

Minutes of the Regular Meeting of Barrington Municipal Council held in the Council Chambers in the Administrative Centre, in Barrington, N.S., on Monday, August 24, 2015.

The meeting was called to order by the Warden at 7:02 p.m.

### ROLL CALL

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

- Warden Lindsay (Eddie) Nickerson
- Deputy Warden Donna LeBlanc-Messenger
- Councillor Jody Crook
- Councillor George El-Jakl
- Councillor Shaun Hatfield
  
- Brian Holland, Municipal Clerk
- Lesa Rossetti, Deputy Clerk

### DECLARATIONS OF CONFLICT OF INTEREST

Deputy Warden Donna LeBlanc-Messenger informed members that she would be declaring conflict of interest when Council deals with the Cape Sable Island Elementary School.

### APPROVAL OF MINUTES

**Moved** by D. Messenger and seconded by J. Crook that the minutes of the last meeting held July 27, 2015 be approved as circulated.

Motion carried unanimously.

### PUBLIC HEARING RE: SALE OF FORMER COMMUNITY HEALTH CENTRE

At 7:05 p.m. a Public Hearing was held in accordance with Section 5 of Policy No. 12 "Sale of Municipal Property". The purpose of the Public Hearing was to receive comments and suggestions from the public prior to Council making a final decision on the disposition of the former Community Health Centre located at Civic No. 3322, Highway #3, Barrington Passage. Only one proposal was received, and that was from Butler's Estates Limited. Wendy McGill, on behalf of Butler's Estates Limited, made a presentation outlining future plans for the property which consisted of retail space and residential apartments. During the presentation Ms. McGill informed members that there is potential for another rental building to be located at the back of the property. If and when this project is pursued, Council will be approached regarding possible access using existing driveway located on the western side of the former Community Health Centre.

Upon completion of the presentation made by Ms. McGill, public input was invited.

No comments were received from the public.

Resolution C150801

**Moved** by S. Hatfield and seconded by D. Messenger that the Municipality enter into an Agreement of Purchase and Sale to accept the proposal received from Butler's Estates Limited for the purchase of the former Community Health Centre for the amount of \$50,000.00.

**AFFIRMATIVE**

Jody Crook  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Eddie Nickerson

**NEGATIVE**

George El-Jakl

Motion carried.

MATTERS ARISING FROM THE MINUTES

Arena Manager – Job Description

Resolution C150802

**Moved** by D. Messenger and seconded by J. Crook that the Municipality add an additional clause to the job description indicating that it is part of the Arena Managers' function to promote the Arena aggressively to both local and external organizations in order to bring more events to the Arena, with the aim of renting additional ice time whenever possible.

Motion carried unanimously.

Deferred Motion – Arena Manager Part time Position

The following motion made at the June 22, 2015 Council Meeting was brought forward:

***Moved by S. Hatfield and seconded by G. El-Jakl that Stacey Dixon be hired for the seasonal position of Arena Manager.***

During discussion of this matter it was noted that the motion should read "part-time position" instead of "seasonal position" in order to keep wording consistent with definitions outlined in the Personnel Policy. This change does not change any aspect of the position.

**Moved** by S. Hatfield and seconded by J. Crook that the above motion be amended to change the word "seasonal" to "part-time".

Motion carried unanimously.

The amended motion now reads as follows:

Resolution C150803

*"...that Stacey Dixon be hired for the part-time position of Arena Manager."*

Motion carried unanimously.

Response from Minister of Transportation

A response has been received from the Minister of Transportation regarding level “at grade” crossings in Shelburne County.

The Minister advised that his staff is continuing to review the recommendations contained in the 103 Operational and Safety Review to develop a multi-year action plan for addressing the recommendations provided in the report. Part of the overall safety review included a highway planning component which identified a need to review all “at grade” highway crossings along Highway 103. Specific level “at grade” intersection improvements were identified in the report, including the ones which have been identified by the Municipality. The Minister advised that the process for potential removal of an “at grade” intersection is very costly and does require a great deal of planning and consultation. They will continue to move forward in the process to develop and prioritize a proposed action plan and time line for possible implementation based on available funding going forward.

C.S.I. Elementary School

Conflict of Interest

Deputy Warden Messenger declared conflict of interest, vacated her seat and left the meeting room. Deputy Warden Messenger’s husband is a local contractor who does work for one of the proponents wishing to purchase this property.

At the June 8, 2015 Special Council Meeting a motion was made that a Public Hearing be held as required by Municipal Policy to obtain public input on the disposition of the C.S.I. Elementary School and that proponents of the Brannen proposal be invited to attend.

