



Naturally Yours

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**REGULAR SESSION OF THE 51<sup>ST</sup> COUNCIL  
OF THE  
MUNICIPALITY OF THE DISTRICT OF SHELBURNE  
September 23, 2019**

The Regular Session of the 51<sup>st</sup> Council of the Municipality of the District of Shelburne was held on Monday, September 23, 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 John Roscoe  
Councillor Terry McIntyre  
Councillor Doris Townsend  
Councillor Norman Wallet  
Ken Smith, Interim CAO

**ALSO IN ATTENDANCE:**

Michelle Williams, Director of Finance/Deputy CAO  
Erin Hartley, Director of Corporate Services  
Adam Dedrick, Director of Recreation and Parks  
Leanne Keating, Tax Clerk  
Tom MacEwan, Former CAO (via telephone)  
Members of the Public

**REGRETS:**

Councillor Roger Taylor

1. **CALL TO ORDER:**

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

2. **APPROVAL OF AGENDA:**

Being duly moved and seconded, be it resolved that the Agenda of September 23, 2019, be approved with the following amendments:

10.(e) New Medical Clinic Funding Surplus

- **MOTION CARRIED**

3. **APPROVAL OF MINUTES:**

(a) Approval of Minutes - July 22, 2019

(b) Approval of Minutes - August 15, 2019

**MOTION: APPROVAL OF MINUTES JULY 22, 2019**

3.(a) Being duly moved and seconded, be it resolved that the Minutes of July 22, 2019, be approved with the following amendments:

8.(c) - Remove the last sentence as Warden Smith has not yet met with the Minister of Health.

11. - Change "Night Labs," to "Ignite Labs"

8.(a) - change "staff are recommendation Council," to "staff are recommending to Council to consider."

- **MOTION CARRIED**

**MOTION: APPROVAL OF MINUTES AUGUST 15, 2019**

3.(a) Being duly moved and seconded, be it resolved that the Minutes of August 15, 2019, be approved as circulated.

- **MOTION CARRIED**

4. **Presentation:**

(a) Capped Assessment Program (CAP) – Paul Beazley of Property Valuation Services Corporation (PVSC)

4.(a) Paul Beazley, Residential Assessor, and Trudy Leblanc, Senior Municipal Advisor for the Property Valuation Services Corporation (PVSC), presented to Council information on the Capped Assessment Program (CAP).

Warden Smith and Council made introductions to Mr. Beazley and Ms. Leblanc. Mr. Beazley thanked Council for the opportunity to present.

Deputy Warden Levy arrived at 5:08 pm.

Mr. Beazley advised of important dates for assessments each calendar year, and the legislation that governs the Property Valuation Services Corporation. PVSC is a non-profit organization that is funded by Nova Scotia Municipalities.

Discussion was held regarding the Capped Assessment Program processes, operations, as well as impacts on Municipalities and residents.

A question and answer period was held discussing different assessment scenarios and the future of the CAP.

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Council thanked Mr. Beazley and Ms. Leblanc for their presentation.

5. **Business Arising:**

There was no business arising.

6. **Recreation:**

(a) Kids' Fair Play FUNd September 2019 Application Review

6.(a) Adam Dedrick, Director of Recreation and Parks, presented to Council the Kids' Fair Play FUNd September Application Review staff report.

Kid's Fair Play FUNd is a confidential sports recreation and cultural assistance program that provides a valuable service for children and youth of Shelburne County. It addresses the financial barrier faced by some families whose children want to take part in sport, recreation, and cultural opportunities.

At the September review, there were 25 applications approved, totaling \$4,348.

**MOTION: KIDS' FAIR PLAY FUNd SEPTEMBER 2019 APPLICATION REVIEW**

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne authorize the release of \$4,348 from the Kids' Fair Play FUNd based on the recommendations from the Kids Fair Play FUNd Application Review Committee Meeting of September 17, 2019.

- **MOTION CARRIED**

7. **Administration:**

- (a) Physician Recruitment Video – Verbal Update
- (b) Town of Shelburne – Outstanding HST Issues – Verbal Update
- (c) Tax Sale Process – Information Purposes
- (d) Monthly Building Report – July 2019
- (e) Monthly Building Report – August 2019

7.(a) Warden Smith read an email update to Council from Val Kean, Community Development Coordinator, on the Physician Recruitment Video.

Harbourtone Productions has committed to a first draft completion date of October 15, 2019. The original completion date has been pushed back a few times because of the unavailability of a physician for filming along with the issues surrounding Hurricane Dorian. Dr. Keeler is scheduled to participate in this video. Ms. Kean has reached out to Dr. Delong with no response to date, but the staff will continue to try to secure more physicians for the video.

Filming with Dr. Keeler is set for Saturday, September 28, 2019, and content filming in the days following depending on Dr. Keeler's schedule. Ms. Kean is hopeful that Dr. Delong will also be available to film within this timeline.

