

**WEST HANTS REGIONAL MUNICIPALITY**  
**Committee of the Whole - Meeting Agenda Amended**

**February 13<sup>th</sup>, 2024 - 6:00 p.m.**

**In-person Sanford Council Chambers, 76 Morison Dr, Windsor, NS**

**Virtual via Zoom (also FB Livestream)**

*Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.*

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**West Hants**  
something inspiring awaits

1. Call to Order
2. Attendance
3. Approval of the Agenda, including additions or deletions
  - a) Dashboard Action Items – Information Log (Pg.3)
  - b) Dashboard Action Items – Dangerous or Unsightly Premises (Pg. 9)
4. Declaration(s) of Conflict of Interest
5. Announcements
6. Approval of Previous Meeting Minutes
  - a) 2024-01-09 Committee of the Whole Minutes
7. Presentations
  - a) Clean Electricity – Onshore Wind – Nova Scotia Natural Resources and Renewables -Leigh-Anne Thurber and Lee Ann Crouse (2 presentations) (Pg.10)
  - b) Property Valuation Services Corporation (PVSC) Property Assessment and Capped Assessment Presentation – Paul Beazley and Rod Tremblay (Pg.33)
  - c) Windsor Township Business Association (WTBA) Update – Pierre Tabbiner (Pg. 49)
8. Unfinished Business/Postponed Motions
9. Reports
  - a. CAO Activity Update - Information Report (Pg.58)
  - b. Capital Report – December 31, 2023 - Director Rochon (Pg.61)
  - c. Financial Update Ending December 31, 2023including Water Consumption Report - Director Rochon (Pg.67)
10. Correspondence
  - a. Information
    1. Avon Causeway Activity Log as of February 13<sup>th</sup>, 2024 (Pg.71)
    2. Correspondence Received Ledger as of February 13<sup>th</sup>, 2024 (Pg.80)

- a) 2024 Update Re Regional Chairs Coordinators activities at the Provincial level for Waste Management (Pg.93)
  - b) Avon Street Erosion Society Re Registered as a Not-for-Profit Society (Pg.95)
  - c) Cathy Illsley Re Discontinuing Aquafit Classes (Pg.96)
  - d) Denise Forand Re Opposed to Rezoning PID 45215290 Riverview Drive Brooklyn (Pg.98)
  - e) Debbie Spears Re Aqua fitness (Pg.101)
  - f) Response from the Office of the Prime Minister Re Request for Ceasefire in Gaza (Pg.102)
  - g) Denise Forand Re Snow removal from the causeway highway (Pg..103)
  - h) Birth Place of Hockey Tournament Costs (Pg.105)
  - i) Amanda Dunfield Re Windsor Stormwater Municipal Storage (Pg.107)
  - j) Response from Minister Lohr Re WHRM Affordable Housing Letter (Pg. 108)
- b. Request(s)
- i. Proclamation Request Re Amyloidosis Awareness Month (Pg.109)
  - ii. HCCC #1 Letter to WHRM Re Request for Financial Support (Pg.111)
  - iii. Carrilee Eddy Re Assembly of NS Mi'kmaw Chiefs (Pg.114)
- c. Out-going Correspondence Ledger as of February 13<sup>th</sup>, 2024 - None
11. New Business
- a) Zwicker Lake - Decision Permit D2023-019 Request for Decision – Councillor Ivey (Pg.118)
  - b) 2024 Municipal Elections Returning Officer Recommendation Report - Clerk Snair (Pg. 142)
  - c) Insurance RFP – Recommendation Report – ~~Manager Gibson~~ Director Rochon (Pg. 146)
  - d) Windsor Hockey Heritage Change of Grant Request for Decision - ~~Director Kehoe~~ CAO Phillips (Pg.152)
12. Public Participation Period
13. In-Camera
- a) 2024-01-09 Committee of the Whole In-Camera Minutes
  - b) MGA 22(2)(a) Land Matter
  - c) MGA 22(2)(a) Legal Matter(s) (five topics)
  - d) MGA 22 (2)(a) Personnel Matter
14. Next Meeting Date / Adjournment – February 27<sup>th</sup> Council Meeting at 6 p.m.

1. **Call to Order** – Deputy Mayor Paul Morton called the meeting to order at 6:01 p.m.

2. **Attendance**

Council

Abraham Zebian, Mayor

Paul Morton, Deputy Mayor Dist. 8

Rupert Jannasch, Councillor Dist. 1 (ZOOM)

Bob Morton, Councillor Dist. 6

Mark McLean, Councillor Dist. 3

Ed Sherman, Councillor Dist. 7

Jeff Hartt, Councillor Dist. 4

Laurie Murley, Councillor Dist. 10

Debbie Francis, Councillor Dist. 5

Jim Ivey, Councillor Dist. 11

Regrets:

Scott McLean, Councillor Dist. 2

John Smith, Councillor Dist. 9

Staff

Mark Phillips, CAO

Deanna Snair, Exec. Asst/ Clerk

Carlie Rochon, Dir. Financial Services

Sara Poirier, Dir. Planning and Development (ZOOM)

Todd Richard, Dir. Public Works

Regrets:

Shelleena Thornton, Municipal Operations Supervisor

Kathy Kehoe, Dir. Community Development

Presenters

Leigh-Anne Thurber & Lee Ann Crouse, Clean Electricity and Environmental Assessment Approval Process

Paul Beazley & Rod Tremblay, Property Valuation Services Corporation (PVSC) Property Assessment and Capped Assessment Presentation

Pierre Tabbiner, Windsor Township Business Association

Two (2) members in the Gallery

3. **Approval of the Agenda, including additions or deletions (6:02p.m.)**

Voting occurred by a show of hands.

