

Municipal Council Meeting AGENDA

Tuesday, April 27, 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 Proclamation – May 2021 Lyme Disease Awareness Month 1

2.2 Acknowledgement Kyle Whynott – Level II Building Inspector Certification

3. APPROVAL OF AGENDA (as circulated)

4. APPROVAL OF MINUTES – Public Hearing & Council of April 13, 2021

5. BUSINESS ARISING FROM MINUTES (Nil)

6. AWARDING OF TENDERS/RFPs (Nil)

7. PRESENTATIONS/SCHEDULED TIMES

7.1 Lunenburg Marine Museum Society, John Meisner 9:15 a.m. 2-15

8. CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence from Minister Chuck Porter re Georges Bank Moratorium 16-17

9. RECOMMENDATIONS FROM COMMITTEES & BOARDS

9.1 Policy & Strategy Committee

9.1.1 Extended Producer Responsibility (EPR) (18) 19

9.2 Nominating Committee

9.2.1 Appointment to Police Advisory Board 20

10. STAFF REPORTS

10.1 Planning & Development Department

10.1.1 Proposed Amendments to MDL-027 Alteration Review Procedure to
Municipal Heritage Property..... 21-57

10.1.2 Appointment of Building Inspector, Ryan Whynott 58

10.2 Administration Department

10.2.1 Cost Share Program for J Class Roads..... 59-61

10.2.2 Council Remuneration and Benefits 62-75

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

11.1 LCLC Update

11.2 Deputy Mayor's Update

11.3 Mayor's Update

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12. ADDED ITEMS

13. IN CAMERA

13.1 Contract Negotiations re LaHave River Project under Section 22(2)(e)

14. ADJOURNMENT

PROCLAMATION

Lyme Disease Awareness Month – May 2021

WHEREAS Lyme disease is a serious illness caused by the bite of a black-legged tick infected with the bacterium *Borrelia burgdorferi*; and

WHEREAS black-legged ticks carrying a variety of diseases or illnesses can now be found in all parts of Nova Scotia; and

WHEREAS awareness, education and practicing preventative measures, such as daily tick checks and proper tick removal, can help reduce your chances of contracting tick borne diseases;

THEREFORE, be it resolved that I, Mayor Carolyn Bolivar-Getson, on behalf of the Municipality of the District of Lunenburg, do hereby proclaim May 2021 as “Lyme Disease Awareness Month”.

Dated at Bridgewater, Nova Scotia this 27th day of April 2021.

Mayor Carolyn Bolivar-Getson

Council

Item: #7.1

Date: April 27, 2021

Authorization: T. MacEwan

Lunenburg Marine Museum Society

Operators of *Bluenose II* &
The Fisheries Museum of the Atlantic



The LMMS Society:

- The Lunenburg Marine Museum Society (LMMS) is the governing body responsible for the operation of the Fisheries Museum of the Atlantic and Bluenose II, both of which are owned by the Province of Nova Scotia.
- It is made up of a volunteer board.
- Of note are that 6 of 9 directors live in the Municipality.
- Membership to the Society is encouraged through the Dory Mates program.



The LMMS Society:



- The Lunenburg Fisheries Museum was born in 1967 as a Centennial of Confederation project by the local community with the acquisition of the vessel Theresa E Connor. The Lunenburg Marine Museum Society was formed at that time as the governing body.
- In 1975 the Museum became part of the Nova Scotia Museum Complex with a name change to Fisheries Museum of the Atlantic - the official Fisheries Museum for the Province. This brought significant investment to the museum including the property, exhibit and collections development.

The LMMS Society:

- The LMMS became responsible for the operation of Bluenose II in 2005.
- The latest operating agreement was signed in 2018.



The LMMS Society:

- The General Manager of the Fisheries Museum (Angela Saunders) and the Director of Operations Bluenose II (Anne Bailly) report to the Society and have a very close working relationship with NS Departments of Community, Culture and Heritage and Transportation and Infrastructure Renewal.
- We believe the Museum and Bluenose II play a huge role in economic activity and promotion of the area.



Our operations:



- Large complex includes wharfs, all buildings, parking lot, vessels and site of Fishermen's Monument
- Diverse mandate with largest collections outside of Halifax
- Full programming & Interpretation- three floors of exhibits & wharf side exhibits
- Site of major events- including arts & cultural
- Resource Center Partners with and supports various local organizations
- Supports schools & educational programming

Our operations:

- Old Fish Factory Restaurant
- Gift Shop, Aquarium & Theatre
- Leases to three tour boat operators
- Operates marine services for town
- The cruise ship terminal for Lunenburg
- Historically attracts 80-100,000 + visitors to area annually
- Historically employed 100 people through Museum & Restaurant
- Attracting/retaining professions with families & work experience for students. Promotes skill preservation
- Large complex requires significant services from local area. Supports local business.



**FISHERIES
MUSEUM**
OF THE
ATLANTIC
A PART OF THE NOVA SCOTIA MUSEUM

Our operations- economic spin off:

- Partners with Tourism and work with other business to enhance their offerings
- Work to preserve facilities & create product- *example Big Boat Shed*
- Markets the region
- Small conference venue- works with accommodations & corporations
- Frequent Movie, TV & Documentary location.
- Frequent wedding venue

FISHERIES
MUSEUM
OF THE
ATLANTIC
A PART of THE NOVA SCOTIA MUSEUM



Our operations- This year

- Opening on June 1st – Potentially Mid- October
- Will be open on all levels, decks of vessels and Boat Building Shed
- Full staff complement
- Celebrating *Bluenose 100*
- New exhibits & programs
- In person and patio dining
- Currently assessing event potentials

FISHERIES
MUSEUM
OF THE
ATLANTIC
A PART of THE NOVA SCOTIA MUSEUM



Bluenose II -Nova Scotia's Sailing Ambassador- operations:



Staff:

- Captain Phil Watson celebrates 20 years as Master of the vessel
- 20 Crew – 6 full-time officers; 14 young deckhands, mostly Nova Scotian
- Director of Operations, Communications Director
- 4-6 staff in the Bluenose II Company Store



Our operations:

Normal Year:

- 100 Harbour Tours
- Deckhand for a Day
- Private Charters
- Events and Receptions

2019 Tall Ships Great Lakes Challenge

- 10 Tall Ships festivals, 15 ports
- Sailed through 4 Great Lakes, almost as far as Chicago
- 140,000 people across the decks



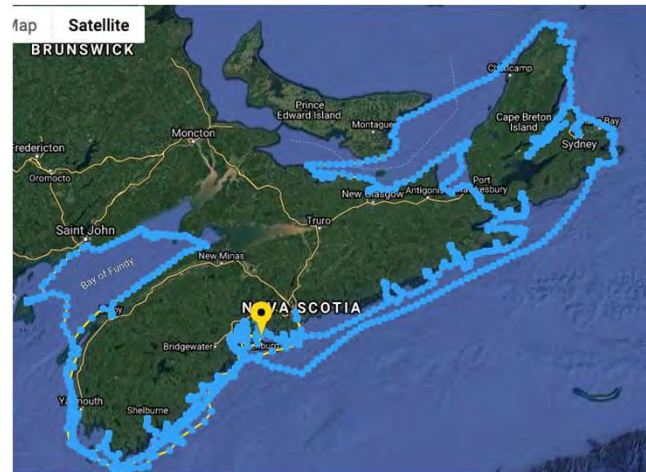
Our operations:

2020: Sail Past Summer

- No passengers
- 28 ports
- Local Tourism

2021: Bluenose 100 Sail Past Summer

- No passengers
- 49 ports

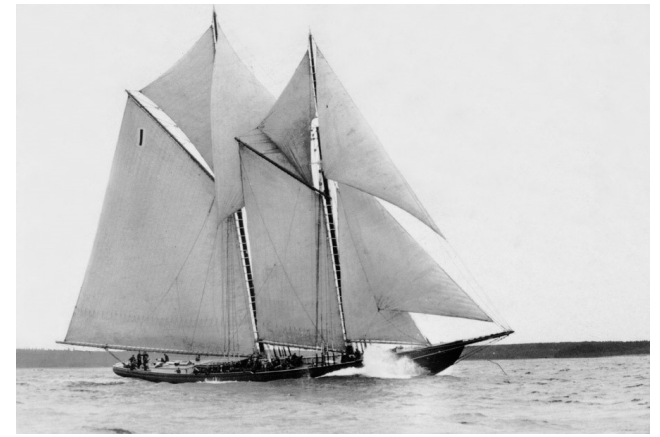


Our operations:

2021 marks one hundred years since Bluenose was launched in Lunenburg.

Events:

- Launch Day Virtual Event – March 26th. Reached 120,000 viewers in one weekend.
- Weekly livestreams that help tell the Bluenose story
- Partnerships with 25+ community partners and local businesses
- National Partnerships: Royal Canadian Mint, Canada Post, Canadian Geographic
- Snowbirds show August 25th over Lunenburg



Thank you for your time!

- We would be pleased to offer a tour of the Fisheries Museum to MODL Councilors and Management.
- Please visit the Fisheries Museum & Bluenose II Company Store when they are open.

<https://fisheriesmuseum.novascotia.ca/>

<https://bluenose.novascotia.ca/>

<https://bluenose100.ca/>

April 27, 2021



Log 8548

April 22, 2021

Mayor Carolyn Bolivar-Geston, E.C.N.S
Municipality of the District of Lunenburg
10 Allee Champlain Drive
Cookville, NS B4V 9E4

Dear Mayor Bolivar-Geston:

RE: Georges Bank Offshore Oil & Gas Exploration and Drilling Moratorium

Thank you for your March 24, 2021 letter expressing the Council of the Municipality of the District of Lunenburg's support for the continuation of the Georges Bank Oil and Gas Exploration and Drilling Moratorium.

The Governments of Canada and Nova Scotia jointly manage offshore oil and gas development in the Canada-Nova Scotia Offshore Area and are firmly committed to the responsible management of offshore resources while ensuring the highest level of environmental protection.

I share your perspective and interest on the ecological importance and environmental sensitivity of Georges Bank. This is why the protection of the fishing grounds and habitat in this area has been supported through federal and provincial moratoria on oil and gas activities since 1988.

As you may know, Governments may extend the moratorium in increments of up to ten years through a joint federal - provincial Ministerial decision. I want to be clear that our government wants to see the moratorium renewed and is working with the federal government for that to happen. Prior to this, the legislation requires a review to take place that examines environmental and socio-economic impacts of exploration and drilling activities. My Department has been working closely with our joint management partner, Natural Resources Canada, on this matter and will launch this review in the coming weeks.

