

COMMITTEE OF THE WHOLE COUNCIL MEETING

January 20, 2014

The meeting was called to order by the Chair at 6:00 p.m., in the Conference Room, in the Administrative Centre, in Barrington, N.S., with the following members present:

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

- Brian Holland, Municipal Clerk
- Donald Harding, Municipal Solicitor

ADDITIONS TO THE AGENDA

The following items were added to the agenda:

- Port Clyde Fire Department.
- C.S.I. Elementary School.
- Bill.

APPROVAL OF AGENDA

Moved by E. Nickerson and seconded by J. Crook 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 January 13, 2014 be approved as circulated.

Motion carried unanimously.

MUNICIPAL SOLICITOR CONSULTATION RE: MUNICIPAL POLICIES, GOVERNANCE, AND GENERAL DISCUSSION

Members then discussed conflict of interest advice that had been sought from the Municipal Solicitor by the Warden. This advice related to any possible conflict of interest developing as a result of councillors determining whether or not a warden would be elected for the Municipality in the future, and any individual councillor subsequently determining that they wished to stand for this position.

Members were advised that each councillor must determine, individually, if they are in conflict under any given circumstances. In seeking advice, the best method to use would be to ask Council first for approval before obtaining advice from the Solicitor, so that it was determined beforehand whether or not this advice would be paid for by the Municipality or by the individual councillor. The Solicitor informed members that he usually assumed when asked by a mayor or warden for advice that they had Council's authority to do so.

Councillors expressed concern that they did not always see the actual advice provided by the Solicitor. This advice was provided in a "paraphrased" response. Councillors would like to see the actual written communication from the Solicitor provided to individual councillors in Closed Session if it concerns confidential subjects.

The Solicitor agreed to discuss grievance procedures as contained in the Municipal Personnel Policy.

CLOSED SESSION

Resolution COW1401

Moved by E. Nickerson and seconded by J. Crook that the meeting enter into Closed Session for the purpose of discussing a personnel matter as defined under Section 22(2) of the Municipal Government Act.

Motion carried unanimously.

Having completed their discussion of this matter, members then returned to Open Session and then discussed additional legal advice that had been received by the Warden from the Solicitor. This advice concerned a Council meeting without the presence of staff. It was suggested that this could be done as long as the meeting was informal, and no decisions were made at such meetings. These would be ad hoc committee meetings of councillors held informally. Standing Committees of Council would require that the Clerk or a delegate of the Clerk attend, while it was stated that ad hoc committee meetings were a different circumstance and would not require the presence of staff.

It was the general consensus of members that a daytime meeting to discuss these matters should be scheduled sometime in the near future as this would provide councillors more time to discuss the matter with the Municipal Solicitor. For this purpose, a meeting will be scheduled sometime in the near future.

Having completed their discussion for this evening, the Solicitor then retired from the meeting at 7:30 p.m.

SHELBURNE COUNTY TOURISM

Brenda Maxwell, President of the Shelburne County Tourism Association appeared before the meeting together with Charlene Harris, Association Director; Suzy Atwood, Tourism Coordinator; and Darren Hudson.

It was confirmed that the Town of Shelburne and the Town of Lockeport have both withdrawn support from the Tourism Coordinator position effective April 1, 2014.

Mrs. Maxwell also informed members that the Tourism Association is seeing an increase in the number of visitors to Shelburne County. She mentioned some of the project successes that they have experienced recently which included the geocaching project and their internet presence. It was indicated that now that the ferry is being reinstated in Yarmouth this is not the time to be discontinuing support for the Tourism Coordinator position.

Recently, a Nova Star advertising promotion had been circulated to the Tourism Association members and is being prepared and receiving support from the Association. With the expansion of the ATV trail in the Municipality and throughout the County, there is further potential for increasing tourism traffic in the area.

It was indicated that the five year plan previously developed was a general guide. The Association is asking the Municipality to continue with the plan, and the Tourism Coordinator position, as requested for another five years. It is believed the tourism operators and the County would be in a significant disadvantage if this position is lost.

Members asked the Tourism Association representatives if the Tourism Coordinator position could be maintained on a smaller budget. The response is that this cannot be done and the budget can only be reworked if they have no other choice but to do so. It was indicated that the Association believes the Municipality of Barrington has made a commitment of \$18,000 per year and that the Town of Clark's Harbour has made a commitment of \$2,000 per year. It was indicated that at least another \$20,000 would be required. The Association made a presentation to the Municipality of Shelburne Committee of the Whole meeting last week and they are still supporting the Tourism Coordinator position. The Association is now developing plans to be approved by its Board for the coming year. The Association wishes to know that it has the support of at least the three remaining municipal units in the County before preparing a budget. It was indicated by a member that councillors are frequently asked what are we getting for our investment in this Association. It was questioned what is the Association's vision for tourism in the future in Shelburne County. The Association President requested that the Tourism Coordinator position be supported for at least another two year term in order to provide time to achieve some of the goals identified in its plan. It was indicated that the Tourism Association will also be speaking with the Town of Clark's Harbour in the very near future. The Town of Clark's Harbour will be requested by the Association to confirm its support to the Municipality of Barrington.

