

Minutes of the Regular Meeting of Barrington Municipal Council held in the Council Chambers in the Administrative Centre, in Barrington, N.S., on Monday, November 22, 2010. The meeting was called to order by the Warden at 7:00 p.m.

ROLL CALL

The Clerk reported that five of the seven councillors were present. Deputy Warden Donna LeBlanc-Messenger and Councillor Cathy Stoddard were away on vacation.

- Warden George El-Jakl
- Councillor Murray Atkinson
- Councillor Louise Halliday
- Councillor Shaun Hatfield
- Councillor Cecil O'Donnell

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

DECLARATIONS OF CONFLICT OF INTEREST

There were no declarations of conflict of interest.

APPROVAL OF MINUTES

Moved by C. O'Donnell and seconded by M. Atkinson that minutes of the Regular Council Meeting held November 8, 2010, Emergency Council Meeting held November 8, 2010, and Special Council Meeting held November 17, 2010 be approved as circulated.

Motion carried unanimously.

PRESENTATION - LEE KEATING, CLYDE RIVER LAND USE COMMITTEE

Mr. Lee Keating, member of the Clyde River Land Use Committee, appeared before the meeting. He informed Council that despite monitoring and inspections by the Nova Scotia Department of Agriculture and the Department of Environment, the mink facility operated by Maranatha Fur Farms Ltd. continues to be a major irritant to many citizens of Clyde River, particularly affected are residents in the area of Brown's Pit Road.

Residents have expressed concern that odors from the mink farm are often so noxious that home owners at that vicinity are unable to enjoy their property, hang laundry, or open their windows.

Concern was also expressed over the potential water contamination of the wetlands which is adjacent to the fur farm and Little Goose Creek which flows through the wetlands and empties into the Clyde River.

The Farm Practices Board, Nova Scotia Department of Agriculture, makes provision for “determination of a complaint of nuisance or negligence under the Farm Practices Act”. The Clyde River Land Use Committee will immediately file an application under that provision naming Maranatha Fur Farms Ltd. as the implicated party.

Mr. Keating advised Council that the Clyde River Land Use Committee has two requests. Firstly, that Council initiate prompt and appropriate action concerning the Committee’s complaint against Maranatha Fur Farms Ltd. pursuant to By-Law No. 9, Section 5, of the by-laws of the Municipality of Barrington which reads, “No person shall maintain any kennel, fox farm, or other like establishment which by reason of smell, noise, pests or escaping animals causes annoyance to the public or to the occupants of neighboring premises.” Secondly, the Committee would like to request Council to provide a grant to the Clyde River Land Use Committee in the amount of \$250.00, plus H.S.T. , to cover the fee which must accompany the application to the Farm Practices Board.

Much discussion took place regarding this matter. There is no question that there is an odor coming from the mink farm operation. Maranatha Fur Farms Ltd. have followed the rules and regulations regarding the establishment of a mink farm and have installed the required lagoon system to take care of waste as instructed by the Department of Environment and the Department of Agriculture. It has been indicated that these departments may now be realizing that this was not such a great idea and are now suggesting a holding tank. The holding tank would be pumped out periodically and waste would be transported to Halifax for disposal.

Discussion then took place regarding the Committee’s request for the fee to accompany the application to the Farm Practices Board.

It was noted that advice had been sought from both the Municipal Solicitor and the Senior Advisor of Service Nova Scotia and Municipal Relations who have advised against getting involved with the application to the Farm Practices Board.

Moved by S. Hatfield and seconded by M. Atkinson that:

WHEREAS By-Law No. 9, Section 5, of the Municipality of Barrington offers Council legal responsibility to deal with odors;

AND WHEREAS Section 172(1)(d) of the Municipal Government Act extends legal authority to deal with matters related to odor;

AND WHEREAS Council has been legally advised that this matter is within the exclusive jurisdiction of the Nova Scotia Farm Practices Board;

AND WHEREAS both Maranatha Fur Farms and the Clyde River Land Use Committee can benefit from clarity on this issue;

BE IT RESOLVED THAT the Municipality of Barrington file an application with the Farm Practices Board to make a determination concerning the normalcy of farm practices at the Maranatha Fur Farms as it relates to mink waste odor and that this determination be provided to the Municipality of Barrington so that results may also be shared with the owners of Maranatha Fur Farms as well as the Clyde River Land Use Committee.