Mayor Carolyn Bolivar-Geston, E.C.N.S
Page 2

As requested in your letter, I have instructed my Department officials to inform and engage your Council during the review process. Governments will work together to ensure a decision on the extension of the moratorium is made well in advance of the 2022 deadline.

Once again, thank you for writing.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Porter". The signature is written in a cursive style with a large initial "C".

Honourable Chuck Porter
Minister

c: Honourable Seamus O'Regan Jr., P.C., M.P.



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

April 21, 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, April 20, 2021, made the following
recommendations to Council:

1. That Municipal Council write a letter to the Nova Scotia Federation of Municipalities and the Provincial Government in support of the Extended Producer Responsibility Program for Printed Paper and Packaging (EPR for PPP).

Respectfully submitted,

Chairman and Members
Policy & Strategy Committee

/jp
Attachment

**Request for Agenda Items under
Mayor's/Deputy Mayor's/Councillors' Matters**

Council
Item: #9.1.1
Date: April 27, 2021
Authorization: T. MacEwan

TO: Chief Administrative Officer
FROM: Wendy Dickle
DATE: March 17/21

1. Agenda Item Discuss writing a letter to NSFMT
2. On what agenda do you want the item placed? Old Business Based on March 16th Presentation on EPR to Provincial Gov. in support of an EPR for PPP
3. Do you have written material to circulate with the agenda? Yes No

If you do, please attach it to this form. If you do not, please explain.

4. What is its relevance to Council or the committee?
To show support for our environment + residents by improving our recycling efforts.

5. What outcome(s) are you seeking?
a letter of support to the NSFMT for this topic and to the Provincial Gov. to encourage them to move forward on creating the EPR for PPP within our province

Wendy Dickle Councillor's Signature March 17/21 Date

Approval for agenda: Yes No

Reason for Denial:

Mayor or Chair of Committee Date

Council

Item: #9.2.1

Date: April 27, 2021

Authorization: T. MacEwan

From: Kacy DeLong <Kacy.Delong@modl.ca>

Sent: April 21, 2021 4:56 PM

To: Chasidy Veinotte <Chasidy.Veinotte@modl.ca>; Carolyn Bolivar-Getson <CBG@modl.ca>; Cathy Moore <Cathy.Moore@modl.ca>

Cc: Sandra Challis <Sandra.Challis@modl.ca>; Chris Kennedy <Chris.Kennedy@modl.ca>; Joanne Powers <Joanne.Powers@modl.ca>

Subject: Police Advisory nomination

Nominating Committee April 21, 2021

Present: Mayor Bolivar-Getson, Councillors Veinotte, DeLong, and Moore

Called to order 4:35

- Certificates from police check returned
- References were called by Nominating Chair

Moved by Kacy DeLong that Michael Mason be nominated to the position of member-at-large on the Police Advisory Board. Seconded by Chasidy Veinotte.

Motion carried unanimously

Adjourned 4:49

Kacy DeLong (she/her)

Councillor for MoDL District 8

902 930 3065

www.modl.ca

Municipality of the District of Lunenburg

10 Allée Champlain Drive

Cookville NS B4V 9E4

In the traditional territory of Mi'kma'ki – We are all Treaty People



Municipality of the District of Lunenburg

Report to Council

Report To: Mayor and Councillors
Submitted By: Sherry Conrad, Municipal Clerk
Date: April 13, 2021
Re: **Proposed Amendments to MODL Policy 027 “Alteration Review Procedure to Municipal Heritage Property”**

Municipal Council, in session on April 13, 2021, accepted a recommendation from 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 gave notice that Council will consider amending Policy 027 at the April 27, 2021 Council meeting.

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 attached amended Policy 027 will be presented for Council’s approval at the April 27, 2021 Council session. The Council meeting of April 13, 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 Policy 027, the Alteration Review Procedure to Municipal Heritage Property, as attached”.

Sherry Conrad

/sac
Attachment

Municipality of the District of Lunenburg

POLICY

Title: Heritage Property Policy	
Policy No. 027	Legislative Authority: Heritage Property By-law, Sections 6 and 9
Effective Date: May 11, 2004	Amended Date: April 27, 2021

~~1.—Application~~

~~The policy applies to all heritage properties registered by the Municipality of the District of Lunenburg for which an application has been made to carry out exterior alterations.~~

~~2.—Authority~~

~~Heritage Property Act~~

~~3.—Purpose~~

~~To implement an approval process which differentiates between substantial and non-substantial exterior alterations to municipally registered heritage properties.~~

~~4.—Key Definitions~~

~~4.1.—Substantial Alterations~~

~~The following shall be considered substantial exterior alterations:~~

- ~~a. Changing the colour scheme of the structure;~~
- ~~b. Alterations which change the building's original style including:

 - ~~i.—building form with respect to orientation, proportion and height;~~
 - ~~ii.—roof shape with respect to style, pitch and the addition of roof elements (such as towers and dormers);~~
 - ~~iii.—Visual balance with respect to the arrangement of parts or elements of the building including, but not limited to, windows, doors, bays, porches and dormers;~~
 - ~~iv.—Windows with respect to size, style, placement, orientation and materials;~~
 - ~~v.—Doors with respect to size, style, placement, materials and the addition of sidelights and transoms;~~
 - ~~vi.—Cladding with respect to style, placement, orientation and materials;~~
 - ~~vii.—Moulding or trim with the respect to style, placement, materials and the removal or addition of;~~
 - ~~viii.—Stairs, porches, decks, balconies, verandahs and porticos with respect to style, materials, and the removal or addition of all or part of the structure;~~
 - ~~ix.—Skylights with respect to the addition, removal or replacement of; and~~
 - ~~x.—Dormers with respect to size, style and placement.~~~~

- e. Alterations that change the massing of the building;
- d. Additions;
- e. Demolition.

4.2. ~~Non-substantial Alterations~~

The following shall be considered non-substantial exterior alterations:

- a. ~~painting using the same colour scheme;~~
- b. ~~Repairs to or the replacement of existing materials where no change in size, style, placement, orientation or materials is to occur (i.e. wood-clapboard with wood clapboard of the same exposure to the weather; asphalt shingles with asphalt shingles, etc).~~

- 4.3. ~~**Qualified Person**—the Planner or such other person recognized by the Heritage Advisory Committee to provide expertise in the architectural design and historical character of municipal heritage properties.~~

5. ~~Approval Process for Alterations~~

5.1. ~~For All Alternations / Renovations:~~

~~Pursuant to Section 17 of the Heritage Property Act, a written request must be submitted to the Municipality stating the nature of the alternation(s).~~

5.2. ~~For Substantial Alterations:~~

- a. ~~If the alterations are deemed substantial, by a qualified person, the application will be forwarded to the Heritage Advisory Committee for review and recommendation to Municipal Council.~~
- b. ~~If approved by Municipal Council, the Municipal Clerk will forward a letter to the applicant advising that the substantial alterations and any provisos thereto must be completed within 12 months of the date of approval.~~

5.3. ~~For Non-substantial Alterations:~~

- a. ~~If the alterations are deemed to be non-substantial, by a qualified person, the qualified person will forward a letter to the applicant confirming the alterations to be non-substantial and therefore not requiring approval from Municipal Council.~~

Short title

- 1** This Policy may be cited as the Heritage Property Policy.

Definitions

- 2** In this Policy, the Heritage Advisory Committee is as defined in subsection 5(2) of the Heritage Property By-law.

Minimum threshold

- 3 (1)** The Heritage Advisory Committee may recommend to the Municipality that a building be registered as a municipal heritage property in the Registry of Heritage Property, if the heritage value of the recommended building is scored at least 75 out of 100 points.
- (2)** The Heritage Advisory Committee may recommend to the Municipality that a public-building interior, streetscape, cultural landscape, or area be registered as a municipal heritage property in the Registry of Heritage Property, if the Heritage Advisory Committee deems the heritage value of the recommended public-building interior, streetscape, cultural landscape, or area as significant.

Evaluation guidelines

- 4 (1)** The score in subsection 3(1) is calculated by combining all the points of the criteria stated in the evaluation guidelines in Schedule A.
- (2)** The criteria in Section 3 must not be inconsistent with the Standards & Guidelines for the Conservation of Historic Places in Canada.

Substantial alterations

5 Substantial alterations to a municipal heritage property may include

- (a) demolition;
- (b) addition;
- (c) changing the colour scheme of the structure;
- (d) alterations that change the massing of the building;
- (e) alterations that change the building's original style, such as
 - (i) building form with respect to orientation, proportion, and height,
 - (ii) roof shape with respect to style, pitch, and the addition of roof elements such as towers and dormers,
 - (iii) visual balance with respect to the arrangement of parts or elements of the building including, but not limited to, windows, doors, bays, porches, and dormers,
 - (iv) windows with respect to size, style, placement, orientation, and materials,
 - (v) doors with respect to size, style, placement, materials and the addition of sidelights and transoms,
 - (vi) cladding with respect to style, placement, orientation, and materials,
 - (vii) moulding or trim with the respect to style, placement, materials and the removal or addition of,
 - (viii) stairs, porches, decks, balconies, verandahs, and porticos with respect to style, materials, and the removal or addition of all or part of the structure,
 - (ix) skylights with respect to the addition, removal, or replacement of, and
 - (x) dormers with respect to size, style, and placement.

Non-substantial alterations

6 Municipality deems the following alterations as non-substantial:

- (a) painting using the same colour scheme;
- (b) repairs to or the replacement of existing materials where no change in size, style, placement, orientation, or materials is to occur, such as wood clapboard with wood clapboard of the same exposure to the weather, and asphalt shingles with asphalt shingles.

Alteration approval process

- 7** After receiving an application in Section 10 of the Heritage Property By-law, the heritage officer must issue a letter to the owner of the municipal heritage property, stating that
- (a) under the criteria in Section 6, the application is a non-substantial alteration; or
 - (b) the approval from the Council is required for the proposed alteration.

