

Municipality of the District of Lunenburg Minutes of a Meeting of Municipal Council

Held in Council Chamber, 10 Allée Champlain Drive, Cookville, N.S.
Tuesday, February 28, 2023 – 9:00 a.m.

Attendance

Mayor Carolyn Bolivar-Getson
Deputy Mayor Pam Hubley, District 4
Councillor Leitha Haysom, District 1
Councillor Martin Bell, District 2
Councillor Wendy Oickle, District 3
Councillor Cathy Moore, District 5
Councillor Michelle Greek, District 7
Councillor Chasidy Veinotte, District 10

Regrets

Councillor Kacy DeLong, District 8
Councillor Reid Whynot, District 9

Absent

Councillor Sandra Statton, District 6

Staff

Tom MacEwan, Chief Administrative Officer
Alex Dumaresq, Deputy CAO
April Whynot-Lohnes, Municipal Clerk
Tina Robichaud-Bond, Executive Assistant

1. Call to Order

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

2. Announcements/Acknowledgements/Recognition

Councillor Haysom acknowledge the volunteers at the Wesley United Church in Petite Riviere for a successful fundraiser in support of the earthquake relief efforts for Syrians.

2.1 International Robotics Competition – The Techno Ninjas

Mayor Bolivar-Getson congratulated four local students, Lucas Merrill, Maddax Silver, Sadie David, and Tristan Thompson, who participated in a robotics competition at Acadia University. The Techno Ninjas came in first place in the Junior Division and will be participating in the 2023 Robofest World Championship in May.

3. Public Input - Nil

4. Approval of Agenda

It was requested that Item 12.1 LCLC Update be removed from the agenda and added to the next Council agenda.

It was requested that an item be added as Item 13.1 Update re Flood Mitigation and Options Public Meeting.

Moved by Councillor Haysom, seconded by Deputy Mayor Hubley that the Agenda be approved with the removal and addition of items as noted above. Carried unanimously.

5. Approval of Minutes – February 14, 2023

Moved by Councillor Moore, seconded by Councillor Veinotte that the Minutes of the February 14, 2023 Council meeting be approved as circulated. Carried unanimously.

6. Business Arising from Minutes - Nil

7. Awarding of Tenders/RFPs

7.1 Award of RFP 2022-05-401 Water Storage Tank – Design, Construction & Contract Administration Services

Larry Feener, Municipal Engineer, was in attendance.

Mr. Feener reviewed his report, “RFP Award 2022-05-401 Water Storage Tank – Design, Construction and Contract Administration Services, (circulated with the agenda), recommending that CBCL Limited be awarded RFP #2022-05-401.

2023-031 Moved by Councillor Bell, seconded by Deputy Mayor Hubley that Municipal Council award RFP #2022-05-401 Water Storage Tank – Design, Construction and Contract Administration Services, and resident inspection to CBCL Limited for an amount up to \$565,380, which includes a 15% contingency and net HST.

Concerns were noted regarding CBCL Limited. It was clarified that CBCL Limited was comprised of several departments specializing in various fields.

Mr. Feener advised that CBCL Limited scored the highest in the “Experience” category on water tank design and construction. He further reported that CBCL Limited were involved with the Town of Lunenburg water tank project which is same type of tank that the Municipality requires.

The Motion on the floor was voted on and carried. Opposed: Councillor Greek

Mr. Feener left the meeting.

8. **Presentations/Scheduled Times - Nil**
9. **Consideration of Correspondence - Nil**
10. **Recommendations from Committees & Boards**
 - 10.1 **Policy & Strategy Committee**
 - 10.1.1 **Canadian Lyme Disease Research Network**

2023-032 Moved by Councillor Veinotte, seconded by Councillor Greek that Municipal Council accept the recommendation of the Policy & Strategy Committee and approve MODL joining the Canadian Lyme Disease Research Network as a partner municipality, and that the Manager of Corporate Services and Communications be the Municipality's staff representative. Carried unanimously.

10.2 Municipal Joint Services Board (MJSB)

10.2.1 Pre-Budget Approval Request re Purchase of Wheeled Excavator

Lesley MacFarland, COO, Municipal Joint Services Board, was in attendance.

Ms. MacFarland reviewed her report, "Pre-budget Approval – Purchase of Wheeled Excavator" (circulated with the agenda), reporting that a demo excavator was available for purchase at a price within the budgeted amount. She advised that since the writing of the report, price quotes received for 2022 and 2023 models were approximately \$100,000 higher than expected.

Ms. MacFarland noted that the demo model was available immediately.

2023-033 Moved by Councillor Moore, seconded by Deputy Mayor Hubley that Municipal Council give pre-budget approval, under MJSB Procurement Policy Section 19.1.12, for the sole-sourced purchase of the demo model Volvo EW160E Wheeled Excavator, at a price of \$291,688, including tax. Carried unanimously.

Ms. MacFarland left the meeting.

10.3 Regional Emergency Measures Organization (REMO)

10.3.1 2023/24 Regional Emergency Management Organization Budget

Mr. Dumaresq gave an overview of the Regional Emergency Management Organization and how the budget was prepared. He reported that the budget was shared between the municipal partners and that MODL's share was \$85,715.37 for the 2023/24 fiscal year. He noted that MODL's share had increased from the previous year and explained the reasons for it.

2023-034 Moved by Councillor Greek, seconded by Councillor Veinotte that Municipal Council accept the recommendation of the REMO Advisory Committee and approve the

Regional Emergency Management Organization’s 2023/24 operating budget in the amount of \$171,800; and further, approve MODL’s share being \$85,715.37. Carried unanimously.

11. Staff Reports

11.1 Finance

11.1.1 Riverport Electric Light Commission – Request for Financial Assistance

Elana Wentzell, Director of Finance, was in attendance.

Ms. Wentzell reviewed her report, “Riverport Electric Light Commission – Request for Financial Assistance” (circulated with the agenda) and provided details on the request received from the Riverport Electric Light Commission (RELC) for financial assistance for necessary capital upgrades.

Ms. Wentzell explained that MODL Policy 006 Loan Guarantees for Community Organizations would have to be amended to permit the Municipality to provide financial support to a for-profit organization such as RELC.

It was noted that the funds for this request would have to be taken from Council’s reserves and that there were plans in place for a significant amount of these funds.

2023-035 Moved by Councillor Bell, seconded by Councillor Haysom that Municipal Council direct staff to draft amendments to MODL Policy 006 Loan Guarantees for Community Organizations to include Riverport Electric Light Commission as an organization eligible for funding under the Policy, and to bring amendments back to Council for consideration. Carried unanimously.

