

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, November 14, 2023 – 9:00 a.m.

Attendance

Mayor Carolyn Bolivar-Getson
Deputy Mayor Wendy Oickle, District 3
Councillor Leitha Haysom, District 1
Councillor Martin Bell, District 2
Councillor Pam Hubley, District 4
Councillor Cathy Moore, District 5
Councillor Sandra Statton, District 6
Councillor Michelle Greek, District 7
Councillor Kacy DeLong, District 8
Councillor Reid Whynot, District 9
Councillor Chasidy Veinotte, District 10

Staff

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

1. Call to Order

Mayor Bolivar-Getson called the meeting to order at 9:02 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 recognized Rayburn Whynot for 20 years of community and volunteer work with the Bull Run Trail Association and noted that Mr. Whynot had just resigned as Chairperson of the Association.

Councillor DeLong acknowledged the successful fundraising dinner organized by the Mahone Island Conservation Association (MICA).

Councillor Bell recognized and congratulated the Seaside A Capella Chorus for placing 5th at the 2023 IC&C international competition in Grand Rapids, Michigan.

3. Public Input - Nil

4. Approval of Agenda

It was requested that the following item be added the agenda:

13.5 MODL Newsletter

Moved by Councillor Statton, seconded by Councillor Greek that the Agenda be approved as amended with the addition of Item 13.5 MODL Newsletter. Carried unanimously.

5. Approval of Minutes – October 24, 2023

Moved by Councillor Veinotte, seconded by Councillor Oickle that the Minutes of October 24, 2023 Council meeting be approved as circulated. Carried unanimously.

6. Business Arising from Minutes – Nil

7. Nomination & Election by Ballot – Deputy Mayor

7.1 MODL Policy 011 – Deputy Mayor

Mayor Bolivar-Getson referred to MODL Policy 011 Deputy Mayor and asked for nominations for the seat of Deputy Mayor.

Those nominated for the position of Deputy Mayor were:

Councillor Haysom
Councillor Oickle
Councillor Veinotte
Councillor Statton

Councillors Haysom and Statton declined the nomination for the position of Deputy Mayor, leaving Councillors Oickle and Veinotte on the ballot for the vote.

On the first vote, Councillor Oickle was elected as Deputy Mayor.

Moved by Councillor Haysom, seconded by Councillor Moore that the ballots be destroyed. Carried unanimously.

8. Awarding of Tenders/RFPs - Nil

9. Presentations/Scheduled Times - Nil

10. Consideration of Correspondence – Nil

11. Recommendations from Committees & Boards

11.1 Nominating Committee

11.1.1 Annual Appointments to Committees & Boards

2023-167 Moved by Councillor Moore, seconded by Councillor Hubley that Municipal Council accept the recommendation of the Nominating Committee and approve the appointments to Committees and Boards for the period of November 2023 to November 2024, as presented.

It was requested that the list of committee appointments be circulated prior to the meeting to allow councillors an opportunity to review it.

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

11.1.2 Appointments to Sawpit Wharf Advisory Committee

2023-168 Moved by Councillor Veinotte, seconded by Councillor DeLong that Municipal Council accept the recommendation of the Nominating Committee and approve the following appointments to the Sawpit Wharf Advisory Committee:

- David Silver, Bill Towndrow, and Richard Mosher for 3 year terms,
- Angus Morris and Ian Fraser, 2 year terms; and
- Hal West for a 1 year term

Carried unanimously.

11.2 Heritage Advisory Committee

11.2.1 Proposed Amendments to Policy 027 Heritage Property

Ella Gindi, Planner I, was in attendance and gave a presentation on the proposed amendments to Policy 027 Heritage Property (attached to Minutes). A report titled, "Policy 027 – Heritage Property Policy Review" providing details on how the proposed amendments would enhance the effectiveness of Policy 027 was circulated with the agenda.

Ms. Gindi reported that the draft copy of the Policy that was circulated with the agenda incorrectly noted the proposed amendment to Section 5. The amendment should read "but not limited to". A copy of the proposed Policy 027 which the correct amendments is attached to the Minutes.

It was noted that the colour of a roof does not follow an architectural style and would therefore not fall under the "character defining element" as described in the Policy.

2023-169 Moved by Councillor Haysom, seconded by Councillor Bell that Municipal Council accept the recommendation of the Heritage Advisory Committee and approve the revisions to Policy 027 Heritage Property, as presented, and gives 7 days notice of its intent to adopt the revised Policy 027 Heritage Property at the November 28, 2023 Council meeting. Carried unanimously.

11.3 Policy Advisory Board

11.3.1 Letter to NS Public Works re Installation of Speed Radar Signs

A report from Chris Kennedy, Fire Services Coordinator, titled "Request by Police Advisory Board for a letter be written to Minister, MLA and NS Public Works Area Manager, detailing the application process to have speed radar signs installed was circulated with the agenda.