AFFIRMATIVE

Murray Atkinson
Shaun Hatfield

NEGATIVE

George El-Jakl
Louise Halliday
Cecil O'Donnell

Motion defeated.

Resolution C101125

Moved by L. Halliday and seconded by S. Hatfield that the Municipal Solicitor be contacted and asked for more straight forward answers to the questions put forth regarding the application to the Farm Practices Board, and that clarity be provided especially as it relates to Municipal By-Law No. 9, Section 5, and Section 172(1)(d) of the Municipal Government Act.

Motion carried unanimously.

Resolution C101126

Moved by C. O'Donnell and seconded by S. Hatfield that letters be written to the Minister of Environment, the Minister of Agriculture and the Premier, requesting them to appear before Council to explain why Maranatha Fur Farms Ltd. was instructed to install a lagoon system to deal with waste which does not work, and to explain their plan to correct the problem.

Motion carried unanimously.

Resolution C101127

Moved by C. O'Donnell and seconded by S. Hatfield that the Clyde River Land Use Committee be provided with a grant of \$287.50 from the District 4 Community Grants Fund to cover the fee which must accompany the application to the Farm Practices Board, pending legal advice.

Motion carried unanimously.

Mr. Lee Keating was then thanked for appearing before Council and expressing his concerns.

PRESENTATION - TONY CUNNINGHAM RE: C.S.I. SEWER

Mr. Tony Cunningham of Clam Point appeared before the meeting and urged Council to continue with the C.S.I. Sewer Project. Mr. Cunningham made the following points:

- He feels that there are more than 44% of the on-site sewer systems located on Cape Sable Island which are not functioning properly.
- The cost of installing a public sewer system will only increase with time.
- A lot of the smaller lots located on Cape Sable Island would be opened up for development.
- Faulty sewer systems are currently polluting ditches, wells and waterways.

In closing, Mr. Cunningham stated that the Municipality has approved funding and available land for the project, and now is the time to carry out the C.S.I. Sewer Project.

Mr. Cunningham was informed that the Municipality is still researching matters relating to the C.S.I. Sewer Project.

Mr. Cunningham was thanked for appearing before Council and expressing his concerns.

MATTERS ARISING FROM THE MINUTES

C.S.I. Sewer Project

The Clerk informed members that the Project Engineer is currently researching further information on the C.S.I. Sewer Project.

The Municipal Clerk requested clarification on how he should be dealing with the Frelick property and the archeologist that had been engaged to investigate the site.

The Clerk informed members that as a result of the Special Meeting of Council held November 17, 2010 an advertisement will appear in the Coast Guard Newspaper next week advertising for possible sewage treatment plant sites. The deadline for submissions is December 13, 2010, at 4:00 p.m.

Resolution C101128

Moved by S. Hatfield and seconded by C. O'Donnell that the Municipal Council defer the purchase of the Frelick property and any kind of purchase agreement and that the archeologist be advised.

Motion carried unanimously.

CORRESPONDENCE

Locum Coverage Policy

The Clerk informed members that correspondence has been received from the Shelburne County Health Care Professional Recruitment and Retention Committee and the Roseway Hospital Charitable Foundation, both expressing concerns regarding the change to the Locum Coverage Policy which became effective July 1, 2010. There are currently three (3) locums at Roseway Hospital who provide regular coverage to the Roseway Emergency Department. These physicians are not paid for travel time, and now as a result of the change in policy, they are not even compensated for mileage and travel expenses.

During discussion of this matter it was noted that physicians also provide locums in the Barrington area.

Resolution C101129

Moved by L. Halliday and seconded by S. Hatfield that the Municipality send a letter of support of the concerns expressed by the Shelburne County Health Care Professional Recruitment and Retention Committee and the Roseway Hospital Charitable Foundation concerning the recent changes made to the Locum Coverage Policy.

Motion carried unanimously.

