



Naturally Yours

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**REGULAR SESSION OF THE 52nd COUNCIL
OF THE
MUNICIPALITY OF THE DISTRICT OF SHELburne
September 22, 2021**

The Regular Session of the 52nd Council of the Municipality of the District of Shelburne was held on Wednesday, September 22, 2021, commencing at 6:00 pm at the Municipal Administration Building, Council Chambers.

THOSE IN ATTENDANCE:

Warden Penny Smith
Deputy Warden Dale Richardson
Councillor Heidi Wagner
Councillor Ron Coole
Councillor Terry McIntyre via Teams
Councillor Sherry Thorburn Irvine
Councillor Doris Townsend via Teams
Trudy Payne, CAO

ALSO IN ATTENDANCE:

Michelle Williams – Director of Finance via Teams
Erin Hartley, Director of Corporate Services
Darrell Locke, By-Law Enforcement Officer
Dan Vincent, Public Works Facilities Operator
Warren MacLeod, Director of Economic Development
Dave Trudel, Senior Process Engineer - CBCL via Teams
Jonathan Cuming, Legal Counsel – Taylor MacLellan Cochrane via Teams
Morgen Balletto, Recording Secretary
Members of the Public

1. CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

MOTION: APPROVAL OF AGENDA – September 22, 2021

Being duly moved and seconded, be it resolved that the Agenda of September 22, 2021, be approved with the following:

3.(a) Presentation - Sandy Point Wind Farm, Norm Wallet and Jane Saxby.

- **MOTION CARRIED**

3. PRESENTATION:

Norm Wallet and Jane Saxby of the Sandy Point Wind Farm Citizens group each made a presentation to council regarding their objection to the Letter of Support issued by the Municipality of Shelburne for the proposed Sandy Point Wind Farm project. Jane Saxby presented first followed by Norm Wallet. Topics of concern included noise, environmental impact, and resident input.

Ms. Saxby stated that she was not against wind energy but needed more information. The Municipality was asked to revoke the letter of support and provide the community more information and to look at changing the by-laws. Mr. Wallet requested his letter be included as part of the minutes. It was clarified as per the Municipality's policy that no decision would be made at this council meeting. The request to revoke the support letter would be addressed at the October 13, 2021, Council Meeting.

See addendum for Letter to Council regarding presentation.

4. APPROVAL OF MINUTES:

- a. September 8, 2021
- b. September 13, 2021

(a) MOTION: APPROVAL OF MINUTES – September 8, 2021

Being duly moved and seconded, be it resolved that the Minutes of September 8, 2021, be approved as circulated.

- **MOTION CARRIED**

(b) MOTION: APPROVAL OF MINUTES – September 13, 2021

Being duly moved and seconded, be it resolved that the Minutes of September 13, 2021, be approved as circulated.

- **MOTION CARRIED**

5. IN CAMERA:

Biosolids RFP – Legal Advice as per MGA Section 22(2)(g)

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 6:20 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 6:46 pm.

- **MOTION CARRIED**

MOTION: BIOSOLIDS RFP

Being duly moved and seconded, be it resolved that Council reject the proposal received from Bishop Water in response to the Municipality's RFP Wastewater Lagoon Solids Removal Proposal number 200835.02 as it is not a compliant bid.

- **MOTION CARRIED**

6. ADMINISTRATION:

- a. Coastal Protection Act – Warren MacLeod, Director of Economic Development
- b. Dangerous and Unsightly Update 1824 West Sable Road – Darrell Locke, By-law Enforcement Officer*
- c. Dangerous and Unsightly Update 1984 Sandy Point Road – Darrell Locke, By-law Enforcement Officer*
- d. Dangerous and Unsightly Update 1041 Sandy Point Road – Darrell Locke, By-law Enforcement Officer*
- e. Board Governance Training RFP Update – Trudy Payne, CAO
- f. Tax Reduction on Destroyed Property – Trudy Payne, CAO

6.(a) The Coastal Protection Act was passed in 2019 and will come into effect with the approval of accompanying regulations. When that happens, a new Coastal Protection Zone will extend around the coast of Nova Scotia and new requirements will apply to constructing houses and other structures in the zone.

The regulations will outline the protections for sensitive coastal ecosystems and ensure that construction is at a safer height and distance from coastal shorelines. The purpose is to mitigate impacts from sea level rise, coastal flooding, and coastal erosion.

