

REVISED *

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Municipal Council Meeting Agenda

Tuesday, February 13, 2024 – 9:00 a.m.

MODL Council Chambers – 10 Allée Champlain Drive, Cookville

1.	Call to Order	
1.1	Mi'kma'ki Territorial Acknowledgement	
2.	Announcements, Acknowledgements, Recognition	
3.	Public Input (15 Minutes)	
4.	Changes/Approval of Agenda (as circulated)	
5.	Approval of Minutes - January 23, 2024	
6.	Business Arising from Minutes	
7.	Awarding of Tenders/RFPs - Nil	
8.	Presentations/Scheduled Times - Nil	
9.	Consideration of Correspondence - Nil	
10.	Recommendations from Committees & Boards	
10.1	Finance Committee	1
10.1.1	2024-2025 Area Rate Approvals	2-4
10.2	Heritage Advisory Committee	5
10.2.1	Proposed Alteration to St. John's Evangelist Anglican Church.....	6-11
11.	Staff Reports	
11.1	Administration	
11.1.1	Terms of Reference re Lunenburg County Community Fund Municipal Trust Fund Advisory Committee	12-15
11.1.2	Proposed Shared Services – Occupational Health & Safety and Privacy & Data Security	16-30
11.2	Building & Planning Services	
11.2.1	Request for Levy Private Road Maintenance Charge – Plamu Road Lot Owners' Association	31-62

- 11.2.2 Request for Levy Private Road Maintenance Charge –
Butler Lake Estates Lot Owners’ Association..... 63-65
- 11.2.3 Increase Charge Area – Botany Woods Landowners' Association 66-71

11.3 Recreation, Parks & Trails

- 11.3.1 *Reserve Budget Request - ProKids..... 72-73

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

- 12.1 MJSB Update
- 12.2 LCLC Update
- 12.3 Deputy Mayor’s Update

13. Added Items

14. In Camera

- 14.1 Contract Negotiations under Section 22(2)(e) of the MGA
- 14.2 Contract Negotiations under Section 22(2)(e) of the MGA
- 14.3 Contract Negotiations under Section 22(2)(e) of the MGA
- 14.4 Contract Negotiations under Section 22(2)(e) of the MGA
- 14.5 Land Negotiations under Section (22)(2)(a) of the MGA

15. Adjournment



Council
Item: #10.1
Date: February 13, 2024
Authorization: T. MacEwan

Memorandum

To: Her Worship, Mayor Bolivar-Getson, and Councillors
From: Chairperson & Members of the Finance Committee
Date: February 6, 2024
Re: Recommendations of the Finance Committee

The Finance Committee, in session on Tuesday, February 6, 2024, made the following recommendation to Council:

1. That Municipal Council approve:
 - the 2024/25 Fire Hydrant rate at \$0.1334/\$100 of assessment;
 - the 2024/25 Streetlight rates as presented;
 - the 2024/25 Sewer rates at \$0.43/\$100 of assessment for global rate and \$0.25/\$100 of assessment for Hebbville rate.”

Respectfully submitted,

Chairman and Members
Finance Committee

/jgp
Attachment

Council
Item: 10.1.1
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Finance Committee
Submitted by: Angela Veinot, Accounting Manager
Date: February 6, 2024
Re: 2024-25 Proposed Area Rates: Streetlights, Hydrants, & Sewers

Recommendation

It is recommended that the Finance Committee recommend Municipal Council approve:

- The 2024/25 Fire hydrant rate at \$0.1334/\$100 of assessment;
- The 2024/25 Streetlight rates as presented;
- The 2024/25 Sewer rates at \$0.43/\$100 of assessment for global rate and \$0.25/\$100 of assessment for Hebbville rate.

Executive summary

Enclosed are the proposed budgets for streetlights, fire hydrants and sewer rates for the fiscal year 2024/25.

The streetlight and hydrant rates are calculated based on the prior years' revenues collected minus the actual costs. The current year's property assessment and any estimated overage and shortage in the accounts are included in the calculation.

Sewer rates were set in December 2019, based on a 5-year sewer rate review. 2024/25 marks year 5 of 5 for these approved rates.

Discussion

As part of the budget process, area rates are required to be approved by Council. Streetlight and hydrant rates can be easily forecasted based on the nature of the revenues and expenditures. Revenues have been billed for the year and most expenditures have been recorded. The revenues and expenditures for these rates are analyzed and a running total of the account balance is kept. Any

surpluses or deficits from the prior year are rolled into the next year to be recovered through the area rates.

The street light rates are detailed on the attached schedule. These rates vary slightly from year to year.

The hydrant rates have decreased based on the 2024-25 increase in commercial assessment.

The sewer billing has two rates: the global rate and the Hebbville rate. The approved 5-year rates are \$0.43/\$100 of assessment for the global rate and \$0.25/\$100 of assessment for the Hebbville rate. As per past practice, Council is asked to approve the sewer rates annually.

Budget implications

Once Council approves the rates, they will be used to calculate the revenue budgets for 2024/2025.

Conclusion

Staff recommend Council approve the rates as presented.

Report Preparation	
Department	
Report Prepared by	Angela Veinot
Report Approved by	Elana Wentzell
Date Reviewed by C.A.O.	

**Municipality of the District of Lunenburg
Area Rates 2024/25 Draft Budget**

STREET LIGHT RATES	Approved 2023-24	Proposed 2024-25	Rate Budget Notes
Rates per \$100 of assessment			
Riverport	\$ 0.024	\$ 0.013	Riverport has a reduced street light rate spread over increased assessment
Dayspring	\$ 0.071	\$ 0.054	Based on increased assessment
New Germany	\$ 0.041	\$ 0.036	Based on increased assessment
Catidian Place	\$ 0.013	\$ 0.012	Based on increased assessment
Pine Haven Subdivision	\$ 0.041	\$ 0.035	Based on increased assessment
Flat Rates Per Property			
Barss Corner	\$ 54.75	\$ 63.33	Costs shared 64 properties
Vogler's Cove, Broad Cove & Cherry Hill	\$ 53.62	\$ 60.52	Costs shared 373 properties
Chelsea	\$ 95.44	\$ 110.41	Costs shared 210 properties
Pine Grove	\$ 53.56	\$ 60.17	Costs shared 25 properties
Oakhill acres	\$ 33.93	\$ 43.00	Costs shared 40 properties
Little Tancook	\$ 36.19	\$ 34.09	Costs shared 38 properties
Whitley & Jenny	\$ 31.85	\$ 41.62	Costs shared 16 properties
Westside Drive	\$ 137.39	\$ 151.37	Costs shared 10 properties

FIRE HYDRANT RATES	Approved 2023-24	Proposed 2024-25	
Rate per \$100 of assessment	0.1713	0.1334	Based on increased assessment

SEWER RATES	5-Year Rate Approved - starting 2020-21	
	Year 4 of 5 2023-24	Year 5 of 5 2024-25
Global Sewer*	\$ 0.43	\$ 0.43
Hebbsville Sewer*	\$ 0.25	\$ 0.25

*per \$100 assessment

Council
Item: #10.2
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg Planning & Development Services

January 25, 2024

To Her Worship, Mayor Bolivar-Getson, and Councillors
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Heritage Advisory Committee, in session on Thursday, January 25, 2024, made the following recommendation to Municipal Council:

“that Municipal Council approve the proposed alteration to the municipal registered heritage property St. John’s Evangelist Anglican Church”.

Respectfully submitted,

The Chair and Members
of the Heritage Advisory Committee

/jh

Attachment(s)

Council
Item: #10.2.1
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Heritage Advisory Committee

Submitted by: Ella R. Gindi, Heritage Planner

Date: January 25, 2024

Re: Substantial Alteration to St. John's the Evangelist Anglican Church

Recommendation

Staff recommends that the Heritage Advisory Committee consider making a positive recommendation to Council, permitting the proposed alteration as requested by the applicant.

Motion

That the Heritage Advisory Committee recommends to Council to approve the proposed alteration to the municipal registered heritage property St. John's Evangelist Anglican Church

Background

- Following By-law 043 subsection 10 (1), Planning staff received a letter on November 29, 2023, requesting an exterior alteration to the St. John's Evangelist Anglican Church, located at 388 LaHave Islands Rd. Bell Island –a registered municipal heritage property (letter attached).
- The building underwent adaptive reuse as its function transitioned from a religious gathering place to a venue.
- The building currently has a 4ft X 6ft deck with steps without accessible entrance to mobility aid. The existing wooden deck and steps were added in 2015 after the removal of a concrete structure at the main entrance, as approved by the council.
- The alteration request was to replace the existing 4ft X 6ft deck to 6ft X 6ft and replace the deck's steps with a wheelchair ramp.
- Staff reviewed the proposal against Council's policy for the review of alterations to Municipal Heritage Properties and as per Subsection 5, clause e (viii) regarding stairs,

porches and decks, the policy emphasizes considerations related to removal or addition of all or part of the structure. Furthermore, Subsection 6(b) regarding non-substantial alteration explicitly addresses repairs or replacement of existing materials, where no size, style, placement, orientation, or materials change is intended to municipally registered heritage properties are deemed to be **substantial alterations** and require the review and approval of the Heritage Advisory Committee and Council.

