



PO Box 130, Witless Bay, NL A0A 4K0 Tel: 709-334-3407 office@townofwitlessbay.ca

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## Meeting Minutes

*Public Meeting*

Tuesday, July 09, 2024, 7:30 p.m.

Council Chambers and Teleconference

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### **Council Members Present**

Councillor Jacob Hayden  
Councillor Gerard Dunne  
Councillor Ralph Carey  
Councillor Justina Nawaz  
Councillor Margaret Swain

### **Staff Present**

Jennifer Aspell, CAO

### **Regrets**

Mayor Trevor Croft

## **1. Call to Order**

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Councillor Jacob Hayden called the meeting to order at 7:31 pm.

## **2. Adoption of Agenda**

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**Councillor Jacob Hayden called for adoption of the agenda for July 09, 2024.**

### **MOTION: 2024-173 Councillor Ralph Carey / Councillor Gerard Dunne**

MOVE TO amend the agenda for July 9, 2024 to include item 4.3 Appointment of Deputy Mayor and item 4.4 Deputy Mayor Signing Authority.

The Motion was carried unanimously.

For Motion: 5 (Councillors Jacob Hayden, Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

**Councillor Jacob Hayden called for the adoption of the amended agenda for July 09, 2024.**

### **MOTION: 2024-174 Councillor Ralph Carey / Councillor Gerard Dunne**

MOVE TO adopt the agenda, as amended, for July 09, 2024.

The Motion was carried unanimously.

For Motion: 5 (Councillors Jacob Hayden, Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

### 3. Adoption of Minutes

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#### 3.1 June 11, 2024, Public Meeting Minutes

**MOTION: 2024-175 Councillor Gerard Dunne / Councillor Margaret Swain**

MOVE TO adopt the public meeting minutes of June 11, 2024.

The Motion was carried unanimously.

For Motion: 5 (Councillors Jacob Hayden, Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

#### 3.2 June 27, 2024, Special Public Meeting Minutes

**MOTION: 2024-176 Councillor Gerard Dunne / Councillor Margaret Swain**

MOVE TO adopt the special public meeting minutes of June 27, 2024.

The Motion was carried unanimously.

For Motion: 5 (Councillors Jacob Hayden, Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

### 4. Business Arising

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#### 4.1 Ratification of Email Vote - Award of Ball Field Upgrade Project

7:33 pm Councillor Gerard Dunne declared a Conflict of Interest as his employer submitted a bid for the ballfield upgrade project. Councillor Dunne left the chambers and did not participate in any discussion nor vote on the matter.

Councillor Gerard Dunne also declared a conflict of interest on the email vote as his employer submitted a bid for the ballfield upgrade project. He did not participate in the email vote.

**MOTION: 2024-177 Councillor Ralph Carey / Councillor Justina Nawaz**

**MOVE TO ratify the email vote of June 17, 2024 that was moved by Councillor Jacob Hayden and seconded by Councillor Justina Nawaz and stated:**

**MOVE TO** award the tender for the Ballfield Upgrades to the lowest bidder, Harbour Construction Limited at a total cost of \$62,100.00 HST included.

For motion: 4 (Mayor Trevor Croft, Councillors Jacob Hayden, Ralph Carey, and Justina Nawaz)

Against: 0

Abstained: 01 (Councillor Gerard Dunne)

The Motion was carried.



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For Motion: 4 (Councillors Jacob Hayden, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 01 (Councillor Gerard Dunne)

7:35 pm Councillor Dunne returned to the chambers.

#### **4.2 Ratification of Email Vote - Award of Swimming Pool Upgrade Project**

7:35 pm Councillor Gerard Dunne declared a Conflict of Interest as his employer submitted a bid for the swimming pool upgrade project. Councillor Dunne left the chambers and did not participate in any discussion nor vote on the matter.

Councillor Gerard Dunne also declared a conflict of interest on the email vote as his employer submitted a bid for the swimming pool upgrade project. He did not participate in the email vote.

**MOTION: 2024-178 Councillor Ralph Carey / Councillor Justina Nawaz**

**MOVE TO ratify the email vote of June 17, 2024 that was moved by Councillor Jacob Hayden and seconded by Mayor Trevor Croft and stated:**

**MOVE TO** award the tender for the Swimming Pool Accessibility Upgrades to the lowest bidder, O'Brien's Trucking Ltd. at a total cost of \$27,784.00 HST included.

In favor: (Mayor Trevor Croft, Councillors Jacob Hayden, Ralph Carey, and Justina Nawaz)

Against: 0

Abstained: 01 (Councillor Gerard Dunne)

The Motion was carried.

For Motion: 4 (Councillors Jacob Hayden, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 01 (Councillor Gerard Dunne)

7:36 pm Councillor Dunne returned to the chambers.

