



Municipality of
Shelburne

Naturally Yours

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**COMMITTEE OF THE WHOLE
FOR THE
MUNICIPALITY OF THE DISTRICT OF SHELburne
October 15, 2019**

Committee of the Whole Meeting for the Municipality of the District of Shelburne was held on Tuesday, October 15, 2019, commencing at 5:00 pm in the Council Chambers of the Municipal Administration Building, Shelburne, Nova Scotia.

THOSE IN ATTENDANCE WERE:

Warden Penny Smith
Deputy Warden David Levy
Councillor Roger Taylor
Councillor Doris Townsend
Councillor John Roscoe
Councillor Terry McIntyre
Councillor Norman Wallet
Ken Smith, Interim CAO

ALSO IN ATTENDANCE:

Adam Dedrick, Director of Recreation & Parks
Darrell Locke, Bylaw Enforcement Officer
Chana Ross, Executive Assistant
Members of the Public

1. **CALL TO ORDER:**

The meeting was called to order at 5:00 pm by Deputy Warden Levy.

2. **APPROVAL OF AGENDA:**

Being duly moved and seconded, be it resolved that the Agenda of October 15, 2019, be approved with the following amendments:

- 5.(a) Sable River Fire Department Mediation Process- added
- 7.(g) Fibre Internet Update- added
- 10.(a) Physician Update- added

- **MOTION CARRIED**

3. **APPROVAL OF MINUTES:**

Being duly moved and seconded, be it resolved that the Minutes of July 8, 2019, be approved with the following amendments:

Rewording of 9.(a)

- **MOTION CARRIED**

4. **Presentation:**

(a) Shelburne County Mental Health and Wellness – Warm Line Update – Kevin Grant, Chairperson, Marilyn Johnston, Secretary & Cindy Hagen, Warm Line Coordinator

4.(a) Kevin Grant, Chairperson, Marilyn Johnston, Secretary, and Cindy Hagen, Warm Line Coordinator, for the Shelburne Country Mental Health and Wellness Group presented the Warm Line update to Committee.

Ms. Johnston thanked Council for the invitation to present and for the Municipality's contribution to the organization through the Grants to Organizations program.

On July 23, 2019, the Warm Line was launched. The Warm Line is a non-crisis line for anyone dealing with mental health issues. It could be something as simple as needing someone to briefly talk to, grief, depression, anxiety, stress, and or other difficulties of life. The Warm Line is meant to provide short-term emotional support and to assist the individual calling for help with a plan to move forward. The number is toll-free. The Warm Line is available Tuesdays and Fridays from 6:00 pm to 10:00 pm. The organization would like to have more days and times available, but more resources are required. There was an influx of calls once the Warm Line began operations and the organization is pleased with the current results.

It was noted by Ms. Johnston that all calls are anonymous, confidential, and without judgement. Volunteers are highly trained, having received over forty hours of training. Volunteers do not provide advice as they are not medically trained but help people explore options. The organization is applying for a program grant which is for seniors. The organization is in the process of recruiting more volunteers to provide training sessions and to be able to be operational on more than two evenings a week. There is one paid, part-time position which is the Warm Line Coordinator, Cindy Hagen.

Mr. Grant noted that Facebook has been the most successful avenue to date for reaching people through advertising an example was given of one post reaching 15,000 people.

Committee thanked Mr. Grant, Ms. Johnston and Ms. Hagen for their presentation.

5. **Business Arising:**

(a) Sable River Fire Department Mediation Process

5.(a) Councillor Taylor welcomed members of the Sable River Concerned Citizens Group who attended to address their concerns over the mediation process with the Sable River Volunteer Fire Department.

Robert Forbes, Spokesperson for the Concerned Citizens of Sable River, provided comments to Committee.

Mr. Forbes is a rate payer and resident of Sable River, and member of the Concerned Citizens of Sable River Group. He stated that the needs of the fire department must be in line with the needs of the community and what the

community and Municipality can afford. The Community group has expressed concerns regarding negotiations in bad faith, untrue statements, poor financial accounting, and false promises from the Sable River Volunteer Fire Department. This resulted in the community group agreeing to be involved in a mediation exercise between residents of Sable River and the Fire Department which was backed by the Municipality. There was a mediation settlement agreed upon however, to date, the Fire Department has failed to honour any of the items agreed to. Mr. Forbes noted that the Concerned Citizens of Sable River are asking Council to take necessary action to bring the current situation under control.