11.2 Engineering

11.2.1 Pre-Budget Approval re Osprey Village Trail Connector

Jamie Burgess, Municipal Engineer, was in attendance.

Mr. Burgess reviewed his report, “Pre-budget Approval re Osprey Village Trail Connector” (circulated with the agenda), providing details on the off-highway vehicle trail project that would connect the Central Nova Trail to the LaHave River Trail.

2023-036 Moved by Deputy Mayor Hubley, seconded by Councillor Moore that Municipal Council that Municipal Council give pre-budget approval for the Osprey Village Trail Connector project for \$800,000, including net HST, as identified in the proposed 5 year Capital Budget Plan for 2023/24.

It was noted that the additional cost of the project was due to the increase to the length of the trail and to the addition of guardrails, fencing, and culverts.

The Motion on the floor was voted on and carried. Opposed: Councillor Haysom

11.3 Planning

11.3.1 MODL 2040 – Drinking Water

Reid Sheppard, Senior Planner, and Ella Ghindi, Planner I, were in attendance.

Ms. Ghindi gave a presentation on Drinking Water (circulated at the meeting), and provided details on the following:

- Background on the issue of safe drinking water
- Public engagement
- Policy recommendations and justification
- Implications

Discussions followed and clarification was provided on the following:

- Setbacks and vegetative buffer
- Protection of drinking water with buffer
- Vegetative buffer
- Provincial regulations re clear cutting

Mr. Sheppard and Ms. Ghindi left the meeting.

13. Added Item

13.1 Update re Flood Mitigation and Options Public Meeting

Mr. Dumaresq explained that the purpose of the public meeting was intended for the consultants to share their recommendations with residents and to gather their input.

It was noted that Council had not discussed the consultant's recommendations, nor had they indicated any preferences.

12. Mayor's/Deputy Mayor's/Councillors' Matters

12.1 LCLC Update

The LCLC update was not available and was deferred to the next Council meeting.

12.2 Region 6 Update

There was no Region 6 update to provide.

12.3 Deputy Mayor's Update

Deputy Mayor Hubley advised that she attended agenda briefings; and information session with Department of Natural Resources and Renewables; the MJSB Finance Committee meeting; and the Bridgewater Craft Fair.

12.4 Mayor's Update

Mayor Bolivar-Getson advised that she attended the Internal Transportation Committee meeting; LCLC workshops; the Lunenburg County Wheels meeting; various community events and resident meetings.

Council recessed at 10:16 a.m. and resumed at 10:41 a.m.

14. In Camera

At 10:41 a.m., it was moved by Councillor Haysom, seconded by Deputy Mayor Hubley that Municipal Council go In Camera to discuss Item 14.1 Personnel Matter under Section 22(2)(c) of the MGA. Carried.

Municipal Council In Camera in session.

At 12:15 p.m., it was moved by Councillor Haysom, seconded by Deputy Mayor Hubley that Municipal Council come out of In Camera and return to open session. Carried.

Municipal Council in session.

15. Adjournment

There being no further business at 12:16 p.m. the meeting adjourned.

