

## COMMITTEE OF THE WHOLE MEETING

January 17, 2005

The meeting was called to order by the Chairman at 7:00 p.m., in the Conference Room, in the Administrative Centre, in Barrington, N.S., with the following members present:

- Sterling Belliveau
  - Fred Bower
  - Louise Halliday
  - Donna LeBlanc-Messenger
  - Eddie Nickerson
  - Larry Stewart
  - Sean Strang
- Brian Holland, Municipal Clerk

### ADDITIONS TO AGENDA

The following items were added to the agenda:

- Tsunami Relief.
- Crowelltown Road Sign.
- Area Fire Rates.
- Waste Contract.
- Emery Smith Fisheries.

### APPROVAL OF AGENDA

**Moved** by F. Bower and seconded by L. Stewart that the agenda be approved as amended.

Motion carried unanimously.

### APPROVAL OF MINUTES

**Moved** by L. Halliday and seconded by D. LeBlanc-Messenger that the minutes of the last two previous meetings held January 4<sup>th</sup> and January 12<sup>th</sup>, 2005 be approved as circulated.

Motion carried unanimously.

### WOOD'S HARBOUR VOLUNTEER FIRE DEPARTMENT

Mr. Gordie Ross, Chief of the Wood's Harbour Volunteer Fire Department, appeared before the Committee for the purpose of discussing the Operating Area Fire Rate in District 1. The Operating Area Fire Rate in District 1 has been in place for the past five (5) years. The Volunteer Fire Department now wishes to have it renewed for another five (5) years.

Chief Ross appeared before the meeting to inform members that the Volunteer Fire Department will be following the process, as required under Policy 18, to have the Area Fire Rate put in place for another five (5) years. The Fire Department will be coming to Council prior to March 31, 2005 after a public meeting is held requesting that the fire rate be extended for another five (5) years.

Having completed his presentation to Council, Chief Ross retired from the meeting.

#### ARENA DISCIPLINE POLICY

Council had previously requested an opinion from the Municipal Solicitor regarding the enforcement of the Arena Discipline Policy; more particularly, what burden of proof is required by the Municipality. The information received from the Municipal Solicitor advises that, in his opinion, there is no particular standard of evidence that can be applied in order to suspend teams or individuals under the policy, as the matter is within the discretion of the Manager, and the process as such is not strictly a legal process. There are no criminal charges being laid so that the normal standard of proof for other criminal or civil actions does not apply in these cases.

His review of the material presented indicates to him that the ability of the Manager to suspend is best framed as a contractual matter as the party to sign a contract agreeing to abide by the policy. Council could certainly determine that it wishes to provide more detail to the policy such as determining exactly what evidence is required in order to justify the suspension, but this would be a fairly unusual approach and would eliminate the discretion of the Manager.

There then followed much discussion of this matter from councillors. No motions or actions were directed to be taken as a result of the discussion. Members were informed that since no further action has been taken by members, the Manager will be instructed to enforce the current suspension applying to the South Side Pirates and the policy will continue to be consistently applied.

#### TENDER OF LEGAL SERVICES

The Municipality has tendered for legal services for a period of three years. The current agreement with Donald G. Harding expires on May 1, 2005.

There was some discussion regarding the desirability of tendering for legal services as opposed to continuing with the current Municipal Solicitor. The sentiment was expressed that it is in the best interest of the Municipality to continue with the current Solicitor who is experienced and familiar with the issues that are relevant to our Municipality, and from our Municipality's point of view.

**Moved** by F. Bower and seconded by D. LeBlanc-Messenger that it be recommended to Council that the Municipality publish a tender for legal services.

#### AFFIRMATIVE

Fred Bower  
Larry Stewart  
Sean Strang

#### NEGATIVE

Sterling Belliveau  
Louise Halliday  
Donna LeBlanc-Messenger  
Eddie Nickerson

Motion defeated.

Page 3, Committee of the Whole Meeting, January 17, 2005

Resolution COW050114

**Moved** by E. Nickerson and seconded by L. Halliday that it be recommended to Council that the Municipality's Purchasing Policy be waived and that the current Municipal Solicitor be requested to provide a proposal to Council for continuation of the provision of legal services for a further period of three (3) years.

AFFIRMATIVE

Sterling Belliveau  
Louise Halliday  
Donna LeBlanc-Messenger  
Eddie Nickerson

NEGATIVE

Fred Bower  
Larry Stewart  
Sean Strang

Motion carried.

6W ATHLETIC ASSOCIATION BALL FIELD

The Directors of the 6W Athletic Association have been approached with a request that the Municipality take over the ownership and operation of the ball field. This ball field serves the recreation requirements of both the children and adults of Cape Sable Island. This ball field is used on a regular basis by the Clark's Harbour Area Minor Ball Association. Many residents of the Municipality participate in this Association.

