

# **Municipality of the District of Lunenburg**

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

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

Tuesday, April 13, 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

Sarah Kucharski, Communications Officer

Tina Robichaud-Bond, Executive Assistant

### **Teams**

Elana Wentzell, Director of Finance

Bill Schurman, Director of Recreation Services

Dave Waters, Director of Business Development, Tourism & Infrastructure

Jeff Merrill, Director of Planning & Development Services

Byung Jun Kang, Planner

Norma Schieffer, Development Officer

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 CAMA Long Service Recognition – Tom MacEwan**

Mayor Bolivar-Getson recognized the Municipality's Chief Administrative Office, Tom MacEwan, for receiving the Long Service Recognition Award from CAMA for 20 years of service with municipal government, and presented him with a pin.

Councillor Hubley advised that she would be declaring a Conflict of Interest on Item 6.1 Award of Tender 2020-05-004 Septic Pumping Services as she has a family member that works for that company.

Councillor Whynot recognized Evelyn Wilkie for 50 years of volunteer service with the Dayspring & District Fire Department.

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

Councillor Moore advised that she would be leaving the meeting at 12:00 p.m. and asked that Item 10.1.1 be discussed prior to her leaving.

**Moved by Councillor Veinotte, seconded by Councillor Hubley that the Agenda be approved with the proposed change to the order of the agenda items. Carried unanimously.**

### **4. APPROVAL OF MINUTES – March 23, 2021**

**Moved by Councillor Oickle, seconded by Councillor Haysom that the Minutes of the March 23, 2021 Council meeting be approved as circulated. Carried unanimously.**

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

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

#### **6.1 Award of Tender 2020-05-004 Septic Pumping Services**

Councillor Hubley declared a Conflict of Interest and left the table.

Maria Butts, Project Coordinator, reviewed her report, "Tender Award: Septic Pumping Services – LaHave River Straight Pipe Replacement Program" (circulated with the Agenda).

**2021-066 Moved by Deputy Mayor Bell, seconded by Councillor Whynot that Municipal Council award Tender 2020-05-004 Septic Pumping Services – LaHave River Straight Pipe Replacement Program to Dalton Jodrey Plumbing and Heating Ltd. in the amount of \$69,179.42 plus HST. Carried unanimously.**

Ms. Butts left the meeting.

Councillor Hubley returned to table.

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

### **10. STAFF REPORTS**

#### **10.1 Planning & Development Department**

Allan Tippert and Bill MacDonald, Hemford Forest AAC members, were in attendance via Teams.

**10.1.1 Second Reading – By-law 035A Amendments to Municipal Planning Strategy, By-law 044 Hemford Secondary Planning Strategy & By-law 045 Hemford Forest Land Use By-law**

A Public Hearing was held this morning with regards to the proposed amendment to By-law 035A and new By-laws 044 and 045.

**2021-067 Moved by Councillor Moore, seconded by Deputy Mayor Bell that Municipal Council conduct Second Reading of:**

- **By-law 035A, the Amendments to the Municipal Planning Strategy (2021);**
- **By-law 044, Hemford Forest Secondary Planning Strategy; and,**
- **By-law 045, Hemford Forest Land Use By-law,**

**as presented at the Public Hearing, and hereby adopts the proposed by-laws. Carried unanimously.**

Mr. Tipper and Mr. MacDonald left the meeting.

**9. RECOMMENDATIONS FROM COMMITTEES & BOARDS**

**9.1 Finance Committee**

**9.1.1 Corporate Greenhouse Gas Emissions Reduction Target**

**2021-068 Moved by Councillor DeLong, seconded by Councillor Haysom that Municipal Council accept the recommendation of the Finance Committee and choose Option B and set a greenhouse gas emissions reduction target of 40% below the 2019 inventory levels by 2030, as well as make a statement of support for reducing emissions from the LCLC. Carried unanimously.**

**10. STAFF REPORTS**

**10.2 Administration Department**

**10.2.1 Proposed Amendments to MODL Policy 036 Fire & Emergency Services**

**2021-069 Moved by Councillor Greek, seconded by Councillor Veinotte that Municipal Council approve the proposed amendments to MODL Policy 036 Fire and Emergency Services as presented. Carried unanimously.**

Mr. Kennedy left the meeting.

