

Minutes of the Regular Meeting of Barrington Municipal Council held in the Council Chambers, in the Administrative Centre, in Barrington, N.S., on Monday, July 26, 2004.

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

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

DECLARATIONS OF CONFLICT OF INTEREST

Councillor Hunt informed the meeting that he would declare a conflict of interest when the truck tenders were discussed as he is employed by one of the companies that has submitted a tender.

APPROVAL OF MINUTES

Moved by D. Hunt and seconded by W. Smith that the minutes of the last two previous meetings held July 14th and July 21st, 2004 be approved as circulated.

Motion carried unanimously.

MATTERS ARISING FROM THE MINUTES

Lobster Capital of Canada

Correspondence has been received from the Shelburne County Lobster Festival requesting that they be allowed to use the phrase “Lobster Capital of Canada” in their promotion of the Shelburne County Lobster Festival. In their letter, the Festival Committee indicates that they have been using this phrase for some 15 years and wish to continue to use it to promote the area as the “Lobster Capital of Canada”.

Resolution C040723

Moved by F. Bower and seconded by L. Halliday that the Shelburne County Lobster Festival Committee be given approval to use the phrase “Lobster Capital of Canada” in their promotion of the Shelburne County Lobster Festival.

Resolution C040724

Moved by E. Nickerson and seconded by A. Atkinson that the previous motion be amended to require the Shelburne County Lobster Festival Committee to place two signs, one at each end of the County, rather than having the sign placed in the current area at Clyde River with the phrase “Lobster Capital of Canada”.

The division was requested on the amendment:

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

Motion carried.

The division was then requested on the amended motion:

Motion carried unanimously.

PROCLAMATIONS

There were no proclamations this evening.

BEULAH BURMAN MEMORIAL ANIMAL SHELTER SOCIETY

Mr. Ray Davis and Mr. Hank Falk appeared before Council on behalf of the Beulah Burman Memorial Animal Shelter Society.

Mr. Davis read the presentation that was previously circulated to councillors regarding this matter. The Society is requesting the support of the Municipality of Barrington to secure funding for the operation of its animal shelter in Shelburne. The municipal units in eastern Shelburne County have all agreed to fund this shelter and will be doing so over the coming year. They are asking the Municipality of Barrington to participate in the funding and support of this shelter.

The Municipality of Barrington currently has an agreement with the Yarmouth SPCA for the provision of pound services. This agreement was recently entered into less than a month previous. The Municipality of Barrington was unable to find any organization locally that would provide pound services even though there had been some previous attempt to obtain services from the Beulah Burman Animal Society. It may be short sighted for the Municipality to terminate the contract that it has recently entered into with the Yarmouth SPCA for the provision of pound services, to enter into an agreement with an, as yet, undetermined society in Shelburne.

Resolution C040725

Moved by E. Nickerson and seconded by D. Hunt that the Municipality of Barrington review the request of the Beulah Burman Memorial Animal Shelter Society during its next budget process for the 2005/2006 fiscal year.

Motion carried unanimously.

Having completed their presentation to Council, Mr. Davis and Mr. Falk retired from the meeting.

CORRESPONDENCE

Louise Purdy Request

Correspondence has been received from Louise Purdy who is a registered nurse and a resident of Brass Hill. Mrs. Purdy is interested in enlarging her business in her home in Brass Hill. Mrs. Purdy wishes to provide retreats for small groups during which she would teach stress management workshops, therapeutic touch workshops, and some counseling and individual treatments with therapeutic touch. She has had her business established in her home for the past five years. Her business is called "Body, Mind and Spirit Nursing Care".

There is a restrictive covenant on Mrs. Purdy's property in Brass Hill. Council is being requested to make an exception to this covenant so that Mrs. Purdy may expand her business.

Moved by D. Hunt and seconded by E. Nickerson that Council grant the request of Mrs. Purdy to enlarge her business in her home which would include offering retreats to her customers.

Resolution C040726

Moved by E. Nickerson and seconded by L. Halliday that the previous motion be deferred for consideration of the Finance and Administration Committee at their next meeting.

AFFIRMATIVE

Angus Atkinson
Sterling Belliveau
Fred Bower
Louise Halliday
Eddie Nickerson
Wayne Smith

NEGATIVE

Dwayne Hunt

Motion carried.

Community Clean-up

Correspondence has been received from the Shelburne Area Supervisor of the Department of Transportation and Public Works thanking the Municipality for their efforts in cleaning up the litter on the roadways within the Municipality of Barrington.

