

2021-05-18 Municipal Council Summary of Motions

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Minutes of the regular session of Municipal Council held on Tuesday, May 18, 2021, at 10:00 a.m., via Zoom Videoconference, 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, 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, present
District 9 – Wendy Sheridan, present
District 10 – Brad Redden, present
District 11 – Diane Le Blanc, present

Also Present: CAO David Dick; Municipal Clerk Carolyn Young; and other staff including W. Atwell, D. Campbell, H. Orde, and J. Young; two members of public Carolyn Hubble and Heather Spurr.

Amendments

The Warden requested to add under Late Additions 10A *Basinview Insurance*, and to include items 5A *Basinview Harness Work*, 8A *2021-04-11 H Spurr*, and 8F *2021-05-10 YMCA* under this same item for discussion.

Approval of the Agenda (Order of the Day)

Upon motion of Councillors LeBlanc and Prout, the Order of the Day was approved as amended. Motion carried unanimously.

Minutes

Re: Special Session April 16, 2021

MOTION 210518.01 Minutes 2021-04-16 Special

It was moved by Deputy Warden Gunn, seconded by Councillor Hudson, to approve the minutes of the special session of municipal council held on April 16, 2021 as circulated. Motion carried unanimously.

MOTION 210518.02 Minutes 2021-04-20 Regular

Councillor Connell moved, seconded by Deputy Warden Gunn, to approve the minutes of the regular session of municipal council held on April 20, 2021, as circulated. Motion carried unanimously.

Councillor Comments

District 1 – Councillor Prout (as submitted)

Since our last Regular Council meeting the Spring Clean-up was held in District 1. I wish to extend a huge “Thank You” to our sanitation workers who helped make it such a success.

The COVID 19 numbers are on the rise here in the valley. I would encourage us all to continue to do our part in fighting this pandemic. As more vaccine becomes available, we all can look forward to our first, or even our second, “shot”. Together, we can help to bring our numbers down in the Western Zone.

District 2 – Councillor Connell received calls regarding internet. Last report given was to start hooking up in June. Hopes that happens somewhere. The work at DeWolfe office is complete. People are aggravated and waiting for us to be on the move. Citizens that are hooked up are pleased with the service they are getting. Lots of communication from citizens on taking waste back to Lawrencetown site and getting county back on track.

District 3 – Warden Parish noted it is quiet in this rural district. He provided a review of the arrangements made last week regarding waste collection. Final agreements were made and a press release went out on Wednesday. On Thursday he gave interviews to media. There were two law suits against us; one by Valley Waste (re past payments not made) and the other by the six other municipal units on various issues and they are settled. We are not joining Valley Waste, we have entered into an agreement for 1 year – we pay per tonne for the use of the waste transfer station in Lawrencetown. The cost will be the same or cheaper than continuing with the West Paradise site. West Paradise is no longer being used as of yesterday. There are outstanding prosecutions from Department of Environment and we are hopeful to work out something satisfactory to all sides.

District 4 – Councillor Barteaux noted his district is fairly quiet. Sees continued high speed installation happening. Concerns about pandemic up front and foremost, creating adverse effects to our health system. Be vigilant and persistent to put COVID in its place. Stay home, wear a mask, get vaccines and follow directions issued by the Province – that is getting us through this. Numbers have proved we are not out of the woods yet. Thanked Louis Coutinho for continuing as a consultant as we move ahead. Pleased to welcome David Dick as we move forward to bring prosperity to Annapolis County - he will get us through a tough and challenging time. Would ask all residents to bear with us as we implement needed change. Keep safe and hopefully can move into a summer with fewer restrictions.

District 5 – Councillor Longmire welcomed David Dick and thanked Louis Coutinho. In District 5, over the past few weeks, have celebrated two groups - nurses and educators. Teachers working so kids can stay on track, and nurses keeping front lines strong. We need to continue to do our part. Don’t forget the parents and guardians helping with on-line learning, along with working. As we get close to more vaccine, encourages everyone to consider receiving it. Now booking ages 30 and up. Wash your hands, wear your mask, and stay happy.

