

REGULAR COUNCIL MEETING - APRIL 12TH, 2023 @ 7:00 P.M

Minutes of regular council meeting held
at 7:00PM at April 12th at the Eastport Town Hall

Attendance

Mayor Art Crisby

Councillors: Monica Bull, Kimberly Powell, Shannon Powell, Ben Patey, Roger Bull

Staff: Chantal Lynch – Town Clerk/Manager, Denise Hickey – Admin Assistant

1. Call to Order

The meeting was called to order at 7:00PM by Mayor Crisby

2. Adoption of the Agenda

MOTION:	32-23
Proposed by:	Roger Bull
Seconded by:	Kim Powell
Resolved that the agenda be adopted as presented.	
In favour – 6; Opposed – 0. Carried.	

3. Adoption of Regular Council Minutes

MOTION:	33-23
Proposed by:	Ben Patey
Seconded by:	Shannon Powell
Resolved that the minutes of the Regular Council Meeting held on March 8th, be adopted as presented.	
In favour – 5; Opposed – 1, Councillor Roger Bull. Carried.	

4. Business Arising

- a. Admin Assistant Report – Denise Hickey gave an update on the progress on the audits and answered questions. Town Clerk/Manager advised that in conversation with the auditor today, they are ready to reconcile individual control accounts and it would be sent out soon. Denise then left the meeting at 7:25PM
- b. Municipal Conduct Act – Mandatory Training and Codes of Conduct Training.
The clerk/manager shared the latest dates for training and would send it out to those councillors who have not yet completed the training.
The in house training was completed with the entire Code of Conduct for Councillors being read out loud and time was permitted for questions and clarification.
- c. EP Rec and Wellness – Agreed the response letter from the Town of Eastport would be presented at the upcoming Joint Council Meeting in Salvage on April 19th.
- d. Councillor Technology & Email

MOTION:	44-23
Proposed by:	Roger Bull
Seconded by:	Monica Bull

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Resolved that the quote for 7 laptops for Councillors be accepted and purchased under the government standing offer as per the procurement act, from Triware for a total of \$9,826.12 in consultation with our current IT provider if there is no overlapping/duplicating of service.

In favour – 6; Opposed – 0. Carried.

Discussion around what support/service would be required and the devices should be ready to use upon arrival.

- e. Branding Eastport – deferred to the next regular council meeting
- f. Thriving Regions Workshop, April 3rd – Councillors Roger Bull, Monica Bull and Kim Powell attended, along with Town Clerk/Manager Chantal Lynch. Councillor Kim Powell gave a brief report on the workshop and that by all indications, the will to work together as a region was evident in the number of attendees. Noted this session was the one with the highest participation across the province. Point of interest is that the idea with the most interest was an economic development officer for the entire region.
- g. Joint Council meeting, April 19th, 3:30pm in Salvage – previously dealt with
- h. New streetlight on the corner of Legion and Main

MOTION: 45-23

Proposed by: Ben Patey

Seconded by: Monica Bull

Resolved that a request for a new streetlight be sent to NL Power for the west corner of Legion Road and Main Street.

In favour – 6; Opposed – 0. Carried.

Noted that a streetlight on Bank Road is in the trees and not shining on the roadway. Town Clerk/Manager would confirm as to whether or not it is included in the streetlighting for the Town.

5. New Business

- a. Beach Toy Library –

MOTION: 46-23

Proposed by: Kim Powell

Seconded by: Roger Bull

Resolved that a simple box-style structure be constructed by the public works staff to be used as a Beach Toy Library. The Town would provide some beach toys and no floatation devices are to be placed in the bin and it will be placed on Eastport Beach for a trial period.

In favour – 6; Opposed – 0. Carried.

- b. Clean Up Week - Would be scheduled in conjunction with the Public Works Staff workload. Tentatively scheduled for bulk pick up to begin June 7th. Deputy Mayor Amanda has indicated she would make arrangements for a community clean-up event in conjunction with the Legion.

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- c. Playground Signs – Discussion around the duplicate signs at the cenotaph and the playground. Councillor Kim Powell indicated the memorial signs were necessary to secure funding as a “memorial” playground. There has been initial discussion on how to capture the history of the current storyboards/signs in another area of the playground. Councillor Kim Powell and Town Clerk/Manager will gather information.
- d. Closed down/Derelict Business – Councillor Shannon Powell led the discussion on the list of commercial businesses that are closed down and questioned whether or not, at the very least, if Council could ask them to remove the business signs. Town clerk/manager will inquire with Municipal Affairs to see if this is a possibility.
- e. Birdhouses for Art Hunter Memorial Trail –

MOTION: 47-23

Proposed by: Shannon Powell

Seconded by: Kim Powell

Resolved that 3 or 4 birdhouses be constructed or purchased to be placed around the trail.

