



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Committee of the Whole Minutes
January 31, 2017, 6:00 p.m.
Sanford Council Chambers

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| Present: | P. Morton | Chair |
| | A. Zebian | Warden |
| | T. Leopold | Councillor |
| | D. Keith | Councillor |
| | K. Monroe | Councillor |
| | J. Daniels | Councillor |
| | R. Zwicker | Councillor |
| | R. Jannasch | Councillor |
| | R. Hussey | Councillor |
| | D. Francis | Councillor |
| | C. Osborne | CAO |
| | M. Laycock | Director of Finance |
| | K. Kehoe | Director of Parks & Recreation |
| | B. Carrigan | Director of Public Works |
| | R. Brown | Municipal Clerk |
| | J. Woodman | Administrative Assistant |

There were 12 members of the public in attendance.

1. Call to Order

Chair Morton called the meeting to order at 6:00 pm.

2. Announcements

Chair Morton gave the standard fire evacuation announcement.

3. Approval of Agenda, including additions or deletions

MOVED and SECONDED the agenda be approved with the following additions:

12 (b) Minister's Letter - Councillor Monroe

12 (c) Fire Services Expenses – Councillor Hussey

Motion Carried.

4. Approval of Minutes – November 22, 2016

MOVED and SECONDED that the minutes of November 22, 2016 Committee of the Whole be approved as circulated, noting any errors or omissions.

Motion Carried.

5. Presentation (s)

I-Valley

Barry Gander and Terry Dalton of I-Valley gave a PowerPoint presentation titled "Change the Network, Change the World." Mr. Gander reported the use of cell phone and networks have doubled in five years by seniors and the low income. He noted the network is needed for technology and to drive innovation. He spoke of two Federal Government programs helping fund broadband and network growth: the Connect to Innovate Program, which has an application date of March 13, 2017, and the CRTC program. He stated the application details for the CRTC program are not available yet. Mr. Gander stated I-Valley is a non-for profit organization that represents valley communities and has received support previously from mayors and wardens when they built Smart Annapolis Valley, where high speed networks are used to advance business, economy, society, healthcare, education faster than other communities. He explained to be awarded funding they require evidence based planning and noted application for these funds will be received from across Canada. He suggested the strongest applications will show

that there is a need for internet speed. The I-Valley Internet Heat Map and Global Cities Index can provide the required evidence.

Mr. Dalton informed I-Valley has developed an application, the Internet Heat Map, which measures rural internet broadband performance of an area. He noted the Valley Community Fiber Network (VCFN) is also available to leverage and extend open access to fiber throughout communities and with a hybrid wi-fi approach. He reviewed the results of the Internet Heat Map obtained since testing began in the summer. He noted most areas only meet the old standard of 5 Mbps or less, noting the new CRTC standard is 50 Mbps. He stated the application obtains 100 different measurements. Mr. Dalton went on to review the partnerships with the Global Index Standard, ISO standards, Town of Berwick, Acadia University and NSCC Kingstec. I-Valley is working with the VCFN for funding applications to extend the broadband network. Currently I-Valley is requesting \$5000.00 from each community to help further development of the Internet Heat Map for the evidence based data required for funding applications.

Councillor Daniels inquired if the current service providers met the 50 Mbps standard. Mr. Gander advised that they chose to be non-for profit so they could work with communities and service providers to ensure the appropriate services is brought into each community. He explained that open access fiber does not restrict any service provider and the funding that the federal government has put into place is so that any service provider can deliver their service to the host for business.

Councillor Daniels inquired why the current service providers haven't extended. Mr. Gander clarified they are large companies however for them to do it they need to see a fast return on investments for their shareholders. He explained this is why they don't build infrastructure into rural environments as they do not have the population base to support even a 10-year return. Mr. Gander expressed that it must be considered a long-term project.

Councillor Monroe inquired which of the funding opportunities we had looked at applying for. The Finance Director responded West Hants had looked at the \$500 Million Connect to Innovate Program. Mr. Gander added there has been no announcement of when and how the CRTC Program will be dispersed.

