



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Committee of the Whole
March 22, 2016 6:00p.m.
Sanford Council Chambers

Present:	G. Cochrane	Chair
	R. Dauphinee	Warden
	S. Pineo	Councillor
	R. Matheson	Councillor
	T. Brown	Councillor
	J. Daniels	Councillor
	R. Allen	Councillor
	R. Zwicker	Councillor
	P. Morton	Councillor
	G. Miller	Councillor
	C. Osborne	CAO
	M. Laycock	Director of Finance
	R. Brown	Municipal Clerk
	R. Parker	By-law Enforcement Officer
	J. Woodman	Administrative Assistant

There were 7 members of the public in attendance.

1. Call to Order

2. Announcements

Chair Cochrane reviewed the fire evacuation procedures.

3. Approval of Agenda, including additions or deletions

MOVED and SECONDED that the agenda be approved as circulated.

Motion Carried.

4. Approval of Minutes – February 23, 2016

MOVED and SECONDED that the minutes of February 23, 2016 be approved as circulated, noting any errors or omissions.

Motion Carried.

5. Presentation (s)

6. Hearing (s) – Dangerous & Unsightly – None

a. Dangerous & Unsightly -261 Hartville Rd. – Reginald Spence

The By-Law Enforcement Officer reported that he responded to a complaint on February 22 regarding an unsafe burnt structure located at 261 Hartville Road, Ellershouse. He noted when he arrived at the property he took pictures of the damage of the structure which has been left open to the elements. He proceeded to tape off the area around the structure and at the end of the driveway, as a warning.

The By-Law Enforcement Officer explained while attending the site he was approached by a Ms. Lake and Mr. Spence the property owner who had been residing in the property until the fire. He explained the process and his role to them in responding to the complaint and that he would be making a recommendation to the Municipality's Administrator on whether or not the structure should be deemed unsafe or if it was an immediate danger to the public, adding that an order may be issued. He explained to Mr. Spence if an order is



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issued that he could take care of the matter himself and asked to consider the option and contact him the following day.

The By-Law Enforcement Officer confirmed that he contacted Mr. Spence the next day to discuss if he would be arranging to demolish the structure before he proceeded further with the complaint process. He was advised that Mr. Spence could not address the matter at this time because of finances and indicated that he had an advocate to speak on his behalf.

The By-Law Enforcement Officer explained the structure poses a safety hazard if anyone attempted to enter the premises, and confirmed he had the support of the Administrator and Building Inspector in recommending that it be demolished as soon as possible.

He confirmed the proper notification process was followed notifying of the date, time and place to meet to discuss the case further before an order is issued. Mr. Spence was also given the option to meet with the Administrator directly but did not accept.

It was reported that based on the condition of the property the Administrator asked that the Committee consider ordering the demolition of the structure and cleanup of the property.

MOVED and SECONDED to order the demolition of the dwelling located at 261 Hartville Road, PID#45396207, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the property in a neat, tidy, environmentally compliant and safe condition within 45 days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV of the Municipal Government Act.

Motion Carried.

MOVED and SECONDED that the report regarding 261 Hartville Road –Reginald Spence be received and placed on file.

Motion Carried.

- b. Demolition Order Request for Dangerous & Unsightly – 367 Falmouth Dyke Rd – Carla Scherger

The By-Law Enforcement Officer reported that he responded to a complaint received on July 2, 2015 of a property located at 367 Falmouth Dyke Rd which had a structure fire that occurred on July 31, 2013. He explained the structure had heavy visual damage, with sections of roof and siding missing.

The By-Law Enforcement Officer indicated he met with the Administrator on July 13 and direction was given that the structure should be demolished or repaired. He confirmed steps were taken to identify and locate the owner through tax information and her whereabouts were unknown.

It was noted during this process that the 2014/15 taxes had been paid by an interested third party through a law firm which removed the property from the tax sale process in 2015. It was believed that the original property owner was a defaulted mortgagee with Scotia Bank, and permitted the Municipality to consider Scotia Bank as the owner and proceed with the process. It was confirmed that the Scotia Bank applied to the Supreme Court of Nova Scotia to discontinue proceedings against Carla Scherger. It was indicated that Scotia Mortgage Corporation would not participate in the property clean up and that



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Carla Scherger would remain the owner of record and it was suggested she may be residing in Alberta.

The By-Law Enforcement Officer stated that the Municipal Solicitor suggested that the Municipality do reasonable due diligence to locate the owner in order to serve the notice of a pending meeting to discuss demolition of the property. A out of province tracking agency was hired on February 4th and on March 2, 2016, the Municipality was advised that Ms. Scherger had been located living in Alberta. The Municipality sent a registered letter on March 3 based on the address received from the tracking company. On March 15, 2016 the registered letter was returned and noted that Ms. Scherger no longer resides at that address.

