

Minutes of the Regular Meeting of Barrington Municipal Council held in the Council Chambers, in the Administrative Centre, in Barrington, N.S., on Tuesday, July 24, 2007.

The meeting was called to order by the Warden at 7:00 p.m.

#### ROLL CALL

The Clerk reported that all councillors representing all districts of the Municipality were present:

- Warden Louise Halliday

- Deputy Warden Eddie Nickerson

- Councillor George El-Jakl

- Councillor Donna LeBlanc-Messenger

- Councillor Wilford Smith

- Councillor Larry Stewart

- Councillor Sean Strang

- Brian Holland, Municipal Clerk

#### DECLARATIONS OF CONFLICT OF INTEREST

There were no declarations of conflict of interest.

#### APPROVAL OF MINUTES

**Moved** by W. Smith and seconded by S. Strang that the minutes of the last previous meeting held July 9, 2007 be approved as circulated.

Motion carried unanimously.

#### MATTERS ARISING FROM THE MINUTES

##### Notice of Motion to Rescind Re: Motion #C070623 - Unpaid Breaks

Members had previously been given notice that a motion to rescind motion C070625 made at the Council meeting of June 25th would be considered this evening. The motion to be considered for rescinding is:

“...that work hours of Property Services Employees be amended in order to comply with the Labour Standards Code of Nova Scotia, and that they be required to work eight (8) hours daily with a ½ hour unpaid break.”

Members then discussed the implications of this motion.

The Chair then asked for the division for the reconsideration of the motion.

<u>AFFIRMATIVE</u>	<u>NEGATIVE</u>
George El-Jakl	Larry Stewart
Louise Halliday	Sean Strang
Donna LeBlanc-Messenger	
Eddie Nickerson	
Wilford Smith	

Motion rescinded.

The Deputy Warden was asked to assume the Chair while the Warden addressed the matter.

The Warden then resumed the Chair.

Resolution C070723

**Moved** by E. Nickerson and seconded by W. Smith that this matter be referred to Committee of the Whole and that the Public Works Supervisor be requested to attend the Committee meeting next Monday night in order to discuss this matter.

Motion carried unanimously.

ROYAL CANADIAN LEGION INTERVIEW - ELIAS HUSKINS

Mr. Elias Huskins appeared before Council on behalf of the Royal Canadian Legion. On behalf of the Legion Mr. Huskins is requesting that the Municipality have headstones in the cemeteries within the Municipality cleaned. The headstones that the Legion is asking to be cleaned are those of veterans buried in the various cemeteries within the Municipality. At present there are 21 cemeteries within the Municipality.

It will be necessary for Municipal Staff to coordinate identification of these headstones with the administrators of the cemeteries.

One method suggested for identifying the headstones was to place a Canadian flag in front of them a few days prior to the cleaning taking place.

Resolution C070724

**Moved** by S. Strang and seconded by W. Smith that Municipal Staff clean the headstones of veterans who are buried in cemeteries within the Municipality and obtain flags to be used for identification of those headstones, and that a letter be sent to the local Legion indicating that this will be done.

Motion carried unanimously.

Municipal Staff will contact coordinators of the local cemeteries in order to have this work performed.

SECOND READING OF AMENDMENTS TO SEWER BY-LAWS

In order to change the annual sewer service charges in both Barrington/Barrington Passage and Wood's Harbour, for the fiscal year 2007/2008, it is necessary to amend By-Law No. 21 "Municipal Sewers", and By-Law No. 27 "Wastewater Management District". Amendments to these by-laws have already been passed in first reading. The required advertising has been done in the local newspaper indicating that the second reading of amendments to these by-laws will be heard at this evening's Council meeting.

Resolution C070725

**Moved** by L. Stewart and seconded by W. Smith that amendments to By-Law No. 21 "Municipal Sewers" increasing the sewer service charge in the Barrington/Barrington Passage sewer system from \$200.00 to \$266.00 per unit, for the fiscal year 2007/2008, be approved, and that amendments to By-Law No. 27 "Wastewater Management District" increasing the sewer service charges in the Wood's Harbour sewer system from \$275.00 to \$300.00 per unit, for the fiscal year 2007/2008, be approved.

**AFFIRMATIVE**

Louise Halliday  
Eddie Nickerson  
Wilford Smith  
Larry Stewart  
Sean Strang

**NEGATIVE**

George El-Jakl  
Donna LeBlanc-Messenger

Motion carried.

