

Minutes of the Regular Meeting of Barrington Municipal Council held in the Council Chambers, in the Administrative Centre, in Barrington, N.S., on Monday, June 13, 2011.

The meeting was called to order by the Warden at 6:00 p.m., with the following members present:

- Warden George El-Jakl
  - Deputy Warden Donna LeBlanc-Messenger
  - Councillor Murray Atkinson
  - Councillor Louise Halliday
  - Councillor Shaun Hatfield
  - Councillor Cecil O'Donnell
  - Councillor Cathy Stoddard
- Brian Holland, Municipal Clerk

#### CLOSED SESSION RE: PERSONNEL MATTERS AND LEGAL MATTER - FORMER BMHS PROPERTY

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Members then entered into Closed Session for the purpose of reviewing performance evaluations of employees Stacey Chetwynd and Thelma Ross, and for the purpose of discussing legal issues concerning the former BMHS property.

At 6:20 p.m. members entered Open Session and had a brief break from the meeting until 7:00 p.m.

At 7:00 p.m. members then continued with the Open Session of the meeting.

#### REPORT ON CLOSED SESSION

The Warden reported that members reviewed the evaluations of employees Stacey Chetwynd and Thelma Ross, and discussed the legal issue regarding the former BMHS property.

#### DECLARATIONS OF CONFLICT OF INTEREST

There were no conflicts of interest declared.

#### APPROVAL OF MINUTES

**Moved** by M. Atkinson and seconded by C. Stoddard that minutes of the last previous meeting held May 24, 2011 be approved as circulated.

Motion carried unanimously.

PRESENTATION TO SGT. BOB FORBES

Sgt. Bob Forbes who is the Commanding Officer of the local RCMP Detachment is retiring at the end of June 2011. Council requested Sgt. Forbes to appear before the meeting so that they could express their gratitude and appreciation to him for his recent 2 ½ years of service to the Municipality and our community. A certificate was presented to Sgt. Forbes by the Warden on behalf of the Municipality and he was thanked by several councillors. Also attending the meeting with Sgt. Forbes were Superintendent Craig Gibson, Cpl Mario Ross and Cst. Scott Allaby.

Having completed their presentation to Sgt. Forbes, the RCMP members then retired from the meeting.

MATTERS ARISING FROM THE MINUTES

South West Shore Development Authority Guarantee

A draft motion was circulated to members with the agenda effecting the payment of the Municipality's guarantee provided to the Royal Bank of Canada on behalf of the South West Shore Development Authority.

There then followed much discussion regarding the payment of this guarantee and the amount of the guarantee.

**Moved** by D. Messenger and seconded by C. Stoddard that:

**WHEREAS** on May 30, 2011 an Order was received from the Minister of Service Nova Scotia and Municipal Relations under the authority of Section 456 of the Municipal Government Act ordering the Municipality of the District of Barrington to accept the settlement with RBC as set out in the Minister's letter of May 10, 2011;

**AND WHEREAS** the Municipality of the District of Barrington was also ordered to make payment to the RBC in the amount of \$91,230.44, on or before June 15, 2011;

**AND WHEREAS** Section 456(2) of the Municipal Government Act states: "Every person who fails to comply with an Order of the Minister, votes in favour of any motion that would result in a failure to obey the Order, or votes against a motion to comply with the Order is guilty of an offence and is liable on summary conviction to a penalty of not less that \$1,000.00 and not more than \$10,000.00 and in default of payment to imprisonment for a term of not less than three months and not more than 12 months."

**THEREFORE BE IT RESOLVED** that the Municipality of the District of Barrington pay the sum of \$91,230.44 to the RBC by certified cheque or bank order on or before June 15, 2011 as ordered.

**AFFIRMATIVE**

George El-Jakl  
Louise Halliday  
Donna LeBlanc-Messenger  
Cathy Stoddard

**NEGATIVE**

Murray Atkinson  
Shaun Hatfield  
Cecil O'Donnell

Motion carried.

