

The Municipality of the District of **BARRINGTON**

Minutes of the regular meeting of the Barrington Municipal Council, held in the Council Chambers, in the Administrative Centre, in Barrington, N.S., on Wednesday, May 10, 2000.

The meeting was called to order by the Warden at 7:00 p.m., with the following members present:

- Warden Sterling Belliveau
- Deputy Warden Fred Bower
- Councillor Angus Atkinson
- Councillor Eddie Nickerson
- Councillor Wayne Smith
- Councillor Steven Stoddart
- Councillor Tina Wickens

- Brian Holland, Municipal Clerk
- Lesa Rossetti, Deputy Clerk

ADDITION TO AGENDA

The Warden reported that an emergency item will be added to the agenda tonight, which is as follows:

1. Court House Closure

BAY SIDE HOME

Councillor Wickens requested permission to leave the Council Meeting in order that she may attend a Bay Side Home Staff Meeting, taking place in the Conference Room. She advised, that she, as well as other Bay Side Home Board Members, met with officials in Halifax today to discuss the future of Bay Side Home and would now like to have an opportunity to bring staff up- to-date on what is taking place.

Permission was granted for Councillor Wickens to attend the Bay Side Home Staff Meeting. She was excused from the meeting at 7:02 p.m.

APPROVAL OF MINUTES

Moved by A. Atkinson and seconded by S. Stoddart that minutes of meetings held April 26th and May 1st, 2000 be approved as circulated.

Motion carried.

MATTERS ARISING FROM MINUTES

Family Violence Support Program

Councillor Stoddart indicated that there may be a possibility that the Family Violence Support Program is being funded in other parts of the Province. Councillor S. Stoddart agreed to research this matter further and present his findings at the next Finance Committee Meeting.

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CORRESPONDENCE

Cuts to Education

The Clerk reported that a copy of a letter has been received from the Town of Parrsboro which was addressed to the Honourable Jane Purvis concerning the recently announced cuts to education funding. The Town of Parrsboro is requesting Council's support for a resolution which petitions the Provincial Government for a reversal of the decision to decrease the funding of education, and requests the Provincial Government to do what it can to ensure the continuation of adequate and equal funding of education throughout Nova Scotia.

Moved by E. Nickerson that the Municipal Council support the resolution received from the Town of Parrsboro.

There being no seconder the motion was declared lost.

Yellow Ribbon Campaign

The Clerk reported that a letter has been received from Shelley Nickerson, Secretary of the Clark's Harbour - Cape Sable Island Home & School Association. She is requesting Council's support in the "fight to save our schools" .

Moved by W. Smith and seconded by E. Nickerson that the letter received from Shelley Nickerson be referred to the Finance Committee for consideration.

Motion carried.

It was agreed that the Clerk would contact Mrs. Nickerson for additional information.

Municipal Leader's Statement On Climate Change

The Clerk reported that correspondence has been received from the Federation of Canadian Municipalities requesting support of a resolution regarding climate change.

Moved by F. Bower and seconded by S. Stoddart that the resolution received from the FCM regarding climate change be endorsed.

There being a tie vote the motion was declared defeated.

On-Site Sewage Disposal Systems Re: Reassessment

The Clerk reported that a letter has been received from Mark Farrell, acting District Manager, which was in response to our letter dated March 31, 2000. Mr. Farrell indicated, in his letter, that the Department has recently conducted an audit of on-site system approvals in Shelburne County.

Where deficiencies were noted, in the audit, the appropriate corrective action has been, or will be taken. If an approval is suspended, canceled or amended, the permit holder and the installer are notified. He further indicated that he is not able to discuss the details of specific lots at this time; however, if anyone from the Municipality has a concern about their own on-site sewage system then they may contact the Yarmouth office. Concern was expressed as to whether the audit is only being carried out on systems in Shelburne County, and if so, why.

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Moved by E. Nickerson and seconded by A. Atkinson that Mr. Mark Farrell of the Department of Environment be invited to meet with Council to discuss the reassessment of systems in Shelburne County in more detail.

Motion carried.

