

Minutes of a **Public Meeting** conducted by the Municipal Council on Tuesday, March 21, 2023, at 11:00 a.m., at the Municipal Administration Building, 752 St. George Street, Annapolis Royal.

Present

Warden A. Morrison; Deputy Warden B. Redden, and Councillors B. Prout, B. Connell, D. Enslow, C. Barteaux, L. Longmire, D. Hudson, M. Gunn, W. Sheridan, and D. LeBlanc.

Also Present: Interim CAO Doug Patterson; Municipal Clerk Carolyn Young; other staff including A. Anderson, N. McCormick, L. Bent, D. Campbell, and E. Melanson; and 5 members of the public.

Public Meeting

At the end of the public meeting, Council will return to its regular session.

The purpose of this public meeting is to permit members of the public to make their views known to Council, via oral or written submissions, concerning, solely, the termination of a land trust dated December 13, 1887, that declared that the present 7 Park Street, Bridgetown lands (PID 05144787) were to be used for the "purposes of a public park for the citizens of Bridgetown for their use forever."

All questions and comments throughout the public meeting are to be addressed to the Chair. In accordance with *AM-1.3.2 Public Participation Policy* any individual has to register to speak with the Clerk either prior to the day of the public meeting or at the public meeting itself. The Chair will call upon the individuals registered to speak to provide an opportunity for public input. All individuals who are providing public input will be asked to identify themselves *each time* for their comments to be recorded in the minutes of these proceedings. We ask that the person speaking identify if they are speaking in favour or against the application. Written presentations are acknowledged first, followed by public oral presentations in accordance with *AM-1.3.2 Public Participation Policy*. After the Chair has heard from all registered speakers, the chair will call three times to ask the public members in attendance if there are any additional speakers. Questions and comments from Council members are to be held until all public comment is heard.

New Business

Re: 2023-13 Park Trust Termination, 7 Park Street, Bridgetown, PID 05144787

- Presentation by Staff Person – Report Specifics

Highlights:

- the school properties are for sale and we are working with a developer who has agreed to purchase the property. Conditions of sale are:
 - Have the properties rezoned from Institutional to Residential – which council supported through the planning process held in the Spring & Summer of 2022
 - Migration of the property in the provincial land registration system.
- surveyor was hired which entailed research of old deeds and old Town of Bridgetown Council Minutes which determined a couple of things:
 - 7 Park Street is actually 3 separate parcels of land.
 - A portion of Park Street was never formally "closed" (for use as a street) and Municipal Council had to formally close it. That action took place last November.
 - Lastly, the discovery of a December 13, 1887 deed which created a trust, where private citizens of Bridgetown held the property in trust for the community, for use as a park forever.

- The property, and the trust was later passed to the Former Town through the operation of the 1902 Act - “An Act to enable the School Commissioners of the Town of Bridgetown to acquire Lands for School Purposes”. The trust was varied in that Act and permitted the Land to be used for school purposes with the consent of the Town.
 - March 3, 1902, Town of Bridgetown Council minutes stated that a new school could be built and they could use as much of the land where the original school was as necessary. This might lead one to believe that the intent was for the Property to be wholly for the purposes of a school.
 - The trust applies only to the parcel that comprise the old school property: PID 05144787
 - The trust was not removed in 1902 nor was it regarded when the present building was built in 1959.
 - The Property is approximately 0.79 acres and the building footprint takes in most of the land area.
 - The Municipality was not aware of the trust and only found out about it through the migration process.
 - Municipal Council has already endorsed the future use of the property during the rezoning process last year. We would have dealt with this issue earlier, had we known.
 - The community has many park and recreational facilities that the Municipality owns and maintains. (20 acres) Jubilee Park (3 acres), Sports Hub (11 acres) & ballfield, area and pool (6 acres)
 - The development of a park would come at a cost to the citizens of Annapolis County and does not seem feasible given the constraints of the property.
 - Potential public use were considered when deciding to sell and re-zone the Property. The conclusion was that the most effective benefit to residents as taxpayers was the sale of the site vs ongoing tax dollars to maintain and find uses for it.
 - Therefore, continuing the plan to sell the Property and remove the park trust stipulation is consistent with work done to date through the re-zoning process.
 - Staff feel the option to remove the trust is practical so that the sale of the property can occur and the developer is not hindered by a trust put in place 136 years ago.

