

Minutes of the Regular Meeting of Barrington Municipal Council held on Monday, September 28, 2009, in the Council Chambers, in the Administrative Centre, in Barrington, N.S.

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:

- Warden Louise Halliday
- Deputy Warden Donna LeBlanc-Messenger
- Councillor Murray Atkinson
- Councillor George El-Jakl
- Councillor Shaun Hatfield
- Councillor Cecil O'Donnell
- Councillor Cathy Stoddard

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

APPROVAL OF MINUTES

Moved by G. El-Jakl and seconded by M. Atkinson that the minutes of the last meeting held September 14, 2009 be approved as circulated.

Motion carried unanimously.

MATTERS ARISING FROM THE MINUTES

Rural Postal Service

The Clerk informed members that correspondence has been received from the Minister of State for Transport advising that the government is maintaining the moratorium on the closure of rural post offices.

Roseway Hospital ER Stats

It was reported that correspondence has been received from Roseway Hospital advising of the number of clients from the Municipality of Barrington accessing the Roseway Hospital ER. The stats provided for the period August 1, 2008 to July 31, 2009 indicated the following:

- number of visits from the Municipality of Barrington	-	3,319
- number of visits from Clark's Harbour	-	392
- number of visits from outside Shelburne County	-	940
- total ER visits	-	12,335

During discussion of this matter the doctor/patient ratio was questioned.

Resolution C090928

Moved by G. El-Jakl and seconded by D. Messenger that a letter be forwarded to Shirley Watson-Poole, Physician Recruitment Officer for South West Health, asking that she explain the acceptable doctor/patient ratio for Nova Scotia.

Motion carried unanimously.

Waterfront Development Committee

The Clerk informed members that a memo had been sent to all members of the Barrington Municipal Waterfront Development Committee advising that waterfront development funds are no longer provided by the province, and that the committee has been dormant for more than three (3) years. Council has questioned the continuation of the committee. Members were asked to advise whether they felt the committee is of any further use. The memo also stated that if there is no indication that the committee is of any further use, it will be dissolved by Council.

The Clerk informed members that only one (1) response was received and that was from member Carl Smith. Mr. Smith advised that the only unfinished project was the walkway across the Causeway. The committee had planned to have a concrete walkway installed at an estimated cost of \$70,000.00.

Resolution C090929

Moved by S. Hatfield and seconded by M. Atkinson that the construction of a concrete walkway across the Causeway be added to the Capital Investment Plan.

AFFIRMATIVE

Murray Atkinson
George El-Jakl
Shaun Hatfield
Cecil O'Donnell

NEGATIVE

Louise Halliday
Donna LeBlanc-Messenger
Cathy Stoddard

Motion carried.

It was noted that this item would be added to the bottom of the list of capital projects.

Resolution C090930

Moved by G. El-Jakl and seconded by D. Messenger that the Waterfront Development Committee be dissolved and Policy No. 59 "Committees of Council" be amended accordingly.

Motion carried unanimously.

Year of the Lobster

The Clerk informed members that correspondence has been received from the Cape Breton Regional Municipality advising that they have unanimously endorsed a motion to forward correspondence to the Minister of Fisheries and Oceans, The Honourable Gail Shea, requesting 2009 be declared the Year of the Lobster.

Correspondence was also received from The Honourable Gail Shea which advised that while Fisheries and Oceans Canada does not proclaim or create weeks, months or years, in support of particular fisheries, she supports this positive endeavor. She further advised that the Government of Canada provides an on-line listing of non-governmental events of national scope that are likely to interest the public. She suggested that information be forwarded to be included on the national events list. She further advised that as the designation of special days, weeks, and months falls under the jurisdiction of the Minister of Canadian Heritage and Official Languages that she has forwarded a copy of our correspondence to him for his consideration.