Resolution C040727

Moved by A. Atkinson and seconded by E. Nickerson that a letter be sent to the Minister of Transportation and Public Works inviting participation of their department in the Community Clean-up Program in subsequent years, and that a copy of this letter be forwarded to the MLA for Shelburne County.

Motion carried unanimously.

INVITATIONS

An invitation has been received from the Island & Barrington Passage Volunteer Fire Department for councillors to attend their Grand Opening to be held on Saturday, September 11, 2004. A copy of this invitation will be circulated to members.

An invitation has been received from the Shelburne County Exhibition for the Warden to attend their Opening Ceremonies, to be held at 8:00 p.m., on Tuesday, August 10, 2004, at the Exhibition in Shelburne.

Resolution C040728

Moved by D. Hunt and seconded by E. Nickerson that the Warden be authorized to attend the opening of the Shelburne County Exhibition.

Motion carried unanimously.

REPORT OF WARDEN

The Warden informed members that he had attended a meeting with representatives of Nova Scotia Power Inc., on July 19, 2004, at the Municipal Office, in Barrington.

At that meeting, Mr. Allan Sullivan representing NSPI, together with an engineer from the company, Mr. Richard Janega, discussed the establishment of a wind turbine generator on Cape Sable Island. This generator would be the largest wind turbine generator installed in North America. General Electric is participating in the construction and installation of this project. The wind turbine generator would be a prototype used by both General Electric and Nova Scotia Power to determine the future direction of wind power, both in the province and throughout North America.

Resolution C040729

Moved by D. Hunt and seconded by W. Smith:

WHEREAS Nova Scotia Power Inc. is negotiating the purchase of a prototype of the world's largest commercial wind turbine available today and this prototype wind turbine will be the first of its kind in North America;

AND WHEREAS the host community will have the opportunity to be on the leading edge of coastal wind power testing and development in North America;

AND WHEREAS Nova Scotia Power Inc. has determined that Cape Sable Island has the wind resource suitable for this project;

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AND WHEREAS the District of Barrington has amended its by-laws to promote wind power development in this district;

THEREFORE BE IT RESOLVED that the District of Barrington support Nova Scotia Power in its attempts to find an appropriate location on Cape Sable Island to site this wind turbine;

AND FURTHER BE IT RESOLVED that the District of Barrington will work with Nova Scotia Power to make this project a reality.

Warden Belliveau then asked Deputy Warden Nickerson to assume the chair of the meeting while he addressed this matter.

Warden Belliveau then addressed the motion indicating his support for this project.

Having completed his address of this subject Deputy Warden Nickerson then returned the chairmanship of the meeting to Warden Belliveau.

The division was then requested on the motion:

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

Motion carried.

AMENDMENTS TO BY-LAW NO. 11 "ANIMALS"

At a previous Council meeting the amendments to By-Law No. 11 "Animals" had received approval in first reading. The public advertisement was made regarding the amendments to By-Law No. 11 "Animals" in the local newspaper edition of July 6, 2004. The purpose of these proposed amendments is to delete paragraphs 2(1) and 7(3) and replace them with new paragraphs as follows:

2(1) No person shall cause pain to any domestic bird or animal including any domestic dog.

7(3) The Pound Keeper shall be entitled to \$5.00 per day for impounding any animal.

The purpose of these amendments is to bring the by-law up to date with the current practice.

Resolution C040730

Moved by D. Hunt and seconded by F. Bower that amendments to By-Law No.11 "Animals" receive approval in second reading.

Motion carried unanimously.

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THREE YEAR CAPITAL BUDGET

A copy of the proposed three year capital budget has been circulated to all councillors prior to the meeting for their perusal and review. The main expenditures included in this budget are:

1. Completing the upgrade of the Barrington/Barrington Passage Sewage Treatment Plant and Sewer System.
2. Proposed construction of a Community Economic Development Centre and Library.
3. Continued upgrading of the Construction & Demolition Debris Landfill Site.
4. The entering into a debenture for the financing of the recently completed Visitor Information Centre.
5. Purchase of a truck with a plow and salting machine.

A copy of the Three Year Capital Budget is attached to the minutes.

Resolution C040731

Moved by D. Hunt and seconded by F. Bower that the proposed Three Year Capital Budget be approved as circulated.

AFFIRMATIVE

Angus Atkinson
Sterling Belliveau
Fred Bower
Louise Halliday
Dwayne Hunt
Wayne Smith

NEGATIVE

Eddie Nickerson

Motion carried.

