



Naturally Yours

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**REGULAR SESSION OF THE 51ST COUNCIL
OF THE
MUNICIPALITY OF THE DISTRICT OF SHELBURNE
September 24, 2018**

The Regular Session of the 51st Council of the Municipality of the District of Shelburne was held on Monday, September 24, 2018, commencing at 5:00 pm in the Council Chambers of the Municipal Administration Building, Shelburne, Nova Scotia.

THOSE IN ATTENDANCE WERE:

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

ALSO IN ATTENDANCE:

Adam Dedrick, Director of Recreation & Parks
Anita DeMings, Executive Assistant
Erin Hartley, Director of Corporate Services
Michelle Williams, Director of Finance
Members of the Public

1. CALL TO ORDER:

The meeting was called to order at 5:00 pm by Warden Penny Smith.

Tom MacEwan, CAO

tom.macewan@municipalityofshelburne.ca

www.municipalityofshelburne.ca

Penny Smith, Warden

warden@municipalityofshelburne.ca

2. APPROVAL OF AGENDA:

Being duly moved and seconded, be it resolved that the Agenda of September 24, 2018, be approved with the following amendments:

- 9.(e) Mental Health Wellness Expo - Added
- 9.(f) Health Care Rally - Added
- 9.(g) QUEST– Added
- 9.(h) Two-Year Return of Service Funding - Added
- 9.(i) Broadband Update – Added

- **MOTION CARRIED**

3. APPROVAL OF MINUTES:

Being duly moved and seconded, be it resolved that the Minutes of July 23, 2018, be approved as amended.

- **MOTION CARRIED**

Being duly moved and seconded, be it resolved that the Minutes of August 9, 2018, be approved as amended.

- **MOTION CARRIED**

4. Presentation:

- (a) Canada - Nova Scotia Offshore Petroleum Board
Stuart Pinks, CEO and Stacy ORourke, Director of Communications
Re: Decision Making Regulatory Board

4.(a) Mr. Pinks made a presentation to Council regarding the Canada - Nova Scotia Offshore Petroleum Board (CNSOPB) mandate which includes the safety of personnel and protection of the environment. The board is made up of seven members and the CEO is responsible for the day to day operations of the organization. Mr. Pinks explained the decision-making process regarding regulatory framework with environmental and safety regulations within government capacity, priorities and the process of explorations.

Discussion was held regarding drilling types, regulations, risks, impact that a public inquiry would identify and the response time for a capping stack to be deployed. Council expressed their concerns regarding the risk and the outfall of a catastrophic spill.

It was noted that risk management inquiries and specific questions would require additional time. It was suggested that specific questions be taken back to be researched and another presentation be scheduled for a later date.

Council thanked Mr. Pinks and Ms. ORourke for their presentation.

5. Inspection Services:

(a) Private Road Name Change Request – Sandy Point – “Paradise Point Road”

5.(a) Tom MacEwan, CAO, presented the Private Road Name Change Request staff report as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

A written request was submitted by local residents requesting approval to change the private road currently known as “Grace Rosie Road” to “Paradise Point Road”.

MOTION: Private Road Name Change Request – Sandy Point - “Paradise Point Road”

Being duly moved and seconded, be it resolved that the Municipality of the District of Shelburne approve the name change of the private road currently known as “Grace Rosie Road” to “Paradise Point Road” in the community of Sandy Point.

- **MOTION CARRIED**

6. Recreation:

- (a) Shelburne County Arena Phase 4 Capital Upgrades
- (b) Community Art Fund Second Round Proposals
- (c) Kids Fair Play FUNd September 2018 Review
- (d) Sable River Foot Bridge Ownership Update

6.(a) Adam Dedrick, Director of Recreation and Parks, presented the Shelburne County Arena Phase 4 Capital Upgrades staff report as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

The original funding request was for the Zamboni only, however, there is now also a need for new compressors. The funds from several sources have already been secured. There is an opportunity to leverage those funds for federal infrastructure funding to cover the remaining Phase 4 Capital Upgrades.

