

# Municipal Council Meeting AGENDA

Tuesday, March 23, 2021 – 9:00 a.m.

MODL Council Chambers – 10 Allée Champlain Drive, Cookville

Via Video/Audio Teleconferencing

## 1. CALL TO ORDER

1.1 Mi'kma'ki Territorial Acknowledgement

## 2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION

2.1 Purple Day Proclamation ..... 1

## 3. APPROVAL OF AGENDA (as circulated)

## 4. APPROVAL OF MINUTES – March 9, 2021

## 5. BUSINESS ARISING FROM MINUTES (Nil)

## 6. AWARDING OF TENDERS/RFPs

6.1 Award of RFP #2020-01-402 - Document Scanning..... 2-4

## 7. PRESENTATIONS/SCHEDULED TIMES

7.1 Department of Transportation & Infrastructure Renewal

Glen Strang, Operations Supervisor ..... 9:15 a.m. 5-28

7.2 Presentation re Biodiversity Act .....10:30 a.m.

## 8. CONSIDERATION OF CORRESPONDENCE (Nil)

## 9. RECOMMENDATIONS FROM COMMITTEES & BOARDS

### 9.1 Policy & Strategy Committee

9.1.1 Review of Georges Bank Moratorium ..... (29) 30-33

9.1.2 Proposed Amendments to Municipal Flag Policy 023 ..... (29) 34-43

9.1.3 Riverport School Property..... (29) 44-48

### 9.2 Fire & Emergency Services Committee

9.2.1 Amendments to Policy MDL-036 – Fire & Emergency Services..... 49-57

## 10. STAFF REPORTS

### 10.1 Administration Department

10.1.1 Emergency Assistance Fund – Late Applications ..... 58-60

10.1.2 Review of Councillor Remuneration and Benefits..... (to be circulated)

### 10.2 Building/Planning Department

10.2.1 PL200007 – Villas at Osprey Ridge..... 61-63

10.2.2 Request for Levy Private Road Maintenance – Russells Cove Road Assoc..... 64-78

10.2.3 Request for Establishment of the “Rocky Lake Charge Area” ..... 79-108

10.2.4 MODL2040 Reporting Protocol..... 109-110

**10.3 Finance Department**

10.3.1 Tax Sale Update ..... 111-112

**11. MAYOR’S/DEPUTY MAYOR’S/COUNCILLORS’ MATTERS**

11.1 LCLC Update

11.2 Deputy Mayor’s Update

11.3 Mayor’s Update

**12. ADDED ITEMS**

**13. IN CAMERA**

13.1 Land Negotiations re Harold Whynot Road under Section 22(2)(a) of the MGA

**14. ADJOURNMENT**

**Council**

Item: # 2.1

Date: March 23, 2021

Authorization: T. MacEwan

**Purple Day Proclamation**

**March 26, 2021**

Whereas Purple Day is a global effort dedicated to promoting epilepsy awareness in countries around the world, and

Whereas epilepsy is one of the most common neurological conditions, estimated to affect over 50 million people worldwide and 42 people in Canada are diagnosed every day, and

Whereas one in ten persons will have at least one seizure during his or her lifetime, and

Whereas the public is often unable to recognize common seizure types, or how to respond with appropriate first aid, and

Whereas Purple Day will be celebrated on March 26 annually to increase understanding, reduce stigma and improve the quality of life for people with epilepsy throughout the country and globally.

**Now, therefore, I do hereby proclaim March 26, 2021, "Purple Day", in an effort to raise awareness of epilepsy in Canada.**

Signed \_\_\_\_\_



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**REPORT TO:** Council  
**SUBMITTED BY:** Jeff Merrill, Director of Planning & Development Services  
**DATE:** March 23, 2021  
**RE:** Award Document Scanning Services RFP 2020-01-402

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#### **RECOMMENDATION**

**Staff recommends that Council award the request for proposals for the document scanning services (RFP 2020-01-402) to DOCUdavit Solutions in the amount of \$34 977.00 plus HST.**

#### **BACKGROUND**

The municipality implemented a Building Code By-law in the 1970s. Since then, the municipality has been receiving building permit applications, issuing building permits and conducting site inspections. The municipality's records management and destruction policy require building permits, occupancy permits and building inspection reports to be retained. Other than those records that must be retained all other records may be destroyed after 10 years. This includes applications forms and related documents including building plans. In 2020 the municipality completed a records destruction project where building files greater than 10 years old were purged of records that were not mandatory to retain.

#### **DISCUSSION**

The Municipality issued an RFP for document scanning services to scan the building inspection records. Seven proposals were received by the deadline. The evaluation team included Sarah Kucharski, Communications Officer and Jeff Merrill, Director of Planning & Development Services.

Proponent names and quotes are described in the table below:

Proponent	Average	Cost Proposal		Total Score	Overall Rank
	Technical Score	Price	Price Score		
DOCUdavit Solutions	<b>75</b>	\$ 34,977.00	12.2	<b>87.2</b>	<b>1</b>
Konica Minolta	68.5	\$ 51,984.30	8.2	76.7	2
Ricoh Canada Inc.	61.5	\$ 40,821.80	10.5	72.0	3
Atlantic Digital Reproductions Inc.	45	\$ 29,547.00	14.5	59.5	4
Precision Digital Imaging Services Inc.	37	\$ 25,097.50	17.1	54.1	5
Cay Construction	15	<b>\$ 21,420.00</b>	<b>20.0</b>	35.0	6
Cansel	22	\$ 34,272.00	12.5	34.5	7

Note that the prices exclude HST.

The top proposal overall was from DOCUdavit Solutions with an overall score of 87.2 followed by Konica Minolta and Ricoh Canada Inc. at 76.7 and 72, respectively. The DOCUdavit Solutions proposal received the highest technical score, being 75 followed by 68.5 for Konica Minolta and 61.5 for Ricoh Canada Inc.

Cay Construction had the lowest price however also had the lowest technical score and ranked sixth for the overall score. The Cay Construction proposal did not provide detailed descriptions on the quality control and quality assurance processes for the project.

The evaluation committee reached a consensus that the DOCUdavit Solutions proposal offered the best value to the municipality. The DOCUdavit Solutions proposal described in detail the methodology, work plan, quality control and quality assurance processes. They will pickup the boxes in one shipment; they will provide a sample box prior to going into production; they can handle large volumes of records; they have systems in place to track the records and keep them secure; have processes in place to ensure a high level of quality control and quality assurance; will provide the (optional) optical character recognition (OCR) service at no additional charge; and will provide electronic back-up storage of the files for 10 years at no additional charge.

## **BUDGET IMPLICATIONS**

Budget approval for \$38 000 was approved in the 2020-2021 fiscal year however this project was delayed. Scanning the files will make the records accessible from remote work environments. This project is eligible for the Safe Restart Grant for changes required due to COVID.

## **CONCLUSION**

The Evaluation Committee is recommending that the RFP 2020-01-402 be awarded to DOCUdavit Solutions who received the highest technical score for their proposal and the highest overall score.

Council  
Item: #7.1  
Date: March 23, 2021  
Authorization: T. MacEwan

# Winter Maintenance Awareness

Glen Strang, Area Manager

# Why are we sharing information?

- Make information on Winter Maintenance readily available to public, media and elected officials.
- To increase awareness of winter maintenance procedures and standards among the general public, elected officials and media.
- Reduce staff time required to respond to inquiries, increase staff time focusing on operations.
- Increase client satisfaction.

# Lunenburg-Queens Winter Maintenance

- **Plowing 2,300 km**
- **Salting 1,265 km**
- **100 equipment operators (including full time and spares) for 40 pieces of snow and ice control equipment (trucks, graders, and loaders with plows)**

# Provincial Winter Maintenance Standards

To meet the demand for consistent and efficient service, the province has developed winter maintenance performance standards for roads and highways.

# Planning & Organizing Resources

## Levels Of Service

- LOS is a defined “primary objective” for winter road conditions during & after the end of a storm
- Begin proactive operations at the start of the storm
- Follow with continuous operations to keep up with the storm
- When Env. Canada concluded that road salt is harmful, NSTPW began to develop service level standards for snow and ice control
- LOS provide a response guide for specific conditions & an expected time for the road to return to pre-storm conditions
- In 2002 NSTPW established winter LOS
- It’s important to maintain the LOS, don’t exceed it

# Salt Management

- Dec.1/01 Environment Canada & Health Canada concluded that road salt is harmful to the environment.
- Canadian Environmental Protection Act requires Environment Canada develop management instruments to reduce the environmental impacts of road salt.

# When will my road get plowed?

Levels of Service	
100-Series and trunk highways, and other high traffic roads	Cleared within 8 hours after snow stops
Secondary routes and other medium traffic roads	Cleared within 12 hours after snow stops
Local paved roads, most subdivision and residential streets	Cleared within 24 hours after snow stops
Gravel roads	Cleared within 24 hours after snow stops

Salting <sup>1</sup> and Sanding	
100-Series and trunk highways, and other high traffic roads	<ul style="list-style-type: none"> <li>• Salted to achieve bare pavement</li> <li>• Salt applied before, during and after a storm if required</li> </ul>
* Secondary routes and other medium traffic roads	<ul style="list-style-type: none"> <li>• Salted to achieve a bare centre line</li> <li>• Salt applied at beginning of storm and after a storm if required</li> </ul>
* Local paved roads, most subdivision and residential streets	<ul style="list-style-type: none"> <li>• Salted to achieve a bare centre line</li> <li>• Salt applied only after a storm</li> </ul>
Gravel roads	<ul style="list-style-type: none"> <li>• Snow packed</li> <li>• Sanding as needed</li> </ul>



NOV 2015

*\* In sanding only sections, acceptable driving condition is considered to be snow packed and sanded as required.*

There are more than 400 snow plows and other snow-clearing vehicles working to keep Nova Scotia's roads, highways, and bridges safe during the winter months. Crews are on the job day and night, 24/7, keeping the roads as safe and as clear as possible. Work starts before the storm and continues during and after the storm. At left is more information to help explain what you can expect this winter.

<sup>1</sup> Note that salt will start to lose its effectiveness at temperatures below -12° C. In these conditions sand may be applied to increase traction for all service levels.



novascotia.ca/tran/winter  
Highway conditions: 511

Follow us on Twitter @NS\_TIR

# Service Level 1A

**100-SERIES  
HIGHWAYS**

**Bare  
Pavement**



**End of Storm**

**8 hours**

- Objective - Bare pavement
  - Time - 8 hours
- Start Salting < 5mm snow
  - Start plowing – 25mm
    - Max - 75mm
- Salt application - 125 kg/km

# Service Level 1B

Trunk  
Highways



Bare  
Pavement

End of Storm

12 hours

Objective - Bare Pavement

Time - 12 hours

Start Salting < 5mm

Start Plowing - 25mm

Max - 100mm

Salt Application - 125 kg/km

**Level 1 B**

# Service Level 2

**Route  
HIGHWAYS**



**Centre  
Line Bare**  
Width of 2.5m-  
5.0m

**End of Storm**

**12 hours**

Objective - Centerline Bare

Time - 12 hours

Start Salting < 5mm

Start Plowing - 50mm

Max - 150mm

Salt Application - 110kg/km

**Level 2**

# Service Level 3

Local Paved Roads



Centre  
Line Bare  
1.5m-2.5m

End of Storm

24 hours

- Objective - Centerline Bare
  - Time - 24 hours
- Start Salting - After Storm
- Start Plowing - After Storm
  - Max - 200mm
- Salt Application - 85kg/km
  - **Level 3**

# Service Level 4

**Gravel Roads**

**Snow-Packed  
Free of loose  
snow**



**End of Storm**

**24 hours**

Objective - Snow Packed

Time - 24 hours

Start Sanding – When Required

Start Plowing - After Storm

Max - 200 mm

Sand Application - 500kg/km

**Level 4**

We are on the job day and night, keeping our roads as clear and safe as possible. Road clearing and salting roads are scheduled according to established service levels.

### Delays in service

Storm conditions such as blowing snow, may keep equipment on major highways to ensure they are being continuously maintained, which may cause delays for other roads.

### Emergency service

In a medical or other emergency situation call 911. Snow and ice control equipment will be dispatched to clear the road for emergency vehicles at the request of appropriate authorities.

### Equipment

The Department has 400 units of snow removal and ice control equipment across the province. They include tandem and single axle trucks used to plow, salt and sand trucks, graders and loaders.



- Provincial highway conditions: 511
- Local road information: 1-888-432-3233
- [www.gov.ns.ca/tran/winter](http://www.gov.ns.ca/tran/winter)

### Plowing priorities

- 1 Plowing for 100-Series highways, and major roads carrying high traffic volumes.
- 2 Plowing for roads with lower traffic volumes and local roads with high traffic volumes.
- 3 Plowing on mainly local roads that have a lower volume of traffic.

### Levels of service

- 1 **Bare Pavement:** Salting will be done on all 100-Series and selected high volume highways resulting in bare pavement. Salt is applied at the beginning of a storm and after a storm if required. Salt may be applied during a storm, depending on weather and road conditions.
- 2 **Centre Strip Bare:** Salting will be done on selected major and local roads, resulting in a 2.5-metre to 5-metre bare strip. Salt is applied at the beginning and after a storm if required.
- 3 **Centre Strip Bare:** Salting will be done on lower volume and selected local roads resulting in a 1-metre to 2.5-metre bare strip. Salt is applied only after a storm.
- 4 **Sanding:** Sand is applied on all other paved, surface treated and gravel roads, hills, turns, intersections and railway crossings. Level areas will not normally be sanded unless severe slippery conditions exist. Some roads are signed as "sand only" for environmental reasons. This is a sand/salt mixture that has only enough salt to prevent the sand from freezing in clumps.



# Winter Driving *Tips*

Provincial highway conditions: 511  
Local road information: 1-888-432-3233  
[www.gov.ns.ca/tran/winter](http://www.gov.ns.ca/tran/winter)

Slow down.  
It's winter.

- ◆ **Stay home during a storm.**  
Call and check local road conditions: 1-888-432-3233, or 511 for highway conditions.
- ◆ **Watch out for "black ice"** when temperatures are just under or just above freezing.
- ◆ **Adjust your speed to conditions.**  
If driving slowly pull over to let those behind you pass.
- ◆ **Follow traffic at a safe distance** and don't pass a snow plow that is clearing snow from the road.
- ◆ **Keep your vehicle in top working order** and equipped with proper winter tires that are in good condition.
- ◆ **Have a winter survival kit** in your vehicle.
- ◆ **Shovel snow away from the snow plows.**
- ◆ **Don't park on the roadside.**
- ◆ **Children should play far from the side of the road** or anywhere a snow plow is likely to operate.

  
NOVA SCOTIA  
Transportation and  
Infrastructure Renewal

# Plow Safety

Provincial highway conditions: 511  
Local road information: 1-888-432-3233  
[www.gov.ns.ca/tran/winter](http://www.gov.ns.ca/tran/winter)

Slow down.  
It's winter.

