

WEST HANTS REGIONAL MUNICIPALITY
Fences and Arbitration Committee Meeting Agenda
August 14, 2024 – 10:00 a.m.
Held in person and via phone conference
Council Chambers at 76 Morison Drive and via ZOOM



1. Call to Order
2. Attendance
3. Approval of the Agenda, including additions or deletions
4. Fencing Complaint WHRM24-01 – PID 45018645 - Status Update
 - a) By Law Enforcement, Ryan Parker (updated report and / or photos)
5. Chief Administrative Officer, Mark Phillips Update/Order
6. Next Meeting Date / Adjournment

1. Call to order

Tim Marsh called the meeting to order at 10:04 a.m.

2. Attendance

Scott McLean, Chair, Councillor, District 2 (via phone)

Tim Marsh, Nova Scotia Federation of Agriculture

Mark Phillips, Chief Administrative Officer

Deanna Snair, Municipal Clerk

Shawn Levy, By-Law Enforcement Officer

Ryan Parker, By-Law Enforcement Officer

Sara Poirier, Director Planning and Development

Tim Leslie, Manager of Building and Fire Inspection Services

3. Approval of the Agenda, including additions or deletions

THE COMMITTEE APPROVED THE AGENDA AS PRESENTED.

4. Fencing and Arbitration Complaint WHRM 24-01, PID 45018645 (Harold Morash ongoing compliant)

By-Law Officer Parker provided a brief update. Staff continue to receive complaints that the cattle are getting out. By-Law Officers were on site yesterday to inspect the area. It appeared the electric fence noted to be down at the last meeting was now up and in place. The meter reading showed 11-15 volts in most places tested. Despite the fence being in place and having current running through it, the cows were still getting out somewhere. The five (5) cattle were still present on site.

By-Law Officer Parker reviewed the photos contained in the meeting package. The page wire fence noted in the photos stopped down over the embankment, before it met the railway bed. The fence installed last year by WHRM was to the right of the page wire fence and hooked into the existing page wire fence.

By-Law Officer Parker noted in one of the photos the cattle were present but where they were located was a very steep embankment. It was unclear if a fence could be put in place in that area of Harold's property due to the land being very wet and marsh like conditions.

It was noted the order to Mr. Morash would state that he was responsible to erect a fence as per the Livestock Fencing 2013 guidelines, it was up to him to interpret those standards based on the guidelines. It was felt that based on past practice with Mr. Morash that WHRM would likely be responsible to erect the fence.

By-Law Officer Parker reviewed the quotes received to install a fence for Mr. Morash's cattle, should Mr. Morash not comply with the order. The fencing material costs were:

6'6" Treated fence posts, large - \$8.49

Barb wire, 15.5 Gauge 1320'/roll - \$129.95

Box of staples 50 lbs - \$237.50

Three options were presented for consideration:

Option A included completing the fencing from Harold's property across the railbed along the current electric fencing in place, on Ralph Morash property, is approximately 3200 feet. If following the Nova Scotia Livestock Fencing Guidelines the material cost should be approximately \$3871.75 plus tax. A further breakdown would be 275 posts, 10 rolls of barb wire and approximately 1200 individual staples.

Option B included completing the fencing from Harold's property across the railbed along Harold's property line, approximately 1560 feet should cost approximately \$1770.21

Option C included completing the fencing from Harold's property parallel the rail bed, East towards the Gypsum company and meet where the fence was installed last year across the rail bed. This would be 1985 feet of fencing required costing approximately \$2146.37 in materials.

The quotes did not include staff labour amounts to erect the fencing. It was noted that the fence was only able to be put on Harold's property as the ownership for Ralph's property was unknown since his passing.

It was noted that there was a slight improvement in Mr. Morash's fence, but more effort was required.

By-Law Officer Parker noted that it was unknown if a freshwater resource was available on Harold's property. It was confirmed there was a freshwater resource on Ralph's property. Mr. Morash would have the ability to run a water line from his house to an area and provide fresh water through this action. It was Mr. Morash's responsibility for the livelihood of the cattle (ensure feed and water were available).

CAO Phillips provided an update from the Department of Agriculture. A call was received from Alex (advised Sarah was away). Alex advised the department had not had any success with the corral and highlighted the topographical challenges of capturing the cattle or removing them from Harold's property was felt to be very difficult. Alex did inquire if one of the complaints would participate in allowing the department to capturing the cattle when they arrive on his property. The Department could not advise on what that would look like for the property owner. CAO did advise the Alex that the cattle issues continue to frustrate WHRM and neighbouring property owners and that WHRM was likely to proceed with another order for Mr. Morash and the issues with Harold owning cattle and the Department not stepping in would only continue.

By-Law Officer Parker noted that yesterday Mr. Morash stopped them and stated that he had been speaking with the lady from the Department of Agriculture on Monday and she stated that WHRM was taking his cattle. It was noted there may be some misleading information being shared, but the By-Law Officer also noted that the corral was removed almost a week ago.

A suggestion was made to approach Mr. Morash and offer to purchase the cattle at fair market value. It was felt that Harold would decline the offer as he felt the Municipality still owed him money.

By-Law Officer Levy noted that when the Department arrived last week, individuals on four wheelers did a loop around the property, advised they did not see the cattle and left. The Department then set up the corral and their intent was to entice the cattle with some feed and that was all. WHRM attempted to give them some options and advised the cattle would need to be coaxed in that direction before trying to capture them.

It was felt the priority of the Department was animal welfare and if the animals are currently happy and being fed, the Department was not likely to step in.

It was felt Mr. Morash was not likely to erect a fence despite being ordered to do so. Whatever fence was being recommended would need to be longstanding. The cost of erecting a fence including materials would be presented to Harold, if he did not pay for it, it would go as a first lien on his property.

The time for leniency has passed as frustrations continue with Mr. Morash's cattle continuing to get loose and damaging properties. The issue continues to be a safety concern for all involved, someone was going to get hurt at some point.

It was suggested that the fencing be brought to the boundary/perimeter fencing guidelines, the fencing needs to be barbwire or page wire, and the number of wires required would be 2-3 strands. It was suggested that at least 3 wires or more were required to keep the cattle in.

MOVED BY SCOTT MCLEAN AND TIM MARSH THAT THE FENCES AND ARBITRATION COMMITTEE DIRECT THE MUNICIPALITY TO ISSUE AN ORDER TO MR. HAROLD MORASH TO ERECT A FENCE TO ACCOMMODATE THE WELLBEING OF HIS LIVESTOCK AS PER THE NOVA SCOTIA LIVESTOCK FENCING GUIDELINES OF 2013, SPECIFICALLY THE BOUNDARY GUIDELINES FOR CATTLE AND FURTHER THAT THE ORDER DIRECT MR. MORASH TO HAVE HIS FENCE ERECTED BY AUGUST 21, 2024. MOTION CARRIED

WHRM will look at creating a plan. Another meeting will be held on August 22, 2024 after the deadline has passed and By-Law has been able to complete an inspection. It was Mr. Morash's responsibility to determine where improved or additional fencing was needed.

6. Next Meeting Date / Adjournment

The next meeting of the Fences and Arbitration Committee will meet again August 22, 2024.

MOVED BY TIM MARSH AND SCOTT MCLEAN TO ADJOURN AT 10:28 A.M. MOTION CARRIED.

The meeting ended at 10:28 a.m.

Chair Scott McLean