

COMMITTEE OF THE WHOLE COUNCIL MEETING

April 8, 2013

The meeting was called to order by the Deputy Warden at 6:15 p.m., in the Conference Room, in the Administrative Centre, in Barrington, N.S., with the following members present:

- Donna LeBlanc-Messenger, Chair
- Jody Crook
- George El-Jakl
- Shaun Hatfield

- Brian Holland, Municipal Clerk

CLOSED SESSION RE: FORMER BMHS LEGAL MATTER

Absent was member Lindsay (Eddie) Nickerson who had declared a conflict of interest in this matter at a previous meeting due to his friendship with the plaintive in the case.

The purpose of this meeting was to update members of the progress of litigation taking place in connection with the sale of the former BMHS property. This claim against the Municipal Solicitor was read to the members, as well as portions of the Municipal Solicitor's defence to the claim.

Members further discussed this matter at some length, and the progress being made in the litigation.

ADJOURNMENT

The meeting was adjourned by mutual consent of members at 6:55 p.m., at which time the public was invited to attend, and the meeting entered into Open Session.

OPEN SESSION

At 7:00 p.m., the Open Session of the scheduled Committee of the Whole meeting was called to order by the Deputy Warden.

The Deputy Warden updated members on the Closed Session that had just been completed and then invited the Warden who had joined the Open Session to then Chair the meeting.

The Warden then assumed the Chair of the meeting.

ADDITIONS TO THE AGENDA

The following items were added to the agenda:

- April 23rd Meeting.
- Nurse Practitioner.
- Department of Transportation.

APPROVAL OF AGENDA

Moved by G. El-Jakl and seconded by D. Messenger that the agenda be approved as amended.

Motion carried unanimously.

APPROVAL OF MINUTES

Moved by J. Crook and seconded by S. Hatfield that minutes of the meeting held March 18, 2013 be approved as circulated.

Motion carried unanimously.

REGION 6 SOLID WASTE MANAGEMENT COMMITTEE

Valda Walsh, the Region 6 Solid Waste Coordinator, appeared before the meeting for the purpose of making a presentation on behalf of the Region 6 Solid Waste Management Committee. She reviewed the composition of Region 6, its purpose and what it does in managing solid waste in the thirteen (13) member municipal units. During her presentation she indicated that 38 of 54 municipal units in the Province are using clear bags to collect residual waste. She indicated that there was funding available to pay the cost of rewriting by-laws by municipal units. Upon questioning, she indicated that clear bags reduce the amount of organics deposited in landfills from between 18% to 32%, and reduce the amount of residuals deposited in landfills by up to 36%. It was also indicated that even with the use of clear bags the use of one dark or opaque bag is still provided for personal use items to be discarded. It was also indicated that the implementation process varies from a period of a few months to as much as six months before enforcement is put in place. In regards to the bottle deposit system, it was indicated that the HRM proposal is being studied and reviewed for its practicality before any changes are being made. The Nova Scotia Department of Environment and the RRFB are investigating the proposal and any improvements that may be made to the current program.

Having completed her discussion of waste management, Ms. Walsh was then thanked for her presentation and retired from the meeting.

YARMOUTH HOSPITAL FOUNDATION REQUEST

Each year the Yarmouth Hospital Foundation hosts an Annual Spring Gala at the Mariners Centre in Yarmouth. The Foundation sells seats at this event at a price of \$150.00 each. There are usually 8 seats at a table which brings in revenue of \$1,200.00 per table. Each municipality is asked to sponsor and sell tickets for one full table. In previous years the Municipality of Barrington has made a donation equivalent to the cost of one table of \$1,200.00, and has asked the Foundation to sell the tickets in addition.

Resolution COW130401

Moved by G. El-Jakl and seconded by J. Crook that it be recommended to Council that the Municipality provide a donation of \$1,200.00 to the 9th Annual Spring Gala being sponsored as a fundraiser for the Yarmouth Hospital Foundation, and that the Foundation be requested to sell the 8 tickets to the public at the table sponsored by the Municipality.

Motion carried unanimously.