CORRESPONDENCE

Fire Inspector's Association

Correspondence has been received from the Fire Inspector's Association of Nova Scotia indicating that their Annual Fire Inspector's Training Conference will be held October 15 - 19, 2007, in Yarmouth. This conference is being hosted by Zone 3 of the Fire Inspector's Association. Zone 3 is represented by inspectors from Digby to Liverpool. The Zone 3 Association is requesting the Municipality of Barrington to sponsor one of the coffee breaks held during the conference at a cost of \$200.00.

Resolution C070726

**Moved** by D. Messenger and seconded by S. Strang that the Municipality sponsor a coffee break at the Fire Inspector's Association of Nova Scotia Annual Conference to be held in Yarmouth, at a cost of \$200.00.

Motion carried unanimously.

Beulah Burnham Memorial Animal Shelter Society

Prior to the meeting members were provided with a presentation by the Beulah Burnham Memorial Animal Shelter Society. This presentation was forwarded to members by email in advance of the meeting for their review and consideration. In this presentation there are thirteen (13) "wants" that the Society is requesting of municipal units in Shelburne County.

Resolution C070727

**Moved** by E. Nickerson and seconded by S. Strang that the request of the Beulah Burnham Memorial Animal Shelter Society be referred to the Committee of the Whole for further consideration.

Motion carried unanimously.

It was also suggested at this time that Municipal Staff compile numbers of animal complaints addressed within the Municipality, by Municipal Staff, for the information of members of the Committee of the Whole, and that all associated costs also be compiled for the review of members of the Committee of the Whole.

Goose Lake Road

Correspondence has been received from the Goose Lake Association requesting the Municipality to assist them in having individuals using the Goose Lake Road contribute \$25.00 each year toward the cost of road repairs.

Resolution C070728

**Moved** by S. Strang and seconded by L. Stewart that the Municipality inform the Goose Lake Road Association that it is not the responsibility of the Municipality to collect fees for the Goose Lake Road Association, and to further explain to the Association that the Municipality provides camp site leases to residences on municipal property but does not provide them with any access roads to these lease sites.

Motion carried unanimously.

Association of Health Organizations

Correspondence has been received from the Association of Health Organizations informing Council that September will be Continuing Care Month. This organization is asking the Municipality to participate in their promotional campaign by declaring the month of September as Continuing Care Month in the Municipality of the District of Barrington.

Having heard no opposition to this declaration, the Warden declared, as requested, the month of September as Continuing Care Month in the Municipality of the District of Barrington.

Shelburne County Industrial Commission

A response has been received from the Chair of the Shelburne County Industrial Commission indicating that the concerns of Council will be brought to the Commission for their consideration at their next meeting. Council expressed concern that the Industrial Commission is arbitrarily changing the membership of the Board of Directors by appointing new members at large without consulting the municipal units who approved the Terms of Reference for the Industrial Commission.

There then followed much discussion regarding this matter.

It is the general consensus of Council that the Terms of Reference must be adhered to in order for the Board to have any integrity with Council. Unless the Board operates according to the Terms of Reference that had been agreed to by all of the individual municipal units, it cannot be relied upon to faithfully conduct the business assigned to it.

The Deputy Warden assumed the Chair while the Warden addressed this matter.

The Warden then resumed the Chair.

Council's concerns will be expressed to the Board of the Shelburne County Industrial Commission at their next meeting by Council's representative.

Port Clyde House

Members were informed that an email has been received from Dr. John O'Connor indicating that there was a mix-up in communication regarding the renovations to be conducted by Dr. O'Connor at the house in Port Clyde. Dr. O'Connor indicated, by telephone, on July 23<sup>rd</sup> that the transaction for the house will be closing on Thursday, August 2, 2007, and that the carpenter will wait until after the closing to do any further work on the house.

Diversion Credits

A summary of Diversion Credits to be paid to municipal units in Region 6 was provided by Valda Walsh, the Regional Coordinator. According to her calculations, the Municipality of Barrington and the Town of Clark's Harbour, together, will receive more than \$46,000.00 as their first payment of Diversion Credits for the year ended March 31, 2007. This is a significant increase over amounts received in other years by the Municipality.