In favour – 6; Opposed – 0.Carried.

- f. Legal Matter

MOTION: 48-23

Proposed by: Kim Powell

Seconded by: Ben Patey

Resolved that the meeting would enter into a privileged session at 8:55PM

In favour – 6; Opposed – 0.Carried.

MOTION: 49-23

Proposed by: Kim Powell

Seconded by: Shannon Powell

Resolved that the meeting would revert back to regular session at 8:58PM

In favour – 6; Opposed – 0.Carried.

- g. Summer Planning/seasonal staff –

MOTION: 50-23

Proposed by: Monica Bull

Seconded by: Kim Powell

Resolved that the town of Eastport would consider a summer student dedicated to recreation and recreation development in a supervisory role, subject to funding and funds in the recreation budget that could possibly start earlier than the 8 weeks of the normal summer student position.

In favour – 6; Opposed – 0.Carried.

h. Social Media Accounts –

MOTION:	51-23
Proposed by:	Ben Patey
Seconded by:	Shannon Powell
Resolved that as advised by Municipal Affairs, office staff only would have access to the Town of Eastport Facebook page.	
In favour – 6; Opposed – 0. Carried.	

6. Finance

MOTION:	52-23
Proposed by:	Ben Patey
Seconded by:	Monica Bull
Resolved that, on the recommendation of the Finance Committee, the tax recovery plan for 2022 be renewed for 2023 as follows:	
1. Current year's taxes will be invoiced in January and are due and payable when rendered. 2. Taxes will be overdue and subject to interest charges of 1.5% per month if unpaid by June 30th. 3. Statements will be issued monthly for accounts with balances owing after June 30th. 4. Taxpayers who are in arrears of prior years taxes, as of January 1st will be sent a Notice of Arrears and advised of options available for the collection of the amount(s) owing. 5. In situations where a taxpayer demonstrates sufficient need for leniency, a suitable payment arrangement will be accepted. This will be in the form of a signed document and will be monitored monthly at the Finance Committee Meeting. 6. Adjustments shall be applied by the clerk/manager, where supporting documents are provided, and where the action is supported by a motion of council. 7. Taxpayers are informed of suitable payment options, such as post-dated cheques, and are encouraged to use that method of payment if a lump sum payment is difficult to make. 8. Delinquent taxpayers will receive phone calls, where possible, reminding them of their overdue account. 10. Council will immediately consider exercising the following tax collection options, should other options fail to achieve positive results: ➤ Discontinuation of services (<i>after April 30th of each year</i>); ➤ Submission of delinquent prior year accounts to a collection service (<i>by December 31st of following year</i>); ➤ Legal Action (<i>by December 31st of following year</i>); ➤ Tax sale of vacant land through legal consultation (<i>Six years from date account become overdue</i>); ➤ Attachment of wages (<i>by December 31st of following year</i>); ➤ Garnishment of rental income (<i>by December 31st of following year</i>)	
In favour – 6; Opposed – 0. Carried	

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MOTION:	53-23
Proposed by:	Ben Patey
Seconded by:	Kim Powell
Resolved that the following invoices be approved for payment as presented and reports tabled: Line of Credit March 2023 - \$410.29 Fire Dept: Cheque #1759-1766; \$2,508.94 General Account: Cheque #9476 – 9503; \$59, 498.90 Bank Statements March 2023 Quick Stats March 2023	
In favour – 6; Opposed – 0. Carried	

MOTION:	54-23
Proposed by:	Ben Patey
Seconded by:	Kim Powell
Resolved that the meeting would enter into a privileged session at 9:24PM	
In favour – 6; Opposed – 0.Carried.	

MOTION:	55-23
Proposed by:	Ben Patey
Seconded by:	Shannon Powell
Resolved that the meeting would revert to the regular council meeting at 9:27PM	
In favour – 6; Opposed – 0.Carried.	

Agreement that Town Clerk/Manager would inquire with Municipal Affairs on how to proceed if a municipality owes the town money.

7. Correspondence

- a. March 13, 2023 – Graduating Class of Holy Cross School – request for donation

MOTION:	56-23
Proposed by:	Shannon Powell
Seconded by:	Kim Powell
Resolved that a donation of \$50.00 be made to the Holy Cross Graduating Class out of the budget allocated for donations to the school	
In favour – 4; Opposed – 1, Councillor Ben Patey. Councillor Monica Bull left the room, citing Conflict of Interest. Carried.	