DRINKING WATER

Ella R. Gindi, Planner I



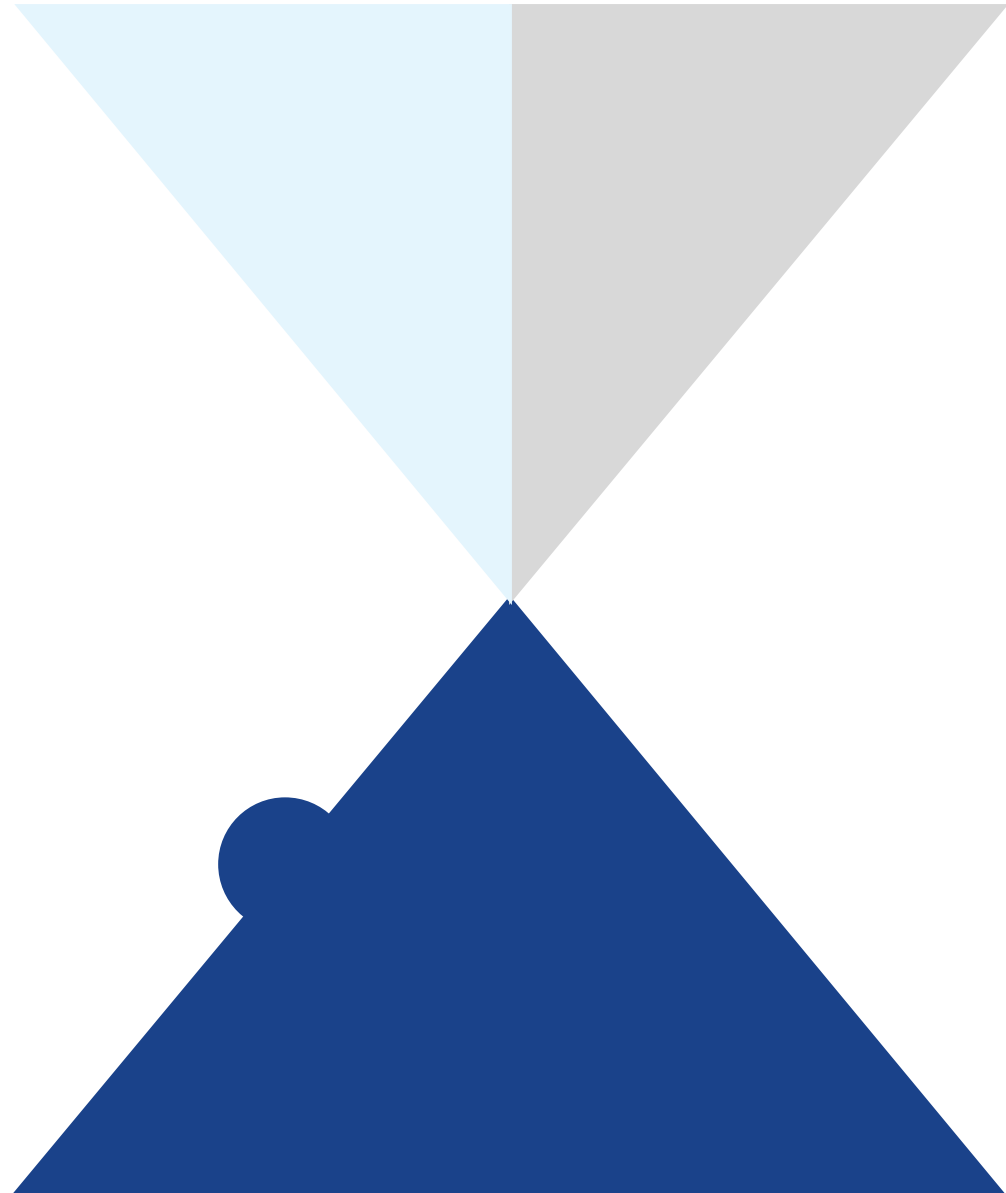
AGENDA

Background

Engagement

Policy Recommendation and Justification

Implications

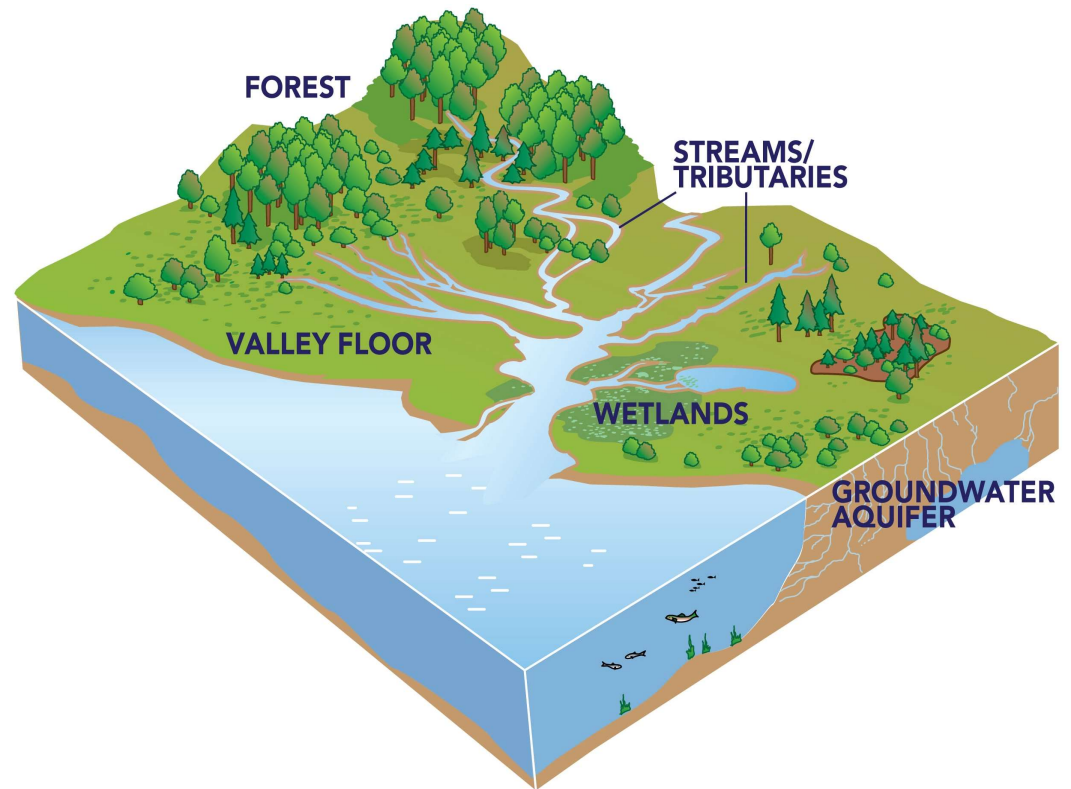


STATEMENTS OF PROVINCIAL INTEREST(SPI)

SPI	Goal
Drinking Water	To protect the quality of drinking water within municipal water supply watersheds
Flood Risk Areas	To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.
Agricultural Land	To protect agricultural land for the development of a viable and sustainable agriculture and food industry.
Infrastructure	To make efficient use of municipal water supply and municipal wastewater disposal systems.
Housing	To provide housing opportunities to meet the needs of all Nova Scotians.

WHAT IS A WATERSHED?

A watershed is an area of land where all water flows down to the lowest point, through streams, rivers and underground, ultimately to the sea



BACKGROUND



A safe drinking water supply is a basic requirement for all Nova Scotians.



Statement of Provincial Interest: planning documents to protect all water supply watersheds regardless of ownership.



Water supply areas have been designated under the provisions of the Environment Act.

1. Oakland Lake Watershed (1963)
2. Hebb, Milipsigate and Minamkeak Lake Watershed (1964)
3. Dares Lake Watersehd (1972)



Climate Change

POLICY AND REGULATION DEVELOPMENT

Defining Roles

MODL's Role: enabled via Municipal Government Act and Statement of Provincial Interest to regulate and enforce Land-Uses

Water Utility Role: Enabled via the Environment Act to regulate and enforce activities
- Complementary regulatory approach

Guiding Principles

Comply with Provincial Requirements
Consistent regulatory approach
Consider the implications for landowners

ENGAGEMENT



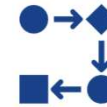
Council Workshop:
Number of impacted by proposed regulations what our neighbours are doing and what are the current land-use



Stakeholder Workshops:
Policies need to be more stringent to protect the quality of drinking water.



What We Heard Report: priorities to protect undeveloped land, watershed protection, and prioritizing sustainable forestry practices