### **10.3 Engineering Department**

#### **10.3.1 Pre-budget Approval of Permanent, Full Time Project Manager**

**2021-070 Moved by Councillor Hubley, seconded by Councillor Whynot that Municipal Council give pre-budget approval in the 2021-22 Municipal Budget for the hiring of a permanent, full time Project Manager. Carried unanimously.**

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

#### **7.1 Mahone Islands Conservation Association (MICA) – John Meisner, Chair**

Alex Dumaresq, Deputy CAO, declared a Conflict of Interest and left the table.

John Meisner and Bryan Palfreyman, Chair and Vice Chair of MICA, were in attendance.

Mr. Meisner and Mr. Palfreyman gave a presentation (attached to Minutes and circulated with the Agenda) on how the large number of private moorings are negatively affecting the Mahone Islands Conservation Area and advised that MICA's recommendation would be to place registered public moorings in strategic locations. Mr. Meisner reported that time was of the essence as boating season would begin soon.

Mr. Meisner asked that Municipal Council consider partnering with MICA for the cost and maintenance of registered public moorings.

It was noted that registered public moorings would be easily identified and have a label attached providing pertinent information and a disclaimer.

Mr. Meisner and Mr. Palfreyman left the meeting.

Mr. Dumaresq returned to the table.

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

#### **9.2 Planning Advisory Committee**

##### **9.2.1 First Reading – By-law 043 Heritage Property By-law (2021)**

**2021-071 Moved by Councillor Oickle, seconded by Councillor DeLong that Municipal Council accept the recommendation of the Planning Advisory Committee to repeal By-law 004, the Heritage Property By-law (1996) and replace it with By-law 043, the Heritage Property By-law (2021), as presented in revised Appendix A of the staff report dated March 25, 2021, and conduct First Reading of same; and further, that Council gives notice of Second Reading to consider the repeal of By-law 004 and approval and adoption of By-law 043 Carried unanimously.**

### **9.2.2 Proposed Amendment – Policy 027 Alteration Review Procedure to Municipal Heritage Property**

**2021-072 Moved by Councillor Haysom, seconded by Councillor Veinotte that Municipal Council accept the recommendation of the Planning Advisory Committee to amend Policy 027, the Alteration Review Procedure to Municipal Heritage Property, as proposed in Appendix B of the staff report dated March 25, 2021, and hereby gives notice that Council will consider amending Policy 027 at the April 27, 2021 Council meeting. Carried unanimously.**

## **10. STAFF REPORTS**

### **10.3 Engineering Department**

#### **10.3.2 Pre-budget Approval of Harold Whynot & Craig Chandler Paving Projects**

**2021-073 Moved by Councillor Statton, seconded by Deputy Mayor Bell that Municipal Council give pre-budget approval in the 2021-22 Capital Budget for staff to proceed with the Street Rehabilitation of Harold Whynot Road and Craig Chandler Drive Project – Tender No. 2021-05-001 for the estimated amount of \$900,000, including HST.**

Mayor Bolivar-Getson clarified that Harold Whynot Road and Craig Chandler Drive were municipal roads.

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

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

### **11.1 MJSB Update**

Councillor Moore reported that there were no updates from Municipal Joint Services Board to report. She advised that the budget would be brought to Council in due course.

### **11.2 Deputy Mayor’s Update**

Deputy Mayor Bell advised that he attended agenda review briefings.

### **11.3 Mayor’s Update**

Mayor Bolivar-Getson advised that she attended:

- 2 Sustainability Committee meetings;
- the NSFAM virtual meeting;
- a MICA meeting;
- the NSFAM South Shore HRM Regional virtual meeting; and
- telephone conferences with Deputy Minister Paul Lafleche.

## **7.2 Sherbrooke Lake Stewardship Committee – Garth Bangay, Chair**

Garth Bangay, Committee Chair, and Melanie Kingsbury, Watershed & Water Quality Team Lead with Coastal Action Group, were in attendance via TEAMS.

Mr. Bangay and Ms. Kingsbury gave a presentation (attached to Minutes and circulated with the Agenda) to update Council on the Sherbrooke Lake Water Quality Program and Toxic Cyanobacteria Monitoring Program.

