

A regular meeting of Council was held on Monday, June 6, at 7:00 p.m., at the Bonaventure English Harbour Development Association building.

Members Present: Mayor Jim Miller
Councillor Ian White
Councillor Joan Kane
Councillor Dawne Marlow
Town Clerk / Manager Linda Sweet
Water & Sewer Operator Glen Vokey

Regrets: Deputy Mayor Scott Goldsworthy

Delegates: Martin & Janine Jamieson, Judy Dupuis

Visitors: Wayne White, Mary Clarke, Karen Huys, Helen Gareau

Resolution 2016-06-44: was made by Councillor Kane to adopt the minutes of May 2nd, it was seconded by Councillor Marlow. All in agreement, resolution carried.

Business Arising from Minutes:

Mayor Miller informed Council we are still waiting on the Provincial Department of Business, Tourism, Culture and Rural Development to get the land transferred or leased to the Town. He went on to explain that he has emailed all the Ministers involved to get this matter straightened out as soon as possible.

Mayor Miller informed Council that he has left three messages and two emails to his contact at Bell Aliant but to date has not received any response.

Mayor Miller informed Council that the Municipal Assessment Agency will be out in the next couple of weeks to do a new assessment on the old town building and when we have this the building and land will go back up on tenders.

Mayor Miller informed Council that at our last meeting we made a resolution to apply to the Gas Tax funding to have two roads paved, Hill Street and Path End but since then we found out we have to have one of our sewer outfalls monitored as the total volume of effluent per day exceeds the required amount. He went on to explain that we have a price quote from BioMaxx Wastewater Solutions to have a flowmeter installed on our outfall for the new Federal Wastewater Effluent Regulations as well as one year of quarterly sampling as per the regulations and the cost is \$14,565.00 plus HST. A discussion took place and Councillor Kane agreed to rescind **Resolution 2016-05-34**, and made a new **Resolution 2016-06-45:** to use our Gas Tax funds for the Town of Trinity to submit its Capital Investment Plan to the Department of Municipal and Intergovernmental Affairs for Gas Tax funding in the amount of \$24,754.95. To pave Path End and install a flowmeter with one year of quarterly sampling as per the Federal regulations, it was seconded by Councillor Marlow. All in agreement, resolution carried.

A discussion took place regarding the Trinity Municipal Plan Amendment and Development Regulations Amendments No. 1, 2016 and **Resolution 2016-06-46:** was made by Councillor Marlow that be it so resolved that Municipal Plan and Development Regulations Amendments No. 1, 2016 be approved as adopted, it was seconded by Councillor White. All in agreement, resolution carried.

Water & sewer Operator:

Water and Sewer Operator explained that Xylem will be out on Thursday to do some necessary work on the lift station and put back the pump in order to open the line to Fort Point.

Heritage Committee:

Town Clerk/Manager informed Council that the heritage committee received and are recommending a request from 107 Main Road to remove current shed 12 x 17 and rebuild in the same footprint a 12 x 16 with a 12 on 12 pitch roof. She explained that she will post it for 30 days and bring back to the next meeting for final approval.

Incoming Correspondence

- a) Minister Judy Foote Re: Response to our letter regarding Canada Post. May 03/16 - File
- b) Susan Margles, Canada Post Re: Our letter that was sent to Minister Judy Foote. May 9/16 - File
- c) Dept. of Health and Community Services Re: The Town of Trinity has been selected to receive a LifePak 500 Automated External Defibrillator. May 12/16 – Documents signed and sent back waiting for the defibrillator to arrive in Clarendville for pickup.
- d) Minister Hunter Tootoo Re: Our letter that was sent regarding the Last In-First Out policy. May 24/16 - File
- e) Dept. of Environment and Conservation Re: Seasonal Drinking Water Quality Community Reports & Changes to Drinking Water Quality Monitoring. May 26/16 - File
- f) Cal LeGrow Re: Copy of the Volunteer Fire Fighters Accident Policy. May 26/16 - File
- g) 60 Main Road Re: Requesting permission to re-open the Trinity Beach House as a vacation rental. May 30/16 – A discussion took place and **Resolution 2016-06-47:** was made by Councillor White to approve 60 Main Road as a vacation rental providing all Government Services regulations are met and a fire inspection, it was seconded by Councillor Marlow. All in agreement, resolution carried.
- h) 11 Ash's Lane Re: Requesting permission to operate as a vacation home. May 30/16 – A discussion took place and **Resolution 2016-06-48:** was made by Councillor Kane to approve 11 Ash's Lane as a vacation home providing all Government Services regulations are met and a fire inspection, it was seconded by Councillor White. All in agreement, resolution carried.

