

Minutes of the Regular Meeting of the Barrington Municipal Council held in the Council Chambers, in the Administrative Centre, in Barrington, N.S., on Monday, September 27, 2004.

The meeting was called to order by the Warden at 7:00 p.m.

#### ADDITIONS TO THE AGENDA

The Warden informed members that it is necessary to add the following items to the agenda:

- Walk to School Day
- Port Clyde Fire Department

#### ROLL CALL

The Clerk reported that all councillors representing all districts of the Municipality were present including:

- Warden Sterling Belliveau
- Deputy Warden Eddie Nickerson
- Councillor Angus Atkinson
- Councillor Fred Bower
- Councillor Louise Halliday
- Councillor Dwayne Hunt
- Councillor Wayne Smith
  
- Brian Holland, Municipal Clerk
- Lesa Rossetti, Deputy Clerk

#### PRESENTATION

On behalf of councillors and staff the Warden presented Lesa Rossetti, Deputy Clerk, with a plaque and bouquet of flowers in recognition of 20 years of service as a Municipal employee.

#### APPROVAL OF MINUTES

**Moved** by D. Hunt and seconded by W. Smith that the minutes of the Regular Council Meeting held September 8, 2004, and the Special Meeting of Council held September 13, 2004, be approved as circulated.

Motion carried unanimously.

#### SIDEWALK - CAUSEWAY AREA

Cathy Hunt and Katlin Hunt appeared before the meeting on behalf of the Barrington & Area Running Club. They presented the Warden with a cheque in the amount of \$1,900 to assist with the cost of the construction of a sidewalk in the Causeway area making a safe link between the Barrington Bay Trail and the Causeway walkway.

Both Cathy and Katlin as well as members of the Running Club were thanked for their generous donation.

MATTERS ARISING FROM THE MINUTES

Tenders - Miscellaneous Materials - Various Locations

Tenders received from D. M. Snow Contracting Ltd. and Gardiner Allen Excavation Ltd. have now been reviewed by the Municipal Clerk. Tenderers this year were requested to quote on material based on weight.

Gardiner Allen Excavation Ltd. quoted on material based on yardage and therefore was disqualified.

The Clerk reported that D. M. Snow Contracting Ltd. did not quote on the use of a truck to transport fill and/or snow.

Gardiner Allen did submit a price per hour for the hire of a truck.

Resolution C040917

**Moved** by D. Hunt and seconded by L. Halliday that the tender for Miscellaneous Materials - Various Locations be awarded to D. M. Snow Contracting Ltd. for a one (1) year period, and that Gardiner Allen Excavation Ltd. be awarded a one (1) year contract for truck hire. Both contracts will commence October 1, 2004.

Motion carried unanimously.

Restrictive Covenant

The Clerk informed members that on August 23, 2004 the following motion was tabled:

Resolution C040918

*“Moved by F. Bower and seconded by L. Halliday that Mrs. Purdy be advised that the Municipality will not be enforcing the restrictive covenant contained in her deed because it is their view that there is no legal requirement for the Municipality to enforce restrictive covenants and any individual land owner in the subdivision has a right to bring an action to enforce them.”*

The Clerk informed members that information has now been received from the Solicitor and his comments were briefly reported on.

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

CORRESPONDENCE

Samuel Wood Historical Society

The Clerk informed members that a letter has been received from the Samuel Wood Historical Society thanking Council for the grant provided to the Society this year.

Early Childhood Development

The Clerk informed members that a thank you letter has been received from the Shelburne County Early Childhood Development Association thanking Council for their grant in the amount of \$500.

South Shore Tourism Association

The Clerk informed members that a thank you letter has been received from the South Shore Tourism Association thanking Council for their contribution of \$2,000 for the promotion of the South Shore Region of Nova Scotia for the 2004/2005 fiscal year.

Island and Barrington Passage Volunteer Fire Department

The Clerk informed members that a letter has been received from the Island and Barrington Passage Volunteer Fire Department. The letter advised that the Island and Barrington Passage and Wood's Harbour Volunteer Fire Departments are planning to host the Eastern Canadian Extrication Challenge and Learning Symposium to be held in June 2005. The Departments are requesting the use of the Arena for this competition. The competition will be carried out in the parking lot and an equipment supplier's trade show will be set up inside the Arena. The letter also advised that they are trying to involve the Curling Club to sell food and refreshments while the competition is taking place. It was noted that the Arena has canteen facilities and it was agreed that this matter be discussed with the Fire Departments.