COMMITTEE MEMBERSHIPS

At the Nominating Committee Meeting in November of 2012, membership on the EMO Executive, the Hiring Committee and the Audit Committee was deferred for consideration to a later time. The purpose of deferring the appointment of these committee members was to allow Council time to amend the requirements for these committees. The committees are now required to have no more than two (2) council members on each of them.

The membership on these committees was then discussed by members.

Resolution COW130402

Moved by G. El-Jakl and seconded by J. Crook that it be recommended to Council that the following members be appointed:

- EMO Executive Committee - Warden Nickerson, Councillor Hatfield
- Hiring Committee - Councillors El-Jakl and Hatfield
- Audit Committee - Warden Nickerson, Deputy Warden Messenger

Motion carried unanimously.

JACK MESSENGER RE: GOOSE LAKE ROAD

Mr. Messenger appeared before the meeting for the purpose of making a presentation regarding the proposed annual charge for the maintenance of the Goose Lake Road.

Conflict of Interest

Donna LeBlanc-Messenger declared conflict of interest in the matter as she is a property owner in the area. Councillor Messenger then retired from the meeting room.

Mr. Messenger informed members that he is a landowner at Goose Lake, and he believes the proposed method of implementing an annual charge for the maintenance of the road is unfair to some owners. He believes it would be fair to base the charge on assessment rather than on property ownership. Mr. Messenger indicated that his experience with his lawyer has produced an anomaly in ownership details. Legal migration of the properties will affect the number of assessments for each property owner in the area because these lands have various degrees of ownership rights that have developed over the years. Different assessments may be assigned to small pieces of property. This will cause property owners to have a number of assessments even though they have no additional properties. If the proposed charge is put in place based on ownership of properties, there will become unfair charges to certain property owners in the area.

Mr. Messenger was thanked for his comments regarding the proposed charge.

GOOSE LAKE ROAD

Members then entered into further discussion regarding the Goose Lake Road and the proposed by-law required to put in place an annual maintenance charge for the road.

As a result of previous discussions, information had been forwarded to the Municipal Solicitor regarding the implementation of a by-law. The purpose of the by-law would be to put in place an annual charge for the maintenance of the Goose Lake Road upon all property owners in the defined area. The Municipal Solicitor reviewed the matter and provided the following advice:

1. In order to put the proposed area rate in place, a petition is required under Section 81(3) of the Municipal Government Act, and must be signed by the persons required under paragraphs 1 or 2 of this Section. The letter that had been previously circulated to members had provided two options with no monetary values indicated and therefore did not constitute a satisfactory petition.
2. There must be a fair method of determining which lot owners should be charged, such as all lots meeting sufficient size requirements as indicated in Section 81(3)(a) for example.
3. The Society should be in good standing and it currently is not.
4. The Act requires the cost to be incurred, therefore the Municipality must pay the actual cost itself, or only reimburse costs actually incurred by the Society. This means there should be some system of proof required.

Members were also provided with additional information regarding the ownership of properties and the assessment of properties in the Goose Lake area. There are a total of 63 property owners in the area, excluding the Municipality. The 63 property owners have 71 property assessments. There are 5 property owners who own multiple properties. At the present time there are 24 vacant properties in the area. Thirteen (13) of the property assessments are for \$10,000 or less.

Members were also informed that the assessment of the 71 properties amounts to \$3,693,500.00. At a rate of \$0.10 per \$100.00 of assessment, this would provide an annual revenue of \$3,693.50. Members then discussed the information received, and were in agreement that further consultation would be necessary with the Goose Lake Association executive in order to develop a satisfactory proposal for a by-law.

Resolution COW130403

Moved by S. Hatfield and seconded by J. Crook that it be recommended to Council that Municipal Employees further consult with the Goose Lake Association to develop a satisfactory by-law proposal.

Motion carried unanimously.

Having dealt with this matter, residents of the Goose Lake area who were in attendance then retired from the meeting.