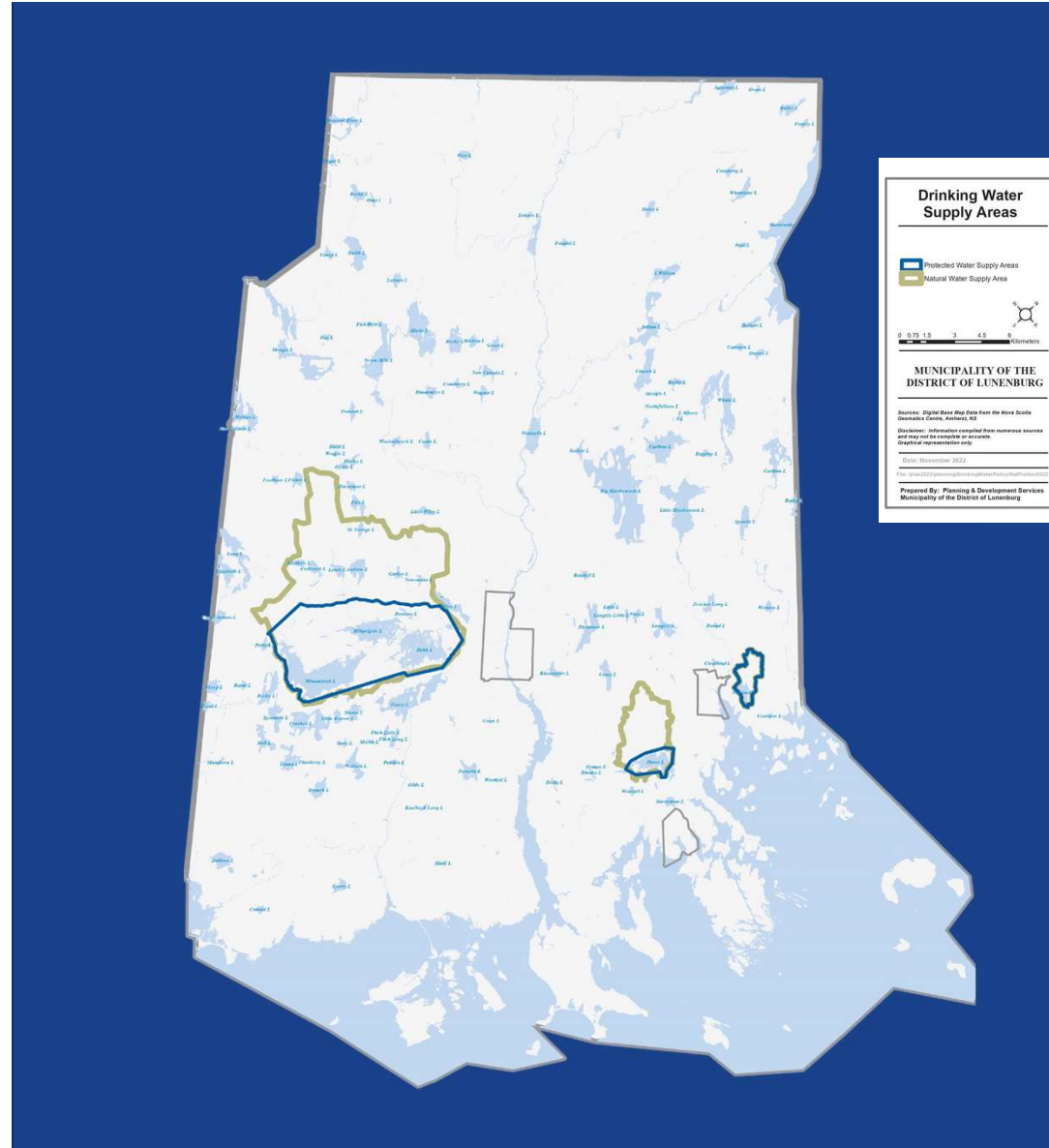
Provincial Watershed Planner:
Important to actively listen and collaborate with water utilities committees. The new proposed regulatory approach is a step in the right direction.

1. NATURAL WATERSHED

Acknowledge and protect the entire natural watershed to mitigate contamination downstream and safeguarding drinking water quality.

Why?

- 1970s inaccurate mapping
- Planning documents to identify the natural drainage area
- Mitigate downstream contamination



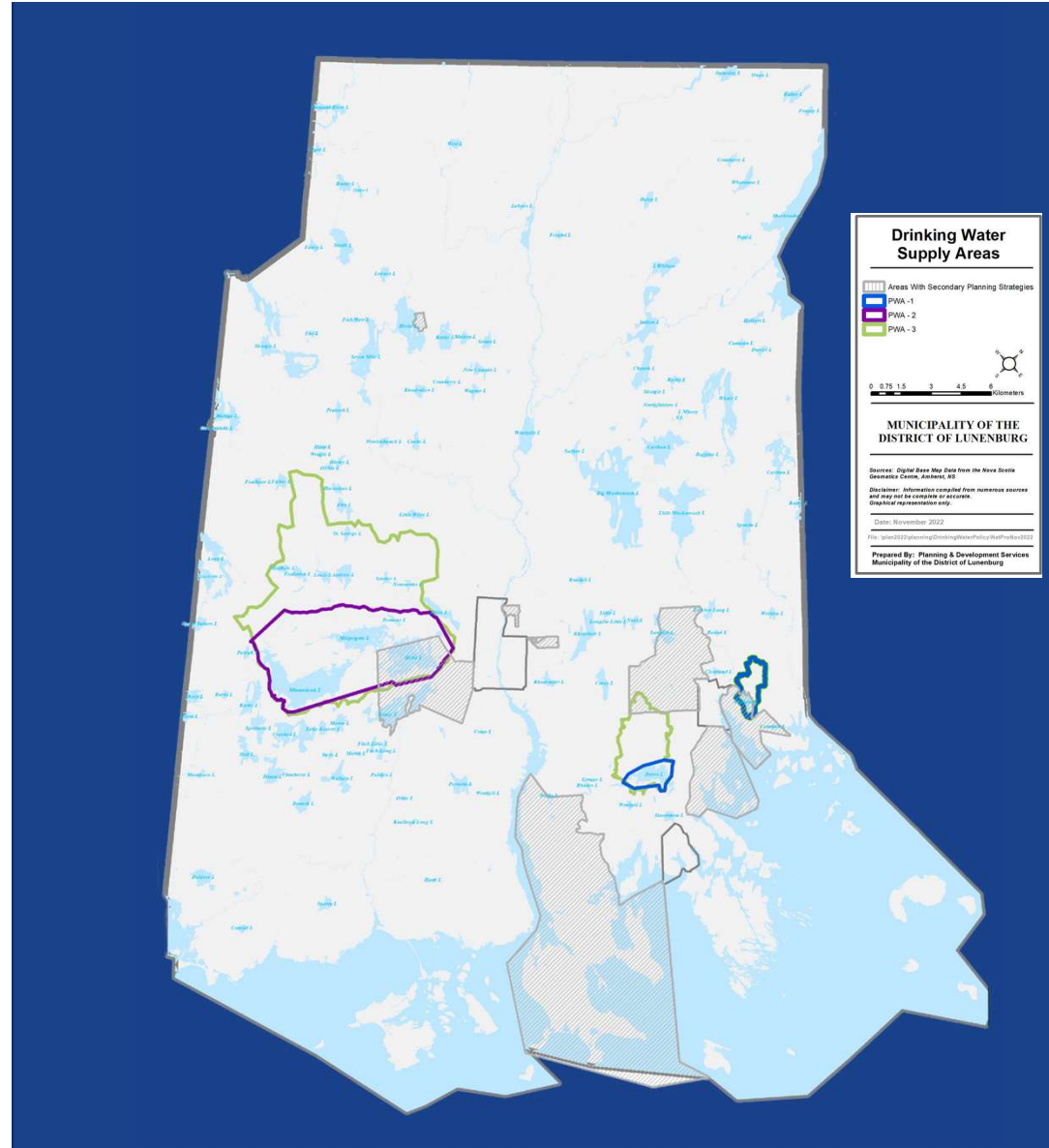
2. ZONING

Establish Three Protected Watershed Area Zones:

PWA-1: Most restrictive zone and proposed to match the boundaries of the Oakland and Dares lakes PWAs

PWA-2: Intermediate restrictive zone and proposed to match the boundaries of the Hebb, Milipsigate and Minamkeak Lakes PWAs, The land use controls would be less stringent as compared to PWA-1.