The Clerk reported that there is currently an appeal before the Utilities and Review Board as it relates to the Municipality's rejection of a subdivision application. The hearing will take place on June 12, 2000 and Mr. Farrell is not likely to meet with Council until after that date.

Green Hill Senior Citizen's Club

The Clerk reported that a letter has been received from Mr. Eric Newell on behalf of the Green Hill Senior Citizen's Club of Upper Port LaTour. Mr. Newell expressed thanks to Council for allowing the Club to collect the recyclables from the Arena during this past hockey season. Monies raised were used to purchase and install roofing shingles and carry out a number of minor repairs to the inside of the building.

Dual Licence Plate System

The Clerk reported that a letter has been received from the Municipality of Chester advising that they are in support of the Dual Licence Plate System and their support has been forwarded to the Department of Transportation & Communications.

Mailboxes

The Clerk reported that a response has now been received from Canada Post. The letter advised that they are unable to comply with the request of Council to permit residents of Port LaTour and Newellton to install rural route mailboxes in front of their residences.

Moved by S. Stoddart and seconded by F. Bower that a letter be written back to Canada Post asking why they are unable to comply with the request of the Municipal Council since the

residents would be responsible for purchasing the mailboxes.

Motion carried.

Physician Recruitment

The Clerk reported that a copy of a letter addressed to Cecil O'Donnell (MLA), from the Minister of Health, had been received. The letter advised that the Department is actively recruiting for a replacement physician. The practice opportunity is on the Recruitment website and has been identified to all graduating residents from both the Memorial University and Dalhousie University programs. In closing, the Minister indicated this is a unique situation and may take some time to fill the vacancy.

Assessment Services

A copy of a letter has been received from the President of the Union of Nova Scotia Municipalities which was addressed to the Minister of Housing and Municipal Affairs regarding the Province's decision to develop a Full Cost Recovery Program of Assessment Services effective next fiscal year.

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The letter indicated, that as part of the Joint Review of Roles and Responsibilities, the Province created a "parking lot" concept for all financial recommendations. It was understood that issues placed in the "parking lot" would be advanced for implementation in a single package. What has happened is the Province has decided to implement one recommendation, which will cost municipalities, and result in a saving for the Province. This matter will be discussed further at Regional Meetings of the Union of Nova Scotia Municipalities, which will commence mid May.

REPORT OF WARDEN

The Warden provided a brief outline of activities carried out since the last meeting of Council.

LETTER OF RESIGNATION

The Clerk reported that a Letter of Resignation has been received from Terry Zinck. Mr. Zinck is resigning from the Waterfront Development Committee since he will be moving out of the area.

A letter has also been received from Mr. Richard Nickerson, Recording Secretary for the Waterfront Development Committee, advising that it is the wish of the Committee that the Municipal Council once again approach the Barrington Area Chamber of Commerce for a member to serve on the Waterfront Development Committee.

Moved by W. Smith and seconded by A. Atkinson that the letter of resignation of Terry Zinck be accepted regretfully.

Motion carried.

Moved by S. Stoddart and seconded by E. Nickerson that a "thank you" letter be forwarded to Terry Zinck.

Motion carried.

Moved by W. Smith and seconded by S. Stoddart that the Barrington Area Chamber of Commerce once again be approached to appoint a member to serve on the Waterfront Development Committee.

Motion carried.

COMMITTEE AND BOARD REPORTS

Waterfront Development Committee

Councillor Smith provided a brief update on the last meeting of the Waterfront Development Committee. The Committee discussed signage along the walking trails, present status of trail development and the ongoing efforts to carry out development at North East Point beach.

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Public Works

Barrington Ground Search & Rescue

WHEREAS members wish to support the Barrington Ground Search & Rescue in their efforts to establish a base for their operations;

THEREFORE it is moved by W. Smith and seconded by A. Atkinson that the Municipality enter into an agreement with Barrington Ground Search & Rescue for the use of the property between the Public Works Building and the ballfield at Sherose Island, for the construction of this facility.

Motion carried.