- ◆ **Children should play far from the road** or anywhere a snow plow is likely to operate.
- ◆ **Keep the roadsides clear** of obstacles like parked cars, composters, garbage, pulpwood and logs.
- ◆ **Place mailboxes far enough away from the roadside** so that a snowplow will not hit them.
- ◆ **Don't plow or shovel snow from your driveway into the road.** It's a hazard for everyone.
- ◆ **Shovel snow away from the snow plow.** Shovel the part of your driveway nearest the road away from the direction of an approaching plow, so you won't have to shovel again after the plow passes.
- ◆ **Avoid passing a snow plow in operation.** Plows can cause whiteout conditions, reducing visibility and increasing the danger of an accident.
- ◆ **Adjust your speed to conditions.**  
If driving, slowly pull over to let those behind you pass.

  
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# Did you know?

- Road salt loses its effectiveness in temperatures below  $-10^{\circ}$  Celsius during the day and  $-7^{\circ}$  Celsius at night.
- When salt is no longer effective sand is used.

# Pre-Wetting Salt

- Applying salt brine to salt as salt is being dispensed from truck
- Less scatter when applied
- Less scatter from traffic
- Salt activated quicker
- Better salt management
- Environmental benefits

# Direct Liquid Application (DLA)

- Application of salt brine prior to storm
- Provides a barrier to prevent hard pack snow from bonding to pavement
- Allows for better clean-up after storm
- Helps prevent black ice from forming

# • Road Weather Information System (RWIS)

## • 1. Atmospheric data

(In accordance with UN-WMO)

Wind speed and direction

Precipitation (Yes/No)

Temperature & Relative Humidity

Telemetry devices

Visibility, amount of precipitation

Camcorders, traffic counters



# Operations Contact Centre (OCC)

- For emergency assistance call 911
- For road info visit website [www.gov.ns.ca](http://www.gov.ns.ca) or call 511
- For enquiries call or email Operations Contact Centre
- 1 (844) 696-7737 (toll free)
- Email [TAT-OCC@novascotia.ca](mailto:TAT-OCC@novascotia.ca)

## Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Phone: 902.543.8181 Fax: 902.543.7123 Web Site: [www.modl.ca](http://www.modl.ca)



March 16, 2021

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

Dear Mayor and Councillors:

The Policy & Strategy Committee, in session on Tuesday, March 16, 2021, made the following recommendations to Council:

1. That Municipal Council send a letter to the President of Nova Scotia Federation of Municipalities requesting that the Nova Scotia Federation of Municipalities pass the resolution, as outlined in the correspondence from the Clean Ocean Action Committee; and further, that Council write letters to the Minister of NS Energy and Mines and to the Minister of Department of Natural Resources stating Council's support for the continuation of the Moratorium and asking them for information on the review process and how Municipal Council could participate in the review process.
2. That Municipal Council approve the proposed amendments to the Municipal Flag Policy 023 as presented.
3. That Municipal Council not sell the Riverport School Property for 12 months in order to allow the community time to discuss proposals for the use of the land.

Respectfully submitted,

Chairman and Members  
Policy & Strategy Committee

/jp  
Attachment



**Clean Ocean Action Committee**

P.O. Box 363, Clark's Harbour  
Nova Scotia BOT 1P0

**Council**

Item: #9.1.1

Date: March 23, 2021

Authorization: T. MacEwan

February 24, 2021

**Municipality of the District of Lunenburg**

Mayor, Carolyn Bolivar-Getson

[mayor@mdl.ca](mailto:mayor@mdl.ca)

902-541-1326

CAO, Tom MacEwan

Office: (902) 541-132

[tom.macewan@mdl.ca](mailto:tom.macewan@mdl.ca)

**Re: the upcoming review of the Georges Bank Moratorium**

Good Day, Mayor Bolivar-Getson,

We are writing to request your assistance in securing the critically important renewal of the Moratorium on oil and gas exploration on Georges Bank. The decision on whether the Moratorium will be renewed is to be made by December of 2022 but the review process is now being defined in both Halifax and Ottawa and the oil and gas industry already has lobbyists working. Much will be happening over the next 18 to 20 months and we need to have our views forcefully presented as the Georges Bank Moratorium review process is being defined.

Since the first moratorium in 1987 Georges Bank has generated billions of dollars in Lobster, Scallop and Groundfish landings. It is an economic mainstay which we cannot allow to be put at risk. The Bank remains the most important spawning, nursery and fishing ground and the solely most important economic generator for our coastal communities on the South and South Western Shores.

The fact that Georges Bank is the richest, multi-species fishing ground in North America is no accident. A strong clockwise circular current or Gyre surrounds the Bank holding fish spawn, larval lobster and scallop, along with important nutrients safely up on the shallow water of the Bank. At the same time the slow moving Labrador current moving Southwest at the base of the Scotian Shelf enters the deep canyons on the Northeast of the Bank creating an upwelling of

cold water which mixes nutrients vertically in the water column. These important attributes, which make Georges so productive, also make the Bank exceedingly susceptible to hydrocarbon pollution. We cannot allow even small amounts of oil to be spilled on Georges, the impacts would be disastrous. Below is a table showing spawning times by species on Georges Bank.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cod	•	•	•	•	•	•						
Haddock		•	•	•	•	•						
Pollack	•	•	•							•	•	•
Winter Flounder			•	•	•	•						
Whitetail Flounder			•	•	•	•						
Hellbout	•	•	•	•	•	•						
Red Hake					•	•	•	•				
Silver Hake					•	•	•	•	•	•		
Atlantic Mackerel				•	•	•	•					
Skate	•					•	•			•	•	•
Sea Scallop							•	•	•	•		
Cusk			•	•	•	•						
Lobster*						•	•	•	•	•		

SOURCE: Adapted from Minerals Management Service, 1983

There is no time or place for an oil spill on the Bank and it falls to us to make certain that it is protected and that the Moratorium is continued. There are two additional points that should be noted. The first is that Georges Bank is not a deep water "Offshore" play which requires expensive semi-submersible rigs and 2,000 meters of drill depth. Georges is shallow water, with drill sites at 5 to 60 meters in depth. Here you can use much less expensive "Jack Up" platforms. The second point is that oil prices have rebounded dramatically since their low point in March and prices are expected to continue to rise. Prices are now in the \$55 per barrel range. Georges would be exceedingly profitable at that price.

We have two requests:

**1. That a letter go from Council to:**

Emily Lutz, President  
 Nova Scotia Federation of Municipalities  
 1809 Barrington Street, Suite 1304  
 Halifax, Nova Scotia  
 B3J 3K8

[councillor.lutz@countyofkings.ca](mailto:councillor.lutz@countyofkings.ca);

Requesting that the Federation of Nova Scotia Municipalities consider and pass the following resolution at their next annual meeting:

### **Renewal of Georges Bank Offshore Oil & Gas Exploration and Drilling Moratorium**

*Whereas:*

- 1. The renewable fishery resources on Georges Bank are critically important to the social and economic wellbeing of Nova Scotia's coastal communities.*
- 2. Georges Bank has strong and persistent circular currents and persistent upwelling in the water column which make the Bank remarkably biologically productive but which also make the Bank much more susceptible to hydrocarbon pollution*
- 3. Georges Bank is vitally important to the seafood industry, being the largest private sector employer in the Province of Nova Scotia, generating more than 25,000 direct jobs and over 2 billion dollars in exported value each year,*
- 4. The moratorium on exploration and drilling for oil and gas on Georges Bank is due to expire on December 31, 2022;*

*And Whereas:*

*The Minister of Energy and Mines is on record as stating that the Province intends to extend the moratorium beyond 2022;*

***The Federation of Nova Scotia Municipalities stands in support of Extending the Moratorium on oil and gas exploration on Georges Bank for a further period of at least ten full years, namely, December 31, 2032, if not permanently.***

#### **2. That letters go out to:**

The Honorable Chuck Porter, Minister  
Nova Scotia Energy and Mines  
Joseph Howe Building  
1690 Hollis Street  
PO Box 2664

Halifax, NS B3J 3P7  
Canada  
Telephone 902-424-4575  
Email [enerinfo@novascotia.ca](mailto:enerinfo@novascotia.ca)

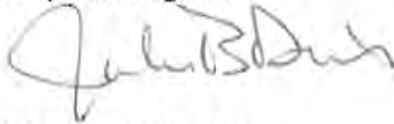
The Honorable Seamus O'Regan, Minister  
Department of Natural Resources  
580 Booth Street, 18th Floor  
Ottawa, Ontario K1A 0E4  
1-855-525-9293  
[Seamus.ORegan@parl.gc.ca](mailto:Seamus.ORegan@parl.gc.ca)

These men head up the Federal and Provincial Departments that have jurisdiction over the Georges Bank Moratorium and the upcoming review. These letters would simply state your councils ongoing and unwavering support for the continuation of the Moratorium, would request information on the scale and scope of the Georges Bank review process and would request information about how your council can participate in the review process.

We realize that Councils carry a heavy work load but we, as your constituents, believe that this is an issue that must be addressed.

Thank you for your work on this critically important task.

Very Best Regards



John Davis, Director  
Clean Ocean Action Committee  
Co-Chair, Offshore Alliance

The Offshore Alliance is a consortium of 18 fisheries groups and environmental NGO's concerned about the well being of our fishery and tourism industries in the face of offshore oil and gas development on the Scotian Shelf. Our Group has been in discussion with many Nova Scotian municipal units on this critically important issue. There are now twelve Nova Scotian towns and municipalities that have called on our provincial and federal governments to hold a full public inquiry on the risks and impacts of offshore oil and gas exploration and extraction so that fully informed and rational decisions can be made.





## Municipality of the District of Lunenburg

### Report to Council

**Report To:** Mayor and Councillors  
**Submitted By:** Sherry Conrad, Municipal Clerk  
**Date:** March 16, 2021  
**Re:** **Proposed Amendments to MODL Policy 023 "Municipal Flag"**

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The Policy and Strategy Committee, in session on March 16, 2021, reviewed proposed amendments to the Municipal Flag Policy and made a motion to recommend the proposed amendments to Council for approval and gave notice that Council would be considering approving the proposed amendments at the March 23, 2021 Council meeting.

The proposed amendments are required to identify there are four flag poles at the new Municipal Services Building in Cookville and the flags to be flown on those poles as well as to address some housekeeping items.

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 proposed amended Policy 023 will be presented for Council's approval at the March 23, 2021 Council session. The Policy and Strategy Committee meeting of March 16, 2021 was hereby considered as Council's notice.

If Council approves of the proposed Policy amendments, the following motion would be necessary:

**"That Municipal Council approve the proposed amendments to the Municipal Flag Policy 023 as presented".**

A handwritten signature in black ink, appearing to read "Sherry Conrad".

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Sherry Conrad

/sac  
Attachment

## Municipality of the District of Lunenburg POLICY

Title: <b>Municipal Flag Protocol Policy</b>	
Policy No. <b>MDL-23 023</b>	
Effective Date: December 13, 2005	Amended Date: April 26, 2006, July 8, 2008, Jan. 15, 2009, April 13, 2010, June 28, 2016

### 1.0 PURPOSE

To clarify and confirm established practices and provide consistent direction to staff with respect to the protocol and management of all flags flown on Municipal property.

This policy and procedure provides clear direction with regard to flag etiquette, flags to be flown, and responsibility and maintenance of Municipal flags. **[amended Apr. 13, 2010]**

### 2.0 FLAG ETIQUETTE

- 2.1 The flag policy reflects our current practices, which are consistent with the Department of Canadian Heritage rules for displaying flags.
- 2.2 When flags are flown together, the Canadian Flag should be on the left, as seen by spectators. Except when three flags are flown, then the Canadian Flag shall be in the middle. **[amended Jan. 15, 2009]**

### 3.0 FLAGS AT HALF MAST

Flags flown on municipal properties will be flown at half mast to mark the passing of the following for a period beginning when the Municipality is notified of the individual's death until sunset on the day of funeral; or, if there is to be a memorial service, the half-masting should take place from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service. **[amended Apr. 26, 2006, Apr. 13, 2010]**

#### 3.1 Recognition of Canadian Military Personnel **[amended Apr. 13, 2010]**

The passing of members of the Canadian Military whose lives are lost while on active duty.

**3.2 Recognition of Prominent Public Figures [amended Apr. 13, 2010]**  
The passing of any of the prominent public figures listed below:

Across Canada and abroad on the death of:

- 3.2.1 The Sovereign, or a member of the Royal Family related to the Sovereign in the first degree (spouse, child, parent, sibling)
- 3.2.2 The Governor-General or a former Governor General of Canada
- 3.2.3 Prime Minister of Canada or former Prime Minister

Within the Province on the death of the current:

- 3.2.4 Lieutenant Governor
- 3.2.5 Premier

Within the Municipality of the District of Lunenburg on the death of:

- 3.2.6 Mayor or former Wardens/Mayors of the Municipality of the District of Lunenburg
- 3.2.7 Councillors or former Councillors of the Municipality of the District of Lunenburg

**3.3 Recognition of persons from Lunenburg County whose duties can be described as “Protective Services”, including but not limited to RCMP, Police and Firefighters [amended Apr. 13, 2010]**

Flags will be half-masted for the passing of persons in or from Lunenburg County, whose lives are lost while in the line of duty.

**3.4 Recognition of Municipal Employees [amended Apr. 13, 2010]**

When an employee of the Municipality dies while actively employed, the flag shall be flown at half-mast.

**3.5 Special Days [amended Apr. 13, 2010]**

Flags will be half-masted from sunrise to sunset on the following commemorative days:

- 3.5.1 April 28<sup>th</sup>, Day of Mourning for Persons Injured or Killed in the Workplace;
- 3.5.2 November 11<sup>th</sup>, Remembrance Day, 10:59 am to 12:00 noon;

3.5.3 December 6<sup>th</sup>, National Day of Remembrance and Action on Violence against Women.

**3.6 Other Circumstances [amended Apr. 13, 2010]**

Flags will be half-masted to mourn lives lost in tragic national and international events. In such cases, a decision to lower the flag and the period during which it remains at half-mast will generally mirror the practice of the Province of Nova Scotia.

Other individuals and events may be recognized by lowering the flag at the direction of the Chief Administrative Officer **or designate**.

**3.7 Procedure [amended Apr. 13, 2010]**

3.7.1 Any citizen, Council member or staff member of the Municipality of the District of Lunenburg who becomes aware of an individual deserving of recognition under this policy should contact the Chief Administrative Officer **or designate** as soon as possible to inform ~~him/her~~ **them** of the name of the individual, the individual's qualifications for recognition under this policy, and the date of the funeral or memorial service.

3.7.2 The Chief Administrative Officer **or designate** will arrange to have the flag properly lowered and flown at half-mast in accordance with the policy.

3.7.3 The Chief Administrative Officer **or designate** will arrange to distribute information to Council and staff by e-mail to explain why the flag is at half-mast.