Resolution C090931

Moved by D. Messenger and seconded by G. El-Jakl that a committee be formed for the Year of the Lobster consisting of councillors, staff and representation from the Barrington and Area Chamber of Commerce, and that the Year of the Lobster be extended to the end of May 2010.

Motion carried unanimously.

Councillor O'Donnell indicated that federal funding was provided to the Pictou Lobster Festival and suggested there may possibly be federal funding available to us to promote the Year of the Lobster.

Resolution C090932

Moved by S. Hatfield and seconded by C. O'Donnell that a letter be written to The Honourable James Moore, Minister of Heritage and Official Languages, requesting that 2009/2010 be declared Year of the Lobster.

Motion carried unanimously.

RFP - ENERGY AUDIT

The Clerk informed members that Requests for Proposals were invited for the Energy Audit. Seven (7) proposals, in total, were received. One (1) was received after the deadline. The Warden reported on the following six (6):

- MCW Custom Energy Solutions Ltd.	\$18,500.00, plus H.S.T.
- Atlabach Consulting Ltd.	\$74,500.00
- CBCL Limited	\$18,875.00, plus H.S.T.
- Kaladar Enersave Management Inc.	\$17,925.00, plus H.S.T.
- Paul Bevan Electric & Control Specialists Ltd.	\$117,111.50, plus H.S.T.
- Enerplan Consultants	\$18,930.00, plus H.S.T.

Resolution C090933

Moved by G. El-Jakl and seconded by D. Messenger that the Clerk review the Requests for Proposals and make a recommendation to Council.

Motion carried unanimously.

CONTINUATION OF MATTERS ARISING FROM THE MINUTES

Mink Farm

In advance to the meeting each member of Council was provided with a copy of a memo from the Clerk regarding the mink farm development in Clyde River. The memo provided information on the mink farm development, and provided suggestions to address the concerns of residents in the area.

1. Service Nova Scotia & Municipal Relations has been consulted regarding the issuance of the permit for the mink farm development. Their response is that if a project meets by-laws, then the Municipality cannot refuse the permit, or revoke an existing permit.
2. Kevin MacDonald, an independent legal counsel, was consulted regarding Resolution C060429. This resolution stated that the Municipality will provide the Yarmouth Area Industrial Commission a five year option to purchase an additional 300 acres. A letter was sent to the Industrial Commission informing them that Council was going to provide the option for an additional 300 acres, and requested them to confirm, in writing, that they wished to have this option. No such confirmation has ever been received from the Commission. As a result, no agreement has ever been prepared. Consequently, Mr. MacDonald has advised that this motion may be rescinded.

Resolution C090934

Moved by G. El-Jakl and seconded by S. Hatfield that Resolution C060429 which reads as follows be rescinded:

“...that the Yarmouth Area Industrial Commission be provided with a five (5) year option to purchase agreement for an additional 300 acres of land located off the 103 highway near Clyde River, at the appraised value of \$220.00 per acre.”.

Motion carried unanimously.

3. Council requested that the transaction selling land from the Yarmouth Area Industrial Commission to Maranatha Fur Farms be reviewed by an independent body. This matter has been investigated through the Nova Scotia Ombudsman’s Office. They advised that they could do nothing regarding the transaction and would not review it. If the Municipal Council wishes to pursue this matter further, legal counsel would be hired at Municipal expense to review the transaction, providing both parties to the transaction are willing to provide the information required.

During discussion of this matter it was suggested that the Clyde River Land Use Committee may want to pursue this matter through the Ombudsman’s Office.

