

Summary of Motions

August 18, 2020

Municipal Council

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Minutes of the regular **Municipal Council** meeting held on Tuesday, June 16, 2020, at 10:00 a.m., via ZOOM Teleconference in accordance with the Direction of the Minister under a Declared State of Emergency (*see attached*).

Roll Call: District 1 – Bruce Prout, present
District 2 - John A MacDonald, present
District 3 - Wayne Fowler, present
District 4 - Burt McNeil, present
District 5 - Gregory Heming, present
District 6 - Alex Morrison, present
District 7 – Warden Timothy Habinski, Chair, present
District 8 - Michael J Gunn, present
District 9 - Wendy Sheridan, present
District 10 – Deputy Warden Martha Roberts, present
District 11 - Diane LeBlanc, present

Also

Present: CAO John Ferguson, Municipal Clerk Carolyn Young, and other staff (D. Campbell, A. Dunphy, S. McInnis, H. Orde, D. Ryan, D. Patterson, B. Orde, A. Lewis, L .Powell, C. Mason)

Agenda Approval

Councillor Gunn requested the addition of two items to the agenda: Bear River Comfort Station and Meetings

Councillor Sheridan requested the addition of Fall Clean Up.

It was moved by Councillor LeBlanc, seconded by Councillor McNeil, to approve the Order of the Day as amended. Motion carried unanimously.

Minutes

Re: Regular Special Session 2020-07-21

MOTION 200818.01 Minutes 2020-07-21 Regular

It was moved by Councillor Fowler, seconded by Councillor Prout, to approve the minutes of the regular session of council held on July 21, 2020, as amended to include the word ‘not’ in the last paragraph of Councillor Gunn’s comments – i.e. ‘constituents who do *not* see their needs being met’. Motion carried unanimously.

Re: Special Session 2020-07-23

MOTION 200818.02 Minutes 2020-07-23 Regular

Deputy Warden Roberts moved, seconded by Councillor Gunn, to approve the minutes of the special session of council held on July 23, 2020, as circulated. Motion carried unanimously.

Re: Special Session 2020-08-05

MOTION 200818.03 Minutes 2020-08-05 Special

It was moved by Councillor Heming, seconded by Councillor MacDonald, to approve the minutes of the special session of council held on August 5, 2020, as circulated. Motion carried unanimously.

Councillor Comments

District 1 – Councillor Prout reported that things continue to roll along. He added that discussions on preparing to send students to school hold lots of concern – he hopes it all goes well. It is a real concern. The Lawrencetown Volunteer Fire Department Fish & Chips fundraiser was great at the Valley Exhibition grounds on the weekend. A great thing!

District 2 – Councillor MacDonald noted there had been concerns, although weather has been beautiful, there have been concerns with water supply and water utility in Margaretsville. He added his appreciation of staff being on the ball ensuring we don't run out of water. In the future, he hopes to hear from Seaside Communications on the internet build. This is important to the residents of the county. More communication is always better.

District 3 – Councillor Fowler noted it is good to see people wearing masks and following protocols for COVID-19

District 4 – Councillor McNeil – noted he has been working a lot, and is busy preparing to campaign.

District 5 – Councillor Heming noted he is excited and pleased at the way the municipality and residents have stepped up to the COVID nightmare. He then continued by reading a prepared statement.

District 6 – Councillor Morrison (*as submitted*)

I have noticed a large influx of new residents in District 6 - a great indicator that our County has many attractions that draw folks to our area. There are many young children included in the new families as well and we need to do all we can to foster a safe environment within which they can play, grow, and prosper.

COVID-19 will be with us for a while yet and we need to make sure we respond to its challenges in appropriate individual and group responses. My appreciation goes out to all who are taking care, keeping safe and acting responsibly.

Clementsport Legion weekly suppers continue to be sold out and the Deep Brook/Lions Club monthly take-out is doing very well. Upper Clements Hall is up and running as well. The pop-up market is held weekly on Wed from 3pm to 6pm in the lower parking lot of Basinview Centre.

