

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Meeting of
MUNICIPAL COUNCIL
Held in Council Chamber, 210 Aberdeen Road, Bridgewater, N.S.
Tuesday, August 23, 2016 - 9:00 a.m.

ATTENDANCE

Mayor Don Downe (left at 2:35 p.m.)
Deputy Mayor Claudette Garland
Councillor Errol Knickle
Councillor Don Zwicker (left at 1:55 p.m.)
Councillor Frank Fawson
Councillor Michael Ernst
Councillor Terry Dorey (present for morning only)
Councillor Cathy Moore (present for morning only)
Councillor John Veinot
Councillor Carolyn Bolivar-Getson
Councillor Lee Nauss
Councillor Martin Bell
Councillor Eric Hustvedt

Staff: Kevin Malloy, Chief Administrative Officer
Alex Dumaresq, Deputy Chief Administrative Officer
Sherry Conrad, Municipal Clerk
Rachel Eisenhauer, Administrative Assistant

1. CALL TO ORDER

Mayor Downe called the meeting to order at 9:00 a.m.

2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION:

Councillor Ernst recognized the Martins River Volunteer Fire Department for their efforts and collaboration with other Fire Departments to contain a structure fire on August 4. At that time, there were exceptionally dry conditions and risk for wildfires. The response to the call was within 4 minutes.

Councillor Hustvedt congratulated the United Communities Fire Department for their success in the Annual Fun Run, which had approximately 300 participants.

3. PUBLIC INPUT:

Stella Bowles, Upper Lahave, thanked Council for the decision made to move forward with a straight pipe replacement program in collaboration with the Building Canada Fund and the Department of Environment.

Roy Dagley, United Communities, raised concern regarding David and Kathryn Wright and their desire to emigrate from the United States to become permanent residents of United Communities. He noted that they are members of the United Communities Fire Department and the community hall and have been great contributors to the community. They are looking for

support in their immigration process. Mayor Downe advised this matter will be coming forward under agenda item 13.4.

4. APPROVAL OF AGENDA

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

5. APPROVAL OF MINUTES – May 24, June 28, July 12, July 25 Council & July 12 Public Hearing

Councillor Hustvedt recommended the following changes to the May 24 Council minutes for clarification purposes:

Page 6 under item 12.4 “Highlights of UNSM 2016 Spring Workshop” take out the words “municipal units” and replace them with “Utility and Review Board”.

Another sentence should be changed to read: There should be agreements and negotiations in place between the participating municipalities before the process begins.

Moved by Councillor Hustvedt, seconded by Councillor Nauss that the minutes of the May 24, 2016 Council meeting be approved with the above noted amendments. Carried.

Moved by Councillor Hustvedt, seconded by Councillor Moore that the minutes of the June 28, July 12 and July 25, 2016 Council meetings and the July 12 Public Hearing be approved as circulated. Carried.

6. BUSINESS ARISING FROM MINUTES: Nil

7. AWARDING OF TENDERS/RFPs: Nil

8. PRESENTATIONS:

8.1 Charlene Morton re Campaign to Protect Offshore Nova Scotia

Deputy Mayor Garland declared a conflict of interest for this matter and left the table.

Charlene Morton and Marilyn Keddy, Campaign to Protect Offshore Nova Scotia (CPONS), were in attendance and gave a presentation (attached to original set of minutes) on the Campaign to Protect Offshore NS – A Project of the South Shore Chapter of the Council of Canadians.

Ms. Keddy advised that there will be a Federal review process this fall and CPONS would appreciate a letter from the Council supporting their efforts and campaign. They feel there needs to be fishing industry members on the Canadian Nova Scotia Offshore Petroleum Board (CNSOPB) to better represent the community interest. Also, there needs to be publically funded, independent research, as the current research is supported by the oil industry. This will allow for a more fair and balanced approach to ensure the protection of the offshore.