The question for the Advisory Committee is whether the proposed alteration adversely affects the heritage essence of the building's exterior architecture or if prioritizing accessibility is paramount considering the building's intended use as a venue space.

Discussion

Built in 1903, St. John Evangelist Anglican Church is a modest Victorian Gothic Revival building. The church rests on a small knoll with the main entrance facing the water. The Municipal Heritage Designation applies to the building and building footprint. The church (PID #60357928) was registered in 1997 as a Municipal Heritage Property. The reasons provided for heritage designation at that time were associated with:

- **Age:** of the structure (erected in 1903)
- **Local historical significance:** The Church was built by local carpenter Thomas A. Hemeon, who is also credited with building five other Lunenburg County churches.
- **Building architectural style:** Modest Victorian Gothic Revival character-defining elements includes:
 - Central Gothic window with tracery over main entrance;
 - Wooden clapboard and corner board construction;
 - Original stone foundation;
 - Cross gabled steeply pitched roof;
 - Finial on gable over main entrance;
 - Double hung paneled door for main entrance;
 - Gothic inspired arched stained glass windows;
 - All remaining interior elements related to its original use as a church.

As such the deck and steps are not considered to be a character defining element.

The church has gone through adaptive reuse since the church ceased its role as a religious gathering space in the 1970s and has since been repurposed by the LaHave Island Museum as a venue for various events, including weddings and ceremonies like the annual fisherman memorial ceremony, which pays tribute to community fishermen who lost their lives at sea. As a result, the building holds profound significance for the local community.

Standards and guidelines:

Rehabilitation involves the sensitive adaptation of an historic place or individual component for continuing or compatible contemporary use, while protecting its heritage value. Rehabilitation entails adaptively repurposing a historic site or component for contemporary use while preserving its heritage value, including the replacement of missing features with accurate replicas or compatible new designs. Rehabilitation allows buildings compatible use through actions aimed at communicating and conveying their heritage value.

Consider Rehabilitation as the primary treatment when:

- (a) Repair or replacement of deteriorated features is necessary
- (b) Alterations or additions to the historic place are planned for a new or continued use;** and,
- (c) Depiction during a particular period in its history is not appropriate.

Moreover, the development aligns with the following General Standards for Preservation, Rehabilitation and Restoration:

Standard 7: Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.

Standard 12: Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

Additional Guidelines For rehabilitation regarding Accessibility:

Providing people of all ages, interests and abilities with access to historic places is highly desirable and a frequently mandated social goal. Generally, the solutions that best balance accessibility needs with heritage value are those that enhance the use and appreciation of an historic place for everyone. Work should be carefully planned and undertaken so that impact on an historic place’s heritage value and character-defining elements is minimized: the objective is to provide the highest level of access with the lowest level of impact. Since the deck and steps are not deemed to be Character Defining Element, there is not conflict with replacing the current deck to be wider in order to accommodate a wheelchair accessible ramp.

Standards and Guidelines: Accessibility Consideration	
Complying with accessibility requirements in a manner that conserves character-defining circulation systems or features.	Damaging character-defining circulation systems or features while making modifications to comply with accessibility requirements.

Conclusion:

After a thorough evaluation, it has been determined that the structure, designated as a municipal heritage property, has undergone no substantial modifications since its designation. According to the staff’s assessment, the deck and steps are not considered character-defining elements, aligning with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Replacing the current deck and steps with a larger deck accommodating a wheelchair ramp is proposed, ensuring improved accessibility without compromising the property's heritage significance. This alteration is seen as essential to enhance usability for all visitors. Neglecting to make these modifications may inadvertently exclude a portion of the population from accessing the venue.

The building serves as a venue for diverse events such as weddings, musicals, and the annual fisherman memorial service. Given its vital role as a community gathering space, the planning staff recommends that the Heritage Advisory Committee prioritize the proposed alteration, emphasizing its positive impact on cultural and community aspects over potential impacts on architectural elements.

Report Preparation	
Department	Planning & Development Services
Report Prepared by	Ella R. Gindi
Report Approved by	Jeff Merrill, LPP, MCIP
Date Reviewed by C.A.O.	



APPENDIX I





Council
Item: #11.1.1
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Council

Submitted by: Alex Dumaresq, Deputy CAO

Date: February 13, 2024

Re: Terms of Reference Adoption - Lunenburg County Community Fund (LCCF) Municipal Trust Fund Advisory Committee

Recommendation

Move that Municipal Council adopt the Terms of Reference for the Lunenburg County Community Fund - Municipal Trust Fund Advisory Committee (TOR-033), as presented.

Executive Summary

MODL has a Memorandum of Understanding (MOU) with the Lunenburg County Community Fund (LCCF) governing the re-use of the \$1 million donation to the LaHave Straight Pipe Project. The MOU establishes an advisory committee to support the re-use of the funds. The Committee has prepared a Terms of Reference to guide the work of the advisory committee and are recommending it to the governing bodies of both organizations for approval.

Background

A private donor contributed \$1 million to the LaHave Straight Pipe Replacement Program. A condition of the donation was that as funds were repaid to the Municipality from participating homeowners, \$1 million would be placed in a trust fund for re-use on new initiatives by the Municipality, in concert with the Lunenburg County Community Fund (LCCF).

There is an MOU between MODL and the LCCF governing the re-use of the funds. The MOU creates an advisory committee to explore and recommend possible projects to the LCCF Board and to MODL Council. The Committee has been meeting to review financial information about the \$1 million donation and to discuss and recommend possible re-uses of the funds. At the last meeting of the Committee, they approved a draft Terms of Reference for consideration by the LCCF Board and Municipal Council.

Discussion

The Terms of Reference outlines the scope and composition of the working group, its duties and procedural matters. The Committee is comprised of the Mayor and CAO from MODL and two representatives from the LCCF. The Committee is also supported by the Executive Director of the LCCF and the Deputy CAO of MODL.

The Committee meets annually to review the financial position of the \$1 million fund, and as frequently as required to ensure the consistent re-use of the funds according to the MOU between the Municipality and the LCCF.

Alternatives

If Council has concerns with any element of the proposed Terms of Reference, direction can be provided to staff and the Mayor to review these concerns with the LCCF and prepare revisions to the draft governing document.

Report Preparation	
Department	Administration
Report Prepared by	Alex Dumaresq, Deputy CAO
Report Approved by	
Date Reviewed by C.A.O.	

Municipality of the District of Lunenburg

Terms of Reference Details	
Name	LCCF Municipal Trust Fund Advisory Committee
Number	033
Effective Date	
Amendment Date	

Scope

- 1 The Lunenburg County Community Fund (LCCF) Municipal Trust Fund Advisory Committee is established under the Memorandum of Understanding (MOU), effective September 12, 2016 and amended from time to time, between the Municipality of the District of Lunenburg (MODL) and the LCCF.

Objective

- 2 The objective of the Committee is to provide recommendations on the use of the trust fund and to review the financial reporting on the fund.

Composition of the Committee

- 3
 - (1) The Committee will consist of four members: MODL will appoint two members, being the Mayor and Chief Administrative Officer (CAO); and the LCCF will appoint two members of their choosing from time to time.
 - (2) Honourariums and expenses will be the responsibility of the appointing organization; MODL representative will not be paid additional compensation for the appointment but may make claims for eligible expenses incurred in accordance with municipal expense policies.
 - (3) The Mayor will be appointed Chair of the Committee.
 - (4) Three members of the Committee will be required to form a quorum.

Meetings and Procedures

- 4
 - (1) The Committee must meet at minimum annually and may meet as frequently as required at the call of the Chair to carry out the responsibilities of the Committee. Notification of committee meetings will be provided to members via email.
 - (2) Minutes will not be recorded for the Committee; decisions with respect to the duties of the Committee will be reported to the partner organizations via memo from the CAO.
 - (3) Unanimous support of the members present is required in order to make a recommendation to the partner organizations on the use of trust funds.

Duties

- 5 (1) The Committee will be responsible for:
 - (a) Use of funds
 - i) Discuss potential uses of the fund;
 - ii) Make recommendations to the partner organizations on the use of funds, ensuring that those recommendations follow the MOU and any subsequent agreements related to the trust fund;
 - iii) In evaluating possible recommendations, the Committee may undertake research into possible project areas, and develop criteria with which to evaluate possible projects.
 - (b) Financial Review
 - i) Annually review audited financial reports on the fund no later than September 30;
 - ii) Review to ensure the fund has been reported in a manner consistent with the MOU and any subsequent agreements related to the trust fund;
 - iii) Provide the audited financial reports to the LCCF and Council;
 - iv) Comment on any issues identified with the administration of the fund;
 - (c) General
 - i) Make recommendations to Council with respect to ensuring adherence the MOU and any subsequent agreements related to the trust fund;
 - ii) Make recommendation to the partner organization on potential revision to the MOU if required; and
 - iii) Discuss and advise on any unanticipated issues that may arise as a result of the administration of the fund.