Resolution COW050115

**Moved** by L. Stewart and seconded by L. Halliday that it be recommended to Council that the Municipality proceed with the assumption of ownership of the South Side Ball Field from the 6W Athletic Association as agreed to by the members of the Association who have been contacted.

Motion carried unanimously.

ORDER OF NOVA SCOTIA

A request has been received from Carolyn Crowell of Bear Point. Mrs. Crowell is requesting a letter of support from the Municipality for the nomination of Mr. Elnathan (Babe) Smith for the Order of Nova Scotia. Each person that is nominated for this Order must have three (3) letters of support. Mrs. Crowell is requesting the Municipality to provide one such letter.

Resolution COW050116

**Moved** by E. Nickerson and seconded by L. Stewart that it be recommended to Council that the Municipality provide a letter of support for the nomination of Elnathan (Babe) Smith for the Order of Nova Scotia as requested by Carolyn Crowell.

AFFIRMATIVE

Sterling Belliveau  
Louise Halliday  
Donna LeBlanc-Messenger  
Eddie Nickerson  
Larry Stewart

NEGATIVE

Fred Bower

Sean Strang

Motion carried.

Page 4, Committee of the Whole Meeting, January 17, 2005

#### LOW INCOME PROPERTY TAX EXEMPTION

The current policy provides for an exemption of \$150.00 for household income which is below \$13,999.00, and an exemption of \$125.00 for household income between \$14,000.00 and \$15,500.00.

There followed some discussion regarding the exemption being applied to seniors who still own their own homes, but who are not living in those homes. There are some seniors who still own their own homes and wish to continue to own their own homes although they are living in institutions, both in the area and outside the area.

It was the general consensus of members that these individuals should still receive the property tax exemption provided that they meet all other requirements of the policy.

#### Resolution COW050117

**Moved** by L. Halliday and seconded by S. Strang that it be recommended to Council that notice of amendment to the Low Income Property Tax Exemption Policy be given at the next subsequent Council meeting, to amend the policy so that the residents who are living elsewhere will qualify for the exemption, providing that their residence is vacant and the household income of the vacant residence is still within the limit provided in the policy.

During the discussion the Deputy Warden assumed the chair so that the Warden could address the matter and then the Warden again resumed the chair.

Motion carried unanimously.

#### Resolution COW050118

**Moved** by F. Bower and seconded by L. Stewart that it be recommended to Council that the household income limits in the Low Income Property Tax Exemption Policy be increased for the 2005/2006 fiscal year by \$500.00.

Motion carried unanimously.

#### INTEREST RATES ON ACCOUNTS RECEIVABLE

At the present time the Municipality charges 18% per annum interest on overdue accounts receivable. This rate was set in 1992. At the time, the rate was reduced from 20% to 18%. Members discussed the level of the interest rate being charged on accounts receivable. This rate is set in order to be a deterrent for property owners who chose not to pay their taxes on a current basis. It is also a penalty for those delinquent taxpayers who do not pay their taxes when due.

The Deputy Warden assumed the chair for a short time while the Warden addressed this matter, and having completed his comments on the matter the Warden then resumed the chair.

At the present time Council has deferred a motion regarding this matter. The motion will again be brought forward at Council for consideration of Council. No Recommendation was brought forward from the Committee to Council on this matter.

#### STATION ROAD PROPERTY

An environmental assessment has been completed on the Department of Natural Resources property at Station Road. The Municipality has paid half the cost of this environmental assessment. The assessment indicates the property is suitable to be used for the purposes of constructing a marina at that location. The Municipality will now proceed to obtain the Department of Transportation property and the adjacent Department of Natural Resources property from the Province of Nova Scotia so that it can be used for the construction of a marina. It is the intention of the Municipality to sell this property to the group constructing the marina, for the cost of purchasing the property. Municipal Staff will proceed with this transaction.

#### DEPARTMENT OF TRANSPORTATION COST SHARED PAVING OF "J" CLASS ROADS

Members were reminded that the Municipality must forward the names of any "J" Class roads for which the Municipality wishes to share in the cost of paving in the 2005/2006 fiscal year. The names of these roads will be brought forward to the Council meeting on January 24<sup>th</sup> should there be any.

#### STRATEGIC PLAN

Members agreed to defer the discussion of the remaining portion of the Strategic Plan to the Committee meeting of January 31<sup>st</sup>.

#### SCHEDULE OF FEES

A Schedule of Fees for the previous two weeks was circulated to members for their information.