Annotation for Official Policy Book	
Date of Adoption	May 11, 2004
Amended	April 27, 2021
Date of Notice to Council	May 4, 2004
Date of Passage of Original Policy	May 11, 2004
Date of Notice to Council of Intent to Consider Amendments	April 13, 2021
Date of Passage of Amendments*	April 27, 2021
*Effective Date of the Policy unless otherwise specified in the text of this Policy	
I certify that this “Heritage Property Policy” was adopted by Council and published as indicated above.	
_____	_____
Sherry Conrad, Municipal Clerk	Date



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Planning Advisory Committee
SUBMITTED BY: Byung Jun Kang, Planner
DATE: March 25, 2021
RE: Adoption of Heritage Property By-law (2021)

RECOMMENDATIONS

That the Planning Advisory Committee recommends Municipal Council 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 ~~proposed in~~ **presented in revised** Appendix A of the staff report dated March 25, 2021, and conduct First Reading of the same. ([Motion revised at the PAC meeting.](#))

That the Planning Advisory Committee recommend Municipal Council to amend Policy 027, the Alteration Review Procedure to Municipal Heritage Property Policy, as proposed in Appendix B of the staff report dated March 25, 2021.

~~That the Planning Advisory Committee recommend Municipal Council to appoint the Planner as the Heritage Officer of Municipality.~~ ([Motion retracted at the PAC meeting.](#))

LEGISLATIVE AUTHORITY

Heritage Property Act, Section 12 and **Municipal Government Act**, Sections 48 and 166.

DISCUSSION

Chapter 39 of the Acts of 2015, amendments to the **Heritage Property Act**, received its Royal Assent on December 18, 2015. The new **Heritage Property Act**, along with the **Heritage Property Regulations**, will be proclaimed in the near future as the Nova Scotia Communities, Cultures, and Heritage is making final changes to the **Regulations**. Some of the major changes to the **Heritage Property Act** include:

- A municipality may now deregister a municipal heritage property if continued registration will cause significant financial difficulty for the owner;

- A heritage advisory committee has the authority to recommend its council to deregister a heritage property;
- The process to amend a heritage by-law was clarified that the Minister of Municipal Affairs must approve or refuse the by-law within 60 days of its submission;
- New regulations will be adopted.

Staff identified that, while the **Heritage Property Act** was amended in 1991, 1998, 2010, and 2015, our Heritage Property By-law was last amended in 1996. Staff determined that the By-law and its Policy require a complete overview. The following principles were considered when the By-law and the Policy, as shown in Appendices A and B respectively, were drafted:

- to modernize the By-law and the Policy to be consistent with the **Heritage Property Act**;
- to prepare the By-law and the Policy to conform to the upcoming **Heritage Property Act**;
- to sustain the Council’s direction on heritage properties until the completion of the MODL2040 project, if the policy direction on heritage changes.
 - The Council’s direction on heritage properties has been “no heritage designation without the property owner’s consent”.

Nova Scotia Municipal Affairs and Nova Scotia Communities, Cultures & Heritage started conducting a preliminary review of the draft By-law and Policy on October 22, 2020. The provincial departments issued a pre-approval on December 4, 2020, subject to the final approval after Municipal Council conducts Second Reading. [Municipal Solicitor finished a legal review on March 30, 2021 and identified no issue from a legal perspective, as long as it is clear that the Municipality will not force landowners to register their properties at this time.](#)

WORK PLAN

The procedure to adopt or amend a heritage property by-law and policy is stated in Table 1.

Table 1

Schedule for repealing By-law 004, adopting By-law 043, and amending Policy 027

Legislative Authority	Requirements	Expected Date
Heritage Property Act (2010) , Section 12	Heritage Property By-law must contain all provisions stated in the provincial Act and Regulations.	December 4, 2020
Municipal Government Act , subsection 200(4)	Planning Advisory Committee makes recommendations to council regarding the by-law and policy.	March 25, 2021

Municipal Government Act , subsection 168(1)	A by-law shall be read for the first time.	April 13, 2021
Municipal Government Act , subsection 48(1)	Before a policy is amended, the council shall give at least seven days notice to all council members.	April 13, 2021
Municipal Government Act , subsections 168(2)-(3)	At least fourteen days before a by-law is read for a second time, notice of the council's intent to consider the by-law shall be published in a newspaper circulating in the municipality.	April 21, 2021
Municipal Government Act , subsection 47(1)	Policy 027 is amended.	April 27, 2021
Municipal Government Act , subsection 168(1)	A by-law shall be read for the second time. No public hearing is required.	May 11, 2021
Municipal Government Act , clause 169(2)(b) Heritage Property Act (2010) , subsection 12(6)*	A heritage by-law must be submitted to the Minister of Municipal Affairs for approval. Upon the Minister's approval, the heritage by-law has the force of law.	June 30, 2021 (TBD)

*A publication requirement stated in Section 169 of the **Municipal Government Act** is not applied to a heritage by-law to have the force of law, as the requirement is superseded by subsection 12(6) of the **Heritage Property Act**.

APPENDICES

- Appendix A: proposed MODL By-law 043 (Heritage Property By-law, 2021)
- Appendix B: proposed MODL Policy 029 (Heritage Property Policy, 2021)
- Appendix C: MODL By-law 004 (Heritage Property By-law, 1996)
- Appendix D: MODL Policy 029 (Procedure for the Review of Alterations to Heritage Properties)
- [Appendix E: Heritage Property Act \(2010\), Sections 1-3, 12-19](#)
- [Appendix F: Heritage Property Act \(2015\), Sections 1, 3-8, 15](#)

Department: Planning & Development Services
 Report Prepared By: Byung Jun Kang, Planner
 Report Approved By: Jeff Merrill, Director
 Date: 2020-12-07
 Date: 2021-01-21

**Municipality of the District of Lunenburg
BY-LAW**

Title: Heritage Property By-law	
By-Law No. 043	Legislative Authority: Heritage Property Act, Section 12
Effective Date: N/A (June2021)	Amended Date: N/A

BE IT ENACTED by the Council of the Municipality of the District of Lunenburg, under the authority of Section 12 of the **Heritage Property Act**, as follows:

Short title

1 This By-law may be cited as the **Heritage Property By-law**.

Definition

2 In this By-law, “Act” means the **Heritage Property Act**.

Registry of Heritage Property

- 3 (1) The Municipality must maintain a municipal registry of heritage property at its administration office.
- (2) The Registry of Heritage Property must
- (a) be properly indexed;
 - (b) contain data with respect to recommendations, registrations, notices, and any other documents required by the Act to be deposited with the registry of deeds;
 - (c) contain information about municipal heritage properties for their identification purpose; and
 - (d) be accessible to the public at no charge during the regular business hours of the administration office.

Heritage officer

4 The Municipality must designate a person employed by the Municipality as the heritage officer to administer this By-law.

Heritage Advisory Committee

- 5 (1) The Municipality must establish a Heritage Advisory Committee to advise the Council on the matters listed in Section 13 of the Act.
- (2) The Planning Advisory Committee of the Municipality is also the Heritage Advisory Committee in subsection (1).
- (3) Terms of office for members of the Heritage Advisory Committee are consistent with subsection 5(1) of the Planning Advisory Committee Policy.
- (4) The membership requirement in Subsection 4(1) of the Planning Advisory Committee Policy must be consistent with the requirements in subsection 12(3) of the Act.

Recommendation

- 6 The Heritage Advisory Committee may recommend to the Municipality that a building, public-building interior, streetscape, cultural landscape, or area be registered as a municipal heritage property in the Registry of Heritage Property by following the procedure in Section 14 of the Act.

Evaluation guidelines

- 7 (1) The Council may, by policy, adopt and amend guidelines for the registration of a municipal heritage property that the Heritage Advisory Committee must use to evaluate the heritage value of a recommended building, public-building interior, streetscape, cultural landscape, or area in Section 6.
- (2) The Council adopts the Standards & Guidelines for the Conservation of Historic Places in Canada, published by Parks Canada, as the guiding document for heritage conservation practice in the Municipality.

Registration

- 8 (1) Subject to subsection (2), the Municipality may register a municipal heritage property by following the procedure in Section 15 of the Act.
- (2) In addition to subsection 15(2) of the Act, no registration in subsection (1) takes place if an owner of the property is against the registration, expressed in writing before a public hearing in clause 14(3)(e) of the Act takes place.

Deregistration

- 9 Municipality may deregister a municipal heritage property by following the procedure in Section 16 of the Act, including the procedure for conducting public hearings.

Alteration and demolition

- 10 (1)** The owner of a municipal heritage property must apply to the Municipality for permission in writing to alter, renovate, or demolish the exterior or public-building interior appearance of or demolish the municipal heritage property.

- (2)** If the application in subsection (1) is not deemed as non-substantial by the Municipality under the Heritage Property Policy, the Municipality must grant, either with or without conditions, or refuse the application by following the procedure in Section 17 of the Act.

Repeal

- 11** By-law 004, the Heritage Property By-law, is repealed.

Annotation for Official By-law Book	
Date of Adoption	May 11, 2021
Amended	N/A
Date of First Reading	April 13, 2021
Date of Advertisement of Notice of Intent to Consider	April 21, 2021
Date of Second Reading	May 11, 2021
Date of mailing to Minister a Certified copy of By-law	May 14, 2021
*Date of advertisement of Passage of By-law or Policy	June 16, 2021 (TBD)
*Effective Date of the By-law unless otherwise specified in the text of this By-law	
I certify that this “Heritage Property By-law” was adopted by Council and published as indicated above.	
<hr/> Sherry Conrad, Municipal Clerk	<hr/> Date

**Municipality of the District of Lunenburg
POLICY**

Title: Heritage Property Policy	
Policy No. 027	Legislative Authority: Heritage Property By-law, Sections 6 and 9
Effective Date: May 11, 2004	Amended Date: April 27, 2021

Short title

1 This Policy may be cited as the Heritage Property Policy.

Definitions

2 In this Policy, the Heritage Advisory Committee is as defined in subsection 5(2) of the Heritage Property By-law.

Minimum threshold

- 3 (1) The Heritage Advisory Committee may recommend to the Municipality that a building be registered as a municipal heritage property in the Registry of Heritage Property, if the heritage value of the recommended building is scored at least 75 out of 100 points.
- (2) The Heritage Advisory Committee may recommend to the Municipality that a public-building interior, streetscape, cultural landscape, or area be registered as a municipal heritage property in the Registry of Heritage Property, if the Heritage Advisory Committee deems the heritage value of the recommended public-building interior, streetscape, cultural landscape, or area as significant.

Evaluation guidelines

- 4 (1) The score in subsection 3(1) is calculated by combining all the points of the criteria stated in the evaluation guidelines in Schedule A.
- (2) The criteria in Section 3 must not be inconsistent with the Standards & Guidelines for the Conservation of Historic Places in Canada.

