

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

Minutes of a Meeting of

MUNICIPAL COUNCIL

Held in the Council Chamber, 210 Aberdeen Road, Bridgewater, N. S.

Tuesday, March 8, 2016 – 9:00 a.m.

ATTENDANCE

Mayor Don Downe
Deputy Mayor Claudette Garland – District 5
Councillor Errol Knickle - District 1
Councillor Donald Zwicker – District 2
Councillor Frank Fawson - District 3
Councillor Michael Ernst – District 4
Councillor Terry Dorey – District 6
Councillor Cathy Moore – District 7
Councillor John Veinot – District 8
Councillor Carolyn Bolivar-Getson – District 9
Councillor Martin Bell – District 11
Councillor Eric Hustvedt – District 12

REGRETS: Councillor Lee Nauss – District 10

STAFF: Kevin Malloy, Chief Administrative Officer
Alex Dumaresq, Deputy CAO
Sherry Conrad, Municipal Clerk
Heather Whynott, Administrative Assistant

1. **CALL TO ORDER** – Mayor Downe called the meeting to order at 9:00 a.m.

2. **ANNOUNCEMENTS**

Mayor Downe welcomed Stella Bowles who was in the audience. Stella is a Bridgewater Elementary student who has chosen the matter of straight pipes emptying into the LaHave River as a science project.

Councillor Fawson reported that this is International Women's Day and noted that there are events taking place at the Second Story Women's Centre.

Mayor Downe noted the Purple Ribbons that Council members are wearing in recognition of Purple Day -- a day held during March which is Epilepsy Awareness Month. This year Epilepsy Canada is marking its 50th Anniversary.

Councillor Ernst reported that, at the recent Business Excellence Awards event, two businesses from District 4 were nominated and received awards.

3. **PUBLIC INPUT**

Derek Purcell, Pentz Road – He presented to Council a concern that he has, as he is of the understanding that MODL is entering into a wind energy project partnership without broad public knowledge or consultation. He provided some information of his understanding of the details of the project, and concluded his presentation with the following comment: "I am concerned that our Municipal government and staff have so far prevented public access to

information on this significant project.” (A copy of Mr. Purcell’s presentation is attached to the original March 8, 2016 Council Minutes in the Minutes Book.)

Tom Drew, Mosher Island – He spoke about the coliform in the LaHave River, commenting that in 2016 there is no reason for anyone to be pumping effluent in that river. He noted that every summer there is a Stop Order posted for the gathering of mussels and clams. He thinks it’s time for changes to be made and people to stop pumping effluent in that river or anywhere.

4. AGENDA – ANY OTHER BUSINESS TO BE ADDED

There were no requests for additions to the agenda.

Moved by Councillor Bolivar-Getson, seconded by Councillor Zwicker that the Agenda be approved as circulated. Carried Unanimously.

5. MINUTES (nil)

6. BUSINESS ARISING FROM MINUTES (nil)

7. AWARDING OF TENDERS/RFPs

7.1 RFP 2015-01-404 – LEGAL SERVICES

Circulated with the agenda was a report dated March 8, 2016 from Alex Dumaresq, Deputy CAO, providing Council with the evaluation results of the Requests for Proposals for Legal Services, RFP 2015-01-404. Five proposals were received in response to a joint call , for proposals for Legal Services for MODL and the Town of Bridgewater (TOB).

Mr. Dumaresq reviewed the information in his report and answered questions from Council, particularly as it relates to what happens if there is a legal conflict between MODL and the TOB, which was addressed in the RFP document.

Moved by Deputy Mayor Garland, seconded by Councillor Moore that Municipal Council authorizes staff to award RFP 2015-01-404 to Power, Dempsey, Leefe, and Reddy for the provision of Legal Services for a five-year period, with an optional two-year extension at the Municipality’s discretion. Carried Unanimously.

8. PRESENTATIONS (nil)

9. CONSIDERATION OF CORRESPONDENCE (nil)

10. RECOMMENDATIONS/REFERRALS FROM COMMITTEES/BOARDS

10.1 PLANNING ADVISORY COMMITTEE and HERITAGE ADVISORY COMMITTEE

In attendance were Jeff Merrill, Director of Planning and Development Services, and Douglas Reid, Planner.

CONFLICT OF INTEREST

Councillor Dorey declared a conflict of interest regarding item 10.1.1 and he left the meeting.

