

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Meeting of
MUNICIPAL COUNCIL
Held in Council Chamber, 210 Aberdeen Road, Bridgewater, NS
Tuesday, August 22, 2017 – 9:00 a.m.

ATTENDANCE

Mayor Carolyn Bolivar-Getson
Councillor Eric Hustvedt, District 1
Councillor Martin Bell, District 2
Councillor Lee Nauss, District 3
Councillor John Veinot, District 4
Councillor Wade Carver, District 7
Councillor Michael Ernst, District 8
Councillor Reid Whynot, District 9
Councillor Errol Knickle, District 10

Regrets: Councillor Cathy Moore, District 5
Deputy Mayor Claudette Garland, District 6

Staff: Kevin Malloy, Chief Administrative Officer
Alex Dumaresq, Deputy Chief Administrative Officer
Sarah Kucharski, Communications Officer
Rachel Eisenhauer, Administrative Assistant

1. CALL TO ORDER

Mayor Bolivar-Getson called the meeting to order at 9:00 a.m.

2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION:

2.1 LaHave Sunset Park Naming Contest Winners (Mitchell Foley and Nataya-Lynn Wagner)

Mitchell Foley and Nataya-Lynn Wagner were awarded with prizes for their success in winning the “Name the Park” Contest for the property purchased in Conquerall Bank. Their two name suggestions were combined to create “LaHave Sunset Park”.

The following announcements, acknowledgements and recognitions were made:

- Councillor Hustvedt presented the Mayor with a gift from the Cherry Hill Fun Run event.
- Big Tancook Island and West Pubnico both received the Lieutenant Governor’s Community Spirit Award.
- Thursday, August 24, 2017 is the 90th Anniversary of the loss of 4 Schooners. Many fishermen lives were lost, including those in the Lunenburg area. On September 10, 2017 at 1:00 p.m., during the Fishermen’s Memorial Service, the names of those lost at sea will be read to commemorate the Anniversary.
- A fundraising event was held at the Lunenburg County Lifestyle Centre, where artists painted skateboard decks to auction off. The event raised just over \$5,000 and Scotiabank matched up to \$5,000 for the Grinder’s Square All-Wheel Park. (amended Sept 12/17)

3. PUBLIC INPUT:

There was no one in attendance for public input.

4. APPROVAL OF AGENDA:

Item 13.2 “Contract Negotiations re LaHave River Contribution Agreement under Section 22(2)(e) of the MGA” was requested to be added to the Agenda.

Moved by Councillor Nauss, seconded by Councillor Whynot that the above noted item be added to the Agenda. Carried unanimously.

Item 13.3 “Personnel Matter under Section 22(2)(c) of the MGA” was requested to be added to the Agenda.

Moved by Councillor Bell, seconded by Councillor Hustvedt that the above noted item be added to the Agenda. Carried unanimously.

Moved by Councillor Bell, seconded by Councillor Carver that the Agenda be approved with the above noted additions. Carried unanimously.

5. APPROVAL OF MINUTES – July 11, 2017

Moved by Councillor Hustvedt, seconded by Councillor Nauss that the Minutes of July 11, 2017 Council Meeting be approved as circulated. Carried.

6. BUSINESS ARISING FROM MINUTES:

An update was provided regarding Dave and Kat Wright’s immigration case. Mr. Malloy noted that JC Reddy, Municipal Solicitor, has been in contact with the Wright’s Lawyer, Mr. Lee Cohen, and they are working on a letter of support. A draft of the letter will be forwarded to the Municipality and completed by the end of August.

7. AWARDING OF TENDERS: (Nil)**8. PRESENTATIONS/SCHEDULED TIMES: (Nil)****9. CONSIDERATION OF CORRESPONDENCE (Nil):****10. RECOMMENDATIONS FROM COMMITTEES & BOARDS: (Nil):****11. STAFF REPORTS:****11.3 Recreation Department****11.3.1 Cost Share Agreement – Blue Rocks Road Shoulders – Active Transportation**

Trudy Payne, Director of Recreation Services, and Britt Vegsund, Active Living Coordinator, were in attendance and reviewed the Cost Share Agreement for Blue Rocks Shoulder Paving (circulated with Agenda). They noted the following:

- There is a section of road, about one kilometre long, that staff will go back and negotiate with the Department to have added to the Agreement. Staff will report back to Council.
- It was felt that Council should authorize the execution of the current Cost Share Agreement to get the sections of road identified completed.

Moved by Councillor Knickle, seconded by Councillor Bell that Municipal Council authorize the execution of the Cost Share Agreement with NS Department of

Transportation and Renewal, as attached, for the Active Transportation Project for the Blue Rock Road. Carried unanimously.

