

**WEST HANTS REGIONAL MUNICIPALITY**  
**Special Council Meeting Agenda **AMENDED August 22, 2023****  
**August 21, 2023 – 6 p.m.**  
**In-person Sanford Council Chambers, 76 Morison Dr, Windsor, NS**  
**Virtual via Zoom (also FB Livestream)**

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1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda
5. Declaration(s) of Conflict of Interest
6. Public Hearings
  - b) Benjamins Mill Wind Project Development – Planner Dunphy
  - a) 997 Highway 14 Upper Vaughan (PID 45041902) WHLUB Amendment – Planner Dunphy
7. Second Readings
  - b) Benjamins Mill Wind Project Development Agreement – Planner Dunphy
  - a) 997 Highway 14 Upper Vaughan (PID 45041902) WHLUB Amendment – Planner Dunphy
8. New Business
  - a) July 22, 2023, Flood Event, Emergency Management Office (EMO) Recap
  - b) Update on the Motion Re: Cellular Service – Councillor S. McLean
9. In-Camera
  - a) MGA 22(2)(a) Personnel Matter
10. Next Meeting Date / Adjournment

## WEST HANTS REGIONAL MUNICIPALITY

### Special Council Meeting Minutes

August 21, 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

Ed Sherman, Councillor, District 7

John Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Dir. Financial Services

Sara Poirier, Dir. Planning & Development

Deanna Snair, Municipal Clerk

Shelleena Thornton, Mun. Admin Supervisor

Alex Dunphy, Planner

Regrets:

Todd Richard, Dir. Public Works

Kathy Kehoe, Dir. Community Development

Presenters/Public

25 residents in the Gallery including Presenters for the Public Hearings

Meg Morris and Jessica Pittman, Benjamins Mill Wind Project

William (Bill) Clarke and Jessica Tsang, 997 Highway 14, Upper Vaughan

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 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 (6:01 p.m.)

Voting occurred by a show of hands.

Move items up on the agenda:

- Moved Item 6(b) to 6(a), resulting in the item 6(a) being item 6(b).

Added items to the agenda:

- Item 8(b) Update on motion regarding the cellular service letter.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN  
THAT THE 2023-08-21 SPECIAL COUNCIL AGENDA BE APPROVED AS  
AMENDED. MOTION CARRIED**

5. Declaration of Conflict of Interest (6:03 pm)- None

6. Public Hearings and Second Readings (Second reading was held immediately following Public Hearing) (6:03p.m.)

**MOVED BY DEPUTY MAYOR P. MOTON AND COUNCILLOR FRANCIS  
THAT THE MEETING MOVE INTO PUBLIC HEARING AT 6:03 P.M.  
MOTION CARRIED**

The meeting moved into Public Hearing at 6:03 p.m. and Second Reading followed immediately after. Further information on the Public Hearing is available in the 2023-08-21 Public Hearing Minutes.

b) Benjamins Mill Wind Project Development Agreement (DA) - Planner Dunphy

Planner Dunphy reviewed the report. The Public Hearing concluded at 6:50 p.m. and the floor was opened for Council discussion.

Discussion Points:

- The land (including the vacant land identified in the mapping) was owned by one landowner and included within the Development Agreement.
- Under the Environmental Assessment applications, storm water was thought to be covered. Outside of this, no additional notice or request came from the Municipal Public Works Dept. or the Department of Environment and Climate Change. There were no specific requirements within WHRM planning criteria identifying that a storm water plan be developed for wind projects.
- Decommissioning was included in the draft DA and the developer's responsibility. By year ten (10) the decommissioning funds will be in place and the land contract states the developer (Natural Forces) is responsible for decommissioning and all the costs associated with this. Civil designs also look at extensive drainage management, however it was unknown if a storm water management was explored, the developer advised they could look into the matter further.
- Concerns with wells were related to construction/blasting in the area. Provincial requirements state that testing is required if blasting occurs within 800 m of a residential well. The developer (despite being outside the 800 meters) has taken on additional well testing (houses closest to the project and individuals offering to have testing done) prior to the construction phase to have baseline data should any concerns arise. Complaints would trigger any mitigation measures. Investigations would occur and if the developer was found responsible for any damage, they would assume responsibility.
- The developer has committed to operating the project for 25 years with NS Power. Beyond that time, they would like to continue to operate if they are successful in securing another

contract. In addition, the contract with the landowner states if the developer is not operating, they need to decommission the wind turbines.