2023-170 Moved by Deputy Mayor Oickle, seconded by Councillor Whynot that Municipal Council accept that recommendation of the Police Advisory Board and write a letter to the Provincial Minister responsible for Public Works, Kim Masland, and copy the local MLAs and Public Works office, requesting they revisit, loosen, or remove the process for installation of speed radar signs in the interest of public safety.

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

Mr. Kennedy advised that the application process could take six to eight weeks to be completed and that an application was required for each speed radar sign prior to installation.

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

11.4 Fire & Emergency Services Committee

11.4.1 Proposed Amendments to Annual Registration Package re Self-Contained Breathing Apparatus

A report from Chris Kennedy, Fire Services Coordinator, titled "Fire & Emergency Services Committee Strategic Priorities", a portion of which explains the safety concerns surrounding the testing of breathing apparatus', was circulated with the agenda.

Mr. Kennedy explained that all fire departments that have breathing apparatus equipment were doing the mandatory testing as recommended by the manufacturer. The recommendation to have it included in the registration package was to ensure that the Municipality was doing its due diligence by making the testing a mandatory requirement.

2023-171 Moved by Councillor Greek, seconded by Councillor Whynot that Municipal Council accept the recommendation of the Fire & Emergency Services Committee and approve the addition of functional testing of self-contained breathing apparatus to the annual registration package as a mandatory requirement. Carried unanimously.

11.4.2 Annual Budget re Regional Fire Training Facility

2023-172 Moved by Councillor Bell, seconded by Councillor Whynot that Municipal Council accept the recommendation of the Fire & Emergency Services Committee and approve the amount of at least \$100,000 be placed in the account created for a Regional Fire Training Facility as an annual budget amount going forward.

A concern was raised about passing a recommendation to allocate funds without reviewing a plan for the training facility and going through the budget process. It was noted, however, that the recommendation would go through the budget committee and the budget would subsequently be approved by Council.

Mr. Dumaresq reported that the other units had not yet indicated a plan for financial contribution to the project.

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

11.4.3 Re-appointment of Member at Large Position

2023-173 Moved by Councillor Veinotte, seconded by Councillor Hubley that Municipal Council accept the recommendation of the Fire & Emergency Services Committee and reappoint Herbert Seymour as a Member-At-Large to the Fire & Emergency Services Committee for a 3-year term, expiring on October 31, 2026. Carried unanimously.

11.4.4 Proposed Increase of Fire Service Grants 2024/2025

2023-174 Moved by Deputy Mayor Oickle, seconded by Councillor Bell that Municipal Council accept the recommendation of the Fire & Emergency Services Committee and increase the annual Fire Service grants by 2% for 2024/25.

Concerns were raised on pre-approving the allocation of funds without going through the budget process.

It was noted that the 2% increase was not linked to the Consumer Price Index (CPI).

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

Mr. Kennedy left the meeting.

12. Staff Reports

12.1 Administration

12.1.1 Extended Producer Responsibility

Gabe Welsh, Director of Operations with the MJSB, was in attendance and reviewed the report of October 17, 2023 from Mr. Welsh to the municipal units titled, "EPR Regulation Changes" (circulated with the agenda) and explained that municipalities are required to confirm their intention to participate to the EPR program before January 1, 2024.

Mr. Welsh explained that opting into the program would provide the Municipality the opportunity to participate in future discussions surrounding the program.

It was noted that Divert NS would administer the program and the implementation date was scheduled for December 1, 2025.

2023-175 Moved by Councillor Hubley, seconded by Councillor DeLong that Municipal Council approve opting-in to Extended Producer Responsibilities (EPR) for Packaging, Paper Products and Packaging Like Products (PPP), and direct MJSB to work with municipal staff to ensure the opt-in submission requirements are met prior to the January 1, 2024 deadline. Carried unanimously.

Council recessed at 10:03 a.m. and resumed at 10:17 a.m.

12.2 Building & Planning Department

12.2.1 Proposed Amendment to Village of Hebbville SPS & LUB and Rezoning

A report from Ella Gindi, Planner I, titled "Proposed amendment to the Village of Hebbville Secondary Planning Strategy and Land Use By-law and Land Use By-law Rezoning of PID# 60289634" providing details on the proposed amendments was circulated with the agenda.

2023-176 Moved by Deputy Mayor Oickle, seconded by Councillor Hubley that Municipal Council direct staff to meet with the Hebbville Area Advisory Committee to review the proposed amendment to the Village of Hebbville Secondary Planning Strategy and Land Use By-Law rezoning application of PID 60289634 from Rural Use (RU) Zone to High Density Residential (HDR) Zone. Carried unanimously.