BORROWING RESOLUTIONS

Council had previously approved a Temporary Borrowing Resolution in the amount of \$500,000 for the purpose of financing the upgrade of the Barrington/Barrington Passage Sewage Treatment Plant and Sewer System. This resolution will expire on September 2, 2004. A debenture to replace this temporary borrowing will not be put in place until sometime after that date. Therefore, it is necessary for a new Temporary Borrowing Resolution to be put in place. The funds already collected in the amount of \$144,000 from users of the system over the previous two years and during the current year will be applied to the payment of the cost of upgrading the system. A new Temporary Borrowing Resolution in the amount of \$356,000 is necessary in order to provide interim financing until a debenture can be put in place.

Resolution C040732

Moved by D. Hunt and seconded by L. Halliday that:

WHEREAS Section 66 of the Municipal Government Act provides that the Municipality of the District of Barrington subject to the approval of the Minister of Service Nova Scotia and Municipal Relations may borrow to expend funds for a capital purpose authorized by statute;

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AND WHEREAS clause 65 (ak) of the Municipal Government Act authorizes the Municipality of the District of Barrington to expend funds for the capital purpose of wastewater facilities and stormwater systems;

AND WHEREAS pursuant to a resolution passed by the Municipal Council on the 13th day of August, 2003, the Council postponed the issue of debentures and with the approval of the Minister of Service Nova Scotia and Municipal Relations dated the 2nd day of September, 2003, borrowed from a chartered bank or trust company doing business in Nova Scotia a sum not exceeding Five Hundred Thousand Dollars (\$500,000) to be borrowed for the purpose set out above;

AND WHEREAS it is deemed expedient that the period of borrowing be further extended;

BE IT THERE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Municipality borrow a sum or sums not exceeding Three Hundred Fifty-Six Thousand Dollars (\$356,000) in total for the purpose set out above, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations;

THAT the sum be borrowed by the issue and sale of debentures of the Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and the Municipality borrow from time to time a sum or sums not exceeding Three Hundred Fifty-Six Thousand Dollars (\$356,000) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding twelve (12) months from the date of the approval of the Minister of Service Nova Scotia and Municipal Relations of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon;

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

Motion carried unanimously.

It is now necessary to pass a resolution for Pre-Approval of Debenture Issuance Subject to the Interest Rate which would allow the Nova Scotia Municipal Finance Corporation to provide a debenture to the Municipality in the amount of \$356,000 over a ten year period for the purpose of financing the upgrade of the Barrington/Barrington Passage Sewage Treatment Plant and Sewer System.

Resolution C040733

Moved by D. Hunt and seconded by F. Bower that:

WHEREAS Section 91 of the Municipal Government Act provides that a Municipality is authorized to borrow money subject to the approval of the Minister of Service Nova Scotia and Municipal Relations;

AND WHEREAS the resolution of Council to borrow for the capital purpose of wastewater facilities and stormwater systems was approved by the Minister of Service Nova Scotia & Municipal Relations on September 2, 2003;

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AND WHEREAS clause 91(1)(b) of the Municipal Government Act authorized the council to determine the amount and term of, and the rate of interest, on each debenture, when the interest on a debenture is to be paid, and where the principal and interest on a debenture are to be paid;

AND WHEREAS clause 91(2) of the Municipal Government Act states, that in accordance with the Municipal Finance Corporation Act, the mayor or warden and clerk or the person designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner deemed proper;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 91 of the Municipal Government Act, the Municipality of the District of Barrington borrow by the issue and sale of debentures a sum or sums not exceeding \$356,000, for a period not to exceed ten (10) years, subject to the approval of the Minister of Service Nova Scotia & Municipal Relations;

THAT the sum be borrowed by the issue and sale of debentures of the Municipality of the District of Barrington in the amount that the mayor or warden and clerk or the person designated by the council deems proper, provided the average interest rate of the debenture does not exceed the rate of 6.50%;

THAT the debenture be arranged with the Nova Scotia Municipal Finance Corporation with interest to be paid semi-annually and principal payments made annually;

THAT this resolution remains in force for a period not exceeding twelve months from the passing of this resolution.

CONSTRUCTION & DEMOLITION DEBRIS LANDFILL SITE UPGRADE

Much work has been completed for the upgrade of the Construction & Demolition Debris Disposal Site operated by the Municipality of Barrington. As a result of motions previously passed by Council, it is now necessary to put in place a Temporary Borrowing Resolution to finance the completion of these upgrades and to put in place a resolution to have the Nova Scotia Municipal Finance Corporation issue a debenture in the fall 2004 issue to finance the upgrade of the Landfill Site.