The Public Hearing was scheduled for June 22, 2015 but was postponed due to a legal issue. After obtaining legal advice from the Municipal Solicitor the motion is being brought forward tonight. The motion which was made at the June 8, 2015 Special Council Meeting is as follows:

***“Moved by J. Crook and seconded by S. Hatfield that a Public Hearing, as required by Council, be held at the next regularly scheduled Council meeting on June 22, 2015, at which time the Brannen proposal will be presented to the public for their comments.”***

**Moved** by S. Hatfield and seconded by J. Crook that the above motion to have a Public Hearing to receive public input on the Brannen proposal regarding the C.S.I. Elementary School be rescinded.

Much discussion took place regarding the proper procedure to rescind this motion. Reference was made to Municipal Policy as well as Bourinot’s Rules of Order.

At this time it was agreed that Council would deal with the appointment scheduled for 8:00 p.m. and return to this topic later in the meeting.

Deputy Warden Donna LeBlanc-Messenger returned to the meeting.

SALLY NICKERSON RE: BARRINGTON TOWNSHIP MUSEUM ASSOCIATION

Ms. Sally Nickerson, President, Barrington Township Museum Association appeared before the meeting. Ms. Nickerson informed members that when the Association received a letter from the Municipality denying a grant for the 2015/2016 fiscal year, the Association felt unappreciated. The Association had requested a grant of \$250.00 to assist with the cost of photocopying women's deeds of ownership.

It was agreed by consensus of members that the grant application received from the Barrington Township Museum Association be referred to the Committee of the Whole Council for further consideration, and that Ms. Nickerson be requested to provide additional budget information.

Ms. Nickerson will be advised when this matter will be discussed further by the Committee.

ADDITIONS TO THE AGENDA

It was agreed that the following two (2) items be added to the agenda:

- Eastlink
- Canada 150 Community Infrastructure Program

Eastlink Letter

Correspondence has been received from Eastlink in response to our letter dated July 30, 2015 regarding Eastlinks' intention to impose a CAP on internet usage by rural customers. The letter was read by the Warden which advised that their decision to implement a monthly usage policy on the internet service has not been made lightly. They advised that it is truly an attempt to provide fair and equal access to the basic broadband internet service for all customers. Like water and power, usage policies are not unusual and it should be noted that other providers in the same underserved areas have also found it necessary to manage internet usage with similar measures. Eastlink advised that they have not imposed a "CAP" restricting use of the internet. Broadband internet customers may use as much internet as they like for a maximum usage fee of \$20.00. In general, this new fee structure means that low internet users are charged less than higher internet users and many customers will not be impacted at all by this new structure.

C.S.I. Elementary School

Conflict of Interest

Deputy Warden Messenger declared conflict of interest and vacated her seat and left the meeting room. Deputy Warden Messenger's husband is a local contractor who does work for one of the proponents wishing to purchase this property.

Discussion continued on the following motion which was made previously in the meeting:

***Moved by S. Hatfield and seconded by J. Crook that the above motion to have a public hearing to receive public input on the Brannen proposal regarding the C.S.I. Elementary School be rescinded.***

Question was then called on the motion. The Warden informed members that this motion would require a unanimous decision in order to pass.

The division on the vote was taken:

**AFFIRMATIVE**

George El-Jakl  
Shaun Hatfield  
Eddie Nickerson

**NEGATIVE**

Jody Crook

Motion defeated.

It was suggested that this matter be researched to determine the proper procedure to rescind a motion. It was felt that there was a difference between rescinding and reconsidering a motion.

It was agreed that this matter be further considered later in the meeting.

Deputy Warden Donna LeBlanc-Messenger returned to the meeting.

**Eastlink Letter**

Further discussion took place regarding the Eastlink internet usage CAP. Councillor Hatfield indicated that Amanda Lloyd has posted some information on the Barrington Exchange Facebook page relating to the Eastlink CAP on internet usage.

**Resolution C150805**

**Moved** by S. Hatfield and seconded by J. Crook that information be gathered from Amanda Lloyd and the Barrington Exchange as it relates to the cap on internet usage by rural customers.

Motion carried unanimously.

**REPORT OF WARDEN**

The Warden provided a brief update on his activities since the last meeting of Council.

**REPORT OF COUNCILLORS**

**Councillor George El-Jakl**

Councillor El-Jakl gave a brief report on his activities since the last meeting of Council.

Councillor El-Jakl reported on a recent 4 car accident which took place in the vicinity of his store in Woods Harbour. Previously Council had requested the Department of Transportation to consider reducing the speed zone in this area. No action has been taken to date.