Councillor Monroe also inquired how people provide data for the Heat Map. Mr. Dalton confirmed it was an online test that can be used from any browser and they are developing an instruction document for people wanting to participate.

Councillor Keith indicated that many residents have expressed the importance internet plays in their communities even with the sale of real estate.

Councillor Jannasch questioned how to avoid a political decision on which communities receive internet access. Mr. Gander suggested this would be difficult but suggested that additional funds were needed to assist, and policy changes as well. He offered they have been working with the local MP on this issue who supports the change and will work to identify appropriate funds which can be directed to communities. He suggested that a lot of communities are not aware they can utilize the Build Canada Fund which was changed in 2012 and specifically states the money can be used for communications infrastructure.

Councillor Leopold asked how this area is compared to other regions. Mr. Dalton indicated that Kings County is similar to Hants County in terms of lots of outlying small communities that are in the same state in regards to communications. Councillor Leopold asked if there were criteria for how funds were distributed. Mr. Dalton responded that it is pre-defined which communities will have access to the funds. He added they are trying to leverage funds to be beneficial for the entire region.

Chair Morton thanked them for their presentation and suggested I-Valley submit a grant application for the requested \$5000.00

MOVED and SECONDED that the presentation be received and placed on file.

Motion Carried.

6. Hearing (s) – Dangerous & Unsightly

There were none.

7. Business Arising from Minutes

There was no business arising from the minutes.

8. Report of CAO

a. CAO Report #6

CAO Osborne reviewed the highlights of the report. She reported two new community identification highway signs were installed on Highway 101 and that call volumes for fire services have increased substantially over 2015. She explained that of the 758 total fire calls, 234 relate to mutual aid calls and 296 medical response calls which is a Provincial responsibility which the Municipality pays for. She advised in regards to the Hantsport Dissolution Process, the Holmes Hills upgrades have started and the Chittick Avenue & School Street upgrades will start in the spring.

CAO Osborne advised through the Municipal Clerk, staff has done numerous repeals, amendments and new policies; she anticipates being through the process by the end of next year. She indicated in regards to By-law Enforcement, dog complaints are the number one issue, with illegal dumping and unsightly premises following. She noted there are currently three outstanding orders for Dangerous & Unsightly; pending resolution, at the February Committee of the Whole staff will bring forward additional request to consider demolition on some unsafe properties.

CAO Osborne reported in regards to planning and development, the current Director of Planning has retired. She confirmed in comparison to 2015 the Planning Department has received double the number of applications, with seven still open. She advised estimated construction value has increased.

CAO Osborne reported the Public Works Department has been working to clean up their own compound. She mentioned staff have been able to reduce the amount of water system leakage in Three Mile Plains which could decrease the water purchased by 25% compared to the same quarter last year.

CAO Osborne reported that the Parks and Recreation Department is very busy, and highlighted the West Hants Trails Plan; adding staff are very proud of the work that was done at Irishman's Road Recreation Site which included directional trail signs being installed. She confirmed it is a very well used facility. She reported that staff will be approaching Council with a recommendation on amending the By-law for the cemetery and providing an update on the financial picture of the cemetery as it has a perpetual care component to it.

CAO Osborne indicated the ongoing activities for staff include:

- preparing the 2017/18 Operating, Capital and Reserve Budgets for Council direction and approval,
- continued harmonization of by-laws, policies and business practices through amendments, repeals or adoptions of new governance documents as a part of a regular best practices,
- development of a fire service policy and re-acquisition of appropriate services to Windsor Fire Department,
- approval and construction of the Garland's Crossing fire sub-station,
- development of various MOU's and renewed agreements with partners,
- response to Town of Windsor/ARC Amalgamation Application,
- Joint Analysis and ownership development proposal for the Birthplace of Hockey Complex, and
- support to Council in the development of a short and long term Strategic planning

MOVED and SECONDED that the report of the CAO #6 be received and placed on file.

