

# **Municipality of the District of Lunenburg**

## **Minutes of a Meeting of Municipal Council**

Held in Council Chamber, 10 Allée Champlain Drive, Cookville, NS

Tuesday, March 23, 2021 – 9:00 a.m.

### **Attendance**

Mayor Carolyn Bolivar-Getson

Deputy Mayor Martin Bell, District 2

Councillor Leitha Haysom, District 1

Councillor Wendy Oickle, District 3

Councillor Pam Hubley, District 4

Councillor Cathy Moore, District 5

Councillor Sandra Statton, District 6

Councillor Michelle Greek, District 7

Councillor Kacy DeLong, District 8

Councillor Reid Whynot, District 9

Councillor Chasidy Veinotte, District 10

### **Staff**

Tom MacEwan, Chief Administrative Officer

Alex Dumaresq, Deputy CAO

Sherry Conrad, Municipal Clerk

Tina Robichaud-Bond, Executive Assistant

### **TEAMS**

Sarah Kucharski, Communications Officer

Jeff Merrill, Director of Planning & Development Services

Elana Wentzell, Director of Finance

Bill Schurman, Director of Recreation Services

Darren Shupe, Senior Planner

## **1. CALL TO ORDER**

Mayor Bolivar-Getson called the meeting to order at 9:00 a.m. and began by acknowledging that the meeting was held in Mi'kma'ki, the traditional territory of the Mi'kmaq people.

## **2. ANNOUNCEMENTS/ACKNOWLEDGEMENTS/RECOGNITION**

### **2.1 Purple Day Proclamation**

Mayor Bolivar-Getson proclaimed March 26, 2021 as “Purple Day” in an effort to raise awareness of epilepsy.

Councillor Haysom recognized and congratulated Miloh Dominix of Vogler’s Cove for being named CKBW’s Athlete of the Week.

Deputy Mayor Bell recognized Edward Mullock and Michael Mullock, previously of the Conqueral Bank Fire Department and now with the LaHave Fire Department, for 50 years of volunteer service to MODL.

Councillor Greek announced that the Parkdale Maplewood Community Museum would be hosting an online “Tickle Your Tastebuds” auction from March 20<sup>th</sup> to March 28<sup>th</sup> through their Facebook page. Residents were encouraged to visit the facebook page and bid on a variety of homemade food items prior to 4:00 p.m. on March 28<sup>th</sup>.

### **3. APPROVAL OF AGENDA**

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

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

**Moved by Councillor Whynot, seconded by Councillor Veinotte that the Minutes of the March 9, 2021 Council meeting be approved as circulated. Carried unanimously.**

### **5. BUSINESS ARISING FROM MINUTES (Nil)**

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

#### **6.1 Award of RFP #2020-01-402 Document Scanning**

Jeff Merrill, Director of Planning and Development Services, was in attendance via TEAMS.

Mr. Merrill reviewed his report, “Award Document Scanning Services RFP 2020-01-402” (circulated with the Agenda).

**2021-053 Moved by Deputy Mayor Bell, seconded by Councillor Hubley that Municipal Council award the Request for Proposal for Document Scanning Services (RFP 2020-01-402) to DOCUdavit Solutions in the amount of \$34,977.00 plus HST. Carried unanimously.**

### **8. CONSIDERATION OF CORRESPONDENCE (Nil)**

### **9. RECOMMENDATIONS FROM COMMITTEES & BOARDS**

#### **9.1 Policy & Strategy Committee**

##### **9.1.1 Review of Georges Bank Moratorium**

**2021-054 Moved by Councillor Veinotte, seconded by Deputy Mayor Bell that Municipal Council accept the recommendation of the Policy & Strategy Committee and 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. Carried unanimously.**

### **9.1.2 Proposed Amendments to Municipal Flag Policy 023**

**2021-055 Moved by Councillor DeLong, seconded by Councillor Oickle that Municipal Council accept the recommendation of the Policy & Strategy Committee and approve the proposed amendments to the Municipal Flag Policy 023 as presented.**

In response to a question, it was clarified that a previous Council had decided to take down the Municipal flag to fly a special flag was approved. Staff was directed to research what protocols other municipalities followed.

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

### **9.1.3 Riverport School Property**

**2021-056 Moved by Councillor Whynot, seconded by Councillor Haysom that Municipal Council accept the recommendation of the Policy & Strategy Committee and 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.**

It was clarified that there were no plans to sell the Riverport School property when the year was up if a proposal was being worked on by the community.