PWA-3: Least restrictive zone proposed to apply to the areas within the natural watersheds of Dares, Hebb, Milipsigate, and Minamkeak Lakes but outside the existing PWAs. This zone would contain the least stringent land use controls.



MODL2040

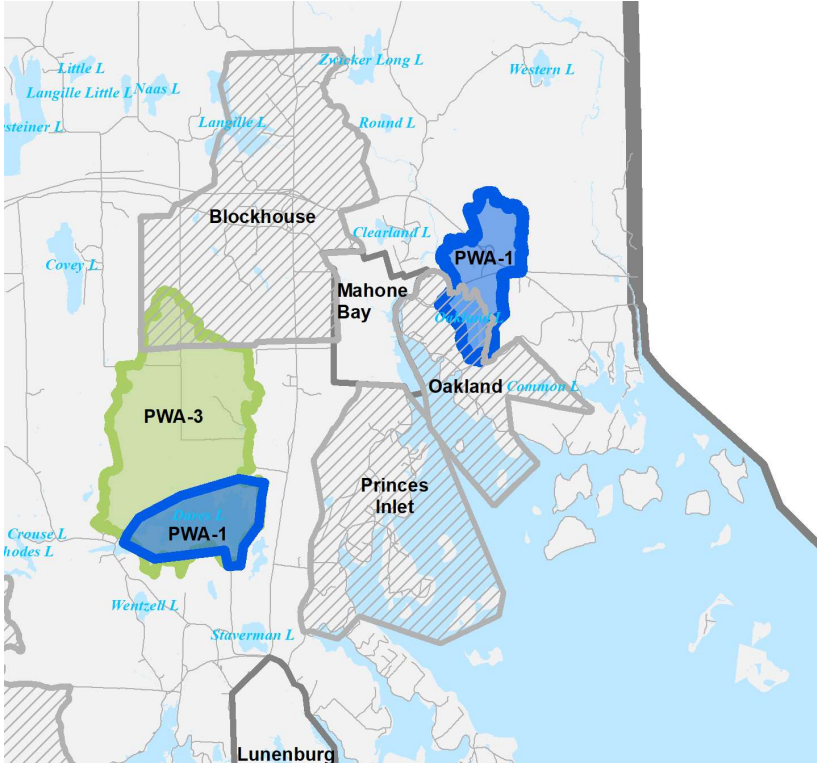


PWA-1: Most restrictive zone and proposed to match the provincial designated boundaries of the Oakland and Dares lakes PWAs.

Permitted Land Use: municipal water operations and treatment facilities, open space, conservation, existing residential use, and associated accessory uses

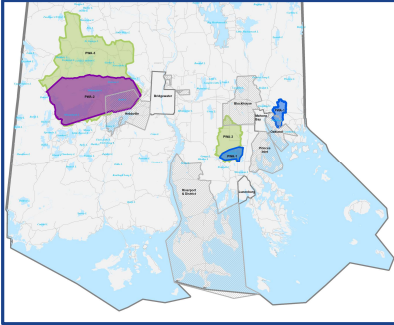
Why:

- Common practice to permit municipal water facilities, and related conservation uses in PWA.
- Oakland and Dares Lakes are smaller
- Acid Rock Darinage
- Contamination



Watersheds

- ▨ Areas With Secondary Planning Strategies
- PWA - 1
- PWA - 2
- PWA - 3



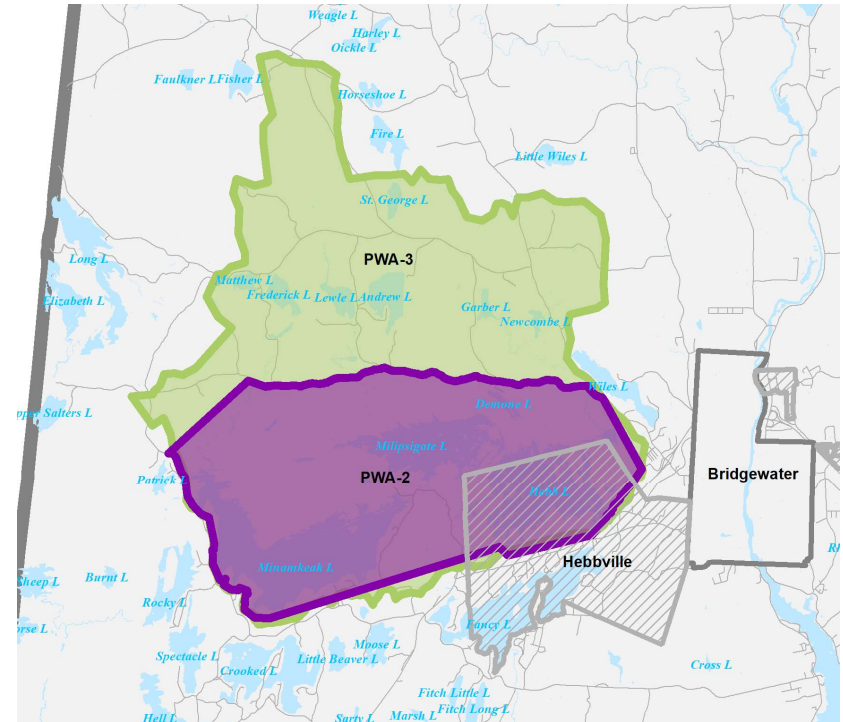
PWA-2: Intermediate restrictive zone and proposed to match the boundaries of the Hebb, Milipsigate and Minamkeak Lakes

Permitted Land Uses: municipal water operations and treatment facilities, conservation, open space, horticulture, silviculture, residential use and associated accessory uses.