Resolution C040734

Moved by L. Halliday and seconded by D. Hunt that:

WHEREAS Section 66 of the Municipal Government Act provides that the Municipality of the District of Barrington, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations, may borrow to expend funds for a capital purpose authorized by statute;

AND WHEREAS clause 65 of the Municipal Government Act authorizes the Municipality of the District of Barrington to expend funds for the capital purposes of:

- acquisition of equipment, materials, vehicles, machinery, apparatus, implements and plant for a municipal purpose;
- lands and buildings required for a municipal purpose;
- water systems;

AND WHEREAS the specific amounts and descriptions of the projects are contained in Schedule "A" (attached);

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BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Municipality borrow a sum or sums not exceeding One Hundred Ninety Four Thousand Dollars (\$194,000) in total for the purpose set out above, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations;

THAT the sum be borrowed by the issue and sale of debentures of the Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Municipality borrow from time to time a sum or sums not exceeding One Hundred Ninety Four Thousand Dollars (\$194,000) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) months from the date of the approval of the Minister of Service Nova Scotia and Municipal Relations of this resolution.

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

Motion carried unanimously.

TRUCK TENDERS

Conflict of Interest

Councillor Hunt vacated his seat at the table and retired to the spectator gallery as he had declared conflict of interest for this matter.

Information was previously circulated to councillors summarizing the tenders received for the supply of a truck to be used for snow plowing by the Municipality. The information regarding the purchase of a snow plow and the purchase of a salting machine was also summarized and previously provided to councillors. By way of memo, information regarding the rear end gear ratio required on a snow plow truck was provided to councillors. This information was obtained from two local contractors who plow snow on a regular basis throughout the winter months.

It is recommended to council by Municipal staff that the lowest tender received, which is from Smith & Watt Ltd., be accepted for the purchase of the snow plow vehicle and that the lowest tender received for the snow plow and salting machine, which came from Ocean Truck Equipment Ltd., should be approved for purchase of this equipment.

Resolution C040735

Moved by F. Bower and seconded by A. Atkinson that the snow plow vehicle be purchased from Smith & Watt Ltd. who provided the lowest tender for the vehicle, and that the snow plow and salting machine be purchased from Ocean Truck Equipment Ltd. who provided the lowest tender for this equipment.

Motion carried unanimously.

Councillor Hunt then returned to the council table.

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COMMITTEE AND BOARD REPORTS

Finance and Administration Committee

Shelburne County Children's Aid Society Lease

Resolution C040736

Moved by F. Bower and seconded by D. Hunt that the Municipality enter into a lease agreement with the Children's Aid Society of Shelburne County for the rental of 4574 square feet of space, in the lower level of the Municipal Administrative Centre, for the period of October 1, 2004 to September 30, 2007, at a rental of \$10.64 per square foot, plus H.S.T.

Motion carried unanimously.

Tax Write-Offs

Atlantic Pride Fisheries

Resolution C040737

Moved by F. Bower and seconded by L. Halliday that since the balance of the tax account for processing equipment in the name of Atlantic Pride Fisheries, in the amount of \$412.83, is deemed to be uncollectible, that the balance of the account be written off.

Motion carried unanimously.

Wendy's Country Flowers

Resolution C040738

Moved by F. Bower and seconded by W. Smith that the balance of Assessment Account #08455058 in the name of Wendy's Country Flowers and Gifts, in the amount of \$98.21, be written off as it is a duplicate assessment which has been verified by Assessment Services.

Motion carried unanimously.

Town of Clark's Harbour

Resolution C040739

Moved by F. Bower and seconded by D. Hunt that the balance of Assessment Account

#08445338 in the name of the Town of Clark's Harbour be written off as it is an erroneous assessment confirmed by Assessment Services.

Motion carried unanimously.

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Miscellaneous Tenders

Resolution C040740

Moved by F. Bower and seconded by W. Smith that the Municipality include in its tender for Miscellaneous Works the use of various machinery as required by the Municipality, and that the Municipality tender for the supply of miscellaneous materials by weight.

AFFIRMATIVE

Fred Bower
Louise Halliday
Eddie Nickerson
Wayne Smith

NEGATIVE

Angus Atkinson
Sterling Belliveau
Dwayne Hunt

Motion carried.

Canadian Federation of Independent Business

Resolution C040741

Moved by F. Bower and seconded by D. Hunt that the draft response to the Canadian Federation of Independent Business regarding property tax issues be approved as drafted.

Motion carried unanimously.