Additions:

- Item 13 (d) MGA 22(2)(a) Legal Matters x 3

a) Dashboard Action Items – Information Log

b) Dashboard – Dangerous or Unightly Premises – Information log

Dashboard discussion Points

Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKN0) requests to meet with WHRM to discuss the waterfront and Avon River.

- WHRM proposed meeting dates; however, the dates were not conducive to KMKNO's schedule. WHRM were awaiting KMKNO to reconnect and provide alternate dates; however, this has yet to happen. Mayor Zebian will share the correspondence.

Glooscap First Nations (GFN) were looking to facilitate a morning meet with WHRM Council

- Morning dates were proposed for the meeting, unfortunately mornings were not conducive to WHRM Council. Will await to hear back from Glooscap on new dates to meet.

West Hants Waste Collection By-Law

- Staff have been reviewing a draft copy of the document. This would be a priority for the new waste coordinator once they have been hired. Intention was to have the new By-Law in place in time for negotiations of the new collection contract.

Falmouth Town Pond Ownership

- The item will remain on the Dashboard while additional information was being reviewed by Council and clarity was sought.

Original motion on stormwater management remained on the Dashboard.

- It was noted there were two (2) directions from Council on the matter; staff were working with the most current motion/direction from Council. The matter will need to be addressed (rescinded) at an upcoming meeting as per parliamentary procedure.

Motion for a detailed audit for the Windsor and West Hants water utility

- The item was overlooked and not included on the Dashboard. The dashboard will be amended to include the motion.

Personnel Matter

- The original personnel matter noted was in relation to remuneration for existing staff. An opinion was the personnel matter should be an open discussion as it related to a general measure/percentage and the second part was related to items/discussions that Council would see at a later date. CAO spoke of both items being personnel in nature, the first related to bargaining and the collective agreement. The second item impacted staff compliment and was at the discretion of Council, CAO will take direction from Council once in-camera.

**MOVED BY COUNCILLORS FRANCIS AND SHERMAN THAT THE  
2024-02-13 COMMITTEE OF THE WHOLE AGENDA BE APPROVED  
AS AMENDED. MOTION CARRIED**

**4. Declaration(s) of Conflict of Interest (6:12 p.m.) - None**

**5. Announcements (6:12 p.m.)**

Deputy Mayor P. Morton acknowledged that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and this land is governed by the treaties of Peace and Friendship signed in 1726.

**6. Approval of Previous Meeting Minutes (6:13 p.m.)**

a) 2024-01-09 Committee of the Whole Minutes

**MOVED BY COUNCILLORS FRANCIS AND MURLEY THAT THE 2024-01-09 COMMITTEE OF THE WHOLE MINUTES BE APPROVED.  
MOTION CARRIED.** Nays: Ivey

**7. Presentations**

a) Clean Electricity – Onshore Wind – Nova Scotia Natural Resources and Renewables - Leigh-Anne Thurber and Lee Ann Crouse (6:13 p.m.)

The presentations highlighted governance structure related to the Department of Natural Resources and Renewables and the Environmental Assessment process.

Key points included:

- There were three branches, each focused on specific areas (Clean Electricity - transition of electricity from fossil fuels, Clean Buildings – retrofits, efficiency programs and net zero impacts and Clean Transportation – clean and electric transportation and active transportation networks to reduce greenhouse gases (GHG's).
- Legislation and provincial plans were driving greener electricity and increased wind energy within communities.
- To meet 2030 targets more wind and solar projects were required.
- Outside of approved projects the plan was to add another 1000+ MW of wind and 300+ MW of large-scale solar generation.
- Site selection was based on wind resources, proximity to electrical grid and load centre, residential setbacks, environmental sensitivity considerations, pre-existing infrastructure and other cultural, economic, ecological, health and safety considerations.
- Timelines included: Development/site selection 3-5 years, once a contract was in place construction takes 2-3 years, life cycle of wind farms was between 20-25 years and at the end of the life cycle the option was to repower or decommission, which takes approximately 1 year.
- Government was the driving force to get new renewable energy to replace fossil fuels and done through an independently led procurement process. Government provides support and policy direction. All information is public and available online.
- Contracts were between the wind farm/wind developer and NS Power and included a financial security clause (bond), if they fail to generate the promised amount of power, there would be a penalty and other Terms of Conditions related to the project.
- Hydrogen was being explored as an export opportunity, it was still in the preliminary discussion phase.

Ms. Crouse reviewed the Environmental Assessment process.

Key points:

- Regulatory approach involves ensuring environmental protection (land, water, air and human health) and also regulate the prudent use of environment to ensure that development was done in a sustainable way.
- Environment Act establishes the authority for environmental regulation and creates framework for approvals at Environment and Climate Change.
- The Environmental Assessment (EA) regulations lays out the EA process, the types of projects that require EA's and the requirements.