Curling Club

WHEREAS members wish to provide for interim financing for the construction of the Barrington Regional Curling Club;

THEREFORE it is moved by W. Smith and seconded by S. Stoddart that the Municipality enter into an agreement for temporary financing for the Curling Club Project, to a maximum of \$687,950.00.

The Clerk reported that interest will be arranged at prime, minus one-half percent. Prime is currently seven (7) percent.

WHEREAS members wish to have the Barrington Regional Curling Club participate in the construction of the curling club facility;

THEREFORE it is moved by W. Smith and seconded by F. Bower that the Barrington Regional Curling Club be allowed to have a representative at Construction Progress Meetings.

Motion carried.

Moved by W. Smith and seconded by E. Nickerson that the Municipal Clerk, or designate, attend all Construction Progress Meetings.

Motion carried.

AREA OPERATING FIRE LEVY

Members were informed that a Poll of Eligible Electors, for District 5A and 5B, was held at the Wood's Harbour Fire Hall on May 4, 2000. The Poll of Electors was held on a proposal by the Fire Department to establish an operating levy of seven (7) cents per \$100.00 of assessment. The result of the poll is as follows:

IN FAVOR	OPPOSED
32	2

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Moved by W. Smith and seconded by S. Stoddart that the Municipal Council accept the results of the poll, and that effective April 1, 2000 an area rate be made over the next five (5) year period, at a rate of seven (7) cents per \$100.00 of assessment on all taxable property in District 5A and 5B.

Motion carried.

Councillor Wickens then joined the meeting at approximately 7:50 p.m.

COURT HOUSE CLOSURE PRESENTATION

In advance to the meeting, each member was provided with a copy of a proposed presentation to be made by the Warden on behalf of the Municipal Council regarding the closure of the Barrington Court. The presentation was reviewed and discussed.

The Warden reported that he is tentatively scheduled to meet with the Minister of Justice to

make his presentation on May 18, 2000. Since the House is currently in session the Minister is unable to come to Barrington to meet with the Warden. Instead, the Warden will be going to Halifax to make his presentation, and has been equipped with pictures of the facility.

Moved by F. Bower and seconded by T. Wickens that the Municipality waive the rental fee on the court facility beginning July 1, 2000 and continuing until the Province is able to balance its budget.

Motion carried.

It was agreed that the Warden be authorized to make the Presentation to the Minister.

PROPOSED CURLING CLUB - OWNER'S REPRESENTATIVE

The Clerk reported that Vaughan Engineering has submitted a proposal to serve as Owner's Representative for the Barrington Curling Club Project. Cost breakdown is as follows:

- Pre-construction Meeting	\$ 500.00
- Construction Meeting/Inspection	\$15,600.00
- Shop Drawing/Submittal Review	\$ 4,100.00
- Commissioning and Deficiencies	\$ 2,750.00
- Progress Payment Review	\$ 1,600.00
TOTAL:	\$24,550.00(plus tax)

Moved by S. Stoddart and seconded by T. Wickens that the Municipal Council appoint Vaughan Engineering to act as Owner's Representative for the Barrington Curling Club.

Motion carried.

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MARSHALL CASE REVIEW

The Warden turned the chair over to the Deputy Warden.

The Warden advised that he was instructed by the Finance Committee to prepare a draft resolution regarding the Marshall Case Review which was read.

Moved by S. Stoddart and seconded by W. Smith and carried unanimously.

WHEREAS the Municipality of Barrington is the "Lobster Capital of Canada" and that its economic base is dependent on a strong and vibrant fishery;

WHEREAS approximately forty (40) lobster districts along Canada's East Coast for generations of harvesters have respected the opening and closing dates of set seasons;

WHEREAS Canada's Courts through Marshall and Sparrow decisions have confirmed a

"regulated right" for native people to fish commercially and for food for social and ceremonial purposes;

WHEREAS the interim commercial agreements approved by Native and Non-native people, follow the principle of fishing with the same seasons;

THEREFORE BE IT RESOLVED that all stake holders work toward agreements with the guiding principle, that the "regulated right" of Native people who fish for food, do so within the determined dates of each district's commercial season, therefore creating a peaceful, harmonious atmosphere within the fishery for our children's future.

