

COMMITTEE OF THE WHOLE COUNCIL MEETING
January 11, 2021

The meeting was called to order by the Chair at 7:00 p.m., in the Multi-Purpose Room, in the Administrative Centre, in Barrington, NS, with the following members present:

- Jody Crook, Chair
- George El-Jakl
- Shaun Hatfield
- Andrea Mood-Nickerson
- Lindsay (Eddie) Nickerson – Absent due to medical reasons

- Chris Frotten, CAO
- Lesa Rossetti, Municipal Clerk

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

APPROVAL OF AGENDA

Being duly moved and seconded that the agenda be approved as circulated.

Motion carried unanimously.

APPROVAL OF MINUTES

Being duly moved and seconded that minutes of the Committee of the Whole Council Meeting held December 7, 2020 be approved as circulated.

Motion carried unanimously.

PRESENTATION BY WMTA RE: TRAIL UPDATE

The following municipal staff were present for this presentation:

- Misty James, Director of Recreation
- Joel d'Entremont, MPAL Co-ordinator
- Suzy Atwood, Director of Marketing and Tourism

Sherm Embree of the Woodland Multi-Use Trails Association appeared before the meeting and provided a power point presentation. Borden Newell and Anita Hopkins of the Association were also present, as well as Laura Barkhouse, Parks and Trails Manager for the Municipality of Lunenburg who joined the meeting by conference call. The Association is requesting the Municipality to allocate funds in their annual budget for trail maintenance, repairs, development or enhancement. They are also requesting that consideration be given to assigning duties of a Trail Manager to existing staff or through the creation of a new position with the municipality. It was also suggested that a new position could be created in cooperation with other municipalities. A copy of the written presentation is attached and forms part of the minutes.

After Mr. Embree's presentation, members were given an opportunity to ask questions. Mr. Embree was asked whether the Association has reached out to schools to have students participate in trail maintenance and development through their O2 program, etc. Members were advised that they have reached out to youth through their youth training course and Restorative Justice.

Upon questioning it was noted that the Association's main ask is for funding in the amount of \$20,000.00 per year for trail maintenance and development.

Mr. Embree and members of the WMTA were thanked for appearing before the committee and making their presentation.

It was agreed that requests of the Woodland Multi-Use Trails Association be further discussed by the committee at their meeting to be held on February 8, 2021. The CAO agreed to prepare financial information relating to trails for this meeting.

PERSONNEL POLICIES

In 2018 many sections of the Personnel Policy were replaced with individual Personnel Policies. It is now time to deal with the remaining sections of the old Personnel Policy.

A summary of proposed changes to the following policies was circulated to members in advance to the meeting:

- Revised Policy - Group Life and Disability Plans
- Revised Policy - Health and Dental Benefits
- Revised Policy - Personal and Volunteer Activities and Acceptance of Gifts or Offers
- Revised Policy - Cost of Living Adjustment
- Revised Policy - Court Leave
- Revised Policy - Leave for Storm or Hazardous Conditions
- Revised Policy - Pregnancy Leave / Parental Leave

Notice of Consideration was given and approval of the revised policies, as listed above, will be considered at the January 25, 2021 meeting of Council.

A copy of the summary is attached and forms part of the minutes.

Proposed Amendment to the Family Care or Bereavement Policy

The proposed amendment to the "Family Care or Bereavement Policy" provides employees with a ½ day leave of absence without loss of wages to attend a funeral as a pallbearer.

Notice of Consideration was given and approval of the proposed amendment will be considered at the January 25, 2021 meeting of Council.

Proposed New Policy - Blood Donation

It is proposed that a "Blood Donation Policy" be adopted to allow employees the necessary time off to give blood without a deduction in salary.

Notice of Consideration was given and approval of the proposed new Blood Donation Policy will be considered at the January 25, 2021 meeting of Council.

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Repeal old Personnel Policy containing Articles 1 to 32 including Appendix A & B

As indicated above, many sections of the old Personnel Policy were replaced with individual Personnel Policies in 2018. Remaining sections of the old Personnel Policy will now be addressed by the above revised policies. The old Personnel Policy can now be repealed.

Notice of Consideration was given and the repeal of the old Personnel Policy containing Articles 1 to 32 including Appendix A & B will be considered at the January 25, 2021 meeting of Council.

MUNICIPAL POLICIES

Proposed amendments to the Public Participation Program Policy were circulated to members in advanced of the meeting.