- The majority of approvals issued are Operational approvals and two (2) sets of regulations, these specify what was required at the site.
- Both Environmental assessments and Operational assessments come with terms and conditions that approval holders are required to meet. Inspection, compliance and enforcement division complete audits and respond to complaints and work with companies to ensure they are in compliance.
- The EA process was a decision-making tool used to promote sustainable development by evaluating the potential environmental effects of major developments before proceeding. It promotes better project planning and identifies and addresses environmental effects at the earliest stage of the project development.
- There were two (2) types (Class 1 and Class 2) of EAs in Nova Scotia, Class 2 assessments were rare in Nova Scotia.
- Class 1 includes transmission corridors, quarries, pits, certain highways, facilities that handle dangerous goods, wind projects that produce more than 2 megawatts of energy.
- Class 2 projects were larger and were known to cause significant environmental impacts (solid waste incinerators, petrochemical facilities, etc.)
- If an EA was approved, the proponent receives an EA outlining the terms and conditions that were required to be met over the life of the project (compliance with design, construction, operation and rehabilitation of the site).
- Nova Scotia has a fifty (50) day Class 1 EA process (legislated timeframe). The EA process was reviewed (who the proponent meets with and community engagements). Once all meetings have occurred, the information gathered from those sessions is compiled all the information and submitted within the EA registration document, which then goes to subject matter experts to review and posted online for public. Day 1 started when the document was posted online commencing the public comment period. The document is reviewed over the next 30 days to provide input on additional concerns the minister should consider related to the outcome of the EA and EA approval. The minister must make a decision on the project within 50 days of receiving the EA document.
- The government reviewed focused on whether the proponent included effective mitigation measures that address environmental impacts or if other mitigation measures need to be considered.
- Each department and subject matter experts review the EA document within their mandate.
- All information about the EA process for each project dating back the year 2000 was available online, including the full EA registration document, all comments received from all government reviewers and public, approval with all the terms and conditions as well as the record for public notice.

#### Discussion Points:

- No assessment was done on the total number of windmills in a localized area. The EA process was done on a project-by-project basis, requirements relate to the proponent. Noise modeling involves looking at preexisting project impact background noise levels.

- Incomplete projects were required to meet the terms and conditions noted in their approval (noise levels). It was prudent for other projects to understand what those noise impacts would be before proceeding.
- There was no set number for setbacks (from nearest neighbouring property/structure). The terms and conditions look at noise, which provides quite a distance from a wind turbine to a residence. This distance was dependent on the background noise within the area and what noise would be contributed from the turbine. Distance was based on each unique location.
- Each Environmental Assessment looked at the positive impacts of a project as well as potential adverse effects of the project. The outcome of the EA was not to evaluate whether a project should move forward based on its benefits, it looks at ways for the project to move forward safely and sustainably.
- Decisions regarding an EA were made on a case-by-case basis (based on information provided and any gaps in information). An additional information decision provided proponents with a year to return and restart the process.
- In order to achieve 80% of renewable resources by 2030 a thousand (1000) megawatts were required (including projects that have already completed the EA process. It was estimated that 6-10 additional large projects were needed across the province (depending on the size of each project). A maximum of 150 megawatts was permitted at each site. The average range of projects was between 75-100 megawatts.
- Cumulative effects of noise were taken into account. There was a capped limit (either from one wind farm or multiple windfarms) that was permitted at a receptor (house, day care, school, etc.)
- From an electricity perspective, there were constraints on the amount of electricity that can be transported on a single wire/transmission system.
- Wind farm development specific to production of green hydrogen were not being relied on as part of the 80% by 2030. However, if hydrogen production was coming into the province and these were new electricity customers; they can be substantial electricity consumers many are building wind or other form of renewable energy to provide power to their facility to offset energy consumption.
- Green Hydrogen or any of its byproducts was currently being explored as an export; however, there ere domestic opportunities that could use hydrogen or green hydrogen as baseload power, or other domestic uses (long haul shipping transport or marine environment). Due to green hydrogen being new, there was a lot of exploration and conversations occurring vs specific plan at this time.
- Nova Scotia Power would be able to answer how many megawatts can be uploaded into transmission lines. It comes down to the interconnection points.

The presentation and question period concluded at 6:47 p.m. The presenters left the meeting.

b) Property Valuation Services Corporation (PVSC) 2024 Property Assessment Role and Capped Assessment Presentation (6:47 p.m.)

Paul Beazley and Rod Tremblay reviewed the presentation focusing on the Capped Assessment Program. PVCS was governed by a Board of Directors, with 10-12 independent board members. Within provincial legislation, PVSC administers the Capped Assessment Program (CAP) on behalf of the NS Government.

Key Points:

- The CAP rate for 2024 was 3.2%.
- The taxable assessment was the lower amount of either market value or capped assessment amount.
- 88% of the dwellings in West Hants were on/ore eligible for the CAP.
- In 2023 PVSC reviewed 511 building permits and 880 property transactions to determine market value and 271 appeals were completed in West Hants. 2024 numbers appeared similar.
- Total residential assessment in 2023 was over \$2 billion, this increased to over \$2.6 billion for 2024 (25.3 % lift).
- The difference between 2023 and 2024 taxable residential assessment was 10.1% (up from \$1,7 billion in 2023 to \$1.9 billion in 2024).
- The difference between 2023 and 2024 taxable commercial assessment was 9.6% lift (\$261 million in 2023 to \$268 million in 2024). When exempt properties were removed the percentage went to 11.6% lift.
- Total assessment roll went from \$2.63 billion in 2023 to \$2.91 billion in 2024 (23% lift overall).

