

**WEST HANTS REGIONAL MUNICIPALITY**

**Fences and Arbitration Committee Meeting Agenda **AMENDED****

**July 17, 2024 – 10:00 a.m.**

**Held in person, Council Chambers at 76 Morison Drive and via ZOOM**



**West Hants**  
something inspiring awaits

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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/**Sarah Turner Department of Agriculture In-Camera Discussion**
  6. Next Meeting Date / Adjournment

**1. Call to order**

Chair S. McLean called the meeting to order at 10:04 a.m.

**2. Attendance**

Scott McLean, Chair, Councillor, District 2  
Tim Marsh, Nova Scotia Federation of Agriculture (ZOOM)  
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  
Sarh Turner, NS Department of Agriculture (ZOOM)  
Debbie Francis, Councillor District 5  
Joe McKinnon, Resident and neighbouring property owner

Regrets:

Abraham Zebian, Mayor

Introductions were completed for the record.

**3. Approval of the Agenda, including additions or deletions**

Sarah Turner will provide an update. The conversation will be held in-camera as discussions need to remain highly confidential to ensure its execution. This discussion will be added to the agenda under item 5 In-camera discussion.

**MOVED BY TIM MARSH AND RYAN PARKER THAT THE AGENDA BE  
APPROVED AS AMENDED. MOTION CARRIED**

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

By-Law Officer Parker provided a brief update to the committee. On Tuesday July 16, 2024 a call was received advising that the cattle owned by Harold Morash were loose again. When By-law Officer arrived on site, there were several people assessing damages to residential property on Wentworth Road. The cattle were not visible at this time, but damage to the lawn and the apple tree was noted to be quite substantial, along with heightened concerns regarding small children playing and potentially getting hurt by falling into one of the holes. Mr. H. Morash arrived at the site looking for his cattle. Mr. Morash did not appear concerned about the damage.

By-Law Officer Parker reviewed the map highlighting concerns with the current state of the fence. Section 1 on the map shows where one strand of an electric fence was located. At the time of the site visit, there was no electricity running through the strand of fencing. The fencer

was there but it was not plugged into the fence. There was evidence the cattle were on the wrong side of the fence (tracks outside the fence and walking along the outside of the fence) and had knocked the fencer off. By-Law Officer reconnected the fencer to the fence and the reading showed 6900 volts, but also noted there was grass on the fence.

The fencing along the area where the pond was located was covered in thorn bushes and weeds. Mr. Morash was on site bush hogging the grass, but it was noted that in doing this he was also bush hogging fence posts in several places.

It was noted the fence was down from the pond area to across the railway tracks in section 2 of the map (this was the worst section and had almost no existing fencing in place).

Section 3 was approximately 70% of the area that was fenced by the municipality last year. From the rail bed up a couple hundred yards was page wire and from there is where the fence that the Municipality replaced began.

The question mark on the map noted where a four-strand barb wire fence was located. The top strand between two fence posts was touching the lower strand and it appeared as if an animal did go over it, but it was unclear as to what type of animal.

It was unclear where the cattle actually got out as the area is heavily covered with thorn bushes and grass. The area is hard to navigate on foot or by other means. Based on the tracks in Mr. McKinnon's yard it appeared as if the cattle went down across the field in section 2 and entered and exited through that area as there is no fence there.

It was estimated that there was approximately 22-2500 ft of fencing that either needed to be moved out to an area that had been bush hogged (to ensure it was out of the grass) or it would have to be elevated to have the grass under it cut/removed, some step in posts would need to be replaced (as they were run over) and insulators would also need to be replaced. The concern was with section 2 as indicated by the map.

The committee was advised the cattle could freely roam back and forth between Harold's property and the Ralph Morash property, where the pond was located. There was an area where the connection between the two properties acted like a funnel, it was a heavily traveled area that was quite steep. The area going towards the river was accessible to the cattle as well, but it was more marsh like and not favourable.

It was noted that Ralph Morash (deceased) was the owner of the property identified as section 1 and 2 on the map. It was unknown if Ralph left a will stating who has ownership of his property or his estate. It was noted that Ralph did have children in Ontario who may be the potential beneficiaries of his estate and owners of the land. Harold has voiced that he is the owner of the land.

The floor was opened for input for resident Joe McKinnon. He advised he felt the cattle followed the rail line to go between the two properties (Harold and Ralph's property) based on his observations from his property. The cattle have been seen to the west of the fence line in section 1 of the map (the division line between section 1 and 2) around the old town dump area. The cattle did not typically cross the tracks. Mr. McKinnon noted the time of year

depended on where and where the cattle could be seen. In the afternoon, the cattle typically could be seen in or around/closer to Ralphs field and in the evening, they could be around Harold's field. The cattle were not seen in the early mornings, it was felt they were likely in the wooded area.

By-Law Officer Parker noted the large pond in section 1 was the freshwater resource, it appeared fairly clear. There was also an old pond behind Harols property, but it was unknown what shape the pond was in.

5. Chief Administrative Officer, Mark Phillips and Srah Turner, Department of Agriculture Update (In-Camera)  
Resident Joe McKinnon left the meeting at this time.

**MOVED BY TIM MARSH AND S. MCLEAN TO MOVE THE MEETING  
AND DISCUSSION TO IN-CAMERA AT 10:20 AM. MOTION CARRIED**

CAO advised there was a lot of history associated with this file. Ms. Turner would be able to the response from her department with respect to resources, the ability to respond, ownership (which has been in question as depending on who Harold is talking to and when he talks to them; ownership is foggy). WHRM has assisted with confirmation of ownership, as Harold has admitted (himself) in this environment that he owned the cattle and of him speaking to his cattle; these minutes have been shared.

