

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Special Tele/Video Conference Meeting of
MUNICIPAL COUNCIL
Tuesday, June 9, 2020 – 9:00 a.m.

ATTENDANCE

Mayor Carolyn Bolivar-Getson
Deputy Mayor Eric Hustvedt, District 1
Councillor Martin Bell, District 2
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: Tom MacEwan, Chief Administrative Officer
Alex Dumaresq, Deputy CAO
Elana Wentzell, Director of Finance
Jeff Merrill, Director of Planning & Development Services
Tissy Bolivar, Acting Director of Recreation
Angela Veinot, Accounting Manager
Sarah Kucharski, Communications Officer
Byung Jun Kang, Planner
Dave Waters, Director of Business Development, Tourism & Infrastructure
Sherry Conrad, Municipal Clerk
Tina Robichaud-Bond, Executive Assistant

1. CALL TO ORDER

Mayor Bolivar-Getson called the meeting to order at 9:00 a.m. and advised that the meeting was being held by tele and video conference.

2. APPROVAL OF AGENDA

Moved by Councillor Nauss, seconded by Deputy Mayor Hustvedt that the Agenda be approved as circulated. Opposed: Councillor Ernst. Carried.

3. AWARDING OF TENDERS/RFPs

3.1 Award of Tender #2020-05-001 Street Rehabilitation Meadow Brook Subdivision

Stephen Pace, Director of Engineering & Public Works; Jamie Burgess, Municipal Engineer, and Tyler Richardson, Engineer-in-Training, were in attendance.

Mr. Burgess reviewed his report, "Street Rehabilitation Tender Meadow Brook Subdivision" (circulated with the Agenda) and gave details on the two recommendations he put forth.

Moved by Councillor Bell, seconded by Councillor Nauss that Municipal Council award the Street Rehabilitation Tender 2020-05-001 (Meadow Brook Subdivision) to Dexter Construction Ltd. for \$688,000 plus HST. Carried unanimously.

Moved by Councillor Bell, seconded by Deputy Mayor Hustvedt that Municipal Council concurrently approve a Change Order Contingency of 10% for Tender 2020-05-001 for a total construction value of \$756,800 plus HST.

It was noted that the contingency amount was previously budgeted and clarified that any excess funds remaining would remain in the gas tax fund for future projects.

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

Mr. Pace, Mr. Burgess and Mr. Richardson left the meeting.

4. RECOMMENDATIONS FROM COMMITTEES & BOARDS

4.1 Finance Committee

4.1.1 Municipal Tax Billing re Covid-19 Response & Options

Ms. Wentzell reviewed her report, "Municipal Tax Billing COVID-19 Response and Options" (circulated with the Agenda) and provided details on property tax payment options for property and landowners experiencing financial hardships due to the COVID-19 pandemic.

Moved by Deputy Mayor Hustvedt, seconded by Councillor Nauss that Municipal Council accept the recommendation of the Finance Committee and set the interest charged on overdue property taxes starting September 1, 2020 continuing through March 31, 2021 at 0% and that the due date of the final tax bill remain October 31, 2020, and further, that a policy be developed for tax relief measures to targeted groups to accommodate those hardest hit by the COVID-19 situation.

Clarification was provided on how interest would be charged on overdue accounts versus up-to-date accounts.

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

4.2 Nominating Committee

4.2.1 Sherbrooke Lake Stewardship Committee re Reappointment

Ms. Bolivar reported that the Sherbrooke Lake Stewardship Committee had a vacancy on the Committee when Robin McAdam's term elapsed. She advised that the position was advertised. Mr. McAdam re-offered, and no other applications were received.

Moved by Councillor Moore, seconded by Councillor Bell that Municipal Council accept the recommendation of the Nominating Committee and reappoint Robin McAdam, Municipality of the District of Chester resident, to the Sherbrooke Lake Stewardship Committee for a three-year term. Carried unanimously.

5. STAFF REPORTS

5.1 Planning Department

5.1.1 Second Reading re Repeal and Replacement of the By-law Respecting the Maintenance and Improvement of Private Streets

Councillors Garland and Whynot declared a Conflict of Interest as they both own property on private roads.