4. The use of land within the Municipality is regulated and governed through the Municipal Planning Strategy and Land Use By-Law. Certain types of uses of property in the Municipality are required to be done by Development Agreement. When uses are required to be approved through Development Agreement, a public hearing is required. It is suggested that if Council wishes to have a public hearing for uses such as mink farms, fox ranches and piggeries, then these uses could be permitted by Development Agreement in the Rural Development Zone. In this way, a public hearing would be required. In addition, at the same time the regulations allowing these uses in the Rural Development Zone could be amended as well, to be more environmentally acceptable to the public.
5. It has been suggested that Policy 12 “Re: Sale of Municipal Property”, be amended in order to provide public input for every sale of municipal property. Having public input in every sale of municipal property is not always practical. The Municipal Solicitor has been asked to review the policy regarding the sale of municipal property and he has provided several comments and suggestions regarding revisions to the policy. On October 19, 2009 the Committee of the Whole will consider revisions to this policy. An advertisement will be placed in the Coast Guard Newspaper advising the public.
6. There was publically expressed concern that the development of the mink farm may produce environmental concerns in the adjacent area. In order to determine whether or not there is any actual contamination, it is recommended that the Nova Scotia Department of Environment be requested to obtain a baseline sampling of the water in the brook at the eastern boundary of the mink farm property. Once this baseline sampling is taken, the Department may then take further samples in the future to determine whether or not there has been any detrimental affects to this brook.

Resolution C090935

Moved by G. El-Jakl and seconded by C. O'Donnell that the Clyde River Land Use Committee be provided with a copy of the memo from the Municipal Clerk, and that it be suggested that they contact the Ombudsman's Office to deal with the conveyance of land from the Yarmouth Area Industrial Commission to Maranatha Fur Farms, and that they also be asked to contact the Department of Environment to request baseline sampling, and results, of the brook at the eastern boundary of the mink farm property.

Motion carried unanimously.

Resolution C090936

Moved by S. Hatfield and seconded by M. Atkinson that the Department of Environment be requested to carry out baseline sampling of the water in the brook at the eastern boundary of the mink farm property, as soon as possible, and that copies of the results be provided to the Municipality and the Clyde River Land Use Committee.

Motion carried unanimously.

CORRESPONDENCE

Request for Letter of Support for Planters Celebrations

The Planters 250 Anniversary Committee has requested a letter of support from the Municipal Council for their planned activities for next year to celebrate the settling of the land by our ancestors. The Committee is applying for grants to assist in the funding of projects concerning the celebration.

Resolution C090937

Moved by D. Messenger and seconded by G. El-Jakl that Council forward a letter of support to the Planters 250th Anniversary Committee supporting their planned celebration.

Motion carried unanimously.

Thank You Letters

The Clerk informed members that thank you letters have been received from the following, thanking Council for funding:

- Archelaus Smith Historical Society
- Barrington Municipal High School Safe Graduation
- Tri-County Pregnancy Care Centre
- Tri-County Multi-Cultural Festival

Waterfront Development Committee Members

Resolution C090938

Moved by G. El-Jakl and seconded by S. Hatfield that the members serving on the former Waterfront Development Committee be sent a thank you letter for their involvement in waterfront development.

Motion carried unanimously.

Yarmouth Area Poverty Action Network

An invitation has been received from the Yarmouth Area Poverty Action Network for councillors to attend the presentation and participate in the discussion that follows a report: “The Nova Scotia Alternative Budget 2009; Responding to the Crisis, Building for the Future”. The event will take place at the Burridge Campus, in Yarmouth, on October 7, 2009. The presentation will highlight the issues of poverty in the Province, with particular attention given to factors relevant to South Western Nova Scotia.

Resolution C090939

Moved by D. Messenger and seconded by G. El-Jakl that the expenses be paid for any councillor wishing to attend the above presentation.

Motion carried unanimously.

New Horizons for Seniors Program

Correspondence has been received from Human Resources and Skills Development Canada advising that the New Horizons for Seniors Program is inviting non profit organizations to apply for capital assistance funding from September 14, 2009 to November 6, 2009.

Destination Southwest Nova Association

In advance to the meeting each member was provided with information received from Destination Southwest Nova Association. The Association is requesting the Municipality of Barrington to provide funding based on the Municipal Investment Program. Based on the program formula, the Municipality of Barrington has been requested to pay \$4,960.00. For 2008/2009 and for 2009/2010, \$2,000.00 for each year has been paid to the Association.

