:41 AM

Mmmmmmm!

Sent from my iPhone

On Mar 2, 2017, at 10:39 AM, Danny Breen <DBreen@stjohns.ca> wrote:

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: March 2, 2017 at 10:19:32 AM NST
To: "Danny Breen" <DBreen@stjohns.ca>
Subject: you again

Just to let you know I have filed an ATTIPA request for the transcript of the public meeting where you made the statement "we always do an economic analysis when we spend money like this" to get your exact words because they will come back to haunt you in the coming months. I am also requesting info. about the exact way in which the money was paid to SJSE and from there to the Icecaps. Was the 700,000 paid in one installment? Was it paid in two installments? When was or were the amounts transferred? I want a copy of the cheque(s) issued or printed evidence or how the transfer was made.

What is especially corrupt about this expense which you orchestrated was that neither you or any other member of Council made any attempt to determine whether or not the Icecaps were profitable and I have been advised by a number of very credible people that the team at least for the last season was very profitable, making somewhere between a \$2.5-3.5 million dollar profit. To believe that you did not know this is unbelievable and you will be forced to deny same in public exposing you as either a nincompoop or liar. In my opinion you are both. O what a tangled web we weave, when we first practice to deceive should be your reelection campaign slogan. AHW



Re: You
Ron Ellsworth to: Danny Breen

2017/03/21 06:33 PM

Geez not sure how he feels about you
From the pub email again

Sent from my iPhone

On Mar 21, 2017, at 4:41 PM, Danny Breen <DBreen@stjohns.ca> wrote:

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: March 21, 2017 at 4:23:52 PM NDT
To: "DBreen@stjohns.ca" <DBreen@stjohns.ca>
Subject: You

I am in Mexico and thinking of you,our new deputy mayor. What a joke you are. Here is another ad that I am working on that will be in every house and business in the city:

Danny Breen and some of our tax dollars over the past eight years:

Strategy and Engagement: 1 million a year for 8 years:8 million wasted,

Public Relations: 1 million a year for 8 years:8 million wasted

ATIPPA farce: 1 million a year for 8 years.

Total wasted 24 million

Waste of our tax dollars brought to you by Danny(I can't remember) Breen.

I have not begun to hound and expose you for the small time poseur(look it up) that you are. There is a much better chance of getting rid of you if you run for mayor. So step up and run on your record.

This ad is being paid for by the committee to unelect Danny Breen. I have more ads under development. AHW.

How come you are such a coward.

Sent from my iPad



Re: You
Dennis O'Keefe to: Danny Breen

2017/03/21 08:12 PM

Wow! He should stay in Mexico!

Sent from my iPhone

On Mar 21, 2017, at 4:36 PM, Danny Breen <DBreen@stjohns.ca> wrote:

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
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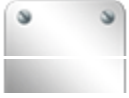
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How come you are such a coward.

Sent from my iPad



Fw: Hockey subsidy
Kevin Breen to: Council_group

2017/05/03 05:38 PM

fyi....

Kevin Breen,
City Manager
City of St. John's
P.O. Box 908
A1C 5M2
(709) 576-8446

----- Forwarded by Kevin Breen/CSJ on 2017/05/03 05:38 PM -----

From: Kevin Breen/CSJ
To: awells@pub.nl.ca
Cc: Elaine Henley/CSJ@CSJ, Cheryl L Mullett/CSJ@CSJ
Date: 2017/05/03 05:29 PM
Subject: Re: Hockey subsidy

Andy:

See responses below in red.

Kevin Breen,
City Manager
City of St. John's
P.O. Box 908
A1C 5M2
(709) 576-8446

Andy Wells

This is an ATIPPA request re:ICE CAPS SUBSI...

2017/05/01 11:57:13 AM

From: Andy Wells <awells@pub.nl.ca>
To: Kevin Breen <KBreen@stjohns.ca>
Date: 2017/05/01 11:57 AM
Subject: Hockey subsidy

This is an ATIPPA request re:ICE CAPS SUBSIDY:

Re:Sept.15,2014 meeting and my email to you of 2016/09/01

You state (INTER ALIA):"This was a lease negotiation and legal matter properly discussed and decided by Council at the Special Meeting."

When was it determined that this matter was a legal matter and therefor not subject to the provisions of the FOIB 2005. Who made the determination?

The determination of the matters to be discussed at a special meeting in 2014 were made by the City Manager, Neil Martin and the City Clerk, Elaine Henley. The matter was referred to the Legal Department as outlined as follows. In early 2014 10801 Newfoundland Inc. (the Ice Caps) contacted the City requesting that changes be made to the Lease Agreement between the Ice Caps and St. John's

Sports and Entertainment upon Contract Renewal. The Feb 14, 2012 Agreement was due to expire in June of 2014. As this related to the renegotiation of an existing contract the matter was referred to the Legal Department. At that time Bob Bursey was City Solicitor. Negotiations took place between the City Solicitor and counsel for 10801 Newfoundland Inc. regarding the terms of an Amending Agreement. On September 8, 2014 the City Manager brought the terms of the draft Amending Agreement to Council at a Special Meeting. There was an attachment to the Special Meeting, a Memo from the City Manager outlining the results of the lease negotiations that took place as between the City Solicitor and Counsel for 10801 Newfoundland Inc. Council did not vote on the Contract at that time as it was sent to the Board of Directors of St. John's Sports and Entertainment for their review and comment. The matter was brought back to the Special Meeting of September 14, 2014 and Council voted to enter into the Amending Agreement, one part of which was to reduce payments pursuant to the Contract from 10801 Newfoundland Inc to St. John's Sports and Entertainment. The Amending Agreement was dated Oct 15, 2014. A duly executed copy is attached hereto.