Substantial alterations

5 Substantial alterations to a municipal heritage property may include

- (a) demolition;
- (b) addition;
- (c) changing the colour scheme of the structure;
- (d) alterations that change the massing of the building;
- (e) alterations that change the building's original style, such as
 - (i) building form with respect to orientation, proportion, and height,
 - (ii) roof shape with respect to style, pitch, and the addition of roof elements such as towers and dormers,
 - (iii) visual balance with respect to the arrangement of parts or elements of the building including, but not limited to, windows, doors, bays, porches, and dormers,
 - (iv) windows with respect to size, style, placement, orientation, and materials,
 - (v) doors with respect to size, style, placement, materials and the addition of sidelights and transoms,
 - (vi) cladding with respect to style, placement, orientation, and materials,
 - (vii) moulding or trim with the respect to style, placement, materials and the removal or addition of,
 - (viii) stairs, porches, decks, balconies, verandahs, and porticos with respect to style, materials, and the removal or addition of all or part of the structure,
 - (ix) skylights with respect to the addition, removal, or replacement of, and
 - (x) dormers with respect to size, style, and placement.

Non-substantial alterations

6 Municipality deems the following alterations as non-substantial:

- (a) painting using the same colour scheme;
- (b) repairs to or the replacement of existing materials where no change in size, style, placement, orientation, or materials is to occur, such as wood clapboard with wood clapboard of the same exposure to the weather, and asphalt shingles with asphalt shingles.

Alteration approval process

- 7** After receiving an application in Section 10 of the Heritage Property By-law, the heritage officer must issue a letter to the owner of the municipal heritage property, stating that
- (a) under the criteria in Section 6, the application is a non-substantial alteration; or
 - (b) the approval from the Council is required for the proposed alteration.

Annotation for Official Policy Book	
Date of Adoption	May 11, 2004
Amended	February 23, 2021
Date of Notice to Council	May 4, 2004
Date of Passage of Original Policy	May 11, 2004
Date of Notice to Council of Intent to Consider Amendments	April 13, 2021
Date of Passage of Amendments*	April 27, 2021
*Effective Date of the Policy unless otherwise specified in the text of this Policy	
I certify that this “Heritage Property Policy” was adopted by Council and published as indicated above.	
_____	_____
Sherry Conrad, Municipal Clerk	Date

MUNICIPAL HERITAGE PROPERTY – EVALUATION CRITERIA

INTRODUCTION

The following is a system designed to provide a framework for the Heritage Advisory Committee when assessing the individual significance and character of potential heritage properties. The criteria enclosed was compiled using various Heritage Advisory Committee's selection criteria (Housing & Municipal Affairs, Annapolis County, and the Town of Lunenburg).

EVALUATION CRITERIA

1. Age

Building materials, deeds, newspaper clippings, and architectural styles can be useful in determining the age of a structure. The following are the following recommended age groupings and the respective points.

Pre 1840	15 points
<u>1840- 85 years ago</u>	<u>10 points</u>
Potential Points	15 points

2 Historical Association & Land Mark

Age alone, is not a good determining factor. The historical significance of a building in relation to a person, event, group or organization, on a local, provincial or national level, is also an important factor in determining the historical significance of a potential property. In addition to this is the significance of the building as a land mark. This criteria should be of reasonable age, dating back at least two generations.

Importance at a Provincial Level	5 points
Importance at a Regional (Municipal Level)	5 points
Importance at a Local (Community) Level	5 points
<u>Of no special merit</u>	<u>0 points</u>
Potential Points	15 points

3. Architecture

The second set of criteria deals with the architectural merits of the property. The evaluation form breaks this set of criteria into Site, Construction, Alterations and Style.

Site: Of important consideration is whether the property occupies the original site of construction. The points awarded are based on 4 possible ranges

1. Structure has not been moved	15 points
2. Structure has been placed on new foundation on the original site	10 points
3. Structure has been relocated, but is in close proximity to its original site	5 points
<u>4. Structure has been moved to a new site</u>	<u>0 points</u>
Potential Points	15 points

Construction: Is the method of construction and build technology used, rare and unique to the area. (i.e. materials used) It is important to make assessment based upon the number of existing buildings in the area of this type.

1. A very rare example	15 points
2. A rare example	10 points
3. A common example, or	5 points
<u>4. A very common example</u>	<u>0 points</u>
Potential Points	15 points

Style: Is the property reminiscent of a unique or notable architectural style in history. Once again, it is important to make an assessment based upon the rarity of the style within the area.

1. A very rare example	15 points
2. A rare example	10 points
3. A common example	5 points
<u>4. A very common example</u>	<u>0 points</u>
Potential Points	15 points

Alterations: The extent to which the property has been visibly altered from its original construction on the exterior. This will range from a structure which has not been altered in any way, to one which has totally lost its character. Several things can be considered alterations, such as additions to the exterior, any change in the exterior surface materials etc. Obviously the number and type of alterations will affect the score.

No exterior alterations	15 points
A few minor exterior alterations	10 points
Several minor to major exterior alterations	5 points
<u>Building has lost its character</u>	<u>0 points</u>
Potential Points	15 points

The Heritage Property Act also empowers Council with the ability to register an Area. The Service Nova Scotia and Municipal Relations defines an Area as:

visibly physical and human-made features as old burial grounds with visible gravemarkers, historic gardens, or statues and monuments where they are of architectural, historical, or cultural- as opposed to archaeological or ecological – value (Dept. of Municipal Affairs: Registering Properties).

When an application is made for consideration by HAC, as to the registering of an Area, certain sections of the Evaluation form will not be applicable. Therefore, the total score required is reduced.

Municipality of the District of Lunenburg

POLICY

Title: Heritage Property By-Law	
Effective Date: June 5, 1996	Amended Date:

1.0 Definitions

In this By-Law:

- a) “Act” means the Heritage Property Act, R.S.N.S, 1989, Chapter 199;
- b) “Clerk” means the Municipal Clerk for the Municipality of the District of Lunenburg;
- c) “Committee” means the Heritage Advisory Committee;
- d) “Council” means the Municipal Council of the Municipality of the District of Lunenburg.

2.0 Heritage Advisory Committee

- 1) The Planning Advisory Committee of the Municipality shall be the Heritage Advisory Committee of the Municipality.
- 2) The Heritage Advisory Committee may advise the Municipality respecting:
 - a. The inclusion of buildings, streetscapes and areas in the municipal registry of heritage property;
 - b. An application for permission to substantially alter or demolish a municipal heritage property;
 - c. Building or other regulations that affect the attainment of the intent and purpose of this By-Law;
 - d. Any other matters conducive to the effective carrying out of the intent and purpose of this By-Law.
- 3) The Heritage Advisory Committee may recommend to the Municipality that a building, streetscape or area be registered as a municipal heritage property in the municipal registry of heritage property.

- 4) The Municipality shall cause notice of the recommendation to be served upon each registered owner of the building, streetscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, streetscape or area in the municipal registry of heritage property, which Notice shall be as in form “A” attached hereto.
- 5) No building, streetscape or area shall be registered as a municipal heritage property unless all the registered owners of such building, streetscape or areas have given their prior consent in writing.

3.0 The Registry of Heritage Property

- 1) The Municipality shall establish and maintain a Registry of Heritage Property at its business office, where all documents relating to the registration of heritage property pursuant to the Heritage Property Act or this By-Law shall be filed.
- 2) The Heritage Property Registry shall:
 - a. Be properly indexed;
 - b. Contain data with respect to recommendation, registration, if applicable, recording particulars of documents required to be lodged at the Registry of Deeds for Lunenburg County and true copies of all notices required by the Act;
 - c. Contain particulars of heritage property under recommendation or registered so as to adequately identify the property;
 - d. Be accessible to the public at no charge during regular business hours at the Municipal Office.

4.0

Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Form “B”, attached hereto.

5.0

Council may from time to time establish and amend guidelines for the registration of property as heritage property, and the Heritage Advisory Committee shall make recommendations in accordance therewith.

6.0

The Council may de-register a municipal heritage property in accordance with the Act.

7.0

A municipal heritage property shall not be substantially altered in the exterior appearance or demolished without the approval of the Municipality and in accordance with the provisions of the Act.

**NOTICE OF PROPOSED RECOMMENDATION FOR REGISTRATION IN THE
MUNICIPAL HERITAGE REGISTRY
FORM "A"**

1. _____, you are hereby notified that: the land and building located

(Legal description of property. Also civic address and/or assessment number where applicable.)

has been recommended to be registered in the Municipal Heritage Registry for the Municipality of the District of Lunenburg.

2. The reasons for this proposed designation are:

- a) approximate date of erection,
- b) type of architecture, typical of an era,
- c) part of streetscape (description of streetscape location),
- d) local significance, national significance.

3. No person shall substantially alter the existing appearance of or demolish the building, streetscape or an area for one hundred twenty days after the notice is served unless the Municipal Council refuses to register the property.

4. The effect of recommendation and registration in the Municipal Heritage Registry described in paragraph one is that no demolition or substantial alteration in the exterior may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality and the application is granted with or without conditions. (Where an application is not approved the owner may make the alterations in his application or carry out the proposed demolition at any time after one year but not more than two years from the date of the application).

5. You are hereby notified that the Council will hear submissions regarding the recommendation of the property described in this notice on the _____ day of _____, 20___. In the Council Chambers of the Municipality of the District of Lunenburg at the hour of _____ in the _____ noon.

DATED this _____ day of _____, 20__.

MUNICIPAL CLERK

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

FORM "B"

TO: (Owner's of Heritage Property)

You are hereby notified that:

- 1) The building, streetscape or area:

(address, local, legal description or other identification of property)

has been registered in the Municipal Registry of Heritage Property by resolution adopted at a meeting of the Council the day of 20__.

- 2) The effect of registration in the Municipal Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of the registration unless an application, in writing, for permission is submitted to the Municipality and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in this application or carry out the proposed demolition at any time after one year but not more than two years from the date of the application.

DATED this day of , 20__.

MUNICIPAL CLERK

Clerk's Annotation for Official Policy Book

Date of Notice to Council Members
off Intent to Consider (7 days minimum)

Date of Passage of Current Policy:

I certify that this "*Heritage Property By-Law*" was adopted by Council as indicated
above.

Municipal Clerk

Date

POLICY MDL-27

Policy Establishing a Procedure for the review of alterations to Municipal Heritage Properties registered by the Municipality of the District of Lunenburg

1. Application

The policy applies to all heritage properties registered by the Municipality of the District of Lunenburg for which an application has been made to carry out exterior alterations.

2. Authority

Heritage Property Act

3. Purpose

To implement an approval process which differentiates between substantial and non-substantial exterior alterations to municipally registered heritage properties.