Version	Amendment Description	Approval Date
Original	LCCF - Municipal Trust Fund Advisory Committee	

Council
Item: #11.1.2
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Council

Submitted by: Tom MacEwan, CAO
Alex Dumaresq, Deputy CAO

Date: February 13, 2024

Re: Proposed new shared services – Occupational Health and Safety & Privacy and Data Security

Recommendations

Move that Council approve the proposal for a shared Occupational Health and Safety service through the Municipal Joint Services Board,

and

Move that Council direct the Mayor to write to the Municipal Joint Services Board, seeking to have further discussions on the scope and cost sharing approach before approving the proposed Privacy and Data Security Service.

Background

In December 2023, the Municipal Joint Services Board (MJSB) reviewed proposals for 3 possible new services: Procurement, Occupational Health and Safety (OHS), and Privacy and Data Security. While the Board recommended all three for consideration by the partner Councils, both the Town of Bridgewater and the Town of Mahone Bay declined to proceed with the procurement service, leaving two services for MODL to consider. Procurement remains a possible service and a working group has been struck by the COO of the MJSB to further examine the service.

A shared regional safety service would provide expert input on OH&S policy and act as an advisor to each unit's OH&S committee. Additionally, the service would provide for the

development and implementation of training programs and lead any investigations as required by the Occupational Health and Safety Act and the Municipality's Safety Policy.

A regional shared privacy and data security service would provide strategic advice to staff ensuring compliance with municipal legislation, coordinate FOIPOP responses under direction of the Clerk, support privacy impact assessments and data inventory activities, and implement privacy compliance software that identifies what data needs to be protected and applies protection policies on critical datasets.

Discussion

MODL has been a strong supporter of regional service and staff remain committed to using shared services wherever possible. Absent an amalgamation initiative, using a shared service model helps find cost efficiencies, harmonizes services for residents in our region and accesses a higher degree of expertise and specialization than would be possible independently. While shared services on the whole are preferable to individual development by each municipal unit, it is critical that the development of services results in a shared mutual benefit. This requires a clear understanding of scope and fair cost model that allocates costs to reflect the benefits received.

Safety Service

One of the primary benefits of a shared service is to allow municipal units to leverage a level of expertise that may be required but is prohibitively expensive to hire for individually. The Proposed Safety service would provide high value for money for MODL by sharing this expertise. The municipality's current safety program is undergoing review and improvements, and the new procedures will rely heavily on this position for guidance advice and direction. A major benefit of the proposed service is it will reduce risk of injury to employees and minimize the risk of the municipality being found to have a non-compliant safety program.

Privacy and Data Security

A recent review conducted by the Town of Bridgewater found that the town was not in full compliance with privacy requirement of part XX of the MGA. While the review did not include MODL, the municipality likely has similar gaps in information management. Of note, Bridgewater has significant work needed to meet privacy standards required of the Energize Bridgewater funding; MODL does not have to meet the same standard required of Smart Cities Challenge recipients. While a privacy and data security service would be an improvement for MODL, it is not a high priority for the municipality at this time and the cost-sharing model does not reflect the relative importance of the service to the various partners.

Safety Service

The total cost of the proposed service for the upcoming budget year would be 110,000, with MODL's share being \$28,431. The proposed cost formula allocates 50% of the cost as a base fee across the 3 partner units and the MJSB, who will also use the service. The remaining 50% is allocated based on staff count. This is a fair approach and reflects MODL's reduced risk vs other partners as many of our services are contracted with safety certified contractors (e.g. snow removal). The inclusion of a base fee ensures that all partners pay fairly for the base level improvements that a shared service provides.

Data Privacy and Security Service

The total cost of the proposed service for the upcoming budget year would be 214,098, with MODL's share being \$103,700. The allocation is created as follows:

- The proposed cost formula allocates 35% of the cost as a base fee across the units.
- 30% of the cost would be allocated based on time used to process FOIPOP applications.
- A portion of the cost would be an increase in IT costs as it uses existing MJSB IT staff to complete the work, and
- There is a per staff person increase for a higher Microsoft licensing level.

The initial proposal also included a 35% cost share based on uniform assessment. MODL staff noted that the primary beneficiary of the service in the early years will be the Town of Bridgewater, but Uniform assessment sends a disproportionate share of the cost to MODL. The board and partners have agreed to re-examine the cost formula. For example, replacing Uniform Assessment with the cost allocation model for IT reduces MODL's share by almost \$13,000.

Alternatives

Staff recommend approving the safety service and seeking further discussion on the data privacy and security service. There are alternatives to this recommendation:

- Council could choose to approve both positions;
- Council could decline both services;
- Council could request that procurement service be accelerated before one or both of the proposed services goes ahead.

Conclusion

MODL is strongly in support of shared services as they enhance regional collaboration and understanding and provide a high level of expertise that is unaffordable for individual units. In order for a shared service to be successful, all partners have to have a shared understanding of the value of the service. The Safety service provides a clear benefit to the municipality, the privacy and data management service requires additional discussion to ensure that there is value for the municipality.

Report Preparation	
Department	Administration
Report Prepared by	Tom MacEwan, CAO Alex Dumaresq, Deputy CAO
Report Approved by	
Date Reviewed by C.A.O.	



Municipal Joint Services Board, Lunenburg Region

131 North St, PO Box 209, Bridgewater, NS B4V 2W8 /Phone (902) 543-2991 Fax: (902) 530-5189

To: Council
From: Lesley McFarlane, COO
Date: December 4, 2023
Subject: Review Proposal – Occupational Health and Safety Shared Service – Attachment #2

Background

The partner organizations and MJSB have varied approaches to providing Occupational Health and Safety services. None of the four have a dedicated resource providing these services. Adherence and focus on Occupational Health and Safety and associated risk management can be significantly improved by a centralized approach that provides access to an OHS expert, as opposed to relying upon staff to retain this knowledge as a component of their duties, or by relying upon periodic retention of contract resources.

Discussion

The following summarizes how Occupational Health and Safety is fulfilled by each of the partner municipalities and MJSB:

Table with 2 columns: Organization, Current Occupational Health and Safety Resource Capacity and Approach. Rows include MODL and TOB with detailed descriptions of their current OHS resources and approaches.

	<ul style="list-style-type: none"> • Administrative functions and lower level OH&S activities are completed by program and clerical staff.
TOMB	<ul style="list-style-type: none"> • Currently does not have an Occupational Health and Safety position. • Directors and the CAO are responsible for executing Occupational Health and Safety in compliance with the NS Occupational Health and Safety Act and policies and procedures. • Administrative functions and lower level OH&S activities are completed by program and clerical staff.
MJSB	<ul style="list-style-type: none"> • Currently does not have an Occupational Health and Safety position. • Leadership Team is accountable to ensure compliance with Occupational Health and Safety Policy and Legislation.

A jurisdictional scan of other Nova Scotia municipalities indicates the following organizations have an Occupational Health and Safety Officer position:

- Cape Breton Regional Municipality
- Halifax Regional Municipality
- Municipality of the District of Chester
- Regional Municipality of Queens
- Town of Truro
- Town of Yarmouth
- Municipality of East Hants

Occupational Health and Safety increasingly requires a high degree of specialization, including knowledge of provincial legislation, organizational policies, relevant case law, and knowledge of new and alternative approaches to ensure compliance and reduced risk of injury. Municipalities who operate without this specialized assistance increase the risk of injury and non-compliance with legislation.

Time savings of existing staff and Workers' Compensation Board costs will be realized when partner municipalities have Occupational Health and Safety strategies. This position will develop OH&S Programs, support WCB case management, as a designated resource analyzing and implementing strategies to reduce risk of injury. Given increasing WCB costs, there is an increasingly positive case for implementing a centralized Occupational Health and Safety service.

As required by the MJSB agreement, this review proposal has taken into consideration the following four aspects:

1. Activities and authorities to be considered (Scope)
 - Develop an Occupational Health and Safety program in consultation with Health and Safety Committees and Directors.
 - Provide strategic advice on Occupational Health and Safety to ensure compliance with OH&S legislation.
 - Provide input to municipal OH&S policies.

- Act as an advisor for joint OH&S initiatives for each organization, under direction of the COO/CAOs
 - Analyze OH&S trends and make recommendations.
 - Recommend best practices and policy improvements to partner organizations
 - Lead the development and implementation of appropriate training programs
 - Lead organizations through aspects of a safety program administration including:
 - Incident investigations
 - Compliance audits and investigations
 - Department of Labour inspections, investigations, orders
2. Related policy or strategic decisions that will remain with partner Councils
 - Partner units will maintain control and responsibility for their respective Occupational Health and Safety policies and programs
 - Due to the knowledge and expertise needed for the service, the shared service would not include the completion of clerical/administrative tasks currently completed by individual units (e.g. tracking safety training).
 3. Potential Benefits
 - Reduce risk of injury and incidents such near misses, medical aid, and lost time.
 - Reduce legal risk for non-compliance.
 - Reduce WCB costs.
 - Increased awareness of safe work practices.
 - Increased awareness of emerging Occupational Health and Safety best practices.
 - Synergies with partner municipalities.
 4. Estimated cost to complete the evaluation
 - The evaluation has been completed in house without incurring net new costs.

