



Naturally Yours

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**REGULAR SESSION OF THE 52<sup>nd</sup> COUNCIL  
OF THE  
MUNICIPALITY OF THE DISTRICT OF SHELburne  
Wednesday, April 13, 2022  
6:00 pm**

The Regular Session of the 52nd Council of the Municipality of the District of Shelburne was held on Wednesday, April 13, 2022, 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 Sherry Thorburn Irvine  
Councillor Anthony Gosbee  
Councillor Ron Coole via Microsoft Teams  
Councillor Doris Townsend via Microsoft Teams  
Trudy Payne, CAO

**ALSO IN ATTENDANCE:**

Chana Ross, Executive Assistant  
Darrell Locke, Bylaw Enforcement Officer  
Erin Hartley, Director of Corporate Services via Microsoft Teams  
Adam Dedrick, Director of Recreation and Parks via Microsoft Teams  
Members of the Public

**1. CALL TO ORDER:**

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

**2. APPROVAL OF AGENDA:**

**MOTION: APPROVAL OF AGENDA – April 13, 2022**

Being duly moved and seconded, be it resolved that the Agenda for April 13, 2022, be approved with the following amendments:

- **IN-CAMERA:**
  - 8(b) Contract Negotiations as per MGA Section 22 (2) (e) – Warren McLeod, Director of Economic Development - Added
- **ADMINISTRATION:**
  - 5(b) Video Conferencing Policy – Trudy Payne, CAO: the item will be moved from 5(b) to 5(a)
  - 5(a) Boundary Review RFP Award – Erin Hartley, Director of Corporate Services and Warren McLeod, Director of Economic Development: changes to 5(b)

- **MOTION CARRIED**

**3. APPROVAL OF MINUTES:**

- a. March 23, 2022
- b. March 30, 2022

**MOTION: APPROVAL OF MINUTES – March 23, 2022**

Being duly moved and seconded, be it resolved that the Minutes of March 23, 2022, be approved as circulated.

- **MOTION CARRIED**

**MOTION: APPROVAL OF MINUTES – March 30, 2022**

Being duly moved and seconded, be it resolved that the Minutes of March 30, 2022, be approved as circulated.

- **MOTION CARRIED**

**4. BUSINESS ARISING:**

There was no business arising.

**5. ADMINISTRATION:**

- a. Video Conferencing Policy – Trudy Payne, CAO
- b. Boundary Review RFP Award – Erin Hartley, Director of Corporate Services
- c. Roseway Manor Report – Trudy Payne, CAO
- d. Dangerous and Unsightly Report – Darrell Locke, By-law Enforcement Officer

5(a) Trudy Payne, CAO, presented Council with the Video Conferencing Policy staff report.

During the pandemic, the Province of Nova Scotia enabled Councils to conduct virtual meetings to carry out the business of Council. In April 2021, the Municipal Government Act (MGA) was officially amended to provide municipalities with authority to conduct meetings virtually and allow a council member or council committee member to participate in a council meeting or council committee meeting through electronic means.

That amendment outlines specific conditions that must be met to do so but notes that a procedural policy of Council must be in place. For this reason, staff have drafted a video conferencing policy which council members received seven days in advance for Council's consideration. The template policy provided by the Nova Scotia Federation of Municipalities and the neighbouring municipal unit's policy was used to draft this policy. The municipal solicitor has reviewed and has no issue with this policy as written. If approved, the policy would become effective immediately.

Discussion was held regarding the possibility of video recordings in place of providing a link for the public to attend meetings. Meetings are currently conducted using Microsoft Teams. Ms. Payne noted that technological changes would be necessary to accommodate video recordings. It was also noted that audio recordings of upcoming meetings are being posted to the website. The public may request access to the meeting link up until 4:30 pm on the day of the meeting, and this format is working as of now.

**MOTION: VIDEO CONFERENCING POLICY**

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne approve Policy # 52 – Council Videoconferencing Policy, as presented.

- **MOTION CARRIED**

Councillors Coole and Townsend joined the meeting virtually at 6:08 pm via Microsoft Teams.

5(b) Erin Hartley, Director of Corporate Services, presented Council with the Boundary Review RFP Award staff report.

The Municipality sought submissions for the 2022 Governance and Boundary Review. The RFP was advertised beginning February 22, 2022, on our website and the NS Procurement website. An addendum was issued to allow for electronic submissions on March 3, 2022. The RFP deadline was March 18, 2022. Four (4) submissions were received and evaluated. The CAO and staff have determined that the internal resources are not available to complete this project 'in-house'; therefore, the evaluation committee recommends awarding the RFP.

