

WEST HANTS REGIONAL MUNICIPALITY
Fences and Arbitration Committee Meeting Agenda
September 19, 2024 – 12:00 p.m.
Held in person and via Teams
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/Next Steps
6. Next Meeting Date / Adjournment

1. Call to order

Scott McLean called the meeting to order at 12:01 p.m.

2. Attendance

Scott McLean, Chair, Councillor, District 2
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
Kathy Kehoe, Director Community Development
Kevin Bennett, Manager of Parks and Facilities

3. Approval of the Agenda, including additions or deletions

**MOVED BY TIM MARSH AND SCOTT MCLEAN THAT THE AGENDA
BE APPROVED AS PRESENTED. MOTION CARRIED**

4. Approval of Previous Meeting Minutes

**MOVED BY TIM MARSH AND SCOTT MCLEAN THAT THE PREVIOUS
MEETING MINUTES (AUGUST 14, 2024) BE APPROVED. MOTION
CARRIED**

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

By-Law Officer Parker provided an update in relation to the order presented to Mr. Morash. On August 22, 2024 (following the order expiration) By-Law completed a follow up inspection and noted there was no change regarding the fencing. A drone was used to complete an inspection on the fencing confirming no repairs had been completed on the fencing.

Utilizing the drone some arial photographs were taken of the property. By-Law noted the photos supported that Mr. Morash's property provided unfavourable conditions to erect a fence. It was noted along the rail line was unfavourable due to the terrain and presence of water (between the gypsum ledge and rail line was water).

By-Law noted the electric fence (one strand) that was/has been in place was present and had current running through it (9900-11,800 volts). This one strand of fencing had been moved out to an area that had been bush hogged earlier in the summer.

The order was hand delivered to Mr. Morash by the By-Law enforcement officer. Mr. Morash stated he was not putting up a fence as the cattle were not getting out and that if he was paid \$30/hour that he would put a fence up, but he was not going to erect a fence.

The existing fence could be debatable with respect to meeting the guidelines set out in the Nova Scotia Livestock and Fences Guidelines, specifically Sections 1.1 (Historically, barbed wire fencing was used for cattle enclosures. However, in recent years barbed wire has given way to electric fencing or a combination of electric fencing and other fence materials.), 2.1 (On level or rolling terrain, posts should be spaced every 2–3 m (10–12 ft) and boundary fencing requires 2-3 wires), Section 3 (Electric fences are great protection when they are working; however, they require management). By Law noted the fence on the neighbouring property (R. Morash) was a boundary fence and should be 2-3 strands of electric wire (if this was determined to be sufficient). There may be benefits in the committee discussing a smaller enclosure vs attempting to fence an area with unfavourable conditions. However, it was noted a smaller enclosure also had challenges as to how to get the animals to enter the enclosure

By-Law reviewed the estimated costs associated with supplies to erect a fence (posts -\$849.00, a roll of barbed wire -\$129.95, and a box of staples -\$237.50). Three options were presented at the last meeting for consideration.

It was noted that previous communications with the Department of Agriculture were that they were not going to remove the cattle despite Mr. Morash having a prohibition order to own cattle in place. It was unacceptable that the province was not enforcing their own order and jeopardizing public safety.

Concern was raised that hungry or thirsty cattle would break the best of fencing in an effort to get food or water. It has been proven that Mr. Morash lacks the ability to maintain proper fencing and the cattle were feral and even Mr. Morash has admitted that he is unable to get close to them.

CAO advised he had received a follow-up phone call from Sarah Turner (Department of Agriculture) noting the file remains open on their end; their primary concern was the wellbeing of the animals and at present the animals did not appear to be under any distress. Despite feeling frustrated with the lack of response from the province, the committee was encouraged to focus on the fencing responsibility.

The committee discussed their interpretation of the fencing required (what should it look like) and where the fencing should be placed. The consensus of the committee was that a single strand of electrical fencing was not adequate enough to contain the cattle.

The cost to fence along Mr. Morash's property line, along the rail bed to the fencing that WHRM completed last year (towards the Gypsum company - 1560 ft) was approximately \$1770 for supplies only; no labour was included in this estimate. Previous quotes received last year from vendors to complete the fencing last year were upwards of \$30,000 and that was only for a 2-300 ft portion of fencing.

There was a desire to explore fencing Mr. Morash's entire property (2-3 strands of barbed wire) and the costs to be transferred to Mr. Morash. WHRM will need to confirm with the solicitor regarding the property, neighbouring property (Estate of R. Morash), the rail line (they were required to fence both sides of a rail line and maintain it based on the Act) and recourse if a person removes fencing installed by WHRM. The health and wellbeing of the animals was Mr. Morash's responsibility and if this was of concern then the province will need to step in and enforce their order.

Concern was noted with the Karst topography, this would be challenging and posed concerns with hazards and potential sink holes.

Community Development provided an update on the repairs to a neighbouring property (costs associated with these repairs would also be transferred to Mr. Morash. It was noted that to date the repairs have not been completed as the cattle continue to get out and eat fallen apples from a tree on the property and damage is ongoing. The plan was to fix the property once after the fencing was erected vs repeatedly.

Any costs incurred regarding the fencing would be transferred to Mr. Morash. These costs act as a lien on the property and are paid first when the property owner makes a payment on their tax account. If the property is sold, the lien remains with the property until paid.

MOVED BY SCOTT MCLEAN AND TIM MARSH THAT THE FENCES AND ARBITRATION COMMITTEE DIRECT STAFF TO INSTALL A FENCE THAT COMPLIES WITH THE 2013 NOVA SCOTIA LIVESTOCK FENCING GUIDELINES AND FURTHER THAT COSTS FOR THE FENCING BE ASSIGNED TO HAROLD MORASH AS AUTHORIZED THROUGH THE FENCES AND ARBITRATION ACT PENDING THE REVIEW OF THE MUNICIPAL SOLICITOR. MOTION CARRIED

The committee will meet again to finalize the plan.

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 SCOTT MCLEAN TO ADJOURN AT 12:32 P.M. MOTION CARRIED.

The meeting ended at 12:32 p.m.

Chair Scott McLean