



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS**  
**Committee of the Whole Minutes**  
**February 28, 2017, 6:00 p.m.**  
**Sanford Council Chambers**

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
	B. Carrigan	Director of Public Works
	C. McClare	Waste Reduction Coordinator
	R. Brown	Municipal Clerk
	J. Woodman	Administrative Assistant

Guests: K. Crichton  
D. Landry

There were 15 members of the public in attendance.

1. Call to Order

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

2. Announcements

Chair Morton gave the standard fire evacuation announcement.

3. Approval of Agenda, including additions or deletions

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

**Miscellaneous 12 (d) Livestreaming – Warden Zebian**  
**Miscellaneous 12 (e) Bowl for Kids’ Sake – Councillor Hussey**

**Motion Carried.**

4. Approval of Minutes –January 31, 2017

**MOVED and SECONDED that minutes of January 31, 2017 be approved, noting any errors or omissions.**

**Motion Carried.**

5. Presentation (s)

a. Hants-Kings Community Business Development Centre – Ken Crichton

Mr. Crichton, Executive Director of the Hants-Kings Community Business Development Centre, introduced himself. He explained the organization contracts with the federal government to deliver two programs in Hants and Kings counties. He reported the main function is the loans program which is operated through ACOA however he clarified that ACOA has no interest in what they do or provides them with any funding for the loan program. He stated there is a breakdown of the various loan categories in the Annual Report provided. He explained the second program is the self-employment benefit program which is contracted through the province, however he added the federal government pays for it through Service Canada. He clarified Hants-Kings Community Business Development Centre does not seek money from the province or the Municipality however does encourage referrals to individuals interested in starting a business and requiring financing.

The Chair thanked Mr. Crichton for his presentation.

#### Newport Arena – Darrell Landry

Mr. Landry introduced himself as one of the Board of Directors for the Newport Rink Commission. He reported two years' prior the rink suffered a structural collapse and the building was lost. He confirmed during the removal of debris they salvaged as much equipment and materials as possible to store for the future rebuild. He added the most important piece saved was the ice making equipment which reduced the overall costs of the new facility (the plant is actually owned by the Municipality). He noted they wanted to build something that was affordable for the community and self-sustainable for the future. He confirmed the new building was open 18 months after the collapse.

Mr. Landry advised the arena has received tremendous feedback on the quality of the ice surface from across the Province. He indicated that they work to keep the rental fees down so it remains affordable. He confirmed to date they can cover all their operational expenditures as they move forward. He noted that they plan to upgrade their facility provide additional services to the community. He suggested that they would like to have a year round facility to promote activities and different sports. He stated they have many programs which they offer free to the community to promote physical activity. He assured they are not in the business of trying to make a significant profit and indicated that they are reaching out to the Municipality for assistance with funding for the facility. He advised that they have determined they require \$600,000 to complete the facility over two phases. He informed Phase One is the completion of the parking lot, upper level utility/multipurpose room, and upgrade to heat recovery system run from the ice plant. Phase Two is for an emergency generator so the facility can be used as an emergency center, kitchen/canteen exhaust hoods, and purchase of equipment.

Mr. Landry confirmed the rink has been rented to capacity since they opened.

Warden Zebian asked if there would be ice all year long in the future. Mr. Landry suggested that was not the plan now unless there was a demand for it. He added they wanted to promote participation and active living for all ages and provide a variety of options.

Councillor Leopold reminded that Council is approaching a commitment for a new rink in Windsor which will be fully completed when built and felt that both rinks should start at the same level.

Councillor Daniels asked if this should be referred to staff for budgetary considerations or look at potential provincial grant funding options. CAO Osborne suggested that staff could prepare a report on potential funding and its impact. She cautioned that very little could be considered for Gas Tax funding which means that other funding sources would need to be investigated so it would not have an impact on the tax rate.

**MOVED and SECONDED to refer the Newport Rink Request to staff for consideration.**

#### **Motion Carried.**

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

7. Business Arising from Minutes

There was no business arising from the minutes.

8. Report of CAO

a. Waste Collection Services

CAO Osborne referred the report to the Director of Public Works and Waste Reduction Coordinator. She confirmed staff was not asking for a recommendation to provide additional services to any new areas at this time but this will be brought back to discuss Council's approach to doing that. She advised outside of the current service model anything new would need funding consideration. She noted that Council would need to decide whether to impose an area rate and seek public support or charge additional service to all West Hants as a general rate although only specific areas would have composting service or have an additional charge for composting to all West Hants. She clarified staff doesn't want Council to answer these questions now just consider it for future discussion.