Discussion Points:

- Assessments are done based on the legislation. Provincial legislation would need to change to reduce or remove taxes on uncomplete buildings and assist developers,
- There was no instrument within the Act that allowed PVSC to close the financial gap between two similar properties that have substantially different taxable assessments (one newly acquired vs one owned over a period of time and on CAP).
- PVSC does not have the authority to make any changes to the legislation. NSFAM was the best tool for Council to use to address a need for changes within the CAP legislation. For residents the best course of action was through their MLA.
- CAP cannot decrease for properties negatively impacted by natural disasters (fires/flooding), there was no existing legislation to allow for this to occur. For properties experiencing physical damage due to flooding/fires, assessments can be adjusted based on physical data if PVSC were aware of the damage. Having properties reassessed (even if they are on the CAP) was the best option for disaster impacted properties to see a reduction in their taxable assessments. Property owners need to contact PVSC.
- Part of this year's process for mass assessments in disaster impacted areas was looking at areas impacted as unique/closed systems, and also looking at market activity specifically in those areas to indicate potential impacts on the overall market to gain a better understanding if there was a larger issue in the area. The challenge with this was that any sales were only 1 year retrospective, so any sale after this past year's event would not be included in the process.

- Tiny homes that were a permanent fixture on the property would be assessed the same as manufactured homes, similar to any residential component to a property. The key is being aware of these types of homes on a property.
- Assessors (mix of former private sector appraiser individuals who have spent their careers in assessment) and were nationally designated and internationally recognized through either the Association of Municipal Assessors (AMIA), the International Association of Assessing Officers or the Appraisal Institute of Canada.

The presentation and question period ended at 7:21 p.m. Both presenters left the meeting.

c) Windsor Township Business Association (WTBA) Update (7:21 p.m.)

Pierre Tabbiner provided an overview of what the WTBA has been doing since the last update.

Key points included:

- Applied to Tourism NS's CTC campaign and was successfully chosen. Two (2) advertising campaigns ran over 3 seasons promoting Windsor. The ads generated over 1,705,785 impressions, 18,740 clicks, and 7,757 video views and was the second highest performing partner.
- Looking for ways to gather quantitative data for the WTBA's catchment area. Environics will be used to geofence the area and gather data (tracks cell phone tower pings) about visitors. The Valley Regional Enterprise Network (VREN) has also been engaged to determine if their interest in using Environics, which could determine if Windsor saw an increase in visitation when the Valley hosted events such as the Pumpkin People festival.
- Restructuring their board to include subcommittees (5 in total) as well as rewriting the code of conduct (subcommittee involvement now a requirement). The sub committee's focus would be on board governance, increased business engagement, promotional activities, more successful events, and a more vibrant downtown Windsor.

Things on the horizon included:

- The first annual Windsor Winterthing (March 9<sup>th</sup>, 2024 from 2-9 p.m.) intending to draw people to the downtown area where there will be fire pits, music, seating, photo opportunities and an alpaca walking around. Businesses/restaurants have been invited to participate in their own way.
- In discussions with Mr. Silaboy to recreate a fresh mural to replace the Star Bride mural. Through the NS Rural Communities foundation, a grant will be used to involve inviting a youth group to be on site where a Mi'kma'ki, elder will be speaking about the Mi'kma'ki history while the mural is being created.
- Summer tunes are returning to the downtown area in an effort to get more vibrancy, colour and music on the streets.
- Hosted an inform session with local business owners and people invested in the community looking for ideas on what is best/ not so great about Windsor, exploring a 5-year vision to assist with determining WTBA's mandate.

Discussion Points:

- Data needs to be collected and compared before a baseline was established to determine increased visitors to Windsor. Looking to start tracking Windsor visits on March 1, 2024 to create the initial baseline and go from there.
- The WTBA were focused and working with Mr. Siliboy on the mural. WTBA allocated money within the budget to address the state of the decayed park. The town map within the park had a new concrete footing to replace the crumbled boarding.
- WTBA receives feedback via multiple social media sites. A monthly resource pamphlet is shared via email to invite feedback from the business community, as well as conversations and pop in visits. Voluntary surveys were being conducted as well to gather additional feedback.
- Facebook and Instagram were used as social media platforms.
- Not all downtown businesses participate in the WTBA, it is at their discretion.

The presentation concluded at 7:43 p.m.

## 8. Unfinished Business/Postponed Motions - None

## 9. Reports

### a) CAO's Report (7:43 p.m.)

CAO Phillips provided a high-level overview of the past month's activities.

- Meetings included COTW, Council, two (2) District Town Hall/ Community sessions, the Hants Shore Health Association AGM, CUPE Labour Management, Acadia University Community Development Class Presentation and Budget Workshops.
- Flash Floods – Mantua Rail line remains the largest area damaged. A completed engineer's report was received, resulting in the procurement process beginning to restore the area back to its original state using a culvert system and infilling. Community Centre repairs are being carried out, along with improvements to deal with cracked foundational issues. The insurance related issues were nearing completion. Staff are working on ground level repairs that were sustained during the flood at the Canoe Club.
- Community Development have been active with numerous discussions/meetings; Operational Meetings regarding the Windsor Tennis Club and their future needs, Sports Complex, Trails, Parks and Open Spaces, Economic Development, Capital Projects and Community Events, Rail Trail Subcommittee, ongoing meetings with Caremongers and POSSE to support the warming centre and the Pisiqid Canoe Club.
- Planning remains busy with Public Information Meetings (PIMs) and regular meetings, the regional planning process and meetings related to 997 Hwy 14 and enforcement. A transportation / transit workshop was being scheduled to provide a baseline perspective on public services offered by other Municipalities. The workshop includes representatives from Bridgewater, HRM, Kings Transit and Dial-A-Ride or Kings Point to Point to share service delivery details.
- The second Dam session was hosted by Nova Scotia Power on January 18<sup>th</sup> at the Windsor Legion. Many attended and a lot of information was shared.