It is proposed that Policy No. 68 “Public Participation Program Policy” be amended to provide clarification that the Public Participation Meeting will be held by the Planning Advisory Committee prior to the committee’s recommendation to Council.

Notice of Consideration was given and approval of the proposed amendment will be considered at the January 25, 2021 meeting of Council.

TAKEOVER OF SEWER LATERAL – TYLER NICKERSON DEVELOPMENT IN BARRINGTON PASSAGE AND SEWER EASEMENT

It was reported that the final step in taking over the sewer lateral installed for Tyler Nickerson’s development in Barrington Passage is for Council to officially takeover the lateral and to enter into a Grant of Easement with property owners over which the sewer lateral was installed.

Information circulated to members in advance of the meeting is attached and forms part of the minutes.

Resolution COW210101

Being duly moved and seconded that it be recommended to Council that the Municipality officially takeover the sewer lateral installed on property of Grand Multip Properties Inc. – PID 80051055, Department of Natural Resources - PID 82566365 and Duramax Holding Inc. – PID 82576521 and shown on Plan, JOB #300-19, prepared by Acker & Doucette Surveying Inc. and authorization be given to the CAO to enter into a Grant of Easement with the property owners identified above.

Motion carried unanimously.

FLYER DISTRIBUTION UPDATE

It was reported that concern was expressed back in December with the distribution of flyers in the Municipality of Barrington. Flyers have been allowed to pile up on some properties and flyers have become a litter problem in the area. Once information was posted on social media it was realized that the distribution of flyers was a county wide issue.

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The following steps have now been taken by the Chronicle Herald to address the flyer issue:

- All driveway deliveries have ended.
- 10 drop off boxes have been installed for high traffic areas.
- Anyone wishing home delivery can request a drop off tube.

It was reported that residents can contact the distributor, Cindy Acker, through facebook. Councillors will be provided with her phone number for direct contact.

Since the distributor has taken steps to correct the problem, the Municipality will monitor the situation for the time being.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Chair

Secretary for the Meeting

FORM "A"

TO BE COMPLETED BY ANYONE

WISHING TO ADDRESS COUNCIL OR COMMITTEE OF THE WHOLE COUNCIL

No decision will be made at the same meeting as your presentation.

Names of individuals making the presentation:

Sherm Embree accompanied by Anita Hopkins, Borden Newell and perhaps others representing the Woodland Multiuse Trail Association and the Shelburne County ATV Association.

Points to be made:

___ Thanks for support to date, State of shared multiuse trails in MoB / Shelburne County and SW Nova Scotia, future plans for trails in MoB and Shelburne County, trail maintenance and regulation, recreational / tourism and business benefits of Trans Canada Trails, need and request for maintenance and developmental support.

Purpose and any requests that may be forthcoming from the presentation:

___ To inform Council and appropriate municipal staff of trail development and maintenance situation and request for further support prior to budget considerations.

Please attach a copy of your written or power point presentation.

Will your presentation be made in person or virtually? In person _____

Time requested for presentation: 15 minutes_+ questions period time_ 30 minutes_____

Signature

Print Name: Sherm Embree _____

Mailing Address: 1784 East Sable River Road _____

Phone Number: 902 656-2793 _____

E-mail address: scebree@auracom.com _____

Will you require a projector and computer for your presentation ?

NOTE: Individuals or groups making presentations are required to address their comments and questions to the Chair of the Meeting only.

Form "A" must be returned at least 7 days in advance of the Meeting you wish to attend.

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**Presentation to Municipality of Barrington re
State of Trails in Shelburne County 11 Jan 2021
by the Woodlands Multiuse Trail Association (WMTA) and
Shelburne County ATV Association**

Thank you for your invitation to present on the state of trails in Shelburne County. I am Sherm Embree the Treasurer of the Woodland Multi use Trail Association.

With me to assist in today's presentation are:

Anita Hopkins, President of WMTA, fundraiser and recreation planner

Borden Newell, a key maintenance volunteer and director from the SCATVA. and

Laura Barkhouse, Parks and Trails manager from the Municipality of Lunenburg and the South Shore Trails Coordinator with NS Communities, Culture and Heritage.

Photo – 1 Kiosk first views

1. The Woodland Multiuse Trail Association has done very well at trail development. Since starting in June 2006 we have constructed seven trails for a total of 73 kilometers. It has been a busy 15 years. In each of the past several years we have had over 200 members (Facebook over 900). Our aim is to complete a shared multi use trail across Shelburne County (125.8 kilometers) primarily on abandoned rail bed public lands. (Thirty six km have yet to be developed under LOA.) We are also now part of The Great Trail (The Trans Canada Trail) with the Nova Scotia Trails Federation and other trail groups creating a continuous connected trail around the Western Loop of Nova Scotia. The NS Trails Federation leads and coordinates trail organizations in trail development and the implementation of the Nova Scotia Provincial Trails Strategy.

