

WEST HANTS REGIONAL MUNICIPALITY
Fences and Arbitration Committee Meeting Agenda - **AMENDED**
September 28, 2022 - 12:00 p.m.
Held via Zoom



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1. Call to Order
 2. Attendance
 3. Approval of the Agenda, including additions or deletions
 4. Fencing Complaint WHRM22-01 – PID 45018645
 - a) Reviewed the fencing complaint received on September 26, 2022, against PID 45018645
 - b) **Response from the Property Owner**
 - c) Next Steps/Actions resulting from the discussion/meeting
 5. Next Meeting Date / Adjournment
 6. Adjournment

WEST HANTS REGIONAL MUNICIPALITY
Fences and Arbitration
September 28, 2022 - 12:00 p.m.
Held in person at 76 Morison Council Chambers



Fencing Complaint WHRM22-01 – PID 45018645

On September 26, 2022, West Hants Regional Municipal By-Law officers received a phone advising that cattle were on the road near 10pm last evening and a vehicle nearly collided with it. RCMP were called as the driver was shaken up. A second resident also complained that they also contacted Department of Agriculture (DOA) and was advised that this was a Municipal issue.

1. Call to order

Chair Jannasch called the meeting to order at 12:01 pm

2. Attendance

Rupert Jannasch, Chair, Councillor, District 1

Mark Phillips, Chief Administrative Officer

Deanna Snair, Municipal Clerk

Tim Leslie, Manager of Building and Fire Inspections Services

Ryan Parker, By-Law Enforcement Officer

Shawn Levy, By-Law Enforcement Officer

Tim Marsh, Nova Scotia Federation of Agriculture

Harold Morash, Property owner

Regrets

Roj Khomayezi, Acting District Manager Meat Inspections and Farm Animal Welfare Inspections and Compliance & Enforcement Division

**3. Approval of the Agenda, including additions or deletions
MOVED BY TIM MARSH AND TIM LESLIE THAT THE AGENDA BE APPROVED
WITH THE FOLLOWING AMENDMENTS: ITEM 4(b) PROPERTY OWNERS
RESPONSE AND ITEM 4(c) ACTION NEXT STEPS AS A RESULT OF THE COMPLAINT/
DISCUSSION. MOTION CARRIED**

4. Fencing and Arbitration Complaint WHRM 22-01, PID 45018645

a) By-Law Enforcement Officer reviewed the fencing complaint received on September 26, 2022, against PID 45018645, which advised that cattle were on the road near 10 p.m. the night before and a vehicle nearly collided with it. The RCMP were notified of the event as the driver was shaken up. A second resident also made an in-person complaint advising that they had contacted the Department of Agriculture and was advised that this is a Municipal Issue. Mr. Morash was advised of the Committee meeting in person and via a phone conversation.

By-Law Enforcement Officer Parker reviewed his findings of a site visit and provided pictures and a video of the area behind the Petro Can, off Wentworth Road where fresh cattle tracks and feces were visible on the treatment plant access road. The tracks and feces were within 30-40 feet of highway 101. The track and feces continued on the access road until just before the Petro Can. There are five (5) cattle that the property owner admits to owning.

By-Law Enforcement Officer Parker reviewed the fencing options for the committee to consider, noting that timing is crucial:

- **Option 1- Page wire fence with a 10' gate = \$12500**
- **Option 2- Barb wire fence, 4 strands, with 10' gate = \$ 7500**
- **Option 3- Electric wire, 4 strands, and solar fence charger with 10' gate = \$6250**

A quote of **\$30495** plus HST to supply just the labor to build the fence.

CAO Phillips acknowledged the order in place that bans the property owner from owning livestock for ten (10) years. This discussion was about fencing and the requirement to have fencing in place for public safety. There are public safety concerns related to the cattle's proximity to the highway and road.

The Municipality would like to work with the property owner to ensure a secure fencing option is in place for the cattle. This needs to happen sooner rather than later, compassion is less due to this being a repeat offence. If a secure fence is not in place, the municipality will need to take action and have the area fenced which results in the property owner being issued a bill for the cost incurred.

Steps identified were:

- Inspect/ assess current state of fencing in place
- Determine areas that require improvement
- Determine whether the work can be performed by Mr. Morash, the property owner would be able to complete the repairs or upgrades
- Agree on a plan of action
- Execute the agreed upon plan
- Follow up and perform check ins. If nothing is done the municipality will be required to

b) Mr. Morash, the property owner was provided an opportunity to speak to the complaint, advising the following:

- Has never seen cattle out, but no doubt they were. Young animals are like younger folk, they like to roam. Sometimes animals go where they want to go, and nothing will stop them. It's not an issue of not having food, he has short feed that he provides. They are his cattle and he looks after them.
- Hasn't seen tracks, except once, but thinks he knows where they may be headed.
- Has two (2) brand new fences and planning to cover one end with an electric fence.
- The grass and the weeds growing around the fence shorted his electric fence out.
- The property owner plans to do repairs, some of the fence is only putting out 7000-8000 volts. He has work to do with plans to replace the wires and insulators but needs assistance with a machine to cut the rebar (reinforcing bar).

Hoping to borrow a machine to do the cutting but he will do all the work.

- The people who put the ditches in should be responsible to put up a fence to protect the animals from getting in the ditch and potentially dying.

c) Next Steps/Actions resulting from the discussion/meeting

The Municipality advised the property owner that the fencing structure would need to be inspected. The property owner advised that he still has work to be done and is getting pricing on rebar from Home Hardware.

By-Law Enforcement Officers Ryan Parker and Shawn Levy will meet with Mr. Morash, the property owner at 2:30 this afternoon (September 28, 2022) who will assist them in walking the property lines to complete a site assessment:

- **Inspect/ assess current state of fencing in place**
- **Determine areas that require improvement**
- **Determine whether the work can be performed by Mr. Morash, the property owner would be able to complete the repairs or upgrades.**

Once a site assessment has been completed, the By-Law Enforcement Officers will provide an update to the committee via email (including pictures and/or videos) with respects to the condition of the fence, areas requiring improvement and a decision on if it is felt that the property owned has the ability to complete the work required. The committee will review the information and determine if an in person meeting is required or a resolution can be completed through email correspondence.

5. Next Meeting Date / Adjournment

The next meeting of the Fences and Arbitration Committee will be determined at a later date pending the outcome of an inspection completed by the West Hnats Regional Municipality By-Law Enforcement Officers.

6. THE COMMITTEE AGREED TO ADJOURN.

The meeting ended at 12:40 p.m.

Chair Rupert Jannasch