

Minutes of the regular Committee of the Whole meeting held on Tuesday, December 8, 2020, at 10:00 a.m., at the Annapolis Basin Conference Centre, 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 - Brian “Fuzzy” Connell, present
District 3 – Alan Parish, Warden, present
District 4 – Clyde Barteaux, present
District 5 – Lynn Longmire, present
District 6 – Alex Morrison, present
District 7 – David Hudson, present
District 8 – Michael Gunn, Deputy Warden, present
District 9 – Wendy Sheridan, present
District 10 – Brad Redden, present
District 11 – Diane Le Blanc, present

Also Present: CAO John Ferguson; Municipal Clerk Carolyn Young; other staff (W. Atwell, D. Campbell, A. Dunphy, S. McInnis, H. Orde, N. Comeau, J. Young); and former Returning Officer D. Patterson.

Warden Parish noted COTW would not likely get through the full agenda. This room is available on Friday to continue the meeting if we don’t finish today. Does not want to go past 4 o’clock so the lunch break will be 20 minutes. It was the consensus to continue on Friday if needed.

Additions to Agenda

The Warden moved In-Camera 22(2)(f) to the top of agenda.

The Warden moved In-Camera 22(2)(c) to the first item after lunch

The Clerk added Presentation by Eagle Telecom at 11:00.

The Clerk added 2020/21 Tax Sale under New Business

Councillor Hudson added Quarterly Financial Reports under New Business

Councillor Longmire added Tenders and Job Applications under New Business

Councillor Longmire added Gordonstoun Project with Documents under New Business

Councillor Longmire added Request for CAO to Provide Clarity the Waste Transfer Station under New Business

Approval of the Agenda (Order of the Day)

It was moved by Deputy Warden Gunn, seconded by Councillor LeBlanc to approve the agenda as amended. Motion carried, 10 in favour, 1 against.

Minutes

Councillor Sheridan moved, seconded by Councillor Barteaux, to approve the minutes of the regular meeting of Committee of the Whole held November 12, 2020, as circulated. Motion carried unanimously.

Re: In-Camera Section 22(2)(f) Litigation or Potential Litigation – The Warden suggested a recess to view what he expected was a report from the CAO regarding the status of court cases and legal fees to date, to determine if they should be discussed in-camera.

Recess

It was moved by Deputy Warden Gunn, seconded by Councillor Redden, to recess to review the documents to decide if they needed to go in-camera.

The CAO noted the documents are to be protected in-camera, and that if council recesses they are not convened and cannot conduct council business.

The Warden called the question on the motion. Motion carried, 10 in favour, 1 against.

The CAO and all staff left the meeting at 10:28 a.m.

The meeting was called back to order at 10:41 a.m. with all present as previously noted.

Warden Parish recapped as follows:

Before the recess we were to receive a report from the lawyers. We wanted to recess to review the reports and had asked CAO to distribute the reports confidentially to council members. He refused to do that. The recess was to review the documents and then to determine if we needed to go in-camera, or if discussion would be in open session. The CAO walked out and would not agree to that. One aspect of the report is the legal fees to date. Residents have been curious and wanting to know how much has been spent on legal fees for months. Before he was elected, he spoke to his councillor who was trying to find that out in 2019. This report contains the legal fees. If we go in camera, it is a way to hide from the residents the amount of taxpayer money being spent on lawyers. Fees should be in-camera; reports on status maybe, but he hasn't seen the documents to determine that. Can't agree to go in camera to hide legal fees to date. These documents should have been distributed earlier confidentially. Council needs to review before deciding to go in-camera.

CAO noted he had sent correspondence to council last week. Council is entitled to receive in-camera if not assessed under FOIPOP. It is not to be released until Officer determines that. In-camera, meant to be confidential and private. If you make a decision and the information released creates potential financial harm to the municipality, you may be in a position where you are liable for the information. He can tell you, but you make the decision. If you do it according to law, you are protected. It was his recommendation to stay within statutory goalposts.

It was moved by Councillor Connell, seconded by Councillor Barteaux, to table the report from the CAO regarding legal fees. Motion carried, 10 in favour, 1 against.

Councillor Connell moved, seconded by Councillor Barteaux to rescind the previous motion. Motion carried unanimously.