This matter will once again be considered by Council during 2010/2011 budget preparations.

REPORT OF WARDEN

The Warden gave a brief report on her activities since the last meeting of Council.

REPORT OF COUNCILLORS

Councillor Cecil O'Donnell

Councillor O'Donnell gave a brief report on his activities since the last meeting of Council.

Councillor George El-Jakl

Committee of the Whole

Pro-active Environmental Ideas

Resolution C090940

Moved by G. El-Jakl and seconded by S. Hatfield that a letter be sent to Nova Scotia Power Inc. asking them for an update on any projects they may have for the use of LED street lights.

Motion carried unanimously.

Resolution C090941

Moved by G. El-Jakl and seconded by M. Atkinson that a garbage bin be placed and secured at the Barrington Passage end of the Cape Sable Island Causeway.

Motion carried unanimously.

Dog By-Law Request

Resolution C090942

Moved by G. El-Jakl and seconded by S. Hatfield that Municipal Staff draft proposed amendments to By-Law No. 12 “Dog By-Law”, and obtain similar information from other municipal units regarding this matter. The amendments to be drafted will include the requirement for dogs to be on leashes when they are not on the owner’s property, and for individuals to clean up after their dogs when they have them on public property.

Motion carried unanimously.

Capital Investment Plan

Resolution C090943

Moved by G. El-Jakl and seconded by C. O’Donnell that the proposed Capital Investment Plan for the 2009/2010 fiscal year be approved and forwarded to Service Nova Scotia.

Motion carried unanimously.

Each member was provided with a copy of the Capital Investment Plan for the 2009/2010 fiscal year.

Municipal Bursary - Policy No. 16

Resolution C090944

Moved by G. El-Jakl and seconded by C. O’Donnell that Municipal Staff draft amendments to Policy No. 16, “Municipal Bursary” for consideration of Council.

Motion carried unanimously.

Resolution C090945

Moved by G. El-Jakl and seconded by C. Stoddard that Municipal Staff revise all policies and by-laws to be gender inclusive.

Motion carried unanimously.

It was agreed that this change will be made in house and will not be subject to the requirements for policy amendments.

Library Conference

Resolution C090946

Moved by G. El-Jakl and seconded by C. Stoddard that the Municipality pay the expenses of the Deputy Warden to attend the Nova Scotia Library Boards Association Conference, in Yarmouth, from October 23 - 25, 2009.

Motion carried unanimously.

ERMES Playground

Resolution C090947

Moved by G. El-Jakl and seconded by M. Atkinson that the time for the playground grant for the Evelyn Richardson Memorial Elementary School be extended in order to pay for the equipment which will be arriving in the very near future.

Motion carried unanimously.

Councillor El-Jakl informed members that it is the recommendation of the Committee of the Whole that the Municipality accrue any payments for approved playground grants at the end of each year in the case that they have not been paid out during the year so that the monies are put aside to be used when the playgrounds are constructed.

Notice is given tonight that Council will consider the following amendments to Policy No. 58 “Playground Funding Policy”, Section 13.

- Section 13, current section will be deleted and replaced with the following:

The Municipality will accrue any payment for approved playground grants at the end of each year in the case that they have not been paid out during the year so that the monies are put aside to be used when the playgrounds are constructed.

Consideration of the above amendments will take place at the next meeting of Council.

C.S.I. Sewer

Moved by G. El-Jakl and seconded by M. Atkinson that all of the councillors from Cape Sable Island participate in any consultation with the Town regarding the use of their sewage treatment plant by the Municipality.

Moved by G. El-Jakl and seconded by M. Atkinson that the above motion be amended by inserting the word “formal” in front of “consultation”.

AFFIRMATIVE

Murray Atkinson

George El-Jakl

Louise Halliday

Donna LeBlanc-Messenger

Cecil O'Donnell

Cathy Stoddard

NEGATIVE

Shaun Hatfield

Motion carried.