I am the County rep on the Board of the Annapolis valley regional library system and I am very happy to report that books continue to fly out the doors, circulation is recovering nicely. Over 25,000 masks have been distributed thus far - another service provided by your libraries. Please join if you are not already a member.

District 7 – Warden Habinski added his appreciation to residents who have held strong with restrictions of mobility. As children prepare to go back to school, please to not slacken efforts. A mounting frustration with mask requirements, resistance is building. Restrictions are wearying. The safety of all depends on all of us to be willing to comply with the restrictions in place. School is largest social gathering on a daily basis in Nova Scotia. Optimal for transmission, there are carefully-considered restrictions in place. We must do our part as well. A second wave might be significantly more impactful than the first wave. Continue to follow social restrictions put in place.

District 8 – Councillor Gunn read from a prepared statement.

District 9 – Councillor Sheridan reminded everyone of some 50/50 draws – the Fire Association has a weekly draw and you can buy tickets on line in support of your local fire department who may be having trouble fundraising - Google it! Can support your own department. Can't fundraise. Goes to local department. The Lions Club also continues a monthly draw. These are great fundraisers.

District 10 – Deputy Warden Roberts offered her thanks to the Lawrencetown Volunteer Fire Department for their event – it was well organized and safety protocols were followed. Outstanding job for even making this effort. Very well done. 850 meals sold on Saturday, 900 on Sunday. Long days, hard work. Congratulations.

District 11 – Councillor LeBlanc also praised volunteers working hard to raise money and be as normal as can be. As the others have all noted we are all doing our best. We have to be prepared. If we don't slack off, keep wearing mask, we will be able to overcome this at some point. We have to be prepared. When school opens, that will be something to watch how it is all dealt with. Students will have the time to be with friends and be safe. Different for teachers and parents. All will have to be diligent on safety protocols. Haven't heard of any bears in her district at this time, but hears they may have travelled to Nictaux! Three Rivers Community Hall is open and doing a few different events, slowly opening up to continue with projects they have. Be safe.

Business Arising from the Minutes

None.

New Business

Re: Margaretsville Water Update – S McInnis reported that good progress has been made - they found a major leak. A contractor came in to listen to water lines during low flow, and were able to cut consumption/loss by 40%. There will be a new schedule on hauling water from Bridgetown, 5/6 loads every second day. Now hoping towards holding our own, but still need a significant rainfall. Last night's rainfall brought wells back up to gravity feed. Holding, but need rainfall. The community has been very cooperative, hats off to them. Long term residents understand this situation because they have gone through it before. Staff will still be recommending holding usage.

Re: RFD AM-2.7.9 COVID-19 Response Policy New

Deputy Warden Roberts moved, seconded by Councillor Fowler, that seven day notice be given for municipal council to approve AM-27.9 COVID-19 Response Policy as circulated.

It was moved by Councillor Sheridan, seconded by Councillor LeBlanc, to amend the motion to include removing the word 'personal' in Section 5.2.

The question was called on the motion as amended to read:

MOTION 200818.04 AM-2.7.9 COVID-19 Response Policy New

Deputy Warden Roberts moved, seconded by Councillor Fowler, that seven day notice be given for municipal council to approve AM-27.9 COVID-19 Response Policy as amended to remove the word 'personal' in Section 5.2. Motion carried unanimously.

Re: RFD AM-1.4.4 Comfort Centres and Shelters Policy New

MOTION 200818.05 AM-1.4.4 Comfort Centres and Shelters Policy New

It was moved by Deputy Warden Roberts, seconded by Councillor Morrison, that seven day notice be given for municipal council to approve AM-1.4.4 Comfort Centres and Shelters Policy as circulated. Motion carried unanimously.