Topics of discussion included availability of designated professionals, added costs, time limits, mobile homes and travel trailers, administration, records management, mapping, beaches, subdivisions, exemptions, potential impact to mortgages, potential impacts to existing property owners and the need for promotional material.

MOTION: COASTAL PROTECTION ACT: PROPOSED REGULATIONS

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne submit the recommendations of staff to the province as feedback on the proposed Coastal Protection Regulations. If the remaining municipal units in Shelburne opt to be a part of feedback as part of Shelburne County an inclusive letter can be sent.

- **MOTION CARRIED**

6.(b)Darrell Locke, By-law Enforcement Officer, presented Council with an update of the Dangerous and Unsightly file related to 1824 West Sable Road. While some progress has been made it is being recommended to proceed with the demolition order.

MOTION: DANGEROUS AND UNSIGHTLY PROPERTY – 1824 WEST SABLE ROAD

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne holds that the condition of the property located at 1824 West Sable Road justifies that the property is in violation of the provisions of the Municipal Government Act, S.N.S 1998, c. 18 and hereby issues an order to demolish and cleanup the property located at 1824 West Sable Road as per section 507 of the Municipal Government Act; and authorizes the Warden to sign off on this demolition order.

- **MOTION CARRIED**

6.(c)Darrell Locke, By-law Enforcement Officer, presented Council with an update of the Dangerous and Unsightly file related to 1984 Sandy Point Road. There continues to be dissention among family members which means little progress can be made regarding a sale or repair. The condition of the property justifies the demolition order.

MOTION: DANGEROUS AND UNSIGHTLY PROPERTY - 1984 SANDY POINT ROAD

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne holds that the condition of the property located at 1984 Sandy Point Road justifies that the property is in violation of the provisions of the Municipal Government Act, S.N.S. 1998, c. 18 and hereby issues an order to demolish and cleanup the property located at 1984 Sandy Point Road as per Section 507 of the Municipal Government Act; and authorizes the Warden to sign off on this demolition order.

- **MOTION CARRIED**

6.(d)Darrell Locke, By-law Enforcement Officer, presented Council with an update of the Dangerous and Unsightly file related to 1041 West Sable Road. The owner had contracted for a demolition of the property, it is being recommended to proceed with the demolition order.

MOTION: DANGEROUS AND UNSIGHTLY PROPERTY - 1041 SANDY POINT ROAD

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne holds that the condition of the property located at 1041 Sandy Point Road justifies that the property is in violation of the provisions of the Municipal Government Act, S.N.S. 1998, c. 18 and hereby issues an order to demolish and cleanup the property located at 1984 Sandy Point Road as per Section 507 of the Municipal Government Act; and authorizes the Warden to sign off on this demolition order.

- MOTION CARRIED

6.(e)The RFP review team consisting of two board members with the Sable River Volunteer Fire Department Board, the Councillor for the area and two Municipal staff reviewed the Board Governance Training Proposals based on the evaluation criteria outlined in the RFP and the successful bidder is Chauvin Resource Development. As per the procurement policy, the cost for this work is within the CAO's authority to award, and, therefore, a motion of Council is not required. The funds for this project have been allocated in the 2021-2022 budget.

An award letter has been sent out to Chauvin Resource Development and the owner Max Chauvin is working with the lead staff person, Erin Hartley, Director of Corporate Services, and the Board Chair to begin the facilitation and training sessions with the Board of Directors. A one-year time frame has been provided to have the work completed. A final report will be provided to Council and the Board.

6.(f) Trudy Payne, CAO, presented the Tax Reduction on Destroyed Property report to Council.

On May 10, 2021, the Municipality adopted the Tax Reduction on Destroyed Property Policy. A request has been made through a resident letter and application for consideration under this policy. At the time of their loss, the Municipality did not have a policy in place, therefore, staff could not have informed them to apply to the Municipality for a tax reduction. The owners were informed that the Municipality now has a policy in place but upon further review advised the owners that the policy would not be applicable in their situation, as section 50.4 (j) states "if the destruction occurred during the 12 months immediately preceding the adoption of the Policy, the application for a tax reduction must be submitted within 6 months of the date this Policy is adopted." The policy was adopted May 10, 2021, approximately fourteen months after the destruction. The owners were informed that staff does not have the authority to override the policy and if they wanted to continue to request a reimbursement that the request would need to come before Council.

