

**WEST HANTS REGIONAL MUNICIPALITY**

**Special Council Meeting Agenda**

**August 28, 2024 – 6 p.m.**

**(also held via virtual via Zoom and Facebook livestreamed)**

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. New Business
  - a) Property Tax Assistance Policy Communication – Councillor Murley
  - b) South West Hants Fire Society – Mayor Zebian
  - c) Stormwater and Sewer System Information Request – Councillor Ivey
  - d) Windsor Back Road Flooding – Councillor Francis
7. In-Camera
  - a) MGA 22(2)(a) Legal Matter
  - b) MGA 22(2)(a) Legal Matter
8. Next Meeting Date / Adjournment

**WEST HANTS REGIONAL MUNICIPALITY**

**Special Council Meeting Minutes **AMENDED** October 4, 2024**

August 28, 2024 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS Virtually via Zoom (also Facebook Livestreamed)



**West Hants**  
something inspiring awaits

1. As Call to Order – Deputy Mayor P. Morton called the meeting to order at 6:05 p.m.

2. Attendance

Council:

Abraham Zebian, Mayor (7:14 p.m.)  
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  
Todd Richard, Dir. Public Works

Deanna Snair, Municipal Clerk

Regrets:

Shelleena Thornton, Municipal Ops Supervisor  
Carlee Rochon, Director of Financial Services  
Kathy Kehoe, Director Community  
Sara Poirier, Dir. Planning & Development

Presenter and Gallery

10 in the Gallery

3. Announcements (6:05 p.m.)

Mayor Zebian acknowledged West Hants Regional Municipality is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. This land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality recognizes 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.

A reminder of the breakfast being held at the Belmont Hall September 7, 2024 from 7:30 -10:00 a.m.

A reminder of the Stanley Fly-in weekend starting August 30, 2024. There will be a breakfast held on Saturday at 7:00 a.m. and a candy drop scheduled for 3 p.m.

4. Approval of the Agenda, including additions or deletions (6:05 p.m.)

Voting occurred by a show of hands.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN  
THAT THE 2024-08-28 SPECIAL COUNCIL AGENDA BE APPROVED.  
MOTION CARRIED**

5. Declaration of Conflict of Interest – None

6. New Business (6:08 p.m.)

a) Property Tax Assistance Policy Communication (6:08 p.m.)

Councillor Murley reviewed the report noting residents have expressed concern that they did not receive notice of the Property Tax Assistance Application and the deadline. Residents voiced that last year the notice was provided in their tax bills, and they thought the same would occur this year. Residents also expressed they did not receive the Mayor’s Newsletter (which contained a reminder) and that some residents are not active on social media, which was where the information was posted (website and social media).

Concern was raised the deadline has passed and residents who may have been eligible for the rebate were not able to apply.

The report outlined past communication tools used to inform residents of the rebate and noted that deadlines for past rebates have been inconsistent (there have been five different dates since consolidation) which results in confusion for residents.

Discussion Points:

- Concern was voiced there was no mechanism in place to contact residents who have inquired about the rebate but were told the deadline had passed.
- There were challenges with using October 31, 2024 as a deadline moving forward as the policy states that taxes must be paid in full in order to receive the rebate ; and taxes were due September 1.
- Concern was voiced about how the rebate was being applied, residents have voiced that if they received the \$400 rebate last year; they were only able to receive half of the \$400 rebate for 2024 (because they received \$400 in 2023, this amount was subtracted from the tax bill and the new amount was used when calculating their rebate eligibility amount for 2024). The intent of the policy was to provide a \$400 rebate to all residents who qualified.
- CAO will need to get clarity with the Finance Department to see how the rebate was being calculated and applied. Clarity was needed around the application, potential policy change and extension date.
- The policy does not state that residents would only be eligible for half of the rebate if they received the rebate in the previous year.
- The best way to get rebate information to all residents was to include it in their tax bill each year.
- There was value in finding a way to issue credits or any interest accrued back to residents who would qualify.
- There was value in having the application available earlier (April 1) to ensure ample time to apply and that any credit was applied to a tax bill prior to being sent to residents.
- Concern was raised that if the deadline for rebate applications was extended to October 31 and residents were successful in receiving the application, holding the \$400 as a credit

on the account was not benefiting the resident; they needed the money. The money should not be held as a credit in the account, it should be paid back to the resident.

- There was value in moving forward with the October 31, 2024 deadline for this year and then moving forward that strong communications to residents that all applications need to be submitted before September 1<sup>st</sup>.
- Communications about the deadline extension could be done through the Newsletter (the deadline for October was September 6<sup>th</sup> and it was estimated it would be in mailboxes between September 30-October 4<sup>th</sup>).
- There were mechanisms to deal with interest charges when an error occurs.
- If there was no policy in place to only issue a credit on an account, it would be easy to provide the credit on tax accounts to residents in a cheque.
- More decision/clarity was needed around the policy.