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

## **9.2 Fire & Emergency Services Committee**

Mayor Bolivar-Getson advised that Item 9.2.2 Recommendation from the Fire & Emergency Services Committee to Waive Rate Payers Meetings was to be added to the Agenda as a decision on the recommendation was time sensitive and could not wait until the next meeting, and asked for the approval of the addition.

**Moved by Councillor Greek, seconded by Councillor Veinotte that Item 9.2.2 Waive of Requirement to hold Rate Payers meeting be added to the Agenda. Carried unanimously.**

### **9.2.1 Proposed Amendments to MODL Policy 036 – Fire & Emergency Services Committee**

Chris Kennedy, Fire & Emergency Services Coordinator, was in attendance via TEAMS.

**2021-057 Moved by Councillor Hubley, seconded by Councillor Whynot that Municipal Council accept the recommendation of the Fire & Emergency Services Committee to approve the proposed amendments to MODL Policy 036 Fire and Emergency Services as presented;**

**and hereby gives seven (7) days' notice that Council will consider approving the amendments at the April 13, 2021 Council meeting. Carried unanimously.**

### **9.2.2 Request to Waive Requirement to hold a Rate Payers Meeting**

**2021-058 Moved by Councillor Greek, seconded by Councillor Hubley that Municipal Council accept the recommendation of the Fire & Emergency Services Committee and waive the requirement that Fire & Emergency Services Providers hold a rate payers meeting, as outlined in Section 6 of MODL Policy 036, for the fiscal year 2021/22 for all departments not proposing an increase in their fire rate.**

It was noted that rate payers would be notified of what departments would or would not be holding a rate payers' meeting through notices in the local newspaper, social media, and the MODL website. As well, the notice would advise who to contact should they want to see their fire department's budget.

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

Mr. Kennedy left the meeting.

## **7. PRESENTATIONS/SCHEDULED TIMES**

### **7.1 Department of Transportation & Infrastructure Renewal**

Glen Strang, Operations Supervisor, Transportation and Active Transit (formerly known as the Department of Transportation & Infrastructure Renewal), was in attendance via TEAMS.

Mr. Strang gave a presentation on "Winter Maintenance Awareness", providing information on the following:

- Lunenburg/Queens Winter Maintenance
- Provincial Winter Maintenance Standards
- Planning & Organizing Resources – Levels of Service
- Salt Management
- Winter Tips & Plow Safety
- Pre-Wetting Salt
- Direct Liquid Application
- Road Weather Information System

Mr. Strang clarified that the plow times noted in his presentation begin after the snow fall ends and that the standards presented are provincial standards.

It was noted that the Plow Tracker app was a well-liked tool. It was asked if the app could be developed to also include what roads had been plowed. Mr. Strang advised that this addition to the app was in the works.

It was agreed that Mr. Strang would be asked to come back to a future Council meeting to review the Department's 5 year plan, current projects, and maintenance project priorities.

Mr. Strang left the meeting.

## **10. STAFF REPORTS**

### **10.1 Administration Department**

#### **10.1.1 Emergency Assistance Fund – Late Applications**

**2021-059 Moved by Councillor Moore, seconded by Councillor Statton 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. Carried unanimously.**

#### **10.1.2 Review of Councillor Remuneration and Benefits**

Mr. MacEwan reviewed his report, "Review of Councillor Remuneration & Benefits" (attached to Minutes).

**2021-060 Moved by Councillor Veinotte, seconded by Councillor DeLong that Municipal Council retain BTS Management Consulting Limited to conduct an independent and objective external review, analysis and recommendation regarding the appropriate level of remuneration and benefits paid to the Mayor, Deputy Mayor and Councillors as per the terms of the Compensation Review Proposal (dated March 2021) at a cost of \$6,400 (plus HST), and further, that the funds be taken from the Council Approved Contingency Fund. Carried unanimously.**

### **10.2 Building/Planning Department**

#### **10.2.1 PL200007 – Villas at Osprey Ridge**

Byung Jun Kang, Planner, was in attendance via TEAMS.

Mr. Kang reviewed his report, "PL200007 – Villas at Osprey Ridge" (circulated with the Agenda) and advised that a public information session was required, following which the Planning Advisory Committee would review the application and provide its recommendation to Council.

**2021-061 Moved by Councillor Statton, seconded by Deputy Mayor Bell 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.**

Mr. Kang provided details on how a public information session was held prior to the Covid-19 pandemic and state of emergency and explained that a live Facebook session would be the platform used for this public information session.

It was noted that residents can contact the Planning Department to register to speak during the virtual public information session if they do not have a Facebook account.

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

Mr. Kang left the meeting.

#### **10.2.2 Request for Levy Private Road Maintenance – Russells Cove Road Assoc.**

Norma Schieffer, Development Officer, was in attendance via TEAMS. A report, prepared by Ms. Schiefer, addressing the request was circulated with the Agenda.