The new Zamboni has been ordered and is due to be delivered in October. To pay the balance for the new Zamboni the Arena Association is requesting the disbursement of funds from the Municipality in the amount of \$45,000 towards the Phase 4 Capital Upgrade.

MOTION: Shelburne County Arena Phase 4 Capital Upgrades

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne provide \$45,000 to the Shelburne County Arena Association for Phase 4 Capital Upgrades that includes the purchase of a new Zamboni and compressors.

- **MOTION CARRIED**

6.(b) Adam Dedrick, Director of Recreation and Parks, presented the Community Art Fund Second Round Proposals staff report as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

The Community Art Fund Policy provides the opportunity to support community art projects that engage the broader community during the creative process resulting in the creation of something of meaning, benefit and enjoyment for the local community.

It was noted that the "Birchtown Garden" proposal did not meet all the criteria.

Committee discussed the importance of supporting our local art community and considered alternative recommendations. It was agreed to revisit during budget deliberations.

MOTION: Community Art Fund Second Round Proposals

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne decline the Community Art Fund proposal "Birchtown Garden" submitted by David Hartley.

- **MOTION CARRIED**

6.(c) Adam Dedrick, Director of Recreation and Parks, presented the Kids Fair Play FUNd September 2018 Review staff report to Council, which included a summary of 22 applications.

MOTION: Kids Fair Play FUNd September 2018 Review

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne authorize the release of \$3631 from the Kid's Fair Play FUNd based on the recommendations from the Kid's Fair Play FUNd Application Review Committee Meeting of September 19, 2018.

- **MOTION CARRIED**

6.(d) Adam Dedrick, Director of Recreation and Parks, presented the Sable River Foot Bridge Ownership Update staff report to Council.

If the Municipality was to take ownership of the bridge there would be several periodic and long-term operational implications but there would be many benefits, especially to the community of Sable River. Department of Transportation Infrastructure Renewal would ensure the essential repairs are complete before the transfer to the Municipality.

Mr. Dedrick informed Council that the draft Asset Purchase and Sales Agreement did not include the Schedule A and B, a sketch or location certificate. Both schedules are required to make an informed decision on the agreement as it will outline the upgrades to the bridge. Mr. Dedrick informed Council that a timeline for the completed schedules were not able to be provided at this time.

7. Finance:

(a) Financial Update as of September 14, 2018

7. (a) Michelle Williams, Director of Finance, presented details regarding the Municipality's financial position as of September 14, 2018. Discussion was held regarding revenues, expenses, aged receivables and collections. It was noted that projects allocated in the Reserves Budget have not been advanced to date therefore no transfers from reserves were required at this time.

Council commented that they liked the new format that was presented.

8. Administration:

- (a) RMRF Trucking and Maintenance RFP Award
- (b) Centre for Local Prosperity
- (c) Water Issues

8.(a) Erin Hartley, Director of Corporate Services, presented the RMRF Trucking and Maintenance RFP Award staff report as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

Municipality of the District of Shelburne issued an RFP on June 19, 2018 with a deadline of July 20, 2018. The RFP includes trucking/hauling of construction and demolition materials from the RMRF to the Queen's Landfill. Maintenance includes push back of the site material piles between transports and snow plowing and salting as required.

Three submissions were received and evaluated.

MOTION: RMRF Trucking and Maintenance RFP Award

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne award the RMRF Trucking and Maintenance RFP to Mark A. Williams Excavating by entering into a five (5) year contract.

- **MOTION CARRIED**

8.(b) Tom MacEwan, CAO, presented the Centre for Local Prosperity staff report as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

The Municipality received a letter from the Centre for Local Prosperity inviting the Municipality to send representatives to its Import Replacement Strategy Implementation Planning Session and requesting that the Municipality contribute \$500 towards the cost of the Fall Session.

