

**AGENDA**  
**MUNICIPAL COUNCIL**

Bridgewater, NS

Tuesday, February 27, 2018 – 9:00 a.m.

Time & Page

1. CALL TO ORDER
2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION:
  - 2.1 Carroll Randall re 55+ Games
3. PUBLIC INPUT (15 Minutes)
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES – February 13, 2018
6. BUSINESS ARISING FROM MINUTES: (Nil)
7. AWARDING OF TENDERS/RFPs:
  - 7.1 Award of Tender #2017-05-006 “On-Site Sewage Disposal System” ..... 1-4
8. PRESENTATIONS/SCHEDULED TIMES:
9. CONSIDERATION OF CORRESPONDENCE:
10. RECOMMENDATIONS FROM COMMITTEES & BOARDS:
  - 10.1 Audit & Finance Committee
    - 10.1.1 Uncollectible Accounts for Write Off Consideration ..... 5-8
    - 10.1.2 Approval of 5 Year Financial Strategy & Debt Affordability Model..... 5, 9-24
    - 10.1.3 Development of Policy for User Fees ..... 5, 24
    - 10.1.4 Letter to DOTIR re Land Hell’s Point, Kingsburg ..... 5, 25-26
  - 10.2 Fire & Emergency Services Committee
    - 10.2.1 Proposed Amendments to Policy MDL-36 “Fire & Emergency Services” .... 27-43
11. STAFF REPORTS:
  - 11.1 LaHave River Project Team
    - 11.1.1 Update on LaHave River Project
  - 11.2 Planning Department
    - 11.2.1 Request from Rhyno Lake Road Improvement & Maintenance Assoc..... 44-49
    - 11.2.2 Receipt of Petition Requesting Land Use Planning – Hemford Forest ..... 50-63
12. MAYOR’S/DEPUTY MAYOR’S/COUNCILLORS’ MATTERS:
  - 12.1 Update – Lunenburg County Lifestyle Centre (LCLC) (M. Ernst/E. Hustvedt)
  - 12.2 Update – Deputy Mayor
  - 12.3 Update – Mayor
13. IN CAMERA:
  - 13.1 Contract Negotiations re Indian Falls under Section 22(2)(e) of the MGA ..... 11:00 a.m.
  - 13.2 Contract Negotiations re Wile’s Lake under Section 22(2)(e) of the MGA
  - 13.3 Land Negotiations re Green Bay/Broad Cove Trail under Section 22(2)(a) of the MGA
14. ADJOURNMENT



# Municipality of the District of Lunenburg

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## MEMORANDUM

**REPORT TO:** Council

**SUBMITTED BY:** Maria Butts, LaHave River Project Coordinator

**DATE:** February 27, 2018

**RE:** Tender Award: On-Site Sewage Disposal System Installations for LaHave River Properties. Project – Group #1

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### RECOMMENDATION

*Authorize staff to award tender 2017-05-006 to Gerhardt Property Improvement in the amount of \$51,740.00 plus HST.*

### EXECUTIVE SUMMARY

Twelve bids were received for *Tender 2017-05-006 On-Site Sewage Disposal System Installations for LaHave River Properties. Project – Group #1*. Two were rejected and ten accepted.

The scope of work consists of the supply and installation of five septic systems located on private property belonging to homeowners who have applied to participate in the LaHave River Straight Pipe Replacement Program, administered by the Municipality of the District of Lunenburg (MODL).

This is the first tender for installation for the Straight Pipe Replacement Program (SPRP).

### BACKGROUND

In the Spring of 2016, *Our Living Future* campaign was launched to bring awareness and education around the issue of straight pipes and their impact on the LaHave River and Council authorized staff to make an application to the New Build Canada Fund for a SPRP. Staff were directed to prepare a Wastewater Management District (WWMD) By-Law and policies to implement such a program. The drafted By-Law and policies have since been adopted by Council.

On June 29, 2017, federal and provincial authorities announced joint funding along with the Municipality for the replacement of straight pipes with on-site sewage disposal systems along the LaHave River.

Replacement of straight pipes with functioning septic systems required the services of a qualified engineer to select, design, and oversee the installation of approved septic systems. As such, council authorized staff to award of *RFP 2017-05-400 On-Site Sewage Disposal System Design for Lahave River properties* to Able Engineering Services Inc (Able) on August 22, 2017.

Over the past few months, MODL has been working with Able to produce sewage disposal designs for each property owner enrolled in the SPRP. Five designs were selected from those completed to date for inclusion in tender 2017-05-006.

No Municipal dollars are being spent on this program as the federal and provincial grants cover up to two thirds of the cost and all eligible homeowners are required to pay the remaining one third.

## DISCUSSION

Tender 2017-05-006 was posted on Tuesday, January 30<sup>th</sup>, 2018 and closed on Thursday February 15, 2018. A non-mandatory meeting was held at the municipal office for contractors to attend who were interested in the installation tender. Sixteen contractors were in attendance.

Twelve bids were received by the deadline. Two bids were rejected for failure to include the addendum as explicitly stated in the tender documents. Accepted tenderer names and bids are described in Table 1 below:

<b>Funding</b>	Total
Provincial/Federal Grants	2/3
Property Owner	1/3
<b>Tenderers</b>	Total Bid (w/o HST)
Gerhardt Property Improvement	\$51,740.00
Dennis Lively Construction and Backhoe Services Ltd	\$69,500.00
C. Eugene Ingram Construction Ltd	\$80,737.00
LaHave Paving Ltd	\$81,218.40
Rhyno's Landscaping Inc.	\$86,572.00
All Outdoors Landscaping Ltd	\$98,751.97
H&H Landscaping	\$109,415.00
Victor Landscaping and Excavation Inc.	\$111,053.00
WK Sharpe and Sons Contractors Ltd	\$124,000.00
Tri-Ex Construction Ltd.	\$189,600.00

Table 1: Accepted Bids

Rejected tenderer names and bids are described in the Table 2 below:

<b>Tenderers</b>	Total Bid (w/o HST)
Town and Country Property Improvements Ltd	\$63,994.32
Maughan's Construction Inc.	\$164,000.00

Table 2: Rejected Bids

Under the scope of work, the successful bidder is required to complete all excavation, bedding, pipe laying, backfill and compactions. They are to supply all septic tanks, miscellaneous fittings, filter sand, stone and concrete. The successful bidder is also required to complete leakage testing, and all surface restoration and any other work as specified and shown on the design drawings.

### **CONCLUSION**

Of the ten accepted bids received, the lowest bid was submitted by Gerhardt Property Improvement of Lunenburg, Nova Scotia. Successful award of this first tender for installation services, represents a significant milestone in the Straight Pipe Replacement Program.

**Tender Award Recommendation**

**Tender:** 2017-05-006 On-Site Sewage Disposal System Installation for LaHave River Properties.  
Project – Group #1.

**Scope of Work:** Install five On-Site Sewage Disposal Systems on five properties along the LaHave River.

**Closing Date:** February 15, 2018

**Rejected Tenders:** 2

<b>Funding</b>	Total
Provincial/Federal Grants	2/3
Property Owner	1/3
<b>Tenderers</b>	Total Bid (w/o HST)
Gerhardt Property Improvement	\$51,740.00
Dennis Lively Construction and Backhoe Services Ltd	\$69,500.00
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WK Sharpe and Sons Contractors Ltd	\$124,000.00
Tri-Ex Construction Ltd.	\$189,600.00

**Tender Award Recommendation:**

Council award Tender 2017-05-006 to Gerhardt Property Improvement for the cost of \$51,740.00 plus HST.



# Municipality of the District of Lunenburg

February 20, 2018

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Audit & Finance Committee, in session on Tuesday, February 20, 2018, made the following recommendations to Council:

1. That that the Audit & Finance Committee recommends to Council that Municipal Council approve writing off accounts totaling \$1,173.09.
2. That the Audit & Finance Committee recommends to Council that Municipal Council adopt the modified Debt Affordability Model, as presented, as its 5-Year Financial Strategy.
3. That the Audit & Finance Committee recommends to Council that Municipal Council directs staff to develop a policy on user fees that includes the review of the user fees every three (3) years with increases based on the 3-year cumulative CPI for Nova Scotia.
4. That the Audit & Finance Committee recommends to Council that Municipal Council write a letter to the Department of Transportation and Infrastructure Renewal for confirmation, description and detailed mapping of a right-of way along the coast in Kingsburg, specifically the point of land at Hell's Point.

Respectfully submitted,

Chairman and Members  
Audit & Finance Committee

/jp  
Attachments



# Municipality of the District of Lunenburg

## REQUEST FOR A DECISION

**REPORT TO:** Audit & Finance Committee  
**SUBMITTED BY:** Elana Wentzell  
**DATE:** February 20, 2018  
**RE:** Uncollectible Accounts for Write off Consideration

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### RECOMMENDATION

**Move that the Audit & Finance Committee recommend to Council to write off accounts totaling \$1,173.09.**

### BACKGROUND

The Municipality may write off accounts deemed uncollectible by the Municipal Treasurer as legislated in the MGA. Under Section 38, the Treasurer has a duty to advise Council of all moneys due to the to the municipality that the Treasurer considers cannot reasonably be collected after pursuing all reasonable avenues of collection; and the reasons for the belief that such moneys cannot be collected and the Council may write off the amounts determined to be uncollectible.

Currently, there are two accounts for write off consideration:

Description	Account Number	Amount	Reason
Mobile Home Property Tax 2010 to 2016 Billings	03107132	\$216.10	Mobile home has been removed from property. Owner has left the area and cannot be located. Cost would exceed benefit of pursuing in Small Claims Court or by Provincial Collections.

Deleted property account in Tax Sale	10317932	\$956.99  (\$840.31 + interest)	This property came up for 2017 Tax Sale. The property account had been consolidated into another property tax account and no longer exists. PVSC did not advise that the property had merged with an existing account and it stayed on our tax roll. Legal advice has been sought. There is no valid enforcement mechanism to collect the outstanding property tax and as such, the outstanding account should be written off.
TOTAL		\$1,173.09	

As well, the Revenue Collection Policy MDL-71 Section 2 (9) states that a list be provided of any accounts that were written off by the Treasurer that were under \$100. Please see the attached list as of January 31, 2018.

**OPTIONS**

The Committee has the option to make no adjustments at this time.

**BUDGET IMPLICATIONS & STRATEGY**

Writing off these accounts will have the effect of increasing bad debt expense in the current fiscal year by the total amount of the write off.

**STRATEGIC PLAN**

The meets Council’s 2018/19 Strategy for “Sound Finances” by continuing to ensure collection avenues are pursued when reasonable to do so, and those that cannot be collected be brought to Council’s attention as per the Municipal Government Act.

**CONCLUSION**

The Treasurer has a duty to inform Council of the accounts that cannot be reasonably collected through existing means.

Department: Finance and Administration

Report Prepared By: Elana Wentzell

Date: February 9, 2018

Report Approved By: \_\_\_\_\_

Date \_\_\_\_\_

Reviewed By CAO: \_\_\_\_\_

Date \_\_\_\_\_

# 5 Year Financial Strategy

Audit & Finance Committee

February 6, 2018





# Background



# Council Strategic Priority

Council has identified a 5-Year Financial Strategy as a Strategic Priority in 2017/18.

Staff identified that the Debt Affordability Model provided by the Municipal Finance Corporation could be used to meet this need.

It has been modified for MODL use.