CAO Osborne advised there is time provisions for this report due to the relationship with the Valley Waste contract that serves Hantsport.

The Director of Public Works reported staff released a Request for Proposal in the fall which was open to everyone to submit a bid on the collection and transportation of solid waste, recycling, and organics. He noted, traditionally, West Hants had two areas, and the previous contract did not include Hantsport, which they have now included and called Area Three. He advised the Request for Proposal requested that the contractors show how they would execute the contract and what it would cost to provide collection and transportation services for all three areas or to determine if there is a better way of providing the service than the method proposed on the RFP.

The Director of Public Works confirmed three bids were received, adding it was a two-part process. He reported that staff reviewed the submissions, and scored the proposals for technical criteria. He explained to open part two each contractor had to score a minimum of 80% on the technical aspect, which all did. The costs in the proposal are for collection and transportation but do not tipping fees for organics in Areas 1 & 2 as that is not a service currently offered. Instead, comparable estimations were used to calculate the cost of tipping for organics for all three areas.

The Director of Public Works advised that the timing of this matter is critical as the current contract with Valley Waste requires a one year notification for withdrawal of services, based on a full fiscal year, adding that notice would need to be given before the end of March.

Councillor Zwicker asked if the existing green carts in Hantsport could stay, and he wanted to ensure they remain the same size. The Director of Public Works responded that staff would investigate this option. He confirmed that Hantsport contributed to the capital expenditure of the green carts however Councillor Zwicker was not sure if the Municipality owns the carts.

Councillor Jannasch asked the Director of Public Works to clarify where the waste is currently going and if that will change. The Director of Public Works confirmed the solid waste would continue to go to Cogmagun, and recycling would be transported to Kentville. He suggested staff do not know where the organics for Hantsport would go now so could not speak to that.

Councillor Daniels asked if a household measure could be conducted to determine if it would be worth reducing the size of the green carts. The Waste Reduction Coordinator offered staff could investigate to see if the carts are being fully utilized during the next 6 months.

Warden Zebian asked if cancelling the contract with GFL would damage the relationship between the Municipality and the Landfill. CAO Osborne clarified the waste collection service is a separate contract which expired last April and the Municipality would have had to enter a new contract with them, adding during the RFP process GFL took the opportunity to bid however came in higher than the other proponents.

Chair Morton asked if staff had explored the opportunities to partner with the Town of Windsor. The Director of Public Works responded the Town had been asked but that the Town is not in the position with their current contract to join the Municipality now, however they thanked the Municipality for the opportunity.

Councillor Leopold asked if Council could review the breakdown of estimate for service from the proponents. The Director of Public Works indicated that he could provide this information. Councillor Daniels indicated that her area includes private roads and asked if it was considered for waste collection. The Director of Public Works responded that it was not considered as staff requested the same level of service that the Municipality is currently receiving with bulk collection on private roads. Councillor Daniels requested that staff determine what this extra cost would be to offer curbside collection to private roads.

Councillor Leopold asked if the destination for the waste depends on the contracted company or specific to the area in which you reside. The Director of Public Works advised it is a separate contract which is negotiated with the successful proponent.

**MOVED and SECONDED that a recommendation be made to Council that on or before March 31, 2017, staff provide written notice to the Councils of the parties participating in the inter-municipal services agreement: Valley Region Solid Waste-Resource Management Authority (Valley Waste) to end the existing waste collection and transportation contract services for the community of Hantsport, as of March 31, 2018.**

**Motion Carried.**

**MOVED and SECONDED that a recommendation be made to Council that on or before March 31, 2017, staff provide written notice to GFL Environmental Inc. to confirm the existing waste collection and transportation contract services for the Municipality of the District of West Hants, shall expire as of March 31, 2018,**

**Motion Carried.**

**MOVED and SECONDED that a recommendation be made to Council; to award a contract to Royal Environmental Inc. (Regroup) for Provision of Services for Collection and Transportation of Waste for the period of April 1, 2018 to March 31, 2023; as per the response provided to the request for proposal PW16-51 received by the Department of Public Works on January 26, 2017.**

**Motion Carried.**

b. Continuing Operations past March 31, 2017 (Fiscal 2017-18)

The Director of Finance reported this is an annual occurrence, noting the budget that was approved last year runs from April 1<sup>st</sup> 2016 to March 31, 2017. He reported he doesn't anticipate the budget being ready for approval before March 31, 2017, and to continue on-going operation of the Municipality staff requires a motion from Council to continue the 2016-17 into the 2017-18 fiscal year to spend based on the criteria in the 2016-17 year's budget.