There then followed some discussion regarding the discrepancy in the amount of the guarantee that was approved by Council and the amount of the written guarantee that was provided by the Royal Bank.

**Moved** by S. Hatfield and seconded by D. Messenger that a letter be sent to the Minister for Service Nova Scotia and Municipal Relations requesting an explanation of the difference between the amount of the guarantee that was approved by Council and the amount of the guarantee that was contained in the Royal Bank document.

**Moved** by S. Hatfield and seconded by C. O'Donnell that the motion be amended to also request an explanation of the discrepancy in the amounts from the Ombudsman's Office and from our former Warden Belliveau who is now our MLA.

The division was then taken on the amended motion.

The motion as amended now reads as follows:

**Resolution C110601**

“...that a letter be sent to the Minister for Service Nova Scotia and Municipal Relations requesting an explanation of the difference between the amount of the guarantee that was approved by Council and the amount of the guarantee that was contained in the Royal Bank document, and to also request an explanation of the discrepancy in the amounts from the Ombudsman's Office and from our former Warden Belliveau who is now our MLA.”

Motion carried unanimously.

**NEW BUSINESS**

**Barrington 7E Volunteer Fire Department Area Rate**

Members were informed that the Barrington 7E Volunteer Fire Department held a public meeting on May 27, 2011 for the purpose of presenting a proposal for an Area Rate to residents of their fire district. A certificate was received from the Fire Chief indicating that all requirements of Policy No. 18 have been met. This is the policy that governs how an Area Rate is to be put in place.

Having completed their meeting to discuss and explain the need for an Area Rate a poll was then conducted of electors and property owners present at the meeting.

The number of voters polled was 35 and the number of ballots cast was 35. The number of ballots marked “for” was 34 and the number of ballots marked “against” was 1. There were no spoiled ballots.

Resolution C110602

**Moved** by D. Messenger and seconded by C. O’Donnell that the Municipality approve an Operating Area Rate for a period of five years in the Barrington 7E Volunteer Fire Department area in the amount of \$0.05 per \$100.00 of assessment.

Motion carried unanimously.

MATTERS ARISING FROM THE MINUTES CONTINUED

Tabled Motion Re: Dalhousie Medical School

At a previous Council meeting the following motion had been tabled until further information was obtained:

Resolution C110603

*“Moved by C. Stoddard and seconded by S. Hatfield that a letter of support should be forwarded supporting the position of the Roseway Hospital Charitable Foundation. The letter is to be sent to our MLA Sterling Belliveau supporting the position of the Roseway Hospital Charitable Foundation that the provincial government rethink its position for selling 10 placements at Dalhousie Medical School to medical students from Saudi Arabia as these positions should be provided to Nova Scotia students which would be of greater benefit to all the residents of this province.”*

Information regarding the sale of these seats to Saudi Arabia and the reason for the sale of these seats was provided to councillors.

The division was then requested on the motion.

Motion carried unanimously.

CSI Elementary Schools

Correspondence has been received from the Minister of Education indicating that neither the Minister of Education nor the Premier do personal assessments on school locations. The Education Act mandates that decisions of this sort are to be made by the School Board. The School Board has made the decision and the Minister will respect that decision.

Causeway Guardrail

Correspondence has been received from the Minister of Transportation regarding the guardrail along the Cape Sable Island Causeway. He indicates that the Department of Transportation utilizes the cable guardrail systems along several causeway sections of provincial highways as the usual steel beam guardrail systems cause snow to accumulate within the roadway along these long sections of road. These cable guardrail systems are used in several locations such as the Cape Sable Island Causeway as well as the Canso Causeway.

It was noted that there has recently been a press release indicating that work is being done at the Canso Causeway.

Resolution C110604

**Moved** by C. O'Donnell and seconded by C. Stoddard that information be obtained on work that is being done at the Canso Causeway to determine if it affects the guardrail at that location.

Motion carried unanimously.