It was noted that Council did send a letter of support recently to the CNSOPB to express concerns with regard to the development of the oil and gas resources on the Scotian shelf and

requesting Council's support in the greater protection of renewable resources on the Scotian shelf. Council requested that the presenters prepare a draft letter outlining what the Council of Canadians wants Council to support.

Deputy Mayor Garland returned to the meeting at this time.

9. CONSIDERATION OF CORRESPONDENCE:

9.1 Proclamation of Right to Know Week

Mayor Downe made the following proclamation for Right to Know Week, to enhance public awareness of local government and to ensure openness, transparency and accountability:

WHEREAS the Municipality of the District of Lunenburg has adopted the principles of openness, transparency, and accountability; and

WHEREAS Part XX of the *Municipal Government Act* gives citizens a right of access to information in the custody or under the control of the Municipality of the District of Lunenburg; and

WHEREAS access to information ensures citizens of Nova Scotia have the opportunity for meaningful participation in the democratic process; and

WHEREAS a celebration of the right of citizens to access information will facilitate informed public participation in policy formulation, ensure fairness in government decision making and permit the airing and reconciliation of divergent views; and

WHEREAS the Municipality of the District of Lunenburg joins all other Canadian jurisdictions and democracies world-wide in acknowledging international Right to Know Week;

THEREFORE be it resolved that I, Mayor Don Downe, Municipality of the District of Lunenburg, do hereby proclaim September 26 to October 2, 2016 to be Right to Know Week in the Municipality of the District of Lunenburg.

10. RECOMMENDATIONS/REFERRALS FROM COMMITTEES & BOARDS:

10.1 Dangerous & Unsightly Property Committee

Jeff Merrill, Director of Planning and Development Services was in attendance at this time.

10.1.1 Property at 15660 Highway 3, Hebbville

Mr. Merrill advised that this unsightly complaint matter went through due process according to the Dangerous and Unsightly Policy. Charges were laid in 2013 and the Court ordered that the property be cleaned up on February 20, 2014. Subsequent inspections found that the Order was not complied with. There were supposed to be court appearances to have this matter addressed but they were postponed. The next court date is scheduled for October 18, 2016, but there is no guarantee it will not be postponed. It has been recommended that this file be moved forward. The process followed is outlined in the staff report (attached to original set of minutes). He explained that staff obtained quotes to have the property cleaned up and it is recommended the clean-up be awarded to Gerald Delong Construction.

Moved by Councillor Bell, seconded by Councillor Nauss that Municipal Council award the clean-up of the MacAlpine property at 15660 Highway 3, Hebbville, PID #60291028 to the lowest bid being Gerald Delong Construction in the amount of \$3,827.00 plus \$574.05 HST for a total cost of \$4,401.05. Carried Unanimously.

10.1.2 Property at 7634 Highway 331, Cherry Hill

Mr. Merrill reviewed the staff report (attached to original set of minutes) in regard to action that has been taken with regard to the property located at 7634 Highway 331, Cherry Hill.

Moved by Councillor Dorey, seconded by Councillor Moore that Municipal Council award the clean-up of the Tumblin property at 7634 Highway 331, Cherry Hill, PID #60365574 to the lowest bid being Gerald Delong Construction in the amount of \$3,540.00 plus \$531.00 HST for a total cost of \$4,071.00.

A question arose regarding the fact that the property owners had a contractor on site since the Dangerous and Unsightly Property Committee meeting and if the site was cleaned up. Mr. Merrill advised that Mike Bevis, Building Official, did an inspection at the property this morning, and although some cleanup was done, the property is still in an unsightly condition and still needs to be cleaned up completely. Any work that has been done to this point was not commissioned by the Municipality and will not be paid for by the Municipality.

