

MUNICIPALITY OF THE DISTRICT OF LUNENBURG  
Minutes of a Meeting of  
**MUNICIPAL COUNCIL**  
Held in Council Chamber, 210 Aberdeen Road, Bridgewater, NS  
**Tuesday, August 28, 2018 – 9:00 a.m.**

**ATTENDANCE**

Mayor Carolyn Bolivar-Getson  
Deputy Mayor Martin Bell, District 2  
Councillor Eric Hustvedt, District 1  
Councillor Lee Nauss, District 3  
Councillor John Veinot, District 4  
Councillor Cathy Moore, District 5  
Councillor Claudette Garland, District 6  
Councillor Wade Carver, District 7  
Councillor Michael Ernst, District 8  
Councillor Reid Whynot, District 9  
Councillor Errol Knickle, District 10

Staff: Kevin Malloy, Chief Administrative Officer  
Trudy Payne, Acting Deputy Chief Administrative Officer  
Sherry Conrad, Municipal Clerk  
Sarah Kucharski, Communications Officer  
Tina Robichaud-Bond, Executive Assistant

**1. CALL TO ORDER**

Mayor Bolivar-Getson called the meeting to order at 9:00 a.m.

**2. ANNOUNCEMENTS/ACKNOWLEDGEMENTS/RECOGNITION**

Councillor Hustvedt recognized the following events recently held in the communities of District 1, adding that these events aid in the area's physical, cultural, and social health of the communities:

- Cherry Hill Fun Run
- Voglers Cove Reading Series
- Rockabilly Picnic, Broad Cove

**3. PUBLIC INPUT**

**Kevin Mayo, 1<sup>st</sup> Peninsula** – Mr. Mayo was in attendance for public input. He advised that he was there representing the twelve (12) households of 1<sup>st</sup> Peninsula who have been ordered by the Department of Environment to upgrade their sewage systems. Mr. Mayo reported that the residents had been provided with a deadline of July 28, 2018 to have a plan in place for the upgrades, which they felt was too short of a timeline. They asked for an extension and were given to October 31, 2018 to meet the Order. This deadline is still causing stress to some residents. Mr. Mayo requested that Council intervene on behalf of the twelve (12) households affected by the order and contact the Department of Environment to request an extension.

Mr. Mayo further reported that he had been advised to contact Municipal Council to request Council's agreement to provide the MLA with permission to investigate other possibilities for the residents, i.e., provide similar program as the LaHave Straight Pipe program.

Council agreed to have staff look into the possibilities and to correspond with the Department of Environment on behalf of the affected residents to request an extension of the deadline provided.

#### **4. APPROVAL OF AGENDA**

A request was made to have Item #11.3.1 "Lumberjacks Funding Request" deferred to the next meeting of the Finance Committee.

**Moved by Councillor Ernst, seconded by Councillor Whynot that Agenda Item #11.3.1, "Lumberjacks Funding Request", be deferred to the Finance Committee. Carried unanimously.**

**Moved by Councillor Ernst, seconded by Councillor Moore that the Agenda be approved as amended. Carried unanimously.**

#### **5. APPROVAL OF MINUTES – July 24, 2018**

**Moved by Councillor Hustvedt, seconded by Councillor Carver that the Minutes of July 24, 2018 Council meeting be approved as circulated. Carried unanimously.**

#### **6. BUSINESS ARISING FROM THE MINUTES (Nil)**

#### **7. AWARDING OF TENDERS/RFPs**

##### **7.1 Award of Tender #2018-05-013 On Site Sewage Disposal Project Group 13**

Maria Butts, Project Coordinator, was in attendance.

Ms. Butts reviewed her report, "Award of Tender #2018-05-013 On Site Sewage Disposal Project Group 13" (circulated with the Agenda).

**Moved by Councillor Whynot, seconded by Deputy Mayor Bell that Municipal Council award Tender #2018-05-013 On Site Sewage Disposal System Installations for the LaHave River Properties Project Group 13 to Town and Country Property Improvement Ltd. in the amount of \$61,739.40 plus HST.**

A question was raised as to the balance of contracts being provided to local contractors. Ms. Butts advised that, to date, 60% of contracts had been awarded locally.