2. Funding for the trails has come by multiple grant applications, association memberships, fundraising and in kind labour. Grants have come from NS CCH RTEF (up to 1/3 of eligible project costs), NS OHV Trails Infrastructure Fund (up to 50% of eligible

project costs), ACOA Innovative Communities Fund and from Municipalities. There is also a large contribution of in kind volunteer work from Association members on all projects for barriers, bridges, and sign placement. Our volunteers also organize recreational events, do litter pickup, and encourage proper trail use through our Etiquette program. Our partners, the Shelburne County ATV Association, have taken on the role of setting the example for proper trail use, maintaining the trail, organizing recreation and fundraising. We are members of the Shelburne County Tourism Association and the NS Trails Federation.

Photo 2 – Map of Barrington Trails

3. In Barrington Municipality we have completed the trail from west to east for 40.2 km including 10 bridges. Our sixth trail (10.8km) from Barrington Bay to Clement's Pond completed in 2015 with the reconstruction of the Barrington River (Kiack Brook)

Photo 3 – work underway on Kiack Brook Bridge

Bridge completed in December 2016.

Photo 4 – Kiack Brook Bridge

4. In addition to our own trails we completed the transfer of the (1.9 km) Barrington Bay Trail and the (1.5) km Woods Harbour Trail (Cockawit Pass T' Railway) as a multi use shared trail. A shared multi use trail is now complete through MoB all the way to the Town of Yarmouth.

Photo 5 – Sharing the trail

5. We are connecting currently fragmented trails across eastern Shelburne County in partnership with others. Our seventh project completed last year on the 15 kilometers of trail in East Jordan including the upgrade of six bridges. WMTA has received permission and applied for grants for trail construction of another

6.3 km of trail at Jordan Branch. To be constructed in 2021 if all goes well.

Photo 6- Trail Construction in Doctors Cove

6. Trail construction costs to build to provincial trail standards have been approximately \$10,000 to \$12,000 per kilometer depending upon the extent of bridge repairs. Trail redevelopment or resurfacing is dependant upon the project size.

Photo 7 – Barrington Bay Damage

7. Two examples of resurfacing are our storm damage repair in January of 2019 at the Barrington Bay Trailway at \$27,245 for 1.9 km and resurfacing 1.8 km of trail west of Wireless Road in Sep 2020 at \$23,327. We hope to do another 1.0 km east of Doctors Cove next year.

Photos 8 – Barrington Bay resurfacing

8. With respect to Maintenance trail associations around the province have found maintenance is about \$500 per kilometer per year and some have standing contracts with contractors to do trail brush cutting, mowing and grading. (See example of Annapolis Valley Trails Coalition maintenance contract.) In Shelburne County trail maintenance is done by users volunteering time, skills and equipment (Lee Adams, Borden Newell, Roger Greenwood, Colby Blake and Calvin Dennis among many others).

Photos 9 – Trail Maintenance

The trail and ATV Associations own a tractor, grader blades, two mowers, a brush cutting sickle bar and equipment storage container. We need more and better equipment, more user maintenance and a maintenance contract.

Photo 10 – Trail Maintenance

We have carried a heavy load for 15 years in trail development and maintenance and done it all with volunteers and grant approvals.

We are stretched and yet want to do more and better. The community and municipality have been very supportive but we barely keep the trail to the standard we and the community wish.

9. We see the trails through MOB as a community and municipal infrastructure resource just as are your parks, arena, community recreation center and ball fields.

Photos 11 - trail users

We thank you for your past support and ask that you support further the trails just as you do other recreational and tourism infrastructure. We need municipal support to fund a yearly maintenance contract. We would like municipal support to fund repairs, trail improvements, enhancements and equipment. We would like municipal support in the management of the trail by the assignment of trail management responsibilities to municipal staff or by hiring a trail manager as done in Digby County, Lunenburg Municipality and the Annapolis Valley.