Ms. Payne and Ms. Vegsund left the meeting at this time.

11.1 LaHave River Project Management Team

11.1.1 2nd Reading – LaHave River Wastewater Management District By-law and Approval of Policies

Satu Peori, Acting Director of Engineering, and Ms. Kucharski reviewed the By-law and policies regarding the LaHave River Wastewater Management District (circulated with Agenda).

Moved by Councillor Whynot, seconded by Councillor Nauss that Municipal Council approve the By-Law Respecting the LaHave River Wastewater Management District as presented, and hereby conducts Second Reading.

The following points were noted:

- A Memorandum of Understanding has been signed with the Department of Environment, which states that they will enforce regulations, upon notification from the Municipality that there are straight pipes.
- Some residents may not be able to afford to install a septic system through the program.
- The Municipality is using group purchasing to lower the cost to the homeowner, there are grants available through the program to reduce cost, and residents can opt to pay the cost over seven years.
- Communication to the residents will be very important and voluntary enrollment will be needed for success of the project.

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

Moved by Councillor Bell, seconded by Councillor Whynot that Municipal Council approves proposed Policy MDL-72 LaHave River Wastewater Management District Cost Recovery, as presented.

It was determined that an incorrect version of the draft Policy MDL-72 “LaHave River Wastewater Management District Cost Recovery” was circulated with the Agenda.

Moved by Councillor Ernst, seconded by Councillor Bell that the motion on the floor be deferred to the September 12, 2017 Council Meeting. Carried unanimously.

Moved by Councillor Hustvedt, seconded by Councillor Ernst that Municipal Council approves proposed Policy MDL-73 LaHave River Straight Pipe Replacement Program, as presented. Carried unanimously.

11.1.2 Award RFP # 2017-05-400 “On-site Sewage Disposal System Design for LaHave River Properties”

Ms. Peori was in attendance and reviewed the report regarding the award of RFP #2017-05-400 “On-site Sewage Disposal System Design for LaHave River Properties” (circulated at meeting). She noted the following:

- Four engineering firms submitted an RFP: Able Engineering, Berrigan Surveys, Design Point Engineering & Surveying, and WSP.

- The RFP is for two years, with an option to extend for two additional two-year periods.
- Council can also choose to go with another firm after the two years, or use more than one firm at a time if it is determined to be necessary to complete the work.
- Able Engineering received the highest technical score and had the lowest price.
- Able has done this work for other municipal units, and estimate their annual capacity to be 1,000 systems. They utilize local installers and design systems that need minimum maintenance.

Moved by Councillor Nauss, seconded by Councillor Whynot that Municipal Council authorize staff to award RFP 2017-05-400 On-site Sewage Disposal System Design for LaHave River Properties to Able Engineering Services Inc. for the amount of \$79,350, excluding HST, for 2017/18 and 2018/19 years and is contingent on the execution of the Federal Agreement.

Concern was raised regarding the large variance in prices from the four firms. The following was noted:

- When scoring the tenders, the lowest bidder received full points, and due to the large price difference, the other bidders had a significant reduction in points.
- The personnel assigned to the project made a difference in pricing, due to differences in qualification.
- The distance of the firm from the site made a difference in price, as this increases travel costs and time required for personnel.
- Able is used to working with this type of project, as they have done two other similar projects in municipal units. They have identified efficiencies others may not be aware of.
- The other firms are familiar with centralized waste treatment plant systems.
- The RFP was designed to ensure bulk purchasing is used to get the best price possible.

The motion on the floor was voted on and carried. Those opposed: Councillor Veinot.

Ms. Peori left the meeting at this time.

11.2 Roads Priorities

11.2.1 Repeal Policy MDL-29, 39 and 40 re Cost Shared Street Improvements

11.2.2 Dept. of Transportation 3 Year Cost Share Agmt. For Subdivision Streets

Mr. Dumaresq reviewed Policy MDL-29 "Procedures for Accepting Petitions for Cost-Shared Funding for Paving of Provincial Local Subdivision Roads"; Policy MDL-39 "A Policy Establishing Procedures for Accepting Petitions for Cost-Shared Funding for Improvements to Municipal Public Roads and Streets; Policy MDL-40 "A Policy Establishing a Street Improvements Reserve Fund"; and, the 3 Year Cost Share Agreement for Subdivision Streets with the Department of Transportation. (circulated with Agenda).