**4.0 MUNICIPAL FLAG**

4.1 The Municipal flag is reserved for uses determined by the Chief Administrative Officer or the Municipal Clerk by policy. **[amended June 28, 2016]**

4.2 Persons flying the Municipal flag shall ensure that the propriety rights for the Municipality are protected. The Municipality reserves the right to reclaim any Municipal flag not flown or maintained properly.

4.3 The flag shall be hung in the Council Chamber and shall be flown on all municipally-owned public buildings.

- 4.4 The Municipal flag shall not be flown at events or by groups who advocate or support social or racial intolerance, the overthrow of any government or civil disobedience.
- 4.5 The Municipal flag may be flown on the home or property of a Municipal Councillor, staff or member of the public and for greater clarity;

Municipal Councillors or candidates seeking nomination for any elected office are permitted to fly the Municipal flag during any official election campaign. **[amended Apr. 13, 2010]**

- 4.6 Designated public buildings (Provincial and Federal Governments, Royal Canadian Legions, Fire Departments, Community Halls, Schools, and Libraries) may fly the Municipal flag and would be available free of charge to fly on Federal and Provincial Government buildings and at cost to other public buildings.
- 4.7 The Municipal flag may be loaned, on a temporary basis, for a major community function upon the approval of Municipal Council or designated staff. A signing out process shall be in place.
- 4.8 Other uses of the Municipal flag are to be approved by the Chief Administrative Officer or the Municipal Clerk. A form specifying the requester's intended use must be filled out and signed. **[amended June 28, 2016]**

The Municipality of the District of Lunenburg will not approve requests for other uses of the Municipal flag whose group or organization's undertakings or philosophies are contrary to the Municipality of the District of Lunenburg's policies or by-laws, espouse racism, violence or hatred. **[amended June 28, 2016]**

- 4.9 The Municipal flag may be sold at cost plus an administration fee but cannot be purchased for resale (commercial purposes). ~~and~~ **[amended Apr. 13, 2010]**
- 4.10 Municipal Council will budget accordingly for the provision of flags and necessary supports.

## 5.0 FLAGS TO BE FLOWN ON MUNICIPAL LAND [amended June 28, 2016]

- 5.1 The Municipality of the District of Lunenburg will fly the Canadian Flag, the Province of Nova Scotia Flag, ~~and the Municipality of the District of Lunenburg Flag, and the Mi'kmaq Flag~~ on their flagpoles located at the Municipal Services Building, ~~Municipal Administration Building and the MARC~~. The Canadian Flag, the Province of Nova Scotia Flag, and the Municipality of the District of Lunenburg Flag will be flown at the Municipal Activity Recreation Centre (MARC).
- 5.2 Notwithstanding section 5.1., other government-initiated event flags may be flown as deemed appropriate by the Chief Administrative Officer or Municipal Clerk, such as in the case of a visiting dignitary.
- 5.3 Notwithstanding section 5.1, the Chief Administrative Officer or the Municipal Clerk may approve requests made on behalf of community groups, charitable or non-profit organizations to fly a flag in recognition of a special event or cause. The following guidelines will apply to all requests:
- 5.3.1 All requests to fly a special purpose flag must be received in writing and state:
- the significance of the flag;
  - the requested duration to fly the flag; and,
  - a contact person to coordinate logistics.
- 5.3.2 The Municipality of the District of Lunenburg's flag shall be removed from its designated flagpole and replaced with the approved special purpose flag for the duration of the approval. At the end of the duration of the approval, the Municipal flag will be returned to its designated flagpole.
- 5.3.3 The Municipality of the District of Lunenburg will not fly the flag or banner of a group or organization whose undertakings or philosophies are contrary to the Municipality of the District of Lunenburg's policies or by-laws, espouse racism, violence or hatred.
- 5.3.4 The group or organization must provide the flag. The Municipality of the District of Lunenburg will not fly a flag or banner that is in poor condition.
- 5.3.5 The Municipality of the District of Lunenburg shall limit the number of days for which anyone outside organization's flag will be displayed to 7 days in a one-year period.

5.3.6 All approved requests will be granted on a first come, first serve basis.

## 6.0 RESPONSIBILITY AND MAINTENANCE OF FLAGS

### 6.1 Responsibility

6.1.1 The Chief Administrative Officer or the Municipal Clerk will be responsible for the administration of the **Flag Policy [amended July 8, 2008]**

6.1.2 Municipal staff will be responsible for the care and maintenance.

### 6.2 The following will assist in keeping flags in good condition:

~~6.2.1 Where possible, a flag should be taken down every night;~~

6.2.21 Flags are not to be stored wet or damp;

6.2.32 If soiled, a flag may be safely hand washed, using any domestic soap or detergent which does not contain bleach;

6.2.43 Frayed or torn flags should be repaired at once; **and,**

6.2.54 When a flag is in such condition that it is no longer a fitting emblem for display, it should be destroyed in a dignified manner.

## 7.0 FLAG DESIGN

Colour	royal blue (same as Nova Scotia Flag blue) on white background, Municipal Logo at the center, 1 sided
Material	200 denier nylon
Size	traditional sized ordered, 3' x 6'. Other sizes may be ordered in proportions of two by length and one by width (i.e. 2' x 4' for home use)

~~Vendors — The Flag Shop or the Flag Emporium~~

Annotation for Official Policy Book	
Date of Adoption:	<u>December 13, 2002</u>
Date of Notice to Council Members of Intent to Consider: (7 days minimum)	<u>March 19, 2010</u>
Date of Passage of Amendments:	<u>April 13, 2010</u>
Date of Notice to Council Members of Intent to Consider: (7 days minimum)	<u>June 14, 2016</u>
Date of Passage of Amendments:	<u>June 28, 2016</u>
I certify that this "MDL- 23-Municipal Flag Protocol" was adopted by Council as indicated above.	
_____ Sherry A. Conrad, Municipal Clerk	_____ Date



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Chairperson & Members  
Policy & Strategy Committee

**SUBMITTED BY:** Sherry Conrad, Municipal Clerk

**DATE:** March 16, 2021

**RE:** **Proposed Amendments to Municipal Flag Policy 023**

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#### **RECOMMENDATION**

**“that the Policy & Strategy Committee recommends to Council that Municipal Council approve the proposed amendments to the Municipal Flag Policy 023 as presented and hereby gives 7 days’ notice that Council will consider approving the amendments at the March 23, 2021 Council meeting”.**

#### **EXECUTIVE SUMMARY**

An amendment was required to the Municipal Flag Policy 023 as subsection 5.1 lists the flags to be flown at the Municipal Administration Office and the MARC. There were three flag poles at the Municipal Administration Office in Bridgewater and there are four flag poles at the new Municipal Services Building in Cookville; therefore, the Policy needs to be amended to reflect the fourth flagpole. As well, during the review, housekeeping amendments were identified.

#### **DISCUSSION**

Subsection 5.1 states that the Municipality will fly the Canadian Flag, the Province of Nova Scotia Flag, and the Municipality’s Flag at the Municipal Administration Building and the MARC. With the move to the new Municipal Services Building, an amendment was required as there are four flagpoles at this site. Proposed amendments were prepared to identify that the Municipality would fly the Canadian Flag, the Province of Nova Scotia Flag, the Municipal Flag and the Mi’kmaq Flag at the Municipal Services Building. This would be in keeping with the

current practice. Wording was added to specify that the Canadian Flag, the Province of Nova Scotia Flag and the Municipal Flag would still fly at the Municipal Activity Recreation Centre (MARC).

During the review of the Policy, a number of housekeeping amendments were identified to change grammar, to add “or designate” after the words “Chief Administrative Officer” throughout the Policy when it did not identify “or the Municipal Clerk”, and to remove subsection 6.1 as the flags are not taken down every night and put up the next day. There are no federal guidelines specifying that the Canadian Flag cannot be flown at night.

#### **BUDGET IMPLICATIONS**

None

#### **STRATEGIC PLAN**

N/A

#### **WORK PLAN**

Current workload.

#### **ALTERNATIVES**

Make changes to the proposed amendments.

#### **CONCLUSION**

As the current Policy does not conform to the current practice, staff is recommending the proposed amendments to the Municipal Flag Policy 023 be approved.

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Department:

Report Prepared By: Sherry Conrad

Date: March 4, 2021

Report Approved By: Alex Dumaresq

Date: March 10, 2021

Reviewed By CAO:

Date:

Nathan Bald  
nath.bald@gmail.com  
902-640-2637  
17 Acorn Lane  
Rose Bay, NS B0J 2X0  
November 23, 2020

**Council**  
Item: #9.1.3  
Date: March 23, 2021  
Authorization: T. MacEwan

To:  
The Honourable Carolyn Bolivar-Getson, Mayor of MODL  
[Mayor@modl.ca](mailto:Mayor@modl.ca)  
10 Allee Champlain Dr.  
Cookville, NS B4V 9E4

CC: CAO Tom MacEwan, LLB, Chief Administrative Officer  
[tom.macewan@modl.ca](mailto:tom.macewan@modl.ca)  
Councillor Reid Whynot  
[reid.whynot@modl.ca](mailto:reid.whynot@modl.ca)

RE: Planning for the future of the Riverport and District Elementary School grounds

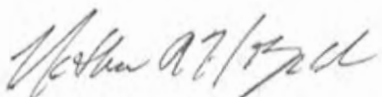
Dear Mayor Bolivar-Getson,

I am writing to you as a concerned resident of the Riverport Area to request that MODL refrain from making any decisions on the fate of the Riverport and District Elementary School grounds located at 3176 Hwy 332, for 12 months. Please see the attached letters from the Riverport Community Centre, the Riverport Fire Department and concerned neighbours in support of this request.

I have had many good conversations with friends, neighbours and community groups about how best to realize the potential of this unique green space. The MODL Recreation Department, and our Councillor Reid Whynot, have also been supportive of preserving the land for community use. In coming months I intend to work with MODL staff to form a community organization to develop a vision and plan for the school grounds.

I look forward to hearing from you on this matter and I thank you for your time.

Kind regards,



Nathan Bald



## RIVERPORT & DISTRICT FIRE DEPARTMENT

Box 10 Riverport  
Lunenburg Co., N.S.  
B0J 2W0



To the municipality of the district of Lunenburg

Re: old Riverport school land

The Riverport and district fire department is asking for a term of one year to discuss matters with the community and other organizations on a proposal for the use of the land ! In so asking we ask that you refrain from selling the land until we can organize a proposal for the use of the land to improve our beautiful community and add some public enjoyment

The RFD , Riverport community center and members of the community would like the year to communicate and come up with a plan to present to you at that time .

We thank you for your time and are looking forward to hearing back from you regarding the matter of the old Riverport school property.

Kind regards  
Members of the Riverport and district fire department  
Attention:

Sincerely,  
*Craig Cook*  
Craig Cook  
RDFD Chief

(Cell)- 902-521-1335  
(Home)- 902-764-2111

email- [riverportfire@eastlink.ca](mailto:riverportfire@eastlink.ca)



Dear Mayor Carolyn Bolivar-Getson,

I am writing this letter of support on behalf of the Riverport & District Community Center in regard to the old Riverport School Grounds (3176 Highway 332).

As a community we are coming to terms regarding the loss of this greens space and we want the property to remain in the community.

Numerous community groups have been in discussion about how this place can be used to benefit the community.

We would like to ask for time for the various community members and groups involved to create a plan for this space to be preserved for community use.

Thank you for your time and consideration.

Sincerely,

Dale Knowles

President Riverport & District Community Center

daleknowles@hotmail.com

902-298-8587

CC:

Bill Schurman

Reid Whynot

From:  
Marion F. Homer  
Marionfhomer@eastlink.ca  
902-766-4355  
625 Feltzen South Road  
Rose Bay, N.S. B0J 2X0  
November 11, 2020

To:  
The Honorable Carolyn Bolivar Getson, Mayor of MODL  
Mayor@modl.ca  
10 Allée Champlain Drive  
Cookville, Nova Scotia B4V 9E4

Re: Planning for the future of the Riverport Elementary School grounds

Dear Mayor Bolivar-Getson,

I am writing this letter to encourage MODL to refrain from any immediate action in regard to the elementary school grounds so the community can have time to discuss future uses of the land and put forward a plan for your consideration.

Unfortunately, there was no public discussion prior to the signing of the demolition contract, and costly assets that could have been useful in the future were destroyed. In the years prior to this unfortunate demolition contract, MODL had a long-standing and much-appreciated history of carrying out public consultation prior to any action being taken. MODL's public meetings typically included the passing of a clipboard on which attendees could write their e-mail addresses so MODL could inform them of future matters of local interest. If these e-mail lists had been used before MODL struck the demolition contract, community input could have led to a much better outcome. I sincerely hope MODL will return to a policy of public consultation.

Even after The Riverport Elementary was closed, the grounds of the school remained an important resource to the community. The off-road parking, the flat, relatively sheltered & well-drained land, the basketball hoops, four-square, and playground equipment provided a place for residents of all ages to walk, jog, exercise dogs, and play without fear of road traffic and out of the harsh wintertime ocean winds. There is no other land in the Riverport area that has these attributes. With the removal of the school's driveway and parking, my safe walking place is no longer available, and its loss makes me angry.

Given time and the opportunity to seek recreational grants and donations, the community can restore what has been taken away and add new features that will benefit local residents and tourists alike. Please give the greater Riverport community time for interested parties to confer and develop a plan.

Thank you,

Marion F. Homer

CC: CAO Tom MacEwan, LLB, Chief Administrative Officer  
tom.macewan@modl.ca  
Councillor Reid Whynot  
reid.whynot@modl.ca

Mayor Carolyn Boliyar-Getson  
CAO Tom MacEwan  
Councillor Reid Whynot

Nov. 18, 2020

Hello

The old Riverport and District Elementary School is now only a memory for the many eager students, parents, grandparents and members of the community that interacted with an active and vibrant community hub. However, many of us in the community feel that the now vacant property has tremendous potential!

I am writing you today to voice my interest in seeing this parcel of land become once again, a place for our community to use for our well-being and enjoyment.

There have been rumours circulating for months that this lot will be sold, quite possibly leaving the community with a significant loss of opportunity.

To this point I would ask that you refrain from any decisions on the future of this property for a 12 month period. This would allow our community time to consider best use options and develop a vision and plan that can meet with your approval.

Thank you for your considerations on this matter and look forward to the presentation of our community plan to the council.