Staff feel that either of the top two scorers could carry out the duties outlined in the RFP; however, there is a substantial difference in cost. Since cost is not the only factor being evaluated, the highest score is also the highest cost (approximately \$13,000 more than the second-place score) and outside the estimated budget for this project. Therefore, the second-

place scorer is deemed the choice that is in the Municipality's best interest and is being recommended by staff. References have been checked and have come back with solid recommendations that they are capable of the project.

Legal has also been consulted to ensure this recommendation adheres to the RFP contents.

**MOTION: GOVERNANCE AND BOUNDARY REVIEW - RFP AWARD**

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne award the Governance and Boundary Review Request for Proposals to C&D Community Design based on the details outlined in their proposal at a cost of \$18,400 + HST.

- **MOTION CARRIED**

5(c) Trudy Payne, CAO, presented Council with the Roseway Manor staff report.

For a few years, the transfer of ownership of the Roseway Manor from being a municipal corporation owned by the Municipality of the District of Shelburne, the Town of Shelburne, and the Town of Lockeport, to an independent entity has been discussed. Services provided at long-term care facilities fall under the mandate of health services, and these facilities are regulated and licensed by the Province of Nova Scotia. Health care is not within the mandate of municipalities or municipal core services. Therefore, it was agreed by all three municipal units to no longer be the owners of Roseway Manor and to transfer its assets to an independent entity.

On April 12, 2021, Council made the following motion concerning the transfer or wind-up for Roseway Manor.

“Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne maintains its position in supporting the wind-up of Roseway Manor Incorporated and once again moves that:

1. It approves the transfer by Roseway Manor Incorporated (the “Corporation”) of all of the Corporation’s assets to an independent and newly incorporated not-for-profit organization, not to be owned or controlled by the Municipality or the Corporation, at such a date and time as to be determined (the “Transfer”).
2. Upon completion of the Transfer, it approves the wind-up of Roseway Manor Incorporated.
3. The Chief Administrative Officer of the Municipality, or such other person as may be designated by the Municipality, is hereby authorized, and directed to do, execute, and deliver such things or documents as may be necessary in order to carry out such Transfer and subsequent wind up of Roseway Manor Incorporated.”

Since this motion, the Province of Nova Scotia has provided resources to the Roseway Manor Board to assist them in the day-to-day operations and provide the Board and the Municipal units with options to be considered when making decisions about the future ownership of Roseway Manor. The options being considered for the Manor are a newly incorporated not-for-profit, not owned by the Municipality or the Municipal Corporation, or a for-profit entity owning Roseway Manor.

- Questions were asked to the Province about the standard of care, the cost to the resident, and liability for each option.
- The Province of Nova Scotia regulates long-term care facilities and sets the standards which must be adhered to whether the long-term care facility is a not-for-profit or a for-profit organization.
- The cost to the resident is the same whether a not-for-profit or a for-profit organization.
- A not-for-profit organization requires a commitment from those who agree to serve on the Board; the owners manage a for-profit facility.
- In a not-for-profit organization, Board members have legal responsibilities and accountabilities; in a for-profit facility, the liabilities and accountabilities lie with the private owner.
- A not-for-profit facility may encourage others to volunteer and make donations; a for-profit facility may still recruit volunteers in the community, but community members may be less likely to make donations to the facility.
- A not-for-profit organization may seek grants from the Municipality, whereas a for-profit would not be eligible.
- A not-for-profit is required to break even, and a for-profit would want to make a profit. If sold to a private entity that owns other long-term care facilities, purchasing items due to economies of sale may enable the Shelburne Long-Term Care facility to provide items that a stand-alone entity may not afford or attain. Also, staff resources may be utilized from other extended-term care facilities if there are staff shortages, staff out sick or fill in as staff recruitment is taking place to fill any vacant positions. The same could be said if ownership is transferred to an already existing non-profit group that owns and manages long-term care facilities.

The Province of Nova Scotia has confirmed that a new long-term care facility will be built whether the Roseway Manor is owned and operated by a not-for-profit or a for-profit organization. The Province will need to approve the plans and operations of Roseway Manor, whether it is a not-for-profit or a for-profit facility. In Shelburne County, we have examples of each model; a not-for-profit facility in Barrington, Bayside Home and for-profit in Lockeport, MacLeod Surf Lodge Nursing Home. The Province of Nova Scotia has 84 Long-Term Care Facilities, of which 14% are publicly owned; 44% are owned by private for-profit, and private, not-for-profit organizations own 42%.