**MOVED BY COUNCILLORS MURLEY AND FRANCIS THAT COUNCIL DIRECT STAFF TO EXTEND THE PROPERTY TAX ASSISTANCE APPLICATION DEADLINE DATE TO OCTOBER 31ST AND DIRECT STAFF TO ENSURE THE EXTENSION DATE IS COMMUNICATED EFFECTIVELY TO RESIDENTS IN WEST HANTS. MOTION CARRIED**

CAO will provide an update via email on the matter.

Mayor Zebian stepped down from the chair and Deputy Mayor P. Morton assumed the chair at 6:38 p.m.

b) South West Hants Fire Society (6:38 p.m.)

Mayor Zebian reviewed the report highlighting the South West Hants Fire Society (SWHF Society) identified they had a shortfall of \$903.00 in the budget that was submitted. submitted budget for the 2024/25 budget cycle. It was believed the shortfall was due to a misunderstanding of the request submitted by the Society.

Discussion Points:

- The Society identified the previous amount (\$8900.00) was accounted for within different line items in the budget (Fire Operating under equipment); it should have been noted under the Society's side of the budget. The Society confirmed the only shortfall remaining was for \$903.00.

**MOVED BY MAYOR ZEBIAN AND COUNCILLOR SHERMAN THAT COUNCIL APPROVE AN ADDITIONAL \$903.00 TO THE SOUTH WEST HANTS FIRE SOCIETY BUDGET FOR THEIR 2024/25 BUDGET TO BE FUNDED FROM THE OPERATING RESERVE. MOTION CARRIED**

Mayor Zebian assumed the chair at 6:41 p.m.

c) Stormwater and Sewer System Information Request (6:41 p.m.)

CAO advised Council that a legal perspective regarding the matter had been provided by the solicitor that may be valuable in hearing prior to discussions on the matter occur.

Councillor Ivey noted most of the questions within the report have been asked over the past three (3) years, with broad responses provided that did not fully answer the questions.

The report noted over the last three years many discussions on the stormwater and sewer systems within Windsor and West Hants have occurred and although a lot of information has been shared, questions remain. The majority of the focus has been on the complex pipe network throughout the system, but little discussion has occurred on the main trunk system along the waterfront area (Pump Stn 1 and Pump Stn 7) and the capacity of the treatment plant and the ability the handle what was sent to it. There was value in knowing of everything was getting to the final deposit point and of not where was it starting to back up from.

It was noted the 500 mm pipe along the waterfront was incorrect, the correct size was 1500mm. and corrected that the pipe

**MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVE THE AMENDED REPORT BE ATTACHED TO THE 2024-08-28 SPECIAL COUNCIL AGENDA PACKAGE. MOTION CARRIED**

The report outlined specific questions regarding the lift station, the treatment pant capacity and pump capacity.

CAO advised he had comments from the solicitor on the matter. Council could choose to entertain the comments by going In-Camera or not choose to hear them. Council were advised the Department Head may not be able to answer all the questions, the request for an Information report which needed Councils endorsement so a report could be provided to Council and Council had yet to provide any direction on the matter.

It was noted the questions have been asked previously; in some fashion since talks on this matter began. There have been many discussions on this matter and several costs ranging in the millions of dollars (unconfirmed) have been talked about. The rationale behind the report was to get to a point to better understand what the real situation was. It was hoped the questions could be answered in the public forum and there was support to have the questions answered.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR S. MCLEAN THAT AT 6:59 P.M. THE MEETING MOVE TO IN-CAMERA. MOTION DEFEATED. Nays: Ivey, Hartt, Smith, B. Morton, S. McLean and M. McLean**

Director Richard noted the majority of the questions would be answered in detail through the Phase 2 Stormwater Study. Data and information (pre and post consolidation) was still being collected and confirmed for this report. The pamphlet used previously by the former Town of Windsor answered most of the questions (pump capacity, lift station and treatment plant capacity).

It was noted the issue was not with the pump capacity, the issue was the carrying capacity of the sewer main in Cunnabel Creek. It was the size, the condition, the age, the slope (in some cases, it was at a negative slope). Water could not get to pump station 1 quick enough.

Discussion Points:

- There was a lot of capacity in the treatment plant built in 2016. If the stormwater was removed, there would be a lot more capacity.
- The main issue was the stormwater and the severity and increase in stormwater flows (over the design capacity).
- The Asset Management system was able to provide tasks and maintenance details.