Is there a legal opinion respecting same? Provide a copy.

There is no legal written opinion that the negotiation and drafting of an Amending Agreement to an existing lease is a legal matter. This was done as standard practice.

Provide any other documentation that the Council/staff relied on to reach this conclusion.

Please find attached the Minutes from both Special Meetings on Sept 8 and Sept 14 2014 as it relates to this Contract. I have also enclosed the memo from the former City Manager, partially redacted, which was attached to the Sept 8, 2014 Special Meeting Agenda.

In the absence of any written documentation did you or any other member of senior staff have any discussions with the Legal Dept on this matter? If so when.

I spoke to Linda Bishop of the Legal Department upon receipt of your email in 2016. I did not have any discussions regarding the Amending Agreement in 2014. At that time I was not involved in this matter.

If it was not you that made the determination that this was a legal matter then who did and when.

The negotiation and drafting of the Amending Lease Agreement was handled by the Legal Department as part of the Legal Services they provide to the City in the normal course. At the time that this Contract was being drafted and negotiated the City Manager was Neil Martin and Bob Bursey was the City Solicitor, so this would have been determined by them.

I expect a timely reply as these are not complex questions.

ANDY WELLS



10801 NL Inc Amending Agreement.pdf



Special Meeting Sept 8 2014_Redacted.pdf



Special Meeting Sept 15 2014_Redacted.pdf



Fwd: Get ready for the deluge
Jonathan Galgay to: Council_group, Cheryl L Mullett

2017/05/03 05:39 PM

FYI

Jonathan P. Galgay
Councillor, Ward 2
City of St. John's
(709) 576 7144

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: May 3, 2017 at 4:48:19 PM NDT
To: "Jonathan Galgay" <jgalgay@stjohns.ca>
Subject: Fwd: Get ready for the deluge

And you get ready too. I am just starting and remember it is quite likely that I am smarter than you and definitely more honest (no great feat.)

Begin forwarded message:

From: andy wells <awells@pub.nl.ca>
Subject: Get ready for the deluge
Date: 3 May, 2017 4:44:11 PM NDT
To: Danny Breen <DBreen@stjohns.ca>

Fundamental questions for the taxpayers and voters of St.John's:

- Are we entitled to know how our tax dollars are spent and not just after the fact?
 - Are we entitled to know sufficiently in advance so as to voice our agreement or disagreement?
 - Should Council be held personally responsible for expenditures of our tax dollars that are in violation of municipal by-laws.
 - Where such expenditures have been made should taxpayers seek recovery of said tax dollars in a court of law?
 - Do we need a Taxpayer Protection By-Law to make the Mayor and Council personally responsible for illegal expenditures and expenditures that are clearly irresponsible or lack at least majority support with the public when they are made?
 - Should those found guilty and still holding office be removed
- I know where I stand. Where does Breen,Galgay and O'Leary stand on these issues?



Fwd: lying to the public
Danny Breen to: Kevin Breen, Cheryl L Mullett
Cc: Dennis O'Keefe

2017/05/25 04:53 PM

FYI

Danny Breen
Councillor, Ward 1
City of St. John's, NL
Office (709) 576-2332
Mobile (709) 725-9259

Begin forwarded message:

From: "Andy Wells" <awells@pub.nl.ca>
Date: May 25, 2017 at 4:24:23 PM NDT
To: "Danny Breen" <DBreen@stjohns.ca>
Subject: lying to the public

How are you going to explain this (and rest assured you will have to): your email to a voter wherein you claim that there is "no subsidy for hockey") and the documented record wherein the word "subsidy") is used at least 24 times including at least two times by you with reference to the handout to the Icecaps of the \$700,000?

How are you going to explain the comment by Steve Sparkes in SJSEL minutes wherein he noted the profitable condition of the Icecaps pre-"subsidy" and that the "subsidy" would make them even more profitable?

How are you going to explain the failure to obtain the audited financial records of the Icecaps prior to any handout?

You will be exposed as a liar and a sleazy backroom operator. You should resign from Council in shame. Rest assured the voting public of this City will be informed and if legal action against you and the rest of Council is an option all of you will be charged under Sec.403 of the COSJ for violation of the FOIB and any other appropriate by-laws of the City.

And I am only getting started on you and the rest of your disreputable colleagues.

The taxpayers of this City in my estimation are fed up with you and your pathetic pal the mayor. You

have wasted enough of our money in dishonest backroom wheeling and dealing. In your pathetic world we are supposed to pay up and shut up while you "build relationships" with our money. You are not too bright and you will need all the help of the \$2 million propaganda dept that you illegally created to help you defend your indefensible record. One SJSEL Board Member asked "WHO IS GOING TO WEAR THIS." Mr. Martin said that "the subsidy will be an issue if somebody makes it an issue." I have made it an issue and you and O'Keefe (also a liar) will certainly "wear this."

ahw