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

Deputy Mayor Oickle congratulated Mayor Bolivar-Getson for her appointment as President of Nova Scotia Federation of Municipalities (NSFM) and Councillor Veinotte on her appointment as the South Shore Representative to the NSFM.

13.1 Hebbville Village Commission Update

Deputy Mayor Oickle gave an update on the following matters discussed at the Hebbville Village Commission Annual General meeting in November:

- Membership
- Treasurer's report
- Commissioners' reports
- Councillor's presentation

13.2 MJSB Update

Deputy Mayor Oickle provided an update on the following matters of the Municipal Joint Services Board:

- Extended Producer Responsibility (EPR)
- Annual business plan development
- Strategic planning

13.3 Deputy Mayor's Update

Former Deputy Mayor, Councillor Hubley, advised that she attended the Planning Advisory Committee meetings; the Tri-district open house; the Baker Settlement music jam; the craft show in Branch LaHave; the dinner theatre at Westside United Church; the REMO meeting; the staff appreciation lunch; the Lahave River Salmon Association auction & dinner; the NSFM Conference; the Remembrance Day event in Chelsea; agenda briefing meetings; cheque signing; and a shift at the Poppy table.

13.4 Mayor's Update

Mayor Bolivar-Getson advised that she attended the Community Leaders Discussion with NS Power; a meeting with developer; the FESC meeting; the Blockhouse Open House; the 100th birthday celebration for Jean Oickle; the Bridgewater Fire Department Band concert; the Sports Heritage Hall of Fame induction; NSFM meetings; the NSFM conference, including pre-conference policing meeting; the Bridgewater Remembrance Day ceremony; the MICA dinner; the Tri-district open house; and various crafts shows and community events.

13.5 MODL Newsletter

Councillor Statton advised that Bridgewater and Area Chamber of Commerce requested that they be permitted to provide a submission to the MODL newsletter detailing the benefits of belonging to the Chamber of Commerce. Councillor Statton noted that an earlier request was denied.

Mayor Bolivar-Getson noted that there are criteria around what can be included in the newsletter and asked that staff review the criteria to determine whether this submission could be permitted.

14. Added Items - Nil

Council recessed at 10:33 a.m. for a workshop and resumed at 1:28 p.m.

Councillors Greek and Haysom were not in attendance for the remainder of the meeting.

15. In Camera

At 1:28 p.m., it was moved by Councillor Whynot, seconded by Councillor Moore that Municipal Council go In Camera to discuss the following items:

15.1 Contract Negotiations under Section 22(2)(e) of the MGA

- 15.2 Contract Negotiations under Section 22(2)(e) of the MGA**
- 15.3 Contract Negotiations under Section 22(2)(e) of the MGA**
- 15.4 Contract Negotiations under Section 22(2)(e) of the MGA**
- 15.5 Potential Litigation under Section (22)(2)(f) of the MGA**

Carried.

Municipal Council In Camera in session.

At 2:44 p.m., it was moved by Councillor Whynot, seconded by Councillor Bell that Municipal Council come out of In Camera and return to open session. Carried.

Municipal Council in session.

15.3 Contract Negotiations re Internet Fibre Extension

2023-177 Moved by Councillor Veinotte, seconded by Councillor Whynot that Municipal Council approve the contribution of \$1785 toward the expansion of fibre internet to five residences in Centre, and that these funds be taken from the Internet Services Provider Project account. Carried unanimously.

16. Adjournment

There being no further business, the meeting adjourned at 2:45 p.m.

Policy 027- Heritage Property Policy Review

Ella R. Gindi, Heritage Planner
October 26, 2023



Background

- **On June 27, 2023, Council directed staff to review the heritage property policy.**
- **Explore a viable solution for classifying the replacement of roofing material with metal as a non-substantial alteration.**
- **Foster a smoother and more efficient decision-making process**
- **absence of the phrase "character-defining element" from the policy.**
- **Staff met with the Heritage Advisory Committee on October 26th and made provided a positive recommendation for the proposed revisions.**



Section 5 of the Heritage Property By-law:

- Does not specify roof material replacement as substantial.

Section 6 of the Heritage Property By-law:

- Deals with non-substantial alterations. Specifically, 6(b) covers replacements of existing materials without changing size, style, placement, orientation, or materials, such as replacing wood clapboard or asphalt shingles with the same materials.

Interpretation of the by-laws

- According to Section 6, replacing roofing material is considered a substantial alteration.