Ken Smith, Interim CAO, informed Committee of separate meetings held with both representatives from the Fire Department and the Concerned Citizens Group, that the Interim CAO and Director of Corporate Services attended.

Staff informed the Fire Chief that it was important for the fire department to have the support of community members. Whether it's a loan guarantee or an area rate, there must be input received from the community on financial matters.

The Interim CAO noted that the Concern Citizens were informed of the limited role the Municipality can have during this process based of the Municipal Government Act. The Municipality's own policies currently reflect the Municipal Government Act very closely. The Act is very specific in what Municipal Governments can and cannot do. The Fire Department has complied with the Municipality's Policies.

Discussion was held and questions were raised on various issues that have arisen since meetings began between the Fire Department and Concerned Citizens Group.

Councillor Taylor noted that he attended two meetings held between the parties and noted that the relationship has eroded over time.

It was further noted that both parties signed the Mediated Settlement.

Committee thanked the Concerned Citizens of Sable River for attending and informed the group that an "in camera" session would be held later.

6. **Recreation:**

(a) Trail Bridges Inspections Report

6.(a) Adam Dedrick, Director of Recreation and Parks, presented the Trail Bridges Inspections Report staff report to Committee.

Mr. Dedrick provided an overview on the process and a thorough PowerPoint presentation on the trail bridges inspections. It was noted that this report is for long term planning of capital projects and the maintenance of Municipal trail bridges.

Mitchelmore Engineering Company Limited (Meco) was hired to do condition reviews and underwater inspections for three Municipal trail bridges including the Roseway River Trail West Bridge, Jordan River Trail Bridge, and the Tom Tigney Trail Bridge. The condition review consisted of a visual inspection for all three bridges and an underwater inspection for the Jordan River Bridge and the Tom Tigney Trail Bridge. The visual and underwater inspections were carried out on August 14, 2019.

Discussion was held and staff were asked to have Trail counts for the Jordan River Bridge done in spring or summer 2020 and will have a life cycle cost analysis for the Roseway River West Bridge and Jordan River Bridge done as money is available in the current budget.

It was also noted that there are future plans for current trails to be considered and upgraded as multi-use trails.

7. **Administration:**

- (a) Shelburne Port Authority – Council Member Appointment
- (b) Councillor iPad Upgrade
- (c) Regional Land Use Planning Services
- (d) Dog By-Law Considerations
- (e) Lockeport Volunteer Fire Department - Truck Purchase
- (f) Area Rate for Fire Departments Policy
- (g) Fibre Internet Update

7.(a) Ken Smith, Interim CAO, presented the Shelburne Port Authority – Council Member Appointment staff report to Committee.

An appointment request was received from the Town of Shelburne for one Municipality of Shelburne Council member to sit on the Shelburne Port Authority Committee. The Municipality has been a member in the past but has been inactive for the past number of years. The Shelburne Port is an important part of the Town's infrastructure that impacts the Municipality's economic growth and well-being. Municipal staff will also act as resources for this committee in a non-voting capacity.

Discussion was held and Deputy Warden Levy volunteered for the Council Member Appointment.

MOTION: SHELburne PORT AUTHORITY – COUNCIL MEMBER APPOINTMENT

Being duly moved and seconded, be it resolved that Committee of the Whole recommend to Council that Deputy Warden Levy be appointed to the Shelburne Port Authority Committee.

- **MOTION CARRIED**

7.(b) Ken Smith, Interim CAO, presented the Councillor iPad Upgrade staff report to Committee.

Councillor iPads are currently outdated and do not operate as efficiently as they once did. Typically, iPads are replaced each Councillor term but were not done so this past term. Some are incompatible with the latest OS updates. This is a cause for security concerns.

Discussion was held and it was noted that Councillor Taylor's iPad is the oldest and has issues with updates. It was further noted by the Committee that iPads should be replaced on an as needed basis.

7.(c) Ken Smith, Interim CAO, presented the Regional Land Use Planning Services report to Committee.

