



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

Meeting Minutes

Public Meeting

Tuesday, May 14, 2024, 7:30 p.m.

Council Chambers and Teleconference

Council Members Present

Councillor Ralph Carey
Councillor Gerard Dunne

Staff Present

Jennifer Aspell, CAO

Via Teleconference

Mayor Trevor Croft

Regrets

Councillor Jacob Hayden

1. Call to Order

Mayor Trevor Croft called the meeting to order at 7:31 pm.

2. Adoption of Agenda

Mayor Trevor Croft called for the adoption of the agenda for May 14, 2024.

MOTION: 2024-095 Councillor Gerard Dunne / Councillor Ralph Carey

MOVE TO adopt the agenda for May 14, 2024.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne, and Ralph Carey)

Against: 0

Abstained: 0

3. Adoption of Minutes

3.1 April 18, 2024, Public Meeting Minutes

MOTION: 2024-096 Councillor Gerard Dunne / Councillor Ralph Carey

MOVE TO adopt the public meeting minutes of April 18, 2024.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne, and Ralph Carey)

Against: 0

Abstained: 0

4. Business Arising

4.1 Conflict of Interest Complaint

7:32 pm Councillor Ralph Carey declared a Conflict of Interest on both 4.1 and 4.2 and left the chamber as both the Conflict-of-Interest complaint and the Code of Conduct complaint were filed against him. Councillor Carey did not participate in any discussion nor vote on these matters.

Mayor Croft asked CAO, Jennifer Aspell to proceed with ratification of the motions from the April 25, 2024 privileged meeting of Council. Ms. Aspell read aloud the following:

In respect of a complaint filed with the Town pursuant to section 8 of the Municipal Conduct Act alleging that Councillor Carey discussed and voted on the Ragged Beach Crown Land Reserve while in a conflict of interest. The complaint was brought forward at a privileged meeting of Council on April 25th, 2024.

At that meeting, Councillor Carey was given an opportunity to make a presentation to Council and when his presentation concluded, he left the meeting.

AND WHEREAS, at the privileged meeting on April 25, 2024, Council resolved and determined that Councillor Carey did not act while in a conflict of interest, in contravention of the Municipal Conduct Act:

Councillor Jacob Hayden/Councillor Gerard Dunne

Move that Councillor Ralph Carey was not in a conflict of interest when he discussed and voted on the Ragged Beach Crown Land reserve and the complaint is to be dismissed.

Motion passed.

In favor: 3 (Mayor Trevor Croft, Councillor Gerard Dunne, Councillor Jacob Hayden)

Against: 0

Abstain: 1 (Councillor Ralph Carey)

And whereas section 213 of the Municipalities Act requires that decisions of Councillors made at a privileged meeting are required to be ratified by a vote of the Councillors at a public meeting.

The motion is to:

Ratify Council's decision of April 25, 2024 that Councillor Carey did not act in a conflict of interest when he discussed and voted on the Ragged Beach Crown Land Reserve.

MOTION: 2024-097 Councillor Gerard Dunne / Mayor Trevor Croft

MOVE TO ratify Council's majority decision of April 25, 2024 that Councillor Carey was not in a conflict of interest when he discussed and voted on the Ragged Beach Crown Land reserve and the complaint is to be dismissed.

Motion passed.

In favor: 2 (Mayor Trevor Croft and Councillor Gerard Dunne)

Against: 0

Abstain: 1 (Councillor Ralph Carey)

4.2 Code of Conduct Complaint

In respect of a complaint filed with the Town pursuant to section 12 of the Municipal Conduct Act alleging that Councillor Carey violated the Code of Conduct. The complaint was brought forward at a privileged meeting of Council on April 25th, 2024.

At that meeting, Councillor Carey was given an opportunity to make a presentation to Council and when his presentation concluded, he left the meeting.

AND WHEREAS, at the privileged meeting on April 25, 2024, Council resolved and determined that Councillor Carey did not violate the Municipal Conduct Act:

Councillor Jacob Hayden/Councillor Gerard Dunne

Move that the code of conduct complaint against Councillor Carey be dismissed as he was not a member of Council during the time period referenced in part of the complaint and there is no substantive evidence that he had involvement as a Director or member of Save Ragged Beach or the Friends of Ragged Beach groups.

