

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 25, 2011.

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

### DECLARATIONS OF CONFLICT OF INTEREST

There were no declarations of conflict of interest.

### APPROVAL OF MINUTES

**Moved** by M. Atkinson and seconded by C. O'Donnell that the minutes of the meeting held July 11, 2011 be approved as circulated.

Motion carried unanimously.

**Moved** by C. O'Donnell and seconded by C. Stoddard that minutes of the Special Meeting of Council held July 18, 2011 be approved as circulated.

Motion carried unanimously.

### WESTERN COUNTIES REGIONAL LIBRARY PRESENTATION

Mr. Gary Archibald, Chair, and Ms. Erin Comeau, Executive Director, of the Western Counties Regional Library, appeared before Council to make a presentation concerning the Library.

Mr. Archibald reviewed the funding being provided by the Library and circulated two written sheets with information pertinent to funding. At the present time the Province provides 76% of the Library funding, the Municipality 21%, and the Library raises 3% of the funding itself. The Province indicated in its calculations that the population of the area covered by the Western Counties Regional Library had decreased by 995 persons. As a result, the total funding was \$21,500.00 less. The Province reduced their funding by \$16,100.00 and the Municipality's portion was to be reduced by \$5,400.00. The Library has asked the municipalities to maintain their funding at the previous years' level.

Mr. Archibald indicated that two positions had not been filled so that staff were cut back as a result of the reduction in funding.

The information provided by Mr. Archibald indicated that the 2006 population numbers had been adjusted downward for the Municipality of Barrington to 7,107 for the previous year and to 7,061 for the 2011/2012 fiscal year. The population figures for the area were contained on one of the sheets circulated.

Ms. Comeau then reviewed the performance of the Barrington Municipal Library. Circulation is up in 2011. There has been a teen group being coordinated within the Library. Books are also now being delivered to Bay Side Home seniors. There is a Boys Night Out Program that is conducted weekly. There is also a Well Reading Challenge Program that is being conducted in coordination with the RCMP. The Friends of the Library Group are an active fundraising group in this area. The Library is open 33 ½ hours per week which is the same number of hours as the previous year and it continues to have the same staff compliment. At the present time the Library could not afford to be open more hours as it does not have adequate funding. Last year the Library introduced e-books and audio books and this program seems to be fairing well. Mr. Archibald indicated that in the next year a strategic plan will be developed and public input and municipal input will be sought for this plan.

#### Resolution C110725

**Moved** by L. Halliday and seconded by D. Messenger that a letter be sent to our MLA expressing concerns with the funding cutbacks by the Province for regional libraries.

Motion carried unanimously.

Having completed their address to Council, Mr. Archibald and Ms. Comeau then retired from the meeting.

#### SECOND READING - DRAFT NOISE BY-LAW

The second reading of the Draft Noise By-Law had been previously advertised in the local newspaper, as required. The Draft Noise By-Law had previously been circulated to members and discussed several times at Committee of the Whole meetings. Members were informed this evening they can accept the by-law as drafted, they can reject the by-law, they can amend the by-law, or they can refer it to committee for further consideration.

Members were informed that there had been comments received on the by-law, by email, at the Municipal Office and by councillors. These comments had been previously circulated to all members for their information and review.

The Warden then asked if there were any public members wishing to make presentation regarding this matter this evening.

Mr. Bernie Wise and Mrs. Joan Wise then addressed the matter to Council. The Wises are residents of the community of Barrington and have had some experience with noisy parties over the last few years. They are not satisfied with the response that has been received from the RCMP in addressing these matters.

Members then continued on to the next subject on the agenda and agreed to return to discussion of the Draft Noise By-Law after dealing with that matter.

#### VARIANCE REQUEST

Mr. Blaine Hirtle, who owns a property at 51 Old Post Road, has requested a variance from Council for the front yard setback in order to construct a storage building on his property. Mr. Hirtle wishes to have the setback reduced from 25 feet to 10 feet from the front yard line. All residents living within 30 meters of Mr. Hirtle's property have been notified as required by municipal by-laws.