It was moved by Councillor Barteaux, seconded by Councillor Longmire, to have the confidential report from the lawyers distributed on a confidential basis on Sharepoint.

The CAO acknowledged he understands what council is trying to accomplish. He referred to page 105/161 of the agenda package regarding the approach to get confidential information. In-camera protects it. Access on Sharepoint can be done, but is not recommended until it has been assessed. He can't protect it. He suggested proceeded with putting it in-camera where he would be glad to talk about it. This is to protect the process.

The Warden reiterated that the CAO stated making it public would be at our own risk. He wants to make public the amount spent on fees. If the information is presented in-camera, we cannot release it.

The Question was called on the motion. Motion carried, 9 in favour, 2 against.

Recess

The Warden declared a brief recess from 11:20 a.m. – 11:27 a.m. to prepare for a zoom presentation.

Presentation

Re: Eagle Telecom – Grant Crowson, Eagle Telecom, demonstrated the website tool which tracks the strand, which is the support structure they attach the cable to between the poles. He will send a current link to this map to the CAO for him to circulate to councillors.

New Business

Re: RFD Fundy Folk Association (Evergreen Theatre) Grant Application

Deputy Warden Gunn moved, seconded by Councillor Connell, to recommend that municipal council approve a grant in the amount of \$1,829.41 from the Capital Projects Assistance Program, Small Project Matching Grants, to the Fundy Folk Association (Evergreen Theater) to assist with the installation of a heat pump and insulation for the floor and ceiling for the theatre in accordance with AM-1.4.9 Community Grants Policy. Motion carried unanimously.

Re: RFD Clarence United Baptist Church Grant Application

It was moved by Deputy Warden Gunn, seconded by Councillor Redden, to recommend that municipal council not approve a grant to the Clarence United Baptist Church to assist with replacing the door sill in accordance with AM-1.4.9 Community Grants Policy.

Councillor Morrison moved, seconded by Councillor Leblanc, to amend to motion to encourage them to make an application early in the next fiscal year. Motion carried unanimously.

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

It was moved by Deputy Warden Gunn, seconded by Councillor Redden, to recommend that municipal council not approve a grant to the Clarence United Baptist Church to assist with replacing the door sill in accordance with AM-1.4.9 Community Grants Policy, and that they be encouraged to make an application early in the next fiscal year. Motion carried unanimously.

Lunch

A lunch break was taken from 12:07 p.m. to 12:38 p.m.

In-Camera

It was moved by Councillor Connell, seconded by Deputy Warden Gunn, to meet in-camera from 12:39 p.m. until 2:19 p.m. in accordance with Sections 22(2)(c) personnel of the *Municipal Government Act*; and staff were asked to leave. Motion carried unanimously.

Adjourn Committee of the Whole

Deputy Warden Gunn moved, seconded by Councillor Connell, to adjourn Committee of the Whole at 2:30 p.m. in order to convene an emergency special session of council, waiving meeting notice requirements. Motion carried unanimously.

Reconvene Committee of the Whole

Committee of the Whole reconvened at 2:34 p.m. with all present as previously noted.

Re: RFD Cost of Living Increases for Non-Union Staff and Councillors

It was moved by Deputy Warden Gunn, seconded by Councillor Morrison, to recommend that Municipal Council support a cost of living increase of 2.0% commencing January 1, 2021, for non-unionized staff and councillors as previously budgeted.

Councillor Redden moved, seconded by Councillor Connell, to amend the motion by removing the word 'councillors' as they are covered under another policy. Motion carried, 10 in favour, 1 against.

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

It was moved by Deputy Warden Gunn, seconded by Councillor Morrison, to recommend that Municipal Council support a cost of living increase of 2.0% commencing January 1, 2021 for non-unionized staff as previously budgeted. Motion carried unanimously.

Re: RFD AM-1.8.1 Travel and Expenses Policy Review

Deputy Warden Gunn moved, seconded by Councillor Sheridan, to give seven day notice for municipal council to re-adopt AM-1.8.1 Travel and Expenses Policy and add a notation that the policy was reviewed on December 15, 2020. Motion carried unanimously.