Mr. Kang gave a presentation, "PL190051 Private Roads By-law (2020) Adoption" (attached to Minutes). He advised that the proposed Private Roads By-law would provide a more modern reflection of the current situation with private roads and provide options for the landowners to better manage their roads, and to streamline the administration process for residents living on private roads. He further advised that public input was held and reviewed the three comments received.

He recommended and detailed three revisions to the proposed by-law before Second Reading was conducted and noted that these were considered non-substantial and that public input was not required.

Moved by Councillor Nauss, seconded by Deputy Mayor Hustvedt that Municipal Council conduct Second Reading to repeal the By-law Respecting the Maintenance and Improvement of Private Streets, approved by Council on April 12, 2005 and amended on February 14, 2006, October 9, 2007 and February 17, 2009, and replace it with the Private Roads By-law, as presented and amended in Appendix A of this memorandum, submitted June 9, 2020, and hereby adopts the By-law. Carried unanimously.

Mr. Merrill left the meeting.

Councillors Whynot and Garland returned to the meeting.

5.2 Administration Department

5.2.1 E-voting Services for 2020 Municipal and CSAP Elections

Ms. Conrad reviewed her report, "E-voting Services for 2020 Municipal and CSAP Elections" (circulated with the Agenda) and provided details of the Intelivote Systems Inc. proposal for integrated internet and telephone voting services for the 2020 Municipal and CSAP elections.

Moved by Councillor Veinot, seconded by Councillor Moore that the Municipality of the District of Lunenburg enter into a contractual Agreement with Intelivote Systems Inc. under HRM's Standing Offer for Integrated Voting Services HRM-19-336 and as per the proposal received from Intelivote Systems Inc. to deliver integrated internet and telephone voting services for the 2020 Municipal & CSAP Elections and authorize staff to execute same.

It was clarified that the cost of delivering this service was based on the final list of electors.

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

5.2.2 Fire Department Ratepayers Meetings

Mr. Dumaresq reviewed his report, "Fire Department Ratepayers Meetings" (circulated with the Agenda). He advised that due to the Covid-19 restrictions in place regarding public meetings, the fire department ratepayers' meetings could not be held in the usual manner.

He reported that due to the challenges faced by fire departments to hold virtual or teleconference meetings, it would be possible to waive the requirement to hold a ratepayers meeting for the fire departments not seeking a fire tax rate increase. However, the fire departments that fall under provincial legislation, would still be required to hold a meeting, in some form, within 90 days of the provincial state of emergency being lifted. Council could ask for a ministerial order to waive the requirement for a ratepayers' meeting for the current fiscal year for these fire departments.

Moved by Councillor Whynot, seconded by Councillor Bell that Municipal Council waive the requirement that Fire and Emergency Services Providers hold a ratepayers meeting, as outlined in section 6 of Policy MDL 36, for the fiscal year 2020/21 for all departments not proposing an increase to their fire tax rate. Carried unanimously.

Moved by Councillor Carver, seconded by Councillor Nauss that Municipal Council authorize the Mayor to write to the Minister of Municipal Affairs requesting a ministerial order waiving the statutory requirement for fire departments, incorporated via provincial legislation, to hold a ratepayers meeting this fiscal year. Carried unanimously.

Councillor Bell reported that the Canadian Volunteer Fire Services Association announced that Firefighter Amber Barkhouse, MFR, a member of the Cornwall & District Fire Department, had been awarded two educational scholarships from a nationwide application process, and that

this is the first time a single individual was awarded both scholarships. He noted that the presentation would take place within 2 weeks.

Byung Jun left the meeting.

6. IN CAMERA

At 10:02 a.m., it was moved by Councillor Whynot, seconded by Councillor Carver that Municipal Council go In Camera to discuss item 6.1 Contract Negotiations re Town of Lunenburg under Section 22(2)(e) of the MGA. Opposed: Councillor Ernst. Carried.

Municipal Council In Camera in session.

At 11:30 a.m., it was moved by Deputy Mayor Hustvedt, seconded by Councillor Whynot that Municipal Council come out of In Camera and return to open session. Carried.