Best regards,



Greg Amos  
3272 Hwy 332  
Rose Bay NS  
B0J2X0  
902 523-0111

**Council**

Item: #9.2.1

Date: March 23, 2021

Authorization: T. MacEwan



## Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Phone: 902.543.8181 Fax: 902.543.7123 Web Site: [www.modl.ca](http://www.modl.ca)

March 11, 2021

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

Dear Mayor and Councillors:

The Fire & Emergency Services Committee (FESC), in session on Monday March 08<sup>th</sup> 2021  
made the following recommendation to Council:

**“That Municipal Council approve amendments to MODL Policy MDL-36 Fire and Emergency  
Services as presented”.**

Respectfully submitted,

Chairman and Members  
Fire & Emergency Services Committee

CK/sc  
Attachments

# Municipality of the District of Lunenburg POLICY

Title: <b>Fire and Emergency Services</b>	
Policy No. <b>036</b>	
Effective Date: September 11, 2007	Amended Date: Feb. 12, 2008, Oct. 13, 2009, Feb. 8, 2011, Jan. 28, 2014, May 9, 2017, Feb. 27, 2018

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 Societies Act.
- 1.7 Acts of Incorporation refer to the organization’s ~~Memorandum of Association~~ Memorandum of Association and/or articles of incorporation and/or by-laws.
- 1.8 “Pump Testing” means testing to assess that apparatus pump pressure and flows meet the ULC plate or manufacturers requirement for the pump being tested.

## 2.0 Form of Request

Requests for registration as a fire and/or emergency services provider shall be made through the completion of the Fire and Emergency Services Provider Registration package. The registration package can be found on the Municipality’s website **[amended Feb. 27, 2018]**. 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 and has to meet the requirements outlined in Section 4-5 of this Policy.
- 3.2 The Municipality will pay the Workers' Compensation Board (WCB) premiums for all registered volunteer fire department firefighters and junior firefighters. This will be at the minimum yearly salary used by WCB and set by the Municipality to calculate premiums for all registered volunteer firefighters.
- ~~3.2~~ 3.3 The Body Corporate carries group liability insurance in the minimum amount of \$10,000,000.00 [amended Jan.28, 2014]
- ~~3.3~~ 3.4 The Body Corporate does not provide the fire and or emergency services for profit.
- ~~3.4~~ 3.5 The Municipality does not provide the same service for the same area.
- ~~3.5~~ 3.6 The Body Corporate carries a group personnel (accident and sickness insurance) policy for active volunteer firefighters and for volunteers assisting during non-firefighting activities ~~or workers' compensation coverage for all its members.~~ [amended Feb. 8, 2011]

### 4.0 Department Requirements

#### 4.1 Pump Testing

- 4.1.1 Fire Apparatus pump testing results are required starting on the June 15, 2021, registration cycle and continuing each fiscal year after.
- 4.1.2 Apparatus mounted pumps shall be tested annually, portable pumps may be tested although not a requirement for registration.
- 4.1.3 Pump maintenance and testing shall be performed by a certified Emergency Vehicle Technician (EVT).
- 4.1.4 The Fire Services Coordinator will work with any Fire Department towards a plan if issues arise from pump testing.
- 4.1.5 In the event a pump fails its annual pump testing, registration may remain in effect if the registered fire department does the following:
- 4.1.5.1 The Department provides the Fire Services Coordinator with a written plan for repairs required to the pump(s); or
- 4.1.5.2 A temporary replacement apparatus in good standing can be found and is in place.
- 4.1.6 If repairs are extensive and the fire department is unable to afford repairs or, on the advice of the EVT, repairs are not cost justifiable due to the condition of said apparatus pump, the fire department shall put a neighbouring department(s) on automatic callout for any/all emergency calls requiring the use of a pumper/pumper tanker including, but not limited to, structure fires of any kind, motor vehicle fires, wildland fires, emergencies, etc.

- 4.1.7 Failure to complete a pump test in advance of the registration deadline may result in the Municipality withholding grants to the department until a successful pump test is completed.
- 4.1.8 Where a total disregard for pump testing occurs, the Fire Services Coordinator will notify Council and recommend the de-registration of the department and options for alternative fire service coverage.
- 4.1.9 Council may de-register the department on recommendation of the Fire Services Coordinator. Council shall not consider re-registration of the department until the department re-applies for registration with a satisfactory pump test.

#### ~~4.0~~ **5.0 Registration**

The Municipality, if satisfied by all categories of Sections **3 and 4**, 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~~**5.1** 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~~**5.2** 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~~**5.3** 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> **of each year**, in order to receive collected fire taxes and grant monies. **[amended Jan. 28, 2014]**
- ~~4.4~~**5.4** All fire tax payments shall be made available to **approved fire and emergency** service providers 30 days from the due date of municipal taxes. **[amended Jan. 28, 2014]**

#### ~~5.0~~ **6.0 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 5. **[amended Feb. 27, 2018]**

#### ~~6.0~~ **7.0 Rate Payers Meeting**

Every registered fire and emergency services provider must have an annual ratepayer meeting. Minutes of these meetings **[amended Feb. 27, 2018]** must be maintained in the minute books of the organization.

- ~~6.1~~**7.1** 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~~**7.2** 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~~7.3 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~~7.4 Ratepayers shall have the opportunity to discuss service level expectations during a ratepayer meeting. **[amended Jan. 28, 2014]**

~~6.5~~7.5 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~~7.6 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~~7.7 All annual ratepayer's meetings must be conducted before June 15<sup>th</sup> of the following fiscal year.

~~6.8~~7.8 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~~7.9 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 no later than June 15<sup>th</sup> of the current year. **[amended Jan. 28, 2014 & Feb. 27, 2018]**

~~6.10~~7.10 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

<p>Date of Adoption:</p> <p>Date of Notice to Council Members of Intent to Consider: (7 days minimum)</p> <p>Date of Passage of Amendments:</p> <p>Date of Notice to Council Members of Intent to Consider: (7 days minimum)</p> <p>Date of Passage of Amendments:</p> <p>Date of Notice to Council Members of Intent to Consider:</p> <p>Date of Passage of Amendments:</p>	<p>September 11, 2007</p> <p>January 21, 2014</p> <p>January 28, 2014</p> <p>April 27, 2017</p> <p>May 9, 2017</p> <p>February 13, 2018</p> <p>February 29, 2018</p>
<p>I certify that the amendments to this the <i>"Fire and Emergency Services Policy"</i> was adopted by Council as indicated above.</p>	
<p>_____</p> <p>Sherry A. Conrad, Municipal Clerk</p>	<p>_____</p> <p>Date</p>

MDL-36



## Memorandum

**To: Fire & Emergency Services Committee (FESC) Members**

**From: Chris Kennedy, Fire Services Coordinator**

**Date: March 08, 2021**

**Re: Mandatory Pump Testing and MDL-36 Policy, Fire and Emergency Services Amendments**

---

## Recommendation

**“Move that the FESC recommend that Municipal Council approve amendments to Policy MDL-36 Fire and Emergency Services as presented”**

## Background

Fire Apparatus pump testing has been a topic of discussion amongst fire services in our county for many years and has been discussed at the County level and FESC meetings. Pump testing in prior years was done voluntarily by fire and emergency services. At the September 19, 2019, Lunenburg Fire and Emergency Services (LRFRES) meeting held at the Lunenburg fire station, a vote was held unanimously passing a motion by its membership to have annual pump testing performed as part of the annual registration and be mandatory starting in June of 2021. This was also in conjunction with Municipal cost sharing for half the cost of the new pump testing facility with the Town of Bridgewater and the Bridgewater FD, allowing for all departments to gain access to the new testing area without any additional cost.

Prior to pump testing being performed, a certified Emergency Vehicle Technician (EVT) will do pump and related maintenance to get all pump related parts ready for the pump test. The cost of this varies depending on the work required. Typically, if an apparatus is having this done annually the cost for this maintenance reduces. The first time an apparatus has this maintenance performed that has not been maintained on an annual basis usually has a higher cost, due to wear of parts and lack of this type of regular maintenance. Cost estimate could be \$300 to \$2000.00 or higher depending on work done. A typical pump test can run between \$300- \$500.00 on average. Several departments who never did pump testing in the past saw initial costing around the \$2000.00 mark.

Wiles Lake Depot has been used for pump testing purposes and those departments using this MODL park have signed agreements for the use of the area. (OP-16 Wile’s Lake Park – Fire

Department Usage) The park is shut down during these activities to limit interaction with the public and keep them safe allowing firefighters to conduct their testing unimpeded. Although they still need to be vigilant of their surroundings and anyone who may wander into the park or test area. The area that is used for testing is small, and care needs to be taken when driving apparatus and setting up for the test. This is a very labour-intensive exercise getting out suction lines and putting them safely into the lake along with lines run for testing.

### **Current Pump Testing Rates & Standards Estimates**

There are 3<sup>rd</sup> party standards for pump testing. NFPA 1911 Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles states that: "Pump tests shall be conducted at least annually or whenever repairs to major components or modifications are carried out to an emergency vehicle that is used in pumping operations."

The standard goes on to say all the other requirements are checked by a certified (EVT) who will put the apparatus through the required testing. Vacuum leak test, primer operation, verify pump panel plate showing ULC certification in Canada. pump pressure, flow and time to meet the ULC rating for any given apparatus etc. Any new apparatus in Canada must meet ULC S515-13.

## **DISCUSSION**

The purpose of pump testing is to ensure that any given apparatus meets the ULC requirements and can operate at the different pressures and flow rates with all lighting/emergency lighting operating. The annual results can be compared year to year for consistency, if any of the data shows a downward trend in any of the pumping capacities during the test this could indicate issues with the pump or associated devices. This allows apparatus to be checked by a Certified EVT who can then troubleshoot cause, correct any deficiencies, and bring the truck up to the necessary requirements or recommend required action and cost of repairs. Annual pump testing shows due diligence on behalf of the fire department and these records are very important to show historical data on pump and apparatus maintenance.

Apparatus not subjected to an annual pump test are in an unknown state as to ULC requirements and if the apparatus can still meet them. Even though the pumping capacity may seem normal to operators the pump may or may not perform as required when high demands are put on them at active fire scenes. Pump failure or reduced capacity could occur leaving interior or exterior firefighters on hose lines in danger due to loss of water flow and pressure.

## **BUDGETARY IMPLICATIONS**

None, cost contribution to the pump testing facility has already been made.

## CONCLUSION

Pump testing is a basic part of ensuring firefighter safety while engaging in firefighting activities using apparatus supplied hose lines. The new test area has been used by several departments and that number is expected to grow each year. It is safer to work around, no interruptions and private. However, some departments may decide not to utilize the new test area and that is their alternative. Travel distance from their respective community may play a factor in their decision.



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Council  
**SUBMITTED BY:** Alex Dumaresq, Deputy CAO  
**DATE:** March 23, 2021  
**RE:** Emergency Assistance Fund for Community Facilities – Late Applications

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#### RECOMMENDATION

**“that Municipal Council award emergency assistance funding to the community facilities with late applications listed in staff’s report dated March 23, 2021, in the amount of \$800; and further, that the funds be taken from the Council Approved Contingency Fund”.**

#### Background

The Municipality established an Emergency Assistance Fund for Community Facilities to assist local groups and organizations in addressing the financial hardship caused by the inability to host planned fundraising events and activities during the Covid-19 crisis.

Council open applications for two periods: March 15<sup>th</sup> to September 30<sup>th</sup>, 2020 which was open to facilities in MODL<sup>1</sup> and October 1, 2020 to March 31, 2021, which was open to facilities serving MODL residents, both inside and outside MODL geographic boundaries. Local groups and organizations that receive emergency assistance through this program were still eligible to apply for regular municipal grants in the 2020-2021 Fiscal Year.

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<sup>1</sup> As well as legions serving MODL residents, whether in MODL or not.

As directed by Council, the criteria for the Emergency Assistance Fund for Community Facilities is as follows:

- The Applicant must be a not-for-profit community, charitable, fraternal, educational, recreational, religious, cultural, or sporting organization;
- The Applicant must operate a community facility or community hall that is used for hosting funding events and activities that are open to the general public; and
- The Applicant must demonstrate that it has experienced a negative financial impact resulting from its inability to raise funds through planned fundraising events and activities that had to be canceled due to Covid-19 restrictions.

Funding amounts were prescribed by Council as follows:

- Facilities within MODL are eligible for a grant of up to \$500 per month based on reported losses, to a maximum of \$2500; and
- Facilities outside of MODL who serve MODL residents are eligible for a grant of up to \$300 per month based on reported losses, to a maximum of \$1500 (2<sup>nd</sup> round of funding only).

## DISCUSSION

Since closing the call for applications, 2 late submission were received. The Lunenburg County Ground Search and Rescue (LCGSAR) submitted an application for lost fundraising revenue that may have qualified for \$500 in funding during the first phase of applications. The organization provides a valuable community service similar to fire departments and community centres and does maintain a facility. Given that Fire Departments were only excluded from the application-based program because 1) they have access to fire tax rate monies, and 2) Council provided direct funding without application requirements to the Fire departments, staff believe the intent of Council’s funding program was to include a community organization such as the LCGSAR and are recommending an award based on the same funding formula as community halls.

In addition, the Mahone Bay Founders Society/Mahone Bay Museum submitted an application that would have qualified for \$300 (the Museum did report greater fundraising losses from the first application period, however, facilities outside of MODL were not eligible during the first round of funding).

Lunenburg County Ground Search & Rescue	MODL	\$500
Mahone Bay Museum	TOMB	\$300
<b>TOTAL</b>		<b>\$800</b>

**BUDGET IMPLICATIONS**

Council has \$41,084 available in the Council Contingency Fund; it is not anticipated that there will be any further requests on the contingency account in this fiscal year.

**ALTERNATIVES**

Council could choose not to award one or both of the award amounts.

**CONCLUSIONS**

Municipal Council established an Emergency Assistance Fund to support community facilities who have been affected by the pandemic and the related public health restrictions. The applications demonstrate the need for such a program to support these valuable community assets. The award of the funds from Council's contingency will provide support to these facilities during a very difficult year.



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Municipal Council  
**SUBMITTED BY:** Byung Jun Kang, Planner  
**DATE:** March 23, 2021  
**RE:** PL200007 – Villas at Osprey Ridge

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#### RECOMMENDATION

That Municipal Council direct staff to hold a public information session and direct the Planning Advisory Committee to review the application submitted by Osprey Ridge GP Limited on March 3, 2021.

#### LEGISLATIVE AUTHORITY

**Municipal Government Act**, subsection 200(4): “The purpose of a planning advisory committee is to advise respecting the preparation or amendment of planning documents.”

**MODL By-law 005 (Lunenburg Municipal Industrial Zone Secondary Planning Strategy),**

Section 5.02: “A Public Participation Program shall be held prior to any proposed amendment to the Secondary Planning Strategy, as well as in conjunction with the review of this Planning Strategy and Land Use By-law. Council shall meet with the Planning Advisory Committee when Council is considering a proposal for an amendment to the Planning Strategy or the Land-Use By-law. Public Notice of any Planning Advisory Committee meeting at which the proposal is to be discussed shall comply with the Public Participation Program policy as adopted by Council.”

**MODL Policy 066 (Public Engagement Policy)**, Section 8: “Council may hold, or direct staff or a committee of Council to hold, a public information session to discuss with the public about a planning matter. If a public information session is held, the Municipality must hold at least 1 session before the proposed planning document is submitted to the Planning Advisory Committee.”

