



WEST HANTS
NOVA SCOTIA

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Council Minutes
January 9, 2018 7:00 p.m.
Sanford Council Chambers

1. Call to Order

Warden Zebian called the meeting to order at 7:00 p.m.

2. Call of Roll

Present:	A. Zebian	Warden
	R. Jannasch	Councillor District 1
	K. Monroe	Councillor District 2
	D. Keith	Councillor District 3
	T. Leopold	Councillor District 4
	D. Francis	Councillor District 5
	R. Hussey	Councillor District 6
	J. Daniels	Councillor District 7
	P. Morton	Deputy Warden
	R. Zwicker	Councillor District 10
	C. Osborne	Chief Administrative Officer
	B. Carrigan	Director of Public Works
	C. McClare	Waste Reduction Coordinator (left 7:30 p.m.)
	R. Brown	Municipal Clerk
	C. Remme	Executive Assistant/Communications Coordinator

There were 5 members of the public in attendance.

3. Announcements

Warden Zebian reviewed the fire evacuation procedures. He noted that we are looking for nominations for the Provincial Volunteer Award encouraging Council to nominate members of their communities.

Deputy Warden Morton announced the start of the Winter Carnival in Hantsport beginning with the building of the igloo on January 21st. He went on to speak of the activities taking place in the community from January 25-28th.

4. Approval of Agenda, including additions or deletions

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

8.a. Notice of rescission of a motion from September 12, 2017 Council (Councillor Monroe)

13.b. Hantsport Aboiteau (Deputy Warden Morton)

13.c. Warming Centers (Deputy Warden Morton)

Motion Carried.

5. Presentation (s)

There were no presentations.

6. Public Hearings

There were no Public Hearings.

7. Approval of the Council Minutes of December 12, 2017

MOVED and SECONDED that the Council Minutes of December 12, 2017 be approved as circulated.

Motion Carried.

8. Business Arising from Minutes and any Related Correspondence

- a. Notice of Rescission of a motion from September 12, 2017 Council (Councillor Monroe)

Councillor Monroe spoke of the concerns of residents in her District regarding the issue of potentially burying film plastics from HRM and the receiving commercial and institutional waste from New Brunswick. She went on to say that the residents expect Council remain engaged in the protection of the landfill site, the roads that are abused by the traffic created by the site and in environmental protection of the Municipality.

The Councillor went on to say that many of the residents who contacted her regarding the landfill led to discussion on the folly of requiring green bins for the remote rural areas of the Municipality. She went on to state that the notice of rescission would put in motion a correction that will more appropriately support the diverse needs of the Municipality.

Councillor Monroe gave notice to rescind the motion of September 12, 2017 that Council provide green bin service to the entire Municipality. She went on to say that she would be proposing that Council provide green bin service to Districts 4-10 if the motion is rescinded.

b. Supply of Organics Carts (December 12, 2017 Council)

CAO Osborne advised Council that further deferral of the recommended motion could affect the guaranteed price of the green carts as well as the anticipated roll out date of April 1, 2018.

MOVED and SECONDED that Council award a contract for supply of organics carts to Speed Eco in the amount of \$337,000 plus applicable taxes, to be expended through the Diversion Credit Reserve in the amount of \$200,000 and the remaining cost from the Operating Reserve and Council award a contract for assembly and distribution of organics carts to Speed Eco in the amount of \$33,600 plus applicable taxes, to be expended through the Operating Reserve.

**MOVED and SECONDED that the motion be tabled.
Motion Carried.**

The CAO advised that Council could call a special meeting to deal with the organic waste recommendations. The Municipal Clerk added that holding the meeting on January 15 would allow time to move forward keeping in line with the deadlines noted in the recommendation reports.

Councillor Daniels voiced that her concern regarding short notice for the meeting. Councillor Leopold asked if residents would be made aware that the notice had been given to rescind the motion for green carts. The Clerk noted that notification would not normally be sent out to residents from the Municipality.

The Special meeting of Council will be held on Monday, January 15, 2018 at 6 p.m.

c. Provision of Organic Waste Collection Service (December 12, 2017 Council)

CAO Osborne voiced that after the December 12 presentation she had heard comments that staff may not have given Council accurate or enough information for a decision to be made. She went on to say that, to ensure the information was clear for Council, staff compiled a supplementary report which compared the original presentation with current information. The CAO noted that many of the original figures were estimations based on information staff was able to obtain at the time as well as assumptions that may not have been complete.

