

Minutes of the Regular Meeting of Barrington Municipal Council held in the Council Chambers, in the Administrative Centre, in Barrington, N.S., on Tuesday, October 13, 2009.

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 Donna LeBlanc-Messenger
- Councillor Murray Atkinson
- Councillor George El-Jakl
- Councillor Shaun Hatfield
- Councillor Cecil O'Donnell
- Councillor Cathy Stoddard

- Brian Holland, Municipal Clerk

CONFLICTS OF INTEREST

No conflicts of interest were declared.

APPROVAL OF MINUTES

Moved by G. El-Jakl and seconded by C. O'Donnell that the minutes of the last regular meeting held September 28, 2009 be approved as circulated.

Motion carried unanimously.

CLYDE NICKERSON PRESENTATION

Mr. Clyde Nickerson appeared before Council for the purpose of making a presentation on his own behalf as a ratepayer in the Municipality.

Mr. Nickerson indicated that he has done some research on the Municipal Government Act. Mr. Nickerson then continued to quote various sections of the Municipal Government Act indicating the purposes of those acts and the various requirements under those sections. In particular, Mr. Nickerson centered his presentation around Sections 50 and 51 of the Municipal Government Act regarding the sale of municipal property and the requirements imposed by the Municipal Government Act for the sale of municipal property. In particular, Mr. Nickerson questioned the legality of the sale of property to the Yarmouth Area Industrial Commission and the provision of a grant by the Yarmouth Area Industrial Commission to Maranatha Fur Farms, and expenses incurred by the South West Shore Development Authority related to the sale of the property by the Yarmouth Area Industrial Commission. Mr. Nickerson also questioned the Municipality's provision of a repayable grant to the South West Shore Development Authority.

Mr. Nickerson also indicated that previously a settlement of \$20,000.00 had been reached with a contractor in order to avoid a lawsuit. Mr. Nickerson stated that he believed councillors had been negligent in their duty “in this mess”, and suggested that the remedies to correct this situation would be for someone to take the matter of the sale of property to the Supreme Court of Nova Scotia, or that the councillors that are still on Council and were there at the time of the sale of municipal property be required to pay \$36,000.00, which he believes is lost revenue to the Municipality, back to the Municipality, or that they resign.

Mr. Nickerson was then thanked for his presentation to Council and retired from the Council meeting at 7:40 p.m.

During the Warden’s address to Mr. Nickerson thanking him for his presentation, she was rudely interrupted by a member of the public who was told that he was out of order since no permission had been obtained to address Council. The individual in the gallery then uttered an expletive and quickly left the meeting room.

Council then briefly recessed for a few moments.

Council then reconvened and continued with the remainder of the meeting.

MATTERS ARISING FROM THE MINUTES

Blood Collection Services

Members were informed that correspondence has been received from the District Health Authority regarding Council’s request for the elimination of charges for blood collection services in the local area. This correspondence indicated that the District Health Authority is not funded to provide satellite blood collection services, therefore charge a cost recovery fee to offset the cost of the access clinic. If the District Health Authority does not charge the fee, the service would be discontinued, leaving the individuals to obtain the service at Roseway or Yarmouth hospitals.

Resolution C091004

Moved by D. Messenger and seconded by M. Atkinson that a letter be sent to the Department of Health requesting that they discuss providing funds in the health authorities budget to enable the health authority to remove the fees for satellite blood collection services.

Motion carried unanimously.

LED Lighting Program

Information was received by telephone by Nova Scotia Power Inc. regarding their LED Lighting Program. At present there are ten (10) pilot projects taking place throughout Nova Scotia involving LED street lighting. 1100 street lights are being used in these pilot projects. As these projects are still underway, no results from them have been published.

Resolution C091005

Moved by S. Hatfield and seconded by C. O'Donnell that a letter be sent to Nova Scotia Power Inc. requesting that the Municipality of the District of Barrington be considered for any future LED Lighting pilot programs.

Motion carried unanimously.

Year of the Lobster

Members were informed that correspondence has been received from the PC Caucus Office indicating that a resolution has been passed by the Nova Scotia Legislature stating that all members of the House of Assembly recognize Nova Scotia's lobster industry, and give their 100% support to the Municipality of Barrington as they celebrate the Year of the Lobster in 2009.

Also, correspondence has been received from MP Gerald Keddy indicating that a resolution has been passed in the House of Commons which states: "I call on all my colleagues to join me in recognizing 2009 as The Year of the Lobster, Mr. Speaker. In honor of this designation I encourage all Canadians to support the lobster industry by buying Nova Scotia lobsters."