Financial Implications

A market study has been conducted and identified the salary range for the Occupational Health and Safety Specialist to be \$67,864 to \$93,313 (MJSB Group 6). A travel, training and office expense budget of approximately \$8,270 will also be required. The total anticipated budget will be \$110,000

Service Delivery Approach

The recommended approach is for the service to be provided by MJSB hiring an Occupational Health and Safety officer, who will provide services to the three partners as well as to MJSB. This approach leverages the MJSB governance structure which is already in place, to provide control over the outcomes of the shared services. Through the Board, the Partners are in control of the shared services budget and service level.

Joint contracting with a third party was considered but is not recommended, as it can be difficult to control service levels obtained, and the nature of Occupational Health and Safety lends itself to having an internal staff member in whom knowledge can be invested. This will allow the OHS Specialist to develop relationships with partner staff and managers, to best understand and fulfill the partners' needs. Having an internal staff member will also provide better continuity of service than a contract solution.

The analysis also considered whether one of the three partners should be a service provider to the other municipalities. This option would be similar to the Building Inspector model, with a lead organization bearing costs which are offset by payments from the other partners. That model makes sense for building inspectors where those staff are already in place. However, there are no existing OHS staff, so it makes more sense to create a standalone service to ensure that all parties have equivalent access and control over the staff member providing the service. A purchased service from one partner may not provide as much independent control and transparency to the receiving partners. It may be more cumbersome for receiving partners to be included in decisions including staffing, compensation and workload of the shared services staff. Although this option can be successfully implemented as long as there is a well-maintained agreement between the parties, it is recommended that the OHS shared service leverage the existing MJSB agreement and structure, by creating a standalone shared service.

Cost Allocation Model

Budget Components

The following costs will be used for budgetary purposes, based upon the MJSB Group 6 salary band, Level 5. The total budget includes an estimate of the annual CPI salary increase, and is a loaded rate which includes pension and benefits. The budget also includes costs for travel, training, and office expenses including a contribution toward office space rental.

Amount billed to the parties will be based on actual costs. Actual costs will vary from the budget due to such factors as actual CPI, actual rent costs, and actual salary, which will depend upon the selected candidate's qualifications and experience.

Budget Component	Budgeted 2024/25 Annual Cost
Salary – Group 6, Level 5 + 4% CPI Estimate, Including Pension & Benefits (Loaded Rate)	\$101,730.00
Travel and Training	\$ 1,720.00
Office Expenses including Rent, Software Licences, Phone	\$ 6,550.00
Total	\$110,000.00

Cost Allocation Model

The cost allocation model will be reviewed and revised annually as per the MJSB agreement, to ensure it meets the partners’ needs. The 2024/25 cost allocation model consists of two factors:

1. Half the total budget is allocated between the four parties on an equal share basis, recognizing that all parties to benefit from the existence of the service.
2. The remaining half of the total budget is allocated based on the proportion of total staff served across the four organizations. This portion of the budget will be revised annually based upon headcount in each organization as of March 31.

The respective budgetary costs for a full year of the service are as shown below for each party.

Factor	MODL	TOB	TOMB	MJSB	Total
Equal Share (50%)	\$13,750	\$13,750	\$13,750	\$13,750	\$55,000
Proportion of Total Staff* (50%)	\$14,681	\$31,554	\$3,287	\$5,478	\$55,000
Total Budget	\$28,431	\$45,304	\$17,037	\$19,228	\$110,000

*	MODL	TOB	TOMB	MJSB	Total
Number of Staff (as of March 31, 2023)	67 (26.7%)	144 (57.4%)	15 (6.0%)	25 (10.0%)	251



Municipal Joint Services Board, Lunenburg Region

131 North St, PO Box 209, Bridgewater, NS B4V 2W8 /Phone (902) 543-2991 Fax: (902) 530-5189

To: Council
From: Lisa Bozek, Director of IT Shared Service
Date: December 4, 2023
Subject: Review Proposal - Privacy and Data Security Shared Service – Attachment #1

Background

At the November 22, 2023 board meeting, the MJSB approved presenting to the Councils for approval, the creation of a new Privacy and Data Security shared service.

The imperative to create this shared service comes from the conclusion of work the Town of Bridgewater has undertaken in relation to the Energize Bridgewater program.

The legislative requirements that govern the Freedom of Information and Protection of Privacy in Nova Scotia are written in Part XX of the Municipal Government Act (MGA). As part of its obligation to manage risks and public expectations associated with the safe and responsible use of citizen's personal and community data for the Energize Bridgewater program, the Town of Bridgewater conducted a preliminary Privacy Impact Assessment (in 2019) and hired Valencia Consultants (in 2022) to create a framework for the implementation of a Privacy Management Program (PMP). To improve the Town's compliance with the current legislation, the Town has also budgeted (2023/24 fiscal) to hire a Privacy Officer who will develop and implement a complete policy suite through the Privacy Management Program.

Valencia Consulting's analysis concluded that the Town is not in compliance with the privacy requirements of Part XX of the MGA. Although not confirmed through detailed analysis, it is safe to assume that the other MJSB Partner municipalities are also not in compliance with Part XX of the MGA. As such, there is a risk that all Partner municipalities would be accountable for any failure to protect their information. Responding to FOIPOP applications is not enough to meet the expectations of the legislation.

Nova Scotia provincial privacy laws, as written in Part XX of the MGA, have not caught up with the *actual* risks and expectations for managing personal and community data and are not as robust as other jurisdictions. This view has been expressed to legislators in Nova Scotia and to government bodies by the Information and Privacy Commissioner (IPC) for Nova Scotia. The Commissioner recommended in her 2022 annual report that a requirement be added to provincial privacy laws making it mandatory for public bodies and municipalities to have a Privacy Management Program (PMP).

If, and when, the Nova Scotia government makes the recommended changes, MJSB Partners will be required to implement PMP's. Concurrently, MJSB IT, as the shared service provider who holds

responsibility for protecting the Partner’s IT platforms that store personal data, will need to expand its data security scope to be in compliance with the current and imminent legislative changes.

Discussion

The following summarizes how privacy and data security is currently fulfilled by each of the Partner municipalities:

Organization	Current Procurement Resource Capacity and Approach
MODL	<ul style="list-style-type: none"> • Clerk coordinates FOIPOP requests. • A Records Management and Destruction policy exists. • No privacy management policies currently in place.
TOB	<ul style="list-style-type: none"> • Clerk coordinates FOIPOP requests. • A Records Management policy exists. • A Municipal Privacy Policy and Privacy Management Program (PMP) are currently in development. • 2023/24 budget includes resources to hire a full-time Privacy Officer.
TOMB	<ul style="list-style-type: none"> • Clerk coordinates FOIPOP requests. • A Records Management policy exists. • No privacy management policies currently in place.
MJSB ITSS	<ul style="list-style-type: none"> • IT Service and Infrastructure Supervisor supports all Partner organisation Clerks in their FOIPOP coordination through keyword search on the Microsoft tenant.

Proposed Scope

The Privacy and Data Security Shared Service would:

- Provide strategic advice to staff ensuring compliance with municipal legislation,
- Coordinate FOIPOP responses, under direction of the COO/CAOs,
- Support privacy impact assessments and data inventory activities,
- Develop a complete privacy management policy suite (see Appendix A: Supporting Information).
- Implement and configure privacy compliance software that identifies what data needs to be protected and applies protection policies on critical datasets.

As part of the PMP framework, Valencia consultants have recommended that MJSB IT implement software that will automate data discovery tasks and help protect sensitive data by identifying data risks and managing regulatory compliance requirements. This new suite of software functionality requires specialized knowledge, and these new tasks would expand the scope of the existing IT resource managing data security (i.e., Service and Infrastructure Supervisor).

Currently, all MJSB Partners share the Microsoft 365 tenant and data storage in Pennant Point, of which there is very limited delineation of data. Changes to data security policies in these two environments will affect all Partners. With the Town of Bridgewater leading this initiative, it is an opportunity for all MJSB partners to improve their data security posture and eventually, privacy management practices.

Supporting this work will require the MJSB IT resource who is currently handling data security to expand their role, learn the new software and respond to increasing data security requirements during development of the PMP. This will have resource impacts on the IT team.

Out of Scope

Exclusions from the Privacy and Data Security Share Service include:

- Policy approval or related strategic decisions will remain with partner Councils,
- Partner CAO's will maintain control and responsibility for deciding what information gets redacted in FOIPOP responses,
- Partner units will maintain control and responsibility to implement and enforce privacy management practices and policies with their staff,
- The shared service would not take over existing records management practices/policies nor be responsible for other information management initiatives or data governance practices at the municipal unit level.

Benefits

The key benefits to be achieved with the shared service:

- Reduce the combined time spent on FOIPOP coordination responses,
- Due to the high degree of specialized knowledge, improve management of risks and obligations associated with legal and compliance consequences of data breaches,
- Improve reputational risks by demonstrating responsible use of personal and community data,
- Ability to leverage investment in software learning curve,
- Alignment of practices across the MJSB partnership.