4. Key Definitions

4.1. Substantial Alterations

The following shall be considered substantial exterior alterations:

- a. Changing the colour scheme of the structure;
- b. Alterations which change the building's original style including:
 - i. building form with respect to orientation, proportion and height;
 - ii. roof shape with respect to style, pitch and the addition of roof elements (such as towers and dormers);
 - iii. Visual balance with respect to the arrangement of parts or elements of the building including, but not limited to, windows, doors, bays, porches and dormers;
 - iv. Windows with respect to size, style, placement, orientation and materials;
 - v. Doors with respect to size, style, placement, materials and the addition of sidelights and transoms;
 - vi. Cladding with respect to style, placement, orientation and materials;
 - vii. Moulding or trim with the respect to style, placement, materials and the removal or addition of;
 - viii. Stairs, porches, decks, balconies, verandahs and porticos with respect to style, materials, and the removal or addition of all or part of the structure;
 - ix. Skylights with respect to the addition, removal or replacement of; and
 - x. Dormers with respect to size, style and placement.
- c. Alterations that change the massing of the building;
- d. Additions;
- e. Demolition.

4.2. Non-substantial Alterations

The following shall be considered non-substantial exterior alterations:

- a. painting using the same colour scheme;
- b. Repairs to or the replacement of existing materials where no change in size, style, placement, orientation or materials is to occur (i.e. wood clapboard with wood clapboard of the same exposure to the weather; asphalt shingles with asphalt shingles, etc).

4.3. Qualified Person - the Planner or such other person recognized by the Heritage Advisory Committee to provide expertise in the architectural design and historical character of municipal heritage properties.

5. Approval Process for Alterations

5.1. For All Alternations / Renovations:

Pursuant to Section 17 of the Heritage Property Act, a written request must be submitted to the Municipality stating the nature of the alternation(s).

5.2. For Substantial Alterations:

- a. If the alterations are deemed substantial, by a qualified person, the application will be forwarded to the Heritage Advisory Committee for review and recommendation to Municipal Council.
- b. If approved by Municipal Council, the Municipal Clerk will forward a letter to the applicant advising that the substantial alterations and any provisos thereto must be completed within 12 months of the date of approval.

5.3. For Non-substantial Alterations:

- a. If the alterations are deemed to be non-substantial, by a qualified person, the qualified person will forward a letter to the applicant confirming the alterations to be non-substantial and therefore not requiring approval from Municipal Council.

<u>Clerks Annotation for Official Policy Book</u>	
Date of Notice to Council:	May 4, 2004
Date of Passage:	May 11, 2004
I certify that this Policy was adopted by Council as indicated above	
_____	_____
Chief Administrative Officer	Date



Heritage Property Act

CHAPTER 199

OF THE

REVISED STATUTES, 1989

amended 1991, c. 10; 1998, c. 18, s. 561; 2010, c. 54

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act to Provide for the Identification, Preservation and Protection of Heritage Property

Short title

1 This Act may be cited as the Heritage Property Act. *R.S., c. 199, s. 1.*

Purpose

2 The purpose of this Act is to provide for the identification, designation, preservation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use. *R.S., c. 199, s. 2; 1991, c. 10, s. 1; 2010, c. 54, s. 1.*

Interpretation

3 In this Act,

(a) "Advisory Council" means the Advisory Council on Heritage Property;

(b) "alter the exterior appearance" includes move in whole or in part;

(c) "building" includes the land and structures appurtenant thereto;

(ca) "certificate" means a certificate of appropriateness issued by a heritage officer certifying that a proposed development conforms with the requirements of a conservation by-law;

(caa) "character-defining elements" means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value;

(cb) "conservation by-law" means a heritage conservation district by-law adopted and approved pursuant to this Act;

(cc) "conservation plan" means a heritage conservation district plan adopted and approved pursuant to this Act;

(d) "council" means council of a municipality;

(da) "cultural landscapes" means a distinct geographical area or property uniquely representing the combined work of nature and of people.

(daa) "development" includes the demolition or removal of a building or structure;

(e) "heritage advisory committee" means a heritage advisory committee established by a municipality pursuant to this Act;

(ea) "heritage conservation district" means an urban or rural area with historic or architectural value that is established as a heritage conservation district pursuant to this Act;

(eb) "heritage value" means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings;

(f) "Minister" means the member of the Executive Council charged by the Governor in Council with the administration of this Act;

(g) "municipal heritage property" means a building, public-building interior, streetscape, cultural landscape or area registered in a municipal registry of heritage property;

(h) "municipality" means a regional municipality, incorporated town or municipality of a county or district;

(ha) "prescribed" means prescribed by the regulations;

(i) "provincial heritage property" means a building, public-building interior, streetscape, cultural landscape or area registered in the Provincial Registry of Heritage Property;

(ia) "public-building interiors" means character-defining elements of publicly accessible interiors of a building owned by the Government of the Province in the case of a provincial heritage property or owned by a municipality in the case of a municipal heritage property;

(ib) "regional municipality" means a regional municipality as defined in the Municipal Government Act;

(j) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the registry of deeds, and includes a person assessed in respect of the occupancy of the land;

(k) "streetscape" means two or more adjacent properties whose collective appearance from the streets has heritage value.[;]

(k[l]) "substantial alteration" means any action that affects or alters the character-defining elements of a property. *R.S., c. 199, s. 3; 1991, c. 10, s. 2; 2010, c. 54, ss. 1, 2.*

Municipal registry of heritage property and heritage advisory committee

12 (1) A municipality may by by-law establish a municipal registry of heritage property.

(2) A by-law made pursuant to this Section shall provide for the establishment of a heritage advisory committee.

(3) The heritage advisory committee shall consist of at least two members of the council and such persons or such number of persons as the council may determine by by-law.

(4) The by-law may provide the term for which members of the heritage advisory committee shall serve.

(5) The by-law may provide that the planning advisory committee of the municipality shall be the heritage advisory committee of the municipality.

(6) A by-law made pursuant to this Section is subject to the approval of the Minister of Municipal Affairs, and when so approved has the force of law. *R.S., c. 199, s. 12.*

Powers of heritage advisory committee

13 The heritage advisory committee may advise the municipality respecting

(a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property;

(b) an application for permission to substantially alter or demolish a municipal heritage property;

(ba) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;

(bb) the administration of heritage conservation districts pursuant to the provisions of this Act;

(bc) an application for a certificate that is required by this Act or the conservation plan and conservation by-law to go to a public hearing;

(c) building or other regulations that affect the attainment of the intent and purpose of this Act;

(d) any other matters conducive to the effective carrying out of the intent and purpose of this Act. *R.S., c. 199, s. 13; 1991, c. 10, s. 3; 2010, c. 54, s. 9.*

Recommendation as municipal heritage property

14 (1) A heritage advisory committee may recommend to the municipality that a building, public-building interior, streetscape, cultural landscape or area be registered as a municipal heritage property in the municipal registry of heritage property.

(2) The municipality shall cause notice of the recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, public-building interior, streetscape, cultural landscape or area in the municipal registry of heritage property.

(3) The notice shall contain

(a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the municipal registry of heritage property;

(b) a brief statement of the reasons for the recommendation;

(c) a summary of the consequences of registration;

(d) a statement that no person shall substantially alter the exterior appearance of or demolish the building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after the notice is served unless the municipality sooner refuses to register the property; and

(e) notification of the right of the owner to be heard and of the time and place for the hearing.

(4) No person shall substantially alter the exterior appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after a notice respecting the building, public-building interior, streetscape, cultural landscape or area has been served pursuant to subsection (2) except in those cases where, prior to the expiration of one hundred and twenty days, the municipality refuses to register the property.

(5) A copy of the notice served pursuant to subsection (2) shall be deposited in the registry of deeds for the registration district in which the building, public-building interior, streetscape, cultural landscape or area is situate. *R.S., c. 199, s. 14; 2010, c. 54, s. 10.*

Registration as municipal heritage property

15 (1) At any time not less than thirty days nor more than one hundred and twenty days after service of the notice pursuant to Section 14 and on the advice of the heritage advisory committee, the municipality may register the building, public-building interior, streetscape, cultural landscape or area as a municipal heritage property in the municipal registry of heritage property.

(2) No registration pursuant to subsection (1) shall take place until the council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three weeks after service of the notice pursuant to subsection (2) of Section 14.

(3) Notice of the registration shall be sent to each registered owner of the building, public-building interior, streetscape, cultural landscape or area and a copy thereof shall be deposited in the registry of deeds for the registration district in which the building, streetscape or area is situate. *R.S., c. 199, s. 15; 2010, s. 54, s. 11.*

Deregistration of municipal heritage property

16 (1) On the application of an owner of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner ,

after holding a public hearing to consider the proposed deregistration.

(2) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

(3) Where a municipal heritage property is deregistered, the council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited in the registry of deeds for the registration district in which the property is situate. *R.S., c. 199, s. 16; 2010, c. 54, s. 12.*

Approval to alter or demolish municipal heritage property

17 (1) Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.

(2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made in writing to the municipality.

(3) Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.

(4) Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.

(5) The municipality may grant the application either with or without conditions or may refuse it.

(6) The municipality shall advise the applicant of its determination. *R.S., c. 199, s. 17; 2010, c. 54, s. 13.*

Consideration by municipality of application to alter or demolish

18 (1) The municipality may take up to three years to consider an application under Section 17.

(2) In its consideration of the application, the municipality may require public notice of the application and information meetings respecting the application to be held.

(3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application.

(4) Where the property owner has made the alteration or carried out the demolition in accordance with this Section, the municipality may deregister the property if the municipality determines that the property has lost its heritage value. *2010, c. 54, s. 14.*

Sign or plaque

19 The municipality may cause a sign, plaque or other marker to be placed on a municipal heritage property indicating the significance of that property. *R.S., c. 199, s. 19.*

BILL NO. 118

(as introduced)



*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

Government Bill

Heritage Property Act (amended)

The Honourable Tony Ince
Minister of Communities, Culture and Heritage

[First Reading](#): November 13, 2015

[\(Explanatory Notes\)](#)

Second Reading: November 17, 2015

[Third Reading](#): December 8, 2015 (WITH COMMITTEE AMENDMENTS) ([LINK TO BILL AS PASSED](#))

Explanatory Notes

Clause 1 corrects an error in and adds a definition of undue hardship to the Heritage Property Act.

Clause 2 authorizes the Minister responsible for the Heritage Property Act to approve an amendment of the scope of provincial heritage property so that not all the property is necessarily included and to allow for development of a portion of that property so long as its heritage value is maintained.