**MOVED and SECONDED that a recommendation be made to Council to authorize the Municipality, through its CAO and Departments, to continue to operate based on the approved 2016-17 budgets until such time as the 2017-18 budgets are approved and the tax rates set.**

**Motion Carried.**

c. Tax Exemption Policy

The Municipal Clerk explained the First Amendment to the Repeal By-law will have public notice of approval on March 20<sup>th</sup> and at that time the Tax Exemption By-law will be fully repealed and nonexistent. The Director of Finance indicated staff have developed a Tax Exemption Policy with the rationale a policy allows for amendments in more timely manner than a by-law which is very cumbersome.

The Director of Finance reported to communicate the proposed change, a letter was mailed to all property owners that currently had tax exemption status, requesting them to reaffirm they were still eligible for the tax exemption. He added of the 50 letters sent out, the Municipality heard back from 28 organizations, and three letters were returned un delivered. He explained a repeal was also done for the Tax Exemption Under Water Utilities By-Law, adding the water utilities are a user pay service with the rationale being it is fairer if the users pay for the tax that is on those assets, if not then the lost revenue is spread out over the entire Municipality in the general rate.

The Director of Finance clarified the financial implications is that in 2016-17 the Municipality exempted \$93,012 in tax revenue. He added, based on the proposed list of qualified tax exempt properties, the Municipality will forego approximately \$39,845 in residential and commercial tax revenue. He indicated the Municipality would gain an additional \$53,167 in tax revenue for the 2017-18 budget year, with \$31,469 of that coming from Three Mile Plains and Falmouth water utilities. He cautioned there are likely some organization who didn't respond to the letter and may respond once receiving a tax bill. He stated the Policy also provides for annual reporting to the Municipality by the organizations, to confirm their exemption status.

**MOVED and SECONDED that a recommendation be made to Council to adopt the Tax Exemption Policy and approve the tax-exempt status for the listed properties.**

**Motion Carried.**

d. Ombudsman's Report – Reimbursement of Invoice to "bury a horse."

CAO Osborne reported she was directed by Council to try to send out a bill and commence collections, and report back to Council by March 31, 2017. She confirmed from an accounting recording perspective both herself and the Director of Finance have looked at the circumstances around the invoice, first being the Ombudsman's did not find Municipal culpable for the burial of the horse and so that it is not a Municipal expense. She indicated the cheque had a final signature by the former CAO with her full knowledge to pay for the invoice, and suggested in theory the former CAO should be sent the bill. She suggested if you look at that circumstances around the situation she felt it was unlikely to be able to collect it, adding that the accounts receivable would most likely not be accepted by the auditors. She indicated this report is advising Council that staff would not be sending out the invoice.

Councillor Daniels suggested that the person responsible for submitting the invoice should be held accountable as he took an action that went beyond his duties and without consent from Council in regards to the actions that were taken. She offered she did understand to take this further would require legal fees which would exceed the amount of the invoice. She indicated that she was very disappointed that certain individuals cannot be held responsible for misuse of public funds.

Councillor Monroe agreed with Councillor Daniels comments and advised that the Deputy Warden at that time was not new to his position and knew the action he took was not approved by Council and the Ombudsman's office agreed his actions were inappropriate. She suggested that the CAO at the time was the subordinate and in her opinion the invoice should be sent to the former Deputy Warden, adding whether he pays speaks to his character. She expressed that she was equally disappointed that the former Deputy Warden has not offered this to date. She commented that last year she had to hire someone to bury a horse for her and it only cost her \$150.00 which she was advised was a standard cost for this service. She felt the Deputy Warden and Warden should have known better and their actions were inappropriate so much though that she suggested that their actions represent mismanagement of municipal funds.

**MOVED and SECONDED that a recommendation be made to Council to invoice the former Deputy Warden for the invoice paid erroneously at his direction.**

Councillor Hussey indicated that he would not support the motion however agreed that the Deputy Warden is ultimately responsible for the reimbursement but agreed with staff that it would not be collectible and the Municipality would spend over the amount owing in legal fees. He suggested that the Municipality write a letter to the former Deputy Warden requesting the money due to the wrongdoings that occurred perhaps he will pay the invoice.

Councillor Monroe agreed with the comments regarding legal action and suggested there should have been prosecution as it was mismanagement of funds. CAO Osborne cautioned that the former Deputy Warden didn't mismanage funds as it was not his role to manage operations, adding it was the former CAO's role. She pointed out the former CAO requested

that the Deputy Warden submit an invoice at least three times which he did upon her request. She felt the CAO has the final internal control on financial matters and at any time the former CAO could have denied the process. CAO Osborne suggested to invoice the Deputy Warden wouldn't be appropriate, just as invoicing for something that could not be collected wouldn't be appropriate, but agreed a letter would be to express Council's displeasure with the situation which she could support.