It was noted by the Interim CAO that at the Regional AMA Committee meeting, there was discussion around the need for planning services in response to the Province's new legislation respecting minimum planning standards. This discussion sparked a comparison of planning services amongst the municipal units in the region. The Province is attempting to launch a funding stream for municipal modernization which this group will try and tap into.

The Municipality of the District of Shelburne will require planning updates within the next two years. By participating and applying for this grant, the Province will be asked to provide ninety percent of the funding with the other eight municipal units covering the remaining ten percent.

Discussion was held and questions raised about the long-term funding model. It was also noted that this is an excellent idea and good for Planning Services within the Municipality and throughout the region.

MOTION: REGIONAL LAND USE PLANNING SERVICES

Being duly moved and seconded, be it resolved that Committee of the Whole recommend to Council that the Municipality of Shelburne support the application for provincial funding for a shared land use planning service, and that request be for 90% funding provincially, and the remaining 10% paid by participating municipalities if the application is successful.

- MOTION CARRIED

7.(d) Darrell Locke, Bylaw Enforcement Officer, presented the Dog Bylaw Considerations staff report to Committee.

Mr. Locke noted the main issue at present is complaints the municipality has been receiving in increasing numbers regarding dogs persistently disturbing the quiet of the neighbourhood by barking, howling or otherwise.

Historically, these complaints have been seasonal, beginning in the late spring and continuing until late fall. During this time many people have their windows open and the noise is more noticeable. This year the Bylaw Enforcement Officer has received complaints from Lower Ohio, Welshtown, and many from Jordan Falls. The Jordan Falls complaints have been generated by two separate residents that live in the same neighbourhood and relate to the same dog owner.

It was noted that the current Dog Bylaw allows for impounding of the dog but does not provide instruction after this fact. It was also noted that none of the offences in the bylaw are scheduled with the Province and are not summary offence tickets. Mr. Locke noted that he conducted research into twenty-three other municipal units within the Province regarding their Dog Bylaws. It was noted that they all have a stipulation in their bylaws regarding barking dogs that persistently disturb the quiet of the neighbourhood and include a ticketable offence. Mr. Locke explained that the Municipality always takes an educational approach first to gain voluntary compliance. This does not seem to be as effective as it once was, attaching a monetary value to a ticket may be more effective.

Discussion was held and questions raised about the current process according to the bylaw. It was noted by Mr. Locke that the entire current bylaw should be reviewed. It was also noted in the case of disruptive dog complaints, that the complainant would be required to go to court as witness to support the case for a summary offence. It was further noted that legal counsel will be required to review the bylaw and the Province will be required to approve the amounts for summary offence tickets.

Mr. Locke recommended to Committee that staff work through the current bylaw to research issues before making final decisions or passing amendments to the current bylaw. The Interim CAO stated a projected timeline will be conducted as there is a process for updating a bylaw. Committee directed staff to research and bring to a future Council Meeting.

7.(e) Ken Smith, Interim CAO, presented the Lockeport Volunteer Fire Department – Truck Purchase staff report to Committee.

A request was received from the Town of Lockeport for the Municipality of the District of Shelburne to approve the purchase of a fire truck, based on our Fire Services Agreement. It was noted that a determination needs to be made regarding public input and how the truck will be paid for. The Area Rate for Fire Departments Policy being proposed may address this issue but is not in place currently. The Interim CAO noted seeking a legal opinion on this matter would be prudent.

Discussion was held regarding the current approval process and policies in place. It was noted that the Lockeport Volunteer Fire Department should be sent a letter regarding considering the purchase of a used fire truck and having a GIS map completed to determine the service area for an area rate.

7.(f) Ken Smith, Interim CAO, and Darrell Locke, Bylaw Enforcement Officer, presented the Area Rate for Fire Departments Policy staff report to Committee.

It was noted that this report is the result of a deferred motion to accept an Area Rate for Fire Departments Policy from September 2019 Council, pending consideration of content from Council. This report is for discussion and consideration purposes. Staff are asking that Council consider and come to a consensus on several items and provide direction to staff.