Re: Canadian Water Waste Water (CWWF) Amending Agreement

MOTION 200818.06 CWWF Amending Agreement – Authorize Warden and Clerk to Sign

Councillor Morrison moved, seconded by Councillor Prout, that the Warden and Clerk be authorized to sign the CWWF Amending Agreement for Project 05-16-0054 Transmission Main Replacement Cornwallis Park Water System, to extend the grant deadline to September 30th. Motion carried unanimously.

Re: Speed Limit Cornwallis Park Residential Area – Councillor Morrison noted that municipal council had approved a motion to reduce the speed limit from 50 – 30 km/h in the business section of Cornwallis Park, but not the residential section. There are now a lot of new families, and happily, a lot of children. The Cornwallis Park Community Association has asked to have the speed lowered in the residential area.

MOTION 200818.07 Reduce Speed to 30kmh in Cornwallis Park Residential Area

It was moved by Councillor Morrison, seconded by Councillor LeBlanc, that the speed limit in the residential part of Cornwallis Park be set at 30 km per hour. Motion carried unanimously.

Re: RFD 2020 Municipal Election Facilities

MOTION 200818.08 2020 Municipal Election Facilities – 15 In-Person Locations

Deputy Warden Roberts moved, seconded by Councillor Heming, that municipal council approve the 15 in-person voting hall locations for October 17, 2020 and the supporting tariff of fees proposed by staff. Motion carried unanimously.

Re: RFD 2020 Municipal Election Personal Protective Equipment

MOTION 200818.09 2020 Municipal Election Personal Protective Equipment

It was moved by Deputy Warden Roberts, seconded by Councillor Sheridan, that municipal council approve the tariff and fees and supply plan for personal protective equipment for in-person voting locations for the 2020 municipal election. Motion carried unanimously.

Re: RFD 2020 Municipal Election Additional Advertising

MOTION 200818.10 2020 Municipal Election Additional Advertising

Deputy Warden Roberts moved, seconded by Councillor Heming, that municipal council approve the additional election advertising activities and applicable tariff and fees. Motion carried unanimously.

Re: RFD J-Class Roads Additional Funding

• *J-Class Roads Additional Funding \$118,645*

It was moved by Deputy Warden Roberts, seconded by Councillor Morrison, that municipal council approve the additional funding of \$118,645.10 as the County's 50% share of the increased costs for the J-Class Repaving Project and it be allocated to the County Operating Reserve and further that the Warden and Clerk be authorized to sign the provincial funding request.

Councillor LeBlanc moved, seconded by Councillor Morrison, to amend the motion to approve all but North Street to permit the municipality to have further dialogue with the province. Motion carried, 9 in favour, 2 against (McNeil, Roberts).

The question was called on the motion as amended to read:

MOTION 200818.11 J-Class Roads Additional Funding \$118,645.10

It was moved by Deputy Warden Roberts, seconded by Councillor Morrison, that municipal council approve the additional funding of \$118,645.10 as the County's 50% share of the increased costs for the J-Class Repaving Project and it be allocated to the County Operating Reserve and further that the Warden and Clerk be authorized to sign the provincial funding request, and that it not include North Street. Motion carried, 9 in favour, 2 against (McNeil, Roberts).

LUNCH

The Warden called a lunch break from 12:08 p.m. until 1:00 p.m.

Reports and Recommendations

Re: Audit Committee 2020-08-18–Recommendation

MOTION 200818.12 CAO to Engage Kent & Duffett Chartered Professional Accountants to Audit Financial Statements of the Municipality as at March 31, 2020

In accordance with the recommendation of the Audit Committee, Councillor Morrison moved, seconded by Councillor Fowler, that Municipal Council authorize the CAO to engage Kent & Duffett Chartered Professional Accountants to audit the financial statements of the Municipality of the County of Annapolis, which comprise the consolidated statement of financial position as at March 31, 2020, and the statements of operations, change in net debt and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information, by signing the Audit Engagement Letter dated July 1, 2020. Motion carried unanimously.