Mr. Bangay provided background information on the Sherbrooke Lake Stewardship Committee and its mandate, and Ms. Kingsbury provided the latest results of the Water Quality Sampling Program. She advised that the data collection results were over a two year period but that there was no data collected in 2020 due to COVID restrictions. Ms. Kingsbury reported that although major rainfall events have caused elevated bacterial counts in some areas, the data collected showed that Sherbrooke Lake was generally healthy.

Ms. Kingsbury reported that the water quality sampling program did not address the blue green algae found in the lake. She advised that when blue green algae blooms, toxic microcystins are present and explained the factors that can contribute to the growth of algal blooms.

Mr. Bangay reported that algal blooms have been increasing and explained the process that the Department of Environment follows when a report of blue green algae is received, and the communication issue caused by the advisories they put out to the public.

Mr. Bangay further reported that Coastal Action had developed a program to better monitor and analyze the presence of blue green algae and bacteria in the lake. The pilot program would provide better scientific data and more accurate information for the public and include an educational component on how residents can help protect the lake's ecosystem. He advised that the cost of the pilot program would increase the cost of the Water Quality Program by approximately \$12,000 and that the Municipality of Chester was considering splitting the cost.

Mr. Bangay noted that the Province had reviewed the proposal and provided positive feedback but that budget determinations would not be done until the end of April.

It was clarified that with the proposed program, the Stewardship Committee would provide the Department of Environment with the information required to form the public advisories.

Ms. Kingsbury explained that she created the pilot program which was based on the same approach used in reservoirs to monitor drinking water using a probe that detects pigment. She noted that the probe was owned by both MODL and MODC.

Council directed that this item be brought to the Finance Committee for further discussion.

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

### **13. IN CAMERA**

**At 10:49 a.m., it was moved by Councillor Whynot, seconded by Councillor Haysom that Municipal Council go In Camera to discuss Item 13.1 Contract Negotiations re Billie Lane under Section 22(2)(e) of the MGA. Carried.**

Municipal Council In Camera in session.

**At 12:17 p.m., it was moved by Councillor Whynot, seconded by Councillor Haysom that Municipal Council come out of In Camera and return to open session. Carried.**

Municipal Council in session.

### **7.3 Variance Appeal – Dan Geck, 90 Eisenhauer Road, Oakland NS**

Joshua Bryson, Solicitor for the Applicant, and Daniel Geck, Respondent, were present.

Mayor Bolivar-Getson called the Variance Appeal to order at 1:03 p.m. She introduced the Councillors and Staff in attendance and noted Councillor Moore's absence.

She advised that Council received a request from Joshua Bryson, the Applicant's solicitor, to adjourn the appeal. Mr. Bryson advised that the request of adjournment was due to the Applicant not being available for the appeal. He further advised that new information had been provided and he had not had an opportunity to investigate that information.

**2021-074 Moved by Councillor DeLong, seconded by Councillor Oickle that Municipal Council postpone the Variance Appeal and hold a Special Council meeting on Tuesday, April 20, 2021 at 11:00 a.m. to hear the Appeal. Carried unanimously.**

The Variance Appeal was adjourned at 1:12 p.m.

### **12 ADJOURNMENT**

**There being no further business at 1:12 p.m., it was moved by Councillor Whynot, seconded by Councillor Haysom that the meeting adjourn. Carried.**

## Mahone Islands Conservation Association

The purpose of this presentation is to:

1. Bring you up to date on the threat that private moorings have on the Mahone Islands Conservation Area.
2. Present our proposed solution to this threat.

Background information has been previously circulated.



MICA was formed by concerned residents in fall of 2002 in response to the accelerated private development of many of the Mahone Bay Islands.

According to Dr. Ian Spooner of Acadia University, these Mahone Bay islands are unique in the world.