Clause 3 authorizes the deregistration of a provincial heritage property if continued registration will cause significant financial difficulty for the owner.

Clause 4 replaces approval by the Governor in Council of a substantial alteration in the external appearance of or the demolition of a provincial heritage property with approval by the Minister.

Clause 5

(a) requires a municipal heritage advisory committee to include at least two members of the general public;

(b) permits the Minister to approve part of a heritage by-law or to approve a heritage by-law with amendments; and

(c) deems a heritage by-law to be approved by the Minister if the Minister does not approve or refuse to approve the by-law within 60 days of its submission to the Minister.

Clause 6 authorizes the heritage advisory committee of a municipality to advise the municipality respecting an application to deregister a municipal heritage property.

Clause 7 authorizes a municipality to amend the scope of a municipal heritage property.

Clause 8 authorizes the deregistration of a municipal heritage property if continued registration will cause significant financial difficulty for the owner.

Clause 9 removes from the Act some conditions that apply to heritage conservation districts and provides for conditions to be prescribed by the regulations made by the Governor in Council.

Clause 10 provides that the guidelines included in a conservation by-law must be as prescribed by the regulations made by the Governor in Council.

Clause 11 provides that certificates for development required by a conservation by-law are subject to the conditions prescribed by the regulations made by the Governor in Council.

Clause 12 provides that the responsibilities of a municipality's heritage officer respecting the administration of its conservation plan and its conservation by-law and the issuance of certificates under the by-law are as prescribed by the regulations made by the Governor in Council.

Clause 13 provides for the establishment of cultural landscapes by municipalities.

Clause 14 makes consequential changes to the regulation-making powers of the Governor in Council.

Clause 15 provides that this Act comes into force on proclamation.

An Act to Amend Chapter 199 of the Revised Statutes, 1989, the Heritage Property Act

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 199 of the Revised Statutes, 1989, the Heritage Property Act, as amended by Chapter 10 of the Acts of 1991 and Chapter 54 of the Acts of 2010, is further amended by

- (a) striking out the period at the end of the first clause (k) and substituting a semicolon;
- (b) relettering the second clause (k) as clause (l);
- (c) striking out the period at the end of that clause and substituting a semicolon; and
- (d) adding immediately after that clause the following clause:
- (m) "undue hardship" means a significant financial difficulty or other undue hardship.

3 (1) Subsection 9(2) of Chapter 199, as amended by Chapter 54 of the Acts of 2010, is further amended by

- (a) striking out "or" at the end of clause (a);
- (b) striking out the period at the end of clause (b) and substituting "; and"; and
- (c) adding immediately after clause (b) the following clause:

(c) the Advisory Council determines that continued registration will cause undue hardship to the owner that is sufficient to justify deregistration.

(2) Subsection 9(3) of Chapter 199 is repealed and the following subsection substituted:

(3) Where the Minister receives a recommendation from the Advisory Council for deregistration of a provincial heritage property or where it appears to the Minister in accordance with the criteria considered by the Advisory Council that the continued registration of the property is inappropriate, the Minister may deregister the property not fewer than thirty days after a notice giving particulars of the proposed deregistration is served on the registered owner of the property and published in a newspaper circulating in the area where the property is situate.

4 (1) Subsection 11(1) of Chapter 199, as amended by Chapter 54 of the Acts of 2010, is further amended by striking out "Governor in Council" in the last line and substituting "Minister".

(2) Subsection 11(5) of Chapter 199 is repealed.

(3) Subsection 11(6) of Chapter 199 is amended by striking out "Governor in Council" in the first line and substituting "Minister".

(4) Subsection 11(7) of Chapter 199 is amended by striking out "made by the Governor in Council" in the last line.

5 Section 12 of Chapter 199 is repealed and the following Section substituted:

12 (1) Subject to subsections (4) to (6), a municipality may adopt a heritage by-law to establish a heritage property program.

(2) A heritage by-law must

- (a) provide for the establishment of a heritage advisory committee;
- (b) provide the terms of office for members of the heritage advisory committee; and
- (c) establish a municipal registry of heritage property.

(3) The heritage advisory committee must consist of

- (a) at least two members of the council;
- (b) at least two members of the general public; and
- (c) such other persons appointed by the council as the heritage by-law provides.

(4) A heritage by-law must be submitted to the Minister of Municipal Affairs for approval.

(5) Within sixty days of the heritage by-law being submitted to the Minister for approval, the Minister shall

- (a) approve all or part of the heritage by-law;
- (b) approve the heritage by-law with amendments; or
- (c) refuse to approve the heritage by-law,

and return to the municipality two copies of the heritage by-law as approved, amended or refused with written reasons for the decision.

(6) Where no decision is made in accordance with subsection (5), the heritage by-law is deemed to be approved on the sixty-first day following its submission to the Minister.

(7) Upon approval pursuant to subsection (5) or deemed approval pursuant to subsection (6), the heritage by-law has, subject to clauses (a) and (b) of subsection (5), the force of law.

6 Section 13 of Chapter 199, as amended by Chapter 10 of the Acts of 1991 and Chapter 54 of the Acts of 2010, is further amended by adding immediately after clause (a) the following clause:

(aa) an application to deregister a municipal heritage property;

7 Chapter 199 is further amended by adding immediately after Section 15 the following Section:

15A (1) On the application of an owner of a municipal heritage property, the heritage advisory committee may recommend to the council that the scope of the designation of municipal heritage property be amended.

(2) A recommendation may be made pursuant to subsection (1) if

(a) the heritage value of the property is maintained; and

(b) the owner has submitted supporting documentation and a survey plan prepared in accordance with the Standards of Practice of the Association of Land Surveyors of Nova Scotia describing the proposed amendment to the designation and bearing a surveyor's certificate.

(3) Where the council receives a recommendation from the heritage advisory committee to amend the scope of the designation or where the council considers that the proposed amendment of the scope of designation is reasonable, the council may amend the designation as recommended or proposed.

(4) Where the council amends the scope of the designation of a municipal heritage property, the council shall cause notice of the amendment to be sent to the registered owner of the property and a copy of it to be deposited in the registry of deeds for the registration district in which the property is situate.

8 Subsection 16(1) of Chapter 199 is repealed and the following subsection substituted:

(1) On the application of an owner of a municipal heritage property or on its own motion, the heritage advisory committee may recommend to the council the deregistration of the property and the council may deregister the property if

(a) the property has been destroyed or damaged by any cause;

(b) the continued registration of the property appears to the committee to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner; or

(c) the council determines that continued registration will cause undue hardship that is sufficient to justify deregistration,

and a public hearing has been held by the council to consider the proposed deregistration.

15 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.



Municipality of the District of Lunenburg

REQUEST FOR DECISION

REPORT TO: Mayor Bolivar-Getson and Members of Municipal Council

SUBMITTED BY: Jeff Merrill, MCIP, LPP, Director of Planning & Development Services

DATE: April 27, 2021

RE: Appointment of Building Official

RECOMMENDATION

That Council appoint Ryan Whynot as a Building Official for the Municipality of the District of Lunenburg.

BACKGROUND

The Nova Scotia Building Code Act (s. 5.2) requires that Council appoint building officials to administer and enforce the Building Code Act in the municipality.

DISCUSSION

Ryan Whynot has recently completed his Residential Building Official Qualification Program from the Nova Scotia Building Officials Association and after being appointed by Council will be able to conduct residential building inspections.



Council
 Item: #10.2.1
 Date: April 22, 2021
 Authorization: T. MacEwan

**Transportation and Active Transit
 Office of the Minister**

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

APR 21 2021

Mayor Carolyn Bolivar-Getson
 Municipality of the District of Lunenburg
 210 Aberdeen Road
 Bridgewater, NS B4V 4G8

Dear Mayor Bolivar-Getson,

RE: Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2021-22.

Thank you for your Municipality's submission under the Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2021/22.

We are pleased to inform you that the road listed below has been approved under this program:

Road Name	Description	KM's	Total Cost Estimate (excludes HST)	Cost Share Estimate (excludes HST)
Orphans Home Road	from Route 325 to end of listing at barricade by Hwy 103, paving	0.428	\$200,000	\$100,000
Total		0.428	\$200,000	\$100,000

Under the terms of Cost Share Agreement 2020-015, the Municipality has agreed to notify the Department within 20 Business Days from the time of receipt, whether it accepts the approved project and the cost estimate. If a notice of acceptance is not received within this time, the Municipality is deemed to not accept the approved project and the cost estimate, and the Province will proceed no further with the project.

Mayor Carolyn Bolivar-Getson
Page 2

Due to program limits, the Department will not be able to proceed with The Point Road, Lester Getson Road, Forest View Drive, Darbys Head Road and St. Augustine Road. The Municipality may wish to submit these candidates for the 2022-23 program under the terms outlined in the Cost Share Agreement.

If you choose to accept the cost estimate, please complete, and sign the attached Notice of Acceptance and return to the attention of Laura Cunningham, Capital Program Administration Officer.

Sincerely,



Lloyd P. Hines
Minister

cc: Tom MacEwan – Chief Administrative Officer, Municipality of Lunenburg
Greg Newell, District Director – TAT Western
Craig Smith, Construction Manager – TAT Western
Laura Cunningham, Capital Program Administration Officer, TAT Head Office

NOTICE OF ACCEPTANCE:

The Municipality of Lunenburg accepts the cost estimate of only the projects listed as "Yes" below for fiscal year 2021-22 and wishes to proceed with construction as per the terms of Agreement 2020-015.

Road Name	Description	KM's	Total Cost Estimate (excludes HST)	Cost Share Estimate (excludes HST)	Accept: Yes / No (please write in)
Orphans Home Road	from Route 325 to end of listing at barricade by Hwy 103, paving	0.428	\$200,000	\$100,000	
Total		0.428	\$200,000	\$100,000	

Name (Print): _____

Name (Signature): _____

Title (Print): _____

Date (Print Year-Month-Day): _____

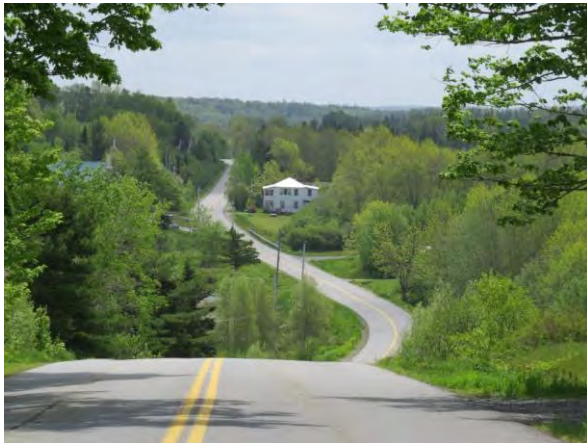
Please ensure the yellow highlighted column is filled in and return signed document via email to:

Laura Cunningham at laura.cunningham@novascotia.ca



Municipality of the District of Lunenburg

2021 Council Compensation Review Final Report



Prepared by:
BTS Management Consulting Limited
April 2021

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1. Introduction

The Municipality of the District of Lunenburg (MODL) is governed by a Mayor and 10 Councillors, elected to represent individual communities across the District. They have identified the need for an independent and objective external review of their current remuneration – both the annual compensation level for Mayor and Council and the benefits that apply as well. The purpose of the review is to determine whether adjustments to the current remuneration policy are required, in terms of comparison with other municipalities in Nova Scotia as well as considering the current workload of Councillors and achieving fair compensation for that work.