# The Debt Affordability Model

## A Long Term Financial Planning Model

- Considers municipal future revenue and expenditure growth
- The impact on the tax burden of future generations
- Population and economic growth
- Maintaining the current municipal tax rate
- Ensuring current municipal services are not jeopardized



# The Debt Affordability Model

The model allows decision makers:

- Flexibility to plan for the future
- Ability to develop future capital improvement plans in a balanced and measured way
- To prioritize capital projects that are competing for scarce resources
- **To develop a long-term financial plan**





# The Debt Affordability Model

**AKA: The 5-year Financial Strategy**

# Assumptions

Assumptions are built into the model and can be changed as new information is known:

Inflation Estimate: 2% used for all revenues and expenditures except:

Assessment Growth – actual UA, 2% thereafter

Police Protection – 1.3% this year, 5% thereafter

Parks & Recreation – added \$35,000 over 3 years for operations and maintenance of new parks, 2% thereafter



# Operating Budget

Nova Scotia Municipal Finance Corporation		Schedule #1										
Operating Budget for the												
District of Lunenburg												
Description	Current Year		Projected									2026-27
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26			
<b>Revenue Sources</b>												
Residential property tax	\$18,960,000	\$19,414,545	\$19,679,205	\$19,991,132	\$20,308,001	\$20,629,892	\$20,966,885	\$21,289,061	\$21,626,502	\$21,969,292		
Commercial property tax	\$2,598,800	\$2,661,819	\$2,696,156	\$2,738,470	\$2,781,853	\$2,825,946	\$2,870,738	\$2,916,241	\$2,962,465	\$3,009,421		
Other taxes	\$3,163,600	\$3,226,872	\$3,291,409	\$3,357,238	\$3,424,382	\$3,492,870	\$3,562,727	\$3,633,982	\$3,706,662	\$3,780,795		
Fire Protection	\$3,060,500	\$3,121,710	\$3,184,144	\$3,247,827	\$3,312,784	\$3,379,039	\$3,446,620	\$3,515,552	\$3,585,864	\$3,657,581		
Transfers from other govts	\$159,400	\$160,197	\$160,998	\$161,803	\$162,612	\$163,425	\$164,242	\$165,063	\$165,889	\$166,718		
Other revenue sources	\$1,528,500	\$1,536,143	\$1,543,823	\$1,551,542	\$1,559,300	\$1,567,097	\$1,574,932	\$1,582,807	\$1,590,721	\$1,598,674		
	\$29,460,800	\$30,121,285	\$30,555,736	\$31,048,012	\$31,548,932	\$32,058,268	\$32,576,145	\$33,102,706	\$33,638,102	\$34,182,481		
<b>Expenditures</b>												
<b>Discretionary Expenditures</b>												
	\$18,359,700	\$18,708,036	\$19,183,131	\$19,673,058	\$20,170,237	\$20,682,710	\$21,211,050	\$21,755,856	\$22,317,754	\$22,897,396		
<b>Mandatory Expenditures</b>												
Debt servicing	\$1,261,996	\$1,217,652	\$1,172,509	\$2,321,912	\$666,916	\$0	\$0	(\$0)	(\$0)	\$0		
Other than debt servicing	\$9,126,500	\$9,344,198	\$9,474,236	\$9,623,171	\$9,774,478	\$9,928,193	\$10,084,356	\$10,243,006	\$10,404,184	\$10,567,930		
Deficit from prior year	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Reserves	\$617,200	\$800,800	\$724,900	(\$571,100)	\$826,900	\$836,900	\$836,900	\$836,900	\$836,900	\$836,900		\$716,900
	\$29,365,396	\$30,070,686	\$30,554,775	\$31,047,041	\$31,438,531	\$31,447,803	\$32,132,306	\$32,835,762	\$33,558,837	\$34,182,225		
<b>Surplus/(Deficit)</b>	<b>\$95,404</b>	<b>\$50,599</b>	<b>\$960</b>	<b>\$971</b>	<b>\$110,401</b>	<b>\$610,465</b>	<b>\$443,839</b>	<b>\$266,944</b>	<b>\$79,264</b>	<b>\$256</b>		
<b>Reserves Used for Deficit</b>	<b>\$0</b>	<b>\$0</b>	<b>\$82,000</b>	<b>23,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>		<b>\$120,000</b>



# Capital Budget

The Capital Budget is input directly from the Municipal Capital Investment Plan.

All Capital Infrastructure spending in the existing Capital Plan has been funded through the use of Gas Tax, Municipal Reserves, and Other Contributions.



# Capital Budget

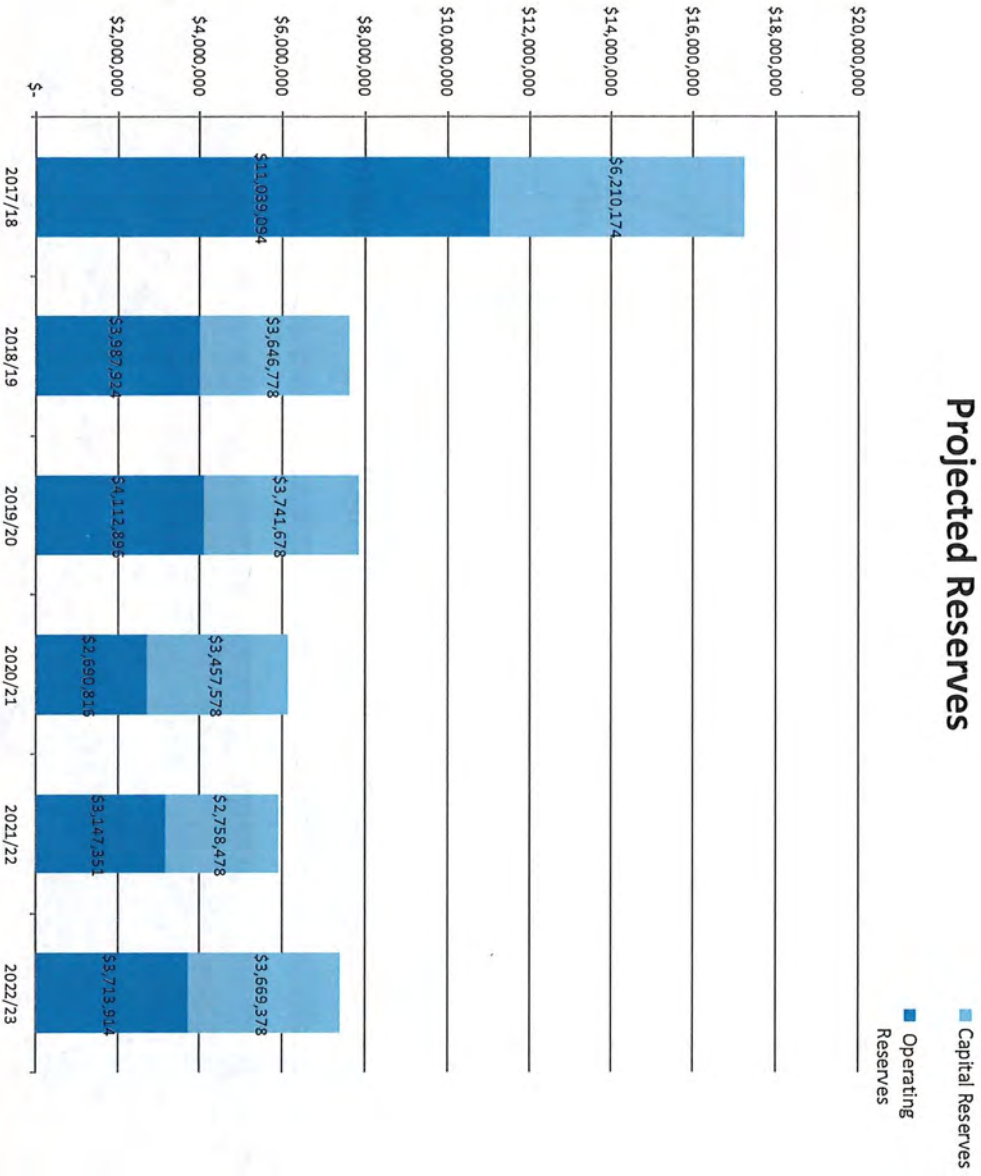
Nova Scotia Municipal Finance Corporation  
 Long-term Capital Budget for the  
 District of Lunenburg

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
<b>Services</b>						
General Government	\$102,000	\$7,040,000	\$0	\$0	\$0	\$0
Planning Services	\$100,000	\$227,000	\$35,000	\$0	\$0	\$0
Transportation Services	\$810,000	\$330,000	\$250,000	\$250,000	\$250,000	\$0
EHS	\$1,494,500	\$4,071,900	\$2,778,200	\$3,682,100	\$3,722,700	\$2,943,000
EDS	\$225,000	\$200,000	\$200,000	\$200,000	\$250,000	\$0
Recreation	\$1,023,000	\$1,045,000	\$225,000	\$255,000	\$225,000	\$0
<b>Total Capital Budget</b>	<b>\$3,754,500</b>	<b>\$12,913,900</b>	<b>\$3,488,200</b>	<b>\$4,387,100</b>	<b>\$4,447,700</b>	<b>\$2,943,000</b>
<b>Sources of Funds</b>						
Depreciation Reserves	\$225,088	\$5,951,934	\$914,067	\$1,290,700	\$945,900	\$981,000
Gas Tax Reserves	\$1,734,960	\$1,010,000	\$816,000	\$1,195,000	\$1,610,000	\$0
Provincial/Federal Grants	\$645,833	\$1,694,533	\$1,758,133	\$1,901,400	\$1,891,800	\$1,962,000
Other Reserves	\$443,752	\$3,254,000	\$0	\$0	\$0	\$0
Other Contributions	\$504,867	\$1,003,433	\$0	\$0	\$0	\$0
Long-term Borrowing (Spring)	\$0	\$0	\$0	\$0	\$0	\$0
Long-term Borrowing (Fall)	\$0	(\$0)	(\$0)	\$0	\$0	\$0
<b>Total Sources of Funds</b>	<b>\$3,754,500</b>	<b>\$12,913,900</b>	<b>\$3,488,200</b>	<b>\$4,387,100</b>	<b>\$4,447,700</b>	<b>\$2,943,000</b>
<b>Long-term Borrowing Assumptions</b>						
Projects' Amortization Period (in years)	10	10	10	10	10	10
Term of Long-term Borrowing (in years)	20	20	10	10	10	10
Estimated Interest Rates	20	20	2.84%	2.84%	2.84%	2.84%
Projects' Amortization Period (in years)	3.24%	3.24%	20	20	20	20
Term of Long-term Borrowing (in years)	10	10	20	20	20	20
Estimated Interest Rates	2.84%	2.84%	3.24%	3.24%	3.24%	3.24%
<b>Debt Outstanding</b>						
Current outstanding & forecasted debt	\$4,864,543	\$3,864,695	\$2,864,846	\$640,000	(\$0)	(\$0)
Estimated revised debt service ratio	5.87%	5.55%	5.26%	10.25%	2.90%	0.00%