10.1.1 Development Agreement Application – Riverport & District Plan Area – Lori Fuller, 3017 Highway #332, Bayport

Council was informed that, at their February 25, 2016 meeting, the Planning Advisory Committee (PAC) considered an application for a Development Agreement (DA) from Ms. Lori Fuller to allow for the proposed development of a licensed Lounge on the property identified as PID #60195708, located at 3017 Highway 332 in Bayport. It was the PAC's decision to forward Ms. Fuller's application for a DA to Council without a recommendation.

Circulated with the agenda and reviewed by Mr. Reid was his report to Council dated March 1, 2016 to update Council on the matter of Ms. Fuller's DA application. His report informed Council of the public meetings held in the area regarding this application and the positive and negative comments expressed by residents who attended the meetings. His report to Council, following the PAC report, was for two purposes, which were addressed in detail: 1) Updated input from RCMP (which are no longer in a position to support this application); and 2) Alternatives re Conditions in relation to Noise.

Moved by Councillor Zwicker, seconded by Councillor Knickle that Municipal Council refuses the application submitted by Ms. Lori Fuller for a Development Agreement allowing for a proposed licensed Lounge on PID #60195708, located in the Riverport & District plan area, following Council's consideration of Policy 7.1.4(b)-vi of the Riverport & District Secondary Planning Strategy. Carried Unanimously.

Mr. Reid was thanked and he left the meeting.

Councillor Dorey returned to the meeting.

10.1.2 Application to Alter a Municipal Heritage Property – 19 Hospital Road, Garden Lots

Mr. Merrill reviewed the request that the Heritage Advisory Committee received at their February 25, 2016 meeting. The request was for a substantial alteration to the Registered Municipal Heritage Property located at 19 Hospital Road, Garden Lots, for the addition of a vent pipe.

Moved by Councillor Knickle, seconded by Councillor Bell that Municipal Council accepts the recommendation of the Heritage Advisory Committee and approves the proposed substantial alteration to the Municipal Heritage Property located at 19 Hospital Road, Garden Lots, the alteration being the addition of a vent pipe, approximately 5 metres in length, to be located on/at the northeast corner of the building façade. Carried Unanimously.

10.2 AUDIT & FINANCE COMMITTEE – RECOMMENDATIONS

Mayor Downe explained the new procedure to vote on recommendations from Committees as a block, and what the procedure is to remove a motion(s) to deal with them separately.

Moved by Deputy Mayor Garland, seconded by Councillor Bolivar-Getson that Municipal Council accepts the recommendations of the Audit & Finance Committee and approves the recommendations as a whole.

Moved by Councillor Ernst, seconded by Councillor Dorey that item/recommendation 10.1.1 be removed from the block and dealt with separately. Carried Unanimously.

Moved by Councillor Fawson, seconded by Councillor Dorey that item/recommendation 10.2.1 be removed from the block and dealt with separately. Carried Unanimously.

Council then voted on approving the remainder of the recommendations, which were:

10.2.3 - that Municipal Council approve the Municipality of Lunenburg's portion of the Seniors' Safety Program in the amount of \$14,195.34 for inclusion in the fiscal April 1, 2016 to March 31, 2017 operating budget.

10.2.4 - that Municipal Council sign a cost-share agreement with the Department of Transportation and Infrastructure Renewal and pre-approve up to \$150,000 in the 2016-2017 capital budget to have 5.6 km of the Pine Grove Road widened to accommodate an active transportation route funded from gas tax.

10.2.5 - that Municipal Council approve the Major Recreation Capital Grant request towards roof repairs from Wileville Fire Department in the amount of \$2,500 for inclusion in the 2015-2016 operating budget.

10.2.6 - that Municipal Council approve the National/Provincial Event Grant request from the Cherry Hill Fun Run being held at the United Communities Fire Department on July 30, 2016 in the amount of \$300 from the 2015-2016 operating budget.

10.2.7 - that Municipal Council approve the National/Provincial Event Grant request from the Bridgewater Barracudas Swim Club up to a maximum of \$1,000 from the 2015-2016 operating budget towards the 2016 NS Provincial Summer Swim Championships.

10.2.8 - that Municipal Council give pre-budget approval to the following capital items:

- 1) Engineering Truck - \$25,000**
- 2) Cookville Membrane Replacement - \$160,000**
- 3) Jubilee Fire Protection Carryover - \$370,000**
- 4) CES/CEF Water Treatment & Discharge Line - \$10,000**
- 5) LiDar Coverage of MODL - \$250,000**

Carried Unanimously.