**The Motion on the floor was voted on and carried unanimously.**

## **7.2 Award of Tender #2018-05-014 On Site Sewage Disposal Project Group 14**

Ms. Butts reviewed her report, "Award of Tender #2018-05-014 On Site Sewage Disposal Project Group 14" (circulated with the Agenda).

**Moved by Deputy Mayor Bell, seconded by Councillor Whynot that Municipal Council award Tender #2018-05-014 On Site Sewage Disposal System Installations for the LaHave River Properties Project Group 14 to Dennis Lively Construction and Backhoe Services Ltd. in the amount of \$77,600 plus HST. Carried Unanimously.**

## **7.3 Award of Tender #2018-05-015 On Site Sewage Disposal Project Group 15**

Ms. Butts reviewed her report, "Award of Tender #2018-05-015 On Site Sewage Disposal Project Group 15" (circulated with the Agenda), noting that this project included a large property that required two (2) treatment units to reach the capacity required to treat the septic system.

**Moved by Councillor Ernst, seconded by Deputy Mayor Bell that Municipal Council award Tender #2018-05-015 On Site Sewage Disposal System Installations for the LaHave River Properties Project Group 15 to Dennis Lively Construction and Backhoe Services Ltd. in the amount of \$166,500 plus HST.**

A question was raised as to the amount the homeowner pays for the installation. Ms. Butts advised that under the Homeowner's Agreement, the homeowner is responsible for one-third of the cost, with the remaining two-thirds being covered by federal and provincial partners, capped at \$19,667.

**The Motion on the floor was voted on and carried unanimously.**

A discussion followed regarding an update to the change of legislation with respect to requiring an operating septic system at point of sale. It was noted that a resolution had been put forward to UNSM. It was requested that an update be provided.

A question was raised as to how the determination is made on where the systems are connected to the home. Ms. Butts advised that both she and the engineer do a site inspection to ensure that the best location for the new pipe to be installed into the dwelling has been selected. She further advised that all systems have been connected without the installation of an interior pump.

Councillor Ernst requested that a confidential list be provided to Council on a monthly basis of the new installations. It was agreed that this list would be provided.

It was noted that the plan for the year was to have 75-100 septic systems installed. Including the systems installed under Groups #13, #14, and #15, at total of 71 systems will have been installed, 38 of which are completed and approved.

Deputy Mayor Bell advised that he has heard only positive comments regarding this project.

Ms. Butts left the meeting.

J.C. Reddy arrived at the meeting.

## **8. PRESENTATIONS/SCHEDULED TIMES**

### **8.1 Sub-Division By-Law Review & Recommendation**

Jeff Merrill, Director of Planning and Development Services; Sarah Kucharski, Communications Officer; Stephen Pace, Director of Engineering & Public Works; Norma Schiefer, Development Office; and, Douglas Reid, Senior Planner, were in attendance.

Mayor Bolivar-Getson spoke to the purpose of the review and provided a history of the Sub-Division By law Review, highlighting the following points:

- Council initiated the process to review the By-law in 2017
- Issues to be examined were:
  - Private designed road standards
  - Safe access for emergency vehicles
  - Easily maintained construction standards
  - Reasonable development costs
  - Accepting new public roads
  - Standards for public roads
  - Sustainability of public infrastructure
  - Clarity & ease of administration
- In November 2017, the Municipality,
  - held 2 focus groups,
  - held 2 open houses, and
  - published surveys.
- In December 2017,
  - fire service providers provided input on service, and
  - held a workshop for Council and PAC members.
- In Winter & Spring 2018 – Jan 11, 25, Feb 15, Apr 12, Apr 26 & May 24
  - PAC met 6 times to review, receive public input and provide direction on the By-law
  - Workshops held
  - PAC meetings to address issues
- In June 2018, Council reviewed the draft documents. At this time, Council determined additional public consultation was necessary re key topics
- On July 10<sup>th</sup> and 12<sup>th</sup>, stakeholder consultation workshops were held

Mayor Bolivar-Getson advised that the draft documents reflect the discussions at the consultation workshops.

Mr. Merrill introduced Evan Teasdale, P.Eng, Design Point Engineering & Surveying Ltd.; Vince Goreham, Ph.D, P.Eng, Harbourside Geotechnical Consultants; and, Ian Watson, Planner, Upland Planning & Design.