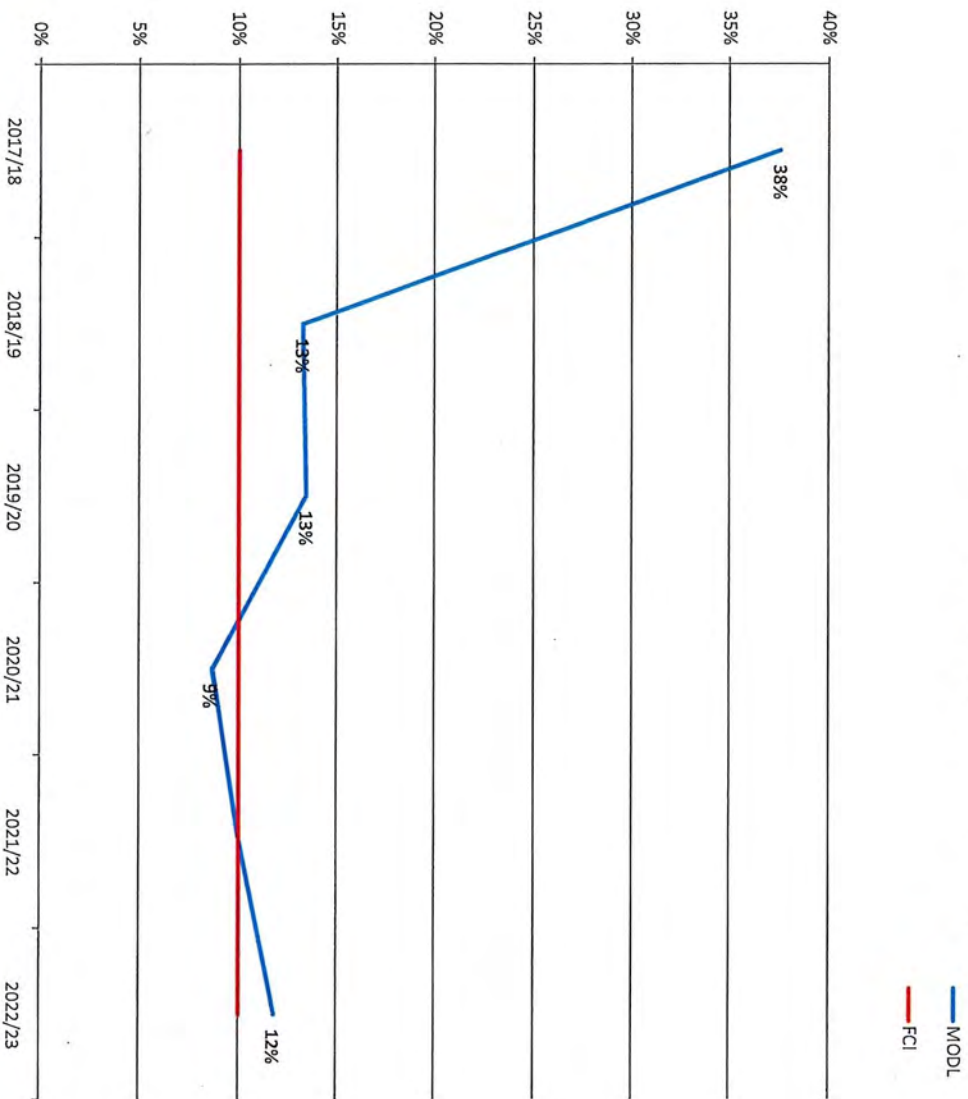
# Reserves

## Projected Reserves



# Reserves

Financial Condition Index Operating Reserves Projection



# Policy Discussion

## Tax Rate Strategy

- Maintain stable tax rates for existing services
- Consider special rates for new infrastructure projects, as required.



# Policy Discussion

## Debt Statement

- Continue with plan to be debt free by 2021 by making the \$1,225,000 balloon payment in 2020/2021



# Policy Discussion

## Reserves Strategy

- Carefully manage reserves
- Current commitments and future use
  - LaHave River Straight Pipe Project
  - Municipal Building Options
  - Sherbrooke Lake - \$40K/year (ends in 2018/19)
  - Open Space contributions - \$60K/year
  - CES/CEF Building reserve contributions - \$25K/year
  - Road reserves contributions - \$25 K/year
  - Depreciation reserve contributions - \$750 k/year
  - Elections - \$35 k/year
  - LCLC depreciation reserve - \$165 k/year



# Policy Discussion

## User Fees

- Create Policy to increase fees every 3 years by cumulative CPI for Nova Scotia



**MEMO**

**TO: Audit Finance Committee**  
**FROM: Councillor Whynott**  
**RE: Hells Point**  
**DATE: FEBRUARY 20, 2108**

I have been in communication with a resident who has expressed concerns to be me about the traditional walking path used by the public along Hell's Point in Kingsburg. It is often cited by some residents that this historical footpath was established along an old right of way. This right of way is alleged to run along the point of land at Hells Point, as a continuance of the public ROW that permits access to the two formerly crown owed properties now owned by MODL, in Kings Bay and Hartling Bay. Some residents would like to have clarified if a legal ROW still exists. While walking this traditional route people have encountered signs stating "Private property. Access without permission is prohibited. Any entry is at your own risk."

Just recently the Municipality passed a motion concerning the k class road from Green Bay to Broad Cove which stated, "that Municipal Council writes a letter to the Department of Transportation and Infrastructure Renewal for confirmation, description and detailed mapping of a right-of-way along the coast from Broad Cove to Green Bay."

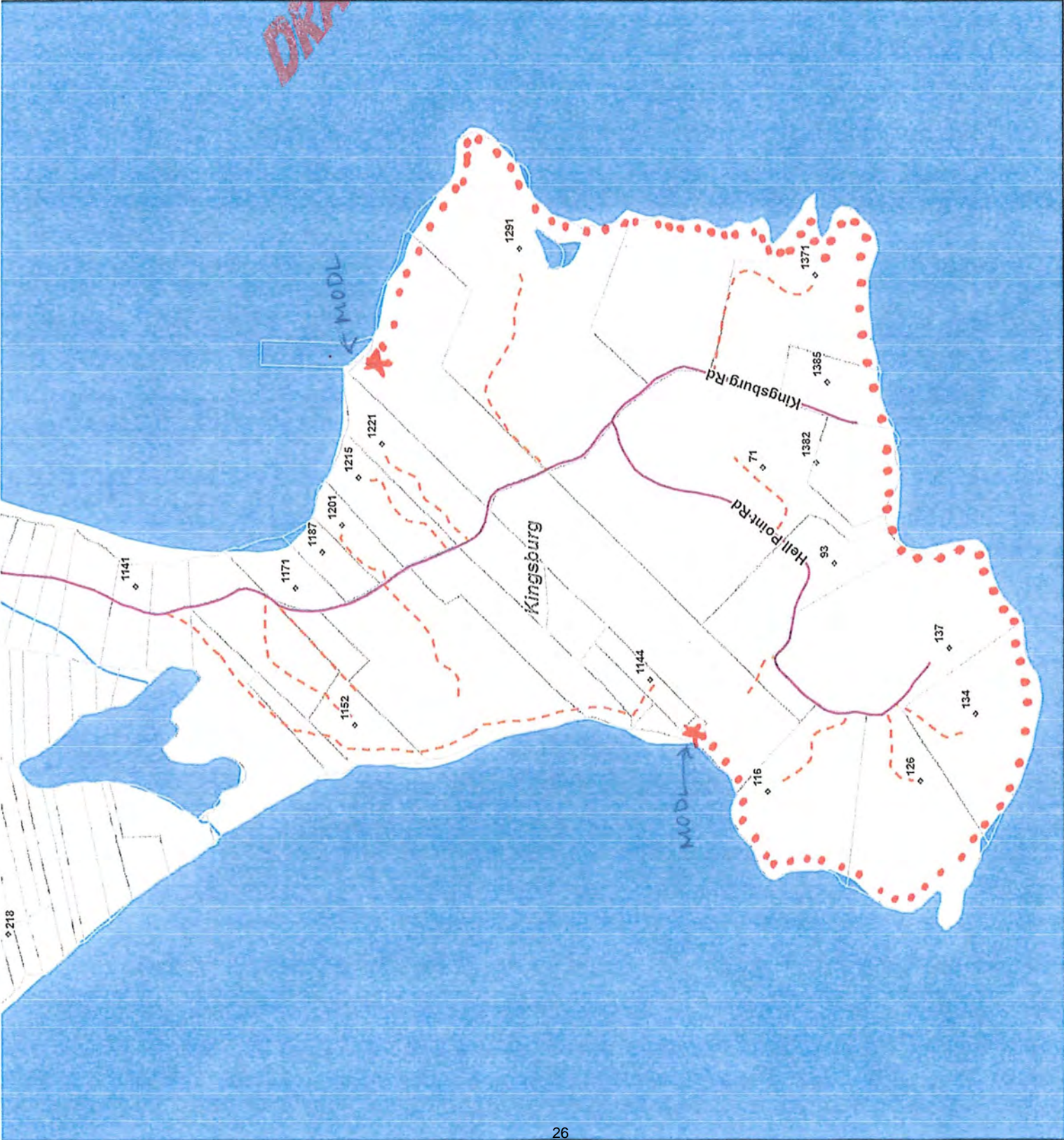
I would like to suggest a similar motion with concerns to Hell's Point.

"that the Audit Finance Committee recommend to Council that Municipal Council writes a letter to the Department of Transportation and Infrastructure Renewal for confirmation, description and detailed mapping of a right-of-way along the coast in Kingsburg, specifically the point of land at Hells Point."

A map is attached to further clarify.

This motion aligns with what is written under section 7.8 in the Open Space Strategic Plan which states that Council shall partner with the Province supporting the concept of coastal walking trails including appropriate legislation.

DRAFT



Project Description:

### MUNICIPALITY OF THE DISTRICT OF LUNENBURG

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Date:

File:

Prepared By: Planning & Development Service Municipality of the District of Lunenburg



# Municipality of the District of Lunenburg

## MEMORANDUM

TO: Mayor Bolivar-Getson and Council Members  
FROM: Sherry Conrad, Municipal Clerk  
DATE: February 14, 2018  
RE: Amendments to Policy MDL-36 "Fire and Emergency Services"

Municipal Council, in session on February 13, 2018, accepted the recommendation of the Fire and Emergency Services Committee to approve the proposed amendments to Policy MDL-36 "Fire and Emergency Services" as presented and gave seven (7) days' notice that Council would consider amending the Policy at the February 27, 2018 Council meeting.

Section 48(1) of the *Municipal Government Act* states "Before a policy is passed, **amended** or repealed, the Council shall give at least seven days' notice to all council members". Therefore, in accordance with Section 48(1), the attached amended Policy MDL-36 will be presented for Council's consideration and approval at the February 27, 2018 Council session, and the motion of Council of February 13, 2018 was hereby considered as council's notice.

If Council is in agreeance with the proposed amendments, the following motion is in order:

**"that Municipal Council approve the proposed amendments to Policy MDL-36 "Fire and Emergency Services" as presented".**

---

Sherry Conrad

/sac  
Enclosure



Municipality of the District of Lunenburg  
Fire & Emergency Services

## MEMORANDUM

Date: January 12, 2018  
To: Chair and Members of the FESC  
From: Chris Kennedy, Fire & Emergency Services Coordinator/Administrator  
Subject: Proposed Changes to MDL-36 and Registration Package.

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I have made some proposed changes to the registration package and amendments to Policy MDL-36 (attached). I have reviewed these proposed amendments with the Municipal Clerk and the Solicitor to ensure they meet our requirements.

The proposed amendments remove any reference to the Schedules from the Registration Package as well as the Policy. By removing this reference, changes to the Registration Package will not have to be approved by Council. This Committee will be able to approve the changes. Amendments to Policy MDL-36 will still have to go to Council for approval.

The Registration Package, as it will no longer be attached to the Policy, will be put on the Municipal Website for the public to access. If changes are made to the package, the copy of the website will be updated.