Re: RFD AM-1.8.2 Hospitality Policy Review

It was moved by Deputy Warden Gunn, seconded by Councillor LeBlanc, to give seven day notice for municipal council to re-adopt AM-1.8.2 Hospitality Policy and add a notation that the policy was reviewed in December 15, 2020.

Councillor Sheridan moved, seconded by Councillor Morrison, to amend the motion to include that the Audit Committee review the annual summary report by October 31st of each year, in accordance with the policy. Motion carried unanimously.

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

It was moved by Deputy Warden Gunn, seconded by Councillor LeBlanc, to give seven day notice for municipal council to re-adopt AM-1.8.2 Hospitality Policy and add a notation that the policy was reviewed in December 15, 2020; and to include that the Audit Committee review the annual summary report by October 31st of each year, in accordance with the policy. Motion carried unanimously.

It was moved by Councillor Sheridan, seconded by Councillor Barteaux, to recommend that municipal request staff to add this stipulation to the AM-1.3.5.1 Audit Committee Policy. Motion carried unanimously.

Re: AM-2.7.1 Occupational Health and Safety Policy

Deputy Warden Gunn moved, seconded by Councillor Sheridan, to give seven day notice for municipal council to re-adopt AM-2.71. Occupational Health and Safety Policy as circulated. Motion carried unanimously.

Re: RFD Funding Increase UV Treatment Facility Cornwallis Park Waste Water Treatment Plant

It was moved by Deputy Warden Gunn, seconded by Councillor Morrison, to recommend that municipal council approve an additional funding allocation of \$123,453.64 to be funded from the Gas Tax Reserve for the installation of Ultraviolet Wastewater Treatment at the Cornwallis Wastewater Treatment Plant.

Councillor Connell left at 2:58 p.m.

Motion carried unanimously.

Re: RFD Funding Request Bridgetown Water Utility Rate Study

Deputy Warden Gunn moved, seconded by Councillor Sheridan, to recommend that municipal council approve spending \$15,000 from the Bridgetown Water Depreciation Reserve to have G.A. Isenor Consulting Limited prepare and present a 2021/22 to 2023/24 Water Rate Study for the Bridgetown Water Utility.

Councillor Connell returned at 3:01 p.m.

Motion carried unanimously.

Re: Annapolis County Municipal Housing Corporation / County of Annapolis Relationship – the Solicitor provided a letter dated May 24, 2019, from Taylor MacLellan Cochrane clearly outlining the relationship between the Municipality and the Housing Corporation. It was moved by Warden Parish, seconded by Deputy Warden Gunn, to defer this item to Friday. Motion carried unanimously.

Re: Nova Scotia Crime Stoppers Awareness Guide Request to Purchase Ad

Deputy Warden Gunn moved, seconded by Councillor Hudson, to recommend that municipal council purchase a 1/10 page colour ad in the upcoming Crime Stoppers Awareness Guide at a cost of \$310 (tax included). Motion carried unanimously.

Re: Returning Officer Final Report

It was moved by Councillor Barteaux, seconded by Deputy Warden Gunn, to defer this item to Friday.

Councillor Morrison moved, seconded by Councillor Sheridan, to amend the motion to add ‘and to reimburse Mr. Patterson for travel expenses’. Motion carried unanimously.

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

It was moved by Councillor Barteaux, seconded by Deputy Warden Gunn, to defer this item to Friday, and to reimburse Mr. Patterson for travel expenses. Motion carried unanimously.

Re: Bridgetown Community Rate

Councillor Hudson moved, seconded by Councillor Longmire, to recommend that municipal council request the CAO to provide a detailed report on the Bridgetown Community Rate to January Committee of the Whole, to include: background information; a list of the expenses paid from the tax revenue generated from the rates during the fiscal year ending March 31, 2020 and the cost associated with each expense; and information on when these rates will cease.

Deputy Warden Gunn moved, seconded by Warden Parish to amend the motion to have the report come to February COTW. Motion carried unanimously.

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

Councillor Hudson moved, seconded by Councillor Longmire, to recommend that municipal council request the CAO to provide a detailed report on the Bridgetown Community Rate to February Committee of the Whole, to include: background information; a list of the expenses paid from the tax revenue generated from the rates during the fiscal year ending March 31, 2020 and the cost associated with each expense; and information on when these rates will cease.