Resolution C091006

Moved by S. Hatfield and seconded by D. Messenger that it be recommended to Council that a letter be sent to our MP, to the Federal Fisheries Minister, and to the Provincial Fisheries Minister requesting funding for local community events celebrating the Year of the Lobster 2009.

Motion carried unanimously.

CORRESPONDENCE

Nova Scotia Community-Based Transportation Association

Correspondence from the Nova Scotia Community-Based Transportation Association has been circulated to members. This is an association of local groups who provide community-based transportation in various areas of Nova Scotia. In the correspondence, Council is invited to join the Association to help ensure accessible transportation for our constituents and for all Nova Scotians.

Resolution C091007

Moved by G. El-Jakl and seconded by D. Messenger that correspondence be referred to Committee of the Whole for further discussion.

Motion carried unanimously.

REPORT OF WARDEN

Dr. John O'Connor

The Warden gave a brief report on her activities since the last meeting of Council. The Warden reported that correspondence has been received, by email, from Dr. John O'Connor indicating that it will be necessary for him to relocate to Alberta for an interim period. This relocation is necessary due to family illness and will take place in the very near future. It is as yet unknown how long the relocation will be necessary.

Waste Reduction Week

The Warden also indicated that she had received correspondence from Clean Nova Scotia requesting that October 19 - 25, 2009 be declared Waste Reduction Week.

Having heard no objections the Warden declared October 19 - 25, 2009 Waste Reduction Week in the Municipality of Barrington.

REPORT OF COUNCILLORS

Councillor Cecil O'Donnell

Councillor O'Donnell gave a brief report on his activities since the last meeting of Council.

Councillor George El-Jakl

Committee of the Whole

Public Sorting Station Tenders

Resolution C091008

Moved by G. El-Jakl and seconded by D. Messenger that both tenders that have been received for the Public Sorting Station Project at the C & D Landfill Site be rejected because when the cost of these tenders is combined with other costs for this project they exceed the funds that are available.

Motion carried unanimously.

Sewage Treatment Plant Site

Resolution C091009

Moved by G. El-Jakl and seconded by C. O'Donnell that the Municipality contact Mr. Eddie Nickerson to obtain a selling price for his property, and that he be requested to get approval from the Department of Natural Resources for an effluent pipe across their property to the Atlantic Ocean, and that he be requested to do this within thirty (30) days due to time constraints the Municipality is under in having this project started.

Motion carried unanimously.

This motion is the result of having received a communication from Mr. Nickerson indicating that he is willing to sell a portion of his property for use as a sewage treatment plant site for a sewer on Cape Sable Island.

Meeting Times

A recommendation is made to Council regarding the starting of meetings at 6:30 p.m. instead of 7:00 p.m. This motion is contrary to the current policy that is in place and therefore will not be acted upon.

Resolution C091010

Moved by S. Hatfield and seconded by M. Atkinson that Policy No. 59, which indicates in paragraph 11 the ordinary hours of committee meetings, be amended to provide more flexibility in Council meeting time.

AFFIRMATIVE

Murray Atkinson
Louise Halliday
Shaun Hatfield
Donna LeBlanc-Messenger
Cecil O'Donnell
Cathy Stoddard

NEGATIVE

George El-Jakl

Motion carried.

Councillor Cathy Stoddard

Councillor Stoddard gave a brief report on her activities since the last meeting of Council.

Councillor Murray Atkinson

No report was provided by Councillor Atkinson.

Deputy Warden Donna LeBlanc-Messenger

Councillor Messenger gave a brief report on her activities since the last meeting of Council.

Councillor Shaun Hatfield

Councillor Hatfield gave a brief report on his activities since the last meeting of Council.

Warden Louise Halliday

Warden Halliday indicated to members that she had attended a Pension Workshop recently at the Barrington Municipal Library and invited other members to attend a future similar workshop that may be available in the community.

NEW BUSINESS

Notice of Consideration - Policy 59 - Committees of Council

Members are being given notice this evening that proposed amendments to Policy No. 59, "Committees of Council" will be brought forward for consideration at the next meeting of Council.

Notice of Consideration - Policy No. 52 - Council Meetings and Proceedings

Members were given notice that consideration will be given to amendments to Policy No. 52, "Council Meetings and Proceedings" at the next meeting of Council.

Consideration of Amendments to Policy No. 58 - Playground Funding

Members had been given notice at a previous meeting of Council that amendments to the Playground Funding Policy would be considered at tonight's meeting. The proposed amendments to the Playground Funding Policy will provide for the Municipality to accrue amounts payable for grants through community groups for the construction of playgrounds. This will allow the funds to remain available to grantees past the year end so that when actual construction takes place the funds are still provided as required.