Golden Apple Award 2010

Resolution C101130

Correspondence has been received from Doctors Nova Scotia which advised of the Golden Apple Community Award to recognize the important role community groups play in keeping populations healthy.

Resolution C101131

Moved by S. Hatfield and seconded by C. O'Donnell that information be forwarded to organizations in the Municipality of Barrington making them aware of the Golden Apple Community Award.

Motion carried unanimously.

Kids Help Phone

Correspondence has been received from the Kids Help Phone requesting funding.

Resolution C101132

Moved by S. Hatfield and seconded by M. Atkinson that the request for funding received from the Kids Help Phone be forwarded to the budget process.

Motion carried unanimously.

RCMP “H” Division

It was reported that the RCMP 2009/2010 “H” Division Report has been received. The report may be viewed by contacting the Office.

Cookes’ Aquaculture

In advance to the meeting each member was provided with a copy of a letter received from the Town of Shelburne. The Town is requesting the Municipal Council’s support for an expansion of aquaculture for the Shelburne area. Cookes Aquaculture has been operating in and around Shelburne Harbour for a number of years and is now making applications to expand its aquaculture business.

Resolution C101132

Moved by L. Halliday and seconded by C. O’Donnell that the request received from the Town of Shelburne regarding Cooke Aquaculture be referred to the Committee of the Whole for further discussion and that the Municipal Clerk gather additional information.

Motion carried unanimously.

REPORT OF COUNCILLORS

Councillor Louise Halliday

Councillor Halliday gave a brief report on her activities since the last meeting of Council.

Councillor Murray Atkinson

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

Councillor Shaun Hatfield

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

Councillor Cecil O’Donnell

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

Hiring Committee Report

Councillor Cecil O'Donnell reported on the recommendations of the Hiring Committee Meeting held November 10, 2010.

Resolution C101133

Moved by M. Atkinson and seconded by S. Hatfield that the Municipality hire Stacey Chetwynd as the Arena Services Technician.

Motion carried unanimously.

Committee of the Whole Council Meeting, November 15, 2010

Councillor O'Donnell reported on the recommendations of the Committee of the Whole Council Meeting.

Ombudsman's Report

Resolution C101134

Moved by S. Hatfield and seconded by L. Halliday that the Municipality draft a policy to regulate the provision of Economic Development Grants in future, and that the Ombudsman's Office be informed that this policy is being drafted as recommended by them.

Motion carried unanimously.

Cape Sable Long Distance Charges

Resolution C101135

Moved by S. Hatfield and seconded by M. Atkinson that a letter be sent to Aliant regarding the long distance charges for the 745 exchange and requesting that the same local calling area access be provided to the 745 exchange as is now experienced in the 637 exchange.

Motion carried unanimously.

Resolution C101136

Moved by M. Atkinson and seconded by C. O'Donnell that a letter be sent to the Town of Clark's Harbour suggesting a similar request for local and long distance charges from Aliant.

Motion carried unanimously.

Building for Indoor Soccer

The committee received correspondence from Mr. John Shaar regarding the acquisition by the Municipality of a building to be used for indoor soccer. It has been suggested that a building having an area of at least 100' X 200' be obtained so that an indoor soccer program can be conducted.

Resolution C101137

Moved by S. Hatfield and seconded by C. O'Donnell that the Municipality notify Mr. John Shaar who is the resident making this request that it will be considered when the Municipality reviews its Capital Investment Plan and thanking him for his suggestion.

Motion carried unanimously.

High Speed Internet Service

Resolution C101138

Moved by L. Halliday and seconded by M. Atkinson that the Municipality send a letter to the Province indicating that their Broadband for Rural Nova Scotia Initiative does not appear to have provided adequate results in the Bear Point, Shag Harbour and Wood's Harbour areas and that this matter be further addressed by the Province.

Eastlink Holiday Greetings

Resolution C101139

Moved by C. O'Donnell and seconded by S. Hatfield that the Warden attend at the Eastlink Office in Yarmouth for the purpose of taping a holiday greeting for residents of the Municipality on behalf of Council, and that his expenses for this purpose be paid by the Municipality.

Motion carried unanimously.