Photo 12 – Sunset on Kiack Brook Trail Bridge

10. In conclusion, we have constructed nearly 73 kilometers of high quality, safe multi use trail on mostly public land. That is 73 km of trail on the 125 km of rail bed across Shelburne County. That is also 40 km of trail in the Municipality of Barrington. WMTA has developed a safe, high quality shared multi use trail contributing to the recreational, economic and tourism future of SW Nova Scotia. We see this as partial fulfillment of a provincial vision to have a core, shared, multi use trail around Western Nova Scotia as part of the Canadian Great Trail. We hope that Municipality of Barrington will consider this vision for the benefit of the community in their future discussions.

11. Thank you for this opportunity to present and discuss MoB support to trails. You are welcome to come on a trail ride and we will offer to take you on the trails anytime.

12. Your questions would be welcome.

KEY WORDS / concepts to convey / SOCOs:

Additional tourism access other than highway and sea.

Safety of public trails versus undeveloped ad hoc, illegal routes. Accidents are rare on our developed trails. The public learns how to behave in public places such as schools, shopping centers, ball fields, arenas and trails.

Provincial Investment at highways on bridges and tunnels:
Ingramport, Digby Hwy 101, Port Mouton.

Maintenance is done by trail users, volunteers and club members who need financial, equipment, and contracted support.

Trail Towns: Greater Alleghany Passage (GAP), Weymouth, etc.
Staycations and Covid recreation use.

\$7000 to \$15000 for equipment purchases.

\$500/km maintenance at other trails (for 40 km in MoB)

Trail manager costs from grants, existing staff or examples at other municipalities.

Set aside \$20,000 and help us spend it on MoB trails.

SUMMARY OF PROPOSED CHANGES

Group Life and Disability Plans

- Reformatted
- Employees are required to work a minimum of 20 hours per week to be eligible, consistent with contract.
- Employees can continue to participate in plans for up to 2 years if on leave – See Sections 6.1 and 6.2. Previously employees could continue in plans up to the qualifying period for LTD. If employee failed to qualify then benefits were terminated.
- Employees on leave for reason other than illness or injury can apply to remain in the plans and decision was subject to Council approval. Now decision is subject to approval of CAO. See Section 6.3

Health and Dental Benefits

- Reformatted
- Employees are required to work a minimum of 20 hours per week to be eligible, consistent with contract.
- Employees can continue to participate in plans for up to 2 years if on leave – See Sections 6.1. Previously employees could continue in plans up to the qualifying period for LTD. If employee failed to qualify then benefits were terminated.
- Employees on leave for reason other than illness or injury can apply to remain in the plans and decision was subject to Finance Committee approval. Now decision is subject to approval of CAO. See Section 6.2
- Survivor Benefits. Section 7. This section is new to the policy, but has been in the contract.

Personal and Volunteer Activities and Acceptance of Gifts or Offers

- Reformatted
- Purpose explained. See Section 2.1.

Cost of Living Adjustment

- Reformatted
- Any adjustment over 2.5% will be referred to the CAO instead of Council. See Section 3.1

Court Leave

Reformatted Only.

Leave for Storm or Hazardous Conditions

Reformatted Only.

Pregnancy Leave / Parental Leave

- Reformatted
- Revised to be consistent with Labour Standards

Family Care or Bereavement

Proposed amendment is highlighted in Yellow

Blood Donation

Proposed new Policy

Repeal old Personnel Policy containing Articles 1 to 32 including Appendix A & B

Many sections of this policy was replaced with individual Personnel Policies in 2018. Remainder sections will be replaced with Personnel Policies listed above.

Discussion – Request from Tyler Nickerson to Extent Municipal Sewer

Tyler Nickerson is requesting the Municipality to change their plans to install an 8 inch sewer lateral across Highway No. 3 near the Ground Search and Rescue building in Barrington Passage. Mr. Nickerson is requesting that the lateral be extended across Highway No. 3 near the Masonic Lodge in Barrington Passage to accommodate his planned development in that area. He has plans for the construction of 2 fourplexes and a mobile home park in the general area of the Starboard Inn. He would like to connect both developments on one lateral which he plans to run from the Highway Right-of-Way to the proposed mobile home park property. Once completed he will be requesting the Municipality to take over the lateral serving the two projects.

Resolution C191101

Being duly moved and seconded that the Municipality change the location of the proposed lateral installation from the Search and Rescue Building to Civic No. 3386 to accommodate Tyler Nickerson's developments near the Starboard Inn in Barrington Passage for the 2019-2020 Municipal Budget year.

Motion carried unanimously.

Resolution C191102

Being duly moved and seconded that a letter of support be provided to Grand Multip supporting their project to develop a 24-unit Mobile Home Park in Barrington Passage.