Section 50.4 (c) of the Municipal Policy states "this reimbursement or reduction shall only apply to owners who have no intention of repairing the structure within 6 months of the application date." Although an application was not received due to the fact the Municipality did not have a policy in place,

in the communication received from PVSC, the owners started to rebuild approximately 3 ½ months after their loss and reached 75% completion approximately 6 months after the loss and was assessed at full value approximately 8 -9 months later.

It is the interpretation of this policy that the owners of property would not qualify based on section 50.4 (c) even if the loss did occur within the 12 months of when then policy was adopted.

MOTION: TAX REDUCTION ON DESTROYED PROPERTY

Being duly moved and seconded, be it resolved that the Council of the Municipality of the District of Shelburne deny the property owners of assessment number 05238056 a property tax reimbursement due to the destruction of their home, as timeframes outlined in the policy were not met in either section 50.4(j) or 50.4(c) of the Tax Reduction on Destroyed Property Policy.

- MOTION CARRIED

7. FINANCE:

Being five months into the 2021-2022 fiscal year, staff are currently forecasting to be on budget. Details of the budget to date were presented by Directors for each department as well as financial statements and reserves.

8. OTHER:

- a. Implementation Report
- b. Letter from Renata Tweedy of Sou'West Nova Transit Association re: Transportation Planning Project – Trudy Payne, CAO

8(a) The Implementation Report was reviewed by Council.

8(b) Trudy Payne, CAO, advised Council of a letter received from Renata Tweedy, Manager of Sou'West Nova Transit enquiring whether the Municipality of Shelburne would be interested in partnering on an application to seek a government grant from the Rural Transit Solutions Fund at Infrastructure Canada. With the Municipality of Shelburne, Sou'West Nova Transit Association could help to identify gaps, examine potential solutions, and determine which solutions should be pursued for the second granting stream application.

Two options of support were presented to Council, including a hands-off approach with the Municipality acting as shareholders or a more integrated involvement the level of which could be discussed later. Council agreed that supporting the application was in the best interest of the Municipality citing the exceptional job Sou'West Transit does at providing transportation with special regard given to medical transport.

Councillor Coole declared a conflict of interest.

MOTION: SOU'WEST NOVA TRANSIT ASSOCIATION RE: TRAVEL PLANNING PROJECT

Being duly moved and seconded, be it resolved that the Council of the Municipality of the District of Shelburne support Sou'West Nova Transit Association in applying for grant monies to expand service as developed by Infrastructure Canada in the "Rural Transit Solutions Fund".

- MOTION CARRIED

9. COMMITTEE REPORTS/RECOMMENDATIONS:

There were no items to discuss.

10. COUNCIL MEMBER UPDATES:

Councillor Thorburn Irvine gave Council an update from the meetings she has attended including Library Board of Nova Scotia (LBANS) where Board structures were discussed along with financial updates. She also discussed physician recruitment and the future of health care in Nova Scotia as it pertains to the Municipality of Shelburne.

IN CAMERA:

New Municipal Building – Contract Negotiation as per MGA Section 22(2)(e)

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 8:05 pm to discuss the contract negotiations.

- **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 8:32 pm.

- **MOTION CARRIED**

Discussion was held in camera related to contract negotiations and direction was provided to staff.

11. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:37 pm. The next Council meeting will be held on Wednesday, October 13, 2021, in the Shelburne Council Chambers.

Morgen Balletto
Recording Secretary

Oct 25/21
Date



Penny Smith, Warden



Erin Hartley, Director of Corporate Services

Addendum:

How does one breed discontent, anxiety and divisiveness in a community? It can be done by municipal governments who fail to consult and engage community residents on important issues. Shelburne County was settled in the 1700's and this 80 MW wind farm is probably one of the biggest most controversial issues ever in Shelburne County.

Our ask is that the Municipality of the District of Shelburne Council immediately write a letter to Community Wind Farms Incorporated and Nova Scotia Power advising them that the Council is revoking their letter of support for the 80 MW wind farm until further engagement and consultation on wind energy can take place with all the residents of Shelburne County.

This community engagement will include independent, objective information that can be shared with all residents. Special attention and review of the Eastern Shelburne County Energy Strategy will be included.

To eliminate distressed and divisiveness we ask that this letter be shared on social media.

We ask that Council answer questions that have been submitted from community members on their proposed wind farm.

We ask that municipal land use by-laws be reviewed in order to modernize on-going increased setbacks for turbines and watershed compliance with community input.

We ask that citizens are considered before money.

Thank you for making the time to see concerned citizens on such short notice.

Please record my presentation in the minutes.

Norm Wallet