Deputy Warden Messenger then returned to the meeting

SENIOR SERVICES PROGRAM

Correspondence has been received from the Senior Safety Coordinator for Shelburne County. In this correspondence she has indicated the funding that is required from all municipal units and from the Provincial Government in order to continue funding the Senior Services and Senior Safety programs for the next three years. Funding is being requested of the five Shelburne County municipal units in the amount of \$18,924.00 each year for the next three year term. By funding the program for a three year term it will allow Senior Services to plan for and provide better services over that period of time. The Municipality of Barrington's contribution being requested is \$8,515.86 per year.

Members then discussed the services provided by the Senior Services Program to the Municipality, as well as throughout the County.

Moved by G. El-Jakl and seconded by J. Crook that it be recommended to Council that the Municipality fund the Senior Services Program as requested in the amount of \$8,515.56 per year for each of the next three years..

Moved by S. Hatfield and seconded by J. Crook that the motion be amended to include a condition that the Municipality provide funding for the three year period on condition that the provincial funding is also obtained in each year.

The division was then requested on the amendment.

Amendment carried unanimously.

The division was then requested on the amended motion.

The amended motion now reads as follows:

Resolution COW130404

“...that it be recommended to Council that the Municipality fund the Senior Services Program as requested in the amount of \$8,515.56 per year for each of the next three years, on the condition that the provincial funding is also obtained in each year.”

Motion carried unanimously.

PHYSICIAN RECRUITMENT

Information regarding the Municipality's efforts to have Bill 54 amended through the Nova Scotia Legislature was provided to members. This included correspondence received from the Minister of Health regarding the various pitfalls involved in recruiting students who wish to become physicians.

The Warden indicated that he had discussed the matter with the MLA, and it is still the intention of our MLA to promote the amendment of this Act through the legislature.

There then ensued some discussion regarding consultation with the Municipal Solicitor concerning potential Return of Service agreements with students, and the ability of the Municipality to provide assistance to students under the proposed amended Act.

Resolution COW130405

Moved by S. Hatfield and seconded by D. Messenger that Municipal Staff contact the Municipal Solicitor regarding the amendment of Bill 54 by the Nova Scotia Legislature enabling the Municipality to enter into Return of Service agreements with students who wish to become physicians.

Motion carried unanimously.

OLD COURT HOUSE HEATING

Members were informed that the Warden had toured the Old Court House together with the Director of the Cape Sable Historical Society.

Members were also informed that Municipal Employees had cleaned up the basement of the building and removed all unnecessary partitions and equipment. They have also improved the seals around doors and weather stripping and caulking within the building.

Members were informed that a representative from the Nova Scotia Department of Heritage and Culture will be touring the building sometime in the near future, and that it may be advisable for the Committee to wait until this individual has completed a review of the building before any further action is contemplated.

MAYOR/WARDEN DISCUSSIONS

Information was previously circulated to members regarding the legal requirements and authorities of a mayor compared to a warden, and also regarding the wages of mayors and wardens throughout the Province, and in particular the Tri-County area.

WHEREAS the Municipality of Barrington holds the highest respect for democratic processes and outcomes;

AND WHEREAS through plebiscite a majority of districts and voters in the Municipality of Barrington opted for governance with a mayor elected directly by citizens;

AND WHEREAS the Municipal Government Act confers equal authority and responsibility to the mayor or warden expressly stated in Section 15 that:

1. The Mayor or Warden shall preside at all meetings of the Council.
2. During the temporary absence of the Mayor or Warden the Deputy Mayor or Deputy Warden shall preside, and if neither is present Council may appoint a person to reside from among the Council members present.
3. The Mayor or Warden may:
 - a. Monitor the administration and government of the Municipality; and
 - b. Communicate such information or recommend such measures to the Council as will improve the finances, administration and government of the Municipality.

AND WHEREAS the Municipal Government Act provides no legal differences between a mayor or warden, and that the only real difference is in the selection process as being either by Council (Warden) or citizens (Mayor);

THEREFORE it is moved by S. Hatfield and seconded by D. Messenger that it be resolved that Barrington Municipal Council replace the warden system of governance with that of a mayoral system of governance whereby future chairs/heads of Council will be elected directly by citizens within the Municipality of Barrington, and that this governance change be made effective for the next municipal election in October 2016.