Motion carried unanimously.

2019-2020 Committee and Board Appointments

Resolution C191103

Being duly moved and seconded that Warden Nickerson and Deputy Warden Crook be appointed to serve on the Recreation Advisory Committee and Councillor El-Jakl be designated the alternate for this committee, no appointment be made to the Barrington Municipal Exhibition Committee and other appointments remain the same as last year.

Motion carried unanimously.

A copy of the 2019/20 Committee and Board Appointments is attached and form part of the minutes.

Driver Abstracts for Firefighters RE: Request to Waive Fee

The Municipality of Cumberland has sent correspondence to the Registry of Motor Vehicles requesting that since the annual vehicle permit renewals for fire vehicles has been waived, that the fee for Driver Abstracts for volunteer firefighters be waived as well. They have suggested that similar requests to the Registry of Motor Vehicles from other municipal units may be helpful in having the fee waived.

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February 10, 2020

Mr. Tyler Nickerson
RR1, Highway 3,
Shag Harbour, Nova Scotia
B0W 3B0

Re: Sewer Connection Project – 3386 Highway 3

Mr. Nickerson,

Following Council's decision to change the location of the proposed lateral installation from the Search and Rescue Building to 3386 Highway 3 to accommodate your development, I met with Wes Nickerson and Kyle Bower on November 20th, 2019 to discuss the specifics and timeline of your project and the associated sewer lateral.

The intention, at the time, was for you to run a sewer lateral along the northern line of PID 80051055, at your expense, with the understanding that the Municipality would acquire ownership of the lateral from Highway 3 until the point to which the lateral intersects PID 80051063 at no cost to the Municipality.

If this is still the case, here are the conditions in which we would accept ownership of that portion of the lateral:

1. We will require a detailed survey and design of the sewer lateral and its anticipated connections **before** any work begins.
2. We will require access to the project site for regular inspections of the construction of the lateral and its connections to our existing system.
3. We will require the execution of an easement once the construction of the lateral is completed in accordance with industry standards and our municipal by-laws and policies.

We also discussed the challenge of crossing the old railway track due to the lengthy application process. At the time, we agreed to submit a joint application to accelerate the process of transferring the ownership of the lateral once the time came. On November 25, 2019, we received a copy of the submitted application from Wes Nickerson.

Finally, I must note that, in the event any of these conditions are not met, or it is felt the construction or connection to our existing system does not meet industry standards or our municipal by-laws and policies, we will not agree to acquire ownership of the lateral until the discrepancies are corrected.

I trust that this arrangement meets our collective needs. Please respond to this letter upon receipt to acknowledge your understanding of these conditions.

Sincerely,

Chris Frotten
Chief Administrative Officer

Cc: Mr. Dave Andrews, Development Officer
Mr. Cameron Whiteway, Director of Property Services

Mr. Frotten,

Thank you for your letter dated February.10/20 regarding the sewer connection project referenced as #3386 Highway #3. As per the letter, on behalf of GRAND MULTIP PROPERTIES INC., I agree with the conditions and requirements set fourth by the municipality of Barrington in order to proceed with the proposed project at #3386 Highway#3. I want to thank both yourself and the municipality of Barrington for your collaboration for helping make this project a realization for our community.

Thanks

Tyler D. Nickerson

Owner GRAND MULTIP PROPERTIES INC.

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From: Wesley at Grandmultip
Sent: January-11-21 9:35 AM
To: Chris Frotten <cfrotten@barringtonmunicipality.com>
Subject: Sewer 3384 & 3386

**Good morning Chris, this is Wesley R. Nickerson contacting you from Grand Multip Properties Inc. This letter is to confirm that all of the work has been completed at 3384 & 3386 Hwy, Barrington Passage, NS. The sewer work has been completed to service both buildings as per your conditions and we wish to grant it over to the municipality at this time. Let me know if you require anything else at this time and I will be happy to obtain it for you. Thank you to you and the municipality for all of the assistance on this project and we look forward working with you again.
Kind regards – Wes.**

From: Cameron Whiteway <cwhiteway@barringtonmunicipality.com>
Sent: January-08-21 3:59 PM
To: Chris Frotten <cfrotten@barringtonmunicipality.com>
Subject: Re: Sewer Lateral Takeover at Tyler Nickerson's

Good afternoon,
I formally inspected Tyler's Lateral connection on March 22, 2020. It was installed to all Municipal/
Industrial Standards. I was there for the excavation and installation/ hook up. Everything is good to go.
Thanks

Cameron Whiteway
Director of Public Works



Municipality of the District of Barrington



THIS GRANT OF EASEMENT made as of this ____ day of _____, 2021.