- *Acknowledgement of Written Submissions (Municipal Clerk)*

The Clerk noted receipt of 3 written submissions; Darlene Delisi Karamanos, Karen Jones, and Carolyn Hubble. Nadine McCormack read the submissions for the record and they have been attached to the minutes.

Three written submissions were received and read for the record by Nadine McCormack.

- *Darlene Delisi Karamanos*, no community noted
- *Karen Jones*, Bridgetown
- *Carolyn Hubble*, no community noted

- *Call for Oral Presentations (following AM-1.3.2 Public Participation Policy) –*

Theresa Thomas, Bridgetown –due diligence - are we really in that much of a hurry to give this up? Lives close to the school. Important to have that space. Open space matters, people do use it. Would prefer to step back. If you can't give the land back because the school is on it, adjacent land could be used in that fashion. Pool across the street could use it, senior's residence close by, perhaps a place to sit on their way downtown. A shame. We have an opportunity. Don't let it go by the wayside. Need to look after our green space. Can't just let it go. Hopes council will consider. And having a

meeting in the middle of the day – people who have concerns can't be here. Maybe didn't go through the aggravation to have a written presentation. If there had been a meeting in town, so that those people without a computer could have a say. Only a few here today, looks like people don't care. We do care. Give the situation a pause. Look at it closely. New people in town, made commitments in business, sees the community becoming a town again. Hopes this gives some thoughts. Rethink. Thanks for time.

Warden called three times for additional speakers. There were none.

- *Call for questions or comments from Council Members*

Prout – reserves comment at this time. Appreciates comments heard. Unfortunate we didn't know about what was found from late 1800's. Have done our best to bring it this far.

Connell – hears the concerns of citizens. All had an opportunity to send a written submission. Understands people don't take the time but the opportunity was there. Housing is an issue across the country, not just here. This is an opportunity to change a building we would otherwise have to tear down. There are other park areas in Bridgetown. Maybe we need to upgrade with proper playground equipment in it. Old equipment was taken down because of safety reasons. Trespassers playing there. Our due diligence to have unsafe equipment taken down. Not everyone will agree with the outcome. Housing issue is big. Opportunity for a viable housing option. A good plan was presented to council. Lots of opportunities in the community of Bridgetown. Won't remark on it returning to Town status.

Longmire – commends the citizens who wrote and gave submissions today. Well thought out and lots of content, and emotion. Sensitive. Thanked Ms. Thomas for presenting from the heart. We are all communities. We want to look after green spaces moving forward. Looking at a park and knowing desperation for housing – we have a tough decision to make. The confusion or the land trust came late and doing the right thing is always tough. Not all will agree. This meeting was well advertised. There is opportunity to provide written submission or to speak. Understands that daytime meetings are tough, but so have evening meetings been. Thanked those for participating.

LeBlanc – thanked all who presented. Surprised that the equipment was there as long as it was. Enormous amount of money for safe equipment for children to play. Council has gone through every step, and were taken aback with the trust, there is now a building there. The trust was out the door when the school was built on it. Now our planners are reviewing all steps. The Bridgetown Area Advisory Committee had a meeting, which was also open to the public, staff have reviewed every matter that presented itself. Final comment, housing is a huge issue.

Gunn – some citizens expect the county to pay for demolition and develop another park in the town. Who absorbs that cost? Already a lot of parkland in Bridgetown. What would they give up to have a park? It is not green space, it is a former school. Housing is important, this project will offer housing and increase the tax base, and maybe lower the area rate.

Enslow – this is a difficult situation. Has a small family. Listening to all comments from councillors and participants, he is on the fence about how he will vote. Housing is a strong problem. This facility could be used with modifications to help that housing crisis. Also likes the idea of having a park.

There are parks in town. Look at using an existing park to install a playground. A compromise can be made. Supports the children of the community, being a parent, but recognizes we are in a housing crisis. People are living in campers etc.

Hudson – thanked people for written and oral presentations. Hears the concerns. Agrees with some comments from councillors. The playground that was there, it was the first place his grandchildren headed. Sees that the removal of the equipment was necessary, it was not safe. Even though popular for kids. Trying to decide which way he will support.

Sheridan – thank you for all the submissions. Appreciates hearing all the comments. As mentioned, the school exists, the equipment was not safe. There is a need for housing people living in campers, tents and couch surfing. Housing here is more important than green space. Maybe can work with the buyer to provide benches. Will vote in favour of the staff report.