- b. April 4, 2023 – Holy Cross School – request for donation, floor curling
Agreed to bring it to joint council for cost sharing for all the towns on the peninsula as a region.

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c. April 5, 2023 – RTTB, New Tourism Accommodations Act -

Agreed that the Air BnB operators will have to apply to operate a business, as it is the new requirement for the Tourism Act for Air BnB operators to have approval from municipalities in order to have approval from Service NL.

d. April 6, 2023 – Caroline Frost – Age Friendly Community Grant Deadline May 19th, 2023

Filed for information purposes at this time.

e. April 12, 2023 RTTB, HNL Service Best Workshop – Filed for information purposes

f. April 10, 2023 – Tourism Week Invitation – Filed for information purposes. The Town Clerk/Manager is planning to attend.

g. Volunteer Appreciation Week – Filed for information purposes

h. March 30, 2023 – Krista Lynn Howell, Building Age-Friendly Communities Grant

The Town Clerk/Manager advised the application for solar lighting around Art Hunter Memorial Trail and the purchase of 2 wheelchair accessible picnic tables was approved in the amount of \$15,579.06.

8. Reading File

a. March 31, 2023 OIPC, Guidelines for Public Interest Override

b. March 27, 2023, OIPC, Anonymity of Applicants

c. March 21, 2023, MAA – Update

d. April 12, 2023, Dept of Transportation and Infrastructure – Changes to Master Specification and Updates

10. Committee/Liaison Reports

Public Works –

Discussion around road and maintenance, that a more in-depth look is needed for upkeep.

Admin/HR – no update

Planning & Development –

MOTION: 57-23

Proposed by: Monica Bull

Seconded by: Ben Patey

Resolved that the recommendation of the meeting of March 29, 2023 to *not* approve the application to construct a commercial sized septic tank/field in the site of the former septic waste disposal site, Main Street, Eastport, NL be accepted. Minutes of the meeting attached.

In favour – 6; Opposed – 0. Carried.

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MOTION: 58-23

Proposed by: Monica Bull

Seconded by: Kim Powell

Resolved that the recommendation of the April 11, 2023 meeting to set meetings for the first Wednesday of every month and that all development applications will need to be received by the office on or before this day be accepted.

In favour – 6; Opposed – 0.Carried.

MOTION: 59-23

Proposed by: Monica Bull

Seconded by: Ben Patey

Resolved that the recommendation of the April 11, 2023 meeting to approve Development Application for 22 Burdens Road for replacement of structure with wood material be accepted.

In favour – 6; Opposed – 0.Carried.

MOTION: 60-23

Proposed by: Monica Bull

Seconded by: Kim Powell

Resolved that the recommendation of the April 11, 2023 meeting to approve Quarry Permit 711:13016 based on the fact there are no sensitive receptors applicable, noted this is a renewal of a quarry, (reviewed on the request of the Quarry Referrals department) be accepted.

In favour – 6; Opposed – 0.Carried.

MOTION: 61-23

Proposed by: Monica Bull

Seconded by: Kim Powell

Resolved that the recommendation of the April 11, 2023 meeting be accepted. The recommendation is as follows:

as additional information had been made available with a further request from Ges Nunn(Quarry Referrals) concerning Quarry Application 711:13082; that as per the Town Plan, being that this proposal is located in a Rural Zone and falls under Discretionary Use, a notice will be sent out seeking public input on the matter.

Furthermore, the Planning and Development Committee would review submissions on April 27th, 2023, in consultation with the quarry referrals department on the process.

In favour – 6; Opposed – 0.Carried.

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MOTION:	62-23
Proposed by:	Monica Bull
Seconded by:	Kim Powell
Resolved that the recommendation of the April 11, 2023 meeting to request a site visit with the proponent and also confirm the zoning for the proposed development on Tulks Road be accepted.	
In favour – 6; Opposed – 0. Carried.	

Communication & Public Engagement – no update

Recreation & Social – no update

Fire Hall Liaison –

For information purposes, the Fire Department Liaison advised the department will be needing a new supply van. If funding becomes available, this equipment should be considered.

RTTB Tourism– no update

CNWM- no update

EP Rec & Wellness-no update

Emergency Management Regional Team - no update

11. Adjournment

MOTION:	63-23
Proposed by:	Kim Powell
Seconded by:	Roger Bull
Resolved that the meeting be adjourned at 10:48PM and the next regular meeting would be held on May 10 th at 7:00PM.	
In favour – 6 ; Opposed – 0, Carried.	