District 6 – Councillor Morrison noted in a report to COTW last week there was 843 Hwy 1 Deep Brook, 1 million value. He investigated that. At this time, it is a professional building, 3500 sq ft to serve several counties. Should see some activity there soon.

District 7 – Councillor Hudson noted it is quiet in District 7. The shutdown is the cause of that. Comments about our waste decision have been positive. People wondering what will happen in West Paradise.

District 8 – Deputy Warden Gunn (*as submitted*)

Good morning and happy Mental Health Awareness month to all.

The calls in District 8 this month related to

- No response from the Department of Transportation;
- The state of the internet build – or intent to build – throughout the district;
- The status of the Bear River Comfort Station development plan;
- The lack of potable water for businesses and residences in Bear River; and
- The ruin of the burnt house in Lequille that has not been cleaned up.

On behalf of the County, I attended a virtual meeting with Wardens, Mayors and CAOs from across Nova Scotia tackling affordable housing. There were presenters from Municipal Affairs and the Youth Portal Project. I'll be receiving more information from these presenters in the near future, if anyone would like me to share it with them.

District 9 – Councillor Sheridan thanked Louis Coutinho for his work, and welcomed David Dick. The Nictaux community recently celebrated Myrtle Hines, who turned 100. Clean up at Nictaux Park looks great. Thanks to volunteers who continue to find ways during COVID to support the community.

District 10 – Councillor Redden noted that Lawrencetown continues to host vaccine clinics, and is looking for volunteers. Brian Reid is in charge of that. Happy to note that Bell has expanded coverage out Hwy 10 Springfield area. If there is pole service, there will be internet.

District 11 – Councillor LeBlanc nice to see COVID numbers in double digits, hopes to continue downward. Different times. Something we have to adapt to, and then readapt. Thanks to nurses, doctors, government, and staff, who adapt and work very hard to go with changes to restrictions and keep us in line. If we continue, we will come out of it and keep our communities safe. Thanks to D Campbell for sharing her Cardinal nest. Has also had calls dealing with TIR missing signs. Keep safe, enjoy the outdoors as much as you can.

Business Arising from the Minutes

Re: Basinview Harness Work (from 2021-03-16) – See *Basinview under Late Additions*.

New Business

There was no new business.

Reports and Recommendations

Re: Committee of the Whole (2021-05-11)

- *Police Association of Nova Scotia 51st Annual Crime Prevention Guide*
MOTION 210518.03 PANS 51st Annual Crime Prevention Guide - Decline
Pursuant to the recommendation of Committee of the Whole, Deputy Warden Gunn moved, seconded by Councillor Connell, that municipal council not purchase an ad in the PANS 51st Annual Crime Prevention Guide. Motion carried unanimously.
- *Cox and Palmer Continue Open Files*
MOTION 210518.04 Cox and Palmer to Continue Open Files
Deputy Warden Gunn moved, seconded by Councillor Longmire, pursuant to the recommendation of Committee of the Whole, that Cox and Palmer continue to handle all litigation files that they have opened until managed to its conclusion or otherwise requested by the CAO and Council. Motion carried unanimously.
- *Liberty to Retain Other Counsel for Litigation*
MOTION 210518.05 Liberty to Retain Other Counsel for Litigation
In accordance with the recommendation of Committee of the Whole, Deputy Warden Gunn moved, seconded by Councillor Hudson, that the municipality be at liberty to retain other counsel for litigation if it desires. Motion carried unanimously.

- *Liberty to Retain Local Counsel for Local Prosecutions*

MOTION 210518.06 Liberty to Retain Local Counsel for Local Prosecutions

Deputy Warden Gunn moved, seconded by Councillor Redden, in accordance with the recommendation of Committee of the Whole, that the municipality be at liberty to retain local counsel for local prosecutions. Motion carried unanimously.