Financial Implications

Three primary cost components are anticipated to run the shared service:

1. **Privacy Officer:** The Town of Bridgewater has budgeted an annual salary of \$90,000 to hire a full-time Privacy Officer. The plan is to hire them on a two-year, temporary contract. This person would dedicate 70% of their time working on the privacy management program and 30% of their time to coordinating FOIPOP responses for all parties. An analysis of how much effort has been spent responding to FOIPOP requests (see Appendix A: Supporting Information) was completed to arrive at this split.
 - FOIPOP coordinator – 0.3 FTE
 - Privacy Officer – 0.7 FTE
2. **Microsoft 365 E5 Compliance software (aka Purview):** Valencia Consultants have recommended that the Town of Bridgewater purchase a subscription to a privacy compliance software to effectively manage sensitive data in compliance with regulatory requirements. Microsoft has a product that could be used (Purview) that would require a \$341 increase per user, in annual license costs (i.e., Add E5 Compliance (\$341) to Business Premium (\$358) for a total of \$698.40 per user, per year). A complete investigation is still required to determine if Purview can ingest the most critical datasets in each organization. If it cannot, new software will need to be sourced or the program rescope.
3. **Service and Infrastructure Supervisor (0.5 FTE):** Valencia suggests that it would take half of an FTE's time to configure/administer the software and respond to requests (i.e., data profiling, data audit, technical policy application, etc). Realistically, it will require more time for that resource

to learn how to use the software before they are proficient enough to configure, administer and run requests. After deliberation, it is not appropriate to contract this resource because it requires total access to all Partner data, and it does not build in-house capacity. The current Service and Infrastructure Supervisor is the correct person to take on this work. To back fill his time on the help desk, IT would retain the temporary IT Support Desk Technician hired last year. The Technician will also contribute to the implementation of the Partner's (project) workplans.

Service Delivery Approach - Full Shared Service for all Partners

- The recommended approach is for the Town of Bridgewater to hire a Privacy Officer on a two-year (term) contract, starting immediately, ensuring the candidate knows that the contract may be permanently assigned to MJSB upon re-evaluation in 1.25 years. The Privacy Officer immediately addresses the Energize Bridgewater's program needs.
- If the Shared Service is approved, and the Privacy Officer has been recruited before the end of the 2023/24 fiscal year, this contract will be seconded to the MJSB starting April 1, 2024. MJSB will manage the Privacy Officer and bill the Partners for the entire service, based on the new cost allocation model.
- If the Shared Service is not adopted, then the Town of Bridgewater proceeds as planned.
- This is the recommended approach because it is only a matter of time before Municipalities will be required to implement Privacy Management Programs. Choosing to be ahead of the legislation and mitigate risk in advance, shows responsible corporate citizenship. Additionally, simply adopting the Town of Bridgewater's policies, after they have done all the work, doesn't show solidarity in the Partnership.

Cost Allocation Model

1. Privacy Officer loaded rate:
 - a. 70% of salary and overhead costs will be divided two ways:
 - i. 35% will be allocated equally between the four parties. This is the cost to participate in the service.
 - ii. 35% apportioned to the three partners based on uniform assessment. This measure of assessment base is intended to represent the relative size of each of the partners and therefore the relative workload and benefit.
 - b. 30% of costs allocated based on proportionate share of FOIPOP coordination effort. This number represents the actual proportion of an FTE spent in FOIPOP coordination across the parties for the past two years.
2. IT Service and Infrastructure Supervisor loaded rate (0.5FTE): costs allocated according to the IT cost allocation model.
3. Microsoft E5 license costs causal to the service: budgeted according to 2023/24 user count.

Cost Component	%	Value	MoDL	ToB	ToMB	MJSB	TOTAL
Privacy Officer Salary (loaded rate)	100%	\$100,000	\$ 62,700	\$ 17,650	\$ 10,900	\$ 8,750	\$100,000
Equal share	35%	\$ 35,000	\$ 8,750	\$ 8,750	\$ 8,750	\$ 8,750	\$ 35,000
Uniform assessment share*	35%	\$ 35,000	\$ 26,950	\$ 6,650	\$ 1,400		\$ 35,000
FOIPOP coordination effort proportionate share **	30%	\$ 30,000	\$ 27,000	\$ 2,250	\$ 750		\$ 30,000
IT Service and Infrastructure Supervisor salary (loaded rate) ***	0.5 FTE	\$ 43,894	\$ 15,802	\$ 18,435	\$ 7,023	\$ 2,634	\$ 43,894
E5 compliance licenses - net increase in fees (341/person/year)		\$ 341	\$ 25,219	\$ 29,309	\$ 11,246	\$ 4,430	\$ 70,205
	TOTAL		\$103,721	\$ 65,394	\$ 29,169	\$ 15,814	\$214,098

Uniform Assessment 2022/23*	MoDL	ToB	ToMB	TOTAL
	77%	19%	4%	100%

FOIPOP Coordination Effort **	Avg Hours	MoDL	ToB	ToMB	MJSB	TOTAL
Straight forward	15	90	45	15		150
Complicated	75	450				450
	TOTAL	540	45	15		600
	Share	90%	8%	3%		100%

IT Cost Allocation 2023/24 ***	MoDL	ToB	ToMB	MJSB	TOTAL
	39.47%	39.47%	14.33%	6.73%	100%

Appendix A: Supporting Information

Partner FOIPOP requests and coordination efforts for the 2022/3 and 2023/4 (YTD) fiscal years

2022/23 Fiscal	Straightforward (Avg of 15hrs)	Complicated (avg of 75hrs)	Total
MoDL	1 (15hrs)	3 (225hrs)	4/240hrs
ToB	3 (15hrs)		3/45 hrs
ToMB		1 (75hrs)	1/75hrs
Total	4 requests/60 hrs	4 requests/300 hrs	8/360hrs
2023/24 Fiscal (YTD)	Straightforward (Avg of 15hrs)	Complicated (avg of 75hrs)	Total
MoDL	6 (90hrs)	6 (450hrs)	12/540hrs
ToB	3 (45hrs)		3/45hrs
ToMB	1 (2hrs)		1 /2hrs
Total	10 requests/137hrs	6 requests/450hrs	16/587hrs
GRAND TOTAL	14 requests/197 hrs	10 requests/750hrs	24/947 hours

Town of Bridgewater Privacy Management Program (PMP) – Scope of policy suite as recommended by Valencia Consultants

1. Privacy Framework
2. Implementation and Review Plan
3. Privacy Management Program Documents Outline
4. Responsible use of information and information technology
5. Privacy Breach Management
6. Accessing and Correcting Personal Information Policy
7. Records Retention and Disposition Policy & Schedule
8. Privacy Protection Schedule
9. Personal Information Inventory Template(s)
10. External Communications Protocols
11. Recommendations on Training and Education

Council
Item: #11.2.1
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Mayor Bolivar-Getson and Municipal Council
Submitted by: Norma Schiefer, Municipal Development Officer
Date: February 13, 2024
Re: Request to Levy Private Road Maintenance Charge – Plamu Road Lot Owners' Association

Recommendation

That Municipal Council levy a maintenance charge within the Charge Area identified by the Plamu Road Lot Owners' Association as follows:

- A uniform amount per lot.

With the 2024-25 charge being set at:

- \$250.00 per lot

Subject to an Agreement being entered into between the Municipality and the Plamu Road Lot Owners' Association that satisfies the requirements of Section 9 of the Private Roads By-law.

Executive summary

A request has been received, from the Plamu Road Lot Owners' Association, for Council to levy a charge pursuant to the Private Roads By-law for road maintenance fees. The road maintenance fees are for the maintenance of Plamu Road, Matues Road, Copek Road and Lentuk Road, as identified in their charge area map, located in East Clifford.

This request is being forwarded to the Municipal Council for approval.

Discussion

The request received from the Plamu Road Lot Owners’ Association is for Council to levy a charge to the lots within the identified Charge Area. The maintenance budget, submitted by the Association, indicates a uniform charge of \$250.00 per lot. As per the Private Roads By-law the Municipality has a 5% administration fee which is added to the charges.

[$\$7,250.00$ Budget, plus 5% Administration fee of $\$362.50 = \$7,612.50$ total charge amount]

The Private Roads By-law requires that this request be accompanied by:

Requirements	Submitted Yes /No	Comment
Petition bearing the signature of more than half of lot owners	Yes	Complies with By-law (attached) Petition submitted bears the signatures of 69% of the lot owners in the Charge Area (20 out of 29 lots).
Yearly Maintenance Budget, approved by Resolution	Yes	Maintenance Budget Complies (attached)
Copy of Resolution approving Maintenance Budget	Yes	Complies (attached)
Copy of the Associations MOU and By-law which clearly states that the object or purpose of the Assoc. is to carry out the road maintenance and/or improvement and the Assoc. was formed to represent the owners within the Charge Area.	Yes	Complies
Plan showing Charge Area	Yes	Complies (attached)

As is evident from the above noted chart the required information has been submitted. Staff has confirmed that more than half of the lot owners have signed the petition in favor of the lot charge.

As per clause 9 of the Private Roads By-law, prior to approving the levying of a charge the Association must enter into an Agreement with the Municipality which:

- a) Requires that the association must be responsible for performing, or contracting the work in relation to the maintenance or improvement of the private road in a Charge Area;
- b) Indemnifies the Municipality from all liability or responsibility with the work in relation to the maintenance or improvement of the private road in a Charge Area;
- c) Identifies the method of collecting a charge that the person indicated in the application;
- d) Contains any other clauses that the Council may require.