#### **4.3 Appointment of Deputy Mayor**

**MOTION: 2024-179 Councillor Ralph Carey / Councillor Justina Nawaz**

**MOVE TO Appoint Jacob Hayden as Deputy Mayor.**

The Motion was carried unanimously.

For Motion: 5 (Councillors Jacob Hayden, Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

#### **4.4 Deputy Mayor Signing Authority**

**MOTION: 2024-180 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** authorize Deputy Mayor Jacob for bank signing authority.



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The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

## 5. Delegations & Proclamations

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## 6. Applications

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### 6.1 Accessory Building Application – 70 Country Path Drive

**MOTION: 2024-181 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** approve the application to construct an accessory building at 70 Country Path Drive.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

### 6.2 Accessory Building Application – 82 Country Path Drive

**MOTION: 2024-182 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** approve the application to construct an accessory building at 82 Country Path Drive.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

### 6.3 Extension Application – 169 Gull Pond Road

**MOTION: 2024-183 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** approve the application to construct an extension to an existing accessory building at 169 Gull Pond Road.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Gerard Dunne, Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

#### **6.4 Traditional Agriculture Use Application – John C’s Grove Road**

7:40 pm Councillor Gerard Dunne declared a Conflict of Interest on this item as his niece has a residential dwelling next to the applicant’s property. Councillor Dunne left the chambers and did not participate in the discussion nor vote on the matter.

**MOTION: 2024-184 Councillor Ralph Carey / Councillor Margaret Swain**

**MOVE TO** approve the application for Traditional Agricultural Use at John C’s Grove Road as per the proposed farming plan and specific site locations for the proposed activities under Regulation 10 – Discretionary Powers of Authority. There is to be no variation from the proposed plan.

The Motion was carried.

For Motion: 3 (Deputy Mayor Jacob Hayden, Councillors Justina Nawaz, Margaret Swain)

Against: 1 (Councillor Ralph Carey)

Abstained: 1 (Councillor Gerard Dunne)

7:41 pm Councillor Gerard Dunne returned to chambers.

### **7. Accounts Payable**

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#### **7.1 Town of Witless Bay Accounts Payable Listing for the Period Ending June 30, 2024**

7:41 pm Councillor Gerard Dunne declared a Conflict of Interest on cheque #7665 as the cheque was payable to his employer. Councillor Dunne left the chambers and did not participate in any discussion nor vote on the matter.

**MOTION: 2024-185 Councillor Ralph Carey / Councillor Justina Nawaz**

**MOVE TO** approve issue of cheque #7665 in payable chart Section A.

The Motion was carried.

For Motion: 4 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 1 (Councillor Gerard Dunne)

7:42 pm Councillor Gerard Dunne returned to chambers.

**MOTION: 2024-186 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** approve issue of all remaining cheques in Section A.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

**MOTION: 2024-187 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** approve the Town of Witless Bay payables in Section B.



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The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

**Total of Section A: \$ 43,471.40**

**Total of Section B: \$ 23,932.39**

**Total Payables: \$ 67,403.79**

## **7.2 Witless Bay Fire Department Accounts Payable listing for the Period Ending June 30, 2024**

**MOTION: 2024-188 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** approve all Witless Bay Volunteer Fire Department payables Section A.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

**MOTION: 2024-189 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** approve the Witless Bay Volunteer Fire Department payables Section B.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

**Total of Section A: \$ 5,415.90**

**Total of Section B: \$ 7,003.19**

**Total Payables: \$ 12,419.09**

## **8. Committee Reports**

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**8.1 Recreation** – Deputy Mayor Jacob Hayden delivered a summary report of recreation activities for the month of May to early June.

**8.2 Fire Department** - Councillor Justina Nawaz delivered a summary report of fire department activities for the month of May to early June.

**8.3 Public Works Update** - Councillor Ralph Carey delivered a summary report of public works activities for the month of May to early June.

## 9. Action

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### 9.1 Traffic Calming Request - 54 Dunn's Lane

7:52 pm Councillor Gerard Dunne asked Council to determine under Section 6(5) of the Municipal Conduct Act if he is in a Conflict of Interest because he lives on Dunn's Lanes. Councillor Dunne left the chambers and did not participate in the discussion nor vote on the matter.

**MOTION: 2024-190 Councillor Ralph Carey / Councillor Justina Nawaz**

**MOVE THAT** Councillor Dunne is not in a conflict of interest as his interest is not distinct from a broad class of the public as per Section 5.(2)(b) of the Municipal Conduct Act .

The motion was carried.

For Motion: 4 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 1 (Councillor Gerard Dunne)

7:55 pm Councillor Dunne returned to the chambers.