There was discussion regarding whether the property owners believed that having some cleanup done before the Municipality had a contractor come in, would lower the cost of the cleanup. Mr. Merrill advised that staff can ask the contractor to reduce the price, but the contractor would not have to do that as the bid submitted was based on the Request for Quotation that was issued prior to this work being done. Some Councillors felt that the actual cost to clean up the property may be cheaper now that some work has been done. Staff were directed to take this back to the Dangerous and Unsightly Property Committee with a recommendation to not accept any of the quotes and to re-tender for new quotes based on the current state of the property. Also, it needs to be made clear to the property owners that the cost will be what the quoted price is, no matter what work is done after the quotes are completed.

The motion on the floor was withdrawn.

Mr. Merrill left the meeting at this time.

8.2 Peter Puxley re Artie's Pond

Peter Puxley, Cherry Hill, and David Rafuse, Pleasantville, were in attendance and gave a presentation regarding Artie's Pond (attached to original set of minutes).

Mr. Puxley noted that Artie's Pond is home to a diverse range of flora and fauna, which the Ad-Hoc Committee to Protect Artie's Pond wants to have designated as a wetland. The Province has a wetland conservation policy and allows for community groups to form community-based stewardships. The Committee is looking for Council's support of them becoming a community-based stewardship, as they apply through the Department of Environment's wetland conservation policy for same.

A discussion was held regarding the cause of the low water levels. Mr. Puxley advised that beavers have been damming the culvert under the road between the Pond and the ocean. The Department of Transportation removed the beavers and the dam, which caused the Pond to have a low water level. The Committee is hoping to establish guidelines for when a dam can be removed, as there was no risk of flooding the road by the dam that was removed, but it did cause damage to the Pond. Mr. Puxley added that the Committee sent out a petition to determine support for the Committee and received over 500 signatures.

A question arose regarding public access to the Pond. Mr. Puxley noted that the Pond is accessible from the main roadway and has always been assumed as a public resource. Many people use the Pond for fishing, canoes, kayaks, etc. without complaint.

It was noted that while the Municipality does not have any jurisdiction, many community groups are coming forward to Council looking for support for their initiatives. It is important for Council to facilitate these groups, if possible, and Recreation staff may be able to provide administrative support also. Councillors also expressed their support for the protection of waterways and other ecosystems, as well as the environment as a whole.

Concern was expressed that more steps should be taken by the group (i.e. form the organization first, come forward with specific recommendations) before Council endorses the activities of the group.

Moved by Councillor Ernst, seconded by Councillor Bolivar-Getson that Municipal Council support, in principle, the work of the Ad Hoc Committee to save Artie's Pond and to provide them support in registering as a Society on the basis of stewardship of the pond and retaining ecosystems and good environmental practices; and further, that the Committee report back to Council with updates.

A question arose regarding whether the motion committed MODL financial support to the Committee. Mayor Downe noted that there would be a cost for the administrative work done by Recreation staff to help the Committee get up and running. If the Committee wished to receive any funding, they would need to come back to Council with a request. There may also be Provincial or Federal funds available.

The motion on the floor was voted on and carried unanimously.

11. STAFF REPORTS:

11.1 RECREATION DEPARTMENT:

11.1.1 Active Living Coordinator Update

Tissy Bolivar, Active Living Coordinator, was in attendance and gave an update on Active Living initiatives (presentation attached to original set of minutes). The projects discussed include Share the Road signage, the Women on Wheels (WOW) Program, Trailblazers, Disk Golf, Kayak and Yoga Park Walks and Basketball.

It was noted that the Active Living Committee has been in place for about four years. It has been in a state of limbo and is under consideration for restructuring of whether the Committee is still needed. The Active Living Coordinator has continued to be working very hard at this time and there are many programs ongoing.

Question arose regarding the Share the Road Signage. Councillor Knickle noted that there are numerous bike tours that go through his District from Lunenburg and this would be an ideal place to have signage. Ms. Bolivar noted that the Department of Transportation has guidelines which must be met in order for signage to be installed, however, if Council feels this is an important area for signage then she can request them to look at it.