It was agreed that the above resolution be forwarded to the Union of Nova Scotia Municipalities, the Area Director of the Department of Fisheries and Oceans, local municipalities, the MLA and MP.

The Deputy Warden then turned the chair over to the Warden.

GUARANTEE LINE OF CREDIT - BAY SIDE HOME CORPORATION

It was agreed that this matter continue as a standing item on the Agenda and be dealt with at the appropriate time.

PROCEDURE RE: MOTION TO RESCIND & MOTION TO RECONSIDER

It was reported that the Municipal Solicitor has been contacted regarding the proper procedure to be followed with dealing with a motion to rescind and a motion to reconsider.

The Solicitor has informed members that the proper procedure for reconsideration and rescinding of motions was similar, and that it was contained in By-law #3. The procedure required is as follows:

1. Notice for Reconsideration be given at the same meeting as the original motion.

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2. Unless notice was given at the same meeting, unanimous consent of members to reconsider must be obtained.

The Election of Mayor Resolution was discussed with the Municipal Solicitor and it was determined that the procedure followed was incorrect. It is the Municipal Solicitor's opinion that, as a general principle, courts would rule that this is an internal matter that should be resolved by Council and that the court would not get involved unless there was a specific request by an individual, or by Council, for the court to settle the matter.

The Municipal Solicitor does not believe that a court would set aside the decision, since the resolution not to elect a Mayor is a valid resolution, even though the proper procedure was not

followed. Councillors acted in good faith regardless of the procedure that was followed. Councillor Wickens indicated that she felt that the motion regarding the election of a mayor should be reconsidered so that it is done properly.

Moved by T. Wickens and seconded by F. Bower that Municipal Council reconsider the motion of February 9, 2000, which is as follows:

"That the Municipality of Barrington elect a mayor at large at the upcoming Municipal elections to be held in October 2000, consistent with the results of the survey."

Motion defeated.

MUNICIPAL LEADER'S STATEMENT ON CLIMATE CHANGE

Moved by F. Bower and seconded by S. Stoddart that the motion previously made dealing with the Municipal Leader's Statement on Climate Change be reconsidered.

Motion carried.

The motion was read by the Clerk which was as follows:

Moved by F. Bower and seconded by S. Stoddart that the resolution received from the FCM regarding climate change be endorsed.

The original motion was then put to a vote and carried.

EDWARD & ELLEN GOODWIN PROPERTY

The motion made at the April 26, 2000 Council Meeting was put back on the table. The motion was as follows:

Moved by W. Smith and seconded by E. Nickerson that the motion to purchase the Goodwin property, contained on Page 10 of the minutes of the Council Meeting held February 23, 2000, be rescinded.

The motion was withdrawn.

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Moved by W. Smith and seconded by T. Wickens that the motion to purchase the Goodwin property contained on Page 10 of the minutes of the Council Meeting held February 23, 2000 be reconsidered.

Motion defeated.

JOB DESCRIPTION-BUILDING INSPECTOR/DEVELOPMENT OFFICER

Each member of the Council was provided with a draft job description for the position of Building Inspector/Development Officer.

The Clerk reported that it would be necessary to hire someone in the interim to carry out subdivisions for the Municipality of Barrington. Mr. Ridge Hiltz has been contacted and he is willing to carry out subdivisions at a cost of \$250.00, plus taxes, for each final subdivision approved.

Much discussion took place regarding this matter and it was felt that the cost to hire out the services of a Subdivision Officer could be recouped by increasing the subdivision fee to \$250.00. The current fee is \$150.00.

Moved by S. Stoddart and seconded by W. Smith that the job description for the Building Inspector/Development Officer be approved as presented.

Motion carried.

Moved by S. Stoddart and seconded by E. Nickerson that Mr. Ridge Hiltz be appointed Subdivision Officer for the Municipality of Barrington to carry out subdivisions for a three month period, at a cost of \$250.00, plus taxes, for each final subdivision approved.

Motion carried.

ADJOURNMENT

Moved by F. Bower and seconded by E. Nickerson that the meeting adjourn. The meeting was adjourned at 8:55 p.m.