### Community Centre Discussion Points:

- Damage consisted of 2-3ft of water in the basement, damage to flooring, gyprock, insulation and studs.
- Costs were associated with removal of damaged areas and replacement.
- Costs outside of insurance coverage were covered under Disaster Funding Assistance, including insurance deductibles.
- Repair delays were related to chronic deficiencies found during the July flood and are now being addressed (cracked foundation, perimeter drains, roof, plumbing systems, etc.). Some operational maintenance (gutter replacement) has been completed.
- Staff were still gathering a contents list as well from this site.

Canoe Club Discussion Points:

- Damage was limited to basement/storage area. Approximately 4 ft of water entered the ground level resulting in damage to gyprock, insulation, studding, etc.
- Damages were estimated to be approximately \$110,000 and covered by insurance. The municipality was looking at ways to utilize the insurance money more effectively and looking at alternative options vs what was in place prior to the flood.
- The \$800,000 insurance claim was considered a catastrophic claim (one (1) insurance claim) associated with cost estimates for **all** municipal properties (Community Centre, Canoe Club etc.). There was value in Council having this information to allow for consideration of potential upgrades that may deter future flood damage.

Emergency Evacuation routes and mapping discussion Points:

- Surprised to hear that municipalities were responsible for evacuation plans should one of their structures fail. Important to have evacuation plans based on the type of disaster/structure failure.
- The mapping referenced at the Dam meetings referred to the maximum geographic area impacted by the worst-case scenario event and was the total evacuation area impacted by a catastrophic failure. The municipality's plan would identify the location of a comfort centre accessible during an event. Until an actual event occurs, safe transportation routes or accessible comfort centres would not be able to be identified. The largest component of the plan would be educating residents on their awareness that they are in an area that could be potentially impacted by flooding, however depending on the size and scale of the event residents need to be responsive to communications issued (ex. this is the area impacted and these are the comfort centres open).
- Transportation was more challenging and relied heavily on collaboration with the provincial (511) service and their ability to provide up to date information as events unfold.
- The municipality will identify routes, zones and comfort centres. The challenge lies with the event, how it evolves and the expedience of getting information to people/areas who were really impacted vs evacuating a whole area based on worst case scenario or those immediately impacted.
- It was key to evaluate incidents as they evolve but to also make sure people were aware and understand if they were in an impacted area.

- It was suggested that elevations be attached to the evacuation plan or a resource that residents could use to determine the elevation of their home. The challenge lies with understanding the sea level component and surge components.
- There was value in having more community meetings to educate residents before a situation occurs.

b) Capital Report ending December 31, 2023 (8:05 p.m.)

Director Rochon reviewed the report. Of the 152 projects, 53 have been completed resulting in 31% of the approved budget being spent. 65 (42.8%) projects were in progress, 26 projects were being reviewed and carried forward into 2024/25, no projects have been cancelled and five (5) projects have yet to be started. There were also three(3) projects within these numbers that were multiple layer projects (portions have been started or completed but there were also portions that have been deferred to the next fiscal year, i.e. Community Beautification).

Discussion Points:

- Conversations continue regarding the Sports Complex LED signage. The challenge lies in the fact that an existing sign is currently on the site (will it remain or be replaced by the new LED sign) and the fact that signage would not be located on municipal property. Conversations continue with staff and the Agricultural Society.
- Summerville Fire were still waiting for a chaise for their Light Rescue Truck.

c) Financial Update ending December 31, 2023 (8:09 p.m.)

Director Rochon reviewed the report including the water consumption information report.

Highlights included:

- Projected deficit increased by 0.3% (\$637,538). The unmitigated portion of the deficit increased by \$109,918. These increases were related to projected shortfalls in revenue by 0.2% and increases in costs by 0.2%.
- Deed transfer tax was at \$1.46 million as of December 31, 2023 (73.2% of the budget). The projection was increased by \$37,000 since the November update.
- Final amounts for community host fee (landfill) arrived; \$717,000 was received (\$285,000 more than the budgeted amount).
- Expenses were similar to November projections (biggest variances (0.1%) were due to transportation (snow plowing) and being monitored.
- Windsor Sewer Operational Treatment costs increased due to higher utility costs (water, power and insurance).
- Facilities across all departments including Fire Services were experiencing higher power costs.

Discussion Points:

- Municipal years end (April 1- March 31) and the year-end payment schedule for the Landfill was based on the calendar year (January - December).

There was no change in Sports Complex fundraising goal, no new sponsorship was received since December 31, 2023; however, monies have been received since December; that information will be reflected in the April quarterly report.