The Public Hearing concluded at 6:50 p.m.

Second Readings

b) Benjamins Mill Wind Project Development Agreement - Planner Dunphy

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING TO AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW A WIND FARM ON PIDS 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, AND 45060548 WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT A OF THE REPORT #21-18B TO MAYOR ZEBIAN AND MEMBERS OF WEST HANTS REGIONAL MUNICIPALITY COUNCIL DATED AUGUST 21, 2023. MOTION CARRIED.**  
Nays: B. Morton, Sherman. P. Morton, Ivey and Zebian

**MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRE THAT THE DEVELOPMENT AGREEMENT WITH NATURAL FORCES LANDS GP LTD AND ATLANTIC STAR FORESTRY LTD. FOR PIDS 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, AND 45060548 BE SIGNED WITHIN 120 DAYS FROM THE DATE OF FINAL APPROVAL BY COUNCIL OR THE DATE THAT ANY APPEALS HAVE BEEN DISPOSED OF; OTHERWISE THIS APPROVAL WILL BE VOID AND OBLIGATIONS ARISING HEREUNDER SHALL BE AT AN END. MOTION CARRIED.** Nays: B. Morton

The meeting moved into Public Hearing at 6:50 p.m. Second Reading followed. Further information on the Public Hearing is available in the 2023-08-21 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT THE MEETING MOVE INTO PUBLIC HEARING AT 6:50 P.M. MOTION CARRIED**

a) 997 Highway 14, Upper Vaughan – Planner Dunphy (6:50 p.m.)

The meeting moved into Public Hearing at 6:50 p.m. Second Reading followed. Further information on the Public Hearing is available in the 2023-08-21 Public Hearing Minutes.

Planner Dunphy reviewed the report. The Public Hearing concluded at 7:28 p.m. and the floor was opened for Council discussion.

Discussion Points:

- As written, the Planning documents only permit rezoning to Industrial. In order to be considered under a DA, the Municipal Planning Strategy would need to be amended and that process would take over a year.

- Enforcement was an operational matter. The municipality has a responsibility to enforce compliance. Pending what Council decides a more direct approach would be taken re: compliance.
- Timing was seen as an issue; it was important to get a resolution to this matter as quickly as possible.
- It was reiterated that the opinion of every resident was valued. Although it may be hard to hear comments, the purpose of a Public Hearing was to provide a platform for residents to speak their opinions.
- There are safety concerns with this application.
- The motion was in the affirmative, however staff were not recommending in favour of the application.

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING SCHEDULE A OF THE WEST HANTS LAND USE BY-LAW TO REZONE 997 HIGHWAY 14, UPPER VAUGHAN (PID 45041902) FROM THE GENERAL RESOURCE (GR) ZONE TO THE RESOURCE INDUSTRIAL (M-1) ZONE. MOTION DEFEATED. Nays: Zebian, P. Morton, Smith, Ivey, Jannasch, S. McLean, Hartt, B. Morton, M. McLean, Murley, Sherman and Francis

#### 10. New Business (7:28 p.m.)

a) July 22, 2023, Flood Event, Emergency Management Office (EMO) Recap (7:28 p.m.)  
Municipal Operations Supervisor/EMO Coordinator Thornton provided a high-level summary/overview of the events and response provided during the event on July 22, 2023. The report spoke to the regional weather event (rainfall amounts and flash flooding), areas that were severely impacted, compromised infrastructure, the two hydro dams impacted which resulted in evacuations orders and alerts issued, the significant damages to provincial, municipal, and private properties, the multi-agency response and the missing persons which resulted in four fatalities within the community. A more in-depth account of the event was provided through a detailed summary which spoke to communications amongst all agencies, actions and responses for each day, challenges experienced by all due to poor connectivity, steps that are required to issue an alert as well as the confirmed times that all the alerts were issued and sent.

A break occurred at 8:05 p.m. The meeting resumed at 8:18 p.m.