**2021-062 Moved by Councillor Greek, seconded by Councillor Whynot 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.**

It was noted that roads can be added to the Agreement if the residents are in support of an amendment.

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

#### **10.2.3 Request for Establishment of the “Rocky Lake Charge Area”**

A report, prepared by Ms. Schiefer, addressing the request was circulated with the Agenda.

**2021-063 Moved by Councillor Oickle, seconded by Councillor Whynot 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 Section 9 of the Private Roads By-law. Carried unanimously.**

Ms. Schieffer left the meeting.

#### **10.2.4 MODL2040 Reporting Protocol**

Darren Shupe, Senior Planner, was in attendance via TEAMS. A report, prepared by Mr. Shupe, was circulated with the Agenda.

**2021-064 Moved by Councillor Haysom, seconded by Councillor Veinotte that Municipal Council refer the MODL2040 project to the Planning Advisory Committee to provide overall review and regular updates to Council.**

Mr. Shupe advised that updates would be provided to Council on a monthly basis through the Minutes of the Planning Advisory Committee meetings.

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

### **10.3 Finance Department**

#### **10.3.1 Tax Sale Update**

Elana Wentzell, Director of Finance, was in attendance via TEAMS.

Ms. Wentzell reviewed her report, "Tax Sale Update" (circulated with the Agenda) and provided an update on the March 1, 2021 tax sale as of March 15, 2021.

## **11. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS**

### **11.1 LCLC Update**

Councillor Hubley reported on the Lunenburg County Multi-purpose Centre Corporation and provided updates on the following:

- Board of Governance Manual
- Financial statements reviewed
- Internet in bunkers
- Bike program – Loan vs Rental
- Successful March Break camps
- Live Barn feed up and running
- ICIP grant application update

## **11.2 Deputy Mayor's Update**

Deputy Mayor Bell reported that he attended an agenda briefing and conducted regular councillor duties.

## **11.3 Mayor's Update**

Mayor Bolivar-Getson reported that she attended the NSFM Spring Conference planning session; a Common Lands meeting; the REMO meeting; a meeting with MICA members; a meeting with MP Bernadette Jordon; a Dangerous & Unsightly meeting; a meeting with Paul Lefleche and Greg Newell of Transportation and Active Transit; and fielded many calls from residents regarding the Biodiversity Act.

## **12. ADDED ITEMS (Nil)**

### **7.2 Biodiversity Act**

Marcus Zwicker, Board member, Forest Nova Scotia, and Jeff Bishop, Executive Director, Forest Nova Scotia, were in attendance via TEAMS.

Mr. Bishop gave a presentation on behalf of the Concerned Private Landowner Coalition (CPLC) regarding concerns with the proposed Bill 4 – Biodiversity Act and the impact it may have on private landowners (attached to Minutes).

He reported that the concerns with the proposed Act were with the following:

- Unclear legislation
- Broad powers given to Minister and cabinet
- Regulations not being made public
- Language use – “may” vs “shall”
- Power of Emergency Orders
- Lack of public consultation

The CPLC requested that Municipal Council write a letter to the Premier and Minister outlining concerns with the proposed Bill 4.

Discussions followed regarding the following:

- Lack of clarity around the legislation
- The power of the Emergency Orders & its triggers
- Lack of public consultation and information to residents
- Timing

Mr. Zwicker and Mr. Bishop left the meeting.

Mayor Bolivar-Getson referred to a draft letter, prepared by CAO Tom MacEwan, that was distributed to members of Council for review and discussion. She advised that in order to

continue with discussions on this topic, as a matter of procedure, a motion to suspend the rules was required.

**Moved by Councillor Moore, seconded by Councillor Oickle that Municipal Council suspend the rules of Section 17.4 of Policy 01 “Proceedings of Council” to allow Council to discuss the Biodiversity Act. Carried unanimously.**

Time was given to Council to review the draft letter. A discussion was held and the following points were raised:

- the purpose/intent of the Bill
- role in the regulatory process
- hear from other interest groups
- establishment of advisory group
- land covered by water
- time to properly review proposed Act
- support for the intent of the Act but not all the content in the Act

Mr. MacEwan clarified how the “Emergency Order” could affect landowners and provided information on how legislation is passed.

**2021-065 Moved by Councillor Moore, seconded by Councillor Whynot that Municipal Council allow the Mayor, representing the Municipality, to submit the letter, as presented, to the Minister of Lands and Forestry, with copies to the Premier and MLAs. Opposed - Councillor Haysom. Motion carried.**

### **13. IN CAMERA**

**At 11:52 a.m., it was moved by Councillor Whynot, seconded by Councillor Veinotte that Municipal Council go In Camera to discuss Item 13.1 Land Negotiations re Harold Whynot Road under Section 22(2)(a) of the MGA. Carried.**

Municipal Council In Camera in session.