CSI Sewer Project

Correspondence has been received from the Canada/Nova Scotia Infrastructure Secretariat. In this correspondence it is indicated that the project will be decommissioned as soon as possible. The Municipality is advised that in order to obtain any portion of the unused funds for this project it would be necessary to submit a new project application. However, at this time the Secretariat is not accepting any new applications.

Robert Strang Presentation

The Province's Medical Officer, Dr. Robert Strang, was requested to provide a presentation to Municipal Council. In response to this invitation Dr. Strang has indicated that he has passed this request to Dr. Linda Earle who will be the Regional Medical Officer of Health for the South Shore, South West and Annapolis Valley Health Authorities. He suggests that she would be the person who should make such a presentation.

Resolution C110605

**Moved** by C. Stoddard and seconded by D. Messenger that the Municipality invite Dr. Linda Earle to make a medical presentation to Council regarding the state of human health in Nova Scotia.

Motion carried unanimously.

Resolution C110606

**Moved** by C. Stoddard and seconded by D. Messenger that the Municipality invite members of the Roseway Hospital Charitable Foundation and the recruitment committees in both eastern and western Shelburne County, and other stakeholders in the provision of health care in the County to the presentation by Dr. Earle and advise Dr. Earle that these individuals are being invited.

Motion carried unanimously.

CORRESPONDENCE

Lockeport July 1<sup>st</sup> Celebrations

An invitation has been received to attend the Lockeport July 1<sup>st</sup> Celebrations on Friday, July 1, 2011. The official opening will be at 10:00 a.m. with a street parade at 2:30 p.m and an awards ceremony following at 4:00 p.m. The invitation was duly noted by members.

REPORT OF COUNCILLORS

Councillor Louise Halliday

Councillor Halliday provided a brief report on her activities since the last meeting of Council.

Councillor Shaun Hatfield

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

Deputy Warden Donna LeBlanc-Messenger

Deputy Warden Messenger provided a brief report on her activities since the last meeting of Council.

Councillor Murray Atkinson

Councillor Atkinson provided a brief report on his activities since the last meeting of Council.

Councillor Cathy Stoddard

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

Councillor Cecil O'Donnell

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

Councillor O'Donnell then reported on motions to be brought forward from the Committee of the Whole.

Right of Way Request

Resolution C110607

**Moved** by D. Messenger and seconded by S. Hatfield that the Municipality grant a right of way across the Barrington Bay Trail for the purpose of a sewer connection, and that the Municipality approve the sewer connection for Mr. Brian Wilson on property PID #82554379 at the property owner's expense.

Motion carried unanimously.

Shelburne County Tourism Association

Resolution C110608

**Moved** by S. Hatfield and seconded by M. Atkinson that a letter be sent to the Shelburne County Tourism Association requesting they provide reports to Council and proposals for their funding each year, and informing them that Councillor Stoddard is resigning from the Association and Council will not be replacing her with another member.

Motion carried unanimously.

Drain Request - Mary and Junior Ross

**Moved** by S. Hatfield and seconded by D. Messenger that the Municipality consult an expert to determine the cause of Mrs. Ross's drainage problem and to determine a solution to it.

**Moved** by S. Hatfield and seconded by D. Messenger that the motion be amended by adding "since construction of the library in Barrington Passage may have impacted drainage at the Ross's property".

The division was then requested on the amendment.

Amendment carried unanimously.

The division was then requested on the amended motion which now reads:

Resolution C110609

"...that the Municipality consult an expert to determine the cause of Mrs. Ross's drainage problem to determine a solution to it since construction of the library in Barrington Passage may have impacted drainage at the Ross's property.

Motion carried unanimously.

Municipal Physical Activity Coordinator Job Description

Resolution C110610

**Moved** by C. Stoddard and seconded by C. O'Donnell that the job description for the Physical Activity Coordinator be approved.

Motion carried unanimously.

Surplus Federal Property - DFO Storage Facility, East Baccaro

Resolution C110611

**Moved** by L. Halliday and seconded by M. Atkinson that the Municipality indicate to the Federal Department of Public Works and Government Services Canada that the Municipality is not interested in obtaining the former DFO Storage Facility in East Baccaro.