10.2.1 – MODL's Contribution towards Region 6 Solid Waste Resource Management Budget

Moved by Councillor Knickle, seconded by Councillor Zwicker that Council accepts the recommendation of the Audit & Finance Committee and approves the Municipality of Lunenburg's contribution of \$24,499.18 towards the Region 6 Solid Waste Resource Management Budget for fiscal 2017.

In the discussion that followed, concern was expressed about the Education cost figure in the Region 6 budget. Council's representative on the Region 6 Board, Errol Knickle, reported that he brings up this concern at the meetings. It was suggested that, in a time of decreasing

revenues, there should be ways we can continue with the education program that would be more cost effective.

The vote was taken on the motion.

OPPOSED – Councillors Ernst and Dorey.

Motion Carried.

Mr. Dumaresq indicated that staff will develop a working session on this matter and invite the RCMP, as they are working on a litter abatement program.

10.2.2 – Letter to Blockhouse Area Ratepayers Kinship Society

Councillor Ernst made reference to the Audit & Finance Committee meeting when he brought up the matter of the Open Space Reserve and designating funds for the purchase of land in the Blockhouse community. He questioned if the MGA specifies that a Reserve fund can have a designation placed on it. Mr. Malloy said it can have a designated purpose, as approved by Council.

Moved by Councillor Ernst, seconded by Councillor Dorey that the money from the sale of the Blockhouse school be put in a Public Open Space reserve to be designated for the purchase of land for public use in the Blockhouse area.

In the discussion that followed, some noted comments/questions were:

- We have a Public Open Space policy that works very well; therefore, what's the advantage of setting up separate funds?
- The opportunity to purchase Public Open Space land in Blockhouse can be considered when it becomes available.
- We have a policy that we follow when a request comes forward from the community.
- We should look at all opportunities for open space, wherever they may be.
- It is much easier to purchase public land in a specific area if there are funds designated for that purpose.
- Three schools have been given back to MODL. We recognized that the infrastructure had value to those communities. In Riverport, we set aside a piece of land for the community. The South Shore Ventures Co-op was asked to reserve a piece of land for the community of Blockhouse, but that arrangement didn't work out and we've now sold the Blockhouse school property. It should be no different than the situation in Riverport.
- A suggestion was made that the money from the sale of the Blockhouse school property should be designated for that community. Councillor Ernst indicated that he was looking for fairness to all municipal residents; and he's not looking for this money to be set aside for anybody to access – it would have to be a municipal decision. They lost a large open space area in their community.

The vote was taken on the motion to put the money from the sale of the Blockhouse school in a Public Open Space reserve to be designated for the purchase of land for public use in the Blockhouse area.

OPPOSED – Councillors Hustvedt, Bell, Bolivar-Getson, Veinot, Moore, Deputy Mayor Garland, Councillor Zwicker, and Mayor Downe.

Motion Defeated.

Mayor Downe commented that the door is open and we would love for the community to come forward with a proposal.

Moved by Councillor Bell, seconded by Councillor Veinot that Municipal Council accepts the recommendation of the Audit & Finance Committee that Municipal Council send a letter to the Blockhouse Area Ratepayers Kinship Society advising the following with regard to their request:

- 1) That the *Municipal Government Act (MGA)* requires that the proceeds from the sale of property to be placed in a Capital Reserve Fund, as per subject to the MGA.
- 2) That arrangements have already been made for the removal and use of the outside classroom unit to another organization and that if that arrangement falls through, they would be welcomed to approach the owner of the property.

OPPOSED – Councillors Dorey, Ernst, and Knickle.

Motion Carried.

11. STAFF REORTS

11.1 DEPUTY CAO

11.1.1 LaHAVE RIVER PROJECT

In attendance were Mr. Steve Warburton of Warburton Communications Inc. and Ms. Shanna Fredericks of Bluenose Coastal Action Foundation (BCAF) – the two organizations which were jointly awarded the RFP for the Education & Awareness Program for Sewer Solutions for the LaHave River.

Circulated with the agenda was a report from the LaHave River Staff Leadership Team on the proposed LaHave River Septic Installation Program, dated March 8, 2016.