i) 13 Gallavan's Lane Re: Hole in the main drain that runs through the property. May 31, 2016 – A discussion took place and Council agreed to have Bayview Equipment fill in the hole.

j) 4 Taverner's Path Re: Requesting permission to operate as a vacation rental. June 1, 2016 - A discussion took place and **Resolution 2016-06-49:** was made by Councillor Marlow to approve 4 Taverner's Path as a vacation rental providing all Government Services regulations are met and a fire inspection, it was seconded by Councillor White. All in agreement, resolution carried.

k) Judy Dupuis Re: Letter of objection to the proposal for grazing 2 or 3 ponies during the summer months. June 2/16 – Ms. Dupuis addressed some concerns regarding the application to graze two or three ponies within the Heritage Area.

Mrs. Jamieson addressed some of Ms. Dupuis concerns regarding the proposed application.

Mayor Miller informed all that we have consulted our Town Planner, Mary Bishop for advice and she came back with two options and the following recommendation for consideration.

1. Proposed use as an agricultural use

If Council determines that the proposed use constitutes an agriculture use and wishes to approve the application, a text amendment could be made to the Development Regulations to provide for hobby farm type use as accessory to a residential use. This should be able to be accomplished without amendment to the Municipal Plan and would clarify the intent with respect to this and future proposals. Conditions could be included that would apply to such uses.

2. Proposed use as an accessory use to a residential use

In this case, if Council feels that the proposed development contributes to the historic townscape in a manner that reflects traditional land use on the particular property, Policy H-1 could apply. (**Policy H-1** states that uses that are accessory to a permitted use will be acceptable except where, in the opinion of Council, the use would be incompatible with adjoining uses.) In approving the use, Council should be satisfied that the use won't be an intensification of land use, that the building is small, and that the use is temporary (seasonal).

The latter option would certainly be open to appeal and interpretation of whether what is proposed is an agriculture use or not, but could be argued.

Recommendation

Based on the information provided, it would be to approve the application as indicated in option 2. The use is obviously small, 3 ponies on a fairly large property, with a small shelter constructed. It would be my recommendation that we amend the development regulations to address the issue of hobby or backyard agriculture to clarify what would be acceptable and what would not. The decision might result in an appeal, but I believe

could be argued before the board based on the small scale nature of the proposal. In approving the proposal, I would require the following conditions:

1. The building be placed so that it is not close to the church or to the road that passes along there, perhaps at the end of the property closer to the main residence.
2. That approval is for the months of May to September.
3. That the bog area not be filled in or excavated (but could be part of the fenced pasture).
4. That the fence be in conformance with the fence requirements of the Heritage Area zone.
5. That manure is handled responsibly (if they are just pasturing, then there should be no manure pile, if there is, it would need to be cleared away periodically).
6. That all feed be properly stored and contained in closed containers that cannot be accessed by rodents.
7. That stallions not be permitted.
8. That no more than 3 animals be kept at any one time.

If the use translates into a business use such as pony rides for example, another application would be required for consideration and different conditions would apply.