Motion carried unanimously.

Clerk's Evaluation Process

Resolution C110612

**Moved** by C. O'Donnell and seconded by L. Halliday that the Warden contact the Municipal Solicitor regarding the proper process to be followed for the evaluation of the Clerk-Treasurer and the requirement for individuals completing and signing individual forms.

**AFFIRMATIVE**

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

**NEGATIVE**

Murray Atkinson  
Shaun Hatfield.

Motion carried.

Bill No. 41 Amendments Re: Dangerous & Unsightly Premises

Resolution C110613

**Moved** by C. O'Donnell and seconded by S. Hatfield that correspondence be sent to the provincial government stating that Council is not pleased with the proposed amendments for the following reasons:

1. The amendments were assented to prior to and without input from the municipal units in the province.
2. The amendments will result in additional enforcement costs being placed on 55 municipalities in the province.

Motion carried unanimously.



SHYFT Youth Services Society

Resolution C110614

**Moved** by M. Atkinson and seconded by D. Messenger that correspondence be sent to the SHYFT Youth Services Society indicating to them that due to budgetary restraints the Municipality is unable to provide funding for the current fiscal year.

Motion carried unanimously.

Surplus Federal Properties Baccaro Point

Resolution C110615

**Moved** by S. Hatfield and seconded by M. Atkinson that a letter be sent to Public Works and Government Services Canada thanking them for their offer to the Municipality for the distribution of various parcels of land at Baccaro Point, and indicating to them that the Municipality is not interested in purchasing these properties.

**AFFIRMATIVE**

Murray Atkinson  
George El-Jakl  
Louise Halliday  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Cathy Stoddard

**NEGATIVE**

Cecil O'Donnell

Motion carried.

It was noted that there may be environmental issues with some of these properties and therefore the Municipality is not interested in purchasing them.

Lighthouse Road, Baccaro Point

Resolution C110616

**Moved** by C. O'Donnell and seconded by C. Stoddard that correspondence be sent to the Department of Transportation requesting a written reply to the Municipality's request for repairs being done to the Lighthouse Road in Baccaro as numerous requests have been made and at various times the Department has indicated they would be doing repair work to the road.

Motion carried unanimously.

Library Board Request

Resolution C110617

**Moved** by D. Messenger and seconded by C. Stoddard that the Municipality provide ten (10) pairs of passes to the Barrington Municipal swimming pool for the 2012 season to the Western Counties Regional Library for their “Splash” reading promotion subject to this action fitting the policy of the Municipal Pool.

Motion carried unanimously.

Insurance Renewal

Resolution C110618

**Moved** by S. Hatfield and seconded by C. O’Donnell that the appropriate resolution regarding non-owned automobile insurance be approved by Council and forwarded to the insurance company. The resolution is as follows:

**BE IT HEREBY RESOLVED** that the MUNICIPALITY OF THE DISTRICT OF BARRINGTON accept the agreement of the SUBSCRIPTION POLICY to insure the liability assumed by this Resolution as follows:

THE MUNICIPALITY OF THE DISTRICT OF BARRINGTON HEREBY

1. ASSUMES THE LIABILITY FOR BODILY INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR DESTRUCTION OF PROPERTY OF OTHERS, IMPOSED BY LAW UPON:
  - (a) **Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers** of the MUNICIPALITY OF THE DISTRICT OF BARRINGTON for liability which arises out of the use or operation by such person of a licensed motor vehicle, or
  - (b) the owner of any licensed motor vehicle, for liability which arises out of the use of operation of such licensed motor vehicle by **Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers** of the MUNICIPALITY OF THE DISTRICT OF BARRINGTON
2. DECLARES THAT SUCH ASSUMPTION OF LIABILITY BE SUBJECT TO THE FOLLOWING LIMITATIONS, EXCLUSIONS AND CONDITIONS:
  - (a) This assumption of liability applies only to the use or operation of a licensed motor vehicle in Canada or the United States of America by **Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers** on behalf of the MUNICIPALITY OF THE DISTRICT OF BARRINGTON including travel to and from work and attendance at meetings.