Resolution C150806

**Moved** by G. El-Jakl and seconded by D. Messenger that a letter be written to the Department of Transportation and Infrastructure Renewal, and a copy to the Minister of Transportation, requesting that the speed limit in the central portion of Woods Harbour between Dixon's Boat Shop and the Woods Harbour Community Centre be reduced.

Motion carried unanimously.

Councillor Shaun Hatfield

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

Councillor Jody Crook

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

Deputy Warden Donna LeBlanc-Messenger

Deputy Warden Donna LeBlanc-Messenger gave a brief report on her activities since the last meeting of Council.

Deputy Warden Messenger then reported on recommendations from committee.

Fire Services Coordinator Request

Resolution C150807

**Moved** by G. El-Jakl and seconded by J. Crook that the Municipality deny the request of the Fire Services Coordinator for a change of working hours, and that he continue to work the hours agreed to at the time he was hired.

**AFFIRMATIVE**

Jody Crook  
George El-Jakl  
Donna LeBlanc-Messenger  
Eddie Nickerson

**NEGATIVE**

Shaun Hatfield

Motion carried.

Grant Requests

Samuel Wood Historical Society

Resolution C150808

**Moved** by G. El-Jakl and seconded by D. Messenger that a grant of \$500.00 be provided to the Samuel Wood Historical Society.

Motion carried unanimously.

Shelburne County Archives and Genealogical Society Resource Centre

Resolution C150809

**Moved** by D. Messenger and seconded by G. El-Jakl that a grant of \$500.00 be provided to the Shelburne County Archives and Genealogical Society Resource Centre.

Motion carried unanimously.

Councillor Jody Crook reported on the following recommendation.

Shelburne County Housing Coalition Member

Resolution C150810

**Moved** by J. Crook and seconded by G. El-Jakl that Deputy Warden Messenger be appointed to the Shelburne County Housing Coalition on behalf of the Municipality.

Motion carried unanimously.

Deputy Warden Donna LeBlanc-Messenger continued with committee recommendations.

Tax Reduction Application – Wm R Murphy Fisheries Ltd.

Conflict of Interest

Warden Eddie Nickerson declared conflict of interest, vacated his seat and left the meeting room as he is employed by the company making this request.

Deputy Warden Donna LeBlanc-Messenger assumed the chair.

It was reported that Wm R Murphy Fisheries Ltd. have made an application for a tax reduction on their property, under the Municipal Tax Reduction Policy, which was destroyed by fire on May 8, 2015.

Resolution C150811

**Moved** by J. Crook and seconded by G. El-Jakl that Wm R Murphy Fisheries Ltd. receive the appropriate reduction in taxes for the remainder of the current fiscal year as provided for in Policy No. 46, “Municipal Tax Reduction Policy”.

Motion carried unanimously.

Wm R. Murphy Fisheries Ltd. Tax Account for AAN#01749846, 8597 Hwy #3, Charlesville, will be adjusted by \$3,322.41.

The Warden returned to the meeting and resumed the chair.

CIMCO Agreement

Resolution C150812

**Moved** by G. El-Jakl and seconded by J. Crook that a new Customer Service Support Agreement for the Barrington Municipal Arena and Barrington Regional Curling Club be entered into with CIMCO.

Motion carried unanimously.

Sale of Surplus Property in Woods Harbour

Resolution C150813

**Moved** by S. Hatfield and seconded by J. Crook that the Municipality publicly advertise the sale of surplus municipal property in Woods Harbour as recommended by the Municipal Solicitor to ensure that the sale process is transparent and open to the public.

**AFFIRMATIVE**

Jody Crook  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Eddie Nickerson

**NEGATIVE**

George El-Jakl

Motion carried.

Resolution C150814

**Moved** by S. Hatfield and seconded by D. Messenger that:

**WHEREAS** unsolicited bids have already been received for surplus municipal property in Wood Harbour;

**AND WHEREAS** Council wishes to establish and maintain an open and public process for the sale of municipal property;

**THEREFORE BE IT RESOLVED** that those bidders who have submitted unsolicited bids be notified that the property is to be advertised for sale through a public process.

**AFFIRMATIVE**

Jody Crook  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Eddie Nickerson

**NEGATIVE**

George El-Jakl

Motion carried.

Arena Services Technician

Resolution C150815

**Moved** by D. Messenger and seconded by G. El-Jakl that the Arena Services Technician job description be approved with the position being changed from seasonal to part-time to be consistent with definitions listed in the Personnel Policy, and that the Municipality advertise for an Arena Services Technician.