Motion passed.

In favor: 3 (Mayor Trevor Croft, Councillor Gerard Dunne, Councillor Jacob Hayden)

Against: 0

Abstain: 1 (Councillor Ralph Carey)

And whereas section 213 of the Municipalities Act requires that decisions of Councillors made at a privileged meeting are required to be ratified by a vote of the Councillors at a public meeting.

The motion is to:

Ratify Council's decision of April 25, 2024 that Councillor Carey did not violate the Municipal Conduct Act.

MOTION: 2024-098 Councillor Gerard Dunne / Mayor Trevor Croft

MOVE THAT the Code of Conduct complaint against Councillor Carey be dismissed as he was not a member of Council during the time period referenced in part of the complaint and there is no substantive evidence that he had involvement as a Director or member of Save Ragged Beach or the Friends of Ragged Beach groups.

Motion passed.

In favor: 2 (Mayor Trevor Croft and Councillor Gerard Dunne)

Against: 0

Abstain: 1 (Councillor Ralph Carey)

7:37 pm Councillor Ralph Carey returned to the chamber.

5. Delegations & Proclamations

5.1 Proclamation – Melanoma and Skin Cancer Awareness Month

6. Applications

6.1 Application for New Accessory Building – 64 Country Path Drive

MOTION: 2024-099 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the application to construct an accessory building at 64 Country Path Drive.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.2 Application to Subdivide Land – 172-182 Deans Road

MOTION: 2024-100 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve in principle, the application for subdivision of land at 172-182 Deans Road, pending referral to applicable government departments and agencies. No development applications will be considered for the property until the subdivision of land is completed.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.3 Application for Demolition Including Backfill and Excavation – 149 Harbour Road

MOTION: 2024-101 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the application for demolition of the existing accessory building located at 149 Harbour Road. The permit will include any backfill and excavation required as part of the demolition and site preparation for a new accessory building.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.4 Application for New Accessory Building – 149 Harbour Drive

MOTION: 2024-102 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the application to construct an accessory building at 149 Harbour Road.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.5 Application for Extension - 5-9 Evergreen Place

MOTION: 2024-103 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the application to construct an extension to the existing dwelling at 5-9 Evergreen Place. The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.6 Application to Operate a Business (Air BnB) – 436D Southern Shore Highway

MOTION: 2024-104 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the application to operate a short-term rental (Air BnB) at 436D Southern Shore Highway, conditional on the registration of the Airbnb under the Tourist Accommodation Regulations and a copy of the registration must be provided to the Town.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.7 Application for Extension to Accessory Building - 124 Gull Pond Road

MOTION: 2024-105 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the application to construct an extension to an existing accessory building at 124 Gull Pond Road.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.8 Application for New Accessory Building – 38-40 Southside Track

MOTION: 2024-106 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the application to construct an accessory building at 38-40 Southside Track.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.9 Application for Extension to Accessory Building - 3 Spruce Court

MOTION: 2024-107 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the application to construct an extension to an existing accessory building at 3 Spruce Court.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

6.10 Traditional Agriculture Use Application – John C’s Grove Road

7:45 pm Councillor Gerard Dunne asks Council under Section 6. (5) of the Municipal Conduct Act, whether he is in a Conflict of Interest on this item as his niece has a residential dwelling next to the applicants property. Councillor Dunn left the chambers and did not participate in the discussion nor vote on the matter.

MOTION: 2024-108 Councillor Ralph Carey / Mayor Trevor Croft

MOVE THAT Councillor Gerard Dunne is in a Conflict of Interest on this matter.

The Motion was carried.

For Motion: 2 (Mayor Trevor Croft and Councillor Ralph Carey)

Against: 0

Abstained: 1 (Councillor Gerard Dunne)

MOTION: 2024-109 Councillor Ralph Carey / Mayor Trevor Croft

MOVE TO deny the application at this time because Council is not satisfied that it will not cause excessive pollution or nuisance to adjacent residential properties.

The Motion was carried.

For Motion: 2 (Mayor Trevor Croft and Councillor Ralph Carey)

Against: 0

Abstained: 1 (Councillor Gerard Dunne)

7:59 pm Councillor Gerard Dunne returned to chambers.