Councillor Leopold inquired about the process if funds are spent without Council's approval. CAO Osborne suggested the CAO would be held accountable for any inappropriate spending of funds beyond the signing authority. She confirmed there are two signatures on a cheque, one being the Warden or Deputy Warden and the other being the CAO or the Director of Finance; also, there are now four checks in the current process before it is signed.

Councillor Leopold inquired what disciplinary actions can be taken for Council members. The CAO informed that although the Council Policy does not speak to forms of discipline, Council does have the right to sanction councillors as seen recently in the County of Lunenburg where a councillor was suspended from all committee membership. The CAO noted many councillors don't want to act against one another as they are elected by the public and usually wait for the public to do that at election time.

Warden Zebian suggested if a letter is going to be sent out then it should go out to all parties that were involved.

Councillor Daniels felt if a letter was sent out there would be no response and it would continue to fester and suggested this matter should be closed. She felt that lessons have been learned and steps taken to ensure it won't happen again. So she would not be able to support the motion.

Councillor Hussey stated he believes the letter should be sent to the former Deputy Warden and that it was his opinion the former CAO was acting in accordance with the former Warden direction.

Councillor Monroe suggested that the former Deputy Warden should not have submitted the invoice regardless of requests from the former CAO. She stated she would like to close the issue as well but wanted to ensure everything possible was done although she was not hopeful the money would be paid.

**MOVED and SECONDED to amend the motion to state that a recommendation be made to Council to direct the CAO to send a letter to the former Deputy Warden Cochrane for the reimbursement of the burial of the horse.**

**Amendment Motion Carried.**

**Motion Defeated.**

e. Mayor versus Warden System

CAO Osborne indicated that staff was asked to do a review and report to Council on how the Municipality could move from a warden to mayor system. She noted that staff reported there are twenty-one rural Municipalities and currently three have a mayor as the head of Council. She suggested there is no significant difference between the authority of a mayor or warden position and that they are similar under the MGA, but added it was fair to say in some jurisdictions there is the perspective the position of mayor carries additional responsibilities or authority which is not accurate. She indicated that included in the report is a breakdown of the differences between running on a warden or mayor system. She cautioned when a decision is made on the matter Council should know once the Municipality moves to a mayoral system there is no going back and the decision to move to a mayoral system must occur at least nine months prior to the election.

CAO Osborne clarified that the decision is not required to be made immediately. She suggested that Council may want to request a boundary review with the UARB which could

result in less districts, she clarified if no changes are made the Municipality could end up with one additional councillor and a mayor elected at large.

CAO Osborne noted a difference between the two systems is that the 2/3 of Council with 20 days' notice can remove a councillor from the position of warden, however a mayor cannot be removed as they sit until the next regular election. She advised in a resignation of a warden, an election would be required to be held in the district the warden was in; but if a mayor resigned an election would be required through the entire municipality with additional cost.

Councillor Zwicker expressed concerns about the ability to run a campaign and felt it would limit who could run as mayor. He suggested this topic should be deferred prior to the next election. Warden Zebian suggested anything that involves democracy for everyone is a benefit to West Hants. He agreed the topic should be delayed and that the Municipality should study other municipal units who are in the process. He didn't agree that it would limit who could run and suggested it is not about the financial aspect rather it is about your ideas and support of the residents.

Councillor Hussey suggested that the Municipality should instead look at reducing the number of districts and review the boundaries. Councillor Monroe agreed with the Warden's comments on democracy and felt the residents should have a say. Councillor Jannasch reminded Councillors that amalgamation proceedings are only suspended and if they were to proceed there would be a boundary review and suggested it would be beneficial to wait and decide. Councillor Daniels suggested this could be a topic for UNSM in regards to the tools required through the MGA to help better choose a warden through council.

**MOVED and SECONDED that a recommendation be made to Council to defer the Mayor versus Warden System until early in 2018 after the Memorandum of Understanding on Amalgamation expires.**

**Motion Carried.**

f. Director of Finance – Financials

The Director of Finance reported the most significant change is Long Term Debt as the previous year was an estimate due to the unknowns of the exact amount of debt servicing required based on the timing of preparing the budget. He advised because the Municipality had paid off the RBC loans faster than anticipated there was a savings of approximately \$55,000 in both principal and interest payments combined. He anticipates having a higher surplus than originally thought but cautioned there is always variables that could affect this number.

g. Update on Budget Discussion

The Director of Finance reported from a staff perspective the budget is in the final stages and ready for Councils review and discussion. It was decided that budget meetings would occur on March 21 from 4:00 p.m. until 9:30 p.m. and on March 22 at 10:00 a.m. until completed.