Motion Carried.

b. Request for Proposals – Annual Audit Services Report

The Director of Finance reported staff issued a Request for Proposal (RFP) on December 2, 2016 with a closing date of January 10th, for auditing services, and two proposals were received. He explained it was a two-part RFP process with price and technical criteria being evaluated separately, adding if the proponent scored a 64 (80)% on the technical, they moved on to the price evaluation. He noted both companies met the technical requirements and so staff could open the price components. He noted due to price of the recommended proposal there should be minimal impact on the tax rate.

MOVED and SECONDED that a recommendation be made to Council to award a contract to Kent & Duffett Chartered Accountants to perform annual auditing services for the Municipality of West Hants and the three Water Utilities (Three Mile Plains, Falmouth, and Hantsport) for fiscal year ends March 31, 2017 through to March 31, 2021.

Motion Carried.

MOVED and SECONDED that the report on Request for Proposals – Annual Audit Services be received and placed on file.

Motion Carried.

c. Occupational Health & Safety Report

CAO Osborne reported the original Health & Safety Policy and guidelines were enacted under the former clerk model which meant any changes had to come to Council for approval. She added the new policy is setting up a strategic position of Council towards Occupational Health and Safety ensuring that staff is instructed to enact the legislation and regulations. She explained staff are requesting Council to repeal the old policies and recommend to accept the new policy. She noted some of the recommended policies for repeal will be re-created as administration policies..

MOVED and SECONDED that the Occupational Health & Safety Report be received and placed on file.

Motion Carried.

MOVED and SECONDED that a recommendation be made to Council to approve the Health and Safety Policy COOH-001.00 and that Council rescind the Occupational Health and Safety Program dated June 9, 1998, the Occupational Health and Safety Program Employee Version dated June 9, 1998, the Personal Protective Equipment Policy as amended to November 9, 2010 and all previous such policies, the Safety Policy Construction Projects dated June 12, 2001 and all previous such policies, and the Safety Policy Contractors dated September 10, 2002 and all previous such policies.

MOTION CARRIED.

d. Provincial Representative Volunteer

The Director of Parks & Recreation reported that groups and individuals are invited each year to submit nominations for the volunteer awards banquet and for the provincial representative volunteer recognition. She explained each municipal unit in the province is encouraged and invited to nominate one individual from their municipality to receive provincial recognition at the volunteer awards banquet in Halifax.

MOVED and SECONDED that a recommendation be made to Council that Rita Porter be nominated for Provincial recognition as a representative volunteer for the community.

Motion Carried.

The Director of Parks & Recreation indicated reminders are on the municipal website, social media, direct mail outs, advertising in the Hants Journal for the nomination of volunteers, and she strongly encouraged all Councillors to contact community groups to nominate volunteers that should be recognized for their contributions within the communities in both Windsor and West Hants. She added there is also a Community Business Appreciation Award and members of the community are encouraged to put forward business names that support voluntarism. She indicated the deadline for submissions is February 13th.

e. Council Procedural Policy/Council Remuneration Policy

CAO Osborne advised the Council Policy was slated for review when approved in 2015, adding staff are not looking for the committee to adopt or make a recommendation to Council now, adding it is an opportunity for Council to review what is being recommended and any comments on the policy would be included in the next version on February 14th at the Council meeting.

CAO Osborne reported on December 13, 2016, Council passed a motion for a staff report to recommend the best procedure to set remuneration and how to fund that process. She noted this is more complicated than what staff is proposing in the revised Council Remuneration Policy, however this will be brought back to Council with a recommendation later. She clarified the Council Remuneration Policy does not include changing or addressing the remuneration of individual councillors, wardens or deputy wardens. She confirmed it does try to realign all the other policies that pertain to remuneration into one document.

CAO Osborne advised the revised Council Remuneration Policy would also allow the ability to provide nominal compensation to non-council members who sit on the committees, adding currently the policy only allows this for certain committees. The Municipal Clerk confirmed staff is recommending in the Council Procedural Policy that any documentation included on the agenda is automatically received and therefore it would not be necessary to continue to receive reports.