Ms. Kucharski provided an overview of the public consultation steps taken to date, explained the format of the meetings held in July with the engineers, experts, planning staff, and stakeholders, and advised that the following four issues were raised at stakeholders meetings:

1. Aggregate amount and type;
2. Professional engineer certifications;
3. Flag lots; and
4. Open spaces.

Ms. Kucharski advised that she reviewed the engineers' reports and felt confident that they reflected the discussions held at those meetings.

Evan Teasdale, Project Engineer with DesignPoint Engineering & Surveying Ltd., reviewed his summary report, "Subdivision By-Law Review – Public Consultation Summary and Recommendations" (circulated with the Agenda), and advised that his staff was tasked to facilitate the road engineering design and certification discussions. He advised that the key elements regarding design criteria were design speed and road geometry.

Mr. Teasdale provided his recommendations on the following topics:

- Format of Regulations;
- Maintenance Requirements; and
- Engineering Certifications

Vince Goreham, Geotechnical Engineer with Harbourside Geotechnical Consultants, reviewed his report, "Subdivision Bylaw Review" (circulated with the Agenda), advising that he was tasked with providing guidance on the topic of aggregate. Mr. Goreham reported on design requirements and provided his recommendations on the following topics:

- Road design;
- Method of design;
- Accommodation of size of vehicles;
- Inspections; and
- Hybrid model.

A question was posed as to the possibility of a geotechnical engineer signing off on a road construction. Mr. Goreham explained that signing off on a road design does not entail a warranty on the road. There is an obligation to maintain the road. Maintenance and design are two separate issues.

Ian Watson, Planner with Upland Planning & Design, summarized the reason for updating the subdivision by-law as follows:

- Current sub-division by-law was adopted in 1999
- Considerable growth since 1999
- Climate change impacting our infrastructure
- Community design impacts health of residents

- Challenges with maintaining roads
- Make by-law more user friendly

Mr. Watson further reviewed his report, “Updates to the Municipal Planning Strategy and Subdivision By-law” (circulated with the Agenda), highlighting the following points:

- Planning Advisory Committee Recommendation
- PAC Consultation
- Planning Advisory Committee meetings
- Council Consultation
- Summary of Proposed Changes
  - Private Designed Road Standards
  - Public Roads
  - Access Exemptions
  - Public Open Space

Mr. Merrill reviewed his report, “Draft Municipal Planning Strategy and Draft Subdivision By-law” (circulated with the Agenda), highlighting the next steps in the process as follows:

- Conduct 1<sup>st</sup> Reading of the documents (150 day timeframe begins)
- Provide public notice
- Hold a public information session
- Hold a public hearing
- Conduct 2<sup>nd</sup> Reading & adopt the documents

**Moved by Councillor Hustvedt, seconded by Councillor Ernst that Municipal Council conduct First Reading of the Municipal Planning Strategy and Subdivision By-law and hereby gives notice of their intention to:**

- **repeal the Municipal Planning Strategy, approved by Council effective on May 4, 1999, and amendments thereto;**
- **adopt the draft Municipal Planning Strategy, dated August 28, 2018;**
- **repeal the subdivision By-law approved by Council on May 4, 1999 and amendments thereto;**
- **adopt the draft Subdivision By-law and accompanying policies MDL-78 to 88, dated August 28, 2018;**

**and, that Council hold a Public Hearing regarding the proposed planning documents on September 24, 2018; and further,**

**that Council direct staff to hold a public information meeting prior to the date of the Public Hearing.**

A discussion followed regarding how the proposed amendments could affect flag lots, lakeshore lots, and public open spaces.

A further discussion followed regarding adding clauses to Sections 11.1 and 14.3 to ensure proposed subdivision plans identify the approximate locations of public right-of-ways and K class roads. Ms. Schiefer noted that those items are considered. She clarified that proposed plans have varying requirements at different stages of review. Any public road is shown by the surveyor. However, a preliminary subdivision plan can be a hand-drawn facsimile and does not have to be created by a surveyor. The various stages of sub-division are mirrored from the provincial subdivision regulations. Public easements would be included on the plan before the last stage is reviewed.