Budget implications

The amount of \$7,612.50 will need to be added to the budget as revenue and \$7,250.00 added as an expense. [\$7,612.50 less \$362.50 admin fee = \$7,250.00]

Conclusion

The request submitted satisfies the requirements of the Private Roads By-law. Municipal Council is required to review this request for approval. A draft agreement is attached and is being reviewed by the Municipal Solicitor.

Report Preparation	
Department	Planning and Development Services
Report Prepared by	Norma Schiefer, Development Officer
Report Approved by	Jeff Merrill, Director
Date Reviewed by C.A.O.	

AND WHEREAS the Municipal Council, in session on _____, passed the following motion:

That Municipal Council levy a maintenance charge within the Charge Area identified by the Plamu Road Lot Owners' Association as follows:

- ***A uniform amount per lot.***

With the 2024-25 charge being set at:

- ***\$250.00 per lot***

Subject to an Agreement being entered into between the Municipality and the Plamu Road Lot Owners' Association that satisfies the requirements of Section 9 of the Private Roads By-law.

AND WHEREAS the parties wish to enter into this agreement to give effect to their intentions with respect to the levy and collection of such charges, pursuant to the Bylaw.

WITNESSETH that in consideration of the mutual agreements set out herein, the parties agree as follows:

1. The parties agree the Petition of the residents of the Plamu Road Lot Owners' Association, attached hereto as Schedule "A", shall form the basis of the charge created hereby, pursuant to the Bylaw. The Association confirms that all signatories to that petition are members of the Association.
2. The Charge Area to which this agreement shall apply is as shown in Schedule "B" attached hereto.
3. The Municipality shall levy and collect a charge of:
 - A uniform amount per lot.
 - The said charge is to be adjusted annually, pursuant to the Private Roads By-law.
4. The Municipality shall turn over to the Association, the charges collected, for use in the improvement and maintenance of the Roads, in accordance with the Bylaw. The Municipality shall not be held responsible for relying on and shall be permitted to rely on any lot identification information provided by the Association.
5. The Association shall be responsible for performing or contracting, the work associated with the improvement or maintenance of the Roads.

6. The Municipality shall have no responsibility or liability of any kind with respect to the Roads or the condition of the Roads or for their improvement and/or maintenance, and the Association shall indemnify and save harmless the Municipality, its officers, servants, agents and employees, its and their heirs, executors, administrators, successors and assigns, or any of them, from and against all risk of loss, damage or injury and against all claims, demands, actions and causes of action whatsoever arising out of, or in any way attributable to the operation of this Agreement, including but not limited to any and all liability or responsibility with respect to the work associated with the improvement or maintenance of the Roads.

IN WITNESS WHEREOF the parties to these presents have signed, sealed and delivered the same the day and year first above written.

SIGNED, SEALED AND DELIVERED) PLAMU ROAD LOT OWNERS'
In the presence of:) ASSOCIATION
)
)
)
) Per: _____
Witness) Director
)
)
)
) Per: _____
Witness) Director

MUNICIPALITY OF THE DISTRICT
OF LUNENBURG

)
)
) Per: _____
Witness) Mayor Carolyn Bolivar-Getson
)
)
) Per: _____
Witness) April Whynot-Lohnes, Municipal Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF LUNENBURG)

ON THIS day of , A.D., 2024, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that PLAMU ROAD LOT OWNERS' ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

A COMMISSIONER OF THE SUPREME COURT
NOVA SCOTIA

PROVINCE OF NOVA SCOTIA)
COUNTY OF LUNENBURG)

ON THIS day of , A.D., 2024, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that PLAMU ROAD LOT OWNERS' ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

A COMMISSIONER OF THE SUPREME COURT
NOVA SCOTIA

Schedule A

PLAMU ROAD LOT OWNERS' Association Petition

The petition will form part of the signed agreement, not duplicated here as it is above attached in the report.

Schedule B

PLAMU ROAD LOT OWNERS' Association
Map showing the Charge Area

The map is not duplicated in this draft agreement; the document is currently located above in the report



Private Road Maintenance or Improvement

Application Form for an Association

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg. We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

(a) Maintenance

Each of the landowners, whose signature appears below, propose that the Council approves this as a petition in compliance with Section 4 of the Private Roads By-law. The landowners request that they be levied a charge in respect of the private road maintenance or improvement, as indicated above, and further that, this charge be levied by the uniform charge on all lot.

The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
David R.Caldwell	Lot 1	60706231	

David R Caldwell
Signature



Private Road Maintenance or Improvement

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(a) Maintenance x

Each of the landowners, whose signature appears below, propose that the Council approves this as a petition in compliance with Section 4 of the Private Roads By-law. The landowners request that they be levied a charge in respect of the private road maintenance or improvement, as indicated above, and further that, this charge be levied by the uniform charge on all lot.

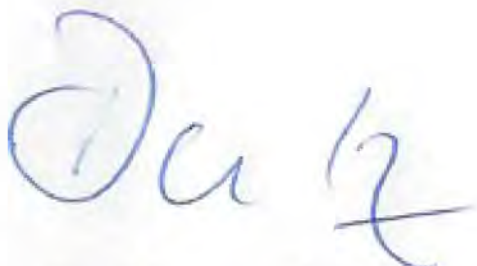
The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
Steffen Matthias <u>Doelz</u>	Lot 18	60708542	29 Dec 23
<u>IRINA BEATE EVELYN DOELZ</u>	Lot 19	60708559	29 Dec 23

Signature

29 Dec. 2023


Steffen Matthias DOELZ


Irina Beate Evelyn DOELZ

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The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
Anke Kerstin Alma Evertz	Lot 17	60708534	29.01.2024



Signature

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The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
Jürgen Föhlinger	Lot 13	60707981	


Signature

Private Road Maintenance or Improvement

Application Form for an Association
respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated
February 25, 2021 To the Council of the Municipality of the District of
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of the private road maintenance or improvement, as indicated above, and
further that, this charge be levied by the uniform charge on all lot.
The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
Corinna Herzog	Lot 6	60699410	4 th January 2024


Signature

Private Road Maintenance or Improvement

Application Form for an Association

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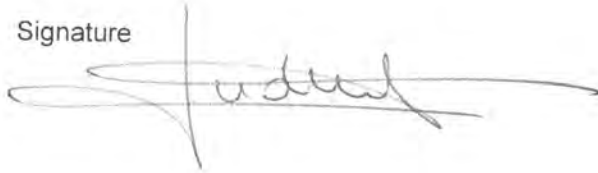
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The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
Florian Joel Judas	Lot 25	60708583	Dec 01 2023

Signature



Private Road Maintenance or Improvement

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The lot owner association fee is to be set at CAD 250 per year.

Name
Stefan Kiefer

Civic Address
Lot 14

PID
60708500

Date
25.01.2024

Signature 

Private Road Maintenance or Improvement

Application Form for an Association

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Name
Jürgen W. Ludewig

Civic Address
69 Plamu Road

PID
60708591

Date
10.12.2023

Signature



Private Road Maintenance or Improvement

Application Form for an Association

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg, We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

(a) Maintenance x

Each of the landowners, whose signature appears below, propose that the Council approves this as a petition in compliance with Section 4 of the Private Roads By-law. The landowners request that they be levied a charge in respect of the private road maintenance or improvement, as indicated above, and further that, this charge be levied by the uniform charge on all lot. The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
Steven Gregory Macneil	Lot 3	60706256	
Barbara Jane McNeill	Lot 4	60706264	

Signature

Steven Gregory Macneil
Barbara Jane McNeill

Jan 29, 2024

Jan. 29/2024

Private Road Maintenance or Improvement

Application Form for an Association

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg, We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

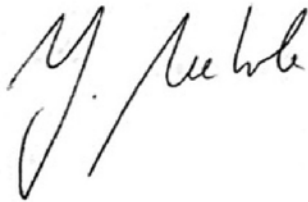
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The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
Yvonne Elisabeth Mehrle	279 Plamu Road	60706249	7 th December 2023

Signature



Private Road Maintenance or Improvement

Application Form for an Association

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg, We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

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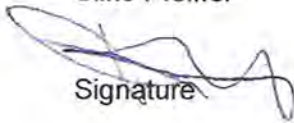
Name
Silke Pfeiffer

Civic Address
Lot 30

PID
60708633

Date

Signature



Private Road Maintenance or Improvement

Application Form for an Association

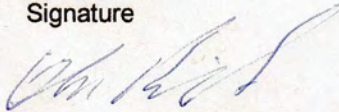
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Name	Civic Address	PID	Date
Oliver Pick	Lot 23	60699444	28-12-2023

Signature



Private Road Maintenance or Improvement

Application Form for an Association

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg, We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

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Name

Roland Rachor

Civic Address

65 Plamu Road

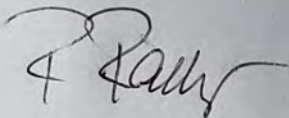
PID

60708609

Date

30.11.23

Signature



Praxis RACHOR

Wiesenstrasse 3 a

63839 Kleinwallstadt

Praxis: 0 60 22- 2 01 68

Mobil: 01 71- 5 84 06 40 Roland

Mobil: 01 78- 8 02 84 98 Susanne

e-mail: rs.rachor@gmx.de

www.praxisrachor.de

Private Road Maintenance or Improvement

Application Form for an Association

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg, We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

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The lot owner association fee is to be set at CAD 250 per year.