It was noted that in speaking with Harold on previous occasions, including a phone call this am with CAO Phillips, Harold has admitted he owns the cattle.

Ms. Turned advised that due to WHRM being able to provide the above information and the conversation that occurred this morning (between Harold and CAO), they were able to utilize that as confirmation of ownership and that can be used as evidence to allow them to seize the cattle under Section 21 (1) of the Act, which states that if there is a court order for an individual to not possess animals, the animals may be seized.

The plan was to meet on site by the water resource area (pond) at 9 am tomorrow morning with their contractor. The farm animal welfare vet and two (2) inspector specialists will also be on site to attempt to seize the cattle. The same contractor that was used in the past is being used again, as they have experience and understand the challenges.

Due to the recent weather and humidity, the group will arrive at 9 am with four wheelers to assist with the round up and stock trailers available to move the cattle to the foster farm. Ms. Turner noted they have committed that they will continually assess the animal's response to being rounded up and given the heat, the group must be cognizant that they are not causing the animals to be in distress. The animals can only be worked for a time period before the group will need to back off, which means the round up may not be successful tomorrow. It was hoped the cattle would be on Ralph's property, as this was the easiest property to access and get the cattle from. The topography on Harolds property was not conducive to four wheelers or even individuals on foot. Ms. Turner spoke of the history with Harold and voiced that if he were aware of the round up, he would likely use pots and pans to deter/spook the cattle into the

wooded area and prevent them from being rounded up, as he has done this in the past. In the past, Harold has struck the contractor's father in an effort to distract them from rounding up the cattle.

All the information was being prepared in house (today) to present to Harold if the seizure was successful. It was noted that Harold is able to appeal against the seizure, if this were done the appeal would go to the Farm Animal Welfare Board. It was felt there was a strong likelihood that Harold would not be successful or win the appeal due to his prohibition and the lengthy history on the property.

Ms. Turner noted that on previous visits, Harold has always claimed the cattle were Ralph's cattle on Ralph's property. Due to the inability to prove otherwise the department's hands were tied. With the current information on hand and knowing of Ralph's passing, the plan was to go and attempt the seizure. If the seizure was unsuccessful, the department would need to regroup and determine another plan.

Ms. Turner noted that they have been monitoring the situation (directly and in-directly) for the past 18 months with assistance from trusted resources who have been providing information on the animal's location and their condition. It was felt that if Harold was the owner, there was no point in fixing fences, they would take the animals instead.

Should animals end up on the site again, that would be dealt with at that time. If this occurs, it will need to be determined how the animals are getting there and possibly look at potential charges to the individual bringing animals in for him.

By-Law Officer Parker advised that Harold has told them that he feeds the cattle short feed in the mornings, this could be the reason why the cattle are not seen in the am. There may be value in having some short feed on Ralph's property to get the cattle to that property and stay a bit longer. Ms. Turner advised that if tomorrow was not successful, they could look at setting up a bait station and start feeding the cattle, unless there was a will stating the property was owned by Harold. Only a property owner can keep a person off their property and the Department of Agriculture does have the power to enter a property and inspect. It was noted he may win an argument knowing that the animals were being baited but only if he were the property owner.

It was felt that if the animals were being fed short feed in the am, the best approach may be to wait for the cattle to show up vs putting four wheelers on the site immediately and attempting to corral the animals. Ralph's land was the most favourable land to entice and attempt to capture the animals.

It was noted that the RCMP would need to be notified of the attempt to seize the cattle. Ms. Turner noted that they would likely not be willing to be on site with her department and it was felt that if they remained on Ralph's property, the RCMP would not be needed, other than to provide notice and be on standby. Ms. Turner advised that they have in the past received mixed messages from the RCMP. The last time they met with Harold and the RCMP, they were advised there were no further resources available (takes too long and they are short-staffed) to commit to going in and trying to seize animals. The contractor also advised that the last time they were

on site, they were told by the RCMP that they had to leave because they were on private property. There was value in advising the RCMP of the plan and having them on standby if needed.

It was requested that Ms. Turner keep everyone in the loop and provide an update on the situation. CAO Phillips advised he would contact the Staff Sergeant and his second in command of the plan.

It was felt it was best that municipal staff are not on site during the seizure but be available if needed. By-Law Officer Parker reminded the group that the cattle leave Harolds property and enter Ralphs property through a natural “funneled” path (10-20 ft wide) that may be of benefit to use when looking to seize the animals.

The point of contact for anyone reaching out with inquiries would be the Minister’s office or Communications Nova Scotia (Violet). Ms. Turner will share Violets’ contact information with CAO Phillips. Ms. Turner will request some key messages be created to have on hand.

**MOVED BY TIM MARSH AND RYAN PARKER THAT THE MEETING  
MOVE OUT OF IN-CAMERA AT 10:41 A.M. MOTION CARRIED**

**6. Next Meeting Date / Adjournment**

The next meeting of the Fences and Arbitration Committee will be determined at a later date.

**MOVED BY TIM MARSH AND RYAN PARKER TO ADJOURN AT 10:41  
A.M. MOTION CARRIED.**

The meeting ended at 10:41 a.m.

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Chair Scott McLean