#### Water Budget Report ending December 2023 Key Points:

- Both utilities were currently projecting a surplus (WH - \$57,000, Windsor - \$284,000) being forecasted for March 31, 2024.
- Windsor revenue was projected to be lower. This was related to billing between the bulk master meters and Three Mile Plains as well as revenues associated with quarterly consumptions on other accounts was projecting lower, similar to sewer. Other supplies and expenses under Source and Supply were also projecting higher and were being monitored. Admin costs were projecting lower due to decreased professional services being used.
- West Hants revenue sales fluctuated similar to sewer revenues based on consumption. There was a variance based on bulk water sales to the bulk water haulers (currently at 40.6%, it was expected that this number would come in lower than originally budgeted).
- Both utilities were experiencing lower interest on outstanding customer accounts resulting in positive collections, but also lower revenues generated for this account.
- WH water treatment costs were expected to increase due to chemicals associated with treatment costs were projecting higher than previously budgeted.
- WH source of supply (water purchased from Three Mile Plains) was projecting lower.
- Non-operating expenses were expected to increase in the next projection report.
- The \$10,000 yearly transfer to the sludge reserve was a requirement from the Utility and Review Board (UARB).
- Transmission and distribution for both utilities were projecting lower.

#### Discussion Points:

- Actual numbers did not include admin or depreciation fees, the forecasted numbers did include admin and depreciation fees.
- Admin fees are calculated based on 10% of what the actual costs are; final numbers may fluctuate based on actual costs. Depreciation was left as a budget item until final numbers were received.
- Monthly fluctuation in expenses would be seen; however, any fluctuations in revenue would not be seen until the quarterly billings were completed.
- Monthly reports were preferred to fine tune reporting for the remainder of the 2023/24 fiscal year, then quarterly reports/updates for the upcoming 2024/25 fiscal year.

#### Water Utility Consumption Report ending December 2023 Key Points:

- Report would not fluctuate much due to quarterly billing. Q4 billing would not occur until the end of March.
- West Hants's total consumption (end of December 2023) was 76,050,363.68 imperial gallons going through the meters.
- Windsor's total consumption (end of December 2023) was 69,116,282.47 imperial gallons going through residential and commercial meters. In addition, there was also consumption from bulk master meters (2 in TMP) resulting in 42,920,134.00 imperial gallons.
- The variance (what was billed vs what went through the bulk master meter) between TMP and bulk master meters was 17,796,139.50 (41.5%) imperial gallons.

- The variance for imperial gallons was attributed to leakage, system flushing, fire hydrants, unauthorized usage, and old meter equipment, etc.

Discussion Points:

- The difference in third quarter amounts (almost double the amount compared to other quarters) for Falmouth was attributed to usage during that particular time period (summer months) and individuals' consumption.
- There was value in having this report continue on a monthly basis until the end of the 2023/24 fiscal year.

A break occurred at 8:32 p.m. The regular meeting resumed at 8:44 p.m.

**10. Correspondence (8:44 p.m.)**

a) Information

1. Avon Causeway Activity Log received as of February 13<sup>th</sup>, 2024 – None.
2. Current Correspondence Received Log as of February 13<sup>th</sup>, 2024
  - a) 2024 Update Re Regional Chairs Coordinators activities at the Provincial level for Waste Management.
  - b) January 18, 2024 from Avon Street Erosion Society Re Registered as a Not-for-Profit Society
  - c) January 25, 2024 from Cathy Illsley Re Discontinuing Aquafit Classes
  - d) January 25, 2024 from Denise Forand Re Opposed to Rezoning PID 45215290 Riverview Drive Brooklyn
  - e) January 26, 2024 from Debbie Spears Re Aqua fitness
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  - g) February 8, 2024 from Denise Forand Re Snow removal from the causeway highway
  - h) February 9, 2024 Regarding Birth Place of Hockey Tournament Costs
  - i) February 9, 2024 from Amanda Dunfield Re Windsor Stormwater Municipal Storage
  - j) February 9, 2024 from Response from Minister Lohr Re WHRM Affordable Housing Letter

Correspondence was reviewed in groups of four (4).

Discussion Points:

- Avon Street Erosion Society has met with the provincial minister who assisted the group with the not-for-profit process and recent status change. The MLA may be better equipped to respond to questions related to any financial assistance they may have received or may be eligible for future grants/funding opportunities.
- Aqua fit classes were not being discontinued; the pause was related to staffing availability. The program will return in the fall.
- Attempts are being made to revive the Birthplace of Hockey Tournament this year; however, costs are quite substantial. The tournament was scheduled for over two (2) weekends with a full schedule of games encompassing various divisions and levels.

**MOVED BY MAYOR ZEBIAN AND COUNCILLOR FRANCIS THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL PROVIDE A \$1,500 IN KIND DONATION OF ICE RENTAL WAIVING OF FEE. MOTION CARRIED UNANIMOUSLY**

b) Requests

- i. Proclamation Request Re Amyloidosis Awareness Month
- ii. February 1, 2024 from HCCC #1 Letter to WHRM Re Request for Financial Support
- iii. 2024-02-13 from Carrilee Eddy Re Assembly of NS Mi'kmaw Chiefs

Discussion Points:

- HCCC #1 will provide a presentation in March.

c) Out-going as of February 13th, 2024 - None

At 8:51 p.m. Councillor S. McLean sent regrets.

**11. New Business**

a) Zwicker Lake - Decision Permit D2023-019 (8:51 p.m.)

Councillor Ivey reviewed the report. Numerous conversations have occurred regarding land use (bylaws and zoning regulations) in the Zwicker Lake area. Area residents felt land use was granted for specific properties that were not in alignment with what the zoning permitted use was. The report highlighted the judicial review undertaken, the judge's findings (in favour of Zwicker Lake Residents) and a letter received from the same residents outlining costs incurred as a result of the judicial review. The report identified three (3) motions; identify and provide Council with the legal costs incurred by WHRM as it related to the file, secure copies of the expenses incurred by the Zwicker Lake residents and reimburse their cost estimates (circa \$21,000) and provide Council (in-camera) with all the legal correspondence related to the file to garner a better understanding of how WHRM conducted the process. With the awareness that additional comments may be warranted, Councillor Ivey was prepared to move forward with the motions (either one at a time or collectively as a group).

It was believed there were in-camera related items within the second and third recommendation. With respect to the first motion, to date WHRM has \$36,629.00 (mostly legal costs) associated with the file.

**MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL DIRECT THE CAO TO ENGAGE STAFF TO PROVIDE COUNCIL WITH A SUMMARY OUTLINE OF THE TOTAL COST OF LEGAL SERVICES INCURRED BY THE WEST HANTS REGIONAL MUNICIPALITY RELATING TO THE ZWICKER LAKE PROPERTY LAND USE ISSUE FOR PERMIT D2023-019. MOTION CARRIED UNANIMOUSLY**

**MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL DIRECT THE CAO TO**

ENGAGE STAFF TO SECURE COPIES OF THE EXPENSES INCURRED BY THE ZWICKER LAKE RESIDENTS IN THE WORK UNDERTAKEN FOR THE JUDICIAL REVIEW BY THEIR LAWYERS AND CONSULTANTS, FOR REIMBURSEMENT OF THEIR COSTS ESTIMATED TO BE CIRCA \$21,000.

**MOVED BY MAYOR ZEBIAN AND COUNCILLOR SHERMAN THAT THE MEETING MOVE IN-CAMERA. Motion carried.** Nays: S. McLean, Hartt and Ivey

As noted, the remaining recommendation had in-camera aspects, Council were questioned if they wanted to go in-camera and deal with the second recommendation and then come out of in-camera, only to go back in-camera to deal with the third recommendation. It was felt that it may be more expediate to put the third recommendation on the floor and if Council supported the decision to move in-camera to discuss the third matter; then both matters could be discussed during the same in-camera session.

A suggestion was made to finish the meeting (remaining New Business items and Public Participation) and dela with this matter during the regularly scheduled in-camera at the end of the meeting.

Both the MOVER and SECONDER agreed to defer moving in-camera until the end of the meeting.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL DIRECT THE CAO TO ENGAGE STAFF TO PROVIDE COUNCIL WITH THE WHRM FILE OF LEGAL CORRESPONDENCE (FOR A FUTURE IN-CAMERA REVIEW) RELATING TO THE ZWICKER LAKE LAND USE ISSUE REGARDING PERMIT D2023-019.

**MOVED BY MAYOR ZEBIAN AND COUNCILLOR SHERMAN TO DEFER MOVING IN-CAMERA UNTIL THE END OF THE MEETING. MOTION CARRIED.**

b) 2024 Municipal Elections Returning Officer Recommendation Report (9:07 p.m.)

Clerk Snair reviewed the report highlighting some high-level estimates on costs associated with the upcoming elections and the need to appoint a Returning Officer (RO) before the March 15<sup>th</sup> deadline as outlined within the Municipal Elections Act (MEA).

Discussion Points:

- The individual recommended was highly qualified.

**MOVED BY MAYOR ZEBIAN AND COUNCILLOR MURLEY THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL APPOINT DEBI FITZPATRICK AS THE RETURNING OFFICER FOR THE 2024 NOVA SCOTIA MUNICIPAL AND CONSEIL SCOLAIRE ACADIEN PROVINCIAL (CSAP) ELECTIONS SETTING THE FEE FOR THE RETURNING OFFICER TO A MAXIMUM OF \$32,500 (BASED ON**

**HOURS WORKED) AND FURTHER THAT ANY EXPENSES INCURRED IN THE 2023/24 FISCAL YEAR BE FUNDED THROUGH THE REGIONAL ELECTIONS RESERVE. MOTION CARRIED UNANIMOUSLY**

**MOVED BY MAYOR ZEBIAN AND COUNCILLOR MURLEY THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL GIVES AUTHORITY TO THE CAO TO APPOINT ASSISTANT RETURNING OFFICER(S). MOTION CARRIED UNANIMOUSLY**

c) Insurance RFP Recommendation Report Windsor Flood Study Recommendation Report (9:03 p.m.)

Director Rochon reviewed the report. Only one (1) submission was received due to the large open claim resulting from the July flood. Costs increased by 22.76%. Sigma Risk was engaged to review the current insurance policy to ensure adequate and complete coverage. The consultant suggested additional items be added (increase deductible, add cyber security and increase capped value for culvert payouts). The policy term was one (1) year and expires March of 2025, which provided the opportunity to synchronized fire services.