Permitted Land Uses by DA/SP: large-scale wind turbines

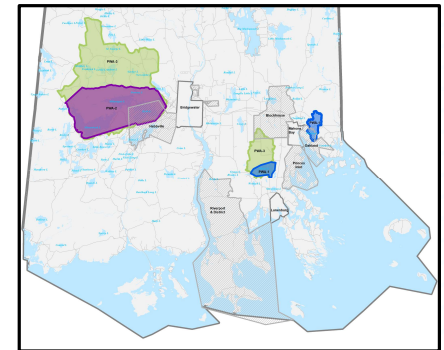
Why:

- Larger surface water area
- Contamination



Watersheds

- ▨ Areas With Secondary Planning Strategies
- PWA - 1
- PWA - 2
- PWA - 3

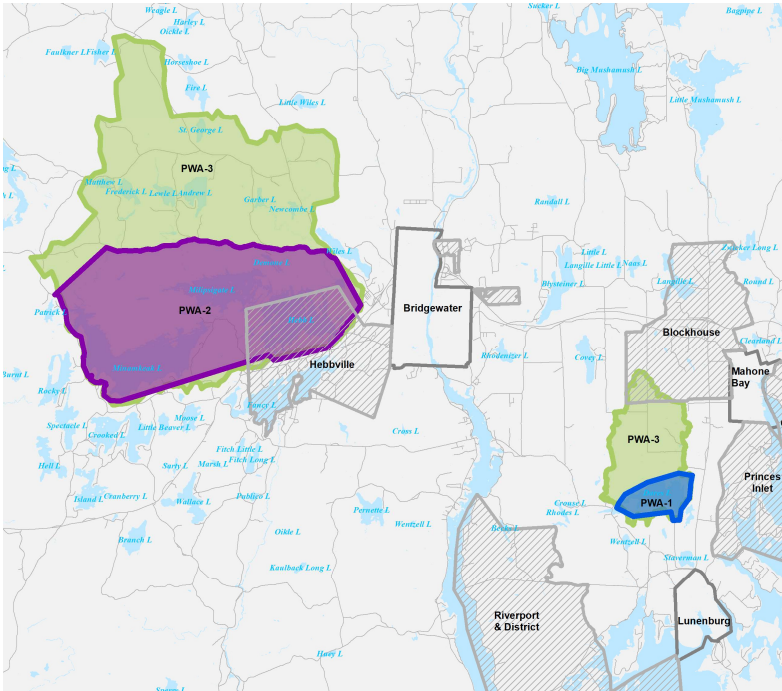


PWA-3: Least restrictive zone proposed to apply to the areas within the natural watersheds of Dares, Hebb, Milipsigate, and Minamkeak Lakes

Permitted Land Use: residential use, commercial use, institutional use, agricultural use (follow the setback requirement for the keeping of livestock), renewable energy and open space.

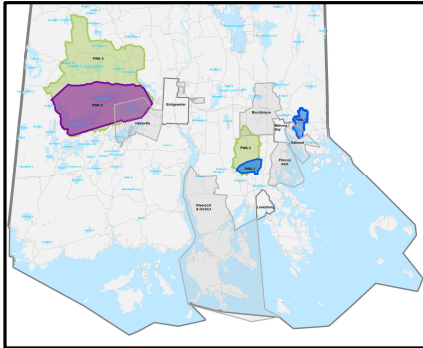
Why:

- Natural watershed
- Further away from the lakes
- Down stream Contamination



Watersheds

- ▨ Areas With Secondary Planning Strategies
- PWA - 1
- PWA - 2
- PWA - 3



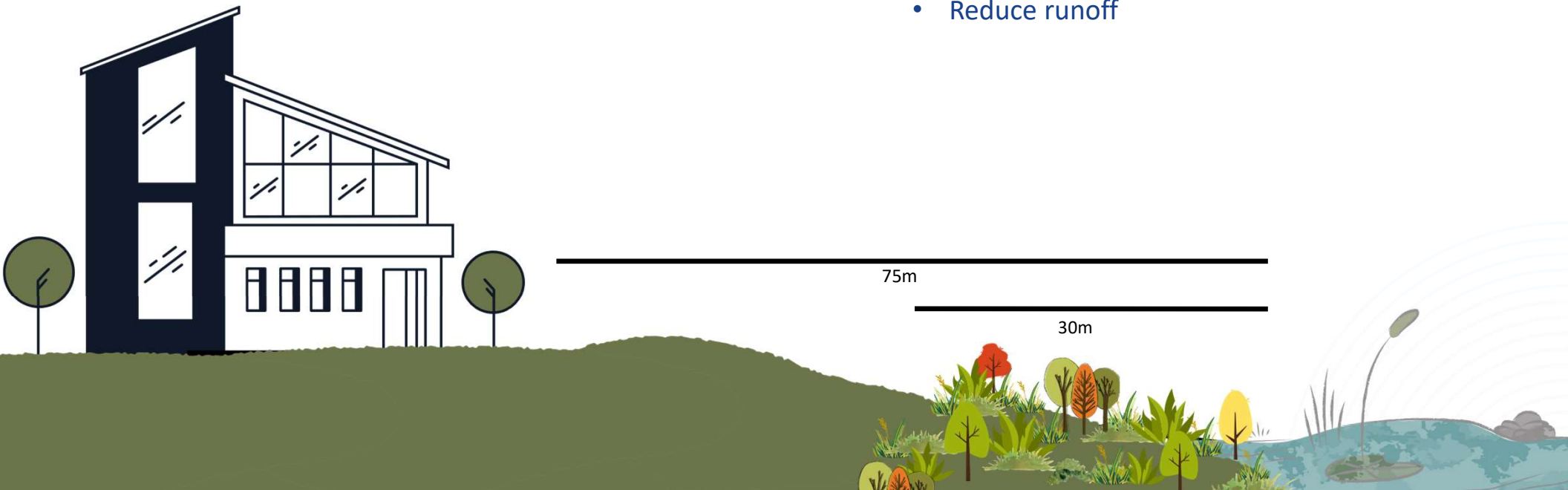
3. SETBACK AND VEGETATIVE BUFFER

Establish appropriate setbacks and vegetative buffers to protect water quality in each zone.