If the Municipality decides to transfer ownership to a not-for-profit organization no motion is required. If the Municipality decides to transfer ownership to a for-profit organization, the following motion is being recommended:

THAT the Municipality of the District of Shelburne Council rescinds their April 12, 2021, motion and approves the transfer of ownership of Roseway Manor to a private entity through a tender process

AND directs the CAO to work with the Province of Nova Scotia to determine which party completes the task, in the best interest of the Municipality.

Discussion was held regarding the best interest of residents, volunteer board members requirements and liabilities.

Darren Stoddard of East Jordan, a member of the public present at the meeting, provided comments to Council regarding this matter. Roseway Manor is significant to Mr. Stoddard, and he is highly concerned about the current conditions of the building and the treatment of the residents. He is also concerned about whether a new facility will be provided. Further, Mr. Stoddard stated that, in his opinion, a for-profit company focuses on profits before the community's concerns. Although provincial regulations must be followed, they are not always observed. For-profit boards are accountable to shareholders before residents. Mr. Stoddard noted that he had applied to join the current Board of directors. However, he was informed by the Municipality that community board members were not being accepted at present. His concern is that he will not have a voice on a for-profit board. Council thanked Mr. Stoddard for his comments, for which he replied in kind.

**MOTION: ROSEWAY MANOR**

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne rescinds their April 12, 2021, motion and approves the transfer of ownership of Roseway Manor to a private entity through a tender process

AND directs the CAO to work with the Province of Nova Scotia to determine which party completes the task, in the best interest of the Municipality.

**- MOTION CARRIED**

Councillor Thorburn Irvine voted against the motion.

5(d) Darrell Locke, By-law Enforcement Officer, presented Council with the Dangerous and Unsightly Report staff report.

This is a summary of the Dangerous or Unsightly Property file opened because of complaints received originally on September 25, 2020, against the property located at 10820 Upper Clyde Road.

Original complaint received September 25, 2020; property was in the process of being transferred.

December 10, 2021, a property check indicated that the property is now registered to Donald and Natalie Davis.

On April 29, 2021, an initial site inspection was conducted, and a formal file was opened.

Correspondence package containing a cover letter, Forms 1,2,3 and 33 photographs personally served on Natalie Davis on May 7, 2021.

Donald Davis of Upper Clyde Road, a member of the public present at the meeting, provided comments to Council regarding this matter.

**MOTION: DANGEROUS AND UNSIGHTLY REPORT - 10820 UPPER CLYDE ROAD**

Being duly moved and seconded, be it resolved that Council of Municipality of the District of Shelburne holds that the condition of the property located at 10820 Upper Clyde Road justifies that the property is in violation of the provisions of the Municipal Government Act, SNS 1998, c.18 because the property is Dangerous or Unsightly because but not limited to an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, the condition of the property seriously depreciates the value of lands or buildings in the vicinity and that is a fire hazard to itself or to surrounding lands or buildings and hereby issues an order as per Section 507 of the Municipal Government Act: and authorizes the Warden to sign off on this demolition and clean-up order.

- **MOTION CARRIED**

**6. RECREATION:**

- a. Welkum Park Accessible Pathway Design – RFP Award – Adam Dedrick, Director of Recreation and Parks

6(a) Adam Dedrick, Director of Recreation and Parks, presented Council with the Welkum Park Accessible Pathway Design – RFP Award staff report.

The Municipality is completing upgrades to Welkum Park to increase accessibility. Part of the project's final phase includes the construction of an accessible pathway that provides a barrier-free route connecting to all amenities and features of the park. This will enable visitors of all abilities to access all parts of the park. The main objective of the RFP is to develop the design of an accessible barrier-free pathway with specifications for tender and construction.

Three proposals were submitted and evaluated on March 28, 2022, by a committee of three municipal staff:

- Adam Dedrick, Director of Recreation & Parks
- Lisa Locke, Recreation Coordinator

- Erin Hartley, Director of Corporate Services

Proposals were evaluated based on project understanding, approach/methodology, experience/quality of work and price, including the scope of work and all submission requirements. References were checked for the top-scored proponent, and the results were positive.

A discussion was held regarding timelines for the project. Warden Smith thanked Mr. Dedrick and Ms. Locke for all their work.

**MOTION: WELKUM PARK ACCESSIBLE PATHWAY DESIGN – RFP AWARD**

Being duly moved and seconded, be it resolved that Council of Municipality of the District of Shelburne award the RFP for the Welkum Park Accessible/Barrier-Free Pathway Design and Specifications to Joy Elliott Designs/Gordan Ratcliffe Landscape Architects for \$10,800 plus HST.