Re: 2020 Municipal Election – A report dated 2020-08-18 was circulated from Municipal Returning Officer Doug Patterson. It was moved by Councillor McNeil, seconded by Councillor Sheridan, to receive for information. Motion carried unanimously.

Correspondence

Re: Trans County Transportation Society July 7th – of thanks for the funding received. Councillor MacDonald moved, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: Milford and Area Community Association July 22nd – of thanks for the grant received, along with photos of the project. It was moved by Councillor Gunn, seconded by Deputy Warden Roberts, to receive for information. Motion carried unanimously.

Re: Middleton Railway Museum Society (MRMS) July 23rd – requesting that MRMS acquire all of the railway artifacts from the former Upper Clements theme park which include the steam engine; coal tender; four box cars; water tower; baggage cart; all rails; railway ties, bolts, anchors, spikes and the board walk.

• *MRMS to Receive Rail Artifacts from Former Upper Clements Park*

It was moved by Councillor Fowler, seconded by Deputy Warden Roberts, to accommodate the request of the Middleton Railway Museum Society, by providing them with artifacts from the former Upper Clements theme park which include the steam engine; coal tender; four box cars; water tower; baggage cart; all rails; railway ties, bolts, anchors, spikes and the board walk.

Councillor Sheridan moved, seconded by Councillor LeBlanc, to amend the motion by adding that the Middleton Railway Museum Society be responsible for the transportation and any related costs for relocating the items.

Councillor MacDonald noted that he does not feel as if he has a declared interest in this matter and wondered if the Solicitor could comment.

Point of Order

The CAO noted that the Solicitor cannot give a personal opinion.

The question was called on the amendment. Motion carried unanimously.

The question was called on the motion as amended to read:

MOTION 200818.13 MRMS to Receive Rail Artifacts from Former Upper Clements Park

It was moved by Councillor Fowler, seconded by Deputy Warden Roberts, to accommodate the request of the Middleton Railway Museum Society, by providing them with artifacts from the former Upper Clements theme park which include the steam engine; coal tender; four box cars; water tower; baggage cart; all rails; railway ties, bolts, anchors, spikes and the board walk; and that the Middleton Railway Museum Society be responsible for the transportation and any related costs for relocating the items. Motion carried unanimously.

Re: Department Fisheries and Aquaculture July 23rd – informing of a funding program that has been launched – the marine Debris Clean-Up Program, which provides financial support to remove debris from areas that are of commercial and social importance to the seafood sector of Nova Scotia. Councillor Fowler moved, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Re: Heart and Stroke Foundation August 4th – requesting a donation. It was moved by Deputy Warden Roberts, seconded by Councillor Gunn, to receive for information. Motion carried unanimously.

Late Additions

Re Fall Clean Up – Councillor Sheridan inquired if there is a Fall Cleanup planned. Yes, it will be on your regular pick up day between September 15th and 25th.

Re: Bear River Comfort Station – Councillor Gunn inquired where this project falls on our priority list, or how we make it a priority. The CAO noted we are waiting for confirmation from the Province. More information would have to be in-camera.

Re: Meetings – Councillor Gunn inquired if council is asking administration to get our chambers set up to meet in person again? Can we direct COA office to make our council chambers ready to hold in-person meetings?

MOTION 200818.14 CAO to Report to COTW – Options for Resumption of In-Person Meetings

Councillor Gunn moved, seconded by Deputy Warden Roberts, to request CAO to present any available options to September COTW for in-person meetings while remaining compliant with provincial guidelines and how it can be done, either in council chambers or elsewhere. Motion carried unanimously.

In-Camera

It was moved by Councillor McNeil, seconded by Councillor LeBlanc, to meet in-camera from 1:38 p.m. until 3:24 p.m. in accordance with Sections 22(c) personnel and (e) contract negotiations of the *Municipal Government Act*. Motion carried unanimously.