Resolution C040919

**Moved** by F. Bower and seconded by L. Halliday that the request from the Island and Barrington Passage Volunteer Fire Department for the free use of the Arena parking lot and the Arena to hold the Eastern Canadian Extrication Challenge and Learning Symposium be approved.

Motion carried unanimously.

Walk to School Day

The Clerk informed members that the Recreation Director has arranged activities to be held in recognition of "Walk to School Day". Walk to School Day will be held on October 6, 2004 and arrangements have been made for the Old School House Restaurant to provide breakfast at 9:15 a.m.

Warden and Councillors have been invited to attend the breakfast and walk to school with the Grade XII students. An invitation was extended by the Clerk for members of the public to also take part in the Walk to School Day.

REPORT OF WARDEN

The Warden informed members that he attended the UNSM Conference held on September 22 - 24, 2004, in Truro. The Warden then provided highlights of the conference.

The Warden reported to members that during the Minister's Panel he questioned the Minister of Education on the official site of the new Barrington Municipal High School. The Warden was informed that the official site has not yet been selected and he anticipated that the decision would

be made sometime next week.

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It was the understanding of Council that the Oak Park site had already been selected as the site for the new school.

#### VARIANCE REQUEST

Andrew Goreham, Building Inspector/Development Officer, appeared before the meeting. He informed members that a variance request was received from Mr. Donald Koster on August 24, 2004. Mr. & Mrs. Koster will be demolishing the existing cottage located on their lot in Sevim Beach. They want to replace the cottage with a new cottage which will be constructed within 12 feet of the rear lot line. At present the old cottage is located 6.67ft. from the rear lot line. The Land Use By-Law requires a 25 foot separation from the rear lot line.

He informed members that he has approved a variance from 25 ft. to 12 feet for the new cottage to be constructed on the property. All adjoining property owners were advised of this decision and given the right to appeal the decision directly to Council within 14 days. Eleanor Wickens, adjoining property owner, has filed an appeal. In her letter she has raised concern that the larger structure will be out of keeping from existing cottages. The structure will negatively affect her present view and she also raised concern regarding construction noise and other building disturbances. She also expressed concern regarding sewage disposal. Concerns expressed by Mrs. Wickens did not directly relate to the variance granted.

#### Resolution C040920

**Moved** by D. Hunt and seconded by W. Smith that the appeal received from Eleanor Wickens be denied and that the decision of the Building Inspector/Development Officer be upheld.

Motion carried unanimously.

#### COMMITTEE AND BOARD REPORTS

##### Finance and Administration Committee

##### EMO Co-ordinator Re: Tower and Radio Equipment

#### Resolution C040921

**Moved** by F. Bower and seconded by D. Hunt that the Emergency Measures Organization be permitted to move the radio tower and radio equipment from the Municipal Office to the former Barrington Passage Fire Hall and should the Fire Hall be used for some other purpose than the location of Emergency Measures and Ground Search & Rescue, this equipment will revert back to the Municipality.

Motion carried unanimously.

#### Resolution C040922

**Moved** by F. Bower and seconded by L. Halliday that the Municipality pay for a phone line to be installed at the former Barrington Passage Fire Hall location to be used by the Emergency

Measures Organization.

Motion carried unanimously.

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Arena Policy Re: Equipment Rental

Resolution C040923

**Moved** by F. Bower and seconded by W. Smith that notice be given to Council of proposed amendments to the Barrington Municipal Arena Policy regarding use of Arena equipment.

Motion carried unanimously.

Proposed amendments will be considered at the next meeting of Council.