Having completed their discussion of the matter, representatives from the Tourism Association retired from the meeting at 8:20 p.m.

BARRINGTON REGIONAL CURLING CLUB

The Barrington Regional Curling Club was unable to have a member present for a report this evening. A brief email report was received from the Club's President indicating that the dehumidifier is now working satisfactorily, and an alternative has been found to replace the Freon gas in the dehumidifier, when necessary.

TOURISM CONTINUED

Members continued to discuss various options for tourism promotion in the Municipality. These included the possibility of having a fulltime Tourism Coordinator for the Municipality only.

It was suggested that in order to justify the cost of a fulltime employee it would be necessary to have the tourism duties combined with other municipal initiatives. The individual that would be hired would be required to fulfill multiple roles including the tourism initiative.

TOWN OF SHELBURNE LETTER RE: TOURISM COORDINATOR

The December 18th letter received from the Town of Shelburne was accompanied with the agenda. In addition, the Warden provided a copy of a letter he had received today from the Town of Shelburne. In this letter the Town indicated that they had passed a motion to notify the Municipality of Barrington and the Shelburne County Tourism Association that they will not be contributing to the funding of a Tourism Coordinator. The Town of Shelburne is providing formal notification that the Town will not continue to fund the position of Tourism Coordinator for the Shelburne County Tourism Association after the expiry of the current agreement on March 31, 2014.

It was the consensus of members that this matter should be placed on the agenda of the next Committee of the Whole meeting for further discussion.

DR. YEE OFFICE RENT

The Municipality has an agreement to pay rent for an additional office adjacent Dr. Yee's main medical office. This agreement is reviewed on an annual basis.

Resolution COW140108

Moved by D. Messenger and seconded by J. Crook that it be recommended to Council that the Municipality renew its agreement with Dr. Yee to pay a portion of the rent on the adjacent office until Dr. Baker moves into the office on a permanent basis.

Motion carried unanimously.

DESIGNATION UNDER THE FENCES AND DETENTION OF STRAY LIVESTOCK ACT

Members discussed the potential benefit of designation under this Act.

Resolution COW140109

Moved by E. Nickerson and seconded by D. Messenger that it be recommended to Council that the Municipality not request to be designated under the Fences and Detention of Stray Livestock Act as this was not deemed to be beneficial to the Municipality.

Motion carried unanimously.

MUNICIPAL PRIORITIES

Members discussed the Cape Sable Island Elementary School. At the present time it was the sentiment of members that some public input should be requested concerning the use of this school should the school be returned to the Municipality. At the present time it has not been definitely determined by the School Board whether the Municipality will have this school returned to the Municipality or not.

Resolution COW140110

Moved by S. Hatfield and seconded by E. Nickerson that it be recommended to Council that although it is currently uncertain whether or not the C.S.I. Elementary will be returned to the Municipality, an advertisement be placed in the local newspaper inviting community groups or businesses to provide ideas to the Municipality for the use of this school should it revert back to the Municipality in future.

Motion carried unanimously.

MCGRAY AVENUE LETTER

Conflict of Interest

Councillor Hatfield declared conflict of interest as he has a pecuniary interest in property on McGray Avenue, and Deputy Warden Messenger declared a conflict of interest as her daughter and her brother-in-law both have residences at McGray Avenue.

The remaining members then reviewed the letter received from residents at McGray Avenue. In their letter the residents of McGray Avenue took issue with the fact that they were required to contribute a portion of the cost of having the upper portion of McGray Avenue paved while residents on other roads within the Municipality were not required to participate in the cost of paving their roads. Subsequent to the paving of the upper portion of McGray Avenue the lower portion of McGray Avenue was paved, and local roads in the Municipality were paved including Spruce Drive and Smith's Road. On these roads the residents were not required to participate in paying the cost of the paving. Residents on the upper portion of McGray Avenue are asking the Municipality to establish a policy of consistency whereby all residents or groups of residents are subject to the same conditions and requirements from the Municipality when proposing to improve their roads.

Members then discussed the letter received from the residents and the various circumstances that were in place at different times in the Municipality. The circumstances when each of the roads were paved were not always the same, and therefore these affected the funding required for the various paving projects. At the time the decision was made by residents to pave the upper portion of McGray Avenue adequate funding was not available to absorb the entire amount of the cost. As a result the residents were asked to pay a portion of the cost. When subsequent roads were paved there were other funding sources available that made it possible for the roads to be paved without seeking funding from the residents fronting on those roads. Residents of upper McGray Avenue were given the opportunity to agree to share in the cost of the paving, or not to. If they had not agreed to share in the cost of the paving the project would not have been completed at that time. This does not mean it could not have been completed at some later date under different funding circumstances.

Resolution COW140111

Moved by J. Crook and seconded by E. Nickerson that it be recommended to Council that a response be drafted to the residents of McGray Avenue, and reviewed by the Municipal Solicitor before sending, stating the terms of the local improvement by-law, as well the terms of the petition that was received by Council from the residents of upper McGray Avenue, and explaining the process that was put in place.

Motion carried unanimously.