Municipal Operations Supervisor/ EMO Coordinator Thornton continued the presentation highlighting the resources, supporting agencies and the complexity of the search (39 Fire Departments, 14 Ground Search and Rescue, RCMP, EMO and 14 other supporting agencies assisted).

#### Discussion Points:

- The Starlink was received Wednesday night before the storm and had not been set up and WHRM is still waiting for Nova Comms to activate the satellite phone. WHRM have the devices but continue to wait for the work order to be processed. Public Field Safety Comms were on site with 2 or 3 Starlinks on site.

- Dexter's Construction Ltd. Came on site when the RCMP identified the need to get the water out of the area, they assisted with providing pumps. In addition, they assisted/collaborated to help with
- EHS were on site to respond to emergencies, in addition they also assessed first responders (both physically and mentally) once they had gone through the decontamination process. Mental wellness checks were also done on site through the Fire Departments mental health services. Since the event Fire Departments have held their own debriefings and will have more in the coming days, as well the municipality has arranged for internal staff to access support through the employee assistance program (EAP).

Director Rochon reviewed the financial report which included responsive costs for Saturday, Sunday and Monday during the event, ongoing recovery costs and property damage costs . Once RCMP assumed control of the event most of the costs were associated with them. The municipality was working closely with the Disaster Financial Assistance (DFA) counterparts at the provincial level to determine cost recovery. The document was a living document that was changing based on information provided. Items not covered by insurance would be going through the Disaster Financial Assistance program. Tan engineers report was part of the criteria for this program (this cost was also recoverable). The majority of damage costs were associated with Community Development, specifically within the community parks and trails. In addition to insurance and DFA (which replaces a damaged item with an item of the same quality there was mitigation funding which provided an opportunity to replace an item with an improvement based on an engineer's report.

#### Discussion Points:

- Damage estimates and response costs have been received from all internal Fire Departments; any changes should not have any impact on the municipality as this was funded through the Disaster Financial Assistance Program.
- No timeline has been provided to state when claims were required to be submitted. This will be a lengthy process.
- DFA confirmed that insurance deductibles were able to be claimed.
- Director Rochon was working closely with the claim examiner and the municipal insurance broker who was the go between with Intact. The event was categorized as a catastrophic loss, the insurer has preferred vendors they use in these circumstances.
- Ground Search and Rescue (GSAR) claims were done through RCMP. Any response costs associated with GSAR were already captured in the municipal response costs.

Appreciation was expressed to CAO, EMC Thornton and staff, all the First Responders, outside agencies, community groups, neighbours and strangers and families of those responding to the event. As the community begins the healing process, our four community members who were lost during this event will never be forgotten. There will be ongoing opportunities to reflect and/coordinate an event/monument/tribute for those community members who were lost and to recognize and properly thank those who responded to our call for help.

There are always areas where improvements can be made, and the province also recognizes improvements need to be made. An area of concern is the alert system and ensuring that steps are taken to address these concerns and making sure that alerts are responded to accordingly. In

addition, cell service is another topic of concern within the province. Mayor Zebian spoke to the Deputy Prime Minister visit to the area and visiting the hardest hit/most impacted areas and highlighted the lack of cell service to her.

b) Update on the motion regarding Cellular Coverage (9:01 p.m.)

Councillor S. McLean requested an update on Council’s motion to send a letter of concern regarding the poor cellular service. Clerk Snair advised the letter was mailed on August 9, 2023 to the Canadian Radio-television and Telecommunications Commission (CTRC) and Innovation, Science and Economic Development Canada as per the suggestion from the Provincial Coordination Centre

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR JANNASCH  
THAT THE MEETING MOVE IN-CAMERA AT 9:04 P.M. MOTION CARRIED.**

11. In-Camera (9:04 p.m.)

a) MGA 22(2)(a) Personnel Matter

17. Next Meeting Date / Adjournment – September 11<sup>th</sup>, 2023, Special Council Meeting.

**MOVED BY COUNCILLORS FRANCIS AND DEPUTY MAYOR P. MORTON  
THAT AT 10:58 P.M. THE MEETING ADJOURN. MOTION CARRIED.**

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Mayor Abraham Zebian (Chair)

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Deanna Snair, Municipal Clerk