There then followed some discussion of this motion among members. Questions were raised whether or not residents wished to have a full-time mayor or a part-time mayor, and what the remuneration would be required to attract capable candidates.

Resolution COW130406

Moved by S. Hatfield and seconded by J. Crook that consideration of this motion be deferred to the next Committee of the Whole meeting.

AFFIRMATIVE

Jody Crook
Shaun Hatfield
Donna LeBlanc-Messenger
Lindsay (Eddie) Nickerson

NEGATIVE

George El-Jakl

Motion carried.

Members then discussed a Notice of Motion that had been circulated by Councillor Hatfield, by email. It was agreed that this motion would not be introduced at this time but would follow at a subsequent meeting.

RECREATION DEPARTMENT POLICY AMENDMENTS

It is proposed that the Recreation Department policies be consolidated into one policy for ease of use and reference. This policy will be included with the operating policies of the Municipality.

Resolution COW130407

Moved by G. El-Jakl and seconded by S. Hatfield that Council be given notice at their next subsequent meeting that Recreation Policies of the Municipality will be consolidated into one Recreation Department Policy, which will be included as part of the Municipality's Operating Policies.

Motion carried unanimously.

CSI CAUSEWAY AND SANDSPIT

This matter was brought to the attention of members in order to determine what actions have been taken in the past in regards to the Cape Sable Island Causeway and the sand that is migrating along the shores of Cape Sable Island to North East Point adjacent to the Causeway.

Members requested that information be provided to them indicating what actions have been taken in the past.

Resolution COW130408

Moved by D. Messenger and seconded by S. Hatfield that information regarding the previous actions of Councils in regards to the Cape Sable Island Causeway and the migration of sand to that area be forwarded to councillors as well as Mr. Wilfred Mader.

Motion carried unanimously.

Resolution COW130409

Moved by S. Hatfield and seconded by J. Crook that it be recommended to Council that Nova Scotia Power Inc. be contacted and requested to meet with Committee of the Whole to discuss the possibility of construction of an electric power generator being installed at the Cape Sable Island Causeway.

Motion carried unanimously.

APRIL 23RD MEETING

Members were advised that there is a meeting conflict on April 23rd. A Planning Meeting is scheduled on that evening. Also scheduled for that evening is the Municipality's Annual Volunteer Dinner being held at the Woods Harbour Community Centre.

It was the consensus of members that the Municipality's Planning Meeting would be rescheduled for Thursday, April 25th, at 7:00 p.m.

NURSE PRACTITIONER

It had been suggested to a member by residents that it might be advisable to have the Nurse Practitioner work out of the Municipality's Community Health Centre.

Members were informed that the Nurse Practitioner had originally been working out of the Community Health Centre, but the District Health Authority had decided to move the Nurse Practitioner to their rented facilities at the strip mall in Barrington Passage, and by working at that location the Nurse Practitioner was in closer cooperation with other nurses in the area, including the VON and the Public Health Nurse. The Nurse Practitioner would also have quicker and easier access to District Health Authority supplies by working out of that facility.

DEPARTMENT OF TRANSPORTATION

Members were informed that Spruce Drive has not yet been ditched as promised by the Department of Transportation. D.O.T. will be contacted and members will be informed what their plans are for the ditching of their portion of Spruce Drive.

POLICY 52 "COUNCIL MEETINGS AND PROCEEDINGS POLICY"

Having reached the hour of 10:00 p.m., it was consensus of members that they continue until the business of the meeting is completed.

Members discussed the content of Policy 52 and the potential for amendments to that policy.

There was much discussion regarding the use of Closed Sessions and the recording of Closed Sessions.

It was the consensus of members that in future Closed Sessions will be conducted as separate council or committee meetings depending on the circumstances.

It was the consensus of members that recording of these meetings separately would better serve the public interest.

ADJOURNMENT

The meeting was adjourned by mutual consent of members at 10:09 p.m.

Chair

Secretary for the Meeting