Ms. Bolivar left the meeting at this time.

11.1.2 Request for Proposal Award – MARC Deck

Roger Stein, Acting Director of Engineering, was in attendance at this time. Mr. Stein reviewed the Request for Proposal for a wheelchair accessible deck and outdoor space at the MARC. An \$18,000 grant has been approved for the project. A tender was put out and four responses were received. JND Construction was first, based on four criteria which were design, proposed budget, professional experience/timelines and quality of the proposal.

Moved by Councillor Fawson, seconded by Councillor Bell that Municipal Council award the Tender for the Design and Construction of the MARC Deck and Outdoor Space to JND Construction in the amount of \$42,988 plus HST.

A question arose regarding the large cost variance in the tender provided by Rikjak Construction. Mr. Stein advised that the tender was a design/build tender, which meant it was up to the contractor to use their discretion on the types of materials used and how it would be designed. These tenders have less specifics and allow for creative process and uniqueness of the builder. When dealing with specific tenders, you may have a contractor that can create a design under budget, but they have a different idea than what is specified. This process ensures you do not exclude these situations. Consideration does have to be given based on the types of material used and what we are willing to pay. For example, composite material is much more expensive but will last a lot longer than pressure treated wood.

Mr. Malloy added that the decision was made to use a design/build tender as there was a lack of engineering resources. Staff asked for tender specifications from consulting firms but the quotes alone were very expensive. It was felt that an open tender was an effective solution.

The motion on the floor was voted on and carried unanimously.

11.2 ENGINEERING DEPARTMENT

11.2.1 Engineering Truck Acquisition

Brock Jeans, Municipal Engineer, was in attendance at this time. Mr. Jeans advised that Council approved a capital budget amount of \$25,000 for a new engineering truck, however, the total cost for the Nissan Frontier, which is the cheapest quarter ton truck came in at \$25,647 and requires Council's approval for the over expenditure.

Moved by Councillor Nauss, seconded by Councillor Moore that Municipal Council authorize the expenditure of \$25,647 plus HST for the purchase of the 2016 Nissan Frontier 4 x 4 pick-up truck with funds coming from the MODL Depreciation Reserve Account.

In response to a question, Mr. Malloy noted that these prices are through the Province's standing offer, which means that it is up to dealerships to include vehicles on the standing offer list with a price and staff reviewed the list to find the most suitable vehicle for our needs.

Concern was raised with regard to the truck being a Nissan as there are no dealerships in Bridgewater and warranty work will be required. There will be additional costs to take the vehicle to either Halifax, Yarmouth or Kentville. Mr. Jeans advised that the dealership selling the vehicle is Oregon's in Halifax and most maintenance work can be done in Bridgewater at either the Oregon's dealership or a local repair shop. There will be a requirement to take the truck to Halifax once a year for the first three years for its yearly maintenance.

The motion on the floor was voted on.

Those opposed: Councillor Bell.

The motion on the floor was carried.

Mr. Jeans and Mr. Stein left the meeting at this time.

12. CAO/DEPUTY CAO/CLERK MATTERS:

12.1 CAO Performance Evaluation

Councillor Zwicker advised that he, Councillors Bell and Hustvedt and Mayor Downe were on the Evaluation Committee for Mr. Malloy's performance review. The review was presented at the July 12 Council meeting, in camera. A motion from Council approving the performance review is required.

Moved by Councillor Zwicker, seconded by Councillor Bell that that Municipal Council approve the Performance Evaluation of Kevin Malloy, Chief Administrative Officer, as discussed In Camera at the July 12, 2016 Council meeting. Carried Unanimously.