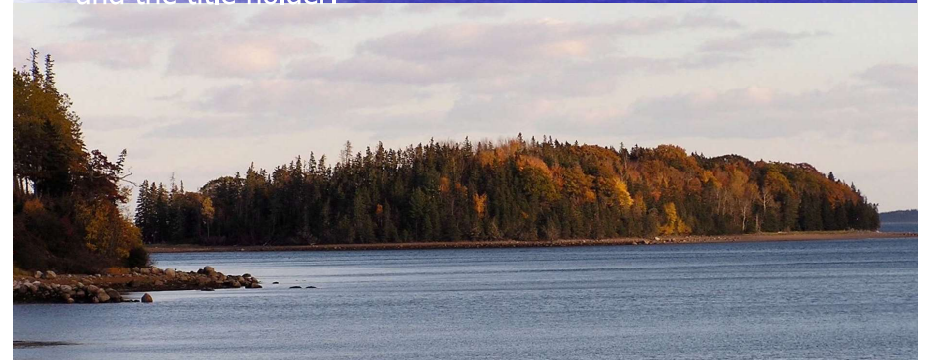
## MICA Mission:

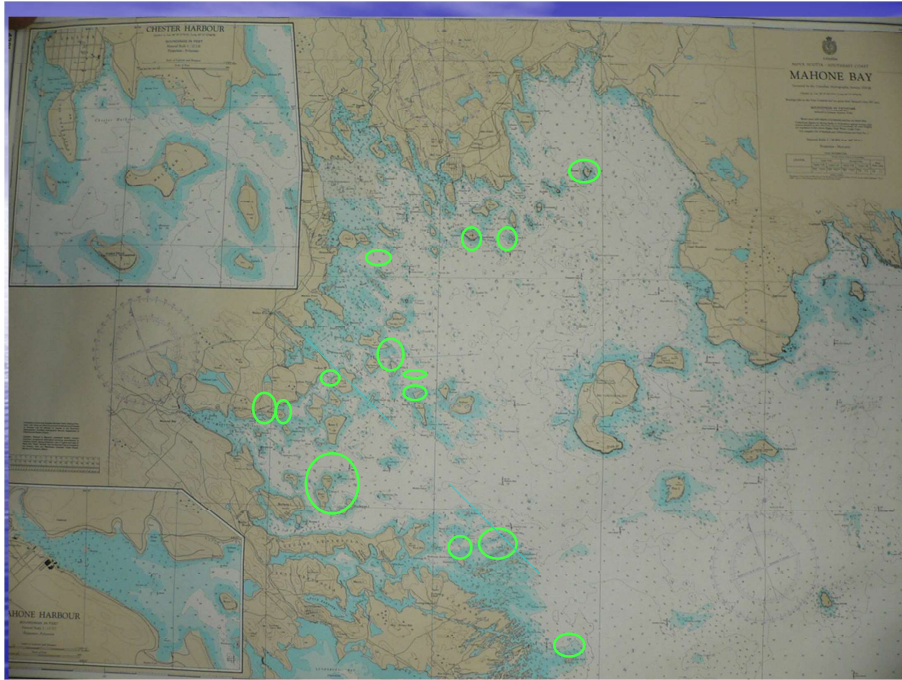
- To protect and conserve the natural environment of the islands and shoreline of Mahone Bay, and the traditional, social and recreational opportunities valued by its various communities.



To date, with our partners, MICA has acquired 18 Mahone Bay islands and island properties plus one mainland property (Oakland Property) for conservation and traditional public use beginning with Andrews Island in the fall of 2005.

PNS holds title for all but one property (MODL) with protection by Stewardship Agreements between MICA and the title holder.





## Private Moorings:

- When we acquired these islands, there were no private moorings, with the exception of Backman's big cove and Long Island (placed by the former owners).
- A mooring consists of a weight dropped to the bottom connected by rope or chain to a float on the surface with a line that can be picked up and attached to a visiting boat.
- Traditional public use of our islands has been by anchoring (and by direct beach landing for smaller boats).
- In the last several years there has been a significant increase in the number of private moorings around MICA islands.
- MICA has discussed this issue with the Nova Scotia Department of Lands and Forestry and Department of Environment who have recommended an educational process to explain why MICA advocates for no private moorings around MICA islands. MICA began that process in 2017.





## Private Moorings:

Following is why MICA is against Private Moorings off MICA properties:

- a. Private moorings can restrict access to the shore.
- b. Unattended or abandoned moorings are a hazard.
- c. Moorings 'stake a private claim' by the owner.
- d. Private moorings can and have led to confrontation on the water regarding their use.
- e. Most private moorings are set in preferred popular locations.
- f. Private moorings reduce space available for anchoring.
- g. These islands have been used and enjoyed over many years without the need for private moorings.