## INTRODUCTION

Osprey Ridge GP Limited, the landowner of Osprey Ridge Golf Club, applied to construct 10 semi-detached houses off of Harold Whynot Road (PID 60489549) as Phase 1. The proposed site, named **Villas at Osprey Ridge**, is surrounded by Osprey Ridge Golf Club, 4 residential lots on Danica Drive, and a municipal land across the road. The site is under Lunenburg Municipal Industrial Zone Plan Area, and is designated as a Mixed Residential (MR) Zone.

Having the access to the central water system managed by Bridgewater Public Service Commission, the proposal includes a total of 20 two-bedroom units as a condo development, in which the property will be managed by **Osprey Management and Maintenance Departments**. The applicant also stated that 25 parties are already interested in this development, and the successfulness of this development would lead to a Phase 2 project of 6 semi-detached houses.

## DISCUSSION

Despite a residential use being permitted in the proposed site, the Land Use By-law for this area prohibits the construction of multiple buildings on a same lot. The landowner applied to amend Sections 3.3 and 4.1 in the Land Use By-law, as well as relevant policy statements in the Secondary Planning Strategy, for the proposed development to be permitted.

## WORK PLAN

If the Council passes the recommended motion, the following is the tentative schedule:

1. Public Information Session	April 1, 2021 6:30 p.m.	Facebook Live
2. Planning Advisory Committee	April 15, 2021 7:00 p.m.	Facebook Live
3. First Reading	April 27, 2021 9:00 a.m.	
4. Public Hearing & Second Reading	May 25, 2021 8:30 a.m.	Facebook Live
5. Provincial Review & Approval Notice	June 30, 2021 8:00 a.m.	

During this process, municipal staff will contact stakeholders, such as:

- NS Environment and Climate Change (on-site septic field)
- NS Transportation and Active Transit (development near a public right-of-way)
- Bridgewater Public Service Commission (water access)
- Oakhill Fire Department, Fire Services Coordinator, REMO (fire protection services)
- RCMP Lunenburg Detachment (public safety services)

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Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner Date: 2021-03-08

Report approved by: Jeff Merrill, Director Date: 2021-03-09

Reviewed by CAO: Tom McEwan, Chief Administrative Officer Date: 2021-03-18

FILE: C:\Users\Ken.Zwickler\Zareski Architecture & Planning\Projects - 2021\Projects\21-035 Kiel - Osprey Village\4\_PLANN1\_DWG\1\_Site Plan\21-035-OSPERY\_VILLAGE-100.dwg SHEET: 11x17 (2)



**LEGEND**

- Site Boundary
- - - Adjacent Property Boundary

**SITE SUMMARY:**

- PID: 60489549
- Total Land Area: 10.42Acres

**NOTES:**

- Subject to survey. Property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

**SOURCES:**

- Property lines and topographic features are from provincial mapping.

**SCALE:**

0 10 20 50 100m  
1 : 2,000

**DWELLING EXAMPLE**





## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Mayor Bolivar-Getson and Municipal Council  
**SUBMITTED BY:** Norma Schiefer, Municipal Development Officer  
**DATE:** March 16, 2021  
**RE:** REQUEST TO LEVY PRIVATE ROAD MAINTENANCE CHARGE –  
RUSSELLS COVE ROAD ASSOCIATION

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#### RECOMMENDATION

That Municipal Council levy a maintenance charge within the Charge Area identified by the Russells Cove Road Association as follows:

- A uniform amount per lot based on classification.

With the 2021-22 charge being set at:

- \$250.00 per lot with cottage
- \$125.00 per vacant lot

Subject to an Agreement being entered into between the Municipality and the Russells Cove Road Association that satisfies the requirements of Section 9 of the Private Roads By-law.

#### BACKGROUND

A request has been received, from the Russells Cove Road Association, for Council to levy a charge pursuant to the Private Roads By-law for road maintenance fees. The road maintenance fees are for the maintenance of Russells Cove Road and Paul Veinot Road, as identified in their charge area map, located in Parkdale.

This request is being forwarded to the Municipal Council for approval.

#### DISCUSSION

The request received from the Russells Cove Road Association is for Council to levy a charge to the lots within the identified Charge Area. The maintenance budget, submitted by the Association, indicates the charges are based on classification: lots with a cottage being charged \$250.00 and vacant lots \$125.00. As per the Private Roads By-law the Municipality has a 5% administration fee which is added to the charges.

[\$6,750.00 Budget, plus 5% Administration fee of \$337.50 = \$7,087.50 total charge amount]

[\$250.00 + \$12.50 = \$262.50 per lot with a cottage]

[\$125.00 + \$6.25 = \$131.25 per vacant lot]

The Private Roads By-law requires that this request be accompanied by:

<b>Requirements</b>	<b>Submitted Yes /No</b>	<b>Comment</b>
Petition bearing the signature of more than half of lot owners	Yes	Complies with By-law Petition submitted bears the signatures of <b>87%</b> of the lot owners in the Charge Area (27 out of 31 lots).
Yearly Maintenance Budget, approved by Resolution	Yes	Maintenance Budget \$7,088 - Complies (attached)
Copy of Resolution approving Maintenance Budget	Yes	Complies (attached)
Copy of the Associations MOU and By-law which clearly states that the object or purpose of the Assoc. is to carry out the road maintenance and/or improvement and the Assoc. was formed to represent the owners within the Charge Area.	Yes	Complies
Plan showing Charge Area	Yes	Complies (attached)

As is evident from the above noted chart the required information has been submitted. Staff has confirmed that a more than half of the lot owners have signed the petition in favor of the lot charge.

As per clause 9 of the Private Roads By-law, prior to approving the levying of a charge the Association must enter into an Agreement with the Municipality which:

- a) Requires that the association must be responsible for performing, or contracting the work in relation to the maintenance or improvement of the private road in a Charge Area;
- b) Indemnifies the Municipality from all liability or responsibility with the work in relation to the maintenance or improvement of the private road in a Charge Area;
- c) Identifies the method of collecting a charge that the person indicated in the application;
- d) Contains any other clauses that the Council may require.

**BUDGET IMPLICATIONS**

The amount of \$7,087.50 will need to be added to the budget as revenue and \$6,750.00 added as an expense. [\$7,087.50 less \$337.50 admin fee = \$6,750.00]

**CONCLUSION**

The request submitted satisfies the requirements of the Private Roads By-law. Municipal Council is required to review this request for approval. A draft agreement is attached and has been reviewed by the Municipal Solicitor.

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Department:

Report Prepared By: Norma Schiefer, Development Officer      Date: March 16, 2021

Report Approved By:      Date:

Reviewed By CAO:      Date:

**Russells Cove Road Maintenance Budget  
2021**

<b>Revenues</b>			
Road Fees		\$	<b>7,088</b>
<b>Total Revenue</b>		\$	<b>7,088</b>
Starting Cash Balance		\$	1,000
<b>Total Funds</b>		\$	<b>8,088</b>
<b>Expenses:</b>			
Road repairs	\$ 5,000		
Grading	\$ 1,500		
Municipal 5% Fee	\$ 588		
Directors Insurance	\$ 500		
Miscellaneous	\$ 20		
<b>Total Expenses</b>		\$	<b>7,608</b>
 <b>Emergency Road fund</b>		 \$	 <b>480</b>

Russells Cove Road Association

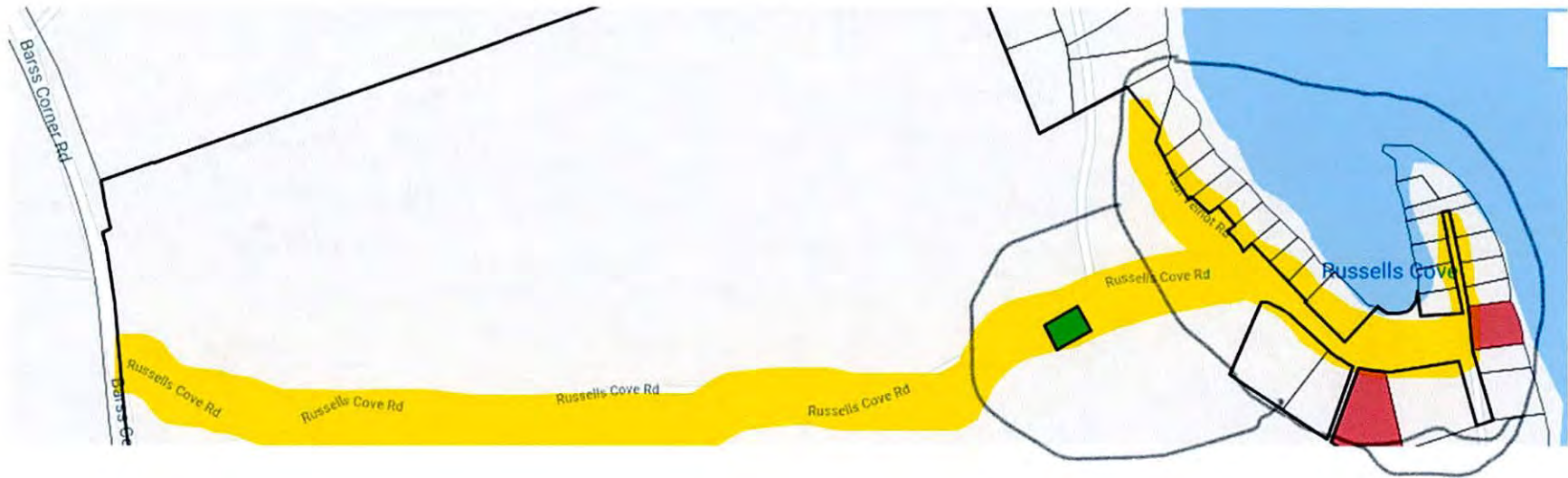
**Recorded Resolution**

Be it resolved that the Russells Cove Road Association hereby approve the Annual Maintenance Budget for the fiscal year of 2021-2022 as attached, and that this Budget form the basis for the lot charges for the maintenance of the private roads.



I certify that the above is a true and correct copy of the Resolution, which was duly passed by the Russells Cove Road Association at a meeting duly called and held for that purpose on the 29 day of July, 2020.

  
\_\_\_\_\_  
Ryan Blair.

# Russells Cove Road and Paul Veinot Rd. Sherbrooke Lake, Lunenburg Co.



## Legend:

-  Roads to be maintained
-  Area containing 31 Lots that are required to use Russells Cove Rd. or Paul Veinot Rd. to access their property

Source - viewpoint.ca



AND WHEREAS the Municipal Council, in session on \_\_\_\_\_, passed the following motion:

***That Municipal Council levy a maintenance charge within the Charge Area identified by the Russells Cove Road Association as follows:***

- ***A uniform amount per lot based on classification.***

***With the 2021-22 charge being set at:***

- ***\$250.00 per lot with cottage***
- ***\$125.00 per vacant lot***

***Subject to an Agreement being entered into between the Municipality and the Russells Cove Road Association that satisfies the requirements of Section 9 of the Private Roads By-law.***

AND WHEREAS the parties wish to enter into this agreement to give effect to their intentions with respect to the levy and collection of such charges, pursuant to the Bylaw.

WITNESSETH that in consideration of the mutual agreements set out herein, the parties agree as follows:

1. The parties agree the Petition of the residents of the RUSSELLS COVE Road Association, attached hereto as Schedule "A", shall form the basis of the charge created hereby, pursuant to the Bylaw. The Association confirms that all signatories to that petition are members of the Association.
2. The Charge Area to which this agreement shall apply is as shown in Schedule "B" attached hereto.
3. The Municipality shall levy and collect a charge of:
  - A uniform amount per lot based on classification within the charge area.
  - The said charge is to be adjusted annually, pursuant to the Private Roads By-law.
4. The Municipality shall turn over to the Association, the charges collected, for use in the improvement and maintenance of the Roads, in accordance with the Bylaw. The Municipality shall not be held responsible for relying on and shall be permitted to rely on any lot identification information provided by the Association.
5. The Association shall be responsible for performing or contracting, the work associated with the improvement or maintenance of the Roads.

6. The Municipality shall have no responsibility or liability of any kind with respect to the Roads or the condition of the Roads or for their improvement and/or maintenance, and the Association shall indemnify and save harmless the Municipality, its officers, servants, agents and employees, its and their heirs, executors, administrators, successors and assigns, or any of them, from and against all risk of loss, damage or injury and against all claims, demands, actions and causes of action whatsoever arising out of, or in any way attributable to the operation of this Agreement, including but not limited to any and all liability or responsibility with respect to the work associated with the improvement or maintenance of the Roads.

DRAFT



PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2021, 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 RUSSELLS COVE ROAD 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., 2021, 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 RUSSELLS COVE ROAD 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., 2021, 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

DRAFT



## Schedule A

### RUSSELLS COVE Road Association Petition

DRAFT

The petition will form part of the  
signed agreement

## Schedule B

RUSSELLS COVE Road Association  
Map showing the Charge Area

DRAFT

The map is not duplicated in this draft agreement; the document is currently located above in the report



## Municipality of the District of Lunenburg

### Request for Decision

**Report To:** MUNICIPAL COUNCIL  
**Submitted By:** Norma Schiefer, Municipal Development Officer  
**Date:** March 16, 2021  
**Re:** Request for the establishment of the "Rocky Lake Charge Area"

---

#### RECOMMENDATION

That Municipal Council levy a maintenance charge for the newly designated Charge Area, 'Rocky Lake Charge Area,' as follows:

- A uniform amount per lot based on occupancy

With the 2021-22 charge being set at:

- \$300.00 per lot – fulltime resident
- \$200.00 per lot – seasonal resident
- \$100.00 per lot – vacant lot

Subject to an Agreement being entered into between the Municipality and Mr. David Sutherland, as Applicant, that satisfies the requirements of clause 9 of the By-law Respecting the Maintenance and Improvement of Private Roads.

#### EXECUTIVE SUMMARY

A request has been received from Mr. Dave Sutherland for the establishment of a charge area for the purpose of collecting private road maintenance fees. The Municipality's Private Roads By-law provides an opportunity for an individual to submit a request to form a charge area where the definition of Association cannot be met.

Council is required to consider criteria before proceeding to designate the Charge Area and levy the charge.

## DISCUSSION

The Municipality of Lunenburg's Private Roads By-law provides the opportunity for an individual to submit a request to Council for charges to be collected within a Charge Area.

Prerequisites for implementing a charge collection agreement are to either receive application from an Association, which requires representation from more than half of the landowners in the charge area, or Council has accepted the request of an applicant, where the Association requirements cannot be met.

As part of the application, Mr. Sutherland, as Applicant, has provided detailed information including an estimated operating budget, a plan to define the Charge Area boundary (Appendix B), a statement confirming the charges are for maintenance only, the method of charges, the name of the Charge Area and detailed reasoning for the submission. (Appendix A – application request)

On September 22, 2020, Council made the following motion "that Municipal Council forward the request for the establishment of the "Rocky Lake Charge Area" to staff for review, report and recommendation back to Council".