**The Motion on the floor was voted on and carried. Opposed: Councillors Nauss and Veinot.**

Stephen Pace, Jeff Merrill, Douglas Reid, Norma Schiefer, and J.C. Reddy left the meeting

**9. CONSIDERATION OF CORRESPONDENCE - Nil**

**10. RECOMMENDATIONS FROM COMMITTEES & BOARDS**

**10.1 Police Advisory Board**

**10.1.1 Speed Trailer**

**Moved by Councillor Nauss, seconded by Councillor Veinot that Municipal Council accept the recommendation of the Police Advisory Board and permit the Municipality of the District of Chester the use of the speed trailer in areas of their municipality, once the proper insurance documents are prepared and signed, and with the provision that RCMP ensure proper working condition and data retrieval.**

Discussions followed regarding the following:

- Availability of speed trailer to Municipality if provided to Chester
- Electronic speed sign vs speed trailer
- RCMP Commander is not prepared to have his members set up trailer due to low complement
- RCMP overtime 3<sup>rd</sup> highest in province
- Concerns over increased RCMP member overtime
- Possibility of selling speed trailer and purchasing electronic speed signs

Staff were directed to correspond with the Attorney General to request that they address the leave issue of the RCMP detachment and that the complement be brought to an acceptable number.

**The Motion on the floor was voted on and carried unanimously.**

**11. STAFF REPORTS:**

**11.1 Recreation Department**

### **11.1.1 River Ridge Commons Budget – Information Update**

Tissy Bolivar, Acting Director of Recreation, and Laura Barkhouse, Trails and Open Space Coordinator, were in attendance.

Ms. Bolivar, at the request of Council, provided visuals of the project underway at River Ridge Commons. She reviewed her report, “River Ridge Common Budget Approval” (circulated with the Agenda), noting that the Municipality received a provincial grant of \$50,000, which was \$43,000 more than anticipated.

**Moved by Councillor Moore, seconded by Councillor Carver that Municipal Council approves the spending of grant dollars awarded by the Province of Nova Scotia in the amount of \$43,000 for River Ridge Commons.**

Clarification was provided on the funds being spent in the current fiscal year and that fundraising is continuing. Councillor Moore advised that an on-site visit would be scheduled in the near future.

**The Motion on the floor was voted on and carried unanimously.**

Ms. Bolivar and Ms. Barkhouse left the meeting.

## **11.2 Planning Department**

### **11.2.1 Building Inspection Contract with Town of Lunenburg**

Ms. Conrad reviewed Mr. Merrill’s report, “Building Inspection Contract with TOL” (circulated with the Agenda). Mr. Merrill arrived at the meeting and advised that in order to continue providing building services to the Town of Lunenburg, the existing agreement would have to be extended to cover the gap created until the new regional building services agreement is executed.

**Moved by Councillor Veinot, seconded by Councillor Knickle that Municipal Council agrees to renew the current building services agreement with the Town of Lunenburg for a one-year term or until the regional building services agreement has been executed by all parties.**

A discussion followed regarding how the Town of Lunenburg is billed and the hours per month spent on those files.

**The Motion on the floor was voted on and carried unanimously.**

## **11.3 Administration Department**

### **11.3.1 Lumberjacks Funding Request**

As per the motion made at Item #4, Approval of Agenda, this matter was deferred to Finance Committee.

**12. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS:**

**12.1 Update – Deputy Mayor**

Deputy Mayor Bell reported that he had attended the opening of the new library in Lunenburg.

**12.2 Update – Mayor**

Mayor Bolivar-Getson attended the following: South Shore Exhibition pork BBQ; Centre School 60<sup>th</sup> reunion; Camp Kadima 75<sup>th</sup> anniversary celebration, the Cherry Hill Fun Run, 4-H Banquet, funding announcement at Broad Cove, a conference call with NSFAM, as well as a variety of community events throughout the districts.

**13. IN CAMERA**

**At 11:15 a.m., it was moved by Councillor Moore, seconded by Councillor Garland that Municipal Council go In Camera to discuss Contract Negotiations re LCLC under Section 22(2)(e) of the MGA**

**Carried.**

Municipal Council In Camera in session.

**At 11:35 a.m., it was moved by Councillor Whynot, seconded by Councillor Hustvedt that Municipal Council rise and report. Carried.**

Municipal Council in session.

**14. ADJOURNMENT**

**There being no further business at 11:35 a.m., it was moved by Councillor Whynot, seconded by Councillor Carver that the meeting adjourn. Carried.**