If the Committee is in agreeance with these proposed changes and amendments, the following motion is in order:

**“that the Fire & Emergency Services Committee recommends to Council that Municipal Council approves the proposed amendments to Policy MDL-36, as presented.”**

Chris Kennedy  
CK

# Municipality of the District of Lunenburg POLICY

Title: <b>Fire and Emergency Services</b>	
Policy No. <b>MDL-36</b>	
Effective Date: September 11, 2007	Amended Date: Feb. 12, 2008, Oct. 13, 2009, Feb. 8, 2011, Jan. 28, 2014, May 9, 2017

Council of the Municipality of the District of Lunenburg hereby adopts the following policy respecting fire and emergency services in the Municipality of the District of Lunenburg:

## 1.0 Definitions:

- 1.1 "Fire Department" means the incorporated entity that provides the service, assists others in providing the service, or works with others to provide the service or a combination of means to properties in the Municipality of the District of Lunenburg.
- 1.2 "Municipality" means the Municipality of the District of Lunenburg.
- 1.3 "Rate Payer" means the name(s) of the person assessed for the property.
- 1.4 "Registration" means the acceptance of the Municipality to permit a "Fire Department" to provide fire and emergency services to a prescribed area within the Municipality.
- 1.5 "Body Corporate" refers to the incorporated organization requesting to be registered as a fire and emergency services provider.
- 1.6 Incorporated organization refers to those organizations that are set up to provide Fire Protection and are incorporated by way of; an Act of Legislature, The Rural District Fire Act, or the Society's Act.
- 1.7 Acts of Incorporation refer to the organizations memorandum of Association and/or articles of incorporation and/or by-laws.

## 2.0 Form of Request

Requests for registration as a fire and/or emergency services provider shall be ~~completed on the application for registration form (see schedule A [amended May 9, 2017])~~ made through the completion of the Fire and Emergency Service Providers Registration package. The registration package can be found on the Municipality's website. Requests must be accompanied with the organization's Act of Incorporation and a description of the area of coverage. The application must be signed by the individual(s) as assigned with signing authority under the incorporation document.

## 3.0 Considerations for Approval

- 3.1 The Municipality must be satisfied that the body corporate is capable of providing the services it has applied to provide.
- 3.2 The Body Corporate carries liability insurance in the minimum amount of \$10,000,000.00 [amended Jan.28, 2014]
- 3.3 The Body Corporate does not provide the fire and or emergency services for profit.
- 3.4 The Municipality does not provide the same service for the same area.
- 3.5 The Body Corporate carries accident and sickness insurance or workers' compensation coverage for all its members. [amended Feb. 8, 2011]

#### **4.0 Registration**

The Municipality, if satisfied by all categories of Section 3, shall register the Body Corporate as a fire and emergency services provider. This registration shall continue in force until withdrawn by the Municipality for cause or the fire department requests that the registration be revoked.

- 4.1 Annual updates of the registration form shall be submitted to the Municipality no later than June 15<sup>th</sup> of each year; [amended Jan. 28, 2014]
- 4.2 Any changes to the services provided by the body corporate shall be filed immediately with the Municipality throughout the year; [amended Jan. 28, 2014]
- 4.3 All other required forms and documentation, including the annual registration form updates, financial statements, officer, rate and grant forms shall be submitted to the Municipality no later than June 15<sup>th</sup>, in order to receive collected fire taxes and grant monies; [amended Jan. 28, 2014]
- 4.4 All fire tax payments shall be made available to fire service providers 30 days from the due date of municipal taxes. [amended Jan. 28, 2014]

#### **5.0 Notification**

The Municipality shall advise any new Body Corporate, by providing a letter stating approval as a registered Fire and Emergency Services provider as per sec 4. ~~(See attached schedule "B").~~

#### **6.0 Rate Payers Meeting**

Every registered fire and emergency services provider must have an annual ratepayer meeting. Minutes of these meetings must be maintained in the minute books of the organization.

- 6.1 Fire Service providers shall have proposed budget documents available to the public seven (7) days prior to their ratepayer meeting and the budget shall be linked to the service levels being provided; [amended Jan. 28, 2014]
- 6.2 Fire Service providers may conduct an information session on the proposed budget seven (7) days prior to the ratepayers meeting to assist the ratepayers in understanding the fire service levels being provided and any costs associated with providing such service; [amended Jan. 28, 2014]
- 6.3 All proposed fire tax rates shall be supported by the service provider's budget, which is to be presented to the ratepayers at the annual ratepayers meeting. [amended Jan. 28, 2014]
- 6.4 Ratepayers shall have the opportunity to discuss service level expectations during a ratepayer meeting. [amended Jan. 28, 2014]
- 6.5 Ratepayers shall not request a reduction in the proposed fire rate that diminishes the overall operation of the fire service provision. [amended Jan. 28, 2014]

- 6.6 The notice of the annual ratepayers meeting must be advertised in the local paper (a weekly circular) for a minimum of (2) two weeks prior to the annual meeting date. This advertisement shall include the following:
- fire service provider name;
  - date of meeting;
  - location of meeting;
  - contact name and phone number; and
  - where proposed budget documents may be viewed. [amended Jan. 28, 2014]

For the departments that are required to have an annual ratepayer's meeting to set the fire tax rate that must be specified as well.

- 6.7 All annual ratepayer's meetings must be conducted before June 15<sup>th</sup> of the following fiscal year.
- 6.8 Requests shall be made to the Municipality for appropriate rate payer's list a minimum of (2) weeks prior to the meeting date.
- This list will provide the chair of the meeting with information to confirm that only those who are ratepayers may vote on motions that are made at the meeting. [amended Jan. 28, 2014]
  - The Municipality will also provide upon request a property civic report to help the department locate properties [amended Jan. 28, 2014]
  - Since fire departments members do not need to be a ratepayer or a resident of the area, a member of the fire department can move motions but the seconder shall be a ratepayer.
  - Once the question has been called, only ratepayers can vote on the motion. 50 % + one of the ratepayers in attendance at the meeting in favor of the motion shall be required to pass a motion.
  - Voting may be done by secret ballot. [amended Oct. 13, 2009]
- 6.9 All fire tax requests by a registered fire and emergency services provider shall be provided to the Municipality on the approved registration package forms found on the Municipal website. (see Schedule C) no later than June 15<sup>th</sup> of the current year. [amended Jan. 28, 2014]
- 6.10 For all registered fire and emergency services providers who do not have fire taxing power provided by their Act of Incorporation, the Municipality shall approve the rates.

For those providers that have taxing power for fire tax, these approved rates will be added to the fire tax schedule for inclusion with approved rates for that fiscal year.

**Annotation for Official Policy Book**

Date of Adoption:	<u>September 11, 2007</u>
Date of Notice to Council Members of Intent to Consider: (7 days minimum)	<u>January 21, 2014</u>
Date of Passage of Amendments:	<u>January 28, 2014</u>
Date of Notice to Council Members of Intent to Consider: (7 days minimum)	<u>April 27, 2017</u>
Date of Passage of Amendments:	<u>May 9, 2017</u>
I certify that the amendments to this the " <i>Fire and Emergency Services Policy</i> " was adopted by Council as indicated above.	
_____ Sherry A. Conrad, Municipal Clerk	_____ Date

MDL-36

DRAFT

**MUNICIPALITY OF THE DISTRICT OF LUNENBURG  
ANNUAL FIRE AND EMERGENCY SERVICES PROVIDER UPDATE**

Fire Department Official Name: **DRAFT COPY**

Act of Incorporation:

If information noted above is incorrect, please make changes below:

Fire Department Official Name:

Act of Incorporation:

Please mark the service to which you will be providing for current Fyiscal year here

1. Attach Annual Report from Scotia Business or similar for call number & response type

2. Fire and Fire Related Emergencies      N/A       Structural       Defensive

Structural - activities of rescue, fire suppression, and property conservation in buildings, enclosed structures, vehicles or vessels

Defensive- actions intended to control a fire by limiting its spread to a defined area, exterior or exposures.

3. Medical Emergencies      N/A      Medical First Response      Medical Assistance  
           

MFR - registered through EHS Program      MA - responders who have standard or emergency first aid

	N/A	Awareness	Operational	Technician	
4. Vehicle Extractions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Water Rescue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Ice Rescue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Structural/Excavation Collapse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. High Angle Rescue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Low Angle Rescue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. MVC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Rapid Intervention Team (RIT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Hazardous Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Rehab	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Lifelight Training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Awareness - Recognize situation, call for trained personnel, secure area and provide minimum intervention  
 Operations - Respond in defensive fashion to control, prevent a worsening of the incident and provide services within capabilities  
 Technician - Contain and control the incident. High degree of intervention

18. Ground Search and Rescue      N/A      Provider      Assistance  
           

Provider - Meets NS Emergency Measures provincial standards for SAR teams

Assistance - Members under control of SAR team

**Number of  
Frefighters  
Trained for  
Services  
checked off  
Below**

**-Number  
FF Trained**

**MUNICIPALITY OF THE DISTRICT OF LUNENBURG**      ~~Schedule A~~  
**ANNUAL FIRE AND EMERGENCY SERVICES PROVIDER UPDATE**

24. Are there limits on the level of service that will be provided in respect to any of the services checked on Page 1? If so, please indicate.

25. Does the Department have the equipment to perform the services checked on the previous page?

26. Does the Department have the training or experience necessary to perform this services checked on Page 1?

19. Number of Active Firefighters	
20. Number of Auxiliary Members	
21. Number of Junior Fire Fighters	
22. Number of Honourary Members	

23. Firefighter Personnell Accident Insurance - Please attach ~~copy of Invoice~~

**LIABILITY INSURANCE**

Based on the *Municipal Government Act*, the Municipality of the District of Lunenburg must ensure that every Fire Department carries Liability Insurance.

Vehicle                       Facility                       Firefighters

Registration with the Municipality of the District of Lunenburg, when approved by the Municipality of the District of Lunenburg, continues in force until withdrawn by the Municipality of the District of Lunenburg for cause or the emergency services provider requests that the registration be revoked.

This registration does not make an emergency services provider an agent of the Municipality of the District of Lunenburg. A registered emergency services provider is not a municipal enterprise pursuant to the *Municipal Finance Corporation Act*.

I/we hereby certify that the above mentioned organization will provide the fire and/or emergency service indicated above and this service is being provided to the Municipality of the District of Lunenburg on a not-for-profit basis. It is also understood that the Municipality or any other organization will not provide the same service for the same area.

Name of Individual Completing Form	
Telephone Number (above individual	
Authorization Given by:	
Telephone Number (of signer)	
Date:	
Preferred Email Address:	

# Apparatus Information

~~Schedule A~~

## FIRE PROTECTION RESPONSE

These items refer to what equipment is on each vehicle.  
Some vehicles may not have any or all of the items listed.

Type	Year	Pump Test Date*	Tank Capacity Gallons	Foam and Type	Porta Tank Size

Please list any other special fire fighting equipment : Ladders over 24ft, air bags size and capacity, etc. If more room required attach copy.