Art Crisby – Mayor

Chantal Lynch – Town Clerk/Manager

Planning and Development Committee Meeting - March 29, 2023

In attendance - Arthur Crisby, Mayor; Chantal Lynch, Town Clerk/Manager; Kim Powell - Councillor; Monica Bull Councillor/Chair.
Absent - Amanda Handcock (due to Conflict of Interest)

Agenda:

Review of application: from G and R Construction to install a Septic Disposal Tank/Field at the former septic disposal site located adjacent to the Fire Training Grounds off Main Street, to determine recommendation for next Council meeting scheduled for April 12, 2023.

Recommendation:

Planning and Development members present were in consensus to NOT recommend approval of the above noted application. In consideration of the application, the Committee undertook the following analysis.

Analysis

1. **Previous Motion 051-20, June 17, 2020** - motion carried to deny applications (two companies) for construction of new septic disposal sites due to non-conformity to Town Plan and noted that Council was not interested in changing Town Plan.
2. **Public Notice Issued March 09, 2023** - 10 submissions received all opposed to proposed development. The following are a summary of issues and concerns noted:
 - Environmental concerns (various noted in all submissions)
 - Location within Town boundaries
 - Impact on Tourism
 - Waste trucked in from other locations
 - Previously not approved, outside Town Plan
 - No economic benefit to Town
 - Damage to reputation of Town
 - Heavy trucking in and wear and tear on roads
 - Glovertown turned down such an application within its boundary
 - potential responsibility for remediation
 - no need as a facility for this region exists and is outside municipal boundaries
 - foul smell
 - risk of spills
 - risk of outflow and leaching to Northside Beach
 - should be in area near Central Waste Management site

3. Development Regulations:

- **Regulation 6: Compliance with Regulations** - No development shall be carried out within the Planning Area except in accordance with the Eastport Municipal Plan and these Regulations.
- **Schedule A Definitions: UTILITY** means a service requiring the use of land for such purposes as electricity and telephone transmission lines, water supply and storage, public sanitary sewage disposal, treatment of sewage, and public drainage including storm sewers, as well as any buildings or structures associated with the above mentioned utilities.
- **Schedule C Use Zone Tables: RURAL Permitted Uses** (see Regulation 99) Agriculture, conservation, forestry, mineral exploration, recreation open spaces. **Discretionary Uses** (see Regulation 33 and 100) Mineral working, wind generator, salvage yard, genreal industrial, light industrial, construction yard, campground, outdoor tourism, single dwelling, cemetery, antenna.
- **Regulation 99: Permitted Uses** - Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone table in Schedule C shall be permitted by Council in that Use Zone.
- **Regulation 100: Discretionary Uses** - Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone table in Schedule C may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with section 33 and has considered any objections or representation which may have been received on the matter.
- **Regulation 101: Uses Not Permitted** - Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone tables in Schedule C shall not be permitted in that Use Zone.

4. Town Plan:

- **Pg. 14 2.2 Economy Objectives:** Support the development of facilities and attractions that will enhance tourism, e.g., parks, water recreation, hiking trails.
- **Pg. 15 2.3 Commercial and Industrial Development Objectives:** Prevent development in inappropriate locations of offensive trades and nuisances that may be detrimental to the Town as an attractive place to live and visit.
- **Pg. 17 2.7 Environment Objectives:** Protect environmentally sensitive areas such as rivers, streams, wetlands, ponds, steep slopes, shorelines and beaches.
- **Pg. 49 2 Development Applications:**

(1) Every person or corporation wishing to develop land for any purpose within the Eastport Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Eastport Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.

(2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.

(4) Council's final decision on an application will be based on the desire to guide the development of Eastport in the best long-term interest of residents.

Pg. 50 4 Non-Conforming Uses (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of six months, or such further period as Council considers fit, it shall not be recommended and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.

Pg. 55 4.4 Development Control

1. Municipal Plan is Binding (1) The Eastport Municipal Plan is a legal document which is binding upon all persons and organizations, including the Council

2. Council Control (1) Council shall exercise appropriate control over development in the Eastport Planning Area in accordance with the Municipal Plan and the Development

5. Costs and Benefits:

- No apparent benefits to Town: no increase in revenue, no new jobs, current arrangements to have waste trucked to central location is working.
- Potential Costs to Town: similar to those expressed by resident submissions, additionally responsibility for monitoring and decommissioning remediation should the contractor abandon site for whatever reason.

6. No clear Title.

7. Future Plans: If a consultant is hired (RFP) in future to look at plans for expansion of sewage and sustainability of existing sewage treatment, consideration could also be given to reviewing septic disposal arrangements for the Town within the study.