Amendment for section 6: Metal roof

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.
 - (i) **Changing to metal roof materials is permitted as long as the roof material is not deemed to be character defining element.**



Character Defining Element

- **Section 5 of the policy lists a mix of architectural features that are deemed to be substantial, but it lacks the specific professional guideline language use - Character defining elements.**
- **The Standards and Guidelines for the Conservation of Historic Places in Canada are essential reference in making informed decisions regarding the preservation of heritage properties**
- **Identify the key Architectural features of an historic place/property that contribute to its heritage value.**



Amendment to Section 5: Character Defining Element

Substantial alterations

5 Substantial alterations to a character defining element of a municipal heritage property may include but not limited to:



Thank you!

Questions?



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:

Amended April 27, 2021, by deleting sections 1, 2, 3, 4 and 5 and replacing them with the new sections 1 – 7 below.

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 character defining element of a municipal heritage property may include but not limited to

- (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.
- (i) Changing to metal roof materials is permitted as long as the roof material is not deemed to be character defining element.

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.

Standards and Guidelines for the Conservation of Historic Places in Canada:

General Guidelines for Preservation, Rehabilitation and Restoration: Roofs		
	Recommended	Not Recommended
1	Understanding the roof and how it contributes to the heritage value of the historic building.	
2	Understanding the properties and characteristics of the roof as well as changes and previous maintenance practices.	Failing to consider the impact of previous changes and maintenance practices on the roof.
3	Documenting the form, materials, and condition of roof assemblies before undertaking an intervention, including the roof’s pitch, shape, decorative and	Undertaking an intervention that affects character defining roofs and roof elements , without first documenting their existing character and condition.

	functional elements, and materials, and its size, colour and patterning.	
4	Assessing the condition of the roof assembly and materials early in the planning process so that the scope of work is based on current conditions.	
5	Determining the cause of a roof's distress, damage or deterioration through investigation, monitoring and minimally invasive or non-destructive testing techniques.	
6	Protecting and maintaining a roof by cleaning and maintaining the gutters, downspouts, and flat roof drains, and replacing deteriorated flashing in kind. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration, and to ensure that materials are free from insect infestation.	Failing to maintain roofs on a cyclical basis. Failing to replace deteriorated flashing, or to clean and properly maintain gutters and downspouts and flat roof drains so that water and debris collect and damage roof fasteners, sheathing and the underlying structure
8	Stabilizing deteriorated roofs by structural reinforcement, weather protection or correcting unsafe conditions, as required, until repair work is undertaken.	Removing deteriorated roof elements that could be stabilized or repaired.
9	Repairing parts of roofs by patching, piecing-in, consolidating, or otherwise reinforcing, using recognized conservation methods. Repair may also include the limited replacement in kind, or with a compatible substitute material, of extensively deteriorated or missing parts of the roof. Repairs should match the existing work as	

	closely as possible, both physically and visually.	
10	Protecting adjacent character-defining elements from accidental damage or exposure to damaging materials during maintenance or repair work.	
11	Replacing in kind extensively deteriorated or missing parts of roof assemblies where there are surviving prototypes.	Replacing an entire roof element, such as a dormer, when limited replacement of deteriorated and missing parts is possible. Using a substitute material for the replacement part that neither conveys the same appearance as the surviving parts of the roof element, nor is physically or visually compatible
12	Testing proposed interventions to establish appropriate replacement materials, quality of workmanship and methodology. This can include reviewing samples, testing products, methods, or assemblies, or creating a mock-up. Testing should be carried out under the same conditions as the proposed intervention.	
13	Documenting all interventions that affect the building’s roof, and ensuring that the documentation is available to those responsible for future interventions	
Additional Guidelines for Rehabilitation Projects		
14	Repairing a roof assembly, including its functional and decorative elements, by using a minimal intervention approach. Such repairs might include the limited replacement in kind, or replacement	Replacing an entire roof element, such as a cupola, dormer, or lightning rod, when the repair of materials and limited replacement of deteriorated or missing elements is feasible. Failing to reuse intact roofing materials when

	with an appropriate substitute material, of irreparable or missing elements, based on documentary or physical evidence.	only the roofing structure or sheathing needs replacement.
15	Improving the detailing of roof elements, following recognized conservation methods, to correct faulty details. For example, adjusting the slope of a cornice to prevent ponding, or introducing a new drip edge at the eave to better direct water runoff away from a masonry wall. Such improvements should be physically and visually compatible.	
16	Replacing in kind an entire element of the roof that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. This can include a large section of roofing, a dormer, or a chimney. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered	Removing a roof element that is irreparable, such as a chimney or dormer, and not replacing it, or replacing it with a new element that does not convey the same appearance or serve the same function. Replacing deteriorated roof elements and materials that are no longer available with physically or visually incompatible substitutes.
17	Replacing missing historic features by designing and constructing a new roof feature, based on physical and documentary evidence, or one that is compatible in size, scale, material, style or colour.	Creating a false historical appearance because the replicated feature is incompatible or based on insufficient physical and documentary evidence.