Motion carried unanimously.

- (b) This assumption of liability applies only in excess of existing insurance carried by the owner of the licensed motor vehicle which was being used or operated by **Members of Council, Commissioners, Trustees, Board Members, Statutory Officers, Officers, Employees or Volunteer Workers** at the time of the accident and does not apply unless the licensed motor vehicle which was being used or operated by such person at the time of the accident is insured for not less than the minimum Third Party Liability Limit required by The Insurance Act for the Province of Nova Scotia.
- (c) This assumption of liability is subject to the agreements, conditions, terms and limit of liability insured in the Non-Owned Automobile Policy issued by the SUBSCRIPTION POLICY and shall terminate whenever such Non-Owned Automobile Policy is terminated.

Resolution C110619

**Moved** by S. Hatfield and seconded by C. O'Donnell that a copy of the information on the Non-Owned Automobile Insurance be forwarded to committees of council to inform them of this coverage.

Motion carried unanimously.

Bursary Selection

Resolution C110620

**Moved** by C. O'Donnell and seconded by M. Atkinson that the 2011 Municipal Bursary be awarded to Mr. Zachary Crowell who is the successful applicant this year.

Motion carried unanimously.

WARDEN'S REPORT

The Warden provided a brief report of his activities since the last Council meeting which included attendance at the Federation of Canadian Municipalities Conference in Halifax, attendance at Wood's Harbour Days, and attendance at a meeting with the RCMP Superintendent for the area.

NEW BUSINESS

Request for Maternity Leave

The Senior Services Safety Coordinator is requesting a leave of absence for a period of one year beginning August 24, 2011. She will take full unpaid leave benefits through the Nova Scotia Employment Insurance Maternity Leave Benefit Plan for that period.

Resolution C110621

**Moved** by D. Messenger and seconded by C. Stoddard that the request for a leave of absence by the Shelburne County Senior Safety Services Coordinator, Shawna Symonds, be approved as requested.

Motion carried unanimously.

First Reading of Noise By-Law

Members were provided with a draft Noise By-Law prior to the meeting. This amended Noise By-Law is being brought forward for first reading this evening.

Resolution C110622

**Moved** by C. O'Donnell and seconded by S. Hatfield that the proposed amended Noise By-Law be approved in first reading.

Motion carried unanimously.

Visitor Information Centre Stats

Visitor Information Centre statistics for the first few weeks of the tourist season were provided to members for their information. The statistics indicate that to the end of the first week of June there have been 183 visitors to the Visitor Information Centre compared to 258 for the same period the previous year. This is a decrease of 29% over last year.

Municipality of Shelburne MPS and LUB

The Municipality of Shelburne is putting in place a Municipal Planning Strategy and Land Use By-Law for the purpose of establishing a planning policy and regulatory framework in support of the development and management of wind energy resources within the Municipality. It is required that adjacent municipal units be advised that these documents are being put in place. The documents themselves have been requested and obtained from the District of Shelburne and are available in the Municipal Office for review of councillors.

There were no concerns expressed regarding the implementation of the Municipal Planning Strategy and Land Use By-Laws in the District of Shelburne.

Job Shadowing Request

A request has been received to give permission to an individual for job shadowing of our Fire Inspector. The Fire Inspector is agreeable to providing this service to the individual and the chief of the fire department has indicated agreement with this process.

Resolution C110623

**Moved** by S. Hatfield and seconded by D. Messenger that consideration of this request be deferred until legal advice can be obtained from the Municipal Solicitor.

Motion carried unanimously.

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ADJOURNMENT

The meeting was adjourned by mutual consent of members at 9:15 p.m.

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Warden

Secretary for the Meeting

**On website June 16, 2011.**



ADJOURNMENT

The meeting was adjourned by mutual consent of members at 9:15 p.m.

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Warden

Secretary for the Meeting

**On website June 15, 2011.**