Warden Smith and Deputy Warden Levy plan to attend the session at the NSCC on October 20, 2018.

MOTION: Centre for Local Prosperity

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne send representatives to the Fall Session; and

That Council of the Municipality of the District of Shelburne contribute \$500 to the Centre for Local Prosperity to assist in off-setting the costs of the Fall Session.

- **MOTION CARRIED**

8.(c) Tom MacEwan, CAO, presented the Water Issues staff report as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

CAO updated Committee regarding the actions that have been taken to address the water shortages over the summer months.

The current water shortages are being managed by residents through water conservation efforts, alternate practices regarding water use and the purchase of drinking water. The Shelburne County East Emergency Management Coordinator has worked with the local fire departments for provision of non-potable water for residential use.

It was agreed that since water shortage has become an ongoing problem, it be requested that Department of Municipal Affairs-Emergency Management Office work with municipalities that are impacted by the repeated water shortages to create a comprehensive plan for assisting residents.

MOTION: Water Issues

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne forward a letter to the Minister of Municipal Affairs requesting that the Emergency Management Office work with municipalities that are impacted by repeated water shortages with the goal of creating a comprehensive plan for assisting residents in dealing with what appears to be an annual issue.

- **MOTION CARRIED**

9. Other:

- (a) Tax Changes - Elected Officials Update
- (b) Roseway Manor Corporation Board Update
- (c) Campaign to Protect Offshore Nova Scotia Proposal
- (d) Warden's Report
- (e) Mental Wellness Health Expo
- (f) Health Care Rally
- (g) Quest
- (h) Two Year Return of Service Funding
- (i) Broadband Update

9.(a) Tom MacEwan, CAO, presented the Tax Changes staff report as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

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The Council Remuneration Policy currently provides that one-third of each council's member remuneration shall not be included as taxable income under section 81(3) of the income Tax Act and Section 23(1)(d)(iv) of the Municipal Government Act.

As part of its 2017 Budget, the Federal Government introduced measures to eliminate tax exemption for non-accountable expense allowances paid to the elected officials effective January 1, 2019.

For 2019 and later tax years, non-accountable allowances paid to elected officials will be included in the income of the elected officials.

Discussion was held regarding the non-taxable allowances and what it includes. Municipal Units continue to explore options with respect to this issue.

MOTION: Tax Changes - Elected Officials

Being duly moved and seconded, be it resolved that the Warden forward a letter to the Federation of Canadian Municipalities requesting their continued support in advocating for municipalities regarding the possible elimination of a one-third income tax exemption for elected officials with a copy of the letter being forwarded to the NSFM and our local MP; and

That Council direct the CAO to calculate the amount of increase in gross pay that is necessary for Members of Council to maintain the same annual net pay after the changes in the Income Tax Act take effect on January 1, 2019; and

That Council direct the CAO to calculate the full cost that would be incurred by the Municipality by offsetting the loss of the one-third tax exemption so that Members of Council maintain their current net pay after the changes in the Income Tax Act take effect on January 1, 2019.

- MOTION CARRIED

9.(b) Tom MacEwan, CAO, updated Council regarding Roseway Manor Corporation Board as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

Mr. MacEwan advised Council of the meeting with Department of Municipal Affairs and Department of Health he attended on September 18, 2018.

The Department of Municipal Affairs reasoned that as owners of the entity, the member Municipal Units must have the ability to exercise some level of oversight/control.

The Department of Municipal Affairs is exploring options that may permit the removal of council members from the operations of the Roseway Manor.

Given the position taken by Department of Municipal Affairs, the actions taken to date to remove council members from the board of the Roseway Manor have been deemed to be ineffective and of no force and effect.

The resolution that was presented to and recommended by Committee of the Whole is not being moved to Council for adoption.

The Department of Health and Wellness advised that an inspection of the Roseway Manor was conducted on June 18 & 19, 2018 which resulted in list of requirements that must be addressed by the Board.