7:55 pm Councillor Ralph Carey asked Council to determine under Section 6(5) of the Municipal Conduct Act if he is in a Conflict of Interest because he lives on Dunn's Lanes. Councillor Carey left the chambers and did not participate in the discussion nor vote on the matter.

**MOTION: 2024-191 Councillor Gerard Dunne / Councillor Margaret Swain**

**MOVE THAT** Councillor Carey is not in a conflict of interest as his interest is not distinct from a broad class of the public as per Section 5.(2)(b) of the Municipal Conduct Act.

The motion was carried.

For Motion: 4 (Deputy Mayor Jacob Hayden, Councillors Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 1 (Councillor Ralph Carey)

7:56 pm Councillor Carey returned to the chambers.

**MOTION: 2024-192 Councillor Ralph Carey/ Councillor Gerard Dunne**

**MOVE TO** approve the installation of "Blind Turn Ahead" signs to be placed in required areas on Dunn's Lane as well as the installation of a road sign stating "Drive Slow – Children at Play" near 54 Dunn's Lane. The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0



## 9.2 Community Credit Union – Request for Donation for Annual Fundraiser BBQ

**MOTION: 2024-193 Councillor Ralph Carey/ Councillor Gerard Dunne**

**MOVE TO** approve a grant in the amount of \$100.00 to the Community Credit Union to support their annual fundraising BBQ.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

## 9.3 WBVFD - Hose Testing/ Fit Testing / Ladder Testing

**MOTION: 2024-194 Councillor Ralph Carey/ Councillor Gerard Dunne**

**MOVE TO** approve the Witless Bay Volunteer Fire Department to proceed with hose testing, fit testing and ladder testing, to be completed by Fire House Service and Supply, at a total cost of \$2,387.50 + HST.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

## 9.4 Traffic Calming Request – Fisherman’s Road

**MOTION: 2024-195 Councillor Ralph Carey / Councillor Gerard Dunne**

**MOVE TO** deny the request for speed bump installation near the intersection of New Line Road and Fisherman’s Road and instead to install roads signs in the area cautioning vehicles to “Drive Slow” and confirming the speed limit of 30km/hr.

The Motion was carried unanimously.

For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0

## 10. Information Only

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**10.1** Municipal Assessment Agency (MAA) – Procedure for Parcel Name and Address Change

**10.2** Permit Report



## 11. Correspondence Received

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- 11.1 Ministerial Response for Request to Defer the By-Election
- 11.2 Town of Bay Bulls Letter of Support for Feasibility Study for Fire Hall
- 11.3 2024 Clar Simmons Scholarship

## 12. Correspondence Sent

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- 12.1. TOWB Correspondence - Application for Traditional Agricultural Use - John Cs Grove Road
- 12.2. TOWB Correspondence - Application for Accessory Building – 1 Country Path Drive
- 12.3. TOWB Correspondence - Application for Accessory Building – 39 Country Path Drive
- 12.4. TOWB Correspondence - Application for Accessory Building – Puffin Center
- 12.5. TOWB Correspondence – Application for New Home Construction – 77 Country Path Drive
- 12.6. TOWB Correspondence – Application for New Home Construction – 116 Gull Pond Road
- 12.7. TOWB Correspondence - Application for New Home Construction – 202-206 Deans Road
- 12.8. TOWB Correspondence - Application to Subdivide land – 21-35 Tufts Road
- 12.9. TOWB Correspondence - Application to Subdivide Land – 41 The Avenue
- 12.10. TOWB Correspondence - Extension to Accessory Building – 106 Northside Track
- 12.11. TOWB Correspondence – Request for Traffic Calming - 138-156 Gull Pond Road
- 12.12. TOWB Correspondence – Property Clean up

## 13. Adjournment

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Deputy Mayor Jacob Hayden called for adjournment as there was no further business of Council.

**MOTION: 2024-196 Councillor Gerard Dunne/ Councillor Margaret Swain**

**MOVE TO** adjourn at 8:01pm.

The Motion was carried unanimously.

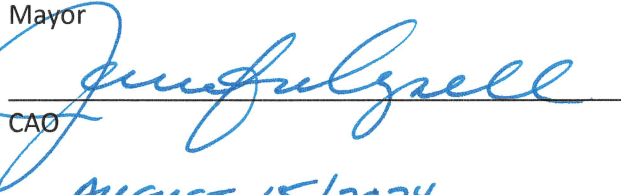
For Motion: 5 (Deputy Mayor Jacob Hayden, Councillors Ralph Carey, Gerard Dunne, Justina Nawaz, Margaret Swain)

Against: 0

Abstained: 0



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Mayor



\_\_\_\_\_  
CAO

\_\_\_\_\_  
Date

*AUGUST 15/2024*