13. MAYOR'S/DEPUTY MAYOR'S/COUNCILLOR'S MATTERS:

13.1 Update – Mayor

Mayor Downe advised he attended the following: UNSM Roundtable discussions; Municipal Joint Services Board meetings; UNSM Conference Call; Mel Picking's 90th Birthday; a tour with the Department of Transportation; the South Shore Exhibition, including the Firefighter Challenge; Emceed the Big Brothers/Big Sisters golf tournament; and rowed in the Tuna Flat Races with Brock Jeans, Brad Savage, Dave Waters, Alex Dumaresq and Brent Haase, which we were challenged by the Municipality of the District of Chester to a race.

13.2 Update – Deputy Mayor

Deputy Mayor Garland advised that she attended the following: Cherry Hill Fun Run; Town of Bridgewater 1920's themed garden party; Bridgewater Provincial swim meet, which the Barracudas won; the Connect 2 Funding announcement, which included \$50,000 for Pine Grove; and a meeting regarding Riverfest as residents had valid concerns due to the dry conditions. The meeting included REMO, the RCMP, local Fire Departments, the MLA's office

and the organizers of Riverfest. The meeting addressed concerns for the event and a plan was created in the event of an emergency situation.

Councillor Zwicker thanked Deputy Mayor Garland for representing the Municipality at the Riverport Rum Runners Sea Festival.

13.3 Update – REN (M. Ernst)

Councillor Ernst noted that the REN group is on summer vacation but there is still work going on. On July 12 there was a business workshop and Ms. Reinhardt is working on a Visitor Information Centre study, which will survey all VIC's in the area. The next meeting will be on September 19, 2016.

13.4 Volgers Cove Community Support – Sept. 21 Immigration Meeting (E. Hustvedt)

Councillor Hustvedt noted that the Voglers Cove community supports the immigration of Kathryn and David Wright so they can be permanent residents of the community. They have an immigration lawyer and have gone through a two year process to try and become permanent residents. A meeting was held at the community hall and there was a great level of support for them. Two people can make a great difference in a small community and it is important that immigration understands this. The community is looking for Council's support as an endorsement for their immigration process.

Concern was raised with regard to Council specifically supporting individuals for immigration into Nova Scotia. It would be more appropriate for Council to support any community that is supportive of people immigrating and becoming permanent residents of their community.

Moved by Councillor Hustvedt, seconded by Councillor Ernst that Municipal Council recognizes the efforts of the residents of Vogler's Cove to keep its valued residents Kathryn and David Wright in their community. Carried Unanimously.

At 12:10 p.m., Council broke for lunch. The meeting convened at 1:20 p.m.

Councillors Dorey and Moore left the meeting at 12:10 p.m.

14. IN CAMERA

- 14.1 Land Negotiations re Centre School under Section 22(2)(a) of the MGA**
- 14.2 Land Negotiations re Harold Whynot Road under Section 22(2)(a) of the MGA**
- 14.3 Land Negotiations re Pleasantville under Section 22(2)(a) of the MGA**
- 14.4 Land Negotiations re Sherbrooke Lake under Section 22(2)(a) of the MGA**

At 1:20 p.m., it was moved by Councillor Zwicker, seconded by Councillor Hustvedt that Municipal Council go In Camera to discuss items 14.1 Land Negotiations re Centre School, 14.2 Land Negotiations re Harold Whynot Road, 14.3 Land Negotiations re Pleasantville and 14.4 Land Negotiations re Sherbrooke Lake under Section 22(2)(a) of the *Municipal Government Act*. Carried.

Council In Camera in session. Councillor Dorey and Deputy Mayor Garland declared a Conflict of Interest for item 14.4 Land Negotiations re Sherbrooke Lake.

Councillor Zwicker left the meeting at 1:55 p.m.

Mayor Downe left the meeting at 2:35 p.m. and Deputy Mayor Garland chaired the meeting.

At 2:50 p.m., it was moved by Councillor Hustvedt, seconded by Councillor Nauss that Municipal Council come out of In Camera and return to open session. Carried.

Council in session.

There being no further business at 2:50 p.m., it was moved by Councillor Hustvedt, seconded by Councillor Knickle that the meeting adjourn. Carried.