Community Grant Request

It was reported that a letter has been received from the Rosalin Nickerson Care Fund requesting funding for an indoor soccer program at FRA, ERMES and CSI elementary schools. The Rosalin Nickerson Care Fund has been set up in memory of Rosalin Nickerson to help cancer patients in the Municipality of Barrington and Town of Clark's Harbour areas. As a fund raiser for the fund an indoor soccer program has been started. A registration fee is charged for each child participating in the soccer program and all proceeds go directly to the fund which in turn helps local cancer patients. The organization is requesting financial assistance in purchasing jerseys for the indoor soccer program participants.

Resolution C040924

**Moved** by F. Bower and seconded by L. Halliday that the Municipality provide Community Grants in the following amounts for the purchase of soccer jerseys; \$400 from each of the Community Grant Funds from Districts 1, 2, 3, 6 and 7, for a total of \$2,000.00.

Motion carried unanimously.

Policing Services

Resolution C040925

**Moved** by F. Bower and seconded by W. Smith that the Warden ask Team Shelburne to put Policing Services on the agenda for the next meeting.

**AFFIRMATIVE**

Angus Atkinson  
Fred Bower  
Louise Halliday  
Dwayne Hunt  
Eddie Nickerson  
Wayne Smith

**NEGATIVE**

Sterling Belliveau

Motion carried.

Cape Sable Island Causeway

Concern has been expressed by the public that signs are being placed and left along the Cape Sable Island Causeway which become unsightly.

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Resolution C040926

**Moved** by F. Bower and seconded by D. Hunt that Municipal Staff draft a by-law in order to regulate the placing of signs within the Municipality.

**AFFIRMATIVE**

Sterling Belliveau  
Fred Bower  
Louise Halliday  
Dwayne Hunt  
Eddie Nickerson  
Wayne Smith

**NEGATIVE**

Angus Atkinson

Motion carried.

Tourist Rest Stop - Port LaTour

Resolution C040927

**Moved** by F. Bower and seconded by D. Hunt that the Municipality enter into an agreement with Mr. Donald Stocker to secure a location for the establishment of a tourist rest stop in Port LaTour even though work on this site will not take place until some future time.

Motion carried unanimously.

Public Works and Property Committee

Drinking Brook Park

Resolution C040928

**Moved** by F. Bower and seconded by W. Smith that the quote received from Mr. Billy Jack Hatfield in the amount of \$11,000, plus H.S.T., for the materials and labour to construct a gazebo at Drinking Brook Park, be accepted and that the job be required to be completed by May 1, 2005.

Motion carried unanimously.

Grant Request

Conflict of Interest

Councillor Atkinson declared conflict of interest since he is a member of the Old Kirk Cemetery Society. Councillor Atkinson vacated his seat and proceeded to the spectator area.

Resolution C040929

**Moved** by F. Bower and seconded by D. Hunt that a grant not to exceed \$1,000 from the District 5 Community Grants Fund be provided to the Old Kirk Cemetery Society for the purpose of upgrading the cemetery, if funds are available.

Motion carried unanimously.

Councillor Atkinson returned to the meeting table.

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#### UNSM Conference

Councillor Louise Halliday gave a brief report on the UNSM Conference recently held in Truro.

#### SECOND READING - BY-LAW NO. 21 AND BY-LAW NO. 27

The Clerk informed members that second reading of proposed amendments to Schedule "A" of By-Law No. 21 "Municipal Sewers" and Schedule "B" of By-Law No. 27 "Wastewater Management District" will be conducted tonight.

It is proposed that both schedules be amended to clarify sewer charges for Adult Residential Institutions. It is proposed that the following addition be made to both schedules:

- Adult Residential Institutions	
Up to 5 beds	1.0 units
For each additional bed	0.2 units

Proposed amendments have been duly advertised in the Coast Guard Newspaper.

#### Resolution C040930

**Moved** by W. Smith and seconded by D. Hunt that proposed amendments to Schedule "A" of By-Law No. 21 and Schedule "B" of By-Law No. 27 be approved in second reading.

Motion carried unanimously.

#### CONTINUATION OF COMMITTEE AND BOARD REPORTS

##### UNSM Conference

It was noted that the Ministers' Panel held at the UNSM Conference should be longer.

#### Resolution C040931

**Moved** by E. Nickerson and seconded by L. Halliday that the Ministers' Panel be referred to the Finance Committee for further discussion.

Motion carried unanimously.