Motion carried unanimously.

Resolution C150816

**Moved** by D. Messenger and seconded by G. El-Jakl that the wage range for the Arena Services Technician position be \$15.83 to \$18.20 per hour dependent on qualifications and experience.

Motion carried unanimously.

Goose Lake Road

Conflict of Interest

Deputy Warden Donna LeBlanc-Messenger declared conflict of interest, vacated her seat and left the meeting room as she is a property owner at Goose Lake.

Jody Crook reported on the motion from committee.

Resolution C150817

**Moved** by G. El-Jakl and seconded by J. Crook that the Municipal Solicitor respond to the correspondence received from FNF Canada indicating that the Municipality has not provided any right-of-way across municipal lands as they have suggested in their letter.

Motion carried unanimously.

Deputy Warden Messenger returned to the meeting.

NEW BUSINESS

PVSC 2014-2015 Annual Report

The Clerk informed members that the PVSC 2014-2015 Annual Report has been received. One copy will be kept in the Municipal Office for review by members, or members may view the report on the PVSC website.

Terry Faye Application to DNR Re: Wharf

The Clerk informed members that Terry Faye of Port Clyde plans to restore a wharf at the foot of his property. As part of this process the Department of Natural Resources requires consent from adjoining property owners of which the municipality is one.

Resolution C150818

**Moved** by J. Crook and seconded by D. Messenger that the Municipal Clerk and Warden be granted authority to sign the application for the use of crown land for Terry Faye to carry out restoration of a wharf located at the foot of his property in Port Clyde.

Motion carried unanimously.

Canada 150 Community Infrastructure Program

The Clerk informed members that the Woodland Multi Use Trails Association has submitted an application under the Canada 150 Community Infrastructure Program for repairs to the Barrington railway bridge. Since the Municipality of Barrington holds the Letter of Authority for the Barrington Bridge, it will be necessary for the Municipality to sign the agreement with ACOA should the application be approved.

Resolution C150819

**Moved** by J. Crook and seconded by S. Hatfield that the Warden and Municipal Clerk be authorized to sign the agreement for the Canada 150 Community Infrastructure Program should funding be approved for repairs to the Barrington Railway Bridge.

Motion carried unanimously.

MUNICIPAL FINANCIAL STATEMENTS

The Clerk informed members that the completed Financial Statements have now been received from Redding CA. Copies have been circulated to all councillors.

Resolution C150820

**Moved** by G. El-Jakl and seconded by J. Crook that the completed Financial Statements for the Municipality for the year ending March 31, 2015 be accepted as presented.

Motion carried unanimously.

BARRINGTON COURT FACILITY CLOSURE

Resolution C150821

**Moved** by D. Messenger and seconded by G. El-Jakl that Alan Hamilton of the Department of Justice be requested to meet with the Committee of the Whole Council at their next meeting to discuss the FOIPOP information received as it relates to the closure of the Barrington Court facility.

Motion carried unanimously.

CLOSED SESSION

At this time a Closed Session of Council was held to deal with personnel matters in accordance with Section 22(2)(c) of the Municipal Government Act.

REPORT ON CLOSED SESSION

Resolution C150822

**Moved** by D. Messenger and seconded by J. Crook that performance evaluations for Laura Lee Acker, Accountant; Mike Swim, Property Services Technician; Rodney Shand, Property Services Technician – DRC; and Rob Williams, Property Services Technician/C & D Landfill be accepted.

Motion carried unanimously.

Resolution C150823

**Moved** by D. Messenger and seconded by J. Crook that the performance evaluation for David Andrews, Building Inspector, be accepted, and his annual increment be approved.

Motion carried unanimously.

C.S.I. ELEMENTARY SCHOOL

Conflict of Interest

Deputy Warden Donna LeBlanc-Messenger declared conflict of interest, vacated her seat and left the meeting room. Deputy Warden Messenger's husband is a local contractor who does work for one of the proponents wishing to purchase this property.

Resolution C150823

**Moved** by S. Hatfield and seconded by G. El-Jakl that the above matter be deferred until information has been received as it relates to the proper procedure to be followed to rescind a motion.

Motion carried unanimously.

SPECIAL MEETING OF COUNCIL

It was agreed that a Special Meeting of Council be held on September 2, 2015 following the meeting with the Municipal Advisor, Chris McNeill.

ADJOURNMENT

The meeting was adjourned at 10:09 p.m.

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Warden

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Clerk

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Secretary for the Meeting

