



Naturally Yours

414 Woodlawn Drive, PO Box 280 Shelburne, NS BOT 1WO - Phone: (902) 875-3544 - Fax: (902) 875-1278

---

**REGULAR SESSION OF THE 52nd COUNCIL  
OF THE  
MUNICIPALITY OF THE DISTRICT OF SHELBURNE  
Wednesday, April 12, 2023**

The Virtual Regular Session of the 52nd Council of the Municipality of the District of Shelburne was held on Wednesday, April 12, 2023, commencing at 6:00 pm via Microsoft Teams.

**THOSE IN ATTENDANCE:**

Warden Penny Smith  
Deputy Warden Dale Richardson  
Councillor Doris Townsend  
Councillor Sherry Thorburn Irvine  
Councillor Anthony Gosbee  
Councillor Heidi Wagner  
Councillor Ron Coole  
Warren MacLeod, CAO

**ALSO IN ATTENDANCE:**

Chana Ross, Executive Assistant  
Robin Smith, Community Development Coordinator  
Marcia d'Eon, Director of Operations & Protective Services

**REGRETS:**

Erin Hartley, Deputy CAO

**1. CALL TO ORDER:**

The meeting was called to order at 6:00 pm by Warden Smith.

Warden Smith advised that the new Council Chambers are not yet ready for use due to ongoing technical installations at the new municipal building. As a result, the current Council meeting will be conducted virtually. In addition, it was noted that Warden Smith would present the budget address at the next Council meeting.

**2. APPROVAL OF AGENDA:**

a. April 12, 2023

2(a) **MOTION: APPROVAL OF AGENDA – April 12, 2023**

Being duly moved and seconded, be it resolved that the Agenda for April 12, 2023, be approved as circulated.

— **MOTION CARRIED**

3. **APPROVAL OF MINUTES:**

- a. March 23, 2023
- b. March 27, 2023

3(a) **MOTION: APPROVAL OF MINUTES – March 23, 2023**

Being duly moved and seconded, be it resolved that the Minutes of March 23, 2023, be approved with the following amendment:

- 10(a) Councillor Thorburn Irvine advised that she recently attended the virtual LBANS and further noted that the next meeting will be in person. She also attended the Western Counties Regional Library Board meeting.

— **MOTION CARRIED**

3(b) **MOTION: APPROVAL OF MINUTES – March 27, 2023**

Being duly moved and seconded, be it resolved that the Minutes of March 27, 2023, be approved as circulated.

— **MOTION CARRIED**

4. **BUSINESS ARISING:**

There was no business arising.

5. **IN-CAMERA:**

- a. Legal Advice as per MGA Section 22 (2) (g)

5(a) **MOTION: ENTER “IN-CAMERA”**

Being duly moved and seconded, be it resolved that the Council of the Municipality of the District of Shelburne enter "In-Camera" at 6:03 pm to discuss Legal Advice.

— **MOTION CARRIED**

**MOTION: EXIT “IN-CAMERA”**

Being duly moved and seconded, be it resolved that the Council of the Municipality of the District of Shelburne exit “In-Camera” at 6:53 pm.

— **MOTION CARRIED**

Council provided staff with direction regarding in-camera items.

**6. ECONOMIC & COMMUNITY DEVELOPMENT:**

**a. 2023/24 Grants to Organizations Recommendations**

6(a) Robin Smith, Community Development Coordinator, presented Council with the 2023/24 Grants to Organizations Recommendations staff report.

Councillor Thorburn Irvine declared a conflict of interest and did not participate in this portion of the meeting.

Each year the Municipality receives funding requests from organizations for the Grants to Organizations program. \$67,250.00 was approved in the Municipality's 2023/24 Operating Budget for Grants to Organizations. Thirty-nine applications have been received, requesting a total of \$81,742.20. The attached spreadsheet shows all thirty-nine of the organizations applying for the grant, the amount requested from each organization and the amount committee is recommending for approval.