It was moved by Councillor Barteaux, seconded by Councillor Morrison, to amend the motion by adding ‘and a break-down of total expenses’. Motion carried unanimously.

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

Councillor Hudson moved, seconded by Councillor Longmire, to recommend that municipal council request the CAO to provide a detailed report on the Bridgetown Community Rate to February Committee of the Whole, to include: background information; a list of the expenses paid from the tax revenue generated from the rates during the fiscal year ending March 31, 2020 and the cost associated with each expense; information on when these rates will cease; and a breakdown of total expenses. Motion carried unanimously.

Re: Update on Margaretsville Water Supply

It was moved by Councillor Connell, seconded by Councillor Morrison, to recommend that municipal council request the CAO to provide a status report to February Committee of the Whole, on the Margaretsville Water Supply including the cost of trucking water this summer. Motion carried unanimously.

Re: AM-1.2.1 Remuneration for Warden, Deputy Warden and Councillors Policy – Councillor Prout moved, seconded by Councillor Morrison, to defer this item to Friday. Motion carried unanimously.

Re: Hillside Drive Water Main Replacement Project – Councillor Barteaux noted that he had received additional information from the CAO after adding this to the agenda. Residents are wondering when the work will go to tender.

Councillor Barteaux moved, seconded by Deputy Warden Gunn, to recommend that municipal council direct staff to proceed with tendering the Hillside Drive Water Main Replacement Project. Motion carried unanimously.

Re: In-Camera Portion November 19, 2020 Council – this is related to Gordonstoun Report Notice of Motion for Council below.

Warden Parish provided this notice of motion for council.

To recommend that municipal council rescind the following motion made at November 19, 2020 regular session of municipal council:

Councillor Gunn moved, seconded by Councillor Redden, to meet in-camera from 2:26 p.m. until 3:46 p.m. in accordance with Section 22(2)(e) contract negotiations of the Municipal Government Act. Motion carried unanimously.

So that the information received can be shared with the public without fear of recrimination.

Re: Equal Opportunity Employer Policy – Councillor Connell noted that there are lots of people moving into our county, and we should be an equal opportunity employer. Any and all jobs should be advertised and everyone should have an opportunity to apply.

It was moved by Councillor Connell, seconded by Councillor LeBlanc, to recommend that staff investigate an equal opportunities policy and bring it back to February COTW. The motion was withdrawn as the Director of Legislative Services provided Councillor Connell with a copy of our current policy.

Re: Hillside Drive Water Main Replacement Project – The CAO reported he had just received an email from the Town of Annapolis Royal regarding this issue, indicating they are satisfied with Nova Scotia Utility and Review Board (NS UARB) interpretation, so the matter should soon receive approval from the NS UARB.

Re: Visit to Basinview Centre as Part of Workshop – Councillor Morrison noted that he would like to schedule a visit to Basinview following COTW or Council in accordance with a prior motion to hold a workshop on Basinview.

It was moved by Councillor Morrison, seconded by Deputy Warden Gunn, to add Schedule Workshop for Basinview to January Committee of the Whole. Motion carried unanimously.

The Clerk noted that discussion held at the October meeting was for staff to let council know when all the investigation information would be ready and that a date would be set then.

Re: Gordonstoun Report Notice of Motion for Council (see In-Camera Portion November 19, 2020 Council – above)

Re: Update on Gordonstoun Feasibility Study – Warden Parish asked the CAO for an update on this.

The CAO circulated a confidential draft Request for Proposals (RFP) for the Gordonstoun Feasibility Study for councillors to review. No direction had been given for what should be included so he proceeded as with past practice.

Councillor Sheridan moved, seconded by Councillor Longmire, that, once the draft RFP has been reviewed, to hold a special council meeting by zoom, with a date to be determined, for discussion and to approve the final draft of the RFP. Motion carried unanimously.

Adjournment

It was moved by Councillor Prout, seconded by Councillor Morrison, to adjourn at 4:10 p.m. and that the balance of the business be conducted at a Committee of the Whole on Friday, December 11, 2020 at 10:00 a.m. at the Annapolis Basin Conference Centre. Motion carried unanimously.

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