#### FINANCIAL STATEMENTS

Members were asked if there were any questions regarding the financial statements circulated to them. These statements cover the eight month period to the end of November 2004. At the present time there were no questions. Members were asked to forward any questions to the Municipal Clerk, or to come to the Municipal Office for the purpose of discussing their questions.

#### TSUNAMI RELIEF

Several members indicated they had attended the tsunami relief fundraiser held on January 15, 2005 at the Barrington Area Lions Hall. The meeting was informed that the amount raised at this function was \$1,868.00, plus the proceeds from the bar which as yet are unknown.

**Moved** by D. LeBlanc-Messenger and seconded by E. Nickerson that it be recommended to Council that the Municipality match the amount raised at the January 15<sup>th</sup> fundraising event for tsunami relief and donate this amount through the Union of Nova Scotia Municipalities or the Federation of Canadian Municipalities.

**Moved** by E. Nickerson and seconded by D. LeBlanc-Messenger that the previous motion be amended to insert the words "to a maximum of \$2,500.00".

Amendment carried unanimously.

There then followed much discussion regarding this motion and its intent.

It was agreed by consensus of members that this matter would again be put on the Council agenda.

Following the discussion of this matter, it was agreed by the mover and seconder that the original motion as amended be withdrawn.

#### CROWELLTOWN ROAD SIGN

Members were informed that the Crowelltown Road sign is missing and the Upper Port LaTour sign at the Port LaTour end of Upper Port LaTour is in need of repair.

#### Resolution COW050119

**Moved** by F. Bower and seconded by L. Stewart that it be recommended to Council that a letter be sent to the Department of Transportation requesting that the Crowelltown Road sign and the Upper Port LaTour signs be replaced and repaired as required.

#### AFFIRMATIVE

Sterling Belliveau  
Fred Bower  
Louise Halliday  
Donna LeBlanc-Messenger  
Larry Stewart  
Sean Strang

#### NEGATIVE

Eddie Nickerson

Motion carried.

#### AREA FIRE RATES

A member brought to the attention of the meeting that Policy #18 governing area fire rates, provided for property owners to vote at the public meetings at which area fire rates were voted on by the community. It was noted that property owners who did not live in the district would not have the opportunity to attend the public meetings.

**Moved** by F. Bower and seconded by E. Nickerson that it be recommended to Council that notice be given at the next subsequent Council meeting of proposed amendments to Policy #18 which would provide that a ballot be received in the mail from property owners who are not residents of a district who qualify to vote at the public meeting for area fire rates.

The Deputy Warden assumed the chair in order to allow the Warden an opportunity to address this issue.

Having completed his address of the issue, the Warden then resumed the chair.

Page 7, Committee of the Whole Meeting, January 17, 2005

The division was then requested on the motion.

**AFFIRMATIVE**

Fred Bower  
Eddie Nickerson  
Larry Stewart

**NEGATIVE**

Sterling Belliveau  
Louise Halliday  
Donna LeBlanc-Messenger  
Sean Strang

Motion defeated.

**WASTE CONTRACT**

There followed some discussion regarding the waste contract and how the action of the Municipality by joining Region Six would affect the decision of Waste Check members in considering the counter proposal forwarded by the Municipality for the settlement of Diversion Credits.

**Moved** by E. Nickerson and seconded by F. Bower that it be recommended to Council that the Municipality ask the Region of Queens if the Region can wait until February 15<sup>th</sup> for a decision regarding the Municipality of Barrington's commitment to depositing waste at the Queen's Regional Landfill.

The Deputy Warden then assumed the chair so that the Warden could address this matter.

Having completed his address of the matter, the Warden then resumed the chair.

After much further discussion the motion was then withdrawn by the mover and seconder.

**EMERY SMITH FISHERIES**

Members were informed that Emery Smith Fisheries had experienced a tragic fire on December 29<sup>th</sup> which substantially destroyed their fish processing plant. Subsequent to that event, Emery Smith Fisheries has applied for a reduction in taxes. Further information is being obtained from the Assessment Office at the present time to determine the amount of the tax reduction.

Also, members were informed that Emery Smith Fisheries owns a piece of property in which the Municipality may have an interest. There is some uncertainty at the present time as to the Municipality's interest in this property. Further investigation is being done to determine the interest in the property, and the Solicitor for Emery Smith Fisheries is requesting the Municipality to complete a Quit Claim Deed on this property. This matter will be further investigated and brought forward to Council as soon as possible.

**ADJOURNMENT**

The meeting was adjourned by mutual consent of members at 10:15 p.m.

---

Chairman

Secretary for the Meeting

**Copied for Councillors on January 19, 2005 by Sharon Brannen.**