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

The amended motion now reads:

Resolution C090948

“...that all of the councillors from Cape Sable Island participate in any formal consultation with the Town regarding the use of their sewage treatment plant by the Municipality.”

Restorative Justice

Moved by G. El-Jakl and seconded by S. Hatfield that Andrea Huskilson-Newell and Mr. David Buckland be invited to attend the presentation on Restorative Justice which is tentatively scheduled for October 26th, and that they also be invited at the same time to relate to Council how this system is being used at B.M.H.S.

During discussion it was noted that the Restorative Justice Program is not yet being used at B.M.H.S. and that Mrs. Huskilson-Newell and Mr. Buckland would be invited as observers only.

Moved by C. Stoddard and seconded by D. Messenger that the above motion be amended by deleting “and that they also be invited at the same time to relate to Council how this system is being used at B.M.H.S.”

Motion carried unanimously.

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

The amended motion now reads:

Resolution C090949

“...that Andrea Huskilson-Newell and Mr. David Buckland be invited to attend the presentation on Restorative Justice which is tentatively scheduled for October 26th”.

Department of Transportation

Resolution C090950

Moved by G. El-Jakl and seconded by D. Messenger that the Department of Transportation be requested to grade Petticoat Lane.

Motion carried unanimously.

Resolution C090951

Moved by S. Hatfield and seconded by C. O'Donnell that the Department of Transportation be made aware of a dangerous situation existing near the Clam Point sign near Travis Smith's residence in Clam Point. There is a corner and a dip in the road at this location, a blind driveway and a bus stop at Civic #491. Council is requesting that a “blind driveway” sign and a “bus stop” sign be installed at this location. A copy of this letter is to be forwarded to the Tri-County Regional School Board.

Motion carried unanimously.

Public Sorting Station

Moved by G. El-Jakl that the tender submitted by Gardiner Allen Excavation for the construction of a public sorting station at the Municipal Landfill be accepted as it is the lowest tender.

There being no seconder to the motion, the motion was declared lost.

Resolution C090952

Moved by G. El-Jakl and seconded by D. Messenger that the public sorting station project tenders be referred to the Committee of the Whole for further discussion.

Motion carried unanimously.

It was agreed that the Municipal Clerk obtain legal advice on this matter.

Aerial Truck

Resolution C090953

Moved by G. El-Jakl and seconded by C. Stoddard that the Municipality endorse the idea, in principle, of purchasing an aerial truck with a pump, for the Municipality, as requested by the Fire Chief's Committee.

Motion carried unanimously.

Moved by G. El-Jakl and seconded by S. Hatfield that Council accept the Fire Chief's Committee as being the body to make fire department related issues in the Municipality of Barrington.

Moved by C. Stoddard and seconded by D. Messenger that the above motion be amended by replacing the word "make" with the word "bring".

Motion carried unanimously.

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

The amended motion now reads:

Resolution C090954

"...that Council accept the Fire Chief's Committee as being the body to bring fire department related issues in the Municipality of Barrington."

Moved by G. El-Jakl and seconded by S. Hatfield that a letter be sent to the volunteer fire departments in the Municipality requesting that they appoint a member to the Fire Chief's Committee.

Moved by S. Hatfield and seconded by C. Stoddard that the above motion be amended to indicate that the Fire Chief's Committee will be the official voice of the fire department and this will be the manner in which fire department concerns are presented to the Municipality.

AFFIRMATIVE

Murray Atkinson
George El-Jakl
Louise Halliday
Shaun Hatfield
Donna LeBlanc-Messenger
Cathy Stoddard

NEGATIVE

Cecil O'Donnell

Motion carried.

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

The amended motion now reads:

Resolution C090955

"...that a letter be sent to the volunteer fire departments in the Municipality requesting that they appoint a member to the Fire Chief's Committee and indicate that the Fire Chief's Committee will be the official voice of the fire department and this will be the manner in which fire department concerns are presented to the Municipality."