Information was provided on the following topics of this proposed project:

- a) Intro to Education & Awareness Program
- b) Agreement in Principle

Mr. Dumaresq provided a PowerPoint presentation to review the information in the report.

Council was informed that Information Sessions on this proposed project will be held as follows:

- April 14 – 7:00 pm – LaHave Fire Hall
- April 18 – 7:00 pm – Conquerall Bank Fire Hall
- April 19 – 7:00 pm – Dayspring Fire Hall
- April 26 – 7:00 pm – Riverport Community Centre

Mr. Warburton gave an update on the “*Our Living Future*” campaign, which will help inform the public of the extent of contamination, the importance of eliminating straight pipes, and the flexibility of newer systems to fit difficult building lots.

During his presentation Mr. Warburton spoke of Stella Bowles and her facebook page about the issue of straight pipes emptying into the LaHave River, which he understands has more than a million followers. He commented that this project is much more than an education program – it's a movement.

Ms. Fredericks reported that BCAF has been working with the straight pipes' citizens' group for nine years. She provided information on the amount of contamination at specific locations in the river that they have been monitoring. She noted that all samples are taken from shoreline locations where there is less flow. She reported that, of the 800 properties identified in 1993 to have straight pipes to the river, an estimated 200 have replaced their straight pipes with septic systems. In response to a question asked during the discussion, she reported on testing results at locations upstream, which do not show elevated levels of fecal count.

Mr. Dumaresq provided information on the regulations and guidelines that were put in place as it relates to legal methods of sewage treatment.

A lengthy discussion followed on this proposed project. Council members expressed their personal opinions on this matter and some reported on the types of questions they're being asked by their residents.

During the discussion, there were comments and questions about the Town of Bridgewater (TOB) and the fact that the Town also contributes to the contamination in the river. Mayor Downe reported that TOB is trying to eliminate the contamination from their Town. Ms. Fredericks reported that every year TOB is putting money in their budget to eliminate it.

Mr. Dumaresq reported that there are regulations to eliminate CSOs, but there are no regulations in place to eliminate straight pipes.

Some of the comments/questions during the discussion were:

- The chart is showing fecal bacteria contamination as a direct result of straight pipes in three locations in MODL – Middle LaHave, Riverport, and Dayspring.
- It's an estimated 600 properties in MODL still have straight pipes.
- This is a provincial matter as well as a municipal matter. The Province has a big role in management of sewage. However, provincial inspectors cannot go on a property unless a complaint is lodged. They are part of the overall solution.
- This is not a straight-forward situation. There are a lot of inflows that are not straight pipes, e.g., many brooks flow into the river – How pristine is that water? Let's not impose hardships on people when we are not yet finished compiling the data. There are a lot of variables here and it requires a lot of study before we do anything concrete.

Ms. Fredericks noted that there are a lot of contributors to fecal bacteria, such as wildlife, domestic animals, run-off. It's a matter of identifying the most serious contributors and eliminating them.

During his presentation Mr. Dumaresq reviewed MODL's actions to date on this project. Applications for funding assistance will be submitted to other levels of government when funding programs are announced or become available. He noted that property owners will be expected to financially contribute to address the issue for any costs not recovered through grants. He emphasized that MODL is not the enforcement body for regulating straight pipes.

He reported on the UNSM Resolution that MODL initiated; and if accepted by the Province, it would eliminate the long-time use of straight pipes. He also noted that there are barriers to eliminating straight pipes, e.g. challenging conditions; large upfront cost; awareness and attitude. Some points he noted about reducing barriers – the Municipality manages the project (simplifying the project), and the Municipality applies for grants.

There was some discussion regarding the funding that the affected residents can apply for, and Councillors' questions regarding same were answered by Mr. Dumaresq. It was noted that if it is not their primary residence, under the proposed program, they will not be able to apply for this funding (if the project goes forward).

In response to a question about the cost to the homeowner, Mr. Dumaresq reported that in the preliminary budget the actual cost to the homeowner will be close to \$10,000, including education and maintenance costs. The grant applications, if approved, is what will provide the reduced cost to the home-owners.

A question was asked if we will still be going ahead with the project if the Build Canada Fund (BCF) doesn't materialize. There are some that feel we should, as we should all be concerned about the river and water quality.

Mr. Dumaresq reported that the financing of a project of this size becomes much more complicated. We are looking at financing over 10 years. The carrying cost is in the range of \$2.4 million at the peak of the program. Without grants, the municipality would have to look at financing from the Municipal Finance Corporation. He noted that water quality is everyone's responsibility, and all levels of government must partner together to address this issue.