No written responses have been received from adjacent property owners, however, two adjacent property owners visited the Municipal Office to make comment. The first was Mr. Stephen Atwood whose residence is adjacent to Mr. Hirtle's. Mr. Atwood stated he did not have any concern with the storage building being constructed or the variance being granted, however, he was concerned that an old road that formerly crossed Mr. Hirtle's property and the next property was no longer shown on the property plans. This road provided access to property owned by Mr. Sidney Spencer which is adjacent to the Hirtle property and behind the Atwood property. This afternoon Mr. Sidney Spencer also called indicating that he was concerned that the old road that had previously been shown on maps was no longer shown on the Property Records Database. This is the only access he has to the property he owns adjacent to the Hirtle's property. As a result, queries have been made to the Assessment Office Mapper and to the Department of Transportation regarding this old road. It has yet to be determined by the Department of Transportation whether this is a public road or not. It would be advisable to obtain this information prior to making any further decisions regarding the variance request. It would not be advisable to make a decision and then have Mr. Hirtle not be able to obtain a permit as a result of D.O.T.'s information.

#### Resolution C110726

**Moved** by D. Messenger and seconded by C. O'Donnell that a letter be sent to Blaine Hirtle indicating that the matter has been deferred to a subsequent Council meeting until further information is received regarding the old road from the Nova Scotia Department of Transportation.

Motion carried unanimously.

#### NOISE BY-LAW CONTINUED

The present Noise By-Law was reviewed for the information of members and the process for amending by-laws and for putting in place new by-laws was also reviewed for information of members and the public. It was suggested that the matter of noisy parties be brought to the attention of the Police Advisory Committee and discussed with the local RCMP Detachment CO at that time. Enforcement is a matter that should be discussed in that forum.

**Moved** by C. Stoddard and seconded by C. O'Donnell that the Noise By-Law be approved in second reading.

**AFFIRMATIVE**

George El-Jakl  
Cecil O'Donnell  
Cathy Stoddard

**NEGATIVE**

Murray Atkinson  
Louise Halliday  
Shaun Hatfield  
Donne LeBlanc-Messenger

Motion defeated.

**Resolution C110727**

**Moved** by L. Halliday and seconded by M. Atkinson that the Noise By-Law be placed on the Committee of the Whole agenda after consultation with the local RCMP Detachment regarding enforcement of the by-law.

Motion carried unanimously.

**MATTERS ARISING FROM THE MINUTES**

**Proposed Bill 41 Re: Dangerous and Unsightly Premises**

Correspondence has been received from the Minister regarding Bill 41 and the changes that have been made to the Municipal Government Act as a result. The Minister indicates in his correspondence that it is not believed the amendments will result in increased expenditures to the Municipality and the change to the definition will clarify existing legislation, and it can be argued that municipalities always have the right to deal with these matters.

No further comment was made regarding these changes.

**Lighthouse Road in Baccaro**

Correspondence has been received from the local D.O.T. Supervisor by email. In this correspondence he indicates that the Lighthouse Road is in their three year RIM Program to be graveled in 2012. He also indicates that if money is left over this year he will try to have some or all of it graveled in the current year.

Resolution C110728

**Moved** by C. O'Donnell and seconded by C. Stoddard that a letter be sent to the Nova Scotia Minister of Transportation and the Premier of Nova Scotia requesting emergency funding to upgrade Lighthouse Road in Baccaro.

Motion carried unanimously.

It was also brought to the attention of Council that the area in front of the mail boxes in Clam Point is in need of having gravel added to that location.

Resolution C110729

**Moved** by S. Hatfield and seconded by M. Atkinson that a letter be sent to the Department of Transportation in Shelburne requesting that gravel be placed along the shoulder of the road adjacent to the mailboxes located in Clam Point.

Motion carried unanimously.

North East Point Boardwalk and Observation Deck

Council was informed that a Letter of Authority has been received from the Nova Scotia Department of Natural Resources. This Letter of Authority will permit the Municipality to extend the boardwalk at North East Point, and to build an observation deck.