It is further recommended to Council that an application, received on behalf of the Chronic Illness Committee, requesting support of \$2,500.00, be considered under the allotted Healthcare amount in the 2023/24 budget. The Chronic Illness Committee, servicing residents of Shelburne County, provides financial assistance to patients with chronic illnesses to offset travel costs for medical appointments, medications, and medical equipment rentals.

Discussion was held regarding the various organizations that have applied for grants, and clarification was provided on the Grants to the Organizations process.

**MOTION: 2023/24 GRANTS TO ORGANIZATIONS RECOMMENDATIONS**

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne approve the recommended grant amounts attached, totalling \$63,512.07, to come from the 2023/24 Grants to Organizations GL# 00-21950-791 and;

That the Municipality of the District of Shelburne approve the support for Shelburne County Chronic Illness Committee in the amount of \$2,500, to come from the Healthcare GL# 00-24970-000.

**- MOTION CARRIED**

Councillor Thorburn Irvine rejoined the meeting.

**7. OPERATIONS & PROTECTIVE SERVICES:**

**a. Pell's Road/Old Annapolis Road Resident Concerns – Information Only**

7(a) Marcia d'Eon, Director of Operations and Protective Services, presented Council with the update on the Pell's Road/Old Annapolis Road Resident Concerns.

Residents whose properties are accessible via Pells Road/Old Annapolis Road have provided the Municipality with a letter. On March 22, 2023, these residents presented their concerns to Council concerning ongoing forestry activity. This has damaged the road and rendered it impassable for residents.

Natural Resources & Renewables (DNRR) and the Nova Scotia Department of Public Works (DPW) have been consulted. As confirmed by DPW, this road is a K-class road and will not be maintained or repaired by DPW. They advise that the only permit required is to access Highway 103. Staff spoke with them then, and they indicated they had contacted the forester to come in to obtain a permit. In communication with DPW, the forester stated he would make some repairs as soon as the road dried and he finished hauling logs out. There is no recourse to require road repairs from the forester. Foresters operating on private land via K-class roads are not subject to DNRR jurisdiction. The only exception would be if they operated too close to a waterway, which is different from this case.

Staff members inquired about options with the Municipal Solicitor. The legal response was that the Municipality has no role in this process beyond advocating for residents. The road issue is a private matter between the property owners and the landowners who hired the harvesting company (as well as the harvesting company itself).

Staff explored options to assist this group, including the Municipality's Private Road Maintenance Bylaw; however, this road does not meet private road maintenance criteria because it is provincially owned. The District Grant Fund has also been considered, but this group is ineligible. Staff recommends the preparation of a letter of advocacy for this group.

Discussion was held regarding the Municipality's role and what can be done to address this issue. Staff were directed to write a letter of advocacy to the Minister and MLA requesting an amendment to provincial regulations requiring residents who damage K-class roads to repair and restore roads.

**MOTION: PELL'S ROAD/OLD ANNAPOLIS ROAD RESIDENT CONCERNS**

Being duly moved and seconded, be it resolved that the Council of the Municipality of the District of Shelburne write a letter of advocacy to support the efforts of this group.

- **MOTION CARRIED**

**8. ADMINISTRATION:**

- a. Council Videoconferencing Policy – Information Only
- b. Correspondence from Federation of Canadian Municipalities (FCM) Re: Issue of Retroactive RCMP Costs

8(a) Warren MacLeod, CAO, in Ms. Hartley's absence, presented Council with the Council Videoconferencing Policy – Information Only Update.

On January 11, 2023, Council discussed the policy and requested research from staff related explicitly to Section 9(2) of the Policy. This limits Council members to attending virtually only twice in twelve months.