Ms. Kean will share the video with Council as soon as possible.

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7.(b) Michelle Williams, Director of Finance/Deputy CAO, provided an update to Council regarding the Town of Shelburne – Outstanding HST Issues.

The Municipality received a ruling from the Canada Revenue Agency (CRA) in December 2017. Further to this, on March 6, 2019, the Municipality received an opinion from Grant Thornton clarifying the ruling that the Municipality should charge HST for tipping fees. The Director of Finance presented a staff report at the May 23, 2019, Council Meeting which included a review of the HST matter, and the conclusions made. Staff received direction from Council on how to proceed.

On August 29, 2019, the Town of Shelburne sent the Municipality a July 29, 2019, Interpretation of the HST ruling from the Canada Revenue Agency, which contradicted Grant Thornton's opinion. On September 5, 2019, the Director of Corporate Services, Director of Finance, and CAO MacEwan met with the CAO and Director of Finance for the Town of Shelburne to review this latest Interpretation. CAO MacEwan suggested at this meeting that the CAO and Director of Finance for the Town of Shelburne schedule a meeting with their CRA representative to ask if he had considered the Grant Thornton opinion and to schedule a conference call for all parties involved to determine if CRA would bind their Interpretation to the original Ruling such that CRA could not change their mind at a later date.

The Municipality is waiting to hear from the Town of Shelburne to attend a meeting with the Canada Revenue Agency. The Interim CAO informed Council that he would contact the Town of Shelburne regarding this matter. Ms. Williams suggested that Grant Thornton be informed of the latest development.

Discussion was held and clarification provided on the process and the Interpretations that have been provided to date. To receive a resolution on this matter, the Municipality will have to receive a final Ruling from the Canada Revenue Agency.

7.(c) Michelle Williams, Director of Finance/ Deputy CAO, and Leanne Keating, Tax Clerk, presented to Council the Tax Sale Process staff report for information purposes.

In response to a request received from a resident for more accurate information regarding tax sales, staff have prepared material which will assist members of the public in understanding the complexities of the tax sale process.

Ms. Williams summarized to Council the tax sale process and what staff have done to inform residents such as providing information describing the policy changes that have been implemented, notice to residents, the tax sale process, as well as information regarding 'tax arrears' and imposing expenses.

Ms. Keating has been working diligently to contact many residents appearing on the tax sale list to resolve the matter as soon as possible through various methods such as social media, telephone, etc.

Discussion was held, and it was noted that Council recommended that staff contact other municipal units regarding their tax sale process, in particular if current year taxes become due once payment due date has passed.

7.(d) Ken Smith, Interim CAO, presented the Monthly Building Report – July 2019.

The construction values for July were \$1,357,000, and the highlights were six new residential at \$1,147,000, new industrial at \$60,000, and four new storage buildings at \$127,000.

7.(e) Ken Smith, Interim CAO, presented the Monthly Building Report – August 2019.

The construction values for August were \$1,449,000, and the highlights were new residential at \$280,000 and new industrial/additions at \$1,085,000.

**11. 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 6:43 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 7:57 pm.

- **MOTION CARRIED**

**MOTION: INTERIM CAO AGREEMENT**

Being duly moved and seconded, be it resolved that the Council of the Municipality of the District of Shelburne approve the agreement with the Interim CAO.

- **MOTION CARRIED**

**8. Committee Reports/ Recommendations:**

- (a) Department of Justice Policing Reviews – Warden Smith

8.(a) Warden Smith informed Council of a letter received from the Mayor of the Town of Shelburne regarding policing reviews.

The Town of Shelburne is completing a policing review. A few other municipalities in the province have done the same. The Town of Shelburne is requesting that the Municipality consider completing a review.

Discussion was held, and it was noted that policing reviews should be brought to the RCMP Advisory Committee. Councillor Doris Townsend and Deputy Warden David Levy will provide an update to Council after taking this matter to the Committee. It was also noted that the Interim CAO will contact other municipal units for more information and will include Council on the email.

9. **Council Member Updates**

Warden Smith advised that she is attending or attended the following events:

- On July 25, 2019, she attended a Health Care Meeting held in Birchtown.
- On August 28, 2019, the CAO and Warden met with the Shelburne County Health Care Recruitment Retention Committee. Warden Smith noted that Councillor Wallet is a community member on this Committee.
- Warden Smith advised Council that she is still trying to meet with Minister of Health on Emergency Department closures.
- The Provincial Nursing Network meeting was the week of September 23, 2019. They are pushing forward with the idea of Nurse Practitioners being able to admit and discharge patients from a hospital.
- In August 2019, Warden Smith completed a community tour with a potential doctor and his wife.
- On August 30, 2019, Warden Smith attended the Zion March at the Black Loyalist Heritage Centre and gave remarks.
- On September 16, 2019, the CAO Hiring Committee met and shortlisted candidates – 5 are being interviewed.
- On September 17, 2019, Warden Smith attended the Shelburne County Mental Health and Wellness Committee Association Meeting.
- On September 18, 2019, Warden Smith attended the Shelburne County Beach Stewardship Committee meeting in Barrington. The Committee is looking at beach clean-ups for next spring and to partner with Bird Studies Canada and other partners around Earth Day and Oceans Day.
- On September 19, 2019, Warden Smith and Adam Dedrick, Director of Recreation and Parks, attended the Accessibility Workshop held in the Town of Yarmouth.