RED CROSS *PREPARED* CAMPAIGN

Representatives of the Canadian Red Cross recently made a presentation at the Union of Nova Scotia Municipalities Conference in November 2013. As a result they are following up with individual municipalities asking for support for their *Prepared* campaign. The Red Cross is asking each municipality to consider an investment of \$1.00 for each resident in their municipality. This contribution would be made to the Red Cross *Prepared* Campaign and may be pledged over a three to five year period if required.

Resolution COW140112

Moved by E. Nickerson and seconded by S. Hatfield that this request of Red Cross be referred to the budget process for consideration.

Motion carried unanimously.

FIRE SERVICES

Members were previously provided with a draft of possible Fire Services funding through Area Rates. This draft indicates the required funding for three different areas; the Eastern, Central and Western districts of the Municipality. An estimated schedule of Area Fire Rates for these three fire districts was calculated based on the prior year's assessment, and the prior year's budgets provided by the individual fire departments. All of the funding for Fire Services would be provided through these Area Rates. The amounts that had previously been provided through the General Tax Rate would no longer be provided through that avenue. These calculations resulted in very different and much higher Area Rates in each of the districts. This information was further reviewed and discussed by members.

There was much discussion concerning the removal of Fire Services funding from the General Tax Rate.

It was the general consensus of members that the General Tax Rate would be reduced in a proportionate amount as the increase in the Area Fire Rates. Some estimates will need to be prepared in order to determine how this might affect individual properties. This will be done in the near future and reviewed with both the Committee and with fire departments.

Resolution COW140113

Moved by E. Nickerson and seconded by S. Hatfield that the proposed Area Fire Rates be discussed with the Fire Service Advisory Committee, and that a Discussion Paper be prepared and discussed with the Fire Service Advisory Committee for their comments and suggestions.

Motion carried unanimously.

A meeting will be arranged with the Fire Service Advisory Committee for this purpose, and this will be done by the Clerk-Treasurer and the Fire Services Coordinator as soon as possible in the near future.

MEMORIAL ON WOODS HARBOUR SIDEWALK

Members were shown pictures of the various memorials that have been put in place for the fishermen who were recently lost at sea. The majority of these memorials are in the Woods Harbour area and there is also a memorial placed by the family at Drinking Brook Park.

Having reached the hour of 10:00 p.m., it was moved by D. Messenger and seconded by E. Nickerson that members continue the meeting until all the business has been dealt with.

Motion carried unanimously.

Members then discussed the installation of a commemorative sign on the sidewalk in Woods Harbour. This would be an interpretive sign dedicating the sidewalk to the memory of all fishermen lost at sea.

Resolution COW140114

Moved by D. Messenger and seconded by E. Nickerson that a design be obtained for an interpretive sign on the Woods Harbour sidewalk naming the sidewalk as “Fishermen’s Walk”, and dedicating it in memory of all fishermen from our communities who have been lost at sea.

Motion carried unanimously.

This information will be obtained and brought back to the Committee for further consideration.

FIGURE SKATING CLUB REQUEST

Resolution COW140115

Moved by E. Nickerson and seconded by D. Messenger that it be recommended to Council that the Municipality donate three (3) hours of ice time for the closing event of the Shelburne County Figure Skating Club, and the Municipality waive the related policy, and charge the cost of this donation to Grants to Organizations.

Motion carried unanimously.

It was also the consensus of members that the Arena Policy regulating ice times donations be put on the agenda of the next Committee of Whole meeting for further review.

NHL LEGENDS HOCKEY GAME

A recommendation has been received from the Arena Manager indicating that it is her recommendation to try this event again this year.

Resolution COW140116

Moved by E. Nickerson and seconded by D. Messenger that it be recommended to Council that the Municipality host an NHL Legends hockey game again in October of 2014.

Motion carried unanimously.

PORT CLYDE FIRE DEPARTMENT

Members were informed that a group of firefighters from the Port Clyde Fire Department discussed the future of their department with the Committee of the Whole of the Municipality of the District of Shelburne. The firefighters informed the District of Shelburne that they had chosen not to amalgamate with other fire departments in the Municipality of Barrington and now were being forced to do so. They indicated that their funding was being put in “one pot” to be distributed among the fire departments. They also indicated that the training of members was not being properly recognized.

It was indicated that the CAO for the Municipality of Shelburne would be contacting the Municipality of Barrington for further information.

Members questioned what authority the firefighters had to speak for the Port Clyde Volunteer Fire Department. No definitive action was taken in this matter as our Municipality will wait for communication from the CAO of the District of Shelburne.

BILL

The Warden informed members that he had received bills for legal advice he had received from the Municipal Solicitor concerning conflicts of interest and conducting meetings without the presence of Municipal Staff.

Resolution COW140117

Moved by S. Hatfield and seconded by D. Messenger that the Municipality pay the legal fees incurred by the Warden in order to obtain an explanation of the Municipal Government Act from the Municipal Solicitor, and that the resulting letters of advice be circulated to members for their information.

Motion carried unanimously.

ADJOURNMENT

The meeting was adjourned by mutual consent of members at 11:00 p.m.

Chair

Secretary for the Meeting

On website January 22, 2014.