Department of Municipal Affairs and Department of Health and Wellness have both advised that the participating Municipal Units are required to appoint members to the Corporation and a Board meeting must be held as soon as possible.

The CAO advised Council that the Town of Shelburne and the Town of Lockeport will be taking this matter to the attention of their respective councils and are recommending appointments to the Board.

MOTION: Appointment Roseway Manor Board

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne appoint the following Council Members to the Board of the Roseway Manor:

Councillor Doris Townsend
Councillor Terry MacIntyre

- **MOTION CARRIED**

9.(c) Warden Penny Smith presented Council with the Campaign to Protect Offshore Nova Scotia information as previously discussed at the September 10, 2018 Committee of the Whole Meeting.

MOTION: Campaign To Protect Offshore Nova Scotia

Whereas a healthy marine environment is critical to industries, like fishing and tourism, that are the primary lifeblood of Nova Scotia coastal communities;

Whereas it is our responsibility to protect and nurture our local economies. It is also our right, and the right of our citizens to be consulted on all major developments that might impact those economies;

Whereas the catastrophic effect of a major oil spill at an offshore drill site is unthinkable, yet public knowledge of the risk and potential consequences of such a spill remains inadequate;

Therefore, we hereby call for a full and independent public inquiry into the pros and cons of oil industry exploration in offshore Nova Scotia to provide our communities, who bear the lion's share of the risk of a disaster in the offshore, a full appreciation of the extent of that risk and of the steps we can take to minimize it;

We also call for a moratorium on all further oil and gas exploration in the offshore pending the completion of that inquiry.

- **MOTION CARRIED**

9.(d) Warden Smith advised Council that a question regarding monthly Warden Reports was put on the list serve. Results were that 95% of the participating units provided oral reports.

Discussion was held regarding meaningful methods to keep Council and the public informed of the meeting and Committee reports happening in the area.

It was suggested that an oral report be given as required.

9.(e) Warden Penny Smith updated Council regarding the most recent Mental Health and Wellness Expo she had attended.

She advised that it was well attended and a great opportunity.

9.(f) Councillor Taylor updated Council regarding the Health Care Rally that he, Deputy Warden Levy and Councillor Wallet attended.

Discussion was held regarding the importance of the rally. It was noted that there was another rally being held on October 13, 2018.

9.(g) Councillor Townsend advised Council of a meeting regarding Quality Urban Energy Systems of Tomorrow (QUEST) she attended in Yarmouth.

Discussion was held regarding the topics which included quality assessment of energy, source and cost. A pamphlet was distributed. Councillor Townsend informed Council if Council was interested they would come and prepare an inventory and alternate ways of saving energy in the new building.

9.(h) Councillor Wallet requested clarification on the two-year return of service funding for Doctor MacFarland.

Discussion was held regarding the contract; CAO informed Council the contract has not yet been signed.

CAO will request clarification with the Director of Finance for status of funding.

9. (i) Tom MacEwan, CAO, updated Council on Broadband including Council's request for information. Bell's response was received on September 20, 2018 and reviewed by our I.T. Consultant. A letter was sent to Richard Jordan with seven questions including confirmation of insurances that Bell had included in their proposal. Mr. Schenkel has been invited to attend a Special Council Meeting. It is the intention that Council will have his report one week in advance. Tentative date for Special Council Meeting is October 15, 2018.

10. In Camera:

- (a) Contract Negotiations
- (b) Personnel Matters

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 7:30 pm to discuss contract negotiations and personnel matters.

- 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" and return to Regular Session at 7:50 pm.

- MOTION CARRIED

MOTION: Second Executive Assistant Position

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne approve the creation of a second Executive Assistant position.


- MOTION CARRIED

10. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:50 pm.

Anita DeMings
Recording Secretary

October 26, 2018
Date



Warden Penny Smith



Erin Hartley, Director of Corporate Services