Name	Civic Address	PID	Date
Korey Richardson	Lot 7	60705605	Dec 4 2023

Signature

Korey Richardson

Private Road Maintenance or Improvement

Application Form for an Association

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg, We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

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Name	Civic Address	PID	Date
Marc Uhl	209 Plamu Road	60699428	
	Lot 11	60708492	

Marc Uhl

2023-12-08

Signature

Private Road Maintenance or Improvement

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respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg, We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

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Name

Donald Lloyd Waugh

Civic Address

Lot 21

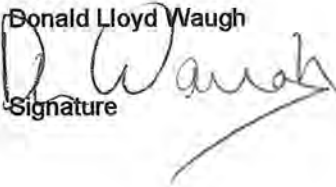
PID

60707361

Date

Jan 29/24

Signature



Private Road Maintenance or Improvement

Application Form for an Association

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021 To the Council of the Municipality of the District of Lunenburg, We, the undersigned, representing more than one-half of the landowners in the Plamu Road Lot Owner Association Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

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Name	Civic Address	PID	Date
Michael Zahn	19 Copek Road	60699436	30.11.22

Signature



Budget of the Plamu Road property owners' association

The annual contribution of the members is determined by written resolution to an annual amount of CAD 250 until revoked.

This amount is used to pay for maintenance work on the shared road and snow removal

 7 Dezember 2022

Plamcy Road Lot Owners Association

Recorded Resolution

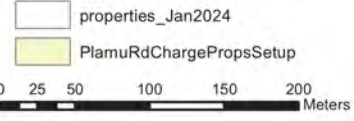
Be it resolved that the Plamcy Road Lot Owners Association hereby approve the Annual Maintenance Budget for the fiscal year of 2024-2025 as attached, and that this Budget form the basis for the lot charges for the maintenance of the private roads.

I certify that the above is a true and correct copy of the Resolution, which was duly passed by the Plamcy Road Lot Owners Association at a meeting duly called and held for that purpose on the 7 day of December, 2023



A handwritten signature in black ink, appearing to be 'M. Ed', written over a horizontal line.

Charge Area - SETUP Plamu Road, East Clifford



Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Prepared By: Planning & Development Services
Municipality of the District of Lunenburg



Council
Item: #11.2.2
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Mayor Bolivar-Getson and Municipal Council
Submitted by: Norma Schiefer, Municipal Development Officer
Date: February 13, 2024
Re: Request to Levy Private Road Maintenance Charge – Butler Lake Estates Lot Owners’ Association

Recommendation

That Municipal Council levy a maintenance charge within the Charge Area identified by the Butler Lake Estates Lot Owners’ Association as follows:

- A uniform amount per lot.

With the 2024-25 charge being set at:

- \$200.00 per lot

Subject to an Agreement being entered into between the Municipality and the Butler Lake Estates Lot Owners’ Association that satisfies the requirements of Section 9 of the Private Roads By-law.

Executive summary

A request has been received, from the Butler Lake Estates Lot Owners’ Association, for Council to levy a charge pursuant to the Private Roads By-law for road maintenance fees. The road maintenance fees are for the maintenance of Spruce Drive, Balsam Road and Beech Lane, as identified in their charge area map, located in Parkdale.

This request is being forwarded to the Municipal Council for approval.

Discussion

The request received from the Butler Lake Estates Lot Owners’ Association is for Council to levy a charge to the lots within the identified Charge Area. The maintenance budget, submitted by the Association, indicates a uniform charge of \$200.00 per lot. As per the Private Roads By-law the Municipality has a 5% administration fee which is added to the charges.

[$\$8,190.64$ Budget, plus 5% Administration fee of $\$409.36 = \$8,600.00$ total charge amount]

The Private Roads By-law requires that this request be accompanied by:

Requirements	Submitted Yes /No	Comment
Petition bearing the signature of more than half of lot owners	Yes	Complies with By-law (attached) Petition submitted bears the signatures of 67% of the lot owners in the Charge Area (29 out of 43 lots).
Yearly Maintenance Budget, approved by Resolution	Yes	Maintenance Budget Complies (attached)
Copy of Resolution approving Maintenance Budget	Yes	Complies (attached)
Copy of the Associations MOU and By-law which clearly states that the object or purpose of the Assoc. is to carry out the road maintenance and/or improvement and the Assoc. was formed to represent the owners within the Charge Area.	Yes	Complies
Plan showing Charge Area	Yes	Complies (attached)

As is evident from the above noted chart the required information has been submitted. Staff has confirmed that more than half of the lot owners have signed the petition in favor of the lot charge.

As per clause 9 of the Private Roads By-law, prior to approving the levying of a charge the Association must enter into an Agreement with the Municipality which:

- a) Requires that the association must be responsible for performing, or contracting the work in relation to the maintenance or improvement of the private road in a Charge Area;
- b) Indemnifies the Municipality from all liability or responsibility with the work in relation to the maintenance or improvement of the private road in a Charge Area;
- c) Identifies the method of collecting a charge that the person indicated in the application;
- d) Contains any other clauses that the Council may require.

Budget implications

The amount of \$8,600.00 will need to be added to the budget as revenue and \$8,190.64 added as an expense. [\$8,600.00 less \$409.36 admin fee = \$8,190.64]

Conclusion

The request submitted satisfies the requirements of the Private Roads By-law. Municipal Council is required to review this request for approval. A draft agreement is attached and is being reviewed by the Municipal Solicitor.

Report Preparation	
Department	Planning and Development Services
Report Prepared by	Norma Schiefer, Development Officer
Report Approved by	Jeff Merrill, Director
Date Reviewed by C.A.O.	

Council
Item: #11.2.3
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Mayor Bolivar-Getson and Municipal Council
Submitted by: Norma Schiefer, Municipal Development Officer
Date: February 13, 2024
Re: Request for Decision – Increase Charge Area – Botany Woods
Landowners Association

Recommendation

That Municipal Council approve the addition of PID's 60716222, 60721586 and 60716230 to the Botany Woods Private Road Maintenance Charge Area; and further, that the Municipal Clerk and Mayor be authorized to sign an addendum to the Private Road Maintenance Agreement with the Botany Woods Landowners Association to implement the same.

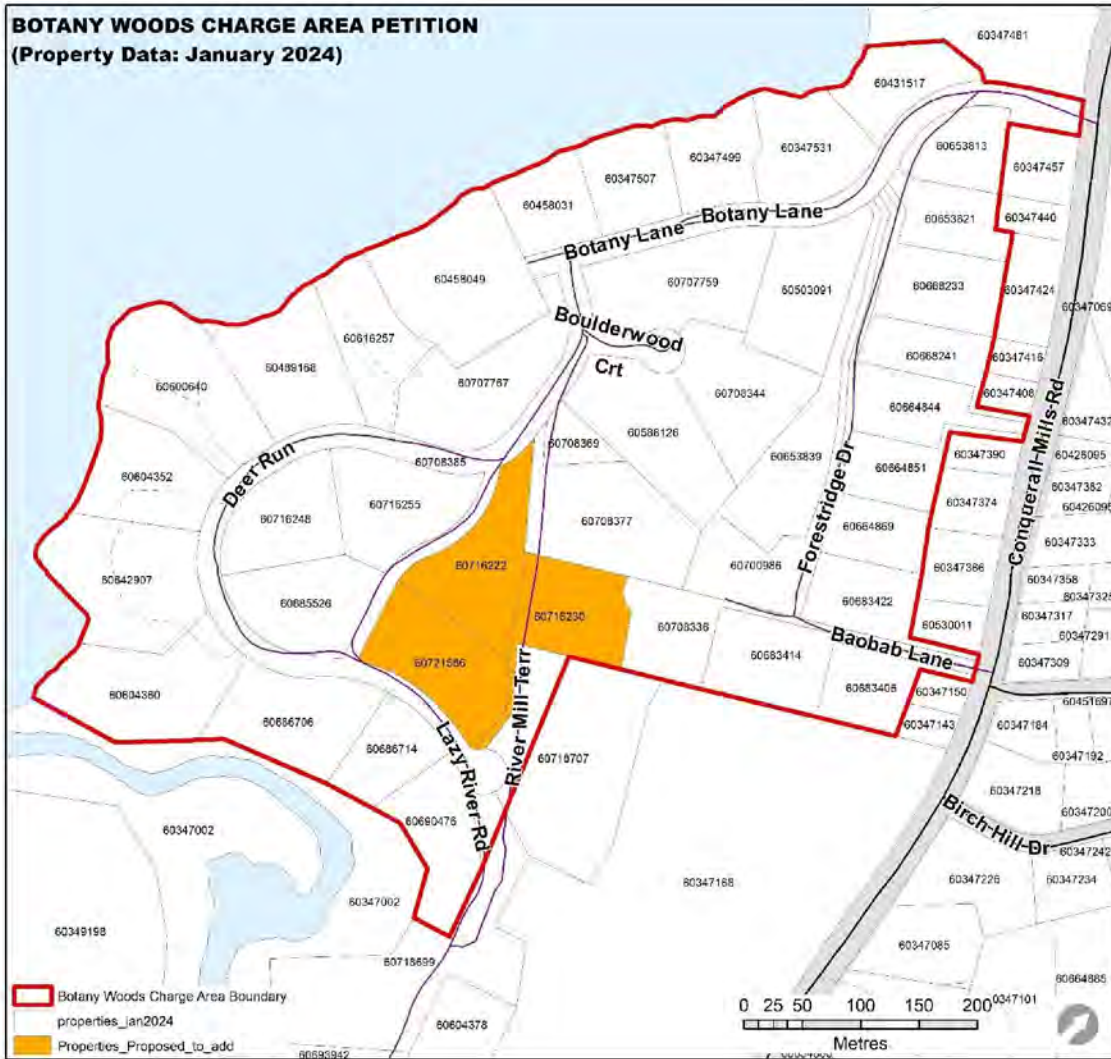
Background

The Municipality has a Private Roads By-law which sets out a process for property owners on private roads to have their road maintenance fees collected by the Municipality.