- h. When soliciting for financial support to acquire these islands, MICA states that the islands will be left in their natural state. MICA is now trying to balance preservation with reasonable public access.
- h. All MICA islands have Stewardship Agreements signed with the owner (either PNS, MODL or NCC) stating that the islands will be left in their natural state.
- i. Private moorings are contrary to everything MICA has worked for in acquiring these islands.
- j. If we do not address this now the number of private moorings will further increase to the detriment of island users.
- k. Private moorings can be considered as being against the public good and are a direct threat to MICA.

- h. Over \$5.5 million including over \$1.5M by MICA has been invested in the acquisition of the MICA island and shoreline properties by private, corporate, municipal and provincial government investments to provide public access.
- h. This does not include the value of the donated islands and island properties.
- i. These acquisitions contribute to the growth of our local economy and the sustainability of our community and are a very important component of our municipality.
- j. We must ensure that they remain available for public access and are not restricted or closed off by illegal private moorings.

## MICA's Plan

- Understanding that our desire of having no moorings around MICA islands is regrettably becoming unrealistic, MICA is considering having MICA identified public registered moorings placed in strategic locations around MICA islands.
- MICA/MODL would be applying for approximately 30 registered moorings to occupy the remaining available space with public moorings for public access and by doing so prevent further private moorings being dropped in prime locations. This does not include Backmans Island big cove which at last count had 14 private moorings.
- These moorings would be for public use.
- These moorings would be installed and regularly inspected by an insured local marine contractor.
- MICA also plans to continue to communicate the undesirability of private moorings in the hopes that they would be removed over time as the owners consider our request and do not see the need for them because free serviced moorings are available.

- MICA has been advised that DLF will not register private moorings around MICA islands.
- MICA has requested DLF that the Mahone Islands Conservation Area be considered a special marine area in light of the fact that the MICA islands and island properties are public property.
- MICA has also asked for action from DLF and DOE in dealing with the private unregistered moorings around MICA islands.
- MICA requests that MODL partner with MICA in requesting provincial approval for the acquisition, placement, registration and management of these moorings.
- The approximate cost for 30 moorings is in the order of \$45,000. MICA considers this issue very serious and offers to contribute, in principle pending confirmation of details, 50% towards the capital cost of these moorings.
- DLF has asked for a proposal from MODL regarding MODL involvement. It is hoped that Council will give MODL the approval to proceed with developing that proposal.
- Time is of the essence, as the boating season is fast approaching and immediate action is needed so not to lose control of the bay.



A photograph of a sunset over a body of water. The sun is low on the horizon, creating a bright orange glow and a long, shimmering reflection on the water's surface. The sky transitions from orange near the horizon to a darker, muted orange at the top. The left side of the image shows the dark silhouette of a forested shoreline.

Thank you.

Please enjoy and respect our islands and shoreline property.

Together we are creating a legacy for current and future generations.

A photograph of a bright blue sky with wispy white clouds above a calm, deep blue body of water. The horizon line is visible in the distance.

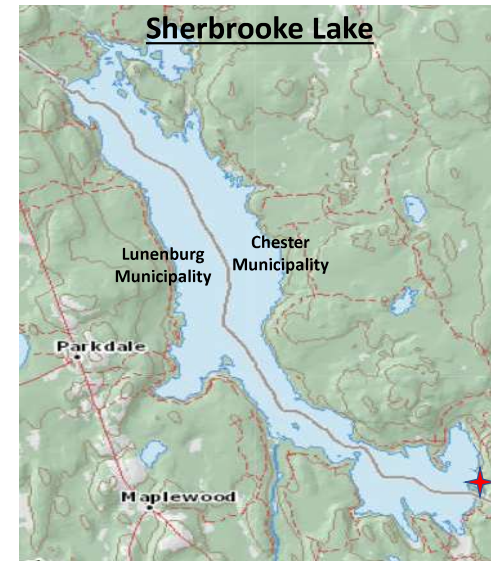
• Prepared For:

• MODL Council

• Date: Tuesday April 13, 2021

• *Note full presentation showing MICA background (MICA PP Presentation to MODL, March 2021) was forwarded to councilors in information package prior to meeting.*