\*Attach a copy of latest Pump Test results

# Fire Department Organization

~~Schedule A~~

## Equipment

Generators	Yes/No	Watts	Thermal Imager Type and number	Portable Pump	GPM	Other Information	
Bunker Gear	# of Units	Annual Inspection	NOTES:				
Wildland Equipment			Additional Forestry equipment info: (Back Tanks, etc.)				
Nomex Coveralls							
SCBA Circle one or write in type.	# of Units	Date of Flow Test*	Date of Manufacture	*Attach copy of the latest SCBA flow test results Other comments:			
Type: Scott, MSA, Other:							
Cylinder size circle one 2216 psi/ 4500 psi							
Hose	Feet of 1 ½"	Feet of 1¾"	Feet of 2½"	Feet of 3"	Feet of 4"	Feet of 5"	

<b>Fire Department Organization</b>						<del>Schedule</del>
<b>Dry Hydrants, Dispatch, FF Complements, Communications Equipment, Station Information</b>						
Location						
Location						
Location						
<b>COMMUNICATION EQUIPMENT</b>						
Number of Pagers						
Dispatch Method (Explain)	Scotia Business Center					
Other						
Radio Equipment	<b>TMR2 Portables</b>	<b>TMR2 Mobiles</b>	<b>VHF Portables</b>	<b>VHF Mobiles</b>	<b>Other</b>	
Quantity						
<b>FIREFIGHTER COMPLEMENT</b>						
Number of Fire Fighters	Number of Fire Fighters with Level 1 Training		Number of Officers		Number of Officers with Officer Training	
<b>FIRE STATION INFORMATION</b> (this is the location where your equipment is stored)						
Community Name			Non-Emergency Number			
Civic Number			Road Name			
Number of Bays						
Other						

**FIRE TAX RATE/MONEY REQUEST FORM  
FOR THE PERIOD APRIL 1 *Start fiscal year* TO MARCH 31, *ending fiscal year***

**Please return completed form by June 15, *current year***

**Please note that only Section A or B is to be completed, not both**

**SECTION A**

Rate approved by the Fire Department and/or Rate Payers per \$100.00 of assessment

\_\_\_\_\_

**SECTION B**

Amount of money approved by the Fire Department and/or Rate Payers

\_\_\_\_\_

As an Officer of the Fire Department, I hereby certify that the above information is correct.

Date

\_\_\_\_\_

Authorized Signature

\_\_\_\_\_

Position

\_\_\_\_\_

Your current assessment is \$\_\_\_\_\_ subject to Section 84 and Appeals. All categories of assessment are still taxable under the *Municipal Government Act* -- there is no change from last year.

**An advance of 50% of the previous year for tax revenue will be paid to you in the month following the due date of the interim tax bill, and the balance will be paid in the month following the final tax bill.**

**DRAFT Copy**

**Fire Department Organization**

**Schedule A**

**OFFICER INFORMATION FORM**

**FOR THE PERIOD APRIL 1, *Start fiscal year* TO MARCH 31, *Ending fiscal year***

**Please return completed form by June 15, *current year***

Please send all correspondence from the Municipal Office to:

Name:

Address:

Postal Code:

Email Address:

**FIRE DEPARTMENT**

**Chief Name:**

Telephone Number:

**Deputy Chief Name:**

Telephone Number:

**Secretary Name:**

Telephone Number:

**Treasurer Name:**

Telephone Number:

**COMMISSION**

**Chairman Name:**

Telephone Number:

**Secretary Name:**

Telephone Number:

**Treasurer Name:**

Telephone Number:

Fire Department Organization Schedule A

**MATCHING GRANT FORM**  
**FOR THE PERIOD APRIL 1, *Start fiscal year* TO MARCH 31, *End fiscal year***

Please return completed form along with your financial statement by June 15, *Current year*

**RECEIPTS**

Funds raised from Community\*:

Card and garden parties .....	
Suppers .....	
Dances .....	
Bottle drives .....	
Raffles .....	
Walk-a-thon .....	
Bingo .....	
Yard Sales .....	
Ladies Auxiliary .....	
Other (specify) Donations .....	
<b>Total</b> .....	

**Other Revenue:**

<b>Membership Dues</b> .....	
<b>Hall and Equipment Rentals</b> .....	
<b>Bank Interest</b> .....	
<b>Other (specify)</b> .....	
<b>Total Revenue</b> .....	

Municipality of Lunenburg:

Matching Grant .....	
Municipal Grant .....	
Municipal Insurance Grant .....	
Fire Tax Levies .....	
Other .....	
<b>Total</b> .....	

**TOTAL RECEIPTS** .....

\*The Matching Grant will be the total of funds raised by the Community to a **maximum of ~~\$1,500.00~~ \$1,530.00**. The Matching Grant will be paid to you each year in the month following the due date of the final tax bill.



**MUNICIPALITY OF THE DISTRICT OF LUNENBURG  
Application for Firefighter Recognition**

The Municipality will provide a onetime framed print to all ACTIVE firefighters who have volunteered for 20 years of firefighting service. Please submit names of firefighters who have served 20 years or greater, **who have not yet received the Firefighter Recognition**. By way of this completed **application**, fire chiefs are providing names of all eligible firefighters. This form must be completed and returned to the Municipal Office by June 15, *Current year*

Firefighters names that have been submitted, will receive an invitation to attend the awards presentation.

Firefighter Name:	
Years of Service:	
Mailing Address:	
Phone Number:	
Firefighter Name:	
Years of Service:	
Mailing Address:	
Phone Number:	
Firefighter Name:	
Years of Service:	
Mailing Address:	
Phone Number:	
Fire Chief:	
Fire Department:	
Date:	
Signature:	

**Fire Chiefs are required to sign this form.**





**MUNICIPALITY OF THE DISTRICT OF LUNENBURG  
Application for Department Recognition  
Plaque and Helmets**

The Municipality will provide an Inaugural Plaque to any fire department having a special event celebrating their years of dedication and volunteer service to the community. The Inaugural Plaque will be presented to a fire department celebrating a minimum of 15 years of service. The Plaque has been designed to allow placement of helmets in recognition of a fire department celebrating a minimum of five years additional service. The Councillor of the District will present the Inaugural Plaque and helmets.

Fire Department Name:	
Date of Anniversary Celebration:	
Established Date:	
Year of Service for Anniversary:	
Requested by:	
Date:	
Contact Phone #:	

Plaques shall be requested no less than 6 weeks prior to the celebration by either the Councillor of the District or a member of the fire department.



# Municipality of the District of Lunenburg

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## REQUEST FOR DECISION

**REPORT TO:** Mayor Bolivar-Getson and Members of Municipal Council

**SUBMITTED BY:** Norma Schiefer, Municipal Development Officer

**DATE:** February 20, 2018

**RE:** Adding one property to the Rhyno Lake Private Road Charge Area

**ORIGIN:** Request from the Rhyno Lake Road Improvement and Maintenance Association

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### RECOMMENDATION

**That Municipal Council approve PID 60476934 be added to the Rhyno Lake Road private road maintenance charge area. Further that the Municipal Clerk and Mayor be authorized to sign an addendum to the private road maintenance agreement with the Rhyno Lake Road Improvement and Maintenance Association to implement the same.**

### BACKGROUND

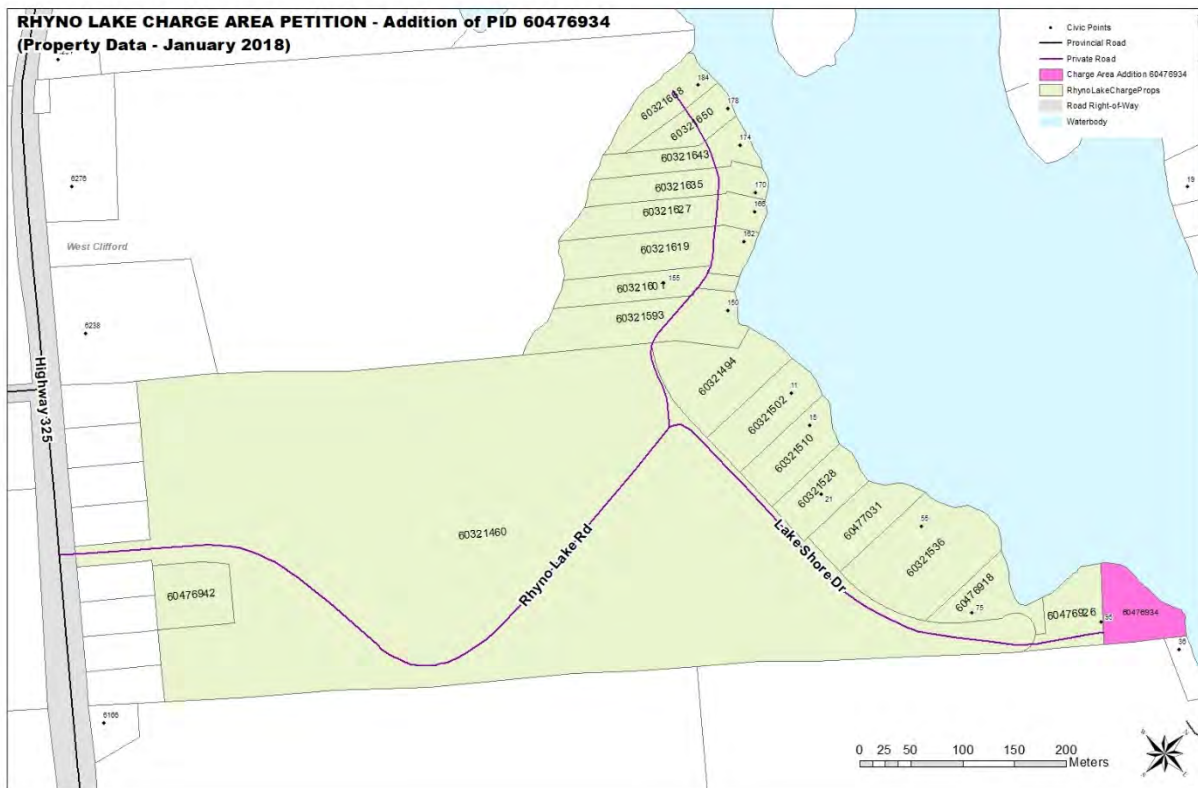
The Municipality has a Private Road Maintenance and Improvement By-law. The by-law sets out a process for property owners on private roads to have their road maintenance fees collected by the Municipality. The by-law requires a petition to be signed by 66.66% of the lot owners in the charge area. The Municipality currently has 19 agreements with private road owner Associations to collect their private road maintenance fees. For the service the Municipality charges a 5% administration fee. The Municipality's role is to collect the money for the Association. The road association is responsible for all work on the road.

The Municipality signed an agreement in 2013 with the Rhyno Lake Road Improvement and Maintenance Association to collect their road maintenance fees on their behalf. At the time the Association submitted a petition signed by 73% of the lot owners in the

charge area. An addendum was signed in 2015 to add an additional 3 properties to the charge area.

## DISCUSSION

Staff received a request from the Rhyno Lake Road Improvement and Maintenance Association to add one property to their charge area. The property is PID 60476934 and is noted on the map below.



## **ALTERNATIVES**

- B. Request a new petition be submitted
- C. Amend by-law to add a process to have properties added to an established charge area.

## **CONCLUSION**

As a request to add properties to an established charge area doesn't arise very often Staff is recommending the Council deal with these types of situations on a case by case basis.