Director Richard provided responses to the questions asked based on information provided from the pamphlet.

- The average dry weather flow was 1902 cubic metres/day.
- Average daily flow was 7504 cubic metres/day.
- Peak wet weather flow (design capacity of the treatment plant) was 18, 545 cubic meters/day.
- The pump station has four (4) 45 horsepower pumps, each capable of 215 litres/second. There were four pumps, all with the capability of running 1 pump, 2 pumps, 3 pumps or 4 pumps depending on the level in lift station 7.
- As designed the force mains from lift station 7 pump to the treatment plant (it goes through the Headworks (fine screens). If they do get overloaded, there was an internal bypass in the screens that essentially overflow. The overflow does get treated, it goes into the Two-cell Lagoon and was treated through that process as part of the design.
- Usually during large rains, peak solids hit the screens and once the rain comes it gets pretty diluted and runs through the screens. Any bypass or overflow from the screens that enters the lagoons has no negative consequences.
- There were no internal bypasses for the Headworks primary system. There would be effluent that would be unable to be received. Everything that gets pumped from pump station 7 to the treatment plant was treated.
- With respect to pump station 7; shortly after commissioning; two (2) of the pumps failed (seals); these pumps were pulled, and the seals were replaced and then the pumps were put back in. However, it was determined at that time that all four pumps needed to be replaced (brand new pumps) to lessen the potential of the other two (2) pumps leaking. At that time, it was agreed the supplier would replace all four pumps at no cost to the town. In 2019, two (2) of the refurbished pumps were purchased. The four (4) pumps replaced remain in service, and there were two (2) spare pumps (not in service, as there has been no need for them) if needed.
- The location between pump station 7 and the treatment plant was a closed system; forced main. There have been no backups or overflows.
- New lift stations are not allowed to have an overflow. They are designed to current standards. There was no overflow on lift station 7.
- Trunk sewer (1500mm pipe) was inspected recently with a camera. A walk through in the new section was completed. Before it was commissioned, the full length of the pipe was walked to inspect/analyze for any cracks or deficiencies in 2022.

- The term static was not accurate; nothing was static, everything continues to flow. There would always be a flow through the pipe, but there have been several indications that the pipe does become surcharged based on the volume of water coming onto the pipe.
- Currently there were two (2) T10 Gorman-Rupp above ground pump state pumps on a VFD (variable frequency drive) anywhere from 1000-2000 gallons/minute in new condition. A rotating assembly (all the wearable parts) was purchased every year and is replaced every year to maintain the pumps.
- Everything was not pumped from Cunnabel Creek, a lot from the Albert Street system and the Ferry Farm system goes through by gravity. It doesn't get lifted; it gets directed to the 60-inch trunk sewer. Once the water level starts to rise in the lift station; it actually gravity feeds overflows. The issue was water cannot get there quick enough.
- All overflows are reported. This was public information reported to Nova Scotia Environment and Environment Canada.
- As indicated in the Phase 1 study the primary cause for overflow at pump station 1 were the high precipitation events that overwhelm the design capacity of the system.
- All maintenance information was available on OMS and could be provided at a later date.
- Cunnabel Creek has been video inspected and cleaned several times, and due to be done again in December of 2024.

Follow up questions/comments:

- It was clarified when the term static was used referencing sanitary or stormwater flows was incorrect. The term "static" was related to water system pressures. Static reference "still, not moving. "Dynamic" meaning the water was flowing. A static pressure reading would be against a closed valve, a dynamic pressure reading would be as the water was flowing. Surge was when the pipe was at full capacity. Over surcharged was when it was bubbling up through the manholes in the streets.
- At times the 1500mm trunk between lift station 1 and lift station 7 was full in areas. It was at a slope. During heavy events when lift station 7
- When the pipe was full between pump station 1 and pump station 7 and all four pumps were working at pump station 7, stormwater overflows in Lake Pisiquid. If there was no overflow the water would have to go somewhere resulting in stormwater bubbling up into street through manholes connected to that system.
- Water from the overflow was coming from Cunnabel Creel, Albert Street, Fairy Farm, all of the downtown. 70% of the former Town of Windsor was that system.
- It was determined through the Phase 1 and part of the Phase 2 that the analysis is that no matter how large of a pump that was placed at the waterfront; the water can't get to the area fast enough. It was estimated twenty (2) portable pumps at the front of Stannus Street were needed just to maintain any overflows in Cunnabel Creek. Cunnabel Creek would still be surcharges due to the size of the pipe, it was not big enough. The critical short-term solution was to redirect a separate storm system for that area.
- Flooding would still occur in the Stannus/Gray Street are no matter how large of a pump was in lift station 1 because the stormwater can't get there quick enough.
- Concern was raised that the back up was occurring at lift station 1 and backwards as it was within the system itself.