Councillor Daniels expressed concern about councillors taking notes during in camera sessions, and asked whether this should be included in the Council Procedural Policy for clarification. CAO Osborne suggested that councillors taking notes is not the issue, it would be having the notes leave the room. She agreed it could be addressed in the policy or simply be an understanding with Council that any notes taken in camera are to stay in camera. Councillor Daniels suggested it would be clearer if it were included in the policy for future councillors.

Councillor Monroe asked for clarification on the communications section, regarding all communication goes through the Warden. She indicated that in the past councillors have given quotes when asked by media, and sent letters to the editor. CAO Osborne confirmed that Council has adopted a procedural policy, and it is Council's responsibility to oversee that policy which allows the Warden to delegate someone else to speak. She cautioned the policy states that all communications go through the Warden, but suggested that councillors

are entitled to their own opinion if this is clarified at the time of the interview to ensure a councillor would not be in violation of the policy.

MOVED and SECONDED that Council Procedural Policy/Council Remuneration Policy report be received and placed on file.

Motion Carried.

MOVED and SECONDED that a recommendation be made to Council to approve COGE-003.00 Council Procedural Policy and approve COGE-004.00 Council Remuneration Policy.

Motion Carried.

f. Director of Finance – Financials

The Director of Finance reported this is the Financial summary until the end of December 2016. He noted the deed transfer tax is lower than budgeted which is an educated estimation of house sales in each year. He advised the land fill tipping fees show a significant increase which was budgeted for less. He indicated the legal fees were significantly increased primarily due to the ongoing legal costs for the Windsor Fire Department arbitration, and suggested there is a possibility of recovering some or all that cost, pending on the arbitrator's decision. He advised there are some costs he doesn't foresee as being used for example under the Planning budget the heritage grant, and legal costs.

Councillor Monroe asked for clarification on the host community fees. The Director of Finance confirmed it is the Landfill Tipping fees.

Councillor Jannasch inquired about funds not used by the MCCAP Committee. The Director of Finance indicated that the MCCAP Committee could make a request to Council to carry over the funding, adding that it would have a net zero effect on the budget.

MOVED and SECONDED that the Director of Finance report be received and placed on file.

Motion Carried.

9. Reports – Other Committees

a. Fire Restructuring Committee

Councillor Francis gave a verbal report and noted that the Committee last met on January 9th, and that the RFP was extended to January 19th. The next meeting is scheduled for February 6th at 9:00 a.m. to review the proposals.

MOVED and SECONDED the Fire Restructuring Committee report be received and placed on file.

Motion Carried.

10. Correspondence

There was no correspondence.

11. Miscellaneous/New Business

a. Water Shut Off Notification

Councillor Hussey asked if invoices for water billings could be sent out on a regular timeframe so residents know when they are due. He also expressed concern that residents only get 40 days on the day of render of the invoice before shut offs occur and asked if this could be extended. The Director of Finance clarified staff is obligated to follow the rules and regulations set by the UARB. He suggested the only way to change this would be to present the concerns at a water rate review, adding that a rationale would be required to present to the UARB for changes. He stated the rules of UARB are standard issue throughout the province.

Councillor Hussey expressed concern about shutting off resident's water, especially those who are on a fixed income. The Director of Finance indicated that staff send out follow up letters and make courtesy reminder calls, that are not required by the UARB to prevent shut offs. He clarified that the Water Utility Clerk attempts to call as many users as possible but reminded Councillors that the Water Utility Clerk is responsible for three utilities and is not able to call everyone on the shut off list due to time restraints, privacy issues and not having proper contact information. He cautioned that these extra steps have a cost which are worn by the 97% of users who pay their bills on time.

CAO Osborne reported the process of going before the UARB, is the Municipality would hire an expert to do a financial study on what rates might be based on past consumption and projection of future consumption. She noted the regulations are also reviewed, adding changes can be made which would be brought before Council who would agree to present the information to UARB.

