

COMMITTEE OF THE WHOLE COUNCIL MEETING

March 1, 2010

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

- Louise Halliday, Chair
 - Murray Atkinson
 - George El-Jakl
 - Shaun Hatfield
 - Donna LeBlanc-Messenger
 - Cecil O'Donnell
 - Cathy Stoddard
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- Brian Holland, Municipal Clerk

ADDITIONS TO THE AGENDA

The following items were added to the agenda:

- Department of Transportation.
- Derelict property.
- TV Council Meeting.

DECLARATIONS OF CONFLICT OF INTEREST

Warden Halliday and Deputy Warden Messenger both indicated they would declare a conflict of interest in the discussion of item number 10 - C & D Landfill tipping fees, as their spouses own businesses that deposit waste at that site.

APPROVAL OF AGENDA

Moved by G. El-Jakl and seconded by C. O'Donnell that the agenda be approved as amended.

Motion carried unanimously.

APPROVAL OF MINUTES

Moved by C. O'Donnell and seconded by M. Atkinson that the minutes of the last previous meeting held February 15, 2010 be approved as circulated.

Motion carried unanimously.

VOLUNTEER NOMINATION

Members who had completed their volunteer nomination forms submitted them to the Clerk. Other members agreed to complete their volunteer nomination evaluation forms prior to the end of the meeting and then provide them to the Clerk before they leave.

SOUTH WEST SHORE DEVELOPMENT AUTHORITY

Ombudsman Report

Members were reminded that the Ombudsman Report on the South West Shore Development Authority was available on their website for review. There then followed a brief discussion regarding this matter.

Resolution COW100301

WHEREAS the Provincial Ombudsman has issued a public report expressing concern over the relationship between the South West Shore Development Authority and the Yarmouth and Area Industrial Commission;

AND WHEREAS more legal investigations may be forthcoming involving the South West Shore Development Authority and the Yarmouth and Area Industrial Commission;

AND WHEREAS the South West Shore Development Authority and Yarmouth and Area Industrial Commission have both been involved in a public land deal with the Barrington Municipality over which citizens have raised questions;

AND WHEREAS this Council does not wish to obstruct the transparent flow of information related to any past or present dealings with the South West Shore Development Authority or the Yarmouth and Area Industrial Commission;

THEREFORE it is moved by S. Hatfield and seconded by M. Atkinson that it be recommended to Council that a letter be sent to the Nova Scotia Ombudsman to invite his assessment of any past or present Municipal transactions involving the South West Shore Development Authority and/or the Yarmouth and Area Industrial Commission.

Motion carried unanimously.

Member Resignation

Councillor Hatfield has submitted his resignation to the South West Shore Development Authority. He will no longer be serving as a member of their Board. Council now needs to determine whether or not they wish to nominate another member to the Board of Directors of the South West Shore Development Authority.

SHELBURNE PHYSICIAN RECRUITMENT COMMITTEE

Emily Tipton, Bob Legere and Jodi Ybarra appeared before the meeting for the purpose of making a presentation regarding the Shelburne Physician Recruitment Committee. Emily Tipton acted as spokesman for the group and presented a power point presentation. During the presentation Ms. Tipton reviewed the purpose of the committee and the activities of the committee to date. She also indicated that the committee will be recruiting members throughout the county.

Resolution COW100302

Moved by S. Hatfield and seconded by D. Messenger that it be recommended to Council that correspondence be sent to the Department of Health asking them to reduce the qualification processes that are necessary for the proper certification of doctors who are coming to Nova Scotia from Britain, Ireland and South Africa, as these qualification processes appear to be onerous at the present time.

Motion carried unanimously.

Ms. Tipton also indicated that the committee would at one point or another be requesting funding from the Municipality to pay costs of recruiting physicians and other health care professionals to the County. At the present time they are not requesting any specific amount and would be willing to accept donations/assistance, in kind, as well as financial assistance.

Resolution COW100303

Moved by S. Hatfield and seconded by M. Atkinson that it be recommended to Council that the Municipality notify the Shelburne Physician Recruitment Committee that they contact the Municipality when necessary to obtain financial and other assistance.

Motion carried unanimously.

CAPE SABLE ISLAND SEWER PROJECT

Information was provided to members in advance of the meeting regarding funds spent to date on this project as well as a portion of the Local Government Hand Book which is provided by Service Nova Scotia which deals with wastewater management districts.

At the meeting this evening members were also presented with a summary from CBCL Limited, Project Manager. This summary indicated the process that could be followed to complete a sanitary sewer survey on Cape Sable Island. It also indicated the approximate length of time that it would take to do this survey and also an estimated cost for the survey. The estimated cost including expenses but excluding taxes is \$24,000.00.

