

SPECIAL COUNCIL MEETING
January 20, 2014

The meeting was called to order by the Chair at 11:00 p.m., in the Conference Room, in the Administrative Centre, in Barrington, N.S., with the following members present:

- Warden Lindsay (Eddie) Nickerson
- Deputy Warden Donna LeBlanc-Messenger
- Councillor Jody Crook
- Councillor George El-Jakl
- Councillor Shaun Hatfield

- Brian Holland, Municipal Clerk

PURPOSE OF MEETING

The purpose of this meeting was to discuss the actions to be taken as a result of the court decision regarding the former BMHS property.

Conflict of Interest

Warden Nickerson declared conflict of interest in this matter as he has done in the past and retired from the meeting room.

Deputy Warden Messenger then assumed the chair.

As a result of the Court's decision, it is proposed that the Municipality begin the process of disconnecting the soccer field well from the adjacent private property, and that the owner of the property be notified of the Municipality's action, and the tenants of the development also be notified in advance.

Resolution C140101

Moved by G. El-Jakl and seconded by J. Crook that:

WHEREAS Mr. Anthony's company commenced a lawsuit in the Supreme Court against the Municipality claiming an implied grant of easement to the soccer field well;

AND WHEREAS Justice Muise dismissed the lawsuit finding that Mr. Anthony's company did not have an implied easement to draw water from the soccer field well;

AND WHEREAS the Municipality does not supply water to privately owned buildings or developments as it does not wish to expose taxpayers to related liabilities;

THEREFORE BE IT RESOLVED that the Municipality notify Mr. Anthony's company that the Municipality wishes to give it a reasonable time to source water from its own property, and that the Municipality will continue to test the well as required in the interim, and that the piping from the soccer field well will be disconnected on April 30, 2014;

AND ALSO BE IT RESOLVED that the Municipality deliver notices to the tenants of the courtyard building informing them of the Court's decision, and the notice being given to Mr. Anthony's company.

Motion carried unanimously.

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The required notifications and letters to the tenants will be circulated as soon as possible.

ADJOURNMENT

The meeting was adjourned by mutual consent of members at 11:07 p.m.

Chair

Secretary for the Meeting

On website January 21, 2014.