Councillor Wallet advised Council that on September 12, 2019, he attended a Health Care Meeting regarding Physician recruitment.

10. **Other:**

- (a) Dog Bylaw (D-100) Proposed Updates
- (b) Area Rate for Fire Departments Policy
- (c) Mediation - Sable River Volunteer Fire Department – Verbal Update
- (d) Council Implementation Report
- (e) New Medical Clinic Funding Surplus

10.(a) Ken Smith, Interim CAO, and Tom MacEwan, Former CAO, presented the Dog Bylaw (D-100) Proposed Updates staff report to Council.

Mr. MacEwan informed Council that other municipalities have provisions in their bylaws that an offence or a fine can be made against the dog owner if the dog persistently disturbs the quiet of the neighbourhood by barking. Included in the staff report is a draft update to the current bylaw that would give the Municipality the tool to bring financial pressure or bring a fine against the owner of the barking dog. This would also bring the Municipality's bylaw in line with other rural municipalities in the province.

Discussion was held, and questions raised, on the evidence collection process and the Bylaw Enforcement Officer's involvement. Clarification was provided, and it was noted that it would be the complainant's responsibility to bring the evidence and make a complaint to the Bylaw Enforcement Officer. Staff were asked to review the draft bylaw with the Bylaw Enforcement Officer for comment. Staff will bring the draft bylaw update to October COW for recommendation. The First Reading could be held at the October 2019 Council Meeting, followed by the Second Reading at the November Council Meeting.

**MOTION: DOG BYLAW (D-100) PROPOSED UPDATES**

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne accept the proposed amendments to the Dog Bylaw (D-100).

- **MOTION CARRIED**

These proposed amendments will be included in the draft policy for review at a future meeting.

10.(b) Ken Smith, Interim CAO, presented the Area Rate for Fire Department Policy staff report to Council.

It was noted that Councillor Taylor is absent from the current Council Meeting and would like to make comments regarding this issue. Discussion was held, and it was noted that this item will be deferred until the October 2019 Committee of the Whole Meeting so Council can decide on how the area rate policy will be laid out. It was also noted that several items have not yet been resolved.

**MOTION: AREA RATE FOR FIRE DEPARTMENTS POLICY**

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne approve the attached Area Rate for Fire Departments Policy.

- **MOTION DEFERRED**

**MOTION: DEFERRED MOTION**

Being duly moved and seconded, be it resolved that Council of the Municipality of the District of Shelburne defer the Area Rate for Fire Departments Policy to October 2019 Committee of the Whole meeting.

- **MOTION CARRIED**

10.(c) Ken Smith, Interim CAO, and Tom MacEwan, Former CAO, provided an update regarding the Mediation – Sable River Volunteer Fire Department.

A settlement was agreed upon between the community members and firefighters of the Sable River Volunteer Fire Department during a mediation session coordinated by John Cuming. Following the mediation, Mr. Cuming received differences of opinion from both sides on what occurred at this meeting. Mr. Cuming was the mediator and not the person hired to follow through with the agreement. The Interim CAO will meet with the Fire Chief and Deputy Fire Chief on September 24, 2019, regarding new capital equipment. The Interim CAO will discuss the mediation issues at that meeting.

Staff will provide an update to Council at the October 2019 Committee of the Whole Meeting.

10.(d) The Council Implementation Report was reviewed.

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10.(e) Councillor Wallet discussed with Council, the New Medical Clinic Funding Surplus.

There is a Roseway Hospital Foundation Meeting in October 2019 that Councillor Wallet will be attending. There is a \$15,000 surplus from the contribution the Municipality gave towards the construction of the new medical clinic.

Discussion was held regarding the surplus amount, and it was noted that the surplus money should stay with the charitable foundation.


The Interim CAO will email the charitable foundation regarding this matter.

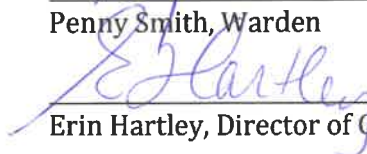
**12. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:37 pm.

**Chana Ross  
Recording Secretary**

Nov 7/19  
Date

  
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Penny Smith, Warden

  
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Erin Hartley, Director of Corporate Services