The CAO reviewed the report and the presentation. She noted that the biggest issue with the information presented to Council in May 2017 was that funding was initially going to take place over a ten-year loan. She drew Council's attention to Table 3 in the presentation which compares the costs after corrections were noted and appropriate figures inserted.

CAO Osborne went on to say that staff continues to recommend that organics collection be funded through the general tax rate. She noted that doing so would have an estimated increase of \$.03 on the rate or a cost of \$42.36 for the average homeowner in West Hants.

MOVED and SECONDED that Council approve the outright purchase of green carts used in the community of Hantsport from the current service provider, Valley Waste, in the amount of \$2391 with fund for the purchase to come from the Operating Reserve.

**MOVED and SECONDED that the motion be tabled.
Motion Carried.**

MOVED and SECONDED that Council approve a \$20,000 contingency fund for the purchase and distribution of green carts in West Hants with the funds to come from the Operating Reserve.

**MOVED and SECONDED that the motion be tabled.
Motion Carried.**

MOVED and SECONDED that Council treat the costs associated with the collection of organics throughout all West Hants as a general rated service and that these costs be included in the calculation of the general tax rate, beginning in the fiscal year 2018/2019.

**MOVED and SECONDED that the motion be tabled.
Motion Carried.**

Councillor Hussey asked if the trucks used would be the same for organics as they are for garbage pick up to which the Director of Public Works replied yes. The Councillor asked if the service provider had been notified that they would be picking up organics. The Director responded yes. Councillor Hussey voiced that the service should have gone for tender.

9. Report of the Warden

Warden Zebian wished Council a Happy New Year noting that December was less busy than other months due to the holidays.

The Warden reported that he met with representatives of the Forest Lakes development who stated the development is moving forward and will be arranging tours of the site in the future.

Warden Zebian spoke of the aboiteau in Hantsport voicing his concerns. He thanked Deputy Warden Morton for taking the lead on contacting those organizations that are responsible for ensuring the issue be addressed.

The Warden went on to say that he had been working with a Committee to light up the causeway to make the area safer and more attractive. He stated that he had the opportunity to speak to many residents over the holidays and encouraged Councillors to take the time to engage with their residents as often as they were able to.

10. Reconsideration or Rescission of Resolutions of Which Notice Has Been Given on a Previous Day

There were no reconsiderations or rescissions of resolutions.

11. Report(s) of the Committee(s) and Officer(s)

a. Committee of the Whole

There was no meeting of Committee of the Whole in December.

b. Planning Advisory Committee

There was no meeting of the Planning Advisory Committee

c. Report of the Chief Administrative Officer

CAO Osborne spoke of the recent winter storm. She advised Council that, although the Emergency Command Center was not required to be activated, the REMO Coordinator had planned for warming centers to be open throughout the region if needed. She commended the Coordinator for his work through the duration of the storm.

The CAO spoke of the aboiteau in Hantsport noting that many residents had been reaching out to both Council and staff with their concerns. She advised that the Municipality has been working with Provincial departments and others, while monitoring the situation.

CAO Osborne informed Council that the Department of Transportation and Infrastructure Renewal holds responsibility for the bridge and the road which is being monitored due to the higher flow of water caused by the failing aboiteau. She went on to say that the Municipality has ensured that any access to the site which is on Municipal land has been properly barricaded and signage posted noting anyone accessing the aboiteau would be trespassing on private property.

The CAO went on to say that staff are exerting pressure to address the issue and any additional support that Council could give would be appreciated.

The CAO spoke of the press surrounding plastic being accepted at the Cogmagun landfill site. She advised Council that the property was turned over to the current owners in 2006 by the Municipality adding that as long as the landfill is operating by regulations set by the Province and the Minister of Environment, the Municipality has no say in what items can be accepted at the site. She noted that, as a business owner and private entity, the landfill is able to do what they would like to increase their profits.

CAO Osborne added that West Hants and Town of Windsor residents currently receive discounted tipping fees at the landfill site. She went on to say that the current contract with the landfill expires in 2021.

CAO Osborne advised Council that there is a requirement for the landfill to forward any correspondence received from the Department of Environment and staff had contacted the Department as well as the Department of Municipal Affairs to question why the Municipality had not been notified. She went on to say that Council would be made aware when any further information was made available.

d. REMO Advisory Committee

There was no report of the REMO Advisory Committee.

e. Police Advisory Committee

There was no report of the Police Advisory Committee.

f. MCCAP Committee

i. National Disaster Mitigation Program (NDMP) Application
(Recommendation Report)

MOVED and SECONDED that the Municipality of the District of West Hants fully supports the funding application made under the National Disaster Mitigation Program completed October 26, 2107 for the total project cost of \$86,000.00.