6.11 Application to Operate a Business – ATV Sales - 177-183 Southern Shore Highway

MOTION: 2024-110 Councillor Gerard Dunne / Councillor Ralph Carey

MOVE TO approve the application to operate an ATV Sales business at 177-183 Southern Shore Highway pending approval from all other government departments and agencies. The applicant is required to provide proof of licensing and other regulatory requirements to the Town prior to commencing business operations.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0



6.12 Crown Land Application – E-155216

MOTION: 2024-111 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO request an extension from crown lands for processing of Application # E-155216 to allow additional time to gather more information on the Town’s application for the Reid Railway, as a portion of the railway is included in this application.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

7. Accounts Payable

7.1 Town of Witless Bay Accounts Payable Listing for the Period Ending April 30, 2024

MOTION: 2024-112 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve all payments for the Town of Witless Bay payables in Section A.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

MOTION: 2024-113 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve all payments for the Town of Witless Bay payables in Section B.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

Total of Section A: \$ 136,807.56

Total of Section B: \$ 23,139.04

Total Payables: \$ 159,946.60

7.2 Witless Bay Fire Department Accounts Payable listing for the Period Ending April 30, 2024

MOTION: 2024-114 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: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0



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MOTION: 2024-115 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: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

Total of Section A: \$ 10,238.47

Total of Section B: \$ 1,601.25

Total Payables: \$ 11,839.72

8. Committee Reports

8.1 Recreation – Councillor Ralph Carey read the summary report.

8.2 Fire Department - Councillor Ralph Carey read the summary report.

9. Action

9.1 Town of Logy Bay-Middle Cove-Outer Cove – Development Regulations Amendment No. 1, 2023

NO MOTION

Council did not have any commentary on this amendment.

9.2 WBFD - Fire School Registration

MOTION: 2024-116 Councillor Ralph Carey/ Councillor Gerard Dunne

MOVED TO approve the Witless Bay Volunteer Fire Department’s request to have three members attend fire school training in 2024 and all the associated costs of attendance.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

9.3 WBFD – Auction of Drager SCBAs and Air Bottles

MOTION: 2024-117 Councillor Ralph Carey/ Councillor Gerard Dunne

MOVE TO approve the disposal of 2 Draeger Self-Contained Breathing Apparatus (SCBAs) and 4 air bottles via auction.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.4 WBFD - Request for Permission to Purchase Uniforms

MOTION: 2024-118 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the purchase of 10 uniforms for members of the Witless Bay Volunteer Fire Department at a maximum total cost of \$2000.00.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.5 Award of RFQ #20240415 Survey Required for Crown Land Grant

MOTION: 2024-119 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO award the work for land surveying, as required for completion of the Town's Crown Land grant approval, to the lowest compliant bidder, Martin Surveys & Land Services Inc. at a cost of \$1650 + HST.

The motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.6 Request for Road Upgrade - Gallows Cove Road

MOTION: 2024-120 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO deny the request at this time as the 2024 budget does not include funding for this road upgrade.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

9.7 Request for Level II Water Testing – 45-57 Southern Shore Highway

MOTION: 2024-121 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO permit Raven Aviation & Marine Limited to complete Level II water testing at 45-57 Southern Shore Highway conditional to the following:

1. This permit is for test pits for preliminary groundwater testing and does not imply that development approval is granted for the subdivision development of land.
2. On-site development will consist of specific locations for the drilling of holes for test pits. Clear cutting of trees and grubbing of the site is not permitted.
3. The site to be maintained in a tidy and forested state.
4. Access to the site is to be of a minimal and temporary nature for the duration of the digging of the test pits.
5. The development permit is valid for one year from the date of issue.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.8 Approval of Concept Design Lower Pond Tourist Lookout

MOTION: 2024-122 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the concept design for the Lower Pond Tourist Lookout as presented and to approve Mills & Wright Landscape Architecture, as the Prime Consultant, to prepare and issue the tender package for the project.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.9 Acceptance of Canada Summer Jobs Agreement

MOTION: 2024-123 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO accept the terms and conditions of the Canada Summer Jobs agreement to fund two positions, for 8 weeks at 35 hours per week.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.10 Request for Donation – Make a Wish Canada