Resolution C110730

**Moved** by S. Hatfield and seconded by M. Atkinson that the Warden and Municipal Clerk be authorized to enter into the agreement with the Nova Scotia Department of Natural Resources to extend the boardwalk and build an observation deck at North East Point.

Motion carried unanimously.

A motion had previously been passed by Council requesting the Taskforce South West group in Yarmouth to support funding of this project through the Nova Scotia Department of Economic and Rural Development. Council has since approved funding for this project through the Municipal Budget, therefore that motion is now redundant.

Resolution C110731

**Moved** by S. Hatfield and seconded by C. O'Donnell that the previous motion requesting funding for the North East Point boardwalk and observation deck through the Department of Economic Development be rescinded.

Motion carried unanimously.

Resolution C110732

**Moved** by S. Hatfield and seconded by C. Stoddard that the Municipality issue a tender for the construction of an observation deck and extension to the boardwalk at North East Point.

Motion carried unanimously.

Tabled Motion Re: C.S.I. Sewer

At the February 22, 2011 Council meeting a motion was made to add three public members to the C.S.I. Sewer Committee. Since the C.S.I. Sewer Project has now been decommissioned this motion is no longer necessary.

Since this is a recommendation from the Committee of the Whole it must be brought forward to Council.

**Moved** by G. El-Jakl and seconded by C. Stoddard that anyone interested in serving on the C.S.I. Sewer Committee be asked to submit their name to the Municipal Office, and that an advertisement be placed in the Coast Guard Newspaper inviting expressions of interest in serving on this committee and that three members be selected to serve.

The division was then requested on this motion.

Motion defeated unanimously.

Resolution C110733

**Moved** by S. Hatfield and seconded by C. O'Donnell that the C.S.I. Sewer Committee be decommissioned as the project has now been terminated.

Motion carried unanimously.

CORRESPONDENCE

Municipal Services Report

Members were informed that the Municipal Services Report for the previous fiscal year has been received. Copies of this report were circulated to members for their information and review. The report is contained on the Nova Scotia Government's website and a written copy of it will be retained in the Municipal Office for subsequent access, if required.

Roseway Medical Clinic

Correspondence has been received from the Municipality of Shelburne indicating the response received from the Minister of Health regarding the funding of the Roseway Medical Clinic. The Minister's response says, in part, that the Department is currently assessing all capital infrastructure proposals in an effort to develop a Capital Infrastructure Plan. Once this process is complete, the Department will be following up with each of the District Health Authorities concerning their respective proposals.

No further comment was made regarding this matter.

Emergency Management Office - Municipal Self Evaluation

The Municipal Self Evaluation of the local Emergency Management Office has been completed. It indicates that the priority areas for action are identifying a replacement Public Information Officer and developing a communications plan to better inform the public during times of emergency. This information has been communicated to the Emergency Management Coordinator and will be addressed by the Emergency Management Group.

Region of Queens Municipal Recycling Facility Fees

Correspondence has been received from the Region of Queens Municipal Recycling Facility. In this correspondence the Municipality of Barrington is informed that the cost of processing blue bag recyclables, as outlined in the agreement with the Region of Queens, will increase from \$162.00 per ton to \$166.46 per ton effective July 1, 2011. This increase represents a percentage equal to the percentage increase in wage rates per Queens Collective Agreement covering their employees. The increase is mandated by the agreement between the municipalities.

Irving Shipbuilding

Correspondence has been received from the Barrington Area Chamber of Commerce. In this correspondence the Chamber expresses support for the Irving Shipbuilding bid for construction for the Canadian Military and Coast Guard vessels over the next thirty (30) years.

Resolution C110734

**Moved** by L. Halliday and seconded by D. Messenger that a letter of support for the Irving Shipbuilding bid be provided as this contract will also positively affect shipbuilding in Shelburne County.

Motion carried unanimously.