Municipal Council in session.

7. ADJOURNMENT

There being no further business at 11:30 a.m., it was moved by Councillor Whynot, seconded by Councillor Nauss that the meeting adjourn. Carried.



District of Lunenburg Municipal Council

PL190051
Private Roads By-law (2020) Adoption

June 9, 2020



Background

Direction from the Council

Move forward with

- the creation of an alternative process;
- the lowering of thresholds for the petition and the budget approval processes down to “more than 50%”; and
- the modernization of the existing by-law to reflect the current situation of private roads

Public Engagement

- Public information sessions in late 2019.
- 90 days for public inputs
- 2 comments received on time



Beach Hill Road, Kingsburg, NS

Information Materials

- All information will be available on <https://engage.modl.ca/private-road>
- The new webpage includes:
 - sample forms
 - important links
 - a petition checklist
 - a list of frequently asked questions
 - along with many other information



Clause 5(c)

Existing Regulations

a letter of consent signed by more than one half of such landowners entitled to vote as are present in person or by proxy at a meeting of which notice specifying the intention to approve the operating and capital budgets has been duly given;

Revised Regulations

a resolution certificate, signed by a director of the private road association with signing authority, approving the annual operating budget or the annual maintenance budget, passed by more than one half of such landowners entitled to vote as are present in person or by proxy at a meeting of which notice specifying the intention to propose the resolution has been duly given;

Reason for Change

the signatures are already received at Clause 5(e), so a certificate validating an ordinary resolution passed by the road association representing the private road landowners by majority vote would be sufficient.



Clause 5(d)

Existing Regulations

a plan defining the Charge Area boundary the property boundaries in the Charge Area;

Revised Regulations

a plan defining the Charge Area boundary **and** the property boundaries in the Charge Area;

Reason for Change

a grammatical error needed to be corrected.



Oakridge Lane, East Clifford, NS

Subsection 17(2)

Existing Regulations

Where the charge is collected for maintenance that occurs annually, the notice only needs to be sent to each landowner **upon filing of the certificate**, instead of being sent annually.

Revised Regulations

Where the charge is collected for maintenance that occurs annually, the notice only needs to be sent to each landowner **for the first time of charge**, instead of being sent annually.

Reason for Change

A certificate is no longer filed with the Municipal Clerk after a road association enters into an agreement with the Municipality.



Red Hill Road, New Elm, NS



Legal Review

Municipal Solicitor

1. The 3 suggested changes to the By-law are considered “non-substantial changes”.
2. The changes are for clarification of the By-law, and do not change the original intention.



Red Hill Road, New Elm, NS

Public Comments

Dave Sutherland, Camperdown

“The changes made in this by-law enable options for those who previously had no options. I thank the council and staff for hearing the needs and addressing the issue.” (April 18, 2020)

Robert Rawlins, Conquerall Mills

“This by-law caused serious division and arguments between neighbors in the community last time around. This revision will reignite that and for no good reason. It should not be adopted.” (May 22, 2020)

Elizabeth Klass

“I am a resident of a private road and I did attend the discussion group you had this past winter. As I listened to the people around my table, I learned that many had encountered lack of cooperation with their neighbours, so I am pleased to see that the Municipality has taken measures to make it easier for associations to have fees collected by the Municipality, and am also thankful that collecting fees through the Municipality is a choice and is not imposed on all private roads.” (June 8, 2020)



Original Intention

The purpose of the new By-law is...

- to provide tools and options for landowners on private roads to better manage their roads.
- **not** to dictate the minimum standards on maintaining private roads. Nothing is mandatory.

Ultimately, the landowners living on a private road make decisions on how they will maintain their roads.



Victoria Acres Drive, West Northfield, NS

Final Staff Recommendations

that Municipal Council conduct Second Reading to repeal the By-law Respecting the Maintenance and Improvement of Private Streets, approved by Council on April 12, 2005 and amended on February 14, 2006, October 9, 2007 and February 17, 2009, and replace with the Private Roads By-law, as presented and amended in Appendix A of this memorandum submitted June 9, 2020, and hereby adopt the By-law.





Thank You

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