The Municipality signed an agreement in 2017 with the Botany Woods Landowners Association to collect road maintenance fees on their behalf. At the time the Association submitted a petition signed by 70% of the lot owners in the charge area. The agreement specifically exempted properties owned by the developer from the charge area. Once the developers' properties are sold, they have been added to the charge area, as access to the properties is via the private roads. Since the original agreement, Council has approved requests to add 7 properties to the charge area.

Discussion

Staff received a request from the Botany Woods Landowners Association to add an additional three (3) properties to their charge area. PID's 60716222, 60721586 and 60716230 are shown on the map below (shaded gold).



The Botany Woods Landowners Association has passed a resolution to amend their charge area to include these properties as the lots use the internal private subdivision roads for access. The properties obtain access from Botany Lane and Deer Run.

Budget implications

Pending Council’s decision, if the 3 properties are included in the charge area, the amount of \$1,800.00 will need to be added to the budget as revenue and \$1,714.29 added as an expense. [\$1,800.00 less \$85.71 admin fee = \$1,714.29]. The Association has budgeted \$600 per property as the road fee.

Conclusion

Amendment requests have been dealt with on a case by case basis. Staff is recommending Council add the 3 properties to the Botany Woods Landowners Association as requested by the Association. As stated in the original agreement, the properties have been conveyed, so the original exemption no longer applies. Access is provided via the private roads.

Staff recommends that Council expand the Botany Woods Landowners Association private road maintenance charge area to include PID's 60716222, 60721586 and 60716230. To implement the change in the charge area, an addendum to the existing agreement between the Association and the Municipality will need to be signed by both parties. (draft addendum attached)

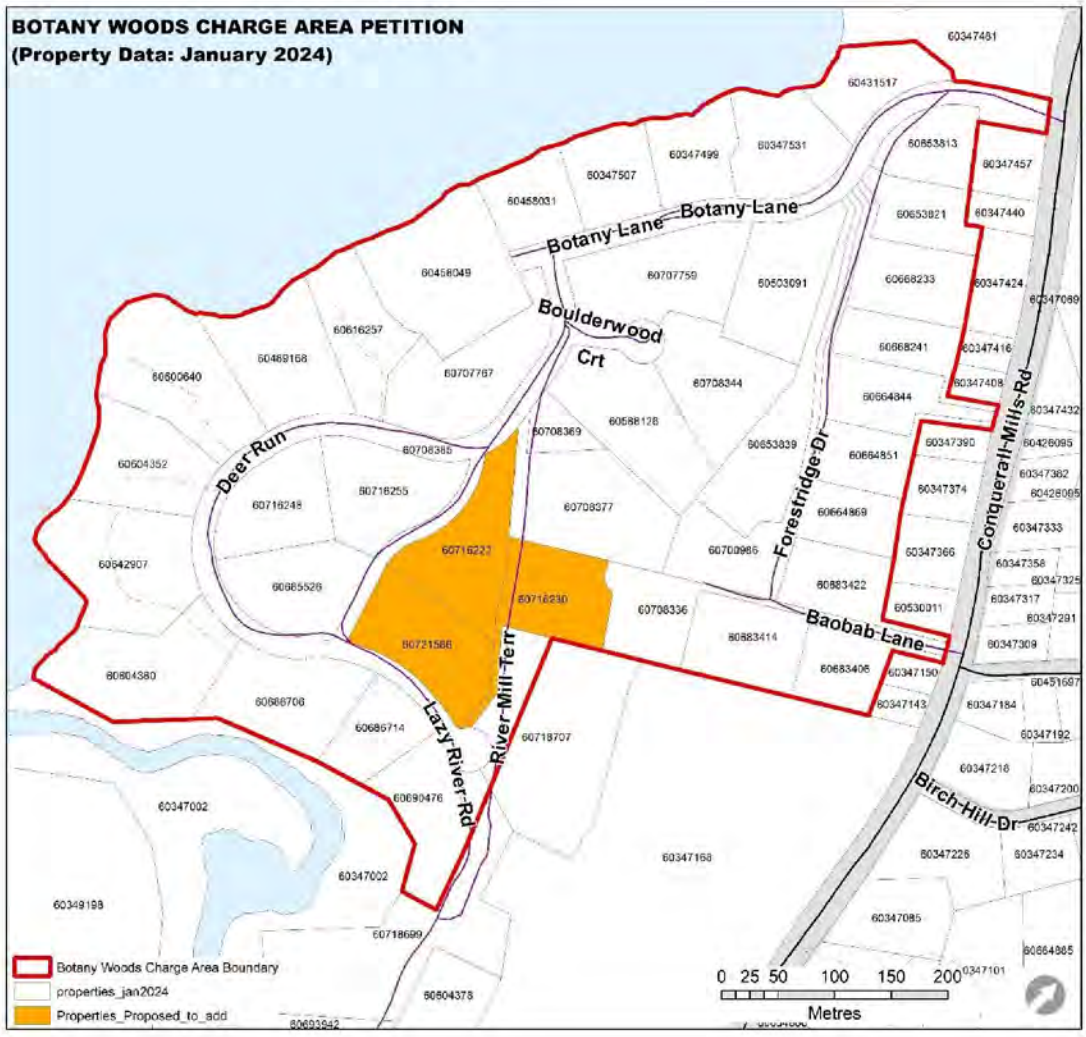
Report Preparation	
Department	Planning & Development
Report Prepared by	Norma Schiefer, Municipal Development Officer
Report Approved by	Jeff Merrill, Director
Date Reviewed by C.A.O.	

Schedule B



THE MUNICIPALITY OF THE DISTRICT OF LUNENBURG

PRIVATE ROADS MAINTENANCE AND IMPROVEMENT CHARGE BOTANY WOODS LANDOWNERS ASSOCIATION



WHEREAS the Botany Woods Landowners Association has requested that the charge area that forms part of the private road maintenance and improvement charge agreement (hereafter referred to as the "Agreement") between the Botany Woods Landowners Association and the Municipality of the District of Lunenburg be amended to include three additional properties.

AND WHEREAS Municipal Council in session on _____, passed the following Motion "That Municipal Council approve the addition of PID's 60716222, 60721586 and 60716230 to the Botany Woods Private Road Maintenance Charge Area; and further, that the Municipal Clerk and Mayor be authorized to sign an addendum to the Private Road Maintenance Agreement with the Botany Woods Landowners Association to implement the same."

AND WHEREAS all other terms and conditions contained in the Agreement shall remain in effect;

IT IS HEREBY agreed that PID's 60716222, 60721586 and 60716230 are added to the charge area appended to the agreement as shown on the inset map.

IN WITNESS WHEREOF the parties to these presents have signed, sealed and delivered the same the day and year first above written.

SIGNED, SEALED AND DELIVERED	)	BOTANY WOODS LANDOWNERS ASSOCIATION
In the presence of:)	
)	
)	
_____	)	Per: _____
Witness	)	President
)	
)	
_____	)	Per: _____
Witness	)	Secretary

	)	MUNICIPALITY OF THE DISTRICT
	)	OF LUNENBURG
)	
)	
_____	)	Per: _____
Witness	)	Mayor Carolyn Bolivar-Getson
)	
)	
_____	)	Per: _____
Witness	)	April Whynot-Lohnes, Municipal Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF LUNENBURG)

ON THIS day of , A.D., 2024, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that BOTANY WOODS LANDOWNERS ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

A COMMISSIONER OF THE SUPREME COURT
NOVA SCOTIA

PROVINCE OF NOVA SCOTIA)
COUNTY OF LUNENBURG)

ON THIS day of , A.D., 2024, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that the MUNICIPALITY OF THE DISTRICT OF LUNENBURG, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

A COMMISSIONER OF THE SUPREME COURT
NOVA SCOTIA

REVISED

Council
Item: #11.3.1
Date: February 13, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg Request for Decision

Report to: Municipal Council
Submitted by: Tissy Bolivar, Program Coordinator
Date: February 13, 2024
Re: PRO Kids Reserve Budget Request

Recommendation

That Municipal Council approve up to \$16,000 in additional funds for the PRO Kids program for the 2023-2024