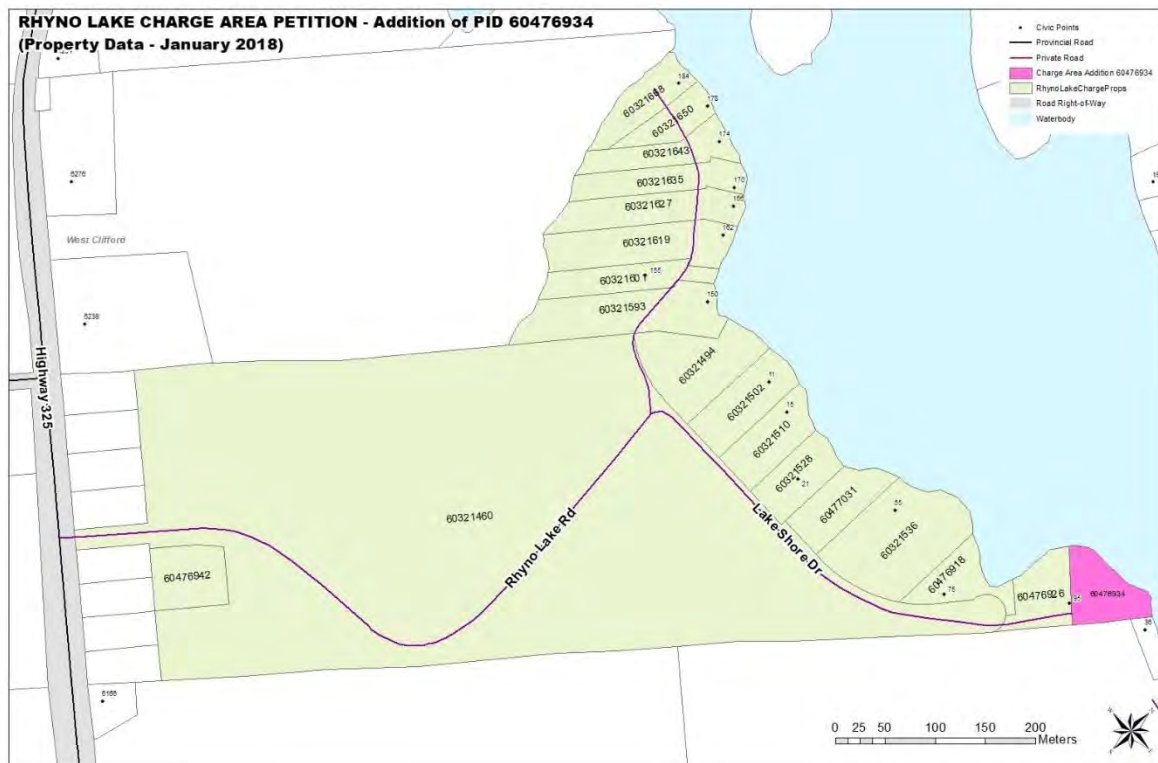
In this case the subject property is using the private roads to access their property. Staff recommends that Council expand the Rhyno Lake Road Improvement and Maintenance Association private road maintenance charge area to include PID 60476934. To implement the change in the charge area an addendum to the existing agreement between the Association and the Municipality will need to be signed by both parties.

# Schedule B



## THE MUNICIPALITY OF THE DISTRICT OF LUNENBURG

### PRIVATE ROADS MAINTENANCE AND IMPROVEMENT CHARGE RHYNOLAKE ROAD IMPROVEMENT AND MAINTENANCE ASSOCIATION



**WHEREAS** the Rhyno Lake Road Improvement and Maintenance Association has requested that the charge area that forms part of the private roads maintenance and improvement charge agreement between the Rhyno Lake Road Improvement and Maintenance Association and the Municipality of the District of Lunenburg be amended to include one additional property,

**IT IS HEREBY** agreed that PID 60476934 is added to the charge area appended to the agreement as shown on the inset map.

**IN WITNESS WHEREOF** the parties to these presents have signed, sealed and delivered the same the day and year first above written.

SIGNED, SEALED AND DELIVERED ) RHYNO LAKE ROAD IMPROVEMENT AND  
MAINTENANCE ASSOCIATION  
In the presence of: )  
)  
)  
)  
\_\_\_\_\_) Per: \_\_\_\_\_  
Witness ) President  
)  
)  
)  
\_\_\_\_\_) Per: \_\_\_\_\_  
Witness ) Vice President

MUNICIPALITY OF THE DISTRICT  
OF LUNENBURG  
)  
)  
\_\_\_\_\_) Per: \_\_\_\_\_  
Witness ) Mayor Carolyn Bolivar-Getson  
)  
)  
)  
\_\_\_\_\_) Per: \_\_\_\_\_  
Witness ) Sherry Conrad, Municipal Clerk

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2018, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that RHYNO LAKE ROAD IMPROVEMENT AND MAINTENANCE ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2018, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that RHYNO LAKE ROAD IMPROVEMENT AND MAINTENANCE ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2018, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that the MUNICIPALITY OF THE DISTRICT OF LUNENBURG, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA



## Municipality of the District of Lunenburg

### REQUEST FOR DECISION

REPORT TO: Mayor Bolivar-Getson & members of Municipal Council  
 FROM: Douglas Reid.  
 DATE: February 16th 2018.  
 RE: Receipt of a Petition requesting Land Use Planning (Hemford Forest)

#### RECOMMENDATION.

Where a request has been initiated by a petition from the community that is consistent with MDL-21, planning staff is recommending Council carry out the actions identified in MDL-21 sections 1.3 & 1.4.

#### Motions:

- That staff conduct two public information meetings to introduce the concept of land use planning in the Hemford Forest subdivision.
- **That Council conduct a Plebiscite to determine the public's opinion concerning** whether land use planning should be established for the Hemford Forest subdivision, with the date of the plebiscite to be set no later than December 1st, 2018.

#### BACKGROUND.

On February 5th, 2018, a petition with 26 signatures was delivered to the Municipality. The petitioners identified themselves as eligible voters residing in the Hemford Forest subdivision, located off the Upper Branch Road in the community of Hemford, in Council District 5. The petitioners are requesting Council initiate the process of introducing land use planning regulations for the Hemford Forest subdivision.

Since 2001, Council has adopted Policy (MDL-21) with respect to the process for considering citizen requests for land use planning. In considering a request: a signed petition of 5% of eligible voters of the identified *community* must first be forwarded to Council. Staff reviewed Voter Roll information used in the 2016 election. The table below identifies the estimate number of eligible voters who reside in the community of Hemford; the number residing in the Hemford Forest subdivision; and what would be required to meet the 5% threshold for each, as identified in Policy.

Polling District #521	2016 Voter Roll ( <i>estimates</i> )	5% Threshold
Hemford (community)	206	11
Hemford Forest subdivision	47	3

18 of the 26 petitioners are identified on the 2016 Voter Roll. 7 other names are found on current title to property (*4 of the 7 petitioners purchased property since the 2016 election*). Given these information sources, staff considers the petition, as signed (\*18-25), exceeds the minimum requirement identified in Policy. That is: the petition meets Policy requirements for the entire community of Hemford, even where the **petitioners'** request is specific to introducing land use planning in the Hemford Forest subdivision.

In accepting the petition, the next step would be for the Municipality to conduct two public information meetings to introduce the concept of land use planning to citizens. The two meetings would be advertised via applicable forms of Public Notice. Following the information meetings, Council would undertake a plebiscite to gauge the respective **community's opinion** on the matter. Where there is more than 12 months before the date of the next municipal election, MDL-21 identifies where Council can determine the plebiscite date of its own accord.

The last plebiscite on planning (*in Wileville*) was held concurrent with the 2016 election. A plebiscite was carried out (*in Dayspring*) in 2002, independent of an election. In terms of possible steps that would take place beyond such a plebiscite: MDL-21 currently identifies where the implementation of land use controls would follow in those cases where 66.6% of the ballots are cast in favour of land use planning. That outcome has not yet occurred.

## DISCUSSION

Council may wish to consider the following matters, prior to providing staff with any direction on this request:

### Hemford Forest Subdivision - the numbers

Identified Number of Lots.	120 (115*)
Developed Lots.	49
Undeveloped.	56 (51*)
Properties held by the Hemford Forest Property Owners Association (HFPOA) for access, recreation, or other purposes.	15
Civic Addresses.	50
Addresses identified on the 2016 Election Voter Roll.	29
Addresses not identified on the Roll.	21
Number of Signatures. (2018 Petition)	26 (18-25*)
Addresses identified with Petition.	13

### Community Size / Geography

Hemford Forest subdivision is approximately 115 acres. The subdivision may be considered distinct where the density of residential lots contrasts with the **surrounding area's** large resource property holdings. The development was created from a subdivision process initiated more than forty years ago. (1972 / 1974) The proximity of Hirtle Lake at that point along the Upper Branch Road provided opportunity to develop attractive lakefront residential lots without incurring extensive road development costs in to access the new parcels.

A drive along Upper Branch Road from Bridgewater to Hemford is indicative of the pattern of development that has taken place in the Municipality over the the last century, with changes in personal mobility and employment patterns. In Auburndale: residential lots of relatively small size consistently neighbor each other over the first 2-3 kilometres leading out from town. Two unconnected subdivisions have developed off the road, but generally, large resource holdings (*agricultural or woodlots*) are adjacent to the back of this consistent ribbon of residences fronting the road. A ribbon development pattern continues into Midville Branch, becoming sporadic after crossing the river. In Upper Branch: distances between residential lots along the road are longer, the lot sizes are generally larger, and, in many places, undeveloped woodland immediately borders on the road. Where the Upper Branch Rd ends at Highway 208, in the centre of Hemford, it is again noted where the lot sizes nearer to that intersection are again smaller, with the segmentation of private resource properties again being found adjacent to the back of developed residential lots.

Per the 2016 Voter Roll: the estimated population of the Hemford Forest subdivision is approximately 23% of the community of Hemford. It is ~9% of Polling District 521. Staff notes where there are 4 communities in Polling District 521 (*Upper Branch, Hemford, Nineveh & Colpton*) and ~13 communities identified in Council District 5.

Population, development history, lot sizes, and geographic context are important elements in leading to questions:

- Is the Hemford Forest subdivision considered a distinct community?
- Is the community of sufficient size for the Municipality to undertake separate land use planning controls?
- Does each community found in a Polling District, or each community within a Council District, warrant development of their own land use by-law?

The municipal policy used in adopting planning (MDL-21) **speaks to “community” without defining the term**. Even when the policy aim is to define a “community” as being a “common geographic location”, opposing public views can emerge quickly, with reconciliation of views not always possible. Public debate on the variance of where one community starts and another community ends may be considered problematic, if not unproductive.

Since adoption of MDL-21 in 2001, **Council’s** process has deferred the question of possible implementation to local “communities” to pursue development and potential adoption of secondary plans, based on a demonstrated interest. (*a plebiscite vote*) Council has consistently identified no interest in identifying or adopting municipal-wide planning.

By this petition, citizens who identified themselves as being residents (eligible voters) of Hemford Forest subdivision have expressed their interest in seeing their local “community” adopt land use controls. The petition meets the Policy requirement.

It is **Council’s** consideration to determine if that registered self-interest is a sufficient scale to pursue further action. It may be considered **Council’s responsibility, in their role of governing the one community identified as the District of Lunenburg**, to determine at what appropriate scale the development of local land use plans should be.

### Specificity of local interests / Integration of a concentrated residential subdivision with surrounding area

Staff makes *assumption* - based on the evident predominance of existing residential uses found in the subdivision - that a proportion of the petitioners are interested in planning because a Land Use By-law might restrict future uses considered inconsistent with what residential development has occurred since the 1970s. The *assumed* objective would be to adopt regulation that could identify this part of the Municipality as having a “**restrictive-residential**” -styled Zoning designation, such as what exists in parts of Hebbville and Maders Cove.

This *assumption* is based, in part, on facts associated with **Hemford Forest’s** historical development. Like other subdivisions associated with lakefront development during the 1970s & 1980s, there was an inclination at the time of initial lot creation in having restrictive covenants be placed on title. Covenants were *likely* identified by the developer as a means to control future activities, once the new lots were conveyed. The identification of covenants *may* have also been an associated aspect in marketing the lots to the public.

The administration and policing of covenants on title does not involve municipal government.

It is noted there was no supportive framework in place for the introduction of land use by-laws in this Municipality in the 1970s, when this subdivision was first developed. (*i.e. there wasn’t any municipal policy alternative on offer.*) The first secondary plan - identified for Hebbville - was adopted by Council in 1990. The identification and development of four other community-based plans followed swiftly in the early 1990s. No new community-based Plan Area has been identified by Council since 1997. The current Policy governing the procedure of creating a new Plan & By-law in interested communities (MDL-21) was subsequently adopted in 2001.