A discussion took place and Council agreed that any structure development would have to go to the heritage committee prior to approval and **Resolution 2016-06-50:** was made by Councillor White to go with option two (2) and allow the applicant to investigate the bog area in order to proceed, it was seconded by Councillor Marlow. All in agreement, resolution carried.

l) Mayor's March. June 6/16 – A discussion took place and Council agreed to do the Mayor's March on September 11th, but asked not to receive t-shirts.

m) Premier's Forum on Local Government Re: Call for Regional Nominations. June 6/16 – A discussion took place and **Resolution 2016-06-51:** was made by Councillor Kane that the Municipality of Trinity, Trinity Bay hereby nominate Mayor, Jim Miller to represent the Eastern Region at the 2016 Premier's Forum on Local Government, on Wednesday, October 5th, 2016 at the Delta Hotel in St. John's NL, it was seconded by Councillor Marlow. All in agreement, resolution carried.

n) Karen Huys Re: Clean up and repair of street signs. June 6/16 – A discussion took place and Council agreed to have the community signs put up and contact the Department of Transportation and Works to have the signs coming in on Route 230 and have the street cleared of sand and rocks.

Outgoing Correspondence

- Tourism Operator Profile Form filled out and sent.

Invoices for Operating Account from May 2nd to June 2nd, 2016, \$21,546.55

A discussion took place and **Resolution 2016-06-52:** was made by Councillor Kane to pay the outstanding invoices in the operating account, it was seconded by Councillor Marlow. All in agreement, resolution carried.

Finances: **\$102,963.60**

Recreation Funding **\$3,824.48**

Yoga Blocks	320.00
Recreation Funding	\$3,504.48

Trinity Festival Funding	\$1,871.57
Coffee Maker	170.05
Trinity Festival Funding	\$1,701.52

Gas Tax 2015 **\$7,975.19**

Resolution 2016-06-53: was made by Councillor Marlow to accept the finances as presented, it was seconded by Councillor White. All in agreement, resolution carried.

General/New Business:

Town Clerk/Manager informed Council that a lawyer for 10 Water Street has written and agreed to pay the taxes on the property as well as the survey by Friday, June 10. A discussion took place and **Resolution 2016-06-54:** was made by Councillor White to accept the offer from the lawyer to pay all outstanding taxes as indicated on the Notice of Arrears and pay Control Surveys Ltd. directly for the cost of having the survey prepared, it was seconded by Councillor Kane. All in agreement, resolution carried.

Town Clerk/Manager informed Council that after some investigation with the Municipal Assessment Agency 21 and 23 High Street is one piece of property and taxes are being paid on one piece. She explained that as soon as the new assessment arrives she will charge 21 High Street for the new assessment on 23 High Street.

Town Clerk/Manager informed Council that two surveys are in the process for 5 High Street and 15 High Street which will indicate exactly where the land is located. A discussion took place and **Resolution 2016-06-55:** was made by Councillor White that under the Municipalities Act *Section 111* have the Town Clerk/Manager prepare the necessary documents to proceed to sell the real property for taxes owing plus interest on 5 High Street and 15 High Street, it was seconded by Councillor Kane. All in agreement, resolution carried.

Karen Huys and Mary Clarke left the meeting at 8:05 p.m.

Mayor Miller presented the 2015 Audit to Council for review and **Resolution 2016-06-56:** was made by Councillor White to adopt 2015 Audit and make the necessary journal entries as presented, it was seconded by Councillor Marlow. All in agreement, resolution carried.

A review of the revised Tax Recovery Plan was presented and **Resolution 2016-06-57:** Councillor Kane to accept the revised Tax Recovery Plan, it was seconded by Councillor White. All in agreement, resolution carried.

Wayne White asked Council if they could have 35 High Street clean up the property. A discussion took place and Council agreed to write 35 High Street to have the property cleaned up.

Resolution 2016-06-58: was made by Councillor Marlow to adjourn the meeting at 8:15 p.m., it was seconded by Councillor White. All in agreement, resolution carried.

The next regular meeting of Council will be July 4, 2016, at 7:00 p.m., at the Bonaventure English Harbour Development Association.

Mayor

Town Clerk/Manager