The following points were noted:

- MODL has 10 kilometres of roads that were built by developers in subdivisions and have been turned over to MODL, per the Subdivision Bylaw.
- In the 1990's, a reclassification of roads occurred and a number of municipal units became responsible for some roads. These roads included J-Class, subdivision and service exchange roads.
- Municipalities pay a per kilometre fee for these roads, which is to provide maintenance for those roads, but the units have no say over what improvements are done to the roads.

- The Department of Transportation has a fund to cost-share with municipal units, and the municipalities can prioritize which roads they want done.
- The Cost-Share fund is capped at \$2 million, and is shared across Nova Scotia. Councillors feel this budget should be increased, as we have had roads turned down due to lack of funding.

Moved by Councillor Knickle, seconded by Councillor Carver that Municipal Council repeal Policy MDL-29 Procedures for Accepting Petitions for Cost-Shared Funding for Paving of Provincial Local Subdivision Roads; Policy MDL-39 A Policy Establishing Procedures for Accepting Petitions for Cost-Shared Funding for Improvements to Municipal Public Roads and Streets; and Policy MDL-40 A Policy Establishing a Street Improvements Reserve Fund. Carried unanimously.

Moved by Councillor Carver, seconded by Councillor Hustvedt that Municipal Council authorize the Mayor and Municipal Clerk to sign the three-year Cost Share Agreement for subdivision streets with the Department of Transportation and Infrastructure Renewal. Carried unanimously.

11.2.3 Cost Share Agreement – Turner Heights Subdivision

Moved by Councillor Veinot, seconded by Councillor Bell that Municipal Council authorize the Mayor and Municipal Clerk to sign the Notice of Acceptance for the Cost Share Agreement for Turner Heights Subdivision, and proceed with construction per the Terms of Agreement 2015/2016. Carried unanimously.

11.4 Building Department

11.4.1 Agreement with Town of Lunenburg re Building Services

Jeff Merrill, Director of Planning and Development Services, was in attendance at this time and reviewed the proposed Building Services Agreement with the Town of Lunenburg (circulated with Agenda). He noted that Council signed this agreement with the Town of Lunenburg to provide building inspection services last year, and the Town wishes to extend this for another year. The only change made is that the Agreement can be terminated if mutually agreed by both parties.

Moved by Councillor Ernst, seconded by Councillor Knickle that Municipal Council authorizes the Mayor and the Municipal Clerk to sign a one-year agreement with the Town of Lunenburg to provide Building Inspection Services; and further, that before signing the agreement, a legal review be completed. Carried unanimously.

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

12.4 Ken Simpson Memorial Award

Councillor Bell advised that the item he requested to be added to the Agenda is not required to be In Camera. He noted that the Union of Nova Scotia Municipalities (UNSM) recognizes a current or former Mayor or Councillor with the Ken Simpson Memorial Award, to recognize exceptional community leadership. He encouraged all Councillors to submit a name for consideration before Monday, August 28, 2017 at 4:00 p.m.

12.1 Update – Deputy Mayor

Deputy Mayor Garland was not in attendance.

12.2 Update – Municipal Joint Services Board (MJSB) (E. Knickle)

Councillor Knickle noted the following:

- The draft financials were presented and the surplus for solid waste will be set aside for septic and capital funds.
- The pension windup is complete and partners were refunded.
- The Town of Bridgewater is interested in getting a three-bin system, but the trucks are not configured for this. It will be considered before the next tender.
- The Agreement Review is coming forward.

12.3 Update – Mayor

Mayor Bolivar-Getson attended the following: The Big Ex Parade; the Big Ex Opening Ceremony and appreciation BBQ; a meeting in Stonehurst with Councillor Knickle and the Department of Transportation; Cherry Hill Fun Run; grand opening of the natural playground in Mahone Bay; opening ceremony for the resurfacing of the Tennis Courts in Mahone Bay; the Straight Pipe meeting; the Tallships Opening Ceremony; the 90th Anniversary of the Bridgewater Legion; the Bridgewater Garden Party; the Hatt Family Reunion; businesses in Petite Riviere; and various breakfasts, suppers, fundraisers, etc.

13. IN CAMERA

At 11:15 a.m., it was moved by Councillor Nauss, seconded by Councillor Knickle that Council go In Camera to discuss:

- 13.1 Land Negotiations re Centre School under Section 22(2)(a) of the MGA**
- 13.2 Contract Negotiations re LaHave River Contribution Agreement under Section 22(2)(e) of the MGA**

Carried.

Council In Camera in session.

At 11:50 a.m., it was moved by Councillor Carver, seconded by Councillor Hustvedt that Council rise and report. Carried.

Council in session.

14. ADJOURNMENT

There being no further business at 11:50 a.m., it was moved by Councillor Carver, seconded by Councillor Whynot that the meeting adjourn. Carried.