- **MOTION CARRIED**

**7. COMMITTEE REPORTS/COUNCIL MEMBER UPDATES:**

- a. Correspondence – Re: Regulatory oversight for upcoming "Offshore Renewable Energy" Projects – Warden Smith
- b. Non-Resident Provincial Deed Transfer Tax and the Non-Resident Property Tax – Trudy Payne, CAO
- c. Monthly Building Report – March 2022

7(a) Warden Smith advised Council of correspondence received from the Clean Ocean Action Committee regarding Regulatory oversight for upcoming "Offshore Renewable Energy" projects.

The committee is asking councils to take a position regarding the appointment of a chair.

It was noted that it is not the municipal government's role to advise the Province on whom it should appoint in this position. Warden Smith informed Council that the federal and provincial governments have already made their decisions following this correspondence.

Discussion was held regarding the potential role the Municipality might be able to play in representing the interests of the community in the future to assist in our commercial fishing industry's effective operation and oversight. It was noted advocacy for industry stakeholders to become more actively involved would be beneficial. Upon further discussion, Council directed staff to write a letter on this issue to request more information on:

- Who is sitting on the Board?
- Who is being represented or providing representation?
- Could they ensure that the Municipality is kept informed/engaged on the robust environmental assessment?



- Provide more information

7(b) Trudy Payne, CAO, advised Council on the Non-Resident Provincial Deed Transfer Tax and the Non-Resident Property Tax.

Two new taxes were introduced during the 2022-2023 provincial budget: the Non-Resident Provincial Deed Transfer Tax and the Non-Resident Property Tax. Both the Municipality of Chester and the Municipality of Guysborough have written letters to the Province in opposition to this matter.

The discussion noted that there were real concerns and implications about how these taxes might negatively impact our local economy, as well as the Municipality's ability to raise funds, affecting municipal programs. Residents will be adversely affected. Furthermore, Council is concerned that the taxes have not been explicitly allocated for housing initiatives in the provincial budget but have been included in the general budget. It is also of concern that local families are being priced out of the current housing market and that this is not the proper way to manage the issue. The issue of the provincial government crossing over into traditional municipal responsibilities and the implications that this might cause were also discussed.

The Council instructed staff to draft a letter to the Premier expressing the Municipality's opposition to the Non-Resident Provincial Deed Transfer Tax and the Non-Resident Property Tax and collect individual Councillor comments to include in the letter.

**MOTION: NON-RESIDENT PROVINCIAL DEED TRANSFER TAX AND THE NON-RESIDENT PROPERTY TAX**

Being duly moved and seconded, be it resolved that Council of Municipality of the District of Shelburne write to the Premier to voice our disapproval on the Non-Resident Provincial Deed Transfer Tax and the Non-Resident Property Tax.

- **MOTION CARRIED**

7(c) Council reviewed the Monthly Building Report – March 2022

Additional Committee Reports/Council Member Updates:

Councillor Thorburn Irvine advised that she attend the Concerned Citizens Group at the Sandy Point Lighthouse Centre on April 10, 2022, regarding presentations given by guest speakers on windfarms. Councillor Thorburn Irvine noted that the discussion was very balanced and informative.

Councillors Gosbee and Coole attended the Arena Committee meeting where new hires, fundraising, advertising, and bingo were discussed.

Warden Smith advised that she attended the following events:

- Accessibility Committee Meeting regarding the accessibility plan – March 31, 2022

- NSFM Regional Meeting – the CAO provided a summary of the issues discussed at the meeting.
- The Warden, CAO and Mr. MacLeod met with Mersey Seafood to welcome them – on April 12, 2022
- Fisheries Meeting – April 13, 2022
  - Thorburn Irvine expressed concerns that some fishermen do not feel that they are being represented. Council noted that the committee's role is advocacy, but not to take a hard line.

**8. IN-CAMERA:**

- a. Land Negotiations as per MGA Section 22 (2) (a) – Warren McLeod, Director of Economic Development
- b. Contract Negotiations as per MGA Section 22 (2) (e) – Warren McLeod, Director of Economic Development

**MOTION: ENTER “IN-CAMERA”**

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne enter "In-Camera" at 8:17 pm to discuss Land and Contract Negotiations.

- **MOTION CARRIED**

**MOTION: EXIT “IN-CAMERA”**

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne exit “In-Camera” at 8:50 pm.

- **MOTION CARRIED**

Direction was provided to staff in-camera in relation to land and contract negotiations.

**MOTION: ON PID 82579640**

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne enter into a purchase and sale agreement as per the discussion on PID 82579640.

- **MOTION CARRIED**

**9. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:51 pm. The next Council meeting will be held on Wednesday, April 27, 2022, in the Shelburne Council Chambers.

**Chana Ross**  
**Recording Secretary**

April 28/22  
Date

  
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Penny Smith, Warden

  
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Erin Hartley, Director of Corporate Services