REPORT OF WARDEN

The Warden reported that she had attended the Tall Ships reception held last week, in Shelburne, together with Councillor Messenger.

The Warden also reported that she has received an invitation to attend the opening of the Shelburne County Exhibition on August 7<sup>th</sup> in Shelburne.

The Deputy Warden has agreed to attend this event on behalf of the Municipality in place of the Warden.

Resolution C070729

**Moved** by S. Strang and seconded by D. Messenger that expenses of the Deputy Warden to attend the opening of the Shelburne County Exhibition on August 7<sup>th</sup> be paid by the Municipality.

Motion carried unanimously.

REPORT OF CLERK-TREASURER

The Clerk-Treasurer provided a written report for the month of June 2007 and reviewed it for information of members.

It was noted that advertising for the amusement rides held at the Barrington Municipal Arena and advertising for the Fashion Show held at the Barrington Municipal Arena should be improved so that more individuals in the Municipality would attend.

REPORT OF COUNCILLORS

Councillor El-Jakl

Councillor El-Jakl informed members that he had attended a meeting of the Wood's Harbour Multi-Purpose Trail and Sidewalk Committee at the Fire Hall in Wood's Harbour. At this meeting two plans of the proposed sidewalk were left with members. These plans were to be displayed in the local convenience store and the local Post Office in Wood's Harbour so that community members and residents could review them in order to determine how they would relate to the properties adjacent to the proposed sidewalk.

Councillor El-Jakl informed members that subsequent to this meeting a letter had been sent to all of the residents who had properties adjacent to the sidewalk requesting them to contact members of the committee with any concerns they had regarding the sidewalk.

Councillor El-Jakl also informed members that he had participated in a fundraising soccer game that was held the previous Saturday at the soccer field in Barrington Passage. As a result of this fundraising effort approximately \$600.00 was raised.

Councillor Messenger

Councillor Messenger informed members that she had attended the Western Shelburne County Health Care Society meeting on July 10<sup>th</sup>. This Society will be hosting a booth at the Barrington Municipal Exhibition.

Councillor Messenger attended the Tall Ships reception on July 18<sup>th</sup> in Shelburne.

Councillor Messenger also attended the reception following the Nova Scotia Marathon held at the Barrington Area Lions Club on July 24<sup>th</sup>.

Councillor Smith

No committees to report.

Councillor Stewart

No committees to report.

Councillor Strang

Committee of the Whole Council

Fitness Program Request

Resolution C070730

**Moved** by S. Strang and seconded by L. Stewart that the request of Ms. Wakerell be denied in any municipal building as the expertise in this area of recreation already exists within the community, and that the policy be quoted in the letter of response to Ms. Wakerell, and suggest she may rent private facilities for the purpose of conducting her programs.

Motion carried unanimously.

Community Grant Requests

Resolution C070731

**Moved** by S. Strang and seconded by E. Nickerson that the following Community Grants be approved:

- District 1
  - Wood's Harbour Days, \$500.00
  - Samuel Wood Museum, \$500.00
  - Greenwood Cemetery, \$500.00
- District 2
  - Chapel Hill Museum for side, \$1,100.0
  - Fog Devils Softball team for ballfield maintenance and repair, \$1,000.00
  - Shag Harbour Incident Society for signs, \$620.00
- District 3
  - Riverdale Cemetery for maintenance, \$700.00
  - Light the Field Committee for maintenance, \$700.00
- District 4
  - West Baccaro Cemetery for maintenance, \$500.00
  - Greenhill Senior Citizens Club for maintenance, \$500.00
  - Society for the Preservation of Greenhill Community Church for maintenance, \$500.00
- District 5
  - No applications
- District 6
  - Archelaus Smith Museum for maintenance, \$800.00
  - Newellton Community Hall for maintenance, \$1,000.0
  - North East Point Community Hall for maintenance, \$300.00
- District 7
  - White Lily Cemetery for maintenance, \$700.00
  - Evergreen Cemetery for maintenance, \$700.00

Motion carried unanimously.

Resolution C070732

**Moved** by S. Strang and seconded by D. Messenger that a \$500.00 grant to the Barrington Regional Curling Club be approved for the purpose of construction of a storage shed, and that these funds be provided from the District 3 Community Grants Fund.

Motion carried unanimously.