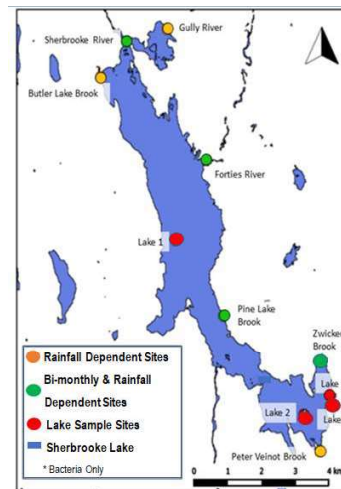
# Sherbrooke Lake Baseline Water Quality Program and Toxic Cyanobacteria Monitoring Program 2021



## Sherbrooke Lake Stewardship Committee

- Decision by MODL Council in 2015 to establish a public access site on Sherbrooke Lake.
- This decision was accompanied by widespread public concern about the need to protect the environment of Sherbrooke Lake.
- MODL and MOC agreed to establish a Stewardship Committee as per the MOU that was signed in March 2017.
- The Committee of 5 members was appointed by respective Councils in summer of 2017. Coastal Action is an exofficio member of the Committee.
- Coastal Action was engaged to provide ongoing technical support to the work of the Committee.

## Water Quality Sampling Sites



- Sherbrooke Lake is generally healthy; however, the lake remains vulnerable to impacts from human activities such as use of fertilizer, removing shoreline vegetation, and poor septic system maintenance.
- No detectable hydrocarbons in lake surface water.
- Bacteria levels in lake water are below acceptable levels for water-based recreation.
- Lake tributaries do, however, exhibit elevated bacterial counts during periods of high runoff following major rainfall events.

## Blue Green Algae and Cyanobacteria

- Algae are a natural component of any lake ecosystem and there are many different kinds.
- One form, blue-green algae is often found in association with cyanobacteria.
- These bacteria can excrete microcystins which can be toxic.
- Determining whether microcystins are present or not is a complicated and expensive process.

## Blue Green Algae and Cyanobacteria contd.

- There are many contributing factors to the growth of cyanobacteria blooms, but the one humans can influence is the addition of nutrients from lawn fertilizer, faulty septic systems, and farm animal waste into the lake.
- Currently the NS Department of Environment and Climate Change relies on public reporting of algal blooms and visual field checks to base their public advisories.
- There are many potential impacts associated with Cyanobacteria including through contact, skin irritations and other hay-fever like symptoms and by ingestion, diarrhea, nausea and vomiting, and liver damage, to name a few.

July 2019, algae along Sherbrooke Lake shoreline



## NS government Advisories

- The advisories are based on observations and not science.
- There was no laboratory analysis to determine whether toxic microcystins were in fact present in the 2020 Sherbrooke Lake bloom.
- The advisory in this case extended for the entire summer season.
- Communication of the advisory was only based on a notice on the department's website.
- There was considerable public unease once the information in the advisory circulated through informal means to the public.
- The members of the Stewardship Committee were unaware and ill-equipped to address residents' questions.

## Moving forward -

- The Stewardship Committee has approached the province with a proposal to collaborate on a pilot program developed by Coastal Action to monitor and analyze for the presence of cyanobacteria and any associated toxins in Sherbrooke Lake.
- The intent is to improve the scientific validity of any public advisories as well as improving the means of informing the public.
- The Committee is also preparing information for the public on this issue including the responsibility that lake users must reduce sources of nutrients to the lake.
- The Ministry has indicated their support for the proposal but will be unable to decide about resources before mid April.

## Getting it done!

- The proposed pilot program would see an increase in the costs of the baseline WQ program of approximately \$12 K (the 2018 to 2020 range was \$22 – \$25 K)
- The Municipality of Chester has indicated a willingness to consider splitting that incremental cost of \$12 K.
- The program will provide a major improvement in any public advice going forward and will start the process of educating the public about their responsibility in protecting the lake's aquatic ecosystem.
- The Committee will work with Municipal communications staff to raise cottage owner awareness of behaviors that harm vs protect the lake.
- The pilot could become a model for how to address this threat to the health of NS lakes.