A draft sample of the survey that the Project Manager suggest we use was also attached.

There then followed some discussion regarding the addition of public members to the C.S.I. Sewer Committee. At this time it was determined by consensus of members that it is too early to consider additional members for the committee.

Resolution COW100304

Moved by C. O'Donnell and seconded by S. Hatfield that it be recommended to Council that the Municipality proceed with the sanitary sewer survey as recommended by the Project Manager which will not include doing die tests at various sites. It is proposed that the Municipality will advise the residents of the survey, advise of the time line and request their participation. The residents will also be advised that the individual findings will be kept confidential by CBCL Limited and that the over-all results would be summarized to obtain an indication of the general conditions in each of the communities. The notice to residents would also indicate that scheduled site surveys may be requested. It is estimated that the survey will take about five (5) weeks to complete at a cost of \$24,000.00.

Motion carried unanimously.

DEPARTMENT OF TRANSPORTATION ANNUAL PROGRAM COUNT

Correspondence has been received from the Department of Transportation indicating that they will be doing their annual program count again this year.

Resolution COW100305

Moved by G. El-Jakl and seconded by C. O'Donnell that it be recommended to Council that the Municipality not participate in the D.O.T. annual program count for the current year.

Motion carried unanimously.

TRI-COUNTY PREGNANCY CARE CENTRE

Correspondence has been received from the Tri-County Pregnancy Care Centre thanking the Municipality for their \$2,000.00 contribution for the previous year and their continuing support.

CONSTRUCTION AND DEMOLITION LANDFILL

This matter had been deferred from the previous meeting of the Committee.

Conflicts of Interest

Warden Halliday and Deputy Warden Messenger both declared conflict of interest for the discussion of this matter as their spouses deposit waste at the Landfill Site and this may affect their income.

Nominations were requested for Chair of the meeting for the purpose of discussing this matter.

Moved by C. O'Donnell and seconded by S. Hatfield that G. El-Jakl be nominated Chair for the purpose discussing the C & D Landfill.

Councillor El-Jakl consented to act as Chair for the discussion of this matter.

Having requested nominations a further three (3) times and having heard none the Clerk declared Councillor El-Jakl elected chair by acclamation.

Information on the deposit of waste at the Landfill had previously been circulated to all members for their review and consideration. A copy of an email from Wilson's Shopping Centre Limited was also circulated to all members for their consideration. It was suggested that a summary be done for a period of one month which would indicate the amount of waste deposited and the various sources of that waste. The month of October is currently being summarized by Municipal Staff. This information will be forwarded to members.

Resolution COW100306

Moved by C. O'Donnell and seconded by C. Stoddard that further consideration of the C & D Landfill Tipping fees be deferred until the required summary has been completed.

Motion carried unanimously.

It was also suggested that Region 6 be consulted and asked to supply a list of all of the landfills that charge tipping fees throughout the Province and also those who don't.

Having completed their discussion of this matter, the members who had declared conflict of interest then returned to the meeting table.

ONE COUNCIL MEETING PER MONTH

It was suggested by a member that on a trial basis that Council hold only one Council meeting per month together with the two Committee of the Whole meetings.

Moved by C. O'Donnell and seconded by S. Hatfield that Council conduct only one council meeting per month on a trial basis.

AFFIRMATIVE

Cecil O'Donnell

NEGATIVE

Louise Halliday

Murray Atkinson

George El-Jakl

Shaun Hatfield

Donna LeBlanc-Messenger

Cathy Stoddard

Motion defeated.

CHIEF ADMINISTRATIVE OFFICER

This matter had previously been brought before the Committee for discussion. It was suggested that more information is required in order to determine the desirability of having a Chief Administrative Officer for the Municipality.

Resolution COW100307

Moved by C. Stoddard and seconded by S. Hatfield that our Municipal Advisor from Service Nova Scotia and Municipal Relations be requested to attend a meeting with Council in order to discuss this matter. This meeting has been arranged for Tuesday, April 13, 2010, at 1:30 p.m.

Motion carried unanimously.

Resolution COW100308

Moved by S. Hatfield and seconded by C. Stoddard that a report be prepared by the Municipal Clerk indicating the changes in the administration of the Municipality and the workload of the various departments over the last several years for the information of members.

Motion carried unanimously.

NORTH EAST POINT BEACH

Correspondence has been received by email from Cecil Swimm requesting that further amenities be provided at North East Point Beach including a change room and permanent washrooms.

Resolution COW100309

Moved by S. Hatfield and seconded by D. Messenger that it be recommended to Council that the Municipality send a letter to the Department of Natural Resources requesting the installation of washrooms and change rooms at North East Point Beach.