BETWEEN:

GRAND MULTIP PROPERTIES INC., a company incorporated pursuant to the laws of Nova Scotia

- and -

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA as represented by **NOVA SCOTIA DEPARTMENT OF NATURAL RESOURCES**

- and -

DURAMAX HOLDINGS INC., a company incorporated pursuant to the laws of Nova Scotia

(each individually a "Grantor" and collectively the "Grantors")

- and -

MUNICIPALITY OF THE DISTRICT OF BARRINGTON, a district municipality continued under the *Municipal Government Act*, RSNS 1989, c 472

(the "Grantee")

WHEREAS:

- A. Grand Multip Properties Inc. is the registered owner of real property identified as 3384-3386 Highway 3, Barrington Passage, PID 80051055, more particularly described in Schedule "A" (the "Grand Multip Property");
- B. Her Majesty the Queen In Right Of The Province of Nova Scotia, represented by Nova Scotia Department of Natural Resources, is the registered owner of real property identified as the former Canadian National Railway Company lands, Barrington Passage, PID 82566365, more particularly described in Schedule "B" (the "DNR Property");
- C. Duramax Holdings Inc. is the registered owner of real property identified as 3412 Highway 3, Barrington Passage, PID 82576521, more particularly described in Schedule "C" (the "Duramax Property");
- D. Grantee desires to obtain an easement over those portions of the Grand Multip Property, DNR Property and Duramax Property identified as Parcels SE-1, SE-2 and SE-3, respectively, shown on the plan in Schedule "D" (the "Easement Lands") for the purpose of maintaining a sewer lateral; and

E. Grantors desire to grant an easement to Grantee over the Easement Lands for the purpose of maintaining a sewer lateral.

NOW WITNESSETH THAT in consideration of One Dollar (\$1.00) paid by Grantee to each Grantor, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Grantors grant to Grantee the free and uninterrupted right, privilege, liberty and easement in perpetuity to do the following:
 - a) to enter on, over, across or under the Easement Lands to lay down, install, construct, maintain, inspect, patrol, alter, remove, replace, repair, reconstruct and safeguard a sewer lateral, including all appurtenances thereto, and to clear the Easement Lands and keep them cleared of all or any part of any trees, growth, buildings, impediments or obstructions, now or hereafter on the Easement Lands which might, in the opinion of Grantee, interfere with the use, maintenance or repair of the sewer lateral or any of the rights granted herein;
 - b) to enter upon the lands immediately adjacent to the Easement Lands from time to time as may be reasonably required by Grantee to carry out the foregoing work; and
 - c) generally, to do all acts necessary or incidental to the exercise of the rights and privileges granted herein.
2. Grantors covenant that they will not:
 - a) excavate, drill, install, erect, construct, or permit to be excavated, drilled, installed, erected or constructed on or under the Easement Lands any foundation, building or other structure or installation, or pile material upon the Easement Lands which in the opinion of Grantee might interfere with the use, maintenance and repair of the sewer lateral or any of the rights granted herein;
 - b) plant or establish within the Easement Lands any trees, shrubs or other vegetation, failing which Grantee shall be entitled to remove same without notice to the Grantors and without any liability or compensation payable by Grantee to Grantors; and
 - c) remove, damage or retard in any way, anything established by Grantee within the Easement Lands as part of the management of the easement without prior written consent from Grantee.

General

3. Grantors represent and warrant to Grantee that they are the registered owners of the properties described in Schedules "A", "B" and "C", as the case may be, and have the right to grant the easement hereby granted. Grantors will provide such further assurances as may be reasonably required by Grantee.
4. The easement granted in this agreement is declared to be appurtenant to and for the benefit of Grantee.

5. This grant and the covenants of this agreement form part of the realty of the Grand Multip Property, DNR Property and Duramax Property and are for the benefit of Grantee and shall run with the lands in Schedules "A", "B" and "C" and shall enure to the benefit of and be binding upon the Grantors and Grantee and their respective heirs, executors, administrators, successors and assigns including successors in title.

IN WITNESS WHEREOF the parties have duly executed this agreement on the day and year first written above.

