

COMMITTEE OF THE WHOLE MEETING

January 4, 2005

The meeting was called to order by the Chairman at 7:00 p.m. in the Conference Room, in the Administrative Centre, in Barrington, N.S., with the following members present:

- Sterling Belliveau, Chairman
- Fred Bower
- Louise Halliday
- Donna LeBlanc-Messenger
- Eddie Nickerson
- Larry Stewart
- Sean Strang

- Brian Holland, Municipal Clerk

ADDITIONS TO THE AGENDA

The following items were added to the agenda:

- Fundraising Request
- Nova Scotia Power Service
- South West Shore Development Authority
- Page Island
- "J" Class Roads
- Bereavement Leave
- Waste Contracts

APPROVAL OF AGENDA

Moved by L. Stewart and seconded by L. Halliday that the agenda be approved as amended.

Motion carried unanimously.

APPROVAL OF MINUTES

Moved by L. Halliday and seconded by L. Stewart that the minutes of the last previous meeting held December 13, 2004 be approved as circulated.

Motion carried unanimously.

POLICING

On a previous motion by Committee the Municipal Solicitor was consulted to determine:

- (1) If R.C.M.P. Officers can be required to live within the Municipality in which they serve.
- (2) Can the Municipality provide its own officers to supplement the R.C.M.P. Force

within the Municipality?

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The Municipal Solicitor has done much research on this work including reviewing the Provincial Police Services Agreement in detail. It is his view that: "The R.C.M.P. cannot be required to live within the Municipality in which they serve. Under the various agreements, the Municipality has no authority to effect or influence the personal lives of the members. If there is a problem with the service being provided then the Municipality's only recourse is to go to the R.C.M.P. to complain and have them change their method of providing their service to the Municipality. It is debatable whether even the R.C.M.P. themselves have the authority to require members to live within the Municipality as this would be in violation of the members personal and charter rights".

On the second point the Municipal Solicitor advises: "With respect to the Municipality providing its own officers to supplement the R.C.M.P. Force, my view is that the Municipality is not at liberty to do so. Again, the only possible argument the Municipality has is to complain to the Force to increase its policing under the agreement or to give notice of termination and then provide its own police force. The number of members provided by the Force is clearly within the authority of the Force itself under the terms of the agreement. The Municipality is not permitted to have two (2) forces under the terms of the agreement. The R.C.M.P. can, on its own, increase the numbers, or hire auxiliary police under certain circumstances, but this is completely up to the Force to do so, and to train and be responsible for those members."

There then followed some discussion regarding the complement of officers at the local detachment. Concern was raised that although one of the officers is currently off on sick leave, he is working in private business within the Municipality. This matter will be brought up with the R.C.M.P. Detachment Commanding Officer at the next quarterly meeting.

SHEROSE ISLAND CONTAMINATION

As a result of a motion at a previous meeting, the Municipal Solicitor was requested to review the agreements pertaining to the Sherose Island property. This property was purchased by the Municipality from the Federal Government by way of a grant. The Municipal Solicitor reviewed the grant documents and his opinion in part is: "It is clear that there is no warranty under the agreement or grant as to the condition of the land. In Nova Scotia a vendor of contaminated land is not liable for failing to disclose contamination of which it is unaware. In other words, in order to establish a case against the vendor of contaminated property the purchaser must establish, among other things, that the contamination was actually known to the vendor, or that the circumstances were such that it could be said that the vendor was guilty of concealment or reckless disregard of the truth."

There then followed some discussion regarding the procedure the Municipality should follow regarding the Sherose Island property.

It was the recommendation of the Municipal Solicitor that the Municipality should approach the Federal Government and inform them that the property is contaminated and that it was contaminated during their ownership and the Municipality would like them to clean the property up as it was purchased in good faith for value.

Resolution COW050101

Moved by F. Bower and seconded by S. Strang that it be recommended to Council that the Federal Government be contacted and informed that contamination exists on the Sherose Island property and that they be requested to clean up the property as it was purchased from them by the Municipality in good faith for value.

Motion carried unanimously.

STRATEGIC PLAN

It was agreed by consensus of members that the Committee would meet at 7:00 p.m., on January 12, 2005, in the Conference Room, in the Administrative Centre, in Barrington, N.S., for the sole purpose of reviewing the Strategic Plan.

RAIN GUTTERS AT ARENA

There are three (3) rain gutters at the Arena which have rusted badly and become so deteriorated that they need to be replaced. The cost of repairing these has not been included in the budget. There is a very limited number of companies who can do the replacement of these gutters. In the local area the only ones able to do so are Germaine Mechanical and Electrical Ltd., of Yarmouth. An estimate from Germaines' has been received in the amount of \$2,860.00, plus H.S.T. The total cost would be \$3,289.00. It is recommended that at least the rain gutter over the external overhead door to the Olympia room be replaced as soon as possible. The estimated cost of replacing this portion of the rain gutter is approximately \$1,000.00.

Resolution COW050102

Moved by F. Bower and seconded by L. Halliday that it be recommended to Council that a section of the rain gutter at the Arena above the external garage door to the Olympia room be replaced, at an approximate cost of \$1,000.00.

AFFIRMATIVE

Sterling Belliveau
Fred Bower
Louise Halliday
Donna LeBlanc-Messenger
Sean Strang

NEGATIVE

Eddie Nickerson
Larry Stewart

Motion carried.