Barteaux – history has developed with previous decisions. Appreciates comments. When the school was built, it created the situation we are in now. Housing needs – a big topic today county and province wide. If we didn't keep the school building – to re-create a park as originally intended would put hardship on all of county for demolition and ongoing maintenance. Would also end the current purchase process. This purchase will bring much needed housing to the people. It (the trust) was given to the town in perpetuity, but in early 1900's the school was built. That decision was already made against the trust. Leans to looking at costs, it is part of the county where we already have other open spaces maintained so do we need to add another one? Nice, but is it needed. We have to move forward. To develop back to a park is a huge expense that weighs heavy.

Redden – we need to do a better job with consultation.

- Next Steps

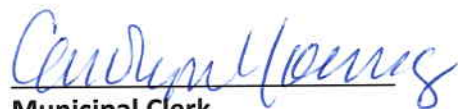
- a. Municipal Council returns to its regular session of Council
- b. Council to add "Termination of Park Trust" to the Regular Session of Council.
- c. It is recommended that Council make one of the following motions:
 - i. to instruct the municipal solicitor to make application to the Court to terminate the trust;
 - ii. to maintain the trust and separate the land to develop a park; or,
 - iii. to maintain the trust.

Adjournment

The Warden declared the Public Hearing for the Park Trust Termination, 7 Park Street, Bridgetown, PID 05144787 adjourned at 11:43 a.m.; and the regular session of council resumed.



Warden



Municipal Clerk

Carolyn Young

From: Darlene Delisi Karamanos [REDACTED]
Sent: March 11, 2023 2:21 PM
To: Carolyn Young
Subject: PID 05144787 Bridgetown Park

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Carolyn and Council Members,

I always find it admirable when someone has the foresight to leave a parcel of land for the benefit of future generations. In this case, it is 0.79 acres for a public park for Citizens of Bridgetown "for their use forever."

I'm proposing it be used for a new kind of park, part food forest and part community solar garden. Wouldn't it be nice to have children who are waiting for their swimming lessons at the nearby pool be able to pick a handful of blueberries or whatever is in season? Wouldn't it be nice for waiting parents to be able to sit under the shade of a tree instead of on the hot bleachers? So a little food forest is one part of the plan. The other part is ground mounted raised solar panels covering about 0.5 acres. They would generate approximately 150 kW producing around 185,000 kWhours. At today's electricity pricing, that's about \$30,000/ year. (But confirm with solar installation companies) That could be used to offset the costs of some of Bridgetown's public buildings like the rink, library, curling club etc. The south facing panels would be high enough off the ground to allow for benches and a few parking spots underneath. Also there are now funds available for grants for a community solar garden and food forests.

This space as a public park could be enjoyed by visitors and community residents alike, forever.

Respectfully submitted,

Darlene Delisi Karamanos

Public Response to Report : SR2023-13 Park Trust Termination

Presented by Karen Jones [REDACTED] Bridgetown, B05 1C0, March 21, 2023 to Committee of the Whole,
Municipality of Annapolis, Nova Scotia

Good morning Warden and Councillors, I am going to ask Council to reject the recommendation made by Property and Planning in Report SR2023 to terminate a Public Trust in Bridgetown. The justification offered, by the report, as a reason to terminate the trust, is based on an informal logical fallacy known as the Fallacy of the Excluded Middle. This fallacy claims that there are two wildly extreme alternatives which are the only possibility of action, viz. that the alternatives to terminating the Public Trust are 1) doing nothing or 2) installing a prohibitively expensive formal Garden. In fact there is much middle ground to consider and the Municipal Act has the tools needed to suggest several less extreme alternatives. Doing nothing is not an alternative and neither is installing a wildly expensive Park, and additionally has not even been suggested as a rational alternative by anyone, including the writer of the report. Public consultation must be held concerning this rezoning process.

But before this can commence, this report ought to be returned to Property and Planning with the instructions to add a current plan view map of the proposed development properties with their current PID's and standardized information on areas. The Report states that PID 05144787 was found to consist of 4 separate properties which combined to make 1.75 acres, but the separate locations and the individual areas of the 4 separate properties are not shown in the only plan view map available in Agenda Package (2023-02-14COTW 91 of 152). In fact, this map, is not very informative. Information is missing, area units are mixed and properties not identified. To equate the Public Trust Lands, in general with the former PID containing all four current PIDs is misleading. And that is what this report has done. It is necessary to have a plan view map showing current land designations. The present location and areas of the 4 separate parcels formerly all included in PID 05144787 must be indicated on a current plan view map. That the map in the agenda package is used to misrepresent the ground truth, is evident when, for example PID 05144787 is said to include 05319330 and 05319348 as well as 05319280, and PID 05144787 is shown on the map as comprising the land on which the school is built. We are meant to assume that the property now called PID 05144787 contained all of the four properties. In addition we are meant to assume that PID 5319330 and PID 5319348 are also on the property where the school is built. We now know that that PID 05319280 is not on that property which the map indicates as PID 05144787.