Pursuing the development of land use plans at very “localized” levels, to be based on clearly-identified local interests, has both advantages and drawbacks. The **Municipality’s** current policy framework encourages interested citizens to be substantively involved in the preparation and review of the Municipality’s **planning** documents in their community. It also allows for possible debate over issues to also become very “localized” (i.e. *debates between individuals within communities*), which not all citizens are prepared to undertake. A preference towards deferring to a community-based framework can also require more time and resources be allocated towards addressing the issues identified at the most local level.

Finally, the current “localized” policy framework can generate heightened expectations of regulatory protectionism in those areas with land use planning, especially where a map illustrates that a very large portion of the Municipality has remained unregulated since 1997.

Zoning regulation can oftentimes be critiqued as a way to fragment communities. In MODL: this “fragmentation” **can** also refer to the lack of integration between the areas of heavily-regulated interests and areas with no regulation.

#### STRATEGIC PLAN / POLICY RELEVANCE.

Citizens have presented a petition consistent with the process identified in Municipal Policy MDL-21.

#### WORK PROGRAM IMPLICATIONS / BUDGET IMPLICATIONS.

Any direction by Council would be integrated with **the Planning Department’s** general operations for 2018. Where this request was initiated by approximately two dozen citizens, staff considers that timelines be identified, in terms of the provision of a clear decision on their request, and any subsequent actions to be carried out by staff, as is directed.

#### ALTERNATIVES

**With the petition’s submission**, staff has identified two alternatives for Council to consider:

1. Where the submitted petition meets the requirements of Policy MDL-21, conduct the public information meetings and plebiscite. (*Recommendation identified in box on Page 1 of Memo*)

Similar to the 2016 process in Wileville, staff would propose an information meeting be done in early summer [June] and then in the fall [September], to allow for possible variance in attendees, before an October plebiscite.

The Municipality needs to be very clear in setting direction as to which part of the Municipality would be under consideration for adopting land use planning, and - based on that geographic determination - which subset of eligible voters would then be participating in the plebiscite.

2. Council may consider it cannot accept the specifics of the petition, as grounds for moving forward with conducting the information meetings, or in undertaking a plebiscite that would be *specific* to the Hemford Forest subdivision.

This alternative may be considered inconsistent with Policy MDL-21. Such a perspective is based solely on where the petition requests land use planning for only the Hemford Forest subdivision.

This memo has noted that the petitioners are of a sufficient number to be requesting planning for the entire **“community” of Hemford** - but have identified where they are asking only as voters (residents) of the Hemford Forest subdivision. **The issue is where the “community” has self-identified** its own common area of geographic interest, but where Council consider that it cannot respond at that scale.

In addition to the two alternatives presented above, in direct response to the petition, staff would advise Council that it consider making potential changes to Policy MDL-21. Any proposed changes can first be discussed and identified via a staff report and presentation to the Planning Advisory Committee. Included in the Committee discussion will be the points raised previously in this Memo.

MDL-21 was established in 2001, shortly before the Dayspring plebiscite in 2002. Council has then only referred to the Policy, in response to the submission of a resident petition, in the fall of 2015 and (now) February 2018. As with all policy matters, the conditions associated with its application, and the perspectives of current Council members and citizens, change over time. The additional motion (below) would look to update the Policy, following further work and discussion undertaken via the Planning Advisory Committee.

**Additional Motion for Council's consideration:**

- That staff prepare a Report to Planning Advisory Committee, to review possible revisions to current Municipal Policy MDL-21, regarding **Council's role in the determination of petitions, plebiscites, and identified matters** affecting the introduction or elimination of land use plans in local communities.

COMMUNICATION CONSIDERATIONS

Planning staff will **inform those citizens who delivered to the petition to the municipal offices of this item's appearance on Council's agenda, so that they may hear Council's deliberations first-hand.**

Citizens who reside in other parts of the community of Hemford, and those residing in other communities located in Polling District 521 (*or northwestern portions of the Municipality*), may hear either directly or **indirectly of Council's** consideration of this petition, and hold a strong interest with where such a process affects them.

Any actions to be undertaken by the Municipality with respect to a discussion on land use controls in **"unplanned"** communities should look to be as clear as possible as to the purpose of the undertaking, and the scope of public discussion.

ATTACHMENTS to this MEMO.

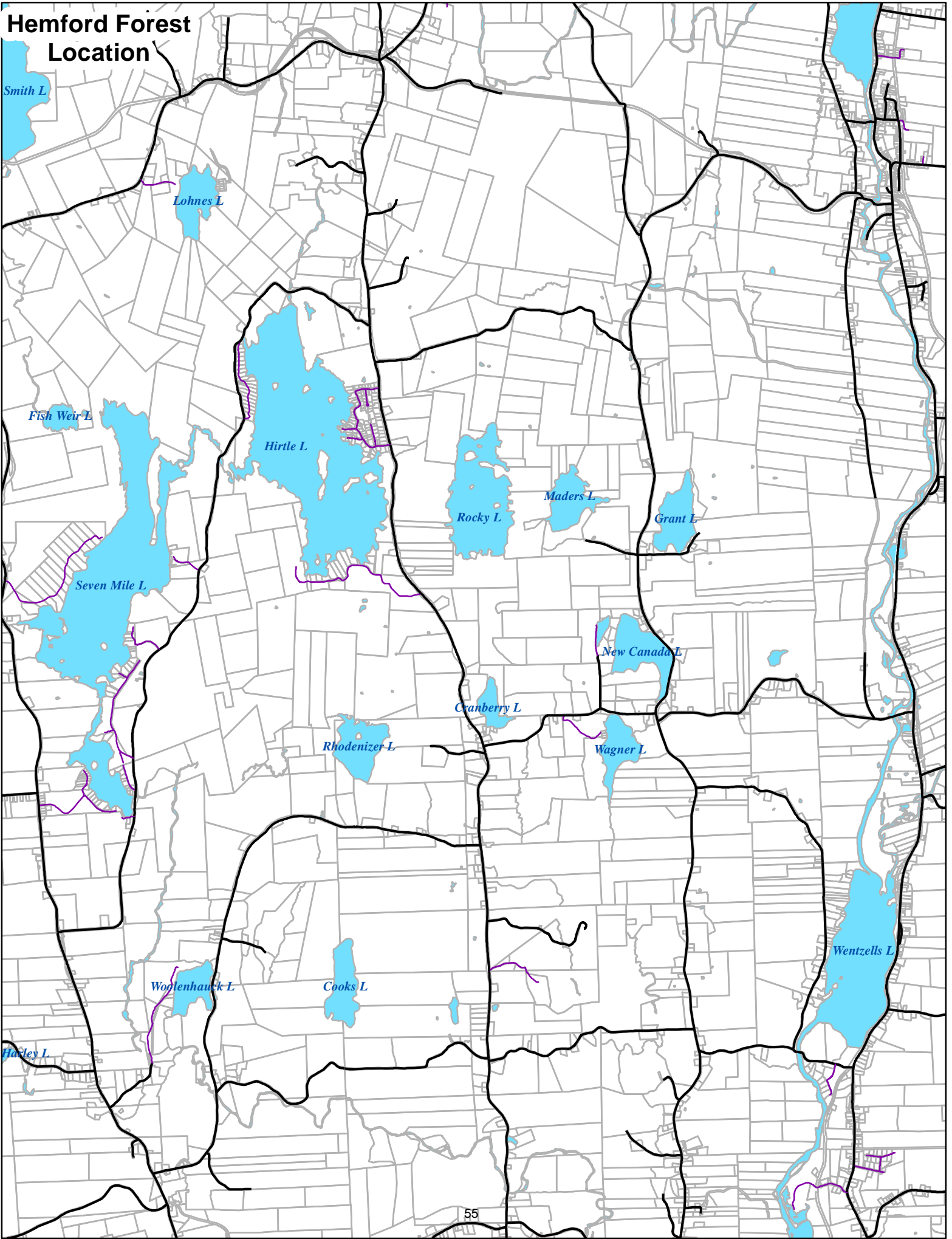
1. Petition from Hemford Forest subdivision residents
2. Policy MDL-21
3. Location Maps

Report Prepared By: Douglas Reid.

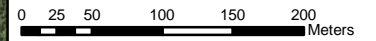
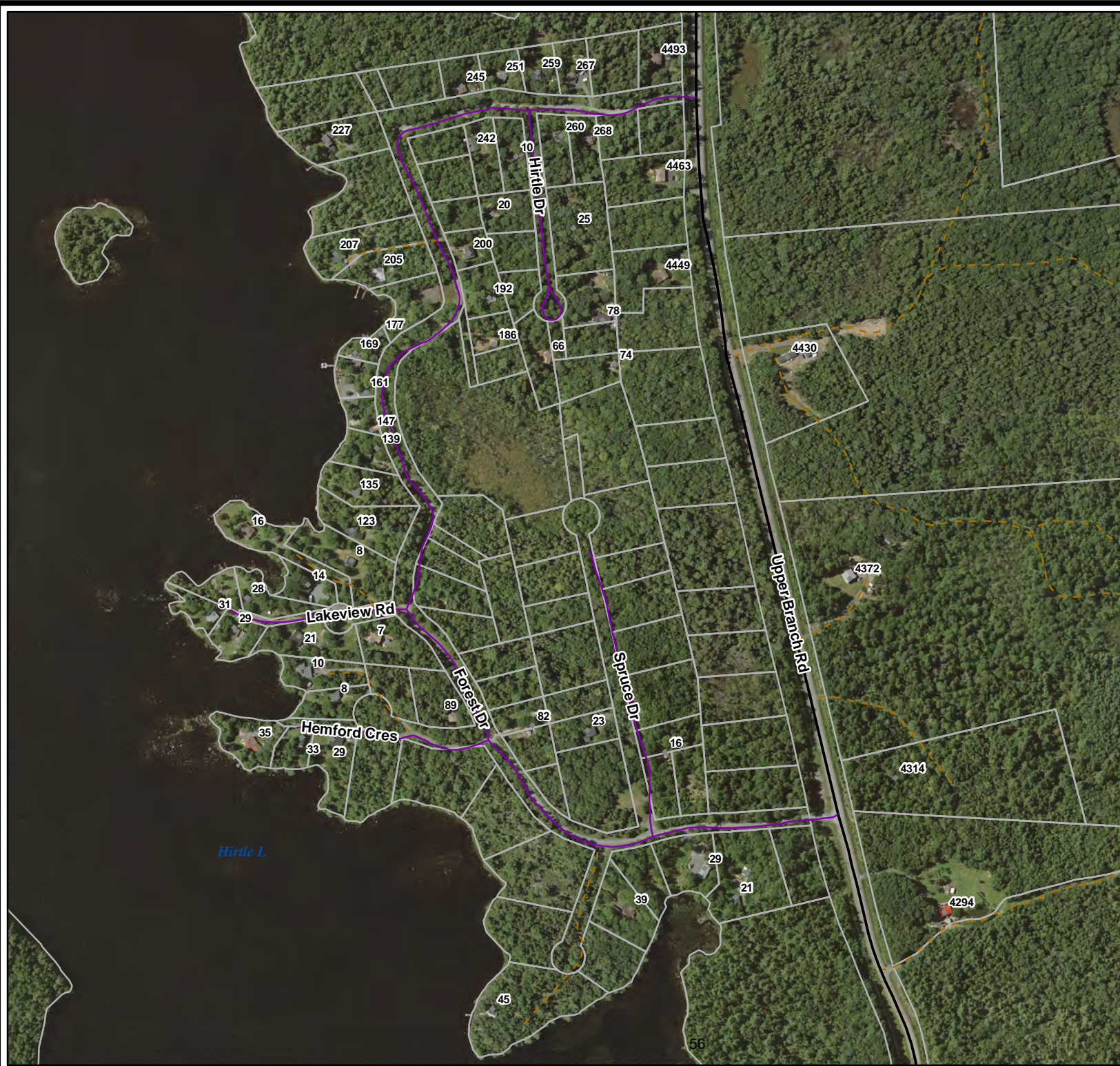


Report Approved By: Jeff Merrill.