SIGNED, SEALED AND DELIVERED this
___ day of _____, 2021 before me:

Witness

Witness

Witness

Witness

) **GRAND MULTIP PROPERTIES INC.**

) _____
) Tyler David Nickerson, President

) **HER MAJESTY THE QUEEN IN RIGHT**
) **OF THE PROVINCE OF NOVA SCOTIA,**
) as represented by **NOVA SCOTIA**
) **DEPARTMENT OF NATURAL**
) **RESOURCES**

) _____
) Name:
) Title:

) **DURAMAX HOLDINGS INC.**

) _____
) Tyler David Nickerson, President

) **MUNICIPALITY OF THE DISTRICT OF**
) **BARRINGTON**

) _____
) Chris Frotten, Chief Administrative Officer

PROVINCE OF NOVA SCOTIA

COUNTY OF _____

I hereby certify that on this ___ day of _____, 2021, Grand Multip Properties Inc., one of the parties hereto, caused the foregoing Indenture to be executed in its name in my presence and I have signed as witness to such execution.

A Commissioner of the Supreme Court of
Nova Scotia

Affidavit

I, Tyler David Nickerson, of _____ of the Province of Nova Scotia, make oath and say as follows:

1. I am the President of Grand Multip Properties Inc. (the "Company") and have personal knowledge of the matters herein described.
2. I acknowledge that I have executed the foregoing Instrument on behalf of the Company and that I am its proper officer duly authorized to bind the Company in that regard whether under seal or otherwise on the date of this affidavit and this acknowledgement is made for the purpose of registering such Instrument pursuant to s. 31(a) of the *Registry Act*, RSNS 1989, c 392 or s. 79(1)(a) of the *Land Registration Act* as the case may be.
3. That the lands described in Schedule "A" are not occupied by any shareholder as a Matrimonial Home nor is any shareholder entitled to use the lands as a Matrimonial Home and the lands have never been so occupied while any interest in the lands has been owned by the Company.
4. That the Company is a resident of Canada as defined in the *Income Tax Act* (Canada).
5. The ownership of a share or an interest in a share of the Company does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Company.

SWORN TO at _____, in the
Province of Nova Scotia, this ___ day of
_____, 2021, before me:

A Commissioner of the Supreme Court
of Nova Scotia

Name:
Title:

PROVINCE OF NOVA SCOTIA
COUNTY OF _____

I hereby certify that on this ___ day of _____, 2021, Her Majesty the Queen In Right Of the Province of Nova Scotia, represented by Nova Scotia Department of Natural Resources, one of the parties hereto, caused the foregoing Indenture to be executed in its name in my presence and I have signed as witness to such execution.

A Commissioner of the Supreme Court of
Nova Scotia

Affidavit

I, _____, of _____ of the Province of Nova Scotia, make oath and say as follows:

1. I am the _____ of _____ (the "Company") and have personal knowledge of the matters herein described.
2. I acknowledge that I have executed the foregoing Instrument on behalf of the Company and that I am its proper officer duly authorized to bind the Company in that regard whether under seal or otherwise on the date of this affidavit and this acknowledgement is made for the purpose of registering such Instrument pursuant to s. 31(a) of the *Registry Act*, RSNS 1989, c 392 or s. 79(1)(a) of the *Land Registration Act* as the case may be.
3. That the lands described in Schedule "B" are not occupied by any shareholder as a Matrimonial Home nor is any shareholder entitled to use the lands as a Matrimonial Home and the lands have never been so occupied while any interest in the lands has been owned by the Company.
4. That the Company is a resident of Canada as defined in the *Income Tax Act* (Canada).
5. The ownership of a share or an interest in a share of the Company does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Company.

SWORN TO at _____, in the
Province of Nova Scotia, this ___ day of
_____, 2021, before me:

A Commissioner of the Supreme Court
of Nova Scotia

Name:
Title:

PROVINCE OF NOVA SCOTIA
COUNTY OF _____

I hereby certify that on this ___ day of _____, 2021, Duramax Holdings Inc., one of the parties hereto, caused the foregoing Indenture to be executed in its name in my presence and I have signed as witness to such execution.

A Commissioner of the Supreme Court of
Nova Scotia

Affidavit

I, Tyler David Nickerson, of _____ of the Province of Nova Scotia, make oath and say as follows:

- 6. I am the President of Duramax Holdings Inc. (the "Company") and have personal knowledge of the matters herein described.
- 7. I acknowledge that I have executed the foregoing Instrument on behalf of the Company and that I am its proper officer duly authorized to bind the Company in that regard whether under seal or otherwise on the date of this affidavit and this acknowledgement is made for the purpose of registering such Instrument pursuant to s. 31(a) of the *Registry Act*, RSNS 1989, c 392 or s. 79(1)(a) of the *Land Registration Act* as the case may be.
- 8. That the lands described in Schedule "C" are not occupied by any shareholder as a Matrimonial Home nor is any shareholder entitled to use the lands as a Matrimonial Home and the lands have never been so occupied while any interest in the lands has been owned by the Company.
- 9. That the Company is a resident of Canada as defined in the *Income Tax Act* (Canada).
- 10. The ownership of a share or an interest in a share of the Company does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Company.