- 30.5m vegetative buffer in PWA-3 Zone
- 75m setback and vegetative buffer in PWA-1 and PWA-2 Zones
- 100m livestock setback in PWA-3 Zone

Why:

- Integrated planning tool to protect water quality
- Prevent soil erosion
- Capture and filtrate nutrients
- Reduce runoff

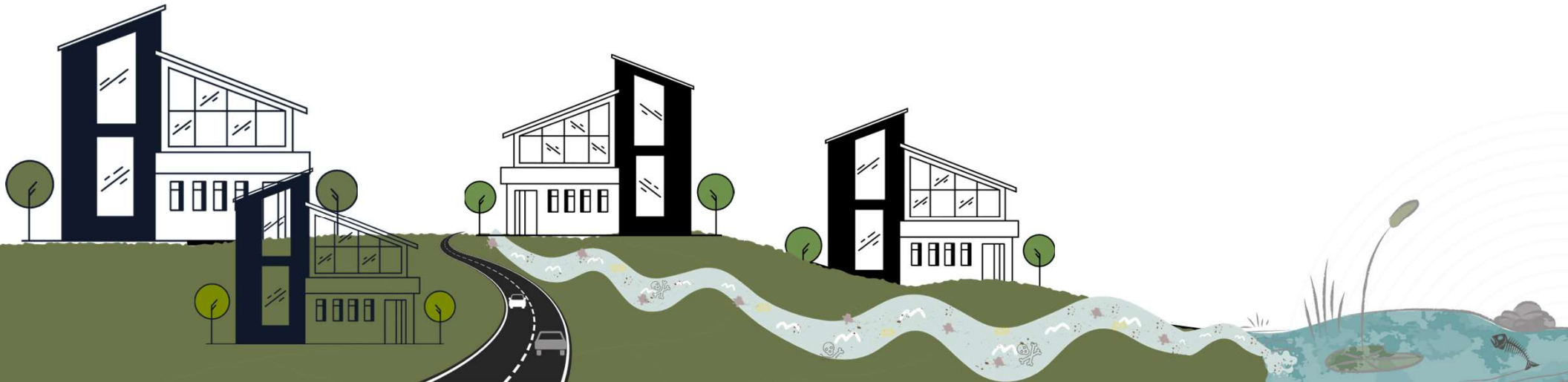


4. EROSION AND SEDIMENTATION MEASURES

In relation to development, require an erosion and sedimentation mitigation plan adhere to erosion control standards that may include but are not limited to minimizing erosion and sedimentation during excavation or infilling, retaining, and replanting natural vegetation and other measures to prevent or minimize erosion on land near a significant watercourse.

Why:

- Sedimentation
- Stormwater pollution
- Runoff
- Human-made practices
- Costly to fix
- Best Practice

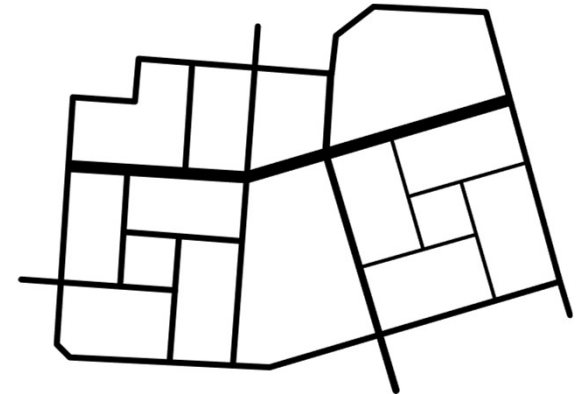


5. LOT SIZE & LOT COVERAGE

Regulating lot coverage to reduce surface runoff by minimizing impervious surfaces by regulating a 2 acres lot to enable only 10% lot coverage.

Why:

- SPI
- Impervious surface
- Low Density
- Water Quality



6. LEGAL NON-CONFORMING LAND USE

Apply regulation considering the expansion or redevelopment of existing nonconforming uses, or a change in use to a less harmful use within any PWA-1 and PWA-2 Zones.

Why:

- Statement of Provincial Interest
- Record management
- Development controls

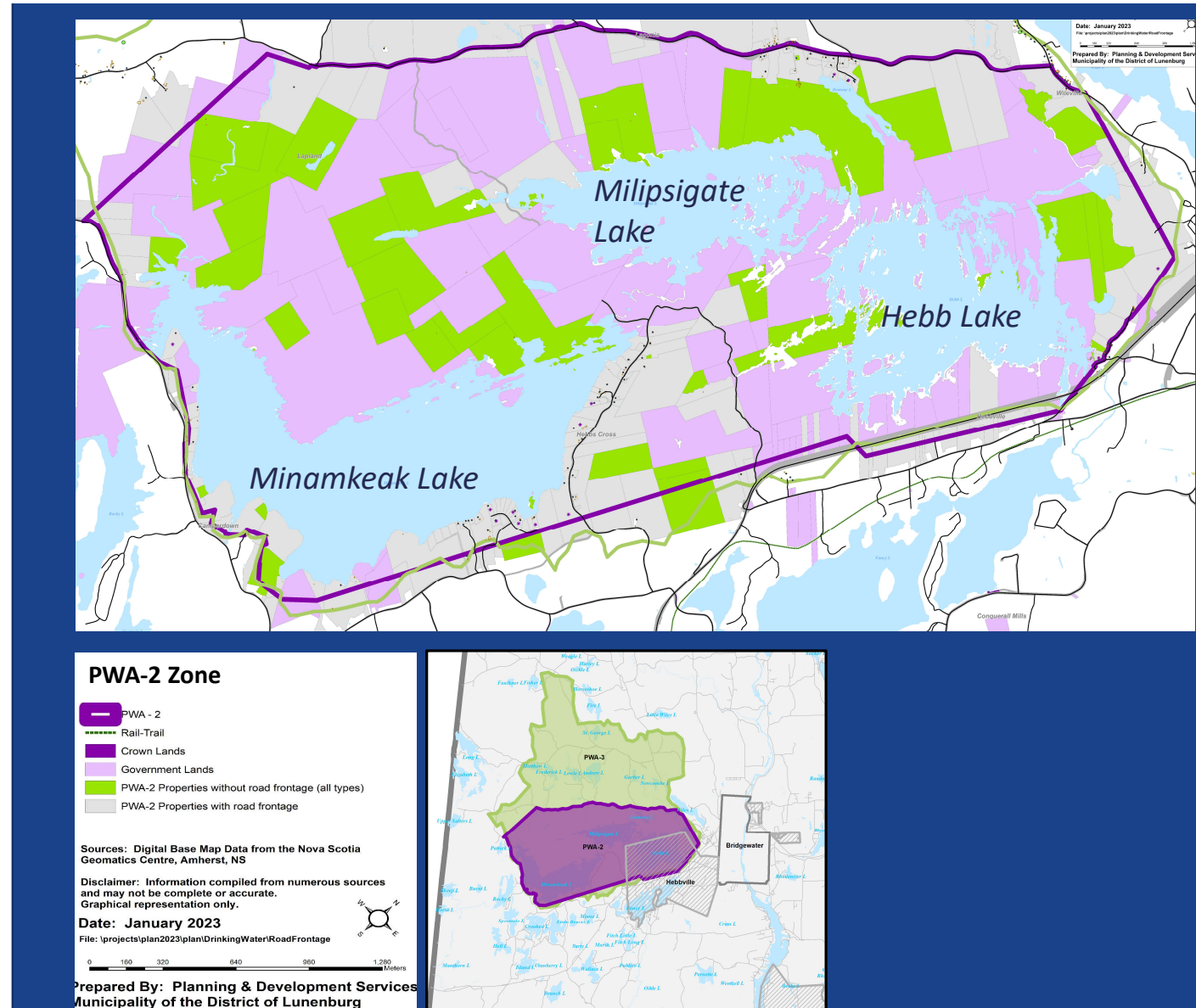


7. ROADS

Limit new private and municipal roads within the PWA-2 Zone.