Councillor Jannasch asked if there were any other municipal units applying for the funding and if the Municipality was successful in the funding request and completed the project, if there would be a possibility of leveraging more funds for mitigation projects in the future. The CAO responded that she was not aware of any other unit applying and that there could be a possibility it could provide future funding.

Councillor Jannasch asked if staff could prepare a report to indicate other funding that could be leveraged by having the disaster mitigation program completed or what position the completion of the plan would place the Municipality in.

Motion Carried.

MOVED and SECONDED that Council direct staff to assess how completing the NDMP process would enable the Municipality to access other funding opportunities for disaster mitigation.

Motion Carried.

g. Other Committee Reports or Recommendations

i. Joint Council Excerpts – December 18, 2017

Hockey Heritage Inter-Municipal Service Agreement Amendment

MOVED and SECONDED that Council amend the Hockey Heritage Inter-Municipal Service Agreement to include the follow:

under Whereas

- **D. Therefore, the Councils of Windsor and of West Hants have agreed that they wish to support the construction of a recreational and cultural facility.**
- **H. remove**

under Management Board

- **6. The management and administration of the Municipal Corporation shall be carried out under the jurisdiction of a Management Board, which shall consist of 6 members comprised as follows:**
 - **6. (c) remove**
 - **6. (d) remove**
 - **7. remove third bullet**

under Administration and Management of the Facility

- **12. On behalf of Windsor and West Hants, and once the components, schematic design, and budget for the construction of the Hockey Heritage Centre and the Property have been approved by the Municipal Units in accordance with section 25 of this Agreement, the Management Board shall manage the construction, design and implementation phase of the Hockey Heritage Centre.**

Motion Carried.

MOVED and SECONDED that Council further amends the Hockey Heritage Inter-Municipal Service Agreement to rename the municipal body corporate and make any other necessary changes as required by the solicitor.

Motion Carried.

Terms of Reference Hockey Heritage Sub-Committee

MOVED and SECONDED that staff draft a Terms of Reference for a Hockey Heritage Sub-Committee with the intent of calling for Expressions of Interests for the Hockey Heritage Project.

Councillor Francis questioned the need for calling an Expression of Interest when it had already been done. She added that the Municipality should be aware of the Town of Windsor's position on the Hockey Heritage Project prior to moving forward. Councillor Leopold agreed. Councillor Hussey expressed that he felt as though Council did not have enough information.

CAO Osborne advised Council that if the parties involved wanted to create an arena the creation of a sub-committee would allow conversations to take place at that level and have recommendations come to Joint Council for decision. She went on to say that if the Councils did not wish to create the sub-committee she advised that an alternative should come forward.

Councillor Leopold voiced that she felt as though the Terms of Reference should not be accepted until there is clarity on the scope of the project that the Town of Windsor is seeking to build.

Councillor Jannasch agreed with Councillor Leopold adding that there is a lack of clarity noting there were several different design options presented to Council. He suggested that the language used should be made clear to ensure the reader understands that there is a possibility that the arena could be separate from the heritage center.

Discussion took place surrounding the Terms of Reference included in the Council package. The CAO noted that the document was draft for discussion purposes and had not yet been approved.

Councillor Hussey expressed that the Municipality had acted in good faith and approved moving forward with the motion on the table while sitting at Joint Council. He went on to say that he felt as though Council should vote in favor of the motion to ensure the project move forward.

Councillor Keith noted that the proposed project was based on figures obtained in 2015 adding that the cost to build the facility could be much different in 2018.

Motion Defeated.

Councillors Jannasch, Keith, Leopold, Zwicker and Francis voted nay.

MOVED and SECONDED that Council direct staff to write a letter to the town of Windsor for their position on building/structuring/refurbishing an ice arena.

Councillor Hussey expressed that during Joint Council the two municipal units agreed that the project will move forward. He went on to say that questioning if the Town of Windsor was still in favor of moving forward would stall the project adding that the doubt in West Hants was based on rumors in the area. Councillor Monroe concurred with Councillor Hussey noting that many of the topics being questioned would be able to be dealt with through the Terms of Reference. She stated that she felt as though the Municipality was putting an end to the project.