Resolution C091011

Moved by S. Hatfield and seconded by D. Messenger that Section 13 of the Playground Funding Policy, No. 58, be deleted and replaced with the following:

"The Municipality will accrue any payments for approved playground grants at the end of each year in the case that they have not been paid out during the year so that the monies are put aside to be used when the playgrounds are constructed."

Motion carried unanimously.

Rural Post Offices

A proposed resolution has been received for consideration of Council. This resolution has been forwarded from the local post office through various councillors requesting that the Municipality support local post offices.

Resolution C091012

Moved by S. Hatfield and seconded by G. El-Jakl that:

WHEREAS the Federal Government commissioned a committee to do a strategic review of Canada Post Corporation;

AND WHEREAS the Federal Government must maintain the moratorium or similar protection against rural post office closures;

AND WHEREAS the recommendations of the Strategic Review Committee will only lead to further privatization of rural post offices;

AND WHEREAS all rural Canadians, no matter where they live, are entitled to the right of a full service federally operated post office in rural communities;

THEREFORE BE IT RESOLVED that the Council of the Municipality of the District of Barrington demand that the Federal Government continue to enforce the moratorium on closures of rural post offices and abandon all proposals put forth by the Strategic Review Committee of further privatization of all rural postal services.

Motion carried unanimously.

South West Shore Development Authority Request

At a meeting of the South West Shore Development Authority held on October 6th, all member units were verbally requested by the Board of Directors to provide letters of support to the Nova Scotia Minister of Economic and Rural Development. These letters of support were to indicate the Municipality's support for the Authority's request from the provincial government to assume the \$1,750,000.00 mortgage outstanding to Seacoast Entertainment Inc. now held by the South West Shore Development Authority. The request is also to provide a letter of support for the Authority's request from the provincial government for a loan guarantee in the amount of \$500,000.00 for operating funds to be used by the Authority to enable it to carry out projects within the region.

There then followed much discussion regarding this request and its implications.

Resolution C091013

Moved by G. El-Jakl and seconded by D. Messenger that this matter be referred to Committee of the Whole for further discussion and that the Municipal Solicitor be requested to be present for these discussions.

AFFIRMATIVE

Murray Atkinson
George El-Jakl
Louise Halliday
Donna LeBlanc-Messenger
Cecil O'Donnell
Cathy Stoddard

NEGATIVE

Shaun Hatfield

Motion carried.

Building Inspection Agreement

Mr. Carl Smith has previously been providing building inspection services to the Municipality for all inspections that require a Level II Qualified Building Official. Mr. Smith is now off on sick leave and will be unable to provide these services to the Municipality. As a result, the Municipality of Argyle has been requested to provide these building inspection services to the Municipality of Barrington on an as-needed basis. The Municipality of Argyle has agreed to do this and has provided a legal agreement to be signed by the Municipality. Under this agreement the Municipality of Barrington will continue to be liable for any actions of the Building Inspectors on its behalf, and will continue to insure that Building Inspectors acting on behalf of the Municipality of Barrington. The Municipality of Barrington will reimburse the Municipality of Argyle for the cost of inspection services provided.

Resolution C091014

Moved by G. El-Jakl and seconded by C. O'Donnell that the Municipality enter into an agreement with the Municipality of the District of Argyle for the provision of building inspection services as required under the Building Code Act, on an as-needed basis.

Motion carried unanimously.

CLOSED SESSION

Members then entered Closed Session for the purposes of considering the purchase of property and personnel matters.

Having reached the hour of 10:00 p.m., members agreed by unanimous consent to continue their meeting until all business has been completed.

The meeting then returned to Open Session at 10:18 p.m.

Purchase of Property

Resolution C091015

Moved by S. Hatfield and seconded by C. O'Donnell that Municipal Staff contact the Department of Natural Resources to confirm that a twenty (20) foot right of way will be granted across DNR property to provide access to property being considered to be purchased by the Municipality.

AFFIRMATIVE

Murray Atkinson
Shaun Hatfield
Donna LeBlanc-Messenger
Cecil O'Donnell
Cathy Stoddard

NEGATIVE

George El-Jakl
Louise Halliday

Motion carried.

Resolution C091016

Moved by G. El-Jakl and seconded by D. Messenger that a letter be sent to Mr. Leslie Chetwynd asking him to put his request for appraisal of the municipal property, in writing, to Council.

Motion carried unanimously.

Anna Kenney Increment

Our Recreation Director, Anna Kenney, has now completed another year's service to the Municipality.

Resolution C091017

Moved by C. Stoddard and seconded by D. Messenger that Anna Kenney receive her annual pay increment as scheduled.

Motion carried unanimously.

ADJOURNMENT

The meeting was adjourned by mutual consent of members at 10:27 p.m.

Warden

Secretary for the Meeting

On website October 19, 2009.