REPORT OF WARDEN

The Warden gave a brief report of his activities since the last Council meeting. He also indicated that he has received the Nova Scotia Gaming Corporation's Annual Report for 2010/2011 and this will be kept on file in the Municipal Office for members review.

COUNCILLOR'S REPORT

Councillor Cathy Stoddard

Councillor Stoddard brought forward recommendations from the Committee of the Whole.

Proposed Noise By-Law

Since the recommendation to Council that Paragraph 7(2) be omitted from the Noise By-Law as it is not necessary, received neither a mover or a seconder, therefore the motion was lost.

Paving Lower Portion of McGray Avenue

Resolution C110735

**Moved** by M. Atkinson and seconded by C. Stoddard that an application be submitted to the Nova Scotia Department of Transportation and Infrastructure Renewal for a 50/50 cost sharing project to pave the lower portion of McGray Avenue with the Municipality's 50% funding coming from the Gas Tax Funds.

**AFFIRMATIVE**

Murray Atkinson  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Cecil O'Donnell  
Cathy Stoddard

**NEGATIVE**

George El-Jakl  
Louise Halliday

Motion carried.

Sherose Island Tennis Court

Resolution C110736

**Moved** by C. O'Donnell and seconded D. Messenger that Municipal Staff investigate the cost of a second tennis court at the Sherose Island Recreation Centre.

Motion carried unanimously.

Barrington Passage Sidewalks

Resolution C110737

**Moved** by D. Messenger and seconded by M. Atkinson that Municipal Staff investigate the cost of completing the Barrington Passage sidewalk both in the area in front of the Horizon's Motel and also at the western end of the existing sidewalk continuing up as far as the Courtyard Complex.

Motion carried unanimously.

Highway #3 Shoulder

Resolution C110738

**Moved** D. Messenger and seconded by M. Atkinson that a letter be sent to the Nova Scotia Department of Transportation and Infrastructure Renewal indicating to them that there is no shoulder on the side of the road on Highway #3 in front of the Horizon's Motel area, and that this is a safety issue, especially since the recent location of a new business adjacent to this area and requesting the Department of Transportation to construct the required shoulder at the side of Highway #3.

Motion carried unanimously.

Public Transportation Services

Resolution C110739

**Moved** by C. Stoddard and seconded by D. Messenger that Municipal Staff obtain more information on public transportation services in other municipalities in the Province.

Motion carried unanimously.

Department of Environment De-watering Truck

Resolution C110740

**Moved** by C. O'Donnell and seconded by C. Stoddard that Municipal Staff contact the Department of Environment to discuss the potential pilot project for a de-watering truck proposed by the Minister of Environment.

Motion carried unanimously.

Biosolids Free Nova Scotia

Dr. Marilyn Cameron has sent correspondence to municipal units in the Province requesting that she be permitted to make a presentation at the Union of Nova Scotia Municipalities Conference in the fall regarding the Biosolids Free Nova Scotia Initiative.

Resolution C110741

**Moved** by D. Messenger and seconded by S. Hatfield that a letter be sent to the Union of Nova Scotia Municipalities in support of the request of Dr. Marilyn Cameron to meet with the Union representatives in order to discuss the Biosolids Free Nova Scotia Initiative and make a presentation at the UNSM Conference in the fall.

Motion carried unanimously.

Shorebird Festival Request

Resolution C110742

**Moved** by C. Stoddard and seconded by S. Hatfield that a grant of \$100.00 be provided from the District 7 Community Grants Fund to the Shelburne County Shorebird Festival as one of the tours conducted by that group will be held at The Hawk in District 7.

Motion carried unanimously.

Community Grant Requests

Chapel Hill Historical Society

Several requests have been received from the Chapel Hill Historical Society for Community Grants for various purposes.

Resolution C110743

**Moved** by L. Halliday and seconded by C. O'Donnell that a letter addressing all three requests received from the Chapel Hill Historical Society be forwarded to them indicating that \$1,000.00 has already been granted to them from the District 2 Community Grants Fund, and that the fund has a limit of \$3,000.00 for the current year. As a result, no further funds will be forwarded at the present time. Their grant requests may be further considered at a later date should no further funding be required for that district before the end of the year.