Councillor Leopold pointed out that Council had made a motion to amend the Agreement and remained in full support of the creation of a recreational facility. She responded to Councillor Hussey's comments regarding rumors creating doubt stating that she had heard from many residents regarding the rink first hand and had ensured them that she would be certain of where the Town stood on the project was clear before moving forward in a partnership.

Councillor Hussey asserted that he felt as though the project will not go forward. He noted that writing the letter then waiting for a reply would be deterring the arena from moving onward. He went on to say that the Town of Windsor had stated that they were in favor of working together and did not understand why Council was requiring them to state it again.

Councillor Francis pronounced that she viewed the request much differently in that the request will allow the Town to gain clarification on what they would like to have outside of the sub-committee. She added that Council is simply looking for clarification and continued to be in support of the facility. The Councillor noted that the public had not yet been engaged to determine what they felt would be an appropriate project for the area.

Councillor Monroe asserted that the Town had agreed to the Terms of Reference and moving the project forward and went on to question why the Municipal was standing in the way. She voiced that the purpose of the sub-committee would have been to gather information for Council. The Councillor stated that she felt as though the request was an injustice adding that West Hants Council must learn to make a decision.

CAO Osborne advised Council that defeating the motion to create a sub-committee removed the process necessary for moving the arena project ahead. She added that Windsor's CAO is currently out of the office and would not have an opportunity to respond to the letter until later next week after discussions with Town Council.

Councillor Leopold emphasized that West Hants is not stopping the project from moving ahead but ensuring that Council is fully aware of what is being supported. She went on to say that the Town of Windsor had publicly stated that they did not wish to be in the ice business questioning the comments made by Councillor Monroe and Hussey that the Town have demonstrated that they wish to move forward. The Councillor went on to state that Council needs an understanding of what the Town's position is prior to partnering in the project.

CAO Osborne spoke to the comment that the Town of Windsor no longer wished to be in the ice business noting that by participating through an intermunicipal agreement they are not directly involved, as they are doing it through a third party. Councillor Leopold reiterated that she would like to have the Town's position on the project through a letter.

Councillor Keith questioned how much funding the Municipality was committed to noting that he had read that the cost would be \$12 million split four ways. The CAO replied that the Municipality had committed to \$1 million with stipulations. She advised that Council revisit the motion once clarification is obtained.

Councillor Monroe asked for direction on how Council could bring the project back on track to move forward. The Municipal Clerk advised that a notice of reconsideration of the motion regarding the Terms of Reference could be put on the table.

Motion Carried.

Councillor Monroe and Councillor Hussey voted nay.

Councillor Monroe gave Notice of Reconsideration of the motion of January 9, 2018 Council Meeting, that staff draft a Terms of Reference for a Hockey Heritage Sub-Committee with the intent of calling for Expressions of Interests for the Hockey Heritage Project.

12. Correspondence

There was no correspondence.

13. Miscellaneous / New Business

a. Happy Community Project

Warden Zebian told Council that he had the opportunity to meet with the organizer of the Happy Community Project, Barry Braun. He stated that the project is in need of funding and had approached both the Municipality and the Town with a request for \$12,000/year from each unit. Councillor Daniels questioned what the funding would be used for, to which the Warden replied that the organizer is looking to fill a communications position as the project is growing quickly.

Councillor Monroe expressed that she was hopeful that some funding could be provided noting the Happy Communities Project is filling gaps in the community.

Warden Zebian noted that the next meeting will be taking place on Wednesday evening encouraging Councillors to contact the organizer if they had any suggestions. He went on to say that the Municipality could help to support the project through advertising.

b. Aboiteau

Deputy Warden Morton spoke of the aboiteau in Hantsport encouraging Councillors to visit the site. He noted that the ice, that can enter the area due to the damage of the aboiteau, is now hitting the bottom of the halfway river bridge causing concern surrounding the damage that will be done to the infrastructure. He went on to say that through various discussions he has had with several individuals he was told that there was nothing that could be done about the issue, until the infrastructure is damaged. He went on to say that CKF had moved power poles that were in the area, due to safety reasons.

Councillor Zwicker explained to Council how the aboiteau functioned in the past and demonstrated how the failing of the structure was affecting the surrounding areas. He went on to say that the structure could be fixed but due to ownership of the land, the Municipality is unable to do so. He reiterated that the Province had stated that they are unable to step in to remedy the issue until the Halfway River bridge is in jeopardy.

Councillor Monroe questioned what would have to be done to address the issue. CAO Osborne advised that the aboiteau is the responsibility of the Department of Agriculture adding that there would be no way for the Municipality to address the issue. Councillor Hussey asserted that, as the Municipality is aware that the structure is failing and will eventually damage the bridge that Council should be demanding that something be done. Warden Zebian advised Council that the Municipality had been corresponding with different levels of government to get the issue addressed.

Councillor Monroe requested that the contact information for those that should be contacted regarding the failing aboiteau be circulated to Councillors. The CAO responded that the contact information for the Department of Transportation and Infrastructure Renewal, the ministers and deputy ministers of the Department of Environment and Department of Agriculture as well as the MLA for the area will be circulated to Council. She encouraged Councillors to write all their counterparts about the issue.

Councillor Jannasch asked when the aboiteau failed. The Director of Public Works replied that the issue had been brought to the Municipality's attention on September 14, 2017, but the failure happened years before. He noted that the damage has been exponentially increasing to the point that it is at less than half the size it once was.

Councillor Leopold spoke of the issue from a safety perspective questioning if the issue could be addressed through the Dangerous and Unsightly process. The CAO responded that, as the structure sits on Crown land, the Municipality does not have the same level of authority. The Councillor asked if the responsibility would then fall on the Province. The CAO replied that the railway line falls under the Federal Government noting that the only way the

Province could address the issue is when the break begins to affect their assets. She went on to say that she sought advice from the Municipal Solicitor who stated that the Municipality has no authority.

Councillor Leopold voiced that railways, for the most part, fall under the regulations of the railway but she understood that the Windsor and Hantsport Rail line did not. She requested that the information given to Council be confirmed. The CAO replied that it is unclear what regulations the line falls under noting it would be very expensive to determine it. She advised Council that she had written to the Transport Agency seeking advice.

Councillor Monroe asked if it would be possible to sue for inaction and damage to not only infrastructure but to the community adding that action could be taken through a civil suit. The CAO advised that municipalities cannot sue the Province, or the Crown and any action taken would have to be by those who have been affected. The CAO advised Council that legislation protects municipalities as long as due diligence is demonstrated.

Councillor Hussey stated that the residents of Hantsport would be in their rights to sue if anything were to happen to the bridge due to the issue not being addressed.

Councillor Jannasch asserted that the common theme throughout the Provincial departments is to avoid responsibility. He went on to say that the issue would be recurring in other areas due to environmental changes stating that the Municipality should take the opportunity to spearhead an initiative. The Councillor went on to say that the action could be taken through the UNSM to ensure that different levels of government cannot continue to avoid responsibility.

Councillor Leopold voiced that she appreciated that the CAO had written to Transport Canada for clarification adding that she felt as though the Province was engaged in the issue. She went on to say that all levels seem to be working together to get the issue addressed. She noted that she would be in favor of action being taken against the owner of the property and suggested that the Municipality would be better off working with the different levels of government as opposed to suing them. Councillor Monroe emphasized that as bureaucracy is extremely slow filing a suit may bring action to fix the issue as opposed to waiting for the bridge to collapse.

Warden Zebian stressed that Councillors should be contacting the ministers and the MLA about the aboiteau. CAO Osborne added that the Province has legislation that has to be followed in addressing the issue noting that they are working on the problem.

c. Warming Centers

Deputy Warden Morton asked if Warming Centers would be established in the area or if they fell under local fire departments. The CAO responded that the REMO Coordinator is currently working on standards for Warming Centers in the region. She went on to say that the centers are opened as the need arises noting that many of the fire departments have generators which make them ideal locations.

Councillor Daniels stated that she would like to see communication to Council increase in terms on how storms were progressing and the extent of a storm and would be taking it to the next REMO Advisory meeting.

14. In-Camera *MGA Section 22(2)(e) Personnel Matters*

**MOVED and SECONED that the meeting move in-camera.
Motion Carried.**

The meeting moved in-camera at 8:50p.m.
The meeting reconvened at 9:33 p.m.

**MOVED and SECONDED to end the contract of the CAO effective immediately.
Motion Carried.**

Deputy Warden Morton, and Councillors Monroe, Jannasch and Hussey voted nay.

15. Date of Next Meeting – February 13, 2018

The next Regular Council meeting will be held February 13, 2018 at 7:00 p.m.

16. Adjournment

MOVED and SECONDED that the meeting be adjourned.

Motion Carried.

The meeting adjourned at 9:35 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk