

**WEST HANTS REGIONAL MUNICIPALITY**

**Special Council Meeting Agenda**

**July 31, 2023 – 6 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. Announcements
4. Approval of the Agenda
5. Declaration(s) of Conflict of Interest
6. Unfinished Business/Postponed Motions
  - a) Proclamation Request from the West Hants Historical Society
  - b) Committee of the Whole Excerpts (July 11, 2023)
    - i. Development Officer Appointment
    - ii. WHRMPW23-06 Purchase of two (2) 1 Ton Trucks
7. New Business
  - i. Albert Street Reconstruction WHRMPW22-06 – Additional Contingency Request – Recommendation Report – Manager Carrigan
  - ii. Temporary Borrowing Resolution Recommendation Report – Manager Gibson
  - iii. Old Parish Cemetery Wall Construction – Additional Contingency Request – Request Report – Director Kehoe
8. In-camera
  - a) MGA 22(2)(a) Land Matter
  - b) MGA 22(2)(a) Personnel Matter
9. Next Meeting Date / Adjournment

## WEST HANTS REGIONAL MUNICIPALITY

### Special Council Meeting Minutes

July 31, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



**West Hants**  
something inspiring awaits

1. Call to Order - Mayor Zebian called the meeting to order at 6:00 p.m.

2. Attendance

Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

John Smith, Councillor, District 9

Laurie Murley, Councillor, District 10 (6:19pm)

Jim Ivey, Councillor, District 11

Regrets:

Ed Sherman, Councillor, District 7

Staff:

Mark Phillips, Chief Administrative Officer

Todd Richard, Dir. Public Works

Deanna Snair, Municipal Clerk

Regrets:

Shelleena Thornton, Mun. Admin Supervisor

Kathy Kehoe, Dir. Community Development

Sara Poirier, Dir. Planning & Development

No Presenters/Public were in attendance. Sixteen (16) participated virtually.

3. Announcements (6:01 p.m.)

Mayor Zebian acknowledged that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality also recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.

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

Voting occurred by a show of hands.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS  
THAT THE 2023-07-31 SPECIAL COUNCIL AGENDA BE APPROVED.  
MOTION CARRIED**

5. Declaration of Conflict of Interest (6:02 pm) - None

6. Unfinished business/Postponed Motions (6:02 p.m.)

a) Proclamation Request from the West Hants Historical Society

Councillor Ivey read aloud the proclamation request made by the West Hants Historical Society to declare September 25<sup>th</sup> as West Hants Historical Society Day. Voting occurred by a show of hands.

**MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT THE WEST HANTS REGIONAL MUNICIPALITY PROCLAIMS AND DECLARES THAT MONDAY, SEPTEMBER 25, 2023 SHALL BE KNOWN AS WEST HANTS HISTORICAL SOCIETY DAY. MOTION CARRIED**

b) Committee of the Whole Excerpts (July 11, 2023)

i. Development Officer (DO) Appointment (6:04 p.m.)

Discussion Points:

- Certification is not a requirement to be appointed as a DO. There are many Municipalities that have DO's who are not certified. Mr. Burns is working towards certification.
- There was confidence in his abilities to handle this role.
- Mr. Burn's is currently appointed interim DO when Doug (Senior DO) is away. Fully appointing him was seen as a natural progression.
- DO's are active in most files and work in collaboration. Mr. Burns is acting as a DO under Doug's supervision. The number of files he had worked independently on was unknown.
- Currently WHRM has a senior DO, with another person looking to move into a DO role and a third person working through the process to become a DO (they are currently working as a Development Technician).
- Appointing him now, rather than waiting, was due to confidence in his ability to manage the role (based on the files he has managed to date) and the high number of files (applications) in the Planning Department.
- Much of the work done by the DO was speaking with interested developers/parties and providing information (tire kickers). Mr. Burns can assist with managing some of this load.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPOINT CHRISTOPHER BURNS AS DEVELOPMENT OFFICER EFFECTIVE JULY 25, 2023 IN ACCORDANCE WITH SECTION 243 OF THE MUNICIPAL GOVERNMENT ACT. MOTION CARRIED.** Nays: S. McLean, M. McLean and Ivey

ii. WHRMPW23-06 Purchase of two (2) 1 Ton Trucks (6:10 p.m.)

Discussion Points:

- The tender document had a requirement for local service (within 50 km of the Public Works depo), some thoughts were that this requirement may have impacted/limited bidders. Past tenders (without the clause) did not receive interested bidders from the city, which led to the belief that the requirement had little impact on the number of tenders received.
- Over the past years staff have seen there has been little interest in bidding on vehicle tenders.
- It was unknown if the local service clause (within 50 km) was included in past tenders. It was identified this was not needed as there were certified Red Seal mechanics on site that do the majority of work needed. Warranty work would be the only service that needed to be done.
- The trucks would be replacing two within the current fleet.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THE AWARD OF TENDER FOR THE PURCHASE OF TWO 1 TON TRUCKS, UPFITTED AS TENDERED (WHRMPW23-06) FROM POTHIER MOTORS LTD FOR THE TENDERED PRICE OF \$105,744.22, AND \$130,642.92 PLUS APPLICABLE TAXES LESS TRADE IN VALUES OF \$45,000. MOTION CARRIED.**

7. New Business (6:15 p.m.)

- i. Albert Street Reconstruction WHRMPW22-06 Additional Contingency Request Recommendation Report (6:15 p.m.)

Director Richard reviewed the report highlighting that on June 22, 2023 work had started at the intersection of Albert Street and Wiley Avenue. On June 23, 2023, the contractor started to encounter rock (gypsum/limestone), along with unsuitable (wet/organic) materials that required excavation and removal and then replacement with new clean clear stone materials. Staff do not believe the preapproved project contingency will be sufficient to complete the project and are recommending additional project contingency approval of 15% (\$159,588), to cover additional costs for excavation, rock breaking and additional geotechnical inspection that are anticipated over the remainder of the project in August and September.

Discussion Points:

- Original geotechnical was done by WHRM in the design phase. Limited bore holes were done resulting in no encounters with excessive gypsum.
- Originally it was anticipated that rock breaking would take 6-9 days, but it has since been limited to 3 days.
- The additional contingency was felt to be needed (as a cushion). If the contingency was not needed it would not be spent.
- Areas where gypsum seams are discovered are logged in the Asset Management Software. All the geotechnical results are logged from Capital projects.
- Karst topography is sometimes added as a line item in tenders in case contractors hit other factors.

- A different design engineer consultant was used on this project and staff missed adding the Karst topography line item in the budget/tender resulting in the need for additional funding.
- Karst topography only included removal of the materials. Rock breaking would have been an extra cost. Moving forward in areas where gypsum may be expected a line item will be added for Karst topography and rock breaking.
- The contractor used his own equipment (smaller excavator) resulting in the project being delayed, extra signage and extra fill resulting in \$15,000 of the contingency already being used. A change order was issued which resulted in a lump sum price per day and the contractor advised at the time that it would be a 6–9-day time frame to complete the work. However, the work was completed in 3 days.
- There was concern that 15% contingency of the total project was too high.

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVE AN ADDITIONAL 15% CONTINGENCY FUNDING OF \$159,588 FOR REMOVAL OF ROCK AND UNSUITABLE MATERIALS ENCOUNTERED ON THE ALBERT STREET WINDSOR SERVICES & STREET RENEWAL CAPITAL PROJECT, ALLOCATED FOR GARY PARKER EXCAVATING LIMITED AND HARBOURSIDE ENGINEERING. MOTION CARRIED.** Nays: Jannasch, M. McLean, Hartt and Ivey.

- ii. Temporary Borrowing Resolutions (TBR) Recommendation Report (6:25p.m.)  
 Director Rochon reviewed the report highlighting that a temporary borrowing resolution was a required step to obtain borrowing for completed Capital projects previously approved by Council. As of July 17, 2023 the three projects before Council were complete and the deadline to apply was September 29, 2023. Ministerial approval is required and can take up to a month to receive. A pre-resolution will be brought back to Council in September to make the official application. All three items have been included in the 2023-24 Capital and Operating budget resulting are no impacts on the budget.

Discussion Points:

- Temporary borrowing resolutions were done when a project was approved in case borrowing was required and are only good for a one-year period resulting in the need to renew the resolution.
- Currently the project has been completed and WHRM is at the stage to submit an application for borrowing, resulting in the need to have an up-to-date TBR.

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES THE RENEWAL OF A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT OF \$680,579.65 FOR THE HIGHLAND AND CHURCHILL ROAD REHABILITATION PROJECT. MOTION CARRIED.** Nays: S. McLean

**MOVED BY COUNCILLORS FRANCIS AND MURLEY THAT COUNCIL APPROVES A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT**

**OF \$53,621.91, FOR THE PURCHASE OF BFD STATION 1 EXTRICATION TOOLS. MOTION CARRIED.**

**MOVED BY COUNCILLORS FRANCIS AND MUREY THAT COUNCIL APPROVES A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT \$7,750.12, FOR THE PURCHASE OF BFD STATION 1 & 2 RADIOS. MOTION CARRIED**

- iii. Old Parish Cemetery Wall Construction – Additional Contingency Request (6:30 p.m.)  
CAO Phillips reviewed the report highlighting the need for additional funding. In August 2022 Council approved upgrades to the Old Parish Cemetery existing cemetery stone retaining wall. Communities, Culture, Tourism & Heritage (CCTH) are responsible for stewarding the Cemeteries & Monuments Protection Act, which provides legislation (The Special Places Protection Act) for the protection of all cemeteries in Nova Scotia. Staff were made aware that the work being completed at the Old Parish Cemetery was governed by the Special Places Protection Act and requires archaeological oversight where the possibility exists for encountering human remains while replacing the retaining wall. In addition to this an archaeological resource impact assessment (ARIA) is also required to be conducted by a qualified archaeologist involving site monitoring while ground disturbance activities are being conducted resulting in the need for additional funding in the amount of \$27,796 plus applicable taxes to complete the work.

Discussion Points:

- There were anticipated savings in the overall project resulting in the request being less than the estimate to have the work completed.

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES AN ADDITIONAL 10% IN CONTINGENCY FUNDS FOR THE UPGRADE TO THE EXISTING CEMETERY STONE RETAINING WALL, OLD PARISH CEMETERY IN THE AMOUNT OF \$21,500 PLUS APPLICABLE TAXES TO BE FUNDED THROUGH THE CANADA COMMUNITY BUILDING FUND. MOTION CARRIED. Nays: S. McLean**

8. In-Camera (6:33 p.m.)
- a) MGA 22(2)(a) Land Matter
  - b) MGA 22(2)(a) Personnel Matter

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR M. MCLEAN THAT AT 6:33 P.M. THE MEETING MOVE IN-CAMERA. MOTION CARRIED.**

**MOVED BY DEPUTY P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE OUT OF IN-CAMERA AT 8:00 P.M. MOTION CARRIED.**

The regular meeting resumed at 8:00 p.m.

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS ON THE PURCHASE OF PID 45007762 AS DISCUSSED IN CAMERA. MOTION CARRIED**

16. Next Meeting Date / Adjournment – August 21, 2023, Special Council Meeting.

**MOVED BY COUNCILLORS B. MORTON AND IVEY THAT AT 8:01 P.M. THE MEETING ADJOURN. MOTION CARRIED.**

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Mayor Abraham Zebian (Chair)

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Deanna Snair, Municipal Clerk