As part of the application process, the Municipality is required to notify all the landowners within the proposed Charge Area. Notification packages were sent out September 30, 2020, by regular mail to all residents. Email notifications were also sent to 8 residents (who we had contacts for). The deadline for comments was November 15, 2020. The Municipality has received 2 positive responses to the proposal and no communication from the remaining landowners.

At the November 24, 2020 Council meeting, an update was provided to Council that the matter was with the Municipal Solicitor and would be brought to a future Council meeting.

The By-law outlines the information for Council to consider before making a decision:

Requirement	Completed Yes/No	Comments
the applicant exercised due diligence in communicating with the other landowners in the Charge Area	yes	The applicant has communicated his intention and provided a copy of the request to all landowners; included in the application request is support from 8 out of 13 landowners (20 properties total, 13 different owners)
the number of landowners in the Charge Area did not meet the minimum incorporation requirement of the Societies	No – incorporation was not completed.	The number of landowners in the proposed charge area will meet the requirement under the Societies Act to form an Association.

Act, despite representing more than one-half of all the landowners in a Charge Area		Mr. Sutherland has not formed an Association as he believes he will not fulfill the Societies Act requirement, due to the number of foreign landowners.
the financial burden of road maintenance is distributed unevenly amongst the landowners within the Charge Area, such as when some landowners are not contributing to the maintenance of their private road	Yes	Mr. Sutherland has provided a tiered system based on occupancy in determining the proposed road charges. The explanation in his application outlines that the cost is not unevenly distributed.
the non-performance of road maintenance is causing public safety issues, such as limiting the accessibility to public roads, infrastructure, utilities, services, or other critical amenities.	Yes – reasoning included in submission	Mr. Sutherland has outlined in his submission that the condition of the road inhibits the passage of local fire trucks, which creates a public safety issue. The priorities to be addressed with the fees collected are to ensure all emergency vehicles are able to gain year-round access, ensure any weak/soft spots are surfaced to address the issue, snow plowing, gravel the road to ensure properly maintained, ensure adequate drainage, and brushing as required.

The request received from Mr. Sutherland is for Council to levy a charge to the lots within the identified Charge Area. Based on the maintenance budget, submitted in detail by the applicant, plus the 5% administration fee, lots will be charged based on occupancy: \$300.00 full time resident, \$200.00 seasonal resident, and \$100.00 vacant lot.

[\$2571.43 Budget, plus 5% Administration fee of \$128.57 = \$2700.00 total charge amount]

[\$300.00 fulltime resident]

[\$200.00 seasonal resident]

[\$100.00 vacant lot]

The Private Roads By-law indicates that the agreement specifies a time period that the agreement is effective, with or without conditions for the renewal of the agreement. Staff is recommending the agreement be effective for a period of 3 years, at which time an update from the Applicant will be provided to Council for further direction for renewal, termination, or transfer.

By entering into an agreement with the Applicant, Mr. Sutherland will be providing personal indemnity. As stated in the agreement, the Applicant indemnifies the Municipality from all liability or responsibility with the work in relation to the maintenance or improvement of the private road in the Charge Area.

### **BUDGET IMPLICATIONS**

The amount of \$2700.00 will need to be added to the budget as revenue and \$2571.43 added as an expense. [\$2571.43 plus \$128.57 admin fee = \$2700.00]

### **ALTERNATIVES**

Municipal Council could request that Mr. Sutherland form an Association, under the Society Act requirements, and resubmit.

### **CONCLUSION**

As outlined, in the above chart, application requirements have been met or addressed by the Applicant. Municipal Council is required to review this request. If Council is in agreement to proceed to designate the Charge Area and enter into an agreement with the Applicant to levy the charge, the motion is provided. A draft agreement is attached (Appendix C) and has been reviewed by the Municipal Solicitor.

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Department: Planning & Development Services

Report Prepared By: Norma Schiefer, Development Officer

Date: March 16, 2021

Report Approved By: Jeff Merrill, Director

Date:

Reviewed By CAO:

Date:

Dave Sutherland

BUILDING INSPECTION

11 August, 2020

AUG 13 2020

RECEIVED

Municipality of the District of Lunenburg - Council  
210 Aberdeen Rd  
Bridgewater, NS B4V 4G8

Subject: Request for the establishment of the "Rocky Lake Charge Area"  
References: A. By-Law Respecting the Maintenance and Improvement of Private Roads adopted 9 June, 2020, promulgated 17 June 2020  
B. Lot Plan for Rocky Lake Subdivision (attached)  
C. Letter to Residents dated 10 June 2020 (attached)  
D. Summary of Resident Responses (all received by email) (Attached)  
E. Covenant for Rocky Lake Subdivision (Attached)

Dear MODL Council,

In accordance with the 2020 by-law respecting the maintenance and improvement of private roads (reference A) I hereby submit this request as an applicant requesting that a charge area be established for the community of Rocky Lake (to be named "Rocky Lake Charge Area), specifically consisting of the 20 lots in the subdivision that is built on Kitpu Lane and Pulowech Rd (See attached plot map attached at reference B). The road surface is approx. one kilometer long, has a poor road surface and has a significant defect in it that inhibits the passage of local fire trucks, this lack of consideration in construction and maintenance is currently causes a continued public safety issue continues to restrict access to critical fire emergency services, should their response be required.

I have lived in this subdivision for 9 years and to this date no association has been established because it has not been legally possible in accordance with the Societies Act given that the majority of landowners are from out of country and not present at any one time to establish an association. Further, any attempts on my part to work with the agent representing the developer have met with no indication of working cooperatively toward any form of resolution for the maintenance of the roads.

Currently there are two full time residents and three cottage properties that have structures established on the properties. To date any road maintenance that has been done has been the unfair financial burden of a few individuals, while all lot owners benefit from the road's continued upkeep.

I have contacted each lot owner through the contact information provided through NS Land Registries and they have been provided with a letter advising them of the state of the road and these intentions submitted in this letter today (attached at reference C).

Any received responses have been included (attached at reference D). As you can see from the attached comments, my proposal here today was generally favourably received there was willingness to move forward in this fashion. All other owners has not responded at the writing of this submission. No negative comments were received.

The intended actions of this submission are for the sole purposes of:

- a. ensuring emergency vehicle access for all lots; and
- b. maintenance of the existing infrastructure only.

There are no additional capital improvements neither permitted nor intended.

To provide an assessment of the issue, I approached Gerald Veinot Excavation as it is the closest quarry to determine the requirements to repair the defect in such a way as to allow better vehicle access for the fire apparatus and providing for a proper topping of 4 inches of class 'A' gravel to provide a stable surface to the road surface. The estimates are as follows (based on 2020 rates and are subject to change based on the time work is actually completed):

- a. Defect repairs approx \$1500+tax to fill and surface the anomaly (\$1725);
- b. To establish a 4" class a surface 9' wide for 1 km would be approx. 30 tandem loads of gravel at \$300/load plus tax (\$10350.00); and
- c. One lot owner has purchased a tractor and provided its use for seasonal resurfacing and winter plowing and will also be compensated for use of such tractor to cover, as a minimum, fuel costs and routine maintenance for this use. This cost is approx. \$500 per year.

The original covenants that were established by the developer (attached at reference E)), and each lot owner received with the purchase of their property, indicated that \$200 per lot per year was to be collect initially, but this was never done, nor an association established. Said amount was the responsibility of the developer for the first three years or until an association was formed. Unfortunately, this caveat was not enforced, and this caveat was clarified by the NS Small Claims Court to have essentially expired after the three-year period as no association was formed in that time. Additionally, the courts asserted that the developer has no remaining legal responsibility to continue with overall road maintenance management or fee collection.

I hereby propose that, since it is legally impossible to form an association at this time due to the inability to get enough owners from abroad together to establish and association, that a new Charge Area be established and that the following tiered assessment be established as permitted by the new by-law:

1. Any lot owner who currently has title of a lot but has no structure yet established on that lot be assessed a yearly fee of \$100.
  - a. This represents only half of the original fee set about in the covenant.

- b. It takes into consideration that there is less use but an equal entitlement to any and all parts of the road (not just to your house but to visit your neighbour and to the lake access right of way).
  - c. It benefits the value of every property to have access properly maintained.
- 2. Any lot owner that utilizes their lot as a seasonal residence be assessed at the rate of \$200 as per the original covenant.
  - a. This reflects and increased use of the road by owners, guests, utilities services, etc.
  - b. It also reflects the fact that roads must be cleared in the winter for insurance purposes on structures.
- 3. Any lot owner who resides here as a permanent year-round resident be assessed \$300.
  - a. This fee reflects the fact that added wear and tear is placed on the road as it is used more often.

It is requested that these assessments be collected by the MODL during the tax collection, subject to the associated administration fee. Given the current state of development, this would provide the following assessment:

- a. 15 lots at \$100/year (Lots 1,2,4,6,7,9,11, and 13 to 20 inclusive)
- b. 3 lots at \$200/year (Lots 3, 5 and 12)
- c. 2 lots at \$300/year (Lots 8 and 10)

This would provide an annual fee of \$2700 for road maintenance. Less 5% for the MODL administration costs (\$135) leaves \$2565 per year to invest in the road maintenance. Any such fees collected will be administered solely for the purpose of the maintenance of the roads in the proposed charge area and would be financially accounted for in a separate account established for such purposes and all documented accordingly and be made available for any lot owners inspection should it be requested.

Given that the total estimated cost for the necessary maintenance based on the above figures is \$12,075 plus annual plowing it will take a minimum of six years to repair the road and establish a decent road surface. This does not take into account any other such unforeseen factors which may extend that time frame. It may take time, but it is both feasible and does not place an unnecessarily excessive financial burden on any lot owner and seems reasonable given the length and condition of the private roads in the proposed charge area. It does not, however, fix the issue in one year nor does it allow for a general reserve until such time as the maintenance to the entire road system is complete. The priorities for these funds are as follows:

- 1. To ensure all emergency vehicles are able to gain year-round access to the full lengths of Kitpu Lane and Pulowech Rd.
- 2. To ensure that any weak/soft spots on the road(s) are surfaced with sufficient material to address such issues.
- 3. To provide for snow plowing when necessary.

4. To systematically, in sections as funds permit, add gravel to the surface of the road to ensure that the entire road surface is properly maintained.
5. To ensure adequate drainage from running water away from the road surface.
6. To ensure that any natural encroachments are cut back so as not to impede access to the road infrastructure.

To not move forward with the establishment of the charge area, the non-performance of road maintenance is likely to cause a continued public safety issue as it would continue to restrict access to critical fire emergency services should they be required, and should the road surface not be maintained it would over time restrict access to all vehicular traffic. It would also further continue to see the financial burden of road maintenance distributed unevenly amongst the landowners within the proposed Charge Area.

At such time as the number of lot owners permits the legal establishment of an association, any such association will immediately take responsibility for all administrative and financial matters related to the maintenance of road as per the by-law.

I have established an email account [RockyLakeChargeArea@outlook.com](mailto:RockyLakeChargeArea@outlook.com) for the purposes of managing any electronic communication that is for the purposes of administering the proposed charge area. I commit to working with the other lot owners as per the intent of this submission for the mutual benefit of the community.

Respectfully submitted by,



Dave Sutherland

(On behalf of the proposed "Rocky Lake Charge Area")



Dave Sutherland  
87 Kitpu Lane  
Camperdown, NS B4V 9A1

10 June 2020

Dear Rocky Lake Subdivision Lot Owners,

I am writing to you as your neighbour and a resident of the Rocky Lake subdivision (which includes all lots on Kitpu Lane and Pulowech Road) in which we all own lots. Since its inception, this subdivision has existed with minimal upkeep and, although required as part of the Covenants that were provided at the time of sale, no fees have been collected nor association established for the maintenance of the road in this subdivision.

As a result of this neglected maintenance and poor construction, the road has already washed out in two locations where it required two culverts to be installed and drainage ditches to be dug to redirect the surface water off the road. Some "class A gravel" surface material has also been provided to help stabilize the road surface somewhat, but the fact is that this financial cost was originally meant to be a cost shared by all lot owners as per the covenants and not be a burden on just a select few individuals.

In the past we have not been able to establish an association for this subdivision due to legal reasons. The past by-law required at least 66.6% of the lot owners to be present at a meeting establishing the association and making application for the collection of fees for the care and maintenance of the road. As the majority of residents are from abroad and not here at the same time it has made this impossible. Recently the municipality has reduced that in the new bylaw to over 50%, however that still does not solve our initial problem. Fortunately though, the provision of a new caveat does.

The municipality has established in the new by-law a provision that now allows for the establishment of a charge area on application by a resident under very strict and specific circumstances. Although there are a number of extenuating circumstances that apply to this subdivision, the most critical is the fact that the road in its present state does not allow for the unrestricted access to the local fire department's fire trucks that would have to access the entire subdivision in the case of a fire. The fire department tried to get a truck through for a practice and it would not make it over one of the hills in the road in its present state.

It is my intention therefore, to apply as an applicant for the establishment of a charge area for the collection of road maintenance fees on behalf of the community.

In the original covenant we were all to be assessed at a rate of \$200 per lot per year which should have meant \$4000 per year for road maintenance and any other issues deemed necessary by an established lot owner's association. This fee has not been collected, nor are we in a legal position to establish an association under the current provisions unless we can get enough lot owners to be present here at one time to do so. This has meant that the road maintenance has not been carried out on a regular basis and therefore something needs to be done to correct that fact.

Given the above history and the new bylaw provision, I intend to request that fees be levied in a way that better reflects the use and benefit that each lot owner receives and still respects the original intent of the covenant as follows:

1. All lot owners who currently who are listed on the title of a lot but where this lot has no structure yet established on that lot would be assessed a yearly fee of \$100.
  - a. This represents only half of the original fee set about in the covenant.
  - b. It takes into consideration that there is less use but an equal entitlement to any and all parts of the road (not just to your house but to your neighbour and to the lake access right of way).
  - c. All lot owners benefit as it affects the value of the property to have access properly maintained.
2. Any lot owner that utilizes their lot as a seasonal residence be assessed at the rate of \$200 as per the original covenant.
  - a. This reflects and increased us of the road by owners, guests, utilities services, etc.
  - b. It also reflects the fact that roads must be cleared in the winter for insurance purposes for emergency access to the structures.
3. Any lot owner who resides here as a permanent year-round resident be assessed \$300.
  - a. This fee reflects the fact that added wear and tear is placed on the road as it is used more often.

The institution of the charge area will ensure that the road will be maintained and that emergency vehicles, along with all residents, will be able to have unfettered access to their respective properties year-round. No one resident is left being responsible for the care and maintenance of the road infrastructure and we all benefit. This is the intent of the original covenant but limited given the previous legal restriction.