#### CLERK-TREASURER'S REPORT

The Clerk-Treasurer provided a report outlining activities during the month of August 2004.

#### CONTINUATION OF NEW BUSINESS

## Port Clyde Volunteer Fire Department

Concern was expressed that a bridge report has been filed by a Department of Transportation engineer downgrading the status of the Port Clyde bridge to 12 ton capacity. If this is the case one or two of the fire trucks used by the Port Clyde Volunteer Fire Department will not be permitted to cross the bridge.

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### Resolution C040932

**Moved** by D. Hunt and seconded by F. Bower that a letter to be sent and the Warden call the Minister of Transportation and Public Works urging that the situation with the Port Clyde bridge be rectified as soon as possible, and that a copy of this letter be forwarded to the MLA for Shelburne County and the Port Clyde Volunteer Fire Department.

Motion carried unanimously.

It was suggested that the Municipal Clerk confirm this information with Benny Acker of the Department of Transportation before proceeding with the above motion.

## SUMMARY OFFENCE TICKET POLICY

Notice of amendments to the Summary Offence Ticket Enforcement Policy was given at the last meeting of Council. It is proposed that Section 1 of the Summary Offence Ticket Enforcement Policy be amended as follows:

Add the following:

By-Law No. 8 - Collection, Storage and Disposal of Waste: - Section 5  
- Section 8(b)(c)(cc)(d)  
- Section 9(a)(b)

Also, it will be necessary to amend Schedule "A" of the Policy to include the following offences:

Collection, Storage and disposal of Waste - By-Law No. 8:

- |  |                        |
|--|------------------------|
| 2. License required for removing or collecting solid waste | Section 5              |
| 3. Requirements for waste separation                       | Section 8(b)(c)(cc)(d) |
| 4. Placing waste at roadside for collection                | Section 9(a)(b)        |

### Resolution C040933

**Moved** by W. Smith and seconded by D. Hunt that the above noted amendments be made to the Summary Offence Ticket Enforcement Policy.

Motion carried unanimously.

## TENDERS RE: BARRINGTON/BARRINGTON PASSAGE PUBLIC SEWER SYSTEM UPGRADE

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Tenders have been called for Phase III of the upgrade to the Barrington/Barrington Passage Public Sewer System. Generally the work comprises upgrades to 15 sewer pumping stations. Deadline for tenders was today, September 27, 2004, at 2:00 p.m.

Mike Topley of Horner Associates Limited appeared before the meeting and presented two tenders which had been received.

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The Warden opened the tenders and reported the following:

- Amber Contracting Limited                 \$767,500.00, plus H.S.T.
- Germaine's Electrical                     \$650,000.00, plus H.S.T.

Resolution C040934

**Moved** by D. Hunt and seconded by L. Halliday that both tenders be turned over to Mike Topley for review and the tender be awarded to the lowest tenderer meeting all requirements of the tender call.

Motion carried unanimously.

CLOSED SESSION OF COUNCIL

At this time a Closed Session of Council was held.

The Regular Council Meeting was called back to order.

Yearly Increment

**Moved** by W. Smith and seconded by E. Nickerson that Derek Mesh, Property Services Supervisor, be hired on a full-time basis and that he receive his yearly increment in the amount of \$811.00.

**Moved** by E. Nickerson and seconded by D. Hunt that the above motion be amended to provide for 2 increments amounting to \$1,622.00.

Resolution C040935

<u>AFFIRMATIVE</u>	<u>NEGATIVE</u>
Sterling Belliveau	Angus Atkinson
Fred Bower	Wayne Smith
Louise Halliday	
Dwayne Hunt	
Eddie Nickerson	

Motion carried.

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

<u>AFFIRMATIVE</u>	<u>NEGATIVE</u>
Sterling Belliveau	Angus Atkinson
Fred Bower	
Louise Halliday	
Dwayne Hunt	

Eddie Nickerson  
Wayne Smith

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ADJOURNMENT

**Moved** by F. Bower that the meeting adjourn.

The meeting was adjourned at 9:40 p.m.

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Warden

Clerk

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Secretary for the Meeting

**Copied for Councillors on September 30, 2004 by Sharon Brannen.**