9. Reports – Other Committees

Fire Restructuring Committee – No report.

10. Correspondence

a. February 9, 2017 – Elections Nova Scotia

The Municipal Clerk reported receiving official correspondence from Elections Nova Scotia for the Wet/Dry plebiscite held on February 7, 2017 for the remainder of the dry areas for sale by the bottles, the result was in favour of sale by the bottle.

b. February 7, 2017 – Nova Scotia Transportation and Infrastructure Renewal

CAO Osborne reported Council passed a motion last year for the CAO to write a letter to Nova Scotia Transportation and Infrastructure Renewal (TIR) requesting them to reconsider the assignment of the Chester TIR station to look after the Southwest Vaughn area. She confirmed TIR is prepared to transfer the responsibility for the area back the Brooklyn TIR station.

11. Miscellaneous/New Business

a. Free August

Warden Zebian commented that some municipalities take the month of August off from Council meetings and suggested the Municipality should consider this option. CAO Osborne suggested that staff could prepare a report to present to Council on their understanding of an impact on Council or Municipal business.

**MOVED and SECONDED that a recommendation be made to Council that staff be directed to prepare a report on their understanding of how Council business would be affect if meetings in August were cancelled.**

Councillor Daniels expressed concern if it would double the work for September. CAO Osborne suggested if staff had prior knowledge that the meetings would be cancelled they could adjust as necessary, and added there may be meetings required based on legislative timelines that deals with planning issues, which staff would need to explore with the Planning Department. She clarified that Council does have the option of calling a special meeting at any time if an issue occurred that needed immediate attention. She stated that some units address certain issues by giving preauthorization to the CAO for already approved construction projects so business is not delayed.

Councillor Monroe pointed out that councillors are not elected to take time off and felt there was significant matters now and it wouldn't be feasible.

**Motion Carried.**

b. Heritage Centre Legacy Update

Councillor Zwicker reported in 2015 a group from the Hantsport community approached the Hantsport Historical Society with the preliminary work on setting up a heritage center to encourage visitors to Hantsport. He confirmed the proposal was accepted and supported, and they are prepared to raise the funds for the operation of the center over a ten-year period. He advised in December 2016 they formally accepted an offer from Scotia Investments for the building at 50 Main Street in Hantsport.

**MOVED and SECONDED that a recommendation be made to Council to write a letter of support in concept for the Hantsport Historical Society regarding opening of a Heritage Center located at 50 Main Street in Hantsport.**

**Motion Carried.**

c. Brooklyn Community Garden

Councillor Keith reported a group in Brooklyn would like to start a community garden at the Brooklyn Fire Department/Civic Center on land owned by the Municipality.

**MOVED and SECONDED that a recommendation be made to Council to direct staff to explore the opportunity of creating a Community Garden at the Brooklyn Fire Station/Civic Center and report back to Council.**

**Motion Carried.**

d. Live Streaming Meetings

Warden Zebian suggested that the Municipality should live stream the Council meetings for those residents who cannot attend.

**MOVED and SECONDED that a recommendation be made to Council to direct staff to explore the opportunity of live streaming of Council, Joint Council and Committee of the Whole meetings and report back to Council.**

**Motion Carried.**

e. Big Brothers/Big Sisters Bowl for Kids

Councillor Hussey reported the Big Brothers/Big Sisters Bowl for Kids' Sake event is on March 31 and asked if the Municipality would like to enter a team for Council and staff. Councillors Daniels added that staff have always participated in the event in the past but there has been limited councillor participation and she encouraged all councillors to participate.

12. Public Consultation

Jane Davis, Hantsport asked if Valley Waste submitted a proposal for waste collection. The Director of Public Works confirmed they did not. Ms. Davis stated in the preamble to the recommendation there was a notation that Hantsport might be liable at the end of the contract, and asked if this has been estimated. CAO Osborne suggested until discussion are held with Valley Waste and notice is given that staff couldn't comment on the liability. Ms. Davis inquired if there is a liability, does the Municipality intend to have that paid out by the ratepayers of Hantsport. CAO indicated when staff has the information gathered it would be brought back with a recommendation to Council for consideration and discussion.

13. Adjournment

**MOVED and SECONDED that the meeting adjourn.**

**Motion Carried.**

Meeting adjourned at 8:34 p.m.

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Paul Morton, Chair

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Rhonda Brown, Municipal Clerk