CAO Osborne advised the property has deteriorated, and it is the opinion of the Building Inspector supported by her that the property should be rendered no longer habitable. She indicated at some point after the fire, demolition work has been partially completed on the interior of the building exposing most of the framework. She suggested that any salvageable material could be used to offset the costs of the demolition and removal should the order proceed.

There was a brief discussion on whether the property could be in the tax sale process, and the Director of Finance indicated that it did not meet the arrears requirements at this point to be on the tax sale list.

CAO Osborne cautioned the longer the property is exposed to the elements the more of a safety factor it becomes. She noted the Building Inspector suggested that the roof trusses may have been compromised from the fire. She confirmed that the Municipality has been receiving numerous complaints regarding the condition of this property.

CAO Osborne noted the report should have included financial and alternative sections. Financially should the Municipality be required to act any costs would be attached to the property as a first lien. An alternative would be that the Committee could choose not to issue an order.

MOVED and SECONDED that the report regarding 367 Falmouth Dyke Road – Carla Scherger be received as amended.

Motion Carried.

MOVED and SECONDED to order demolition of the dwelling located at 367 Falmouth Dyke Road, PID 45381183, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the property in a neat, tidy, environmentally compliant and safe condition within 45 days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its rights as set forth under the Part XV of the Municipal Government Act.

Motion Carried.

7. Business Arising from the Minutes

There was no business arising from the Minutes.

8. Reports of the CAO

- a. Area Rate Policy



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CAO Osborne indicated the report was circulated at the special budget meeting for Council to review and discuss.

MOVED and SECONDED that the report on Area Rate Policy be received and placed on file.

Motion Carried.

CAO Osborne acknowledged that the document is lengthy and suggested if staff could find a way to simplify it they would. She explained that staff researched what other area rate policies the Municipality had and the Municipal Clerk has found one reference to area rate policy which gives the ability to apply fire area rates. CAO Osborne confirmed this policy would not negate that, however she didn't envision Council going back and doing an area rate for fire services.

CAO Osborne indicated it would create structure around when an area rate is appropriate and how various area rates might come into play. She noted that staff could prepare guideline documents to post to the website to assist people to work through the process.

Councillor Daniels emphasized the importance of allowing the public to have input into decisions. She felt the onus is on Council to ensure there is proper information and communication between the Municipality and the community, and work with them when dealing with area rates.

CAO Osborne reported the Area Rate Policy is very structured and requires that there be public meetings.

MOVED and SECONDED that a recommendation be made to Council to approve the Area Rate Policy and instruct staff to apply the policy starting with the upcoming 2016/17 budget development process.

Motion Carried.

b. Monthly Financial Reporting – Director of Finance

The Director of Finance reported that he adjusted the correction regarding the commencement date for operation from the Ellershouse Windfarm.

Staff was directed to provide an explanation of columns in the monthly Committee of the Whole financial report.

There was a brief discussion on whether the Municipality gets a portion from RCMP SOT tickets in this area. Councillor Miller was asked to take the matter to the Police Advisory Board for clarification as to why the amount is lower. Warden Dauphinee asked that the Police Advisory Board also discuss whether fines are actually issued for littering.

MOVED and SECONDED that the Monthly Financial Report from the Director of Finance be received and placed on file.

Motion Carried.

9. Reports of Other Committees



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- a. Pool Governance Committee – Councillor Daniels

Councillor Daniels reported the Pool Governance Committee met on February 29 to review the 2016/17 budgets.

MOVED and SECONDED that the report of the Pool Governance Committee be received and placed on file.

Motion Carried.

10. Correspondence

- a. March 7, 2016 – West Hants Historical Society

MOVED and SECONDED that the correspondence dated March 7, 2016 – West Hants Historical Society be received and placed on file.

Motion Carried.

- b. March 8, 2016 – Honourable Stephen McNeil, M.L.A. Premier

MOVED and SECONDED that the correspondence dated March 8, 2016 – Honourable Stephen McNeil, M.L.A. Premier be received and placed on file.

Motion Carried.

11. In Camera Session – None

12. Miscellaneous/New Business - None

13. Date of Next Meeting

The next meeting is scheduled for Special Budget April 19, 2016 at 9:00 a.m.

14. Adjournment

MOVED and SECONDED that the meeting adjourn.

Motion Carried.

The meeting adjourned at 7:20 p.m.

Gary Cochrane, Chair

Rhonda Brown, Municipal Clerk