When Council agreed to formally close a portion of Park Street now called PID 05319280 a very serious blow was struck against the Children of Bridgetown. The Property 'formally closed' was not a street, but a Childrens Playground. And it was not 'closed' but demolished in November of 2022, and dumped in a landfill, according to municipal employees.



It is truly unfortunate that a centrally located and popular gathering place for young children and parents was demolished and sent for scrap. In the 2010 Bridgetown Integrated Community Sustainability Plan, the Playground was viewed as a Community Asset. Parents worked hard to raise the \$250,000 it took to install the playground and it seems to have been located on Public Trust lands. Also rated high in the Sustainability Plan was the walkability of Bridgetown. It scores 97% on the walkability index. No mention has been made of the Pedestrian Public Right of Way through these lands proposed for development. Bridgetown was planned before the invention of automobiles and is a highly walkable town. The Municipality has maintained this Right of Way for many decades. Are we to find one day our access barred?

To date it appears that the process of rezoning a number of properties, has resulted in loss of public open space, destruction of a Children's Playground and possible reduced walkability in a less child friendly Bridgetown. The Athletic Field is fine, but it is neither a park or a playground, it is an area for highly structured sports activities and is not centrally located. Jubilee Park is fine if you have a boat and a way to get your boat there, but suggesting that boulders to climb on will be preferred over monkey bars, swings, sandbox and a slide will not be believed by any four year old that I know.

The public is not well served by 'closings and recommendations to terminate'. The Report recommending termination of a land trust is based on the Fallacy of the Excluded Middle. There are other alternatives than the extremes presented in this report. I also do not need to remind Council that a Public Trust invested in a Municipality permits the Municipality to hold the property according to the terms of the trust and may do anything necessary to carry out the objects of the trust. (Municipal Act 50(2)) It does not say that a public trust is a public trust until the municipality decides to sell the property.

I reiterate that there are a number of alternatives which could be visited by council in this matter. A public trust is not nothing. With due respect, I ask Council to deny the application for the termination of Public Trust requested by Property and Planning in Report SR2023-13, and to request that Property Planning produce a plan view of the properties under discussion that reflects their current status and allows for a more literal view of these properties going forward. Thank you. Karen Jones

Carolyn Young

From: C and/or D [REDACTED]
Sent: March 21, 2023 7:28 AM
To: Carolyn Young
Subject: Public meeting, land trust

Please accept the following written submission to Council for the public meeting on Tuesday, Mar 21.

I think the Municipality should honour the land trust established to preserve public ownership and use of land for a park. It is important to preserve even small pieces of open, or green space throughout a community for social and environmental reasons.

The originators of the trust in 1888 found preserving parkland important enough to go to the effort to set it up. In the 1990s, the land use planning process for Bridgetown confirmed a public interest in preserving open/green space in this area by zoning another of the undeveloped lots (apart from the school and playground) as open space. During the 2022 rezoning process, the existence of the trust didn't surface and so was never discussed or considered by the Committees involved or by Council.

Small parks, even if not "developed", provide space for trees, play, community gatherings, etc. They should be found throughout communities so they can be readily accessed by those with mobility issues and on foot by mothers and tots. With the simple additions of shade and a park bench, they provide a destination that encourages walking for seniors and others.

Ideally, the current building would be utilized for a public purpose with the remaining land staying green and open to the public.

It seems to me that the Municipality unintentionally erred by not ensuring that the property was clear of encumbrances before putting it up for sale. This has led to a very complex situation which will take time to resolve and the community needs to be involved in finding solutions. For example, perhaps two or all 3 of the vacant lots adjacent to the school building could be rezoned for open space and legal mechanisms established to safeguard them from future development. This is just one idea to perhaps honour the intent of the original trust, while allowing the redevelopment of the building to proceed. I expect that putting more minds to work will generate many creative solutions.

I ask Council to pause and refer this matter to the Bridgetown Area Advisory Committee (or set up an ad hoc Committee) tasking them to engage the community, propose options and make recommendations.

Sincerely,
Carolyn Hubble