- *Enter Negotiations to Retain Wickwire Holm to Provide Legal Services to the Municipality*

MOTION 210518.07 Enter Negotiations to Retain Wickwire Holm to Provide Legal Services to the Municipality

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Gunn moved, seconded by Councillor Longmire, that the CAO enter into negotiations to retain Wickwire Holm Barristers and Solicitors to provide legal services to the Municipality of the County of Annapolis. Motion carried unanimously.

- *AM-1.2.1.1 Internet Reimbursement Policy – New*

MOTION 210518.08 AM-1.2.1.1 Internet Reimbursement Policy - New

Deputy Warden Gunn moved, seconded by Councillor Hudson, pursuant to seven-day notice having been given at Committee of the Whole, that municipal council approve AM-1.2.1.1 Internet Reimbursement Policy. Motion carried, 10 in favour, 1 against.

- *AM- 6.6.6 Signing Authorities Policy - Amend*

MOTION 210518.09 AM-6.6.6 Signing Authorities Policy - Amend

In accordance with seven-day notice having been given at Committee of the Whole, Deputy Warden Gunn moved, seconded by Councillor Sheridan, that municipal council amend AM-6.6.6 Signing Authorities Policy by:

- Deleting in Sub-section 5(2)(d) “during a period that the CAO is absent, otherwise incapacitated or in a circumstance that would be perceived as a conflict for the CAO to sign”;
- Deleting in Sub-section 5(2)(e) “Municipal Clerk” and replacing with “Treasurer”; and
- Deleting Sub-section 5(2)(f) “the Deputy Municipal Clerk during a period that the Municipal Clerk is absent, otherwise incapacitated or in a circumstance that would be perceived as a conflict for the Municipal Clerk to sign”.

Motion carried unanimously.

Councillor Prout asked to provide an update on the following item.

After COTW, there were developments. The committee had intended for council to get a virtual tour and contacting a local doctor. Since then, we know that 14 Wing Greenwood is producing a virtual tour and will post to SMH website. Our committee’s mandate is to assist where appropriate. Would like to rescind the motion. Will keep council and committee updated.

- *Physician Recruitment and Retention Committee Request*

MOTION 210518.10 Contact Middleton Collaborative Practice for Virtual Tour - Tabled

Deputy Warden Gunn moved, seconded by Councillor Longmire, in accordance with the recommendation of Committee of the Whole, that municipal council request the CAO to contact Dr. Leslie Ribeiro, Middleton Collaborative Practice, to request, for council, a virtual tour of the new Middleton facility, and to describe their model of care.

It was moved by Councillor Prout, seconded by Councillor Sheridan, to table the motion. Motion carried unanimously.

• *Kings Transit Transportation Service in Annapolis County*

MOTION 210518.11 Kings Transit Transportation Service in Annapolis County – CAO to Provide Report

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Gunn moved, seconded by Councillor LeBlanc, that municipal council direct the CAO to provide a report on the Kings Transit transportation service in Annapolis County. Motion carried unanimously.

Correspondence

Re: 2021-04-11 Heather Spurr – outlining her concerns regarding the JS Held reports on the Basinview site. *See Basinview under Late Additions.*

Re: 2021-04-12 Navy League of Canada – of thanks for the funding received to assist in the purchase of sports attire for the local Sea Cadets. Deputy Warden Gunn moved, seconded by Councillor Connell, to receive for information. Motion carried unanimously.

Re: 2021-04-13 Annapolis West Health Foundation – of thanks for the recent memorial donation. It was moved by Deputy Warden Gunn, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: 2021-04-18 Cornwallis Park Community Association – of thanks for the grant used to purchase a specialty fridge for Felker Hall Community Centre. Deputy Warden Gunn moved, seconded by Councillor Morrison, to receive for information. Motion carried unanimously.