Motion carried unanimously.

Shag Harbour Incident Society

Resolution C110744

**Moved** by L. Halliday and seconded by S. Hatfield that a grant of \$500.00 be provided to the Shag Harbour Incident Society from the District 2 Community Grants Fund.

Motion carried unanimously.

Wood's Harbour Fisherman's Memorial

Resolution C110745

**Moved** by M. Atkinson and seconded by C. Stoddard that a grant of \$1,000.00 be provided from the District 1 Community Grants Fund to the Wood's Harbour Fisherman's Memorial for the purpose of upkeep of the monument.

Motion carried unanimously.

Grants on Website

Resolution C110746

**Moved** C. O'Donnell and seconded by S. Hatfield that a summary of Grants to Organizations and of Community Grants approved by Council be listed on the Municipal Website and updated on a regular basis.

Motion carried unanimously.

Fire Services Advisory Committee

Resolution C110747

**Moved** by C. O'Donnell and seconded by M. Atkinson that a letter be sent to the Fire Services Advisory Committee transmitting their Terms of Reference to them, and also to all of the fire departments, and include a clear statement in the Terms of Reference that minutes of the Fire Services Advisory Committee will be made available for public review and perusal at the Municipal Office when required by the public.

Motion carried unanimously.

Employment Interviews

Resolution C110748

**Moved** by M. Atkinson and seconded by C. Stoddard that Municipal Staff hire casual employees and that the Hiring Committee interview and recommend the hiring of a By-Law Enforcement Officer.

Motion carried unanimously.

Garden Party

Resolution C110749

**Moved** by C. O'Donnell and seconded by S. Hatfield that a letter of response be sent to the Town of Clark's Harbour indicating that the amount granted for the current year is what can be afforded at the present time by the Municipality, and that should circumstances change in another year the amount of the grant may also change.

Motion carried unanimously.

Councillor Murray Atkinson

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

Councillor Louise Halliday

Councillor Halliday gave a brief report of her 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.

Councillor Shaun Hatfield

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

Deputy Warden Donna LeBlanc-Messenger

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

REPORT OF CLERK-TREASURER

The Clerk-Treasurer then reviewed his report for the month of June 2011.

NEW BUSINESS

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Vehicle Tender

The Municipality has advertised a tender for the purchase of a new vehicle for the Property Services Department. The Warden indicated that two tenders have been received. One tender was not a sealed tender and therefore was disqualified. The Warden then proceeded to open the second tender, the only sealed tender that was received. This sealed tender was from Smith & Watt Limited and indicated that they are submitting for consideration of Council a tender for the purchase of a 2009 Dodge Ram, 3/4 ton, regular cab, 4 X 4, with an 8 foot box. The specifications of the vehicle are listed, and the price of the vehicle is \$33,500.00, plus H.S.T.

Resolution C110750

**Moved** by D. Messenger and seconded by C. Stoddard that Municipal Staff evaluate the vehicle tender received and make a recommendation to the next subsequent Council meeting.

Motion carried unanimously.

Hiring Committee Meeting

Applications have been received for the position of By-Law Enforcement Officer. Qualified applicants will be interviewed by the Hiring Committee.

It was agreed by members of the Hiring Committee that interviews would be conducted on Wednesday, August 3, 2011, beginning at 1:00 p.m.

South West Shore Development Authority Creditor's Meeting

A summary of the Creditor's Meeting held on July 20, 2011 was previously circulated to members. The meeting was adjourned until further information is obtained from the Nova Scotia Superintendent of Pensions regarding the pension liability evaluation. It is anticipated this information will be received by August 22, 2011 at which time the Creditor's Meeting will then be reconvened. In any case, the Creditor's Meeting will be reconvened no later than September 16, 2011.

ADJOURNMENT

The meeting was adjourned by mutual consent of members at 10:00 p.m.

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Warden

Secretary for the Meeting

**On website July 27, 2011.**