Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File: TW/090/2016)

On November 21, 2016, the Department of Transportation and Works received your request for access to the following records:

This is a request for any and all correspondence (including but not limited to e-mails, letters, briefing notes, funding applications, etc) between Tourism Bell Island Inc. and the Department of Transportation and Works, which relate to the 2 payments totaling $1,471.78, which were issued from that department to Tourism Bell Island Inc. from the years April 1, 2009 to October 21, 2016, according to the ATIPP file FIN-66-2016.

I am pleased to inform you that a decision has been made by the Deputy Minister of Transportation and Works to provide access to some of the requested information. In particular, access is granted to the following records:

- Responsive records include email correspondence and documents between Tourism Bell Island Inc. and the Department of Transportation and Works regarding two payments totaling $1,471.78.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

- 40. (1) – The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.
As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed. Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John’s, NL. A1B 3V8  
Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at (709) 729-5351 or by email at FrankWalsh@gov.nl.ca.

Sincerely,

Frank Walsh  
ATIPP Coordinator  
Department of Transportation and Works

Enclosures
Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(i) personal information that is supplied in support of the application for the benefit, or
(ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.
(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.
Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act, or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
Responsive records include email correspondence and documents between Tourism Bell Island Inc. and the Department of Transportation and Works regarding two payments totaling $1,471.78.
Sharon Vokey, EA
Transportation & Works
Government of Newfoundland & Labrador

Sent Via BlackBerry

Joe,
I am so sorry I missed this email on Tuesday. I was out of town in senior management meetings and when I returned Wednesday I thought I had reviewed everything but obviously not. I am on the road all day again today and like Tuesday have been in and out of mobile range and just catching up again now.
Having said all that, we are agreeable to your proposal for June and will work out the details on how to flow the money by early next week. You can go ahead with the bus.
Again my apologies, I realize it would have been beneficial to have had this reply earlier. Feel free to call me on mobile anytime there is a time sensitive issue and I don't respond to an email on time. (697-2860).
As well, I'll get back to you early next week to set a meeting to discuss July and August. I suggest maybe just you along with one or two others so we can stay focused to this particular agenda item at that meeting.
Talk soon,
Sharon
Sharon Vokey, EA
Transportation & Works
Government of Newfoundland & Labrador

Sent Via BlackBerry

From: Joe Donkers <joedonkers@townofwabana.net>
To: Vokey, Sharon
Sent: Thu Jun 09 14:27:37 2011
Subject: Fwd: Bell Island Bus Subsidy

Hello Sharon,

I was just wondering whether you had an opportunity to discuss the proposal below. Do you require any further information?

Regards,

Joe Donkers

---------- Forwarded message ----------
Good Day Sharon,

Once again on behalf of Tourism Bell Island, I want to thank the Minister and his staff for your willingness to recognize our challenges, engage in discussion, and help us work towards realizing our potential as a provider of quality tourism experiences. It is significant for us to believe that the Ferry ride is a key part of the Bell Island Experience.

Further to our discussion yesterday regarding a subsidy to assist walk-on traffic:

1. For the month of June, school trips who might otherwise not be able maintain their planned itinerary.
   and I reviewed remaining bookings in June.
   There are a total of nine (9) trips scheduled and it is very possible that a few more trips may be scheduled yet, so a possible 12 trips representing approximately 650 students.
   Our quote from the bus operator (City Wide) came in at $75 per trip.
   This is a cost recovery rate and represents a contribution on the part of the bus operator as well.
   Therefore we could ensure a better experience for 650 students for $900 contribution for the Department of Transportation and Works.
   **Note:** Time is of the essence as there will be a school trip tomorrow and another on Thursday. If this proposal is satisfactory, please inform with dispatch as we would like to make necessary arrangements.

2. For the months of July and August, Tourism Bell Island would be interested in focusing resources on a Walk-On Tour that would allow us to promote a means of bypassing long vehicle line-up and would provide us with the opportunity of directly hosting the experience of our visitors. If it possible to entertain a discussion along these lines, we assure you that the partnership would be mutually beneficial.

Once again, we truly appreciate your attention in this matter.

Sincerely,

Joe Donkers
--
Joseph Donkers
Revenue Officer
Town of Wabana
(709) 488-2990 ext 225
joedonkers@townofwabana.net
Joseph Donkers
Revenue Officer
Town of Wabana
(709) 488-2990 ext 225
joedonkers@townofwabana.net
To: Town of Wabana Council

Subject: Proposed facilitated meeting to address Bell Island - Portugal Cove ferry concerns

Dear Mayor and Councillors,

On behalf of Tourism Bell Island this letter is to raise serious business and tourism concerns created by an unreliable and under-capacity ferry service between Bell Island and Portugal Cove. This is considered the most pressing and highest priority issue of our Committee; it recognizes that failure to mitigate these problems will cause further division among stakeholders and increase damage to the business and tourism interests of the island. The tremendous tourism potential of this island treasure is, quite frankly, being significantly undermined by ferry problems.