Council compensation changes benefit from periodic, arm's length, independent reviews, and this report summarizes a review that was designed to consider the effective governance of the Municipality itself, and comparable information about other municipal units in Nova Scotia. Council compensation decisions require a thorough understanding of the responsibilities and workload of the Mayor and Council.

2. The Need for Periodic Reviews of Council Compensation

A lot has been written about the challenge faced by municipal councils in reviewing their own compensation. It is not always easy to do. Kings County had some experience with a comprehensive council compensation review completed by staff in 2019. It recommended a significant increase in annual remuneration, but Council (before and after the October 2020 elections) have still not dealt with the issue in a final manner.

It is important, however, to consider what is fair, what contributes to or hinders the representation of the diverse communities within the Municipality, and how is the District of Lunenburg compensation comparing to other rural municipalities in Nova Scotia facing similar challenges.

In 2016, the Rural Ontario Institute (ROI), as part of a series entitled Measuring Rural Community Vitality, published a Municipal Councilor Profile, based upon survey and focus group research. As an organization interested in advancing rural economic development generally, they saw a link between participation in local government and community vitality:

The Rural Ontario Institute's recent exploration of municipal politics was inspired by the relationship between civic engagement and community vitality, where the combined energies, knowledge and skill of engaged residents are anticipated to fuel the engine of rural community wellbeing, or vitality. Formal political engagement, in this instance local government and municipal leadership, are thought to play an important role in fostering rural community vitality.

The ROI Municipal Councilor Profile itself identified similar demographic components of elected officials in rural Ontario communities which have also existed in many rural municipal governments in Nova Scotia, with higher numbers of older, retired, and white male members of council than existed in the general population they served. While the report identified several possible barriers and improvements to improve the diversity among

elected officials, and to improve civic engagement as a link to community vitality, the comments about Council compensation are particularly relevant for inclusion in this report:

While all councillors have struggled with time management and work-life balance, younger councillors are thought to be affected more strongly by these challenges given they may often have more demanding responsibilities outside of council (i.e., young families, less flexible and/ or full-time jobs, additional financial burdens). Respondents young and old discussed a need for younger potential councillors to place a higher priority on maximizing income (relative to older peers) as they are in the prime earning years of their careers, often with more dependants. While there is a balanced debate on this issue, many councillors we spoke with feel municipal remuneration does not effectively compensate the time that is needed to be taken away from families and jobs, something that affects retirees less significantly. Family and occupational commitments and financial pressures are some factors that may deter younger councillors from running.

The important thing to say at this stage is not that pay or benefits alone will impact the participation of more diverse elected representatives on the MODL Council, but that it is important to review the compensation program periodically and see if changes should be made to one or more elements of that program to improve the potential to attract more diverse voices to Council, and to ensure the different communities within the Municipality have strong representation.

3. Understanding the Role of Councillors in the District of Lunenburg

If this were a review of municipal staff compensation levels, one of the first steps would be to review the existing job descriptions and look for comparators in similar organizations. While the approach to a council compensation review is not the same, it is helpful to consider what constitutes the “job” and what is required to do it effectively over the four-year term of each election.

The Municipality of the District of Lunenburg is the third largest rural municipality in Nova Scotia with respect to population, and the second largest in terms of property assessment value. Municipal Council is the governing body for the Municipality, composed of a Mayor, Deputy Mayor and nine other Councillors. Council members form the board of directors for a municipal corporation with an annual operating budget of \$30 million, and capital expenditures for 2020-21 of \$14 million.

Besides Council meetings, Councillors serve on one or more of the following committees that meet regularly through the year:

- Audit Committee - oversees the audit and recommends process and reporting changes.
- Finance Committee - oversees municipal finances and budget proposals each year.
- Policy & Strategy Committee – considers important emerging issues and policy matters.
- Planning Advisory Committee – reviews planning and land use issues prior to Council.

Municipal Council also appoints members to other organizations that serve the larger community: 1) the Municipal Joint Services Board (MJSB) with Bridgewater and Mahone Bay, providing Solid Waste Management, Information Technology and Human Resources; and 2) the Lunenburg County Multi-Purpose Centre Corporation, with Bridgewater, to develop and operate the Lunenburg County Lifestyle Centre (LCLC).

In addition to the Committee responsibilities, Council members are responsible for directing strategic initiatives set annually as part of the Business Plan and Budget. The list of these from 2020-21 includes the following:

- Expanding rural internet services;
- A five-year financial strategy to become debt free by 2021;
- The LaHave River Straight Pipe replacement project;
- Improvements to Recreation, Roads and Fire Services recruitment and retention;
- Improving Accessibility, LCLC Governance, and education on Lyme disease; and,
- Completion of a new Municipal Services Building, work on Climate Emergency Response and Flood Mitigation.

The Mayor, Deputy Mayor and individual councilors do not deliver these initiatives directly, but they are responsible for monitoring progress, reading reports, providing informed decision-making, and determining priorities. They are also key community contacts, ensuring effective communications with about 25,000 residents in the different communities that make up Lunenburg Municipality. The Mayor has a special role in all this activity, as the chair of Council, as the key spokesperson for the organization, and as the elected official most responsible for the success of the Municipality as a whole. The Deputy Mayor position is intended to provide on-going support to the Mayor and Council in a variety of ways, and to be prepared at any time to step in and provide continuity and leadership in the absence of the Mayor. The Deputy regularly chairs the Policy & Strategy Committee of Council.

While Council roles are not typically full-time, there is a significant demand for time to provide outreach and communication to residents, to read and prepare for Council discussions on a variety of issues, and to represent each District at events, meetings and follow up activities. The accountability, transparency, and number of contacts for councilors has been increased significantly in recent years by the expansion of electronic and social media activity. Whether residents live by the sea in Blue Rocks, in an urban area like Hebbville, or in a very rural community like Parkdale, they should expect their Councilor to be accessible, well-informed, and vocal in the decisions made at the Council table.

Before leaving this section about the District of Lunenburg, it is useful to document the recent history of annual adjustments to the compensation for Mayor, Deputy Mayor and Councilor:

Council Remuneration Over the Past Five Years

	2016/17	2017/18	2018/19	2019/20*	2020/21
Mayor	\$46,274	\$46,968	\$47,860	\$58,099	\$59,377
Deputy Mayor	\$32,390	\$32,876	\$33,501	\$39,342	\$40,208
Councilor	\$24,277	\$24,641	\$25,109	\$28,926	\$29,562

The typical increases each year over this period have ranged from 1.5% to 2.2%, very similar to CPI increases. Note that 2019/20* stands out as having about an increase of 15% – 21%. This change occurred in response to a change in Federal Tax legislation on January 1, 2019, that had allowed municipal elected officials to receive one third of their annual remuneration as non-taxable. MODL, at a Council meeting October 23, 2018, approved a staff recommendation to adjust the salary to offset the impact of this taxation change in terms of net compensation.

4. Compiling Information about Remuneration, Pension and Benefits

The foundation for collecting the data with respect to reviewing MODL Council remuneration and benefits is the annual AMANS 2020 Municipal Salary Survey. This is a survey conducted each year by AMANS to compile this information for the benefit of its members to use for their own budgeting and information purposes. The Uniform Assessment data is from 2019. Further to accessing this AMANS information, direct contact was made with each of the municipalities identified as likely comparators to determine if there had been any changes since the survey results had been submitted and compiled.

Within the top six comparators based on population and total property assessment, the information shows that Cumberland County municipal officials are certainly at the bottom end of the scale for remuneration, particularly for the Warden (now Mayor). Within the last two years, Municipal Council made the decision to increase tax rates by thirteen cents in one year. As such, their Financial Condition Index from the Province of Nova Scotia has resulted in the requirement of an Action Plan that will address some of the financial challenges that the Municipality is currently facing.

From the research, there is evidence of increasing interest to offer elected officials the option of joining the existing employee health and pension plans, at the same rates and shared costs for employees/employer. For council members over the age of eligibility for pension contributions, an equal employer contribution is added to the member's monthly remuneration.

Since the change in provincial legislation to allow for parental leave for elected municipal officials, four of the comparator municipalities have implemented policy to support this within their organizations, three with pay and one without pay but with excused leave. Others are considering this as a potential future option. This is primarily in response to reducing barriers for broader attraction of candidates to offer in municipal elections and a larger number of younger candidates elected in recent years seeking this type of support.

In all but two of the general comparators, remuneration levels are tied to the annual Consumer Price Index for all goods in Nova Scotia. This policy makes it clear to both current officials and potential election candidates and staff when forecasting and developing annual budgets. In Annapolis and Antigonish, the review for an economic increase is done annually by Council through the budget process.

Further to the input gathered from MODL Council members at the launch of this Compensation Review, a general review of travel expense policies was included in the comparison tables (Table 2). Municipalities have policy statements that provide mileage claims for elected officials to attend Council, Committee of the Whole, Committee, and other formal business meetings both within and outside of the municipal unit. Travel by individual Council members to meet with constituents or other purposes are deemed part of the regular duties for which the annual remuneration is provided and is not specifically reimbursed.