New High School Enhancements

Resolution C040742

Moved by F. Bower and seconded by D. Hunt that the Municipality respond to the School Steering Team (S.S.T.) that Council will further review the list of priorities provided for school enhancements when it is determined where the school will be located and if these enhancements are then required.

AFFIRMATIVE

Angus Atkinson
Sterling Belliveau
Fred Bower
Louise Halliday
Dwayne Hunt

NEGATIVE

Wayne Smith

Eddie Nickerson

Motion carried.

Recreation and Facilities Management Committee

The Chairperson reported that there was no meeting of this committee held during the month of July as it was deemed unnecessary.

Councillor Halliday did report the results of the Nova Scotia Marathon which was held on Sunday, July 25, 2004. 179 runners registered for the Marathon, of which 174 runners actually began the race. Of these, 169 runners completed the race. The race went off without incident and was considered very successful by both the organizers and participants.

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Planning Advisory Committee

Recent recommendations made to Planning Regulations of the Province of Nova Scotia require that the Municipality implement amendments to its Subdivision By-law in order to be compatible with the Provincial Regulations.

Resolution C040743

Moved by W. Smith and seconded by F. Bower that Council approve amendments to the Subdivision By-Law of the Municipality of Barrington required to make the by-law compatible with Provincial Subdivision Regulation Amendments.

Motion carried unanimously.

Meeting with Deputy Minister

Councillor Smith reported on Council's meeting with the Deputy Minister of Education. He indicated that the Department of Education's focus is now on the Oak Park property as a primary site for the location of a new school.

C.S.I. Sewer Committee

Councillor Smith commented on the activities surrounding the application for a sewer system on Cape Sable Island.

A motion from the Finance and Administration Committee had been deferred for consideration of the C.S.I. Sewer Committee.

There were some comments from the members of the C.S.I. Sewer Committee which will be meeting in the near future to consider further progress in obtaining a sewer for Cape Sable Island.

Waterfront Development Committee

The Chairman of the Waterfront Development Committee reported on its most recent meetings. A meeting was held, on site, in North East Point, to discuss the siting of a gazebo along the waterfront by the Waterfront Development Committee.

Community Health Care Advisory Committee

The Chairperson of the Committee reported on the most recent meetings of that committee.

Members were brought up to date on the current health status of Dr. Blair. Dr. Blair will be having emergency surgery on his back on Tuesday, July 27, 2004. Depending on the results of the surgery, his period of convalescence may be between six weeks and six months. While Dr. Blair is convalescing he will not be able to practice medicine because of his physical condition, however, he will be able to sponsor and supervise another doctor if he is permitted by the College of Physicians and Surgeons.

Dr. Metrie is leaving our community on July 31, 2004 and returning to his family in Toronto.

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Dr. Kambli will be returning from her vacation on August 5, 2004 and will endeavor to serve the needs of our community during the month of August. It is anticipated at the present time that Dr. Kambli will be leaving our community and returning to Toronto sometime during the month of September. As a result, it is now necessary to have Dr. Blair sponsor another doctor in our community as he is the only doctor at present willing and able to do so.

Resolution C040744

Moved by L. Halliday and seconded by F. Bower that Council request the Warden, together with our MLA for Shelburne County, and the Mayor of the Town of Clark's Harbour, if he wishes, together with Anne Smith as representative of the Community Health Care Advisory Committee, and together with the Municipal Clerk, seek a meeting with the College of Physicians and Surgeons in order to have them permit Dr. Blair or another doctor to sponsor foreign physicians in our community.

AFFIRMATIVE

Angus Atkinson
Sterling Belliveau
Fred Bower
Louise Halliday
Dwayne Hunt
Eddie Nickerson

NEGATIVE

Wayne Smith

Motion carried.

The purpose of this meeting is to request the College of Physicians and Surgeons to allow Dr. Blair to sponsor foreign physicians who wish to come to the Municipality of Barrington in order to obtain their licence and practice family medicine. At the present time Dr. Blair is not permitted to do so by the College even though he has sponsored some 16 physicians in the past.

Resolution C040745

Moved by L. Halliday and seconded by D. Hunt that Municipal Staff obtain information to determine how a Charitable Foundation may be formed for the purpose of receiving donations for the future development of the Community Health Centre.

Motion carried unanimously.

CLERK-TREASURER'S REPORT

The Clerk-Treasurer gave a detailed report of the activities of Municipal Staff during the month of June 2004.

ADJOURNMENT

Moved by F. Bower that the meeting adjourn at 9:22 p.m.

Warden

Clerk

Copied for Councillors on July 28, 2004 by Sharon Brannen.