Standards for Municipal Fire Departments

Resolution C090956

Moved by G. El-Jakl and seconded by S. Hatfield that Municipal Staff investigate the use of minimum standards for volunteer fire departments.

Motion carried unanimously.

CONTINUATION OF MEETING

Members consented unanimously to continue the meeting past the hour of 10:00 p.m.

Comfort Centres

Resolution C090957

Moved by G. El-Jakl and seconded by C. O'Donnell that a letter be sent to the Emergency Management Organization requesting that copies of correspondence sent out by EMO also be sent to the Chair of the Fire Chief's Committee.

Motion carried unanimously.

Community Health Care Advisory Committee

Committee Membership

Resolution C090958

Moved by G. El-Jakl and seconded by D. Messenger that the Municipality advertise for representatives on the Community Health Care Advisory Committee from District 4, 5 and 7.

Motion carried unanimously.

REPORT OF CLERK-TREASURER

The Clerk-Treasurer gave a report on his activities during the month of August 2009.

During his report he indicated that the Visitor Information Centre has now closed for the season. There were 3,238 visitors for 2009, as compared to 3,473 visitors for 2008.

EXCHANGE STUDENTS

The Clerk informed members that it has been brought to our attention that Barrington Municipal High School also plan to prepare and present welcome packages to the international exchange students.

Resolution C090959

Moved by S. Hatfield and seconded by D. Messenger that B.M.H.S. be contacted to determine whether it would be possible for us to add items to their welcome packages, and that we also ask if they would like to present the packages at the October 26, 2009 Council meeting.

Motion carried unanimously.

EMERGENCY ROOM CLOSURES AND HEALTH PROFESSIONAL RECRUITMENT

The Warden informed members that at the September 11, 2009 Rural Caucus Meeting, reference was made to a previous motion sent to the UNSM requesting information on the recruitment strategy that the province was working on. Since no response was received to the original request, the Rural Caucus once again requested the recruitment strategy. This item was to be referred to the UNSM meeting of September 24, 2009.

Resolution C090960

Moved by G. El-Jakl and seconded by D. Messenger that the Rural Caucus of the UNSM be requested to send a delegation to the Department of Health to discuss the recruitment of physicians to rural communities in Nova Scotia, in order to emphasize with the Department and the Minister of Health the need for more recruitment efforts for rural communities.

Motion carried unanimously.

CONTINUATION OF REPORT OF COUNCILLORS

Councillor Murray Atkinson

Councillor Atkinson provided a brief report on his activities since the last meeting of Council.

Deputy Warden Donna LeBlanc-Messenger

Deputy Warden Messenger provided a brief report on her activities since the last meeting of Council.

Councillor Cathy Stoddard

Councillor Stoddard provided a brief report on her activities since the last meeting of Council.

Councillor Shaun Hatfield

Councillor Hatfield provided a brief report on his activities since the last meeting of Council.

Beach Clean-up

Councillor Hatfield informed members that David Atkinson removed a great number of lobster traps from the Stoney Island Beach which washed up during the last storm.

Resolution C090961

Moved by S. Hatfield and seconded by D. Messenger that a thank you letter be forwarded to David Atkinson for taking steps to help keep our beaches clean and free of debris.

Motion carried unanimously.

CLOSED SESSION

At this time a Closed Session of Council was held to deal with a personnel matter.

The regular Council meeting was then called back to order.

Yearly Increment

Resolution C090962

Moved by G. El-Jakl and seconded by C. O'Donnell that Shelley Stoddard, Canteen Worker, be granted her yearly increment.

Motion carried unanimously.

ADJOURNMENT

Moved by G. El-Jakl that the meeting adjourn.

The meeting was adjourned at 11:07 p.m.

Warden

Clerk

Secretary for the Meeting

On website October 1, 2009.