Councillor Hussey suggested that he'd like to see a definitive date for water bills. The Director of Finance indicated he would need to discuss the matter with the Director of Public Works. Councillor Daniels asked if the Municipality and the Town of Windsor could share a position of a meter reader. CAO Osborne indicated she couldn't answer that but offered that she and the Directors of Public Works and Finance would review the process to see if there is any way to streamline it.

b. Letter of Municipal Affairs – Town of Windsor

MOVED and SECONDED that the correspondence from Municipal Affairs to the Town of Windsor be received and placed on file.

Motion Carried.

Councillor Monroe read a statement regarding the decision to fight amalgamation and informed there was two separate issues the UARB process and the appeal of the UARB decision regarding cost for the study. Councillor Monroe suggested if the Municipality does not cooperate, it will lose funding from the Province for studies and infrastructure. She noted the letter to the Town of Windsor from Municipal Affairs did not include ending the UARB process to obtain funding, only that we needed to cooperate. Councillor Monroe believes Council is wasting time and money on the appeal at resident's expense. She thinks West Hants should have a say in the outcome of the studies and suggested that Council should rescind the motions passed on this topic at the last Council meeting.

Councillor Hussey suggested Councillor's Monroe's point was that Council is appealing a decision against the UARB for the funding of the studies. He suggested that a lot of residents would like to see the studies completed. He didn't feel that the Municipality is going to have victory in the appeal and will eventually have to fund the studies. He cautioned that the funding will be required for the studies and legal fees as well. He advised he would like to see a joint study completed, adding it would be in everyone's best interest. He commented the studies are not for amalgamation, it is for how to work together cooperatively.

Councillor Leopold stated that both Councillors Monroe and Hussey have commented that the studies are not for amalgamation and referred to the title on the Nova Scotia Utility and Review Board's decision from September which reads "the Avon Region Citizens Coalition

and the Town of Windsor application for preliminary order to amalgamate the Municipality of the District of West Hants and the Town of Windsor", she expressed confusion as to how this would be interpreted any other way when the word amalgamation is in the description of that application. Councillor Hussey suggested that the UARB may not recommend amalgamation in the end and suggested if cooperation takes place than the Municipality has the opportunity for input during the studies.

Councillor Monroe expressed that the issue is not about amalgamation, but is a financial decision. She suggested that the UARB cannot be changed at this point, she felt to waste money on the appeal for the cost of the studies would be financial irresponsibility. Councillor Leopold noted at the Joint Council meeting she asked Mayor Allen what the goal of amalgamation is and she was not provided an answer. She asked Councillors what the parties interested in amalgamation see as the expected outcome. She suggested that the two units can cooperate without amalgamation and studies. She disagreed with Councillor Hussey's comments that the UARB won't recommend amalgamation and referred to comments made by the facilitator Rob Frost at the meeting held at the Legion, where it was asked when an application was made for amalgamation if another suggestion would be given, and Rob Frost confirmed they would only make a decision on amalgamation.

Councillor Leopold commented on the statements regarding spending money on legal costs for appeals. She cautioned if amalgamation occurs a new unit would be created and legal representatives would be required for the process. CAO Osborne confirmed the entire process would require legal representation.

Councillor Jannasch stressed the studies would not provide a roadmap to amalgamation. He felt there was confusion regarding the studies. He asked if it were possible to have a UARB representative address the two units to clarify some of the outstanding issues and resolve the uncertainty about the process. CAO Osborne suggested she could ask the solicitor to contact the UARB to see if the board would be prepared to send representation.

Councillor Zwicker felt it was clear what the goal of amalgamation was and that is to subsidize the Town of Windsor by the West Hants taxpayers. He suggested if they looked at regional reform the Town of Windsor would dissolve like the Town of Hantsport, adding amalgamation would be no advantage to the Municipality.

Councillor Hussey agreed that cooperation is necessary but questioned why pay for the appeal for funding of the studies.

Warden Zebian stated that this Council is against the process, not the studies, adding the Town of Windsor was asked to withdraw their application. He felt the entire process would create a winner and a loser, and suggested he would rather approach the issue outside the UARB and talk to the Town of Windsor about proceeding with joint studies, and providing citizens the opportunity to provide input.