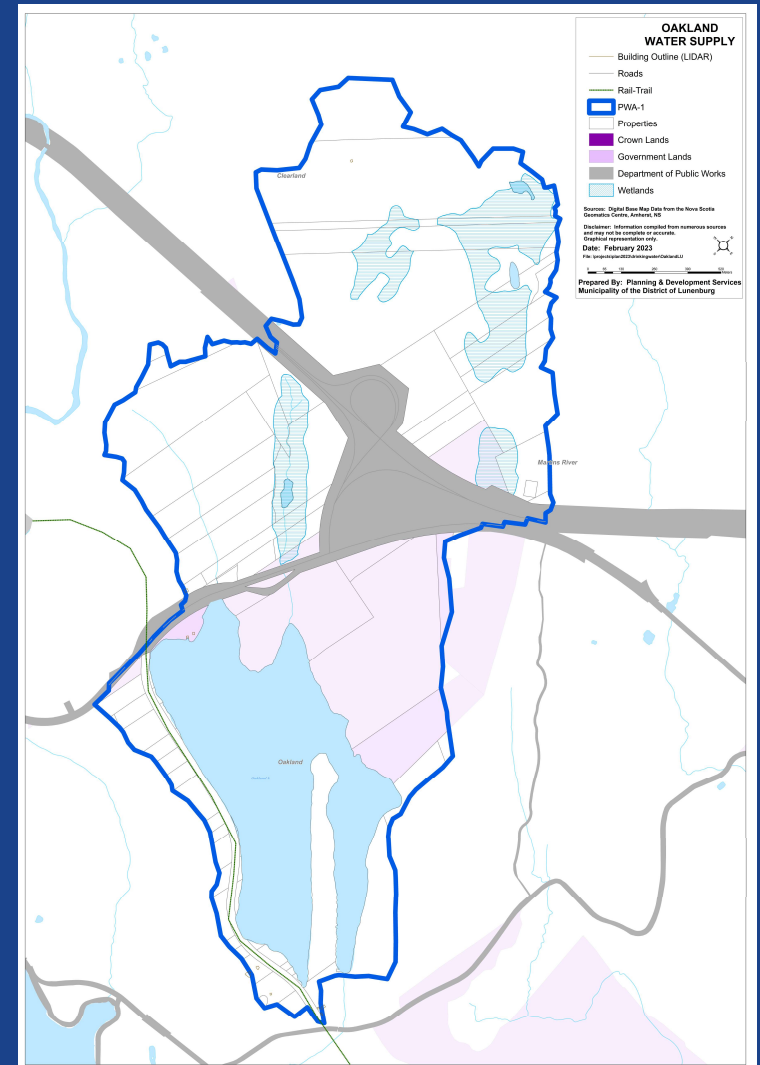
Why:

- Contamination
- Invasive Species
- Subdivision Development
- Impervious surface



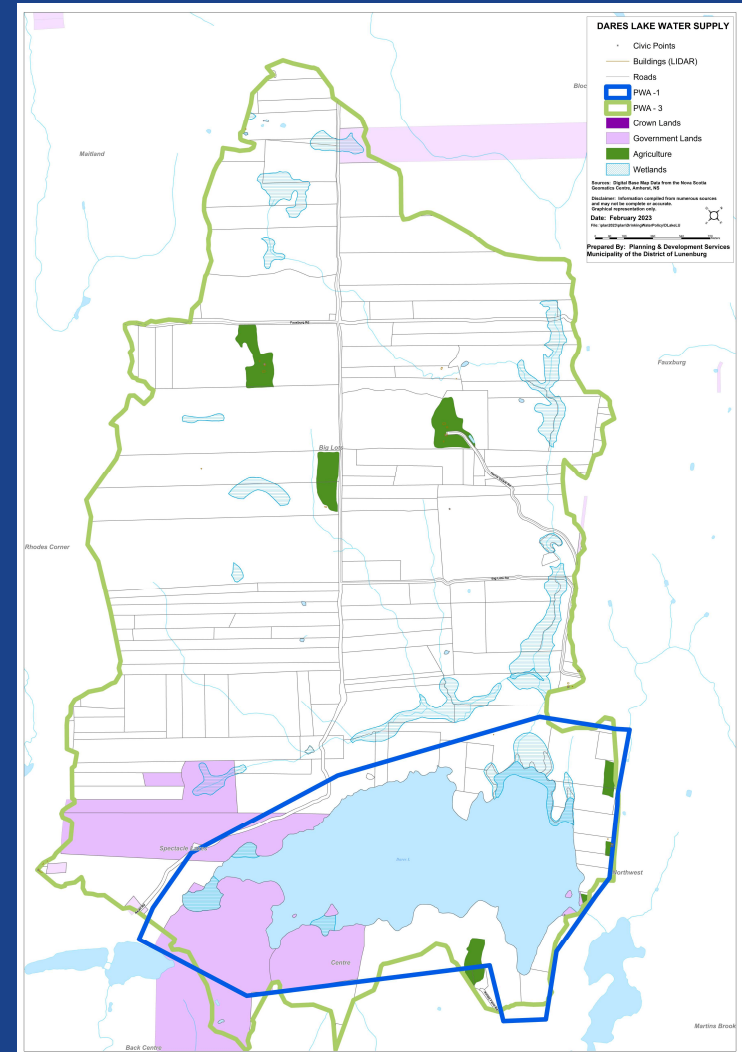
IMPLICATIONS: OAKLAND LAKE

- **Number of properties: 87**
Properties/ 0 dwellings (civic points)
- **Affected properties: 57 properties**
(excluding properties owned by the Town of Mahone Bay and Crown land)



IMPLICATIONS: DARES LAKE

- **Number of properties Total: 189**
 - Existing Protected Area: 36 properties/ 2 dwellings
 - Natural Watershed: 153 properties/ 5 dwellings
- **Number of properties in PWA-1: 29 properties**
(excluding properties owned by the Town of Lunenburg)
- Residential use is not permitted within the prescribed area under the environment act.



Drinking Water

THANK YOU!