- Once the system was surcharged, it was essentially an open pipe (open at the top). Once it was full, it was full, and the only outlet was the CSO into Lake Pisiquid.
- Once the 60-inch pipe was full, it was surcharged.
- There was value in determining the volume of water going from the submersible pumps beneath the pool in Elmcroft. Was this water going into the storm system?
- There were no accounts of the system being clogged to a point where they were not able to be effectively cleaned out by a vac truck. Video footage shows the pipe being on good shape, although there are low spots and areas where there were negative slopes. The pipe does have an overall low slope to it due to the grade between Elmcroft Park and Lift Station 1
- Cunnabel Creek from Elmcroft to the Curling Club was a concrete pipe in fairly good condition (mid 70's). The other piece from the Curling Club back parking lot through to the waterfront was a wooden box culvert lined with corrugated steel pipe that was in poor condition and there were restrictions based on the condition of the corrugated steel pipe and has been identified for replacement, but it needs to be determined what is being done about stormwater separating before proceeding with replacement of this pipe.
- There were a few factors identified that added to the restrictions (the negative slope holding water back, sedimentation building up) and essentially it was the age, condition and the volume of water that was trying to be forced down the pipe.

**MOVED BY COUNCILLORS IVEY AND HARTT THAT COUNCIL DIRECT STAFF TO RESPOND TO THE QUESTIONS RAISED IN THE REPORT AND INCLUDE THE BROCHURE WITH THE REPORT BY THE SEPTEMBER 10TH COMMITTEE OF THE WHOLE MEETING. MOTION CARRIED**

d) Windsor Back Road Flooding Information Report (7:29 p.m.)

Councillor Francis reviewed the report highlighting that residents on the Windsor Back Road have recently reported flooding concerns they experienced the last several rain events. It has been determined the flooding was contributed from a nearby development. WHRM Public Works have engaged the consulting firm, Design Point. They are reviewing the development's original Stormwater Management Plan to determine if it was adequate for current day standards.

Director Richard advised Design Point did complete a site visit and provided a price proposal to review; WHRM issued a purchase order (PO) to them to do the work to identify any deficiencies. WHRM has also collaborated with Nova Scotia Department of Public Works as it also involves them once water hits the Back Road. Nova Scotia Department of Public Works has been in contact with the property owner as well to see what can be done to improve the situation.

It was noted the homeowners have been told by the Nova Scotia Department of Public Works the suggested improvements to a culvert in the areas would not be addressed until next June.

Director Richard advised that since the new Municipal Specifications have been approved, stormwater management ponds were inspected by stormwater engineers prior to ownership of the pond being taken over by the municipality. Any deficiencies identified would be captured in holdbacks or bonding's and be corrected. Once WHRM assumed ownership of a stormwater pond, it became WHRM's responsibility to look after it.

With respect to this development there was no real stormwater holding pond except for some the presence of berms and ditches; this was what staff were exploring. It was noted this development transpired over consolidation, it was in progress before consolidation and after consolidation and there were different standards at that time. Staff were ensuring the developer has done what they committed to do at that time. It was also noted that the developer has since changed hands. Staff do revisit stormwater management plans to ensure they are up to the current stands.

Most of the time WHRM takes over ownership and maintenance of stormwater ponds, future developments may also be able to use that stormwater management system and there is a level of control over when the pond gets maintenance. This was the similar practice to taken over ownership of a street, watermain, sanitary or storm system.

During the development phase (prior to having an approved Development Agreement), any concerns with sedimentation control are under the jurisdiction of the NS Department of Environment and Climate Change; the developer needs to meet the standards for compliance.

WHRM was trying to hold the developer accountable for what they originally agreed to do.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS  
THAT THE MEETING MOVE IN-CAMERA AT 7:37 P.M. MOTION CARRIED**

7. In-Camera (7:37 p.m.)
  - a) MGA 22(2)(a) Legal Matter
  - b) MGA 22(2)(a) Legal Matter

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR B. MORTON  
THAT THE MEETING MOVE OUT OF IN-CAMERA AT 8:19 P.M. MOTION  
CARRIED**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS  
THAT THE MEETING ADJOURN AT 8:19 P.M. MOTION CARRIED**

8. Next Meeting Date/Adjournment - Next regular meeting will be September 10, 2024 Committee of the Whole meeting at 6 p.m.

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Mayor Abraham Zebian (Chair)

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Deanna Snair, Municipal Clerk