Re: 2021-04-27 Municipal Affairs (to NSFM) – a copy of a letter to Nova Scotia Federation of Municipalities, advising 12-months' notice of changes at several department levels for 2022-2023 and beyond, i.e. – Department of Environment (*Coastal Protection Act* and permit approval processes) , Department of Intergovernmental Affairs (procurement), Department of Justice (increased costs, RCMP, *Accessibility Act*), and Communities Culture and Heritage (Library funding); which may have the effect of decreasing revenues or increasing the required expenditures of municipalities.

By consensus, the letter was received for information.

Re: 2021-05-10 YMCA of Southwest Nova Scotia – noting dissatisfaction with the performance of the County in executing its responsibilities identified in the operating agreement, and requesting a meeting to establish a mutually acceptable mediator to resolve the issues. *See Basinview under Late Additions*

In-Camera

It was moved by Deputy Warden Gunn, seconded by Councillor LeBlanc, to meet in-camera from 11:04 a.m. until 11:52 a.m. in accordance with Section 22(2) (f) litigation or potential litigation of the *Municipal Government Act*. Motion carried unanimously.

LUNCH

The Warden declared a lunch break from 11:55 a.m. until – 1:00 p.m., with all returning as previously noted except Councillor Connell.

Late Additions

Re: Basinview Insurance – This item includes *5A Basinview Harness Work, 8A 2021-04-11 H Spurr, and 8F 2021-05-10 YMCA Southwest Nova Scotia* for discussion.

Warden Parish read an email dated 2021-05-17 to Steve McInnis and David Dick, from Sherry Spencer, Commercial Insurance Advisor regarding insurance at Basinview. The renewal date is May 19, 2021. Northbridge Insurance is not willing to renew the policy due to underwriting reasons. A 30-day extension is being granted to cover until June 18 2021. Frank Cowan also refuses to insure. Exhaustive search in December showed no willing carriers.

CAO Dick called Ms. Spencer this morning. He noted that the likelihood of finding a carrier to take on this risk is extremely low. She has been attempting to find a carrier since last December. Likelihood of finding someone post June 18 is remote and there is no way to divide the building in order to insure it.

The Warden added that all tenants are 30-day, month-to-month renters, and there are two unused commercial spaces. This is a big decision, and he does not want council to have to make a snap decision. Other interested parties could contact councillors before discussion on Friday. Would like to have full discussion.

It was moved by Councillor Morrison, seconded by Deputy Warden Gunn, that a special meeting of council be held on Friday, May 21, in order to make any decision regarding Basinview.

Councillors were afforded two times to speak.

After discussion, Deputy Warden Gunn moved, seconded by Councillor Barteaux, to amend the motion to add ‘but to contact the lessors today to give 30 day notice today’. Motion carried unanimously.

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

MOTION 210518.12 Special Session of Council Re: Basinview Decision

It was moved by Councillor Morrison, seconded by Deputy Warden Gunn, that a special meeting of council be held on Friday, May 21st, in order to make any decision regarding Basinview, but to contact the lessors today to give 30 day notice today. Motion carried unanimously.

Re: 2021-04-11 H Spurr – Deputy Warden Gunn moved, seconded by Councillor Longmire, to receive for information. Motion carried unanimously.

Re: 2021-05-10 YMCA of Southwest Nova Scotia – it was moved by Deputy Warden Gunn, seconded by Councillor Longmire, to receive for information. Motion carried unanimously.

The Warden noted that the CAO will respond to the YMCA.

Re: Basinview Harness Work (from 2021-03-16) – Deputy Warden Gunn moved, seconded by Councillor Barteaux, to move this item to the Friday meeting. Motion carried unanimously.

Re: 2021-05-21 Special Council – it was the consensus of those present that the special council on Friday start at 9:00 am.

Adjournment

Upon motion of Councillors LeBlanc and Sheridan, the meeting adjourned at 2:14 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