Late Additions to the Agenda

Deputy Warden Roberts moved, seconded by Councillor LeBlanc amend the Order of the Day by adding four items: Four-Year Joint Plowing Contract for Subdivision Roads; Bear River Comfort Station; Contribution Agreement Amendment; and CAO Contract Amendment. Motion carried unanimously.

Re: Four-Year Joint Plowing Contract for Subdivision Roads

MOTION 200818.15 Joint Plowing Contract with TIR – Warden and Clerk to Sign

It was moved by Deputy Warden Roberts, seconded by Councillor Sheridan, to authorize the Warden and Clerk to sign the four-year agreement with Transportation and Infrastructure Renewal for joint contracting of winter road maintenance for local subdivision roads. Motion carried unanimously.

Re: Contribution Agreement Amendment

MOTION 200818.16 Amended Contribution Agreement – Warden and Clerk to Sign

Councillor Gunn moved, seconded by Councillor Heming, that the Warden and Clerk be authorized to sign the amended contribution agreement as discussed in-camera. Motion carried, 10 in favour, 1 against (Roberts).0020

Re: Bear River Comfort Station

MOTION 200818.17 Bear River Comfort Station High Priority – CAO to Write to Province

It was moved by Councillor Gunn, seconded by Councillor Fowler, to direct the CAO to send a letter to the province regarding the Bear River Comfort Station stating that this is a high priority for the County of Annapolis for when the next round of ICIP funding becomes available. Motion carried unanimously.

Re: CAO Contract Amendment

MOTION 200818.18 CAO Contract Amendment – Direction to Solicitor

Councillor Gunn moved, seconded by Councillor Heming, to direct the Solicitor to draft an amendment to the CAO’s contract consistent with the discussion in-camera. Motion carried, 9 in favour, 2 against (Roberts, McNeil).

Adjournment

The Warden declared the meeting adjourned at 3:38 p.m.

Warden

Municipal Clerk

Direction of the Minister
under a Declared State of Emergency
(Section 14 of the *Emergency Management Act*)
20-008

Under my authority in Section 14 of the *Emergency Management Act*, I order that this Direction (20-008) repeal and replace the Direction regarding municipal meetings issued on March 22, 2020.

During the Provincial State of Emergency declared on March 22, 2020, and under the authority provided to me in Section 14 of the *Emergency Management Act*, in addition to any other directives I have issued and not repealed or otherwise terminated, I direct that all municipalities and villages in the Province:

1. **Effective at 8am on July 29, 2020**, may hold meetings exclusively in person if all the following conditions are met:
 - i) the total number of persons present does not exceed a gathering limitation imposed in a *Health Protection Act* order;
 - ii) all physical distancing requirements or other requirements imposed in a *Health Protection Act* order are met.
2. If the conditions set out in (1) cannot be met, the municipality or village must not hold meetings exclusively in person and must instead hold the meeting partly or wholly as a virtual meeting by video or telephone, and ensure that all of the following conditions are met:
 - i) the total number of persons present for any in person portion of the meeting does not exceed a gathering limitation imposed in a *Health Protection Act* order; and
 - ii) for any in person portion of the meeting, all physical distancing requirements or other requirements imposed in a *Health Protection Act* order are met.

For clarity, this direction does not apply to statutorily required meetings of electors for a village commission which are covered under Direction 20-007 issued on May 20, 2020.

Despite this direction, municipalities and villages are still authorized to continue making other operational decisions especially those required for service delivery.

Please note that these directions are in addition to any requirements established in a Medical Officer's order under the *Health Protection Act*.

A failure to comply with this direction could result in a summary conviction with fines between \$500 to \$10,000 for individuals and up to \$100,000 for a corporation per incident.

This direction will remain in place for the duration of the Provincial State of Emergency unless it is terminated in writing by me earlier.

Dated July 29, 2020.

Original signed by

Hon. Chuck Porter
Minister of Municipal Affairs and Housing