# Hemford Forest Location



# Hemford Forest Subdivision



Project Description:

## MUNICIPALITY OF THE DISTRICT OF LUNENBURG

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Date:

File:

Prepared By: Planning & Development Services  
Municipality of the District of Lunenburg

FD-000000

RECEIVED

PETITION FOR LAND USE PLANNING IN HEMFORD FOREST


To the Council of the Municipality of the District of Lunenburg,

We the undersigned, being eligible voters in the Hemford Forest Subdivision, do petition Council to accept this petition requesting land use planning regulations for the Hemford Forest Subdivision.

We understand that once this petition is received by Council that two public information meetings will be held for the voters of Hemford Forest to explain what land use planning means.

Further, we understand that prior to Council implementing land use planning in the Hemford Forest Subdivision, Council will conduct a plebiscite for the voters of the Hemford Forest Subdivision with at least 66.66% of the ballots cast in favour of land use planning.

NAME AND SIGNATURES OF ELIGIBLE VOTERS IN HEMFORD FOREST SUBDIVISION

	Name (please print)	Signature	Civic Address (please print)
1	Shannon Whynot	S. Whynot	
2	Joy Hoskin	Joy Hoskin	
3	Stewart Fader	Stewart Fader	
4	Pamela Fader	Pamela Fader	
5	Maureen Beeswanger	Ms M. Beeswanger	
6	Bea Beeswanger	Bea Beeswanger	
7	LIZ WEBBER	Liz Webber	
8	NEUHAUS, HENRY	Henry	
9	NEUHAUS, FLAINE	Flaine Neuhaus	
10	BOSGRAAF, JACQUELINE	Jacqueline Bosgraaf	
11	BOSGRAAF, DANIEL	Daniel	
12	GEORGE BELL	George Bell	

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Forest  
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**PETITION FOR LAND USE PLANNING IN HEMFORD FOREST**

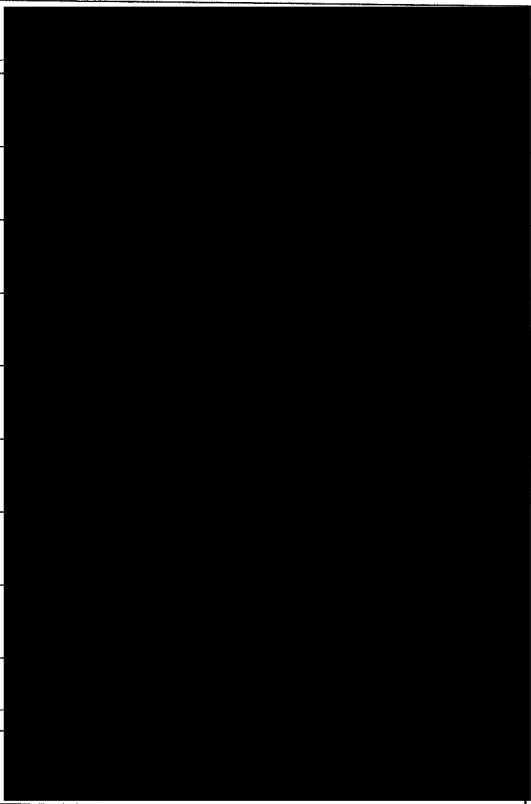
To the Council of the Municipality of the District of Lunenburg,

We the undersigned, being eligible voters in the Hemford Forest Subdivision, do petition Council to accept this petition requesting land use planning regulations for the Hemford Forest Subdivision.

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**NAME AND SIGNATURES OF ELIGIBLE VOTERS IN HEMFORD FOREST SUBDIVISION**

	<b>Name (please print)</b>	<b>Signature</b>	<b>Civic Address (please print)</b>
1	CHRIS BODECHON	<i>Chris Bodechon</i>	
2	MARIE BODECHON	<i>Marie Bodechon</i>	
3	Linda Saulnier	<i>Linda Saulnier</i>	
4	Marion Jennings	<i>Marion Jennings</i>	
5	Brandon Page	<i>Brandon Page</i>	
6	Penelope Tippet	<i>P. Tippet</i>	
7	Alan Tippet	<i>A. Tippet</i>	
8	TEERY ROBERT	<i>Terry Robert</i>	
9	DONNA ROBERT	<i>Donna Robert</i>	
10	DAUG WEBBER	<i>Doug Webber</i>	
11			
12			

**PETITION FOR LAND USE PLANNING IN HEMFORD FOREST**

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**NAME AND SIGNATURES OF ELIGIBLE VOTERS IN HEMFORD FOREST SUBDIVISION**



	<b>Name (please print)</b>	<b>Signature</b>	<b>Civic Address (please print)</b>
1	Billie-Jean Grimm	<i>Billie-Jean Grimm</i>	
2	Vance E. Grimm	<i>Vance E. Grimm</i>	
3	Russell Miller	<i>Russell Miller</i>	
4	Bruce Dickinson	<i>B. Dickinson</i>	
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# Municipality of the District of Lunenburg

## POLICY

Title: <b>PROCEDURE FOR FORMATION OF A PLANNING AREA, THE EXTENSION OF AN EXISTING PLANNING AREA, OR THE ABOLISHMENT OF ALL OR A PORTION OF A PLANNING AREA</b>	
Policy No. <b>MDL-21</b>	
Effective Date: October 9, 2001	Amended Date: Aug. 13, 2002, June 11, 2004, Nov. 8, 2005, Jan. 11, 2011

Council of the Municipality of the District of Lunenburg hereby adopts the following procedure for the formation of new planning areas, the extension of existing planning areas or the abolishment of a planning area or portion thereof:

### 1 REQUEST INITIATED BY THE COMMUNITY

The following are the steps that shall be followed, in order of occurrence.

#### 1.1 Request Made

Request for a new Planning Area, the extension of an existing planning area or the abolishment of a planning area or portion thereof is forwarded to the Council representative for the area in which the request is being made. The request shall be in written form, and bear the signature of:

- a) where the request is for the establishment of a new planning area for a Municipal Polling District or a community within the Municipality, a minimum of 5% of the eligible voters, as defined in the Municipal Elections Act, in each Municipal Polling District or community for which the request is being made;
- b) where the request is for an extension to the boundaries of an existing planning area, a minimum of 5% of the eligible voters, as defined in the Municipal Elections Act, in the area in which the expansion is requested;  
or
- c) where the request is for the abolishment of a planning area or a portion thereof, a minimum of 5% of the eligible voters, as defined in the Municipal Elections Act, in the area for which the request is made.

## 1.2 Request Forwarded to Council

The Council representative forwards this request to Municipal Council for consideration, within 30 days of receipt of the request.

If a request for planning or the abolishment of planning in the same area was previously received, and a plebiscite was held within 24 months prior to the receipt of the new request, it is at discretion of Municipal Council to accept the new request and proceed in accordance with this policy. After a period of 24 months has elapsed since the date of the plebiscite any new request received must follow this procedure.

## 1.3 Public Meeting

Council shall authorize the conducting of two (2) public meetings including associated costs. The public meetings shall be the forum through which the concept of planning is introduced to the community. **[Amended Jan.11, 2011]**

The public meetings shall be advertised in the local papers, for two consecutive weeks prior to the date of the meeting and notices of the public meetings shall be posted in conspicuous places throughout the community. Staff shall conduct the public meetings.

## 1.4 Plebiscite

### 1.4.1 Plebiscite Held

To gauge the community's opinion respecting planning, Council shall conduct a plebiscite for the area in which planning or the abolishment of planning is requested. If the request for land use planning or the abolishment of planning is made within 12 months prior to the date of a Municipal Election, Council shall conduct the plebiscite in conjunction with the Municipal Election.

### 1.4.2 Results of Plebiscite – Request for Planning

- (a) Council shall proceed with the steps necessary to form a planning area where:
  - i) for a Municipal Polling District or community a minimum of 66.66 percent of the ballots cast are in favor of land use planning. For greater clarity where the request is for planning in more than one Municipal Polling District or community, Council shall only proceed with the steps necessary to form a planning area in the Municipal Polling Districts or communities in which 66.66 percent of the ballots cast are in favor of land use planning; **[Amended Jan.11, 2011]**

- ii) for an extension to an existing planning area, a minimum of 66.66 percent of the ballots cast are in favor of land use planning; **[Amended Jan.11, 2011]**
  - b) Where pursuant to subclause 1.4.2(a)(i) and 1.4.2(a)(ii), less than 66.66% of the ballots cast are in favor of land use planning, Council shall not proceed with the establishment of a planning area, except in accordance with Part 2 of this Policy. **[Amended Jan.11, 2011]**
- 1.4.3 Results of Plebiscite – Request to Abolish Planning
- a) Council shall proceed with the steps necessary to abolish a planning area, or in accordance with the Municipal Government Act where a minimum of 66.66 percent of the ballots cast are in favor of abolishing planning, except in accordance with Part 2 of this Policy. **[Amended Jan.11, 2011]**
  - b) Where pursuant to clause 1.4.3(a), less than 66.66% of the ballots cast are in favor of the abolishment of a planning area or portion thereof. Council shall not proceed with the establishment of a planning area. **[Amended Jan. 11, 2011]**

## **1.5 Formation of an Area Planning Advisory Committee**

- 1.5.1 If the results of the Plebiscite are such that a minimum of 66.66% of the votes cast were in favor of planning, Council shall establish an Area Planning Advisory Committee, by policy. The policy shall define the geographical area to which the Area Planning Advisory Committee shall apply, the purpose of the Committee, and the conduct of the Committee; and **[Amended Jan. 11, 2011]**
- 1.5.2 Council shall appoint by resolution, members of the public to serve on the Area Planning Advisory Committee. Appointments shall be sought by public advertisement with a subsequent application made to Council; or
- 1.5.3 Council shall appoint members of the proposed expanded Planning Area to serve on the Area Planning Advisory Committee, and if necessary rescinds the former resolution and adopt a new resolution establishing the revised Area Planning Advisory Committee. Appointments shall be sought by public advertisement with a subsequent application made to Council.

## **1.6 Commencement of Planning Process**

Staff and the Area Planning Advisory Committee work together to draft proposed land use policy and regulations.

**1.7 Adoption / Amendment Procedure; Public Participation Procedure**

Previously established procedures for the adoption or amendment of Planning Documents, and the Public Participation Program shall be subsequently followed.

**2.0 ACTION INITIATED BY MUNICIPAL COUNCIL**

In the event that Municipal Council deems it necessary, for the betterment of a community, to implement land use planning within a community, or to not abolish a planning area or portion thereof, Municipal Council is exempt from satisfying the requirements of Subsections 1.1 to 1.4, inclusive, as listed above.

<b>Clerk's Annotation for Official Policy Book</b>	
Date of Adoption	<u>October 9, 2001</u>
Date of Notice to Council Members of Intent to Consider Amendments (7 days minimum)	<u>December 29, 2010</u>
Date of Passage of Amendments	<u>January 11, 2011</u>
I certify that this MDL-21 " <b>PROCEDURE FOR FORMATION OF A PLANNING AREA, THE EXTENSION OF AN EXISTING PLANNING AREA, OR THE ABOLISHMENT OF ALL OR A PORTION OF A PLANNING AREA</b> " was adopted by Council as indicated above.	
_____	_____
Municipal Clerk	Date