MOTION: 2024-124 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO provide a grant of \$50.00 to Make-A-Wish Canada.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.11 Request for Memorial Plaque at Upper Pond

MOTION: 2024-125 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO include a memorial plaque honoring the late Mike Cahill in the beautification project for the Upper Pond area.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0



9.12 Request for Road Signage and Extension of Fencing at the Playground

MOTION: 2024-126 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO approve the request to install additional road signage on Southside Track to caution motorists to drive slowly. Fencing will not be installed as the site will be under construction in the upcoming months. The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.13 Expression of Interest – Public Hearing Commissioners

MOTION: 2024-127 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO issue an Expression of Interest (EOI) for Public Hearing Commissioners.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.14 Request for Level II Water Testing – Crown Land Application # E-155216- Dean’s Road

MOTION: 2024-128 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO permit BRG Holdings Inc. to conduct Level II Groundwater Testing on the land included in Crown Land application number E-155216 conditional to the following:

1. This permit is for test pits for preliminary groundwater testing and does not imply that development approval is granted for the subdivision development of land.
2. On-site development will consist of specific locations for the drilling of holes for test pits. Clear cutting of trees and grubbing of the site is not permitted.
3. The site to be maintained in a tidy and forested state.
4. Access to the site is to be of a minimal and temporary nature for the duration of the digging of the test pits.
5. Disruption to the natural state of the land is to be minimized and any disturbed land is to be reinstated.
6. Installation of a 30ft long, 24-inch-wide culvert at the entry point from Dean’s Road and a 20ft long, 18-inch-wide culvert at the intersection of the Reid Railway and the temporary road on the north side of the railway.
7. Installation of a stop sign at each location where the Reid Railway intersects with the temporary road.
8. Remove all culverts and signage when the water testing is completed and also reinstate the berm.
9. The development permit is valid for one year from the date of issue.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

9.15 Request for Ministerial Approval to Borrow – Vehicle Purchase – Maintenance Fleet

MOTION: 2024-129 Councillor Ralph Carey / Councillor Gerard Dunne

MOVE TO seek Ministerial approval to borrow \$47,161.20 from the Community Credit Union to finance a vehicle purchase. The loan will be financed over a 5-year term, with an interest rate of 6.99%.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Gerard Dunne and Ralph Carey)

Against: 0

Abstained: 0

10. Information Only

10.1 Permit Report

10.2 Town of Ferryland Letter - Proposal of a Mutual Aid Agreement

10.2 NL Gazette Public Consultation -St. John's Urban Region Regional Plan Amendment No. 6, 2023 April 26th edition

11. Correspondence Received

11.1 Assessment Roll for Tax Year 2025

11.2 ERSB Notification of Garbage Box Requirements

12. Correspondence Sent

12.1 Letter of Approval for Variance - 73 Gallows Cove Road

12.2 Letter of Approval for New Development – 73 Gallows Cove Road

12.3 TOWB Waiver and Release for Work to be Completed at 73 Gallows Cove Road

12.4 Letter of Approval for New Development – 56 Country Path Drive

12.5 Letter of Approval for New Development – 80 Country Path Drive

12.6 Letter of Approval for New Development - 40 Country Path Drive

12.7 Letter of Approval for New Accessory Building – 19 Northside Track Road

12.8 Letter of Approval for New Accessory Building – 13 Greenhill Drive

12.9 Letter of Approval for Crown Land # E-57419

12.10 Letter of Approval for New Development – 207 – 213 Gallows Cove Road



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- 12.11 Town of Witless Bay Request for Reduction to Speed Limit
- 12.12 Town of Witless Bay Request for Ministerial Approval - Delay of By-election

13. Adjournment

Mayor Trevor Croft called for adjournment as there was no further business of the Council.

MOTION: 2024-130 Councillor Gerard Dunne/ Councillor Ralph Carey

MOVE TO adjourn at 8:22pm.

The Motion was carried unanimously.

For Motion: 3 (Mayor Trevor Croft, Councillors Ralph Carey and Gerard Dunne)

Against: 0

Abstained: 0

A handwritten signature in blue ink, appearing to read "T. Croft", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to read "Ralph Carey", written over a horizontal line.

CAO

A handwritten date "13/06/2024" in blue ink, written over a horizontal line.

Date