Councillors Daniels agreed with Councillor Jannash's comments that the studies are not a roadmap rather a deciphering tool. She felt ultimately it is sitting down with the neighboring unit and determining the end goal. She understood that a municipal merger is very contentious with no perfect outcome, she suggested talking with the other unit cooperatively instead of having an issue mandated. She advised this would allow everyone to determine what is right for all the citizens involved.

CAO Osborne mentioned the appeal had a deadline, adding during the process the respective parties were approached and agreed to delay the process with the anticipation the parties could set down and work out an arrangement. She continued that another deadline was reached and at that time a request was made to the Town of Windsor to defer the court appeal process and they responded "no" which forced the Municipality to move the court appeal forward. She advised the application process with the UARB has no time limit, it only depends on when the party files to move it forward. She noted the anticipation was that a response would be received from the Town of Windsor on the correspondence regarding withdrawing the application and do joint studies.

Councillor Keith expressed concern that the citizens of West Hants have not had the opportunity to voice their opinion on the matter. Councillor Monroe expressed her entire point is that the goal is a unified and efficient community, and she suggested it is currently over governed. She felt there has been a perpetual fight ongoing between the two units adding it was time for this to end. She disagreed with the comment that it is a bail out for the Town of Windsor.

c. Fire Services

Councillor Hussey asked that staff prepare a report that shows what was spent on the new fire service. It was agreed this would be deferred to the budgetary process when staff would be preparing this information.

12. Public Consultation

Tom Calkin, Falmouth, expressed his appreciation for the change in Council allowing public input at this meeting. He did express concern about the rule that public are not permitted to speak at the Council meetings adding citizens can't always respond to all topics and suggested this would cut out some important, meaningful discussion. He expressed that the upcoming strategic planning sessions were a good idea. He also suggested it would be easier to communicate with staff if Council does some planning before the budgetary process to communicate Council's new expectations.

Mr. Calkin commented in regards to planning Council may want to involve citizens, he suggested that East Hants has a very good Strategic Plan that West Hants might like to use a model.

Mr. Calkin asked Council to express support for the recent shooting at the Quebec mosque. He felt it would be a wonderful gesture and we as a community should reach out to them.

Councillor Daniels spoke on Mr. Calkin's comments regarding public input at Council meetings. She clarified that most discussions take place at Committee of the Whole so the public does have the opportunity to voice their concerns on matters. She suggested there is also the option of contacting staff or councillors as well.

Jane Davis, Hantsport, suggested that Council should consider live streaming the Council meetings, and suggested there is a lot that happens during the meetings that the public are not aware of and felt it would be very beneficial.

Bill Preston, Hantsport, commented on the importance of respect between Council members and suggested the public should have the responsibility to show the same respect towards Council. He suggested that Council should address the public and request that they refrain from making inappropriate comments and show respect during the public meetings.

Mr. Preston inquired what input the Municipality would have on the twinning of the 101 Highway and the prospect of toll booths, and what affect it will have on the travelling population. Councillor Hussey responded that recently the Community Liaison Committee met and representatives from the Municipality attended on behalf of residents. He clarified the funding aspect is addressed in a separate public meeting which is scheduled for February 1st at the Windsor Community Center.

13. In-Camera Session

MOVED and SECONDED to move in-camera as per section (22) (e) MGA.

Motion Carried.

The meeting moved in-camera at 8:00 p.m.

The meeting reconvened at 8:25 p.m.

Councillor Hussey congratulated Deputy Warden Morton on a successful Winter Carnival.

Councillor Hussey announced that Bubba Ray's Sports Bar & Grill will open on Friday February 3 in Garlands Crossing.

MOVED and SECONDED that a recommendation be made to Council recognize the tragedy in Quebec City Sunday night and pledge support to the Muslim Community.

Motion Carried.

14. Date of Next Meeting

The next meeting is scheduled for February 28, 2017 at 6:00 p.m.

15. Adjournment

MOVED and SECONDED that the meeting adjourn.

Motion Carried.

Meeting adjourned at 8:29 p.m.

Paul Morton, Chair

Rhonda Brown, Municipal Clerk