There has been a legacy deficiency with the ferry service which has manifested itself with frequent service disruption, incomprehensible out of service periods, and long painful lineups for the 20 minute crossing. This has impacted access to and from the island for residents, commuters, business and tourists alike. It comes with a considerable economic loss as business, tourists and money does not make it to the island. There is nothing more disheartening for our community than to repeatedly see tourists, business traffic, recreation vehicles pull out of the ferry line due to the inability to keep traffic moving across the Tickle at a reasonable pace. Unfortunately, this is not the exception, it too often has been the norm during the summer. With it has been great frustration and finger-pointing by all stakeholders.

Notwithstanding the major impact and losses of the impeded traffic flow, the larger and long term matter is the negative 'brand' the ferry service is imposing on Bell Island - as a place where the ferry service is not aligned with the requirements. Even with long waits, there is a risk in getting over to the island and a fear of being unable to get back at a reasonable time. Tourist trips are scheduled as short as possible. Many cars and passengers bypass the line ups and either pull out, or see the line ups and decide to just not make the trip. Many others simply will not consider Bell Island as a destination. Mention Bell Island and the most frequent come back is some sarcastic remark about the unpredictable commute. It is hard to build a tourism industry with this over shadowing perception and damaged reputation to overcome.

This Committee appreciates there are compelling realities of finance, regulation, ferry maintenance and operations which render the issue complex with a large number of competing stakeholder interests and expectations. There is no straightforward answer; it will take collaboration to resolve. Many issues, such as new ships and operator contracts and the intra-provincial service, require a longer term view. That said, there is much that can be done to mitigate the ongoing disruptions and perceptions in the near term.
Tourism Bell Island

A first hurdle is to get beyond the frustration, animosity and conflicted communication that has been created over a long period of seemingly entrenched and inflexible positions. It starts with good will and communication. This Committee strongly recommends that a small and senior group of key authorized stakeholders (Bell Island, Marine Services Management, Ferry Operator staffs) meet under the lead of a neutral Facilitator to formally discuss issues, identify areas where improvement is possible, and problem solve the required workarounds. It is an opportunity to diffuse some of the emotion and promote communication with equal footing and common respect. It may serve as a model for these type of professional round table discussions with other communities. The bottom line is that the ferry service status quo is not sustainable.

The summer tourist season is here. Ferry service has already been problematic and the tension and dissatisfaction between stakeholders has already begun to build. We believe this meeting initiative is an opportunity to work together to untangle what for too long has been seen as a Gordian knot. We ask that the Minister of Transportation and Works, the Honourable Tom Hedderson, be approached to endorse this recommended Facilitation next step in finding workable solutions. If supported, it is considered that a series of intensive meetings could be arranged on relatively short notice. Hopefully by this month end. With all stakeholders given a chance to communicate, better understand the stakeholder challenges, and input into the issue framework, the progress fostered by such positive synergy may be quite surprising.

Improving the ferry service benefits all. There is a looming summer season of lost business, frustrated ferry users and operators, and missed opportunities. Tourism Bell Island requests your consideration and a quick turnaround in seeking a facilitated meeting of key stakeholders to find best solutions. You can count on our full support.

Sincerely,

[redacted]
Chairperson
Tourism Bell Island Committee
Mr. Joe Donkers, Chairperson  
Tourism Bell Island Inc.  
P.O. Box 279  
Bell Island, NL  A0A 4H0

Dear Mr. Donkers:

Re: Tourism Activities on Bell Island

This correspondence is in follow-up to our recent meeting and discussion on impact of the reduced capacity of the Bell Island Ferry service on peak season tourism activities on Bell Island.

I recognize that with the current ferry configuration and the extended refit period for the MV Flanders, the Department’s capacity to transport vehicles is reduced at a busy time of year. Your proposal to provide an interim solution so that tourists may still travel to Bell Island but without their vehicles is interesting. I understand that your group is dedicated to pursuing the development of an option that involves the use of shuttle buses on the Portugal Cove and Bell Island sides of the ferry run.

I wish to thank Tourism Bell Island Inc. for its efforts in this regard and am willing to provide a grant in the amount of $1,000 to assist you to develop and provide an enhanced tourist capacity from July 23-24 for which we have a reduced capacity and high traffic volumes. As well, I would appreciate you providing me a brief report on your initiative which provides information concerning the number of persons availing of the service and your comments on its success.

Sincerely,

TOM HEDDERSON, MHA  
Harbour Main District  
Minister

cc.  Mr. David Brazil, MHA
GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR
Department of Works, Services and Transportation

INVOICE

DATE: Aug 31/11

INVOICE #: TW/PI/11/2575.