ARENA DISCIPLINE POLICY

As a result of a previous motion of Council, the Arena Discipline Policy has been referred to the Municipal Solicitor for his review and comment. The Municipal Clerk, together with the Property Services Supervisor, met with the Municipal Solicitor on the Friday morning prior to Christmas to discuss this policy with him. As yet no response has been received from the Municipal Solicitor. As soon as a response is received, it will be forwarded to the Committee.

SCHEDULE OF FEES

The Schedule of Fees for the previous two weeks was circulated to members for their information and perusal.

SOUTH WEST SHORE DEVELOPMENT AUTHORITY

A member informed the meeting that at the last monthly meeting of the South West Shore Development Authority he was informed that the Authority has a plan for recruitment of physicians for the County of Yarmouth. The Authority is going to recruit family doctors for Yarmouth County. The member was informed that if this recruitment template is successful in Yarmouth County, it can also be applied to Shelburne County. The Warden informed members that the CEO of the Development Authority stated that he had been requested by the Mayors and Wardens of Yarmouth County to recruit family physicians for them on behalf of the County. The CEO stated to the Warden that doctors will mentor other doctors if they are paid enough to do so.

Resolution COW050103

Moved by E. Nickerson and seconded by L. Stewart that it be recommended to Council that Mr. Frank Anderson, CEO of the South West Shore Development Authority, be requested to appear before a Committee of the Whole meeting in order to discuss the recruitment of physicians.

Motion carried unanimously.

FUNDRAISING REQUEST

Members were informed that a fundraising request will be forwarded to the Municipality in the very near future. This request will be related to relief for victims of the tsunamii disaster occurring recently in Southeast Asia.

NOVA SCOTIA POWER SERVICE

Concern was expressed for the lack of adequate service being received in rural areas from Nova Scotia Power Inc. The Municipality has recently requested a change in street light locations in West Baccaro on two separate occasions. As yet no action has been taken on this request even though it has been well over thirty days since the original request has been placed.

Resolution COW050104

Moved by F. Bower and seconded by S. Strang that it be recommended to Council that Nova Scotia Power be asked why it is taking so long for the requested change in street lights and repairs to be completed in the West Baccaro area.

Motion carried unanimously.

PAGE ISLAND

Correspondence has been received today from the Federal Department of Public Works & Government Services indicating that they wish to dispose of property known as Page Island in Port LaTour. This property is a small island of just over five (5) acres off the coast of Port LaTour. The Federal Government indicates that it is disposing of this property through the regular channels by offering it to both the province and the municipality prior to putting it up for public sale.

The correspondence also indicates that it should be noted that an individual has occupied the subject lands for many years who would not be entitled to claim ownership through adverse possession. This individual has paid taxes and has acted in good faith in thinking that the acquired title was a good title.

At the present time there is no discernable municipal use for this island.

Resolution COW050105

Moved by E. Nickerson and seconded by S. Strang that it be recommended to Council that the Municipality decline the offer from the Federal Department of Public Works & Government Services Canada for the purchase of Page Island in Port LaTour harbour.

Motion carried unanimously.

“J” CLASS ROADS

Correspondence has been received from the Nova Scotia Department of Transportation and Public Works indicating that the cost-shared program for “J” Class subdivision streets will be in effect again during the 2005/2006 fiscal year. Should the Municipality wish to submit any road names they must be provided to the Department not later than February 1, 2005. A copy of a list of “J” Class roads in the Municipality will be circulated to councillors for their information. At the present time there are no roads recommended for this program.

BEREAVEMENT LEAVE

Section 24.01 of the Municipal Personnel Policy provides for leave without loss of pay for permanent full-time employees in the case of the death of certain relatives. This leave is provided under the Personnel Policy only for permanent full-time employees and not for any other classification of employees. Employees who are permanent part-time, or temporary, or seasonal, do not qualify for this leave under the current Personnel Policy.

Resolution COW050106

Moved by D. Messenger and seconded by S. Strang that it be recommended to Council that the policy be waived and that Shelly Atwood receive four (4) days bereavement leave and that she be paid for her regular scheduled hours during that period.

Motion carried unanimously.

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Resolution COW050107

Moved by F. Bower and seconded by S. Strang that it be recommended to Council that the Personnel Policy be re-drafted to amend Section 24.01 in order to provide adequate leave in the case of death of a relative for other classes of employees besides permanent full-time employees.

Motion carried unanimously.

WASTE CONTRACTS

Members were informed that correspondence has been received from the Joint Services Board indicating that the municipal units in Eastern Shelburne County will be transferring waste to the Queens Regional Landfill, effective April 1, 2005. This means that the Town of Shelburne, Town of Lockeport and the Municipality of Shelburne will be sending their residual waste, organic waste and recyclable waste to the Queens Regional Landfill as of that date. None of these units will continue to send waste to the Town of Yarmouth Landfill or to H & H Recycling in Yarmouth. The Municipality of Barrington is currently considering sending waste from this Municipality to the Queens Regional Landfill as well.

Resolution COW050108

Moved by E. Nickerson and seconded by F. Bower that it be recommended to Council that the Municipality ask the Nova Scotia Department of Environment & Labour and the Region Six Waste Authority if the Municipality of Barrington may join Region Six if it decides to deposit municipal solid waste at the Queens Regional Landfill.

Motion carried unanimously.

ADJOURNMENT

The meeting was adjourned by mutual consent at 8:15 p.m.

Chairman

Secretary for the Meeting

Copied for Councillors on January 5, 2005 by Sharon Brannen.