SWORN TO at _____, in the
Province of Nova Scotia, this ___ day of
_____, 2021, before me:

A Commissioner of the Supreme Court
of Nova Scotia

Name:
Title:

Schedule "A"

ALL AND SINGULAR that certain piece, parcel or lot of land and premises situate, lying and being at Barrington Passage, in the County of Shelburne and Province of Nova Scotia, bounded and described as follows:

BEGINNING at the Main Road at a stake twenty feet (20) northeastwardly from the north east corner of Mason Hall;

THENCE northwestwardly by the line of land owned by the Free-Masons sixty five feet (65), more or less, to a stake;

THENCE thirty eight feet (38) in a southwestwardly direction to lands owned by Albert Christie;

THENCE northwestwardly by Albert Christies land sixty nine feet (69) to the railway fence or right-of-way;

THENCE by railway fence one hundred thirty feet (130) in a northeastwardly direction to lands owned by George Watt;

THENCE southeastwardly to the Main Highway;

THENCE southwestwardly by the said Main Highway to the place of beginning.

*** Municipal Government Act, Part IX Compliance ***

Not Subject To:

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.

Schedule "B"

ALL those certain lots, pieces or parcels of land, situate, and being in the Municipality of Shelburne and the Municipality of Barrington, in the County of Shelburne, in the Province of Nova Scotia, bounded, delimited and described as follows:

The said parcels of land, begin at that intersection point where the Canadian National Railway Company's right of way intersects the Queen County, Shelburne County line. Thence, following the said Canadian National Railway Company's right of way, the said right of way being seventy-eight and one-tenth (78.1) miles, more or less, in length, and having an average width of ninety-nine (99) feet, forty-nine decimal five (49.5) feet on either side of the center line of the right of way and parallel thereto, through the County of Shelburne to its terminus at that intersection point where the Canadian National Railway Company's right of way intersects the Yarmouth County, Shelburne County Line.

Containing, in all, eight hundred sixty-four and forty-one hundredths (864.41) acres, more or less, of right of way and twenty-four and eight tenths (24.8) acres, more or less, of Ballast Pit and as shown colored red on the Canadian National Railway Company's Plan No's. 12442-2, 12442-3, and 12442-4, said Canadian National Railway Company's Plan No's. 12442-2, 12442-3, and 12442-4, being duly recorded in the Office of the Register of Deeds, for the County of Shelburne at Shelburne, Nova Scotia on the 5th day of July, 1984 as No's. P-921, P-922, P-923. The said Canadian National Railway Company Plans also being duly recorded in the Registrar of Deeds Office for the County of Shelburne at Barrington, Nova Scotia on the 5th day of July A.D. 1984 as No's. P-765, P-766, P-767.

Schedule "C"

Registration County: SHELBURNE COUNTY

Street/Place Name: HIGHWAY 3 HIGHWAY /BARRINGTON PASSAGE

Title of Plan: FINAL PLAN OF S/D SURVEY OF LOT 7, LOT 8 & PARCEL A BEING A S/D & CONSOLIDATION OF LANDS OF 3312662 NOVA SCOTIA LTD & LANDS OF DURAMAX HOLDINGS INC. [SEE LOT FORMATION NOTE] LOCATED AT CIVIC #3412 & 3418 TRUNK #3,BARRINGTON PASSAGE

Designation of Parcel on Plan: LOT 8

Registration Number of Plan: 116774598

Registration Date of Plan: 2020-08-10 12:02:21

Subject to an Easement/Right of Way in favour of Nova Scotia Power Inc. and described in a Grant of Easement document recorded at the Shelburne County Registry of Deeds recorded in Book 298 at Page 413.

Subject also to a 20 foot wide right-of-way for all purposes of access and egress, and an easement for all utilities of the owners of Lot No. 2 as described in a deed recorded at the Shelburne County Registry of Deeds recorded in Book 300 at Page 239.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: SHELBURNE COUNTY

Registration Year: 2020

Plan or Document Number: 116774598