Resolution C070733

**Moved** by S. Strang and seconded by D. Messenger that a \$500.00 grant be approved to the Barrington Municipal Exhibition from the District 3 Community Grants Fund.

Motion carried unanimously.

UNSM Resolution

Resolution C070734

**Moved** by S. Strang and seconded by G. El-Jakl that the following resolution be submitted to the UNSM for consideration at its Annual Conference:

**WHEREAS** 40% of all emergency calls placed in Nova Scotia are placed from cellular telephones;

**AND WHEREAS** trunk mobile radio service is the emergency radio service now being used in Nova Scotia;

**AND WHEREAS** there is a distinct lack of coverage for cellular services and TMR services in certain rural areas of Nova Scotia;

**THEREFORE BE IT RESOLVED** that the Province of Nova Scotia be urged to provide improved cellular and TMR coverage in rural areas of Nova Scotia, in particular to improve the safety of all citizens and the emergency response capabilities of the Emergency Measures Organization within the Province.

Motion carried unanimously.

Occupational Health & Safety Policy Amendments

Amendments are proposed for the Occupational Health & Safety Policy in order to put safe work practices in place at the Barrington Municipal Pool.

Resolution C070735

**Moved** by S. Strang and seconded by W. Smith that Council be given notice this evening that proposed amendments to the Occupational Health & Safety Policy, which will add the Emergency Contingency Plan at the Barrington Municipal Pool to the policy, will be considered at the next subsequent meeting of Council.

Motion carried unanimously.

Th”YARC

As a result of correspondence received from Th-YARC, and a presentation made by its representatives at Council, there has been a request that a councillor sit on the Board of Directors of Th-YARC.

Resolution C070736

**Moved** by S. Strang and seconded by G. El-Jakl that Th'YARC be informed that the Municipality does not have anyone who wishes to sit on their Board at this time, however, it is suggested that Th'YARC keep residents of the Municipality informed of activities in Th'YARC in this area so that circumstances may change in this membership in future. It is also suggested that Th'YARC be informed that because of the business schedules of councillors at the present time, no-one is available to serve on their board.

Motion carried unanimously.

Baccaro Light

Correspondence has been received from the Federal Government indicating that they are disposing of Baccaro Light, and that they must follow the appropriate process which is first to offer the property to the Province of Nova Scotia and then to offer it to a municipal unit.

Resolution C070737

**Moved** by S. Strang and seconded by W. Smith that a letter be sent to the Province of Nova Scotia indicating that the Municipality is interested in purchasing the Baccaro Light Station.

Motion carried unanimously.

Walk for a Cause

Correspondence has been received from Shelley d'Eon requesting permission to host an event entitled "Walk for a Cause". The purpose of this event will be to raise funds for the Rosalin Nickerson Cancer Care Fund. This fund provides monies for cancer patients who need funds in order to pay the cost of travel for cancer treatment and therapies in Halifax and other locations.

Resolution C070738

**Moved** by S. Strang and seconded by L. Stewart that the Municipality permit the event "Walk for a Cause" to be held on municipal property as requested.

<b>AFFIRMATIVE</b>	<b>NEGATIVE</b>
Louise Halliday	George El-Jakl
Donna LeBlanc-Messenger	
Eddie Nickerson	
Wilford Smith	
Larry Stewart	
Sean Strang	

Motion carried.

Excavator Tenders

The Municipality has tendered for the provision of an excavator to be used at the Municipality's Construction & Demolition Debris Landfill Site.

Tenders have been received and the machines tendered are in the process of being evaluated by Municipal Staff.

Resolution C070739

**Moved** by S. Strang and seconded by W. Smith that staff review the tenders received for provision of an excavator at the Construction & Demolition Landfill Site and report to Council with their recommendation.

Motion carried unanimously.

Municipal Staff will discuss their recommendation at the next committee meeting to be held on Monday, July 30<sup>th</sup>.

Loyalist Landing 2008

Resolution C070740

**Moved** by S. Strang and seconded by E. Nickerson that \$2,000.00 be donated to the Loyalist Landing 2008 Society for the purpose of purchasing promotional materials to be used for retail sales for their events during 2008, and these funds be taken from the tourism funds provided in the budget for the purchase of advertising in the Doers and Dreamers Guide.

<u>AFFIRMATIVE</u>	<u>NEGATIVE</u>
Louise Halliday	Wilford Smith
George El-Jakl	Sean Strang
Donna LeBlanc-Messenger	
Eddie Nickerson	
Larry Stewart	

Motion carried.