Vendor Name: Tourism Bell Island Inc.
Vendor Address: PO Box 279, Bell Island, NL A0A 4H0

Vendor Number: 40099336
Type of Charge: Grant

Encumbrance Number: (if applicable) N/A
Account/Centre: 01-2011-130-1730-1030-00000

Amount: $1,000.00

Description and/or Explanation of Payment:

Grant for Tourism Activities on Bell Island.

Spending/Purchasing Authority:

Goods or Services Received in good order:

Prices fair and just:

Extensions Correct:

Checked with Purchase Order:

Certified for Payment: [Signature]
Date Certified: Aug 31/11

Hold Cheque for Pickup by Dept: YES X NO

Forward First Three Copies to Accounts, Last Copy for your Records.
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<th>Amount</th>
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<td>05-WST</td>
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<td>06-SBP-11</td>
<td>05-WST</td>
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Total for Vendor: $1,000.00
Government of Newfoundland and Labrador

TO: TOPOISM BELL ISLAND INC
    PO Box 279
    Bell Island, NL
    ANA 4HO
    Canada

BILL TO: Transportation & Works
        PO Box 8700
        St John's, NL A1B 4J6
        Canada

Customer NO.  Supplier NO.  Ordered by / Buyer  Revised / Buyer
40099336       16-SEP-14 Belbin L

Payment Terms: On Invoice Approval
Freight: PREPAID

IMPORTANT: Document valid ONLY if NAME and DATE are present in "Authorized By" section.

AUTHORIZED BY: Belbin, L  DATE: 16-SEP-14  TOTAL: $417.50

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<th>Unit Price</th>
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<th>Tax</th>
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<td>REFRESHMENTS FOR KEEL</td>
<td></td>
<td>1.00 EA</td>
<td>417.50</td>
<td>417.50</td>
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**End of Document**
Government of Newfoundland and Labrador
Government Purchasing Agency

Departmental Requisition Form (Request for Goods and Services)

Requisition Number: 
Purchase Order Number: 
(Standing Offer # if applicable) 
Page of 
Required 
Delivery Date: 

Requestor Contact Info
Name: Ann Marie Williams 
Phone: 729-3676 
Fax: 

Bill (Invoice) To:
Marine Division 
Dept. of Transportation and Works 
6th Floor, West Block 

List Vendor Name & Address (if known):
Tourism Bell Island Inc. 
P. O. Box 970 
Bell Island, NL 
A0A 4H0 

Deliver To (Provide Name & Address):
Dept. of Transportation & Works 

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<td>Tax</td>
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- Fill out and attach a Departmental Requisition Continuation Sheet if further space required.

Accounting Distribution

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<th>Govt #</th>
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<th>Activity</th>
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<td>3008</td>
<td>110</td>
<td>1720</td>
<td>0415</td>
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Authorization

Requested By (Print Name): Adrienne Luther 
Signature: Adrienne Luther 
Date: September 15, 2014 

Approving Authority (Print Name): 
Signature: 
Date: September 15, 2014 

(Form must be signed by requestor and approver before goods/services can be acquired)

- Please attach 3 quotes where applicable
# Purchase Order

**Date:** September 29, 2014  
**P.O. #:** 1  
**Customer ID:** Dept Transportation

**Vendor:** Government of Newfoundland and Labrador  
**Department of Transportation and Works**

---

**Shipping Method:** Keel Laying Celebration  
**Shipping Terms:**  
**Delivery Date:** August 25th, 2014

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<td>3.00</td>
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<td>8</td>
<td>Tea</td>
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1. Please send two copies of your invoice.  
2. Rate the order in accordance with the prices, terms, delivery method, and specifications listed above.  
3. Please notify us immediately if you are unable to ship as specified.

---

**Subtotal:** $417.50  
**Sales Tax:** 54.28  
**Total:** $471.78

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**August 29th, 2016**  
**Signature**
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<td>TOURISM ACTIVITIES ON BELL ISLAND - A grant provided to Tourism Bell Island Inc. to assist with developing and providing enhanced tourist capacity from July 23-24, 2011, a time when the ferry was at reduced capacity and tourist activity was high. The grant was used towards providing shuttle buses to tourists travelling to and from Bell Island to Portugal Cove without their vehicles.</td>
<td>2030399</td>
<td>9/9/2011</td>
<td>$1,000.00</td>
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<td>REFRESHMENTS FOR KEEL LAYING CEREMONY AUGUST 25, 2014 INVOICE # AUG 29, 2014-Bell Island, joined area residents at the Bell Island lighthouse to celebrate the new vessel's keel laying ceremony which recently took place at Damen Shipyards in Romania.</td>
<td>60433830</td>
<td>10/7/2014</td>
<td>$471.78</td>
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Department of Transportation and Works Total $1,471.78