Motion carried unanimously.

This information will be copied to our MLA and also to Mr. Swimm.

DR. PREMACHANDRA INCENTIVE

An incentive agreement has been drafted between the Municipality and Dr. Manel Premachandra. Amendments will be made to the document to include a definition of full-time practice and some provision regarding attendance at practice in the Municipality for less than a full year. This agreement will be discussed with Dr. Premachandra to determine an appropriate number of hours that will constitute full-time practice.

Resolution COW100310

Moved by S. Hatfield and seconded by D. Messenger that it be recommended to Council that Dr. Premachandra be approached in order to define the terms that would be mutually beneficial to both the Municipality and himself in an incentive agreement for his services over the next four (4) years.

Motion carried unanimously.

TRADE AND LICENCING BY-LAW

A revised edition of the Trade and Licencing By-Law had previously been circulated to members for their information and review. It was the consensus of members that these amendments are satisfactory and should be brought before Council.

The amendments will be submitted to the Municipal Solicitor for his opinion first and then forwarded to Council.

TAX WRITE-OFF

Business occupancy taxes in the amount of \$323.00, plus interest, are outstanding on the account of D. Nickerson Service Centre Limited. This is a limited company that has now gone out of business and therefore the taxes are deemed to be uncollectible.

Resolution COW100311

Moved by G. El-Jakl and seconded by D. Messenger that it be recommended to Council that the balance of business occupancy taxes in the name D. Nickerson Service Centre Limited, in the amount of \$323.00, plus interest, be written off as uncollectible.

Motion carried unanimously.

COUNCIL SOUND SYSTEM

When Council is recorded to be shown on local cable TV the sound that is recorded has been proven to be inadequate and the sound system problems need to be rectified.

Resolution COW100312

Moved by S. Hatfield and seconded by C. Stoddard that it be recommended to Council that Municipal Staff investigate the price of lapel microphones for all members of Council and those addressing Council.

Motion carried unanimously.

REQUEST FROM CONSTITUENT

The Warden has received an email from Mr. Clyde Nickerson requesting various aspects of Municipal business being reviewed independently.

There then followed some discussion regarding the previous resolution made to the Ombudmans' Office requesting transactions with the South West Shore Development Authority and Yarmouth Area Industrial Commission to be reviewed.

Resolution COW100313

Moved by D. Messenger and seconded by G. El-Jakl that it be recommended to Council that a response be sent to Mr. Nickerson indicating that a resolution has been forwarded to Council inviting the Nova Scotia Ombudmans' Office to assess any past or present Municipal transactions involving the South West Shore Development Authority and/or Yarmouth Industrial Commission.

Motion carried unanimously.

SCHEDULE OF FEES

The Schedule of Fees for the previous two weeks was circulated to members for their review.

DEPARTMENT OF TRANSPORTATION

A member requested that Cat Rock Drive, Spruce Drive and McGray Avenue be graded as soon as possible. These roads will be graded as soon as weather permits. A request has already been forwarded to the Department of Transportation to grade McGray Avenue. Both Cat Rock Drive and Spruce Drive are municipal roads which will be graded as soon as weather permits.

DERELICT PROPERTIES - BRANNEN / QUINLAN PROPERTIES

It was brought to the attention of the Committee that the property formerly assessed to Murray Quinlan in Stoney Island is in a state of disrepair and needs to be cleaned up. It was also brought to the attention of the Committee that property on Cripple Creek Road owned by Mr. Colby Brannen may also be dangerous and unsightly and needs to be addressed.

Resolution COW100314

Moved by S. Hatfield and seconded by M. Atkinson that it be recommended to Council that the former residents of the Murray Quinlan property be contacted and asked to remove any of their personal belongings from that property by a specific date after which the property will be cleaned up.

Motion carried unanimously.

The Brannen property is already being addressed under the Dangerous and Unsightly Property Provisions of the Municipal Government Act.

CLOSED SESSION

Members then entered into Closed Session for the purpose of establishing minimum prices on properties which were purchased at Tax Sale which the Municipality now wishes to sell and also for the purpose of discussing a personnel matter, and for the purpose of discussing a legal matter related to the South West Shore Development Authority.

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Having completed their discussion of these matters, members then returned to Open Session.

Resolution COW100315

Moved by G. El-Jakl and seconded by C. O'Donnell that it be recommended to Council that the Municipality advertise for sale certain of those properties purchased at Tax Sale in 2009, listing them for sale and including in the listing the assessed values of those properties.

Motion carried unanimously.

ADJOURNMENT

The meeting was adjourned by mutual consent of members at 11:02 p.m.

Chair

Secretary for the Meeting

On website March 5, 2010.