Concerns include:

- a. If Councillors are sick, they should not attend public events as advised under pandemic best practices. Twice a year may not be enough to cover related absences.
- b. Section 9 states that Councillors may not be allowed to participate virtually after virtual attendance at two meetings. Therefore, they may attend but have no role in or impact on the meeting. This includes not participating in discussions, not asking questions, and they are not permitted to vote.
- c. If Councillors were required to decide between a. and b. above, either their constituents don't get represented at a particular Council meeting, or there is the potential to spread sickness. Councillors want to avoid making this choice.
- d. There is potential misuse if the allowable virtual attendance limit is increased. Section 8 of the Municipality's Policy notes that the primary attendance method is always in person.

Staff reached out to other municipalities. While most have the same standard policy indicating a limit of two (2) meetings in twelve (12) months, some use criteria instead of meeting limits. Examples were provided to Council by the Municipality of Lunenburg and the County of Kings.

Discussion was held regarding how to proceed with an amendment to the Council Videoconferencing Policy. Draft amendments will be prepared and brought back to Council at a future Council meeting for decision.

8(b) Warden Smith advised of the response received from the Federation of Canadian Municipalities (FCM) regarding the federal government's decision to not absorb retroactive costs associated with the latest RCMP collective bargaining agreement, despite months of municipal advocacy.

FCM recently issued a statement responding to this decision to pass unbudgeted and unaccounted-for RCMP costs on to municipalities without consulting or engaging local governments in the discussions and negotiations. This statement further outlined FCM's position that this situation cannot occur again and was dispatched to all FCM members. FCM requests that municipalities release a press release outlining their stance on this matter and pass a resolution opposing this decision and continue to advocate for the FCM and municipalities.

Discussion was held regarding the possible extraordinary costs, how they would affect local municipalities, the lack of cooperation between the federal and local governments, and how the Municipality should proceed. Staff were directed to prepare a press release and resolution for the Council to consider at a future meeting.

**9. OTHER:**

- a. District 33 Winery Tour - Potential Dates
- b. Workshop Date to Discuss Budget Process

9(a) Warden Smith advised that she had communicated with the new District 33 Winery owner regarding a possible tour for Council.

Discussion was held, and it was noted that Ms. Ross, Executive Assistant, will email Council regarding potential dates.

9(b) Warden Smith informed Council that a workshop or debrief regarding the budget process would be helpful to ensure an effective approach in the future.

Discussion was held, and it was noted that Ms. Ross, Executive Assistant, will email Council regarding potential dates.

**10. COMMITTEE REPORTS/WARDEN'S UPDATE:**

- a. Committee Reports
  - i. Audit and Internal Control Committee Member Resignation
- b. Warden's Update

10(a)(i) Warden Smith advised that Mr. Pelletier, Chair, and Mr. Hood, Vice-Chair, have resigned from the Audit and Internal Control Committee.

Discussion was held regarding the importance of recognizing and thanking both community members for their service and how the vacancies will be filled.

**MOTION: AUDIT AND INTERNAL CONTROL COMMITTEE MEMBER RESIGNATION**

Being duly moved and seconded, be it resolved that the Council of the Municipality of the District of Shelburne send correspondence acknowledging the resignation with regret.

- **MOTION CARRIED**

10(a) Councillor Thorburn Irvine advised that she attend a Western County Regional Library meeting on April 13, 2023.

Councillor Gosbee provided an update from the Arena Committee.

10(b) Warden Smith advised that she attended the following events:

- Community Garden meeting – March 23, 2023
- Offshore Wind discussion – April 4, 2023

Warden Smith advised that the Municipality has received a grant for \$410,000.00 under the new Sustainable Services Growth Fund.

Discussion was held regarding the Sustainable Services Growth Fund and plans for the brush pile at the C&D site.

**11. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:03 pm. The next Council meeting will be held on Wednesday, April 26, 2023.

**Chana Ross  
Recording Secretary**

April 28/23  
Date

  
\_\_\_\_\_  
Penny Smith, Warden

  
\_\_\_\_\_  
Erin Hartley, Deputy Chief Administrative Officer