The proposed assessment schedule would provide \$2565 (\$2700 based on present lot development less 5% collection fee from the Municipality for collection of funds through the current property tax system). This amount would not immediately correct every issue with the road, but over an approx. six-year time frame it would provide enough funds to see the continued maintenance of the current infrastructure given the following information:

The road surface is approx. one kilometer long and has one significant defect in it that inhibits the passage of local fire trucks, should their response be required. I approached Gerald Veinot Excavation as it is the closest quarry to determine the requirements to repair the defect in such a way as to allow better vehicle access for the fire apparatus and providing for a proper topping of 4 inches of class 'A' gravel to provide a stable surface to the road surface. The estimates are as follows:

- a. Defect repairs are approx. \$1500+tax to fill and surface the anomaly (\$1725);
- b. To establish a 4" "class A gravel" surface 9' wide for 1 km would be approx. 30 tandem loads of gravel at \$300/load plus tax (\$10350.00)
- c. One lot owner has purchased a tractor and has allowed us to use it for seasonal resurfacing and winter plowing and should also be compensated for use of the tractor to cover, as a minimum, fuel costs and routine maintenance (\$500/yr). Note, in the past we contracted winter plowing that cost \$150 per plow for the road and usually totalled \$1000-1500+tax per year, which means we save \$500-\$1000 per year now.
- d. I bought a back blade for the tractor for grading and a brush cutter for clearing the edges of the road which I do currently on my own time and expense.

The initial funds would be used to correct the surface anomalies that restrict the access of the fire trucks. And funds remaining would be used for surface maintenance. This maintenance includes gravel for the surface and plowing the main roadway for access when such weather dictates. The total maintenance projections mean that it will take at least six years to provide what is necessary to bring the road up to a decent maintainable condition.

In the future, when we can get over 50% of the lot owners present to form an association, this charge area must be amended to a legal community association to meet the needs at the time based on the consensus of the majority present. At that time the Association would have the responsibility of the road maintenance and any other community related matters within its mandate. Until that time, we are restricted to maintenance measures to keep the road legally passable. I am open to constructive input and ideas that will provide for the care and maintenance of the road in the Rocky Lake Subdivision. This is our community and I would like to see us come together for its sake, but in the meantime, the access for emergency vehicles is a priority that must be addressed. In this case status quo is not an option. I am simply willing to act as the voice of the community until we can come together as an association.

I will be taking all of this to the Municipality for approval. Any responses received within 60 days of the date of this letter will be included in the submission. If this submission is accepted by council, you will also receive a letter from them as part of the process at

which time you have yet another opportunity to provide feedback before the final approval process.

I look forward to hearing from each of you and meeting you all at some point. Should you wish to contact me by email, I have created an email account specifically for the community (RockyLakeChargeArea@outlook.com). I have also included below the contact information for each lot owner that was provided through the Nova Scotia Registry of Deeds for complete transparency and everyone is receiving the same letter.

Yours sincerely,

Dave Sutherland  
(email: RockyLakeChargeArea@outlook.com)

Distribution

Lots 1,13, 14,16, 17, 18, 19, 20 and 1000(the road itself)

[Redacted]

Lot 2

[Redacted]

Lot 3

[Redacted]

Lot 4

[Redacted]

Lot 5

[Redacted]

Lot 6



Lot 7



Lot 8



Lot 9



Lot 10



Lot 11



Lot 12



Lot 15



Summary of Resident Responses

(in order received: Lot 10, Lot 12, Lot 11, Lot 4, Lot 15, Lot 5 and Lot 3)

Below is the verbatim content of the emails that were received up to 11 Aug 2020 in response to the proposal sent to all lot owners regarding the charge area. Including myself there are eight positive responses. No negative responses were received.

Dave Sutherland

---

[REDACTED]  
Wed 2020-06-10 9:39 AM

Looks great to me! I wonder if there will be push back from Krauss as they own a good chunk of the community.

Once an association is formed, what happens to lot 1000? Would it make sense for the association to own it as well? I wonder what that would entail.

[REDACTED]  
Thu 2020-06-11 4:22 AM

Super and thank you or your efforts

---

[REDACTED]  
Tue 2020-06-23 9:59 AM

Dear Mr. Sutherland,

my husband and I do see the necessity of finding a solution for the road problems at Kitpu Lane. We are willing and able to pay 100 CAD per year on behalf our [REDACTED] at Kitpu Lane.

Sincerely yours,

[REDACTED]

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Summary of Resident Responses

(in order received: Lot 10, Lot 12, Lot 11, Lot 4, Lot 15, Lot 5 and Lot 3)

[REDACTED]  
Mon 2020-07-06 12:19 PM

[REDACTED]  
we are [REDACTED] the Owner of [REDACTED] and we want to thank you for all your information written in your letter.

We know that all lot owners should pay \$200 per lot and year, but when we made the contract with 3019258 Nova Scotia Ltd. in 2006 the Haendel Family told us that they would let us know how to proceed in future because we have been the first lot owners of the Rocky Lake Subdivision so there was noone else to establish an association. In 2012 when we have been the last time in Nova Scotia we had a meeting with the Haendel Family and at that time they were looking for a manager for the subdivision. In June 2017 we paid for the first time an unique amount of \$550 to Isolde and Friedrich Haendel for roadwork, but we do not know what exactly had to be done and we never got any billing or information what the money was used for. We also did not even know that the Haendel Family is not involved anymore and the Krauss Innovation Ltd. has taken over the lots.

Now to the problem itself: we agree with your suggestion and you will have our support. We won't come to Nova Scotia in the future and we intend to sell our lot. Maybe you know somebody with interest? We hope you will get positive answers to your suggestion. Would you please let us know the mail addresses of the other lot owners if available?

Best regards from Germany  
[REDACTED]

---

[REDACTED]  
Tue 2020-07-07 2:52 PM

Dear [REDACTED]

thank you for your letter. We like your idea that you are/will managing the subdivison as good as you can. We agree to pay 100 dollar/year. Please let us know the details for the pay cheque. We hope the other owners agree to your suggestion as well.

For your information, our current mail address is as follows:

[REDACTED]

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Summary of Resident Responses  
(in order received: Lot 10, Lot 12, Lot 11, Lot 4, Lot 15, Lot 5 and Lot 3)

[REDACTED]  
Mon 2020-08-10 7:26 AM

Dear Mr Sutherland,

Thank you very much for your letter of 10.06.2020.

We think it is basically a good idea for all of you property owners to participate in the maintenance of the roads. In 2015 and 2017 we will have the road to our property (already repaired by the company Händel) at our own expense.

We also find the division into permanent users, partial use and non-use correct. Our house at Rocky Lake would therefore correspond to a partial use for vacation purposes. Please keep us up to date on how the further procedure will be.

You are welcome to contact us via the email address [REDACTED]

With kindest regards  
[REDACTED]

---

[REDACTED]  
Tue 2020-08-11 9:05 AM

Hi Dave,

sorry that i give my feedback so late.

Thank you for your endeavor that the roads stay good at Rocky Lake.

I agree in all things.

Please give me the bank details. I can make a bank transfer whenever you want.

We want to travel to Rocky Lake as soon as possible.

Warm regards  
[REDACTED]

**SCHEDULE 'A'****PID NUMBER 60647807**

Place Name: CAMPERDOWN ROAD CAMPERDOWN

Municipality/County: MUNICIPALITY OF DISTRICT OF  
LUNENBURG/LUNENBURG COUNTY

Designation of Parcel on Plan: LOT 8

Title of Plan: S/D SHOWING LOTS 1-20 & 1000 PROPERTY OF 3019258 NOVA  
SCOTIA LTD AT CAMPERDOWN ROAD CAMPERDOWN

Registration County: LUNENBURG COUNTY

Registration Number of Plan: 86833572

Registration Date of Plan: 2006-12-12 13:42:31

**BENEFIT:**

**TOGETHER WITH** a free and unobstructed right of way at all times and for all purposes including the right to place, maintain, and repair electrical poles, related overhead electrical wires, telecommunication wires, anchors and guys, to be used in common with 3019258 Nova Scotia Limited and other persons entitled to use said right of way over Lot 1000 (PID 60295316) which said lot 1000 includes Kitpu Lane, Putowech Road and 66 foot wide access to Rocky Lake, as by reference to plan of subdivision herein before named will more fully appear.

**BURDEN:**

**SUBJECT TO** a reservation therefrom nevertheless to the Grantor, 3019258 Nova Scotia Limited, its successors and assigns, for a 20 foot wide easement along the Southern sideline of Kitpu Lane for the transmission of electrical power and electronic telecommunications and including all necessary poles, guys, wires and associated equipment, as by reference to the Plan of Subdivision hereinbefore named will more fully appear.

**BURDEN:**

**SUBJECT TO** an Easement in favour of Alliant Telecom Inc., dated August 28, 2007 and recorded at the Lunenburg County Registry of Deeds on October 2, 2007 as Document Number 88950283.

**BURDEN:**

**SUBJECT TO** an Easement in favour of Nova Scotia Power Inc., dated August 28, 2007 and recorded at the Lunenburg County Registry of Deeds on October 2, 2007 as Document Number 88950333.

**BURDEN:**

**SUBJECT TO** Restrictive Covenants attached hereto as Schedule "B".

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Lunenburg County as plan or document number 86833572.

**SCHEDULE "B"**  
**RESTRICTIVE COVENANTS**

The Purchaser covenants and agrees with 3019258 NOVA SCOTIA LIMITED to observe and comply with the following restrictions made pursuant to a building scheme established by 3019258 NOVA SCOTIA LIMITED with respect to the lands owned by 3019258 NOVA SCOTIA LIMITED at Rocky Lake, Camperdown, Lunenburg County, Nova Scotia, being the subdivision.

The lands to which these restrictive covenants shall apply (hereinafter called the "lands") include the lot(s) conveyed in the within instrument. 3019258 NOVA SCOTIA LIMITED and the Purchaser do hereby covenant and agree with each other that it is the intention that the burden of these covenants shall run with the land forever and shall run with each of the lots and the other lands in this subdivision to which these restrictions are attached, and that the land conveyed in the within instrument, or any part thereof, shall not be used without observing the following conditions and covenants:

1. The Purchaser covenants and agrees with 3019258 NOVA SCOTIA LIMITED that the Purchaser shall not sell, convey, assign or otherwise dispose of the lot(s) conveyed in the within instrument without requiring the purchaser or recipient to execute covenants and restrictions, provisos and agreements identical to those contained herein. Notwithstanding any failure of the Purchaser to do so, the covenants and agreements, provisos and restrictions shall be deemed to be binding on the purchaser or recipient.
2. 3019258 NOVA SCOTIA LIMITED and the Purchaser do hereby covenant and agree with each other and any owner of the lands or part of the lands to which the burden and benefit of the following stipulations, regulations, restrictions and provisos are attached that no part of the lands shall be used unless the use complies with the within restrictions which, in conjunction with any Municipal by-law, regulation or law, shall form the regulatory basis for construction in the subdivision.
3. No part of the lands herein conveyed shall be used to construct buildings for use other than residential or for recreational purposes in connection with residential use.
4. No part of the lands herein conveyed shall be used for commercial/industrial purposes such as the establishment of any factory, production plant or industrial enterprise or commercial outlet.

RESTRICTIVE COVENANTS CONTINUED  
PAGE 2

- 5. No part of the lands herein conveyed shall be used for the erection or placement of any trailer or mobile home.
  
- 6. No part of the lands herein conveyed shall be used by anyone unless that person becomes a member of the Lot Owners' Association when it is formed. The owner(s) of the land(s) of each lot(s) conveyed herein shall pay an annual fee to the Lot Owners' Association for the maintenance and upkeep of the road in the subdivision, Rocky Lake so called, in an amount to be determined year to year by a majority vote of the Lot Owners' Association. The fee is to be paid once a year by December 31<sup>st</sup> and shall be transferred into a bank account which shall be established by the Lot Owners' Association. The Lot Owners' Association shall be formed and constituted in such a way that the owner(s) of each subdivided and approved lot are entitled to one vote for each lot(s) owned; PROVIDED HOWEVER that the fee shall be payable to the Vendor to a bank account designated by the Vendor until the Lot Owners' Association shall be formed and that the fees shall not exceed \$200.00 per lot per year for three years following the conveyance of the lands herein conveyed.
  
- 7. To the intent that the burden of these restrictions shall run with the land forever, the Purchaser, or if more than one Purchaser, the Purchasers, for himself or themselves and his or her representatives and assigns, covenant and agree with the Vendor that their successors in title from time to time of all or any part of the land(s) will observe and comply with the stipulations, restrictions and provisions set forth in this Schedule. Notwithstanding anything contained herein, the Vendor, its successors and assigns, shall have the power by instrument or instruments in writing from time to time to waive, alter

or modify the above covenants and restrictions and their application to any lot(s) or parcel(s) of land within the subdivision. The Vendor shall likewise have the power by instrument in writing from time to time to assign all or any part of its rights.

IN WITNESS WHEREOF the parties have signed on this 27<sup>th</sup> day of May, 2008.

) \_\_\_\_\_ )  
 ) Purchaser )  
 ) \_\_\_\_\_ )  
 ) Purchaser )  
 ) \_\_\_\_\_ )  
 Matthias Handel / authorized representative

# Rocky Lake Area Charge 2020

- Civic Points
- Provincial Road
- Municipal Road
- Private Road
- - - Tracks, Trails
- Properties (Jan 2020)
- RockyLake\_ChargePropsProposed
- Waterbody



0 20 40 80 120 160 Meters

Project Description:

## MUNICIPALITY OF THE DISTRICT OF LUNENBURG

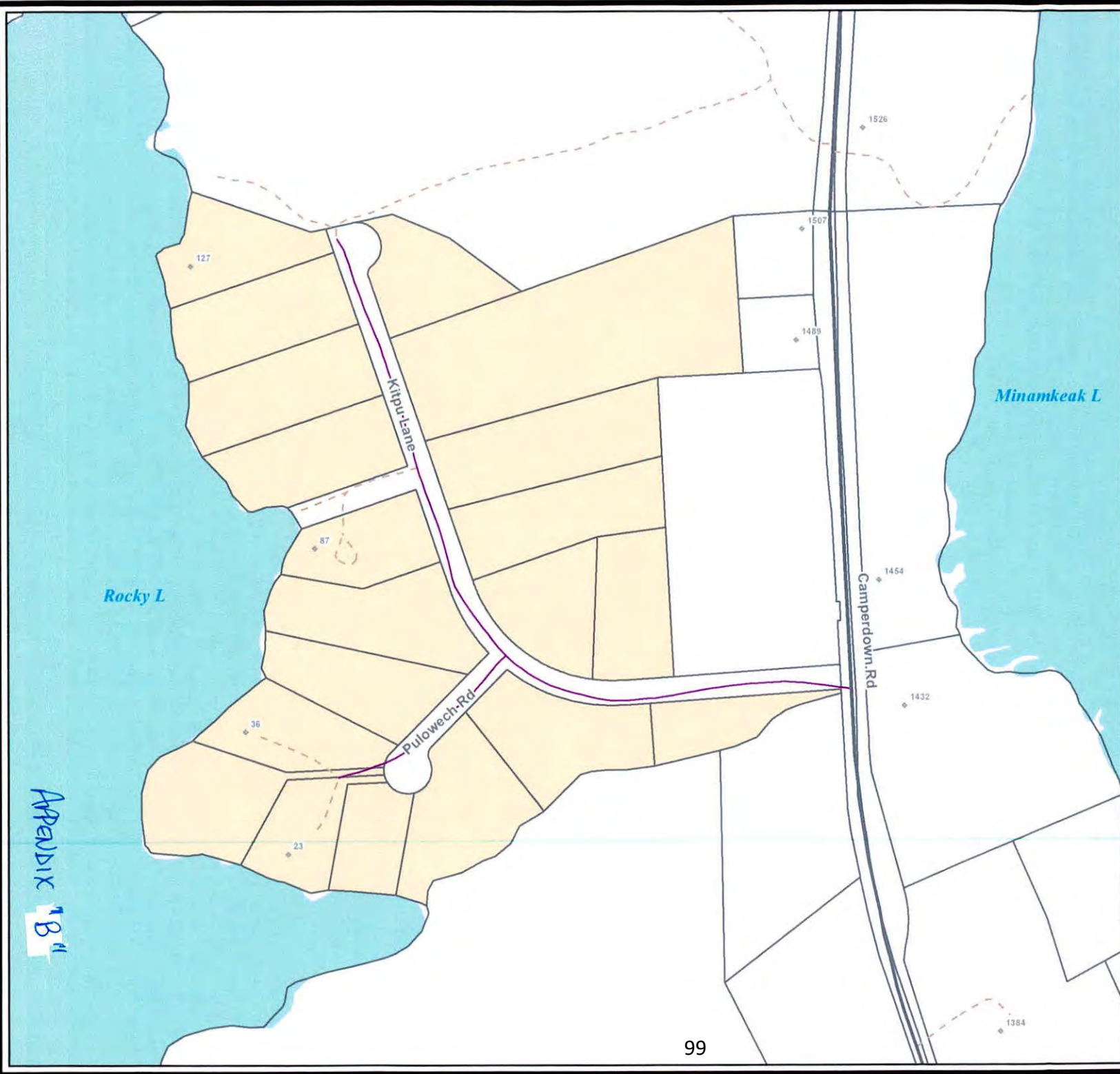
Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

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

Date: Aug 2020

File:

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



APPENDIX B



AND WHEREAS the Municipal Council, in session on \_\_\_\_\_, passed the following motion:

**That Municipal Council levy a maintenance charge for the newly designated Charge Area, 'Rocky Lake Charge Area,' as follows:**

- **A uniform amount per lot based on occupancy**

**With the 2021-22 charge being set at:**

- **\$300.00 per lot – fulltime resident**
- **\$200.00 per lot – seasonal resident**
- **\$100.00 per lot – vacant lot**

**Subject to an Agreement being entered into between the Municipality and Mr. Dave Sutherland, as applicant, that satisfies the requirements of clause 9 of the Private Roads By-law.**

AND WHEREAS the parties wish to enter into this agreement to give effect to their intentions with respect to the levy and collection of such charges, pursuant to the Bylaw.

WITNESSETH that in consideration of the mutual agreements set out herein, the parties agree as follows:

1. The parties agree the Request of the applicant of the ROCKY LAKE charge area, attached hereto as Schedule "A", shall form the basis of the charge created hereby, pursuant to the Bylaw.
2. The Charge Area to which this agreement shall apply is as shown in Schedule "B" attached hereto.
3. The Municipality shall levy and collect a charge of:
  - A uniform amount per lot based on occupancy within the charge area.
  - The said charge is to be approved annually by Municipal Council, pursuant to the Private Roads By-law.
4. The Municipality shall turn over to the Applicant, the charges collected, for use in the maintenance of the Roads, in accordance with the Bylaw. The Municipality shall not be held responsible for relying on and shall be permitted to rely on any lot identification information provided by the Applicant.
5. The Applicant shall be responsible for performing or contracting, the work associated with the maintenance of the Roads.
6. The Municipality shall have no responsibility or liability of any kind with respect to the Roads or the condition of the Roads or for their maintenance, and the Applicant shall indemnify and save harmless the Municipality, its officers, servants, agents and

employees, its and their heirs, executors, administrators, successors and assigns, or any of them, from and against all risk of loss, damage or injury and against all claims, demands, actions and causes of action whatsoever arising out of, or in any way attributable to the operation of this Agreement, including but not limited to any and all liability or responsibility with respect to the work associated with the improvement or maintenance of the Roads.

7. This Agreement shall be in effect for a period of three (3) years from the date of signing. At that time, it shall be reviewed by Council for a further renewal, termination or transfer, if an Association is formed.
8. This Agreement may be transferrable to an Association created for the purpose of collecting private road fees and maintaining the Roads within the charge area, subject to all requirements of the Private Roads By-law pertaining to an application by Association being met.

DRAFT

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  
In the presence of:

) ROCKY LAKE charge area Applicant

)

)

)

)

)

)

)

\_\_\_\_\_

Witness

Per: \_\_\_\_\_

David Sutherland

MUNICIPALITY OF THE DISTRICT  
OF LUNENBURG

)

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)

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\_\_\_\_\_

Witness

Per: \_\_\_\_\_

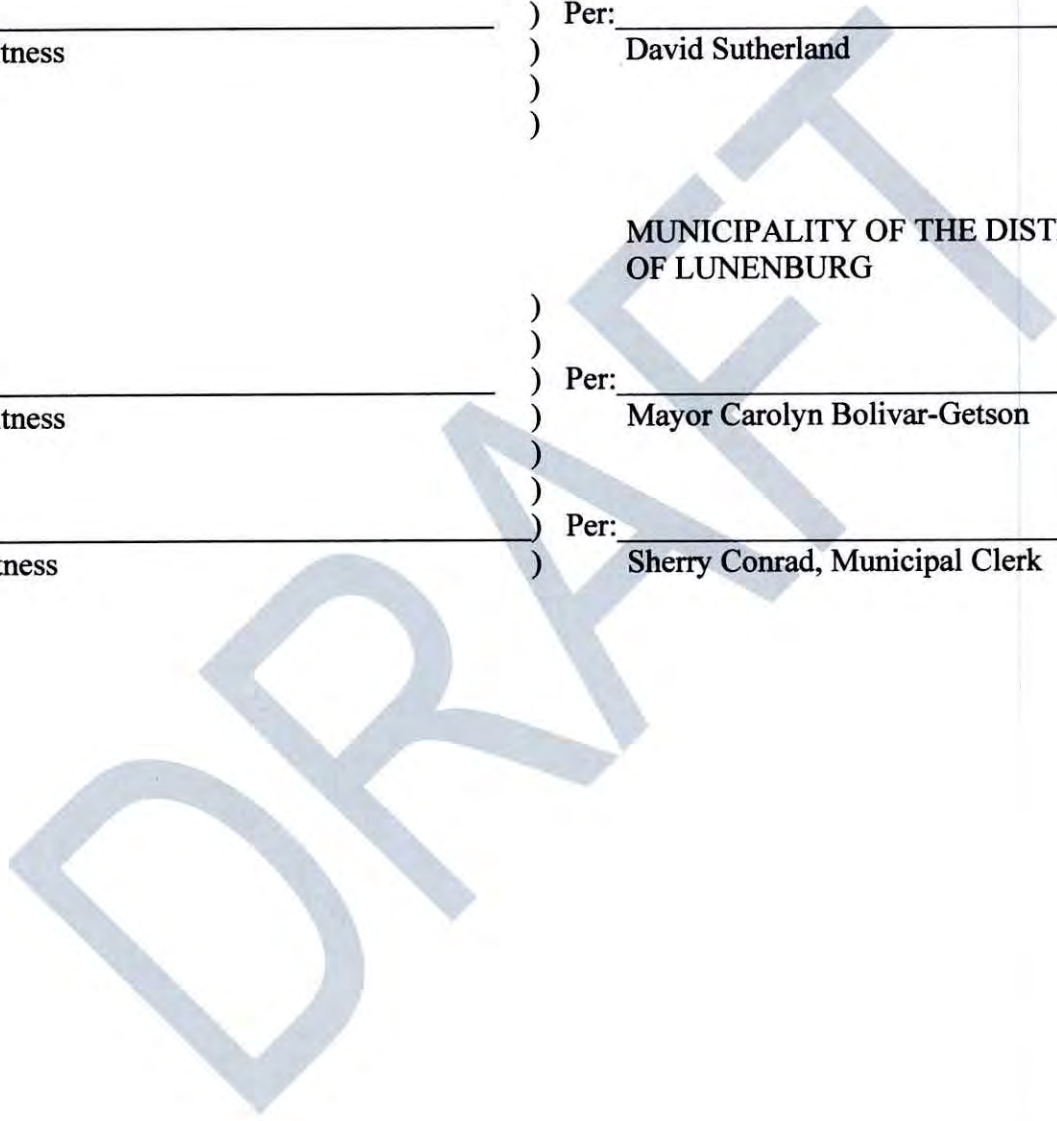
Mayor Carolyn Bolivar-Getson

\_\_\_\_\_

Witness

Per: \_\_\_\_\_

Sherry Conrad, Municipal Clerk



PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

On this        day of        , A.D. 2021, 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 David Sutherland, one of the parties thereto, caused the same to be executed in his name and on his behalf and 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., 2021, 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

**AFFIDAVIT OF STATUS**

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

I, David Sutherland, of Camperdown, in the County of Lunenburg and Province of Nova Scotia, the "Deponent", make oath and swear that:

1. THAT I am the Applicant herein. Except, as otherwise stated, I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. THAT I acknowledge that I have executed the foregoing Instrument under seal on the date of this Affidavit.
3. THAT this acknowledgement is made pursuant to s. 31(a) of the Registry Act, R.S.N.S. 1989, c.392 or s. 79(1)(a) of the Land Registration Act as the case may be, for the purpose of registering this instrument.
4. THAT I am nineteen years of age or older and I am resident of Canada under the Income Tax Act (Canada).
5. For the purpose of this Affidavit "spouse" means either of a man or a woman who
  - (a) are married to each other,
  - (b) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity,
  - (c) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year, or
  - (d) is a party to a registered domestic partner declaration made in accordance with Section 53 of the Vital Statistics Act (Nova Scotia) but does not include a former domestic partner.
6. THAT I am a spouse and Yvette Marie Sutherland is my spouse and have no other spouse as defined herein. I am not a party to an unregistered domestic partner declaration.



## Schedule A

ROCKY LAKE charge area  
application

DRAFT

The application will form part of the  
signed agreement

## Schedule B

ROCKY LAKE charge area  
Map showing the Charge Area

DRAFT

The map is not duplicated in this draft agreement; the document is currently located above in the report



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Municipal Council  
**SUBMITTED BY:** Darren Shupe, Senior Planner  
**DATE:** March 23, 2021  
**RE:** MODL2040 Reporting Protocol

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#### RECOMMENDATION

It is recommended that Municipal Council refers the MODL2040 project to the Planning Advisory Committee (PAC).

#### DISCUSSION

The Province has mandated a plan review be completed to extend planning policy and regulations for the entirety of the Municipality by the end of 2022.

As defined in the Planning Advisory Committee Policy (Policy 090), the purpose of the PAC is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally. We anticipate that public input will be directed to PAC at its monthly meetings. All PAC meetings are open to the public and we are looking to include MODL2040 project updates as a standing item on the PAC agenda until we reach project completion.

Council will be kept up to date on the progress of the project through PAC minutes. PAC will make recommendations on the draft documents which will be presented and finalized by Council.

#### UPDATE

The next major MODL2040 project milestones are as follows:

- Community Goals Survey Closes March 31, 2021
- Staff presents 'What We Heard Report' summarizing survey findings to PAC April 29, 2021

- Council workshop to produce draft Strategic Mission, Vision, and Values statement Spring 2021 (final date tbd)
- Public Engagement Phase 2 to refine Strategic Mission, Vision, and Values statement Summer/Fall 2021
- Presentation of First Draft of Municipal Planning Strategy Winter 2022

**STRATEGIC PLAN**

The MODL2040 project is identified as a strategic priority of Council.

**CONCLUSION**

Staff recommends that Municipal Council refers the MODL2040 project to the Planning Advisory Committee (PAC) to provide overall project review and regular updates to Council.

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Department:	Planning & Development Services	
Report Prepared By:	Darren Shupe	Date: March 16, 2021
Report Approved By:	Jeff Merrill	Date:
Reviewed By CAO:	Tom MacEwan	Date:



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report To:** Municipal Council  
**Submitted By:** Elana Wentzell, CPA, CMA  
**Date:** 2021-03-23  
**Re:** Tax Sale Update

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The 2021 Tax Sale was held on March 1. It was the first time a Tax Sale was held by tender call. The following statistical information is available as of March 15, 2021:

- 96 Accounts were sent to Solicitor for Title Search.
- 27 Accounts were still in the tax sale at the time of advertising.
- 20 accounts were still in the tax sale after the closing time of the bid on the day of the sale.
- We received 79 bids on the 7 accounts that were paid before the closing time of the tender.
- There were 289 compliant bids on the active tax sale properties.
- 7 non-compliant bids and 12 late bids were received.
- 2 accounts had no bids.
- 2 accounts had bids, but those bids were withdrawn.
- 15 accounts are complete.
- 1 account is still pending a successful award.
- The total amount owing on all 20 accounts in the tax sale was \$91,997.
- The amount of the successful bids on 15 accounts was \$739,902 (excluding HST).

Redeemable properties (those that have not been in three consecutive tax sales) can be redeemed up to September 1, 2021 if the property owner can pay the outstanding taxes and expenses. The surplus on the bid amount would be returned to the bidder including interest.

After the redemption period expires, the surplus collected on the sale, as per the Municipal Government Act, would be paid to the original property owner if they make application through the Supreme Court.

One year after the sale date, a reminder letter is mailed to the property owners notifying them of any surplus funds available. Otherwise, the surplus funds will be held by the Municipality for 20 years. After 20 years, these surplus funds are used as municipal revenue.

Staff found the tender call straightforward. There were four staff and the Municipal Solicitor present for the tender opening. There was a lot of interest in the properties with many receiving multiple bids. An auction usually draws upwards of 90 people. Last year we had 97 registered bidders, however many did not bid at the auction. The tender call had over 300 bids by 114 separate bidders.

The tender opening resulted in less staff time required for preparation as opposed to the auction. However, the opening was time consuming, and the process has led to many bids being withdrawn after award. This has extended the process. In an auction process, the minimum bid is collected at the sale, with the surplus due three days afterwards. No monies were due up front for the tender call - the total bid was due within three days. If the bid is not received, or if the bidder withdraws, the property is awarded to the next highest bidder. The one property that is still pending is on its fifth award.

Staff feel the tender call was the best course of action based on the Provincial Health Order. A decision to continue with a tender process or go back to a public auction for the 2022 Tax Sale can be made at a later date. There are pros and cons with each process, and lessons learned would be applied to any future tender call.

The results of the tender call are posted online at <https://www.modl.ca/2021-tax-sale-awards.html>.

Respectfully submitted,

Elana Wentzell, Director of Finance