Table 1 – Remuneration Comparisons

Municipality	Population	Assessment	Mayor/ Warden	Deputy Mayor/Warden	Councillor	Adjustment Mechanism
Lunenburg	24,860	\$2,760,281,600	\$59,377	\$40,208	\$29,562	Annual review by Council
Kings	47,405	\$3,609,969,200	\$58,766	\$43,394	\$36,316	Annual Stats Can CPI (NS)
Colchester	36,090	\$2,458,651,800	\$66,938	\$48,682	\$41,603	Annual Stats Can CPI (NS)
East Hants	22,455	\$1,797,764,000	\$55,503	\$35,579	\$28,463	Annual Stats Can CPI (NS)
Pictou	20,690	\$1,612,201,500	\$60,382	\$27,295	\$22,925	Annual Stats Can CPI tied to CPP
Cumberland	19,405	\$1,447,503,400	\$38,573	\$25,050	\$22,772	Annual Stats Can CPI (NS)
Annapolis	18,255	\$1,201,199,700	\$67,975	\$45,085	\$33,988	Annual review by Council
West Hants	15,370	\$1,144,965,500	\$53,000	\$27,950	\$26,500	Annual Stats Can CPI (NS)
Antigonish	14,585	\$1,178,132,100	\$50,086	\$30,731	\$26,159	Annual review by Council
Inverness	13,190	\$1,095,342,600	\$59,787	\$43,127	\$38,876	Annual Stats Can CPI (NS)
Chester	10,310	\$1,620,369,900	\$49,029	\$25,658	\$22,451	Annual Stats Can CPI (NS)
Queens	10,350	\$929,197,000	\$44,526	\$23,547	\$22,263	Annual Stats Can CPI (NS)
Bridgewater	8,535	\$508,879,300	\$62,300	\$36,700	\$25,000	Annual Stats Can CPI (NS)

Table 2 – Benefits Comparison

Municipality	Population	Assessment	Health Benefits (percent)	Pension Benefit (type/percent)	Parental Leave	Mileage
Lunenburg	24,860	\$2,760,281,600	No	No	No	For Council/Committee/business meeting attendance
Kings	47,405	\$3,609,969,200	Yes; 65/35%	No	Yes	For Council/ Committee/business meeting attendance.
Colchester	36,090	\$2,458,651,800	No	No	No	For Council/ Committee/business meeting attendance.
East Hants	22,455	\$1,797,764,000	No	No	No	Flat fee included based on residence distance from municipal office as set by policy. Expense claim for travel elsewhere for municipal meetings.
Pictou	20,690	\$1,612,201,500	Yes; 75/25%	No	No	For Council/ Committee/business meeting attendance.
Cumberland	19,405	\$1,447,503,400	No	DC 0-10 yrs: 6% 11-20 yrs: 7.5% After 20 yrs: 9%	Yes	For Council/ Committee/business meeting attendance.
Annapolis	18,255	\$1,201,199,700	Yes 60/40%	DC 5-8% Up to 9% for those over the age limit for eligibility.	No/currently researching options	For Council/ Committee/business meeting attendance.
West Hants	15,370	\$1,144,965,500	No	DC/6%	Unpaid leave permitted	For attending business meetings other than regular Council/ Committee meetings.
Antigonish	14,585	\$1,178,132,100	No	No	No	For Council/ Committee/business meeting attendance.

Inverness	13,190	\$1,095,342,600	Yes			For attending business meetings other than regular Council/ Committee meetings.
Chester	10,310	\$1,620,369,900	No	No	No	For Council/ Committee/business meeting attendance.
Queens	10,350	\$929,197,000	No	No	Yes	For Council/ Committee/business meeting attendance.
Bridgewater	8,535	\$508,879,300	No	No	No	Out of Town travel for business purposes per budget approval.

5. Analysing the information about Remuneration, Pension and Health Benefits

For the purposes of this Council Compensation Review, we have looked at the Municipality of the District of Lunenburg carefully, in comparison to the other rural municipalities of similar population and uniform assessment. Our conclusions from that review are as follows:

- 1) *MODL is one of the larger rural municipalities in Nova Scotia, and not just in terms of population and assessment. While some parts of the Province are suffering from serious depopulation and economic decline, the Municipality is one of the stronger rural municipalities right now, in terms of things like the Financial Condition Indicators and the capacity to improve municipal infrastructure and services.*
- 2) *It appears that current MODL Council remuneration levels for Mayor, Deputy Mayor and Council are generally in line with the average of that compensation among the “benchmark” municipalities, although there some “apples and oranges” issues with relying on a simple average for this purpose. The additional remuneration for the roles of Mayor and Deputy Mayor also seems to be generally in line with other examples.*
- 3) *MODL has followed a simple, traditional approach to Council remuneration in the past – salary plus authorized travel and meeting expenses. It is time to look more broadly at the compensation issue – and to consider other benefits that would assist in recruitment of new and more diverse council voices. While this kind of change must consider the potential budget impact, it can improve the formal political engagement and community vitality that is addressed earlier in this report.*
- 4) *In addition to the basic questions about compensation and benefits, this Compensation Review should suggest future annual adjustments and periodic updates for Council about compensation.*

a) Benchmarking Remuneration for Mayor, Deputy Mayor and Councillors

From the outset of the Council Compensation Review, the consulting team have referred to the general approach used by municipal governments of benchmarking to set compensation levels. We had listed 22 rural municipalities across Nova Scotia in Appendix B of our Proposal for this Review and suggested the study would try to choose between six and ten units that looked like appropriate candidates for benchmarking purposes, based on their population, uniform assessment, and some other factors (neighbours to MODL). After looking at several different combinations, we have chosen to list the following as good comparators:

- County of Kings
- District of Colchester
- District of East Hants
- County of Pictou

- County of Cumberland
- County of Annapolis
- District of Chester
- Regional Municipality of Queens

Although we have not included any towns in this list, in particular the Town of Bridgewater, we have included information about compensation and benefits for Bridgewater in Tables 1 and 2 in Section 4 of this report.

In Table A, the District of Lunenburg can be compared to the benchmark examples in terms of population, uniform assessment, and annual remuneration levels in 2020 for the Mayor, Deputy Mayor and Councillors.

Table A – MODL vs. Comparable Rural & Regional Municipalities

Municipality	Population 2016	Assessment 2019	Mayor/ Warden Remuneration 2020	Deputy Mayor/Warden Remuneration 2020	Councillor Remuneration 2020
Lunenburg	24,860	\$2,760,281,600	\$59,377	\$40,208	\$29,562
Kings	47,405	\$3,609,969,200	\$58,766	\$43,394	\$36,316
Colchester	36,090	\$2,458,651,800	\$66,938	\$48,682	\$41,603
East Hants	22,455	\$1,797,764,000	\$55,503	\$35,579	\$28,463
Pictou	20,690	\$1,612,201,500	\$60,382	\$27,295	\$22,925
Cumberland	19,405	\$1,447,503,400	\$38,573	\$25,050	\$22,772
Annapolis	18,255	\$1,201,199,700	\$69,248	\$43,785	\$33,007
Chester	10,310	\$1,620,369,900	\$49,029	\$25,658	\$22,451
Queens	10,350	\$929,197,000	\$44,526	\$23,547	\$22,263
TOTAL	184,906	\$ 14,676,856,500	\$ 442,965	\$ 272,990	\$229,800
AVERAGE	23,120	\$1,834,607,063	\$55,371	\$34,124	\$28,725
MODL/ AVERAGE	108%	150%	107%	118%	103%

It is important to review the last few lines on this table, and to caution that the mathematical averages are provided for discussion purposes only. If one were to add smaller rural municipalities or include Cape Breton Regional Municipality in the table, the mathematical averages would change in some way. Having said this, the District of Lunenburg is clearly one of the larger rural municipalities in terms of population and

uniform assessment, and its annual remuneration for Mayor, Deputy Mayor and Councillors are close to the average of the benchmark units. It would be reasonable for MODL to have annual salary levels for these elected positions that are somewhat higher than the average, just based on population and assessment. That these positions are between 103% and 118% of the average is also reasonable, and there is not a tension for change now, for this component of the overall compensation package.

b) Pension and Health Benefits

Earlier in this report, there is a discussion about the importance of compensation, in its broadest sense, in attracting younger and more diverse members to Council. What was once regarded as a volunteer role for retired (mostly) gentlemen, is now a regular part time role for people who may still have to consider their family finances, dependents, and benefits.

There are opportunities to improve the overall compensation for elected officials serving MODL by providing access to pension and health benefits plans already in place for staff. Although the details of these changes would have to be adjusted to the personal and tax circumstances of each elected official, it appears that the pension plan could be extended to include members of Council at an annual cost of approximately \$31,000. This would include a matching contribution to overall remuneration for the more senior members of Council who would not be eligible for a pension arrangement. The details of a health plan contribution are a little more difficult to estimate, depending on individual choices and family circumstances, but these plans could be extended to Council for between \$10,000 and \$25,000.

For the purposes of this report, it is important to say that other rural municipalities have extended these plans to elected officials, and the District of Lunenburg should consider this as part of supporting Councillors from a younger and more diverse background.

c) Parental Leave

Parental leave is a topic that has become more available across municipal government, as is outlined more fully in Section 4 of this Report. This kind of leave is an extension to the concept of leave for medical purposes that has been acceptable in local government for many years. While it is not yet a universal benefit for Nova Scotia municipalities, it is something that should be included if organizations are attempting to support and attract younger elected officials.

d) Travel Allowances

This report has investigated travel allowances for the comparable municipalities identified in Section 4, and in Table 2. This research did not suggest other approaches other than claiming for regularly scheduled meetings are common. In the meantime, it is understood that the Municipality has partially addressed this issue by adjusting the regular meetings amounts as part of the annual budget process. The budget provides a

good opportunity to review travel allowances each year, when facts on existing policies and typical use are readily available.

e) Annual Adjustments and Monitoring the Benchmarks

The current MODL Council Compensation Policy provides for annual review of Council Compensation at budget time, but it does not include a reference to the Consumer Price Index (CPI) that is found in many other rural municipalities. It would be good to have the CPI identified in the policy as a reference point for that annual budget review.

In addition, staff should be asked to monitor the list of benchmark rural municipalities in Section 5 of this Report each year when the AMANS Survey is undertaken, and to update Table A each year and advise Council of the results. While it may still be necessary to bring in outside advice in terms of MODL Council remuneration from time to time, this kind of annual benchmarking would be useful in terms of monitoring changes and identifying the need for a more comprehensive review.

6. Recommendations for Council

This Council Compensation Review has identified several recommendations for Council consideration:

- a) That annual remuneration levels for Mayor, Deputy Mayor and Councillor remain at current levels, with annual adjustments by CPI each year, subject to budget review.**
- b) That Council extend pension and health benefit programs to elected officials, like those programs that exist for staff.**
- c) That Council extend parental leave benefits to elected officials, like those provided to staff.**
- d) That staff monitor the benchmark municipalities each year in terms of compensation for elected officials and report this information to Council, to ensure MODL compensation levels remain fair and comparable.**