Councillor Nickerson

Councillor Nickerson informed members that he had attended the Nova Scotia Marathon closing ceremonies on behalf of the Municipality. Deputy Warden Nickerson wished to extend his appreciation to Eric and the summer staff for their conduct of this event which was very well organized.

Councillor Nickerson then returned to discussion of the excavator tender and indicated that his “advisor” had informed him that the machines being considered for purchase were too small for use in our Landfill.

Conflict of Interest

Deputy Warden Nickerson declared conflict of interest after his comments regarding the excavator. He declared conflict of interest because the “advisor” requested to come to the meeting is Bud Nickerson who is his stepfather.

**Moved** by W. Smith and seconded by G. El-Jakl that Deputy Warden Nickerson’s advisor be requested to come to a Committee of the Whole Council meeting in order to discuss the purchase of an excavator for the Landfill.

After some discussion this motion was withdrawn.

Deputy Warden Nickerson then returned to the meeting.

### THREE YEAR CAPITAL BUDGET

The Three Year Capital Budget of the Municipality was provided to members for their review. This budget is consistent with the Capital Investment Plan that had previously been approved by Council.

This budget will be forwarded to Service Nova Scotia & Municipal Relations as required.

#### Resolution C070741

**Moved** by S. Strang and seconded by G. El-Jakl that the Three Year Capital Budget be approved as circulated.

Motion carried unanimously.

### DEPARTMENT OF TRANSPORTATION

Members were informed that all of the requests previously sent to the Department of Transportation by letter of May 4, 2007 had now been completed.

Members also brought forward two further issues at this time:

1. The shoulder of road at the Fall's Point Road where a dry hydrant is located for the Wood's Harbour Volunteer Fire Department needs to be graded so that it is sloped adequately for fire trucks to access the hydrant.
2. Trees along the road in Port LaTour near Commercial Street need to be trimmed so that tractor trailers do not hit them as they are passing by.

These matters will be referred to the Department of Transportation by email.

### CREDIT CARD PAYMENTS

During discussion of this matter the Deputy Warden assumed the Chair for a brief time so that the Warden could address the matter.

The Warden then resumed the Chair.

The Municipality is paying a 2.14% discount on all payments received by credit card. Many of the payments received by credit card are simply being made in this fashion so that taxpayers may receive air miles on their credit cards. The cost of the discount being charged to the Municipality is being born by all of the taxpayers of the Municipality, not just those who use credit cards to make payments. The Municipality's agreement with its credit card supplier, Moneris, does not allow the Municipality to impose a surcharge to recover this amount from credit card users.

Resolution C070742

**Moved** by S. Strang and seconded by W. Smith that effective August 15, 2007 the Municipality cease to accept tax payments by credit card, and that this policy be advertised in the local newspaper, together with an explanation for this action.

<b><u>AFFIRMATIVE</u></b>	<b><u>NEGATIVE</u></b>
George El-Jakl	Eddie Nickerson
Louise Halliday	
Donna LeBlanc-Messenger	
Wilford Smith	
Larry Stewart	
Sean Strang	

Motion carried.

Resolution C070743

**Moved** by E. Nickerson and seconded by G. El-Jakl that the credit card agreement be forwarded to the Municipal Solicitor for his comment regarding Section 1.6 Discrimination.

<b><u>AFFIRMATIVE</u></b>	<b><u>NEGATIVE</u></b>
George El-Jakl	Sean Strang
Louise Halliday	
Donna LeBlanc-Messenger	
Eddie Nickerson	
Wilford Smith	
Larry Stewart	

Motion carried.

SENIOR PLANNER

Members were informed that the CAOs who are representing the four municipal units participating in the Yarmouth-Argyle-Barrington Planning Commission have agreed to hire Mr. Chris Reddy as Senior Planner for the Commission. Mr. Reddy will begin employment with the Planning Commission on August 13, 2007.

CLOSED SESSION

Members then entered into Closed Session for the purpose of discussing a personnel matter.

Members then returned to Open Session.

ADJOURNMENT

**Moved** by S. Strang that the meeting adjourn at 10:35 p.m.

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Warden

Clerk

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\_\_\_\_ Secretary for the Meeting

**On website July 26, 2007.**