Committee directed staff to make the following amendments to the Area Rate for Fire Departments Policy:

1. Which properties will get taxed?
 - Committee recommends all properties in the fire service area
2. How is the area rate implemented?
 - Committee recommends that rates are implemented based on assessment
3. Who votes?
 - Committee recommends that there is one vote per property in a service area
4. Are there voting options?
 - Committee recommends that there be a mailout option in addition to a community meeting.
5. Is this policy compatible with our Fire Services Agreements with the Towns?
 - Seek legal advice

Discussion was held and it was noted that staff will bring the final draft policy to a future meeting after legal considerations have been incorporated.

7.(g) Councillor Wallet requested an update on the Fibre Internet Project. Deputy Warden Levy informed the Committee that there was no new information available. Warden Smith read an email update from Bell the status of Phase 1 of the project. Interim CAO will follow-up on this email and provide further updates at a future meeting.

8. **Other:**

- (a) CAP – NSFM Update – Letter to MLA
- (b) Roseway Manor – Meeting Date with Lawyer
- (c) Physiotherapist Return of Service – Owed Amount
- (d) Policing Review Update
- (e) Waste Diversion Officer Update
- (f) Monthly Building Report – September 2019
- (g) CPONS – Participation Request

8.(a) Warden Smith informed Committee of an email received from the Nova Scotia Federation of Municipalities (NSFM) requesting the Municipality send a letter to MLA Masland for the removal of the CAP Program. Consensus was to send a letter to MLA Masland to gain support for the removal of the CAP Program for a new system that endeavours to, and advocates for, low-income residents.

8.(b) Ken Smith, Interim CAO, informed Committee of a letter received from Roseway Manor requesting participating Councils meet with their lawyer. The letter provided several dates to meet and all members of Council and the CAO are asked to attend.

Discussion was held and it was noted that the Interim CAO would respond to the request with the dates of October 30 or 31, 2019 or November 13 or 14, 2019.

8.(c) Discussion was held regarding an owed amount from a Physiotherapist Return of Service and Committee consensus was for the money to be given to the Roseway Hospital Charitable Foundation.

8.(d) Deputy Warden Levy provided a Policing Review Update.

Discussion was held and it was noted that participating in a review would be in the Municipality's favour, considering the potential issues the Municipality may have with the Lock-up and the New Municipal Building. It was noted if there is no Lock-up then our police officers would be tied up transporting prisoners to court in other areas.

Committee Consensus was to participate in a Policing Review.

8.(e) The Waste Diversion Officer Update Report – June - September 2019 was reviewed.

Discussion was held and it was noted by Committee that Mr. Jamieson, Waste Diversion Officer, has done an excellent job on the report and identified a lot of key areas he is working on.

8.(f) Ken Smith, Interim CAO, presented the Monthly Building Report – September 2019.

The construction values for September were \$18,500 with six permits issued.

8.(g) Warden Smith informed Committee of the CPONS – Participation request.

The Campaign to Protect Offshore Nova Scotia is holding a press conference in Halifax on November 5, 2019 and has requested Warden Smith speak at the event. Warden Smith asked Committee for their recommendation.

Discussion was held and it was noted that a letter of support has already been provided by Council and this was deemed sufficient.

9. **Committee Reports/ Recommendations:**

There were no Committee Reports/ Recommendations.

10. **Council Member Updates:**

(a) Physician Update – Councillor Wallet

10.(a) Councillor Wallet informed Committee of a Physician Tour he did and that unfortunately the Physician has decided not to come to the Shelburne area.

In Camera:

- (a) Contract Negotiations
- (b) Personnel Matters
- (c) Public Security

MOTION: ENTER "IN CAMERA"

Being duly moved and seconded, be it resolved that Committee enter "In Camera" at 8:15 pm to discuss Contract Negotiations, Personnel Matters and Public Security.

- **MOTION CARRIED**

MOTION: EXIT "IN CAMERA"

Being duly moved and seconded, be it resolved that Committee exit "In Camera" and return to Regular Session at 9:10 pm.

- **MOTION CARRIED**

12. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:11 pm.

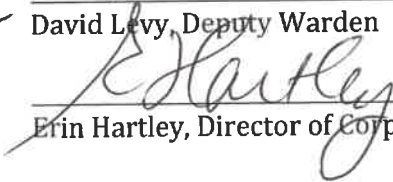
**Chana Ross
Recording Secretary**

January 7/20
Date

for



David Levy, Deputy Warden



Erin Hartley, Director of Corporate Services