**At 12:13 a.m., it was moved by Councillor Haysom, seconded by Councillor DeLong that Municipal Council come out of In Camera and return to open session. Carried.**

Municipal Council in session.

### **14. ADJOURNMENT**

**There being no further business at 12:13 a.m., it was moved by Councillor Whynot, seconded by Councillor Haysom that the meeting adjourn. Carried.**

**Council**  
Item: 10.1.2  
Date: March 23, 2021  
Authorization: T. MacEwan



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

### **Request for Decision**

**REPORT TO:** Mayor Bolivar-Getson & Council  
**SUBMITTED BY:** Tom MacEwan, CAO  
**DATE:** March 23, 2021  
**RE:** Review of Councillor Remuneration & Benefits

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#### **Recommended Motion**

“that Municipal Council retain BTS Management Consulting Limited to conduct an independent and objective external review, analysis and recommendation regarding the appropriate level of remuneration and benefits paid to the Mayor, Deputy Mayor and Councillors as per the terms of the Compensation Review Proposal (dated March 2021) at a cost of \$6,400 (plus HST), and further, that the funds be taken from the Council Approved Contingency Fund”.

#### **Legislative Scheme**

On January 26, 2021, MODL Policy 003 – Council Members’ Remuneration and Expenses – was readopted by Council. The Policy provides that the annual remuneration to be paid to the Mayor, Deputy Mayor and Councillors shall be as approved by motion of Council.

#### **Discussion**

To assist Council in determining the appropriate level of remuneration and benefits paid to the Mayor, Deputy Mayor and Councillors, Staff are recommending that Council retain a third party to conduct an independent and objective review and analysis with a recommendation to Council regarding the appropriate level of remuneration and benefits.

#### **Proposals**

Staff have sought and received comprehensive proposals from two (2) qualified and experienced consultants: namely, Gerald Walsh Associates (at a cost of \$12,500 + HST) and BTS Management Consulting Limited (at a cost of \$6,400 + HST).

## **Budget Implications**

There is currently \$38,118 remaining in the Council Contingency Fund with a possible award of \$800 under the Emergency Assistance Fund which, if granted, would reduce the balance in the Council Contingency Fee to \$37,318.

## **Recommendation**

Staff recommend that Council retain BTS Management Consulting Limited to conduct an independent and objective external review, analysis and recommendation to Council regarding the appropriate level of remuneration and benefits paid to the Mayor, Deputy Mayor and Councillors as per the terms of the Compensation Review Proposal (dated March 2021) at a cost of \$6,400 (plus HST).

Staff further recommends that the cost for the consultant (\$6,400 + HST) be taken from the Council Approved Contingency Fund.

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Department: Administration

Report Prepared By: Tom MacEwan, CAO

Date: March 22, 2021

Report Approved By:

Date:

Reviewed By CAO:

Date:



**CPLC**  
CONCERNED PRIVATE  
LANDOWNER COALITION

MODL – March 23, 2021

# Concerned Private Landowners Coalition

- It's not just forestry.
- Since 2019 talking with folks in many sectors about the Act – Agriculture, mining, land development, ATVANS, SANS, hunting community, etc.
  - ForestNS
  - ARF Enterprises Ltd.
  - Dean Produce Co-Op
  - Christmas Tree Council of Nova Scotia
  - Nova Scotia Landowners and Forest Fibre Producers Association
  - Canadian Woodlands Forum
  - Snowmobilers Association of Nova Scotia
  - Cumberland Forestry Advisory Committee
- Other organizations have taken their own stance against the Bill.



# Bill 4 – Biodiversity Act: Our Concerns

- We called for clear, focused legislation that protects biodiversity and respects landowner rights. This Bill is neither of those.
- Clearly focused on control of private lands. “Rural RRSPs”
- Broad powers to the Minister [Sec. 7 (k)(iii)].
- Broad powers to Cabinet – Sec. 53.
- Regulations – where are they?
- Biodiversity Management Zones (BMZ) – “may” not “shall”
- Emergency Orders – who, what , when , where, why?

# Bill 4 – Biodiversity Act: Municipal Concerns

- Affect your planning processes.
  - As municipal landowners, and with landowners
- Affect on development / related tax revenues.

## Our Ask to MODL:

Letter to Premier and Minister

- Concerned with the Bill
- Voluntary ONLY on all private lands
- Talk with government partners