Mayor Downe commented that if the BCF doesn't support it, then Council will make a decision on what they want to do to go forward. This is an issue that has been here for a long time. The opportunity with the BCF initiative is now. If we miss that opportunity, he doesn't know when it will become available again.

Mr. Dumaresq responded to a question about MODL setting up a Wastewater Management District and if we are still going to rely on the Department of Environment for enforcement. He explained what a Waste-water Management District By-law allows the municipality to develop additional authority. The municipality is pursuing a partnership agreement with NSE to ensure that the appropriate compliance mechanisms are in place, from the most appropriate agency. Municipal staff are meeting with provincial officials on this topic but no agreement has been reached.

Council members voiced their opinion as to whether or not they feel the project should go forward as recommended in the staff report, or if more information is needed.

At 12:35 pm Council recessed for lunch.

At 1:45 p.m. the meeting resumed.

Mayor Downe commented, to sum up this morning's discussion, Council had excellent conversation and discussion. It sounds like we want to do something about the straight pipes in the river; but concern was expressed about needing more information. He sees two options – we could agree in principle; or we can direct staff to go further and get more information. He asked for each Council member to give their opinion.

Mr. Dumaresq responded to a suggestion about coming back in two weeks, and he indicated that there are some timing issues.

Moved by Councillor Hustvedt, seconded by Councillor Bell that staff be directed to continue to develop information program parameters, including securing funding information, and that this information be brought to Council at a Council/Staff working session. Carried Unanimously.

At 2:00 p.m. Mayor Downe left the meeting for an interview.

Deputy Mayor Garland was in the chair.

12. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS

12.2 UPDATE – DEPUTY MAYOR

Deputy Mayor Garland reported that she attended a meeting with Mayor Pam Mood and discussed the marketing levy that has been imposed in her Municipality, particularly how it's administered and what it's used for. She also attended last night's Business Excellence Awards event.

12.3 UPDATE – MUNICIPAL JOINT SERVICES BOARD

Councillor Knickle provided an update from the February 24th meeting of the Municipal Joint Services Board. The draft budget for 2016-17 was presented, and it will be presented to full Council at the Audit & Finance Committee meeting scheduled for March 29th. Councillor Knickle answered Councillors' questions about major budget items in terms of capital and regulatory costs.

Mayor Downe returned to the meeting and resumed the chair.

12.1 UPDATE – MAYOR

Mayor Downe reported on the meetings and events he attended since the last meeting, some of which were: meeting with possible investors from China; meeting with a developer to discuss Exit 12 and what can possibly be done there; a curling bonspiel that MODL had financially supported; and the Business Excellence Awards event.

12.4 UPDATE – LCLC

Councillor Bolivar-Getson advised that the LCLC meeting was held last week, and it was basically a budget meeting. A date will be set for the General Manager to present the LCLC budget to Council. In response to the question if LCLC meetings are open to the public, Councillor Bolivar-Getson responded that they are. She also responded to questions about membership numbers.

12.5 UPDATE – HOUSING NEEDS ASSESSMENT BY SOUTH SHORE HOUSING ACTION COALITION (SSHAC)

Councillor Hustvedt circulated a Housing Survey to each Councillor. He reported that the SSHAC is trying to get a handle on the housing situation across the South Shore, and they're breaking it down to individual municipalities. This Council endorsed that initiative. He reported on the funding that SSHAC has received to finance the research team. He encouraged Councillors to complete the survey and to circulate it to others who may have an interest in completing it. He advised that there will be a presentation on this to Council on April 26th.

13. ADDED BUSINESS (nil)

14. IN CAMERA – 2:15 p.m.

Moved by Councillor Hustvedt, seconded by Councillor Bolivar-Getson that Council go In Camera In Committee. Carried Unanimously.

The purpose of the In Camera meeting was to discuss a Personnel Matter, in accordance with section 22 (2) (c) of the *Municipal Government Act*.

At 3:24 p.m. it was **moved by Councillor Zwicker, seconded by Councillor Knickle that Council rise and report. Carried Unanimously.**

15. ADJOURNMENT – 3:25 p.m.

There being no further business, it was moved by Councillor Zwicker, seconded by Councillor Knickle that the meeting adjourn.