Community Meeting

Resolution C101140

Moved by S. Hatfield and seconded by M. Atkinson that the Municipality make arrangements to conduct a council meeting at the Stoney Island Community Hall in District 5 during the month of January 2011 for the purpose of receiving community comments and input.

Motion carried unanimously.

REPORT OF WARDEN

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

School Cutbacks

The Warden informed members that it has been reported in the news media that the Department of Education is requesting School Boards to provide for budget cutbacks of 22% for the next three years.

Resolution C101141

Moved by L. Halliday and seconded by S. Hatfield that our School Board representative, Mrs. Andrea Huskilson-Newell, be invited to meet with Council to discuss School Board cutbacks.

Motion carried unanimously.

Resolution C101142

Moved by S. Hatfield and seconded by L. Halliday that the School Board representative, Andrea Huskilson-Newell, also be asked if she would consider discussing questions members may have relating to the C.S.I. schools.

Motion carried unanimously.

Police Advisory Board

Question was raised as to whether or not Matthew Crowell was still interested in serving on the Policy Advisory Board.

Members were advised that a letter was forwarded to Mr. Crowell to determine his interest.

Moved by L. Halliday and seconded by S. Hatfield that if no response is received from Mr. Crowell within one week then an advertisement be placed in the Coast Guard Newspaper to fill the vacancy on the Police Advisory Board.

Motion carried unanimously.

REPORT OF CLERK-TREASURER

The Clerk-Treasurer gave a brief report on his activities during the month of October 2010.

NEW BUSINESS

First Reading - Amendments to By-law No. 25 "Tax Exemption By-law"

Proposed amendments to By-law No. 25 "Tax Exemption By-law" was circulated to members in advance to the meeting. Proposed amendments will provide a tax exemption to the Barrington Ground Search and Rescue Group for their property located in Barrington Passage. Non profit community and charitable organizations will be exempt of the responsibility for payment of rates and taxes, exclusive of area rates, sewer charges, services charges and any other special levies, and schedules to the policy will be amended to delete properties which no longer qualify for the exemptions, and to add the Barrington Ground Search and Rescue Group.

Resolution C101143

Moved by S. Hatfield and seconded by M. Atkinson that proposed amendments to By-law No. 25 “Tax Exemption By-law” be approved in first reading.

Motion carried unanimously.

First Reading - Amendments to By-law No. 9 “Peace, Order, Mischief Nuisances”

It is proposed that amendments be made to By-law No. 9 “Peace, Order, Mischief Nuisances” as follows:

- Existing wording of “Section 1, 2(1), and Section 2(3)” will be deleted and replaced with the following wording:
 1. No person shall without reasonable cause use a sound transmitting apparatus to make any disturbing noise in any public way or place or in the vicinity thereof in the Municipality between the hours of eleven o’clock p.m. and seven o’clock a.m.
 2. (1) Except between the hours of seven o’clock a.m. and eleven o’clock p.m., no sound transmitting apparatus shall be operated in the Municipality so that the sound transmitted is projected beyond the distance of five hundred (500) feet.
 2. (3) This section shall not apply to any sound transmitting apparatus used:

Resolution C101144

Moved by S. Hatfield and seconded by C. O’Donnell that proposed amendments to By-Law No. 9 “Peace, Order, Mischief Nuisances” be deferred until after Section 172(1)(d) of the Municipal Government Act has been reviewed.

Motion carried unanimously.

Temporary Borrowing

The Clerk reported that it may be necessary to provide for a temporary loan for the purposes of defraying the current annual expenditures of the Municipality.

Resolution C101145

Moved by L. Halliday and seconded by C. O’Donnell that steps be taken to put in place a \$1.5 Million Dollar line of credit with the Canadian Imperial Bank of Commerce to be used if needed for the purposes of defraying the annual current expenditures of the Municipality.

Motion carried unanimously.

Banking Services

The Clerk informed members that steps will be taken to transfer banking services from the Royal Bank of Canada to the Canadian Imperial Bank of Commerce effective December 15, 2010.

ADJOURNMENT

Moved by C. O'Donnell that the meeting adjourn.

The meeting was adjourned at 8:55 p.m.

Warden

Clerk

____ Secretary for the Meeting

On website November 24, 2010.