Discussion Points:

- Cyber security was not currently provided; it was an added option within the RFP. Council can choose to proceed with it as they were not bound by the RFP. A full application was required before a quote could be provided. Based on the direction of Council, an application would be completed, and potential costs would be included in the upcoming budget deliberations. There was value in having this coverage added. Should this coverage be added, a report would be presented highlighting the pros and cons for this coverage for Council to consider.
- Sigma Risk were engaged to review and ensure coverage was comparable (including language review), and the proponent met the RFP requirements. The only change in wording was around replacement costs vs market value.
- The current insurance provider was Broker Link and Intact.

**MOVED BY COUNCILLORS FRANCIS AND SHERMAN THAT COMMITTEE OF THE WHOLE RECOMENDS COUNCIL APPROVE THE AWARD OF REQUEST FOR PROPOSALS TENDER #WHRMFS23-01 FOR GENERAL INSURANCE AND RISK MANAGEMENT SERVICES TO INTACT PUBLIC ENTITIES INC., IN PARTNERSHIP WITH BROKERLINK INC. MOTION CARRIED UNAMIOUSLY**

d) Windsor Hockey Heritage Change of Grant Request for Decision (9:11 p.m.)

CAO Phillips provided a high-level overview of the report. The Windsor Hockey Heritage Society was approved for a Special Events Grant in the amount of \$1,750 to be used towards the costs associated with hosting the 2024 Long Pond Heritage Classic event. The group requested permission to re-allocate the funding to support the Windsor Hockey Heritage fundraising dinner being held in April 2024.

**MOVED BY COUNCILLORS FRANCIS AND MURLEY THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL APPROVE THE CHANGE OF GRANT REQUEST FOR THE WINDSOR HOCKEY HERITAGE SOCIETY TO ALLOW THEM TO UTILIZE THE PREVIOUSLY APPROVED 2023 MUNICIPAL GRANT FOR THE WINDSOR HOCKEY HERITAGE SOCIETY FUNDRAISING DINNER TO BE HELD IN APRIL 2024. MOTION CARRIED UNANIMOUSLY**

**12. Public Participation (9:11 p.m.)**

Resident Andrea Lynn expressed appreciation to Councillor Ivey for bringing awareness of the costs to the Zwicker Lake Committee and residents related to damages and attempting to right the wrongdoing. It was expressed that money could not replace the actions that were done illegally, it was hoped these types of activities would cease in the region and Council would have a greater discussion about such matters.

**13. In-Camera (9:13 p.m.)**

- a) 2024-01-09 Committee of the Whole Minutes
- b) MGA 22 (a) Land Matter
- c) MGA 22(a) Legal Matter (five (5) matters)
- d) MGA 22(2)(a) Personnel Matter

**MOVED BY MAYOR ZEBIAN AND COUNCILLOR FRANCIS THAT THE MEETING MOVE IN-CAMERA AT 9:13 P.M. MOTION CARRIED**

**MOVED BY COUNCILLORS MURLEY AND FRANCIS THAT THE MEETING MOVE OUT OF IN-CAMERA AT 11:10 P.M. MOTION CARRIED**

**MOVED BY COUNCILLORS MURLEY AND FRANCIS THAT COMMITTEE OF THE WHOLE RECOMMENDS COUNCIL DIRECT STAFF TO NEGOTIATE WITH THE OWNERS OF PID 45054707 REGARDING THE PURCHASE OF A PORTION OF THAT PROPERTY AS DIRECTED IN-CAMERA. MOTION CARRIED. Nays: Ivey**

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COMMITTEE OF THE WHOLE RECOMMENDS TO COUNCIL THAT THE CAO BE DIRECTED TO ENGAGE STAFF TO SECURE COPIES OF THE EXPENSES INCURRED BY THE ZWICKER LAKE RESIDENTS IN THE WORK UNDERTAKEN FOR THE JUDICIAL REVIEW BY THEIR LAWYERS AND CONSULTANTS, FOR REIMBURSEMENT OF THEIR COSTS ESTIMATED TO BE CIRCA \$21,000. MOTION DEFEATED. Nays: B. Morton, Francis, Murley, Zebian, Jannasch and P. Morton

Discussion occurred prior to the vote.

- Support was voiced for residents of Zwicker lake; however, the consensus was the motion could not be supported at this time as no formal request has been received. There was value in following the process and once a formal request has been received, Council would look at supporting the residents at that time.
- A point was made that residents have had to submit many items/information during the course of the file and should not have to submit or make further requests to address the matter.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COMMITTEE OF THE WHOLE RECOMMENDS TO COUNCIL THAT THE CAO BE DIRECTED TO ENGAGE STAFF TO PROVIDE COUNCIL WITH THE WHRM FILE OF LEGAL CORRESPONDENCE (FOR A FUTURE IN-CAMERA REVIEW) RELATING TO THE ZWICKER LAKE LAND USE ISSUE REGARDING PERMIT D2023-019. MOTION DEFEATED. Nays: B. Morton, Francis, Murley, Zebian, Jannasch and P. Morton

Discussion occurred prior to the vote.

- Consensus was the information requested has been provided through the public submissions/judicial review process and through previous in-camera discussions.

**14. Next Meeting Date / Adjournment** – Next regular meeting will be February 27, 2024 Council meeting at 6 p.m.

**MOVED BY COUNCILLORS M. MCLEAN AND SHERMAN THAT THE MEETING ADJOURN AT 11:15 P.M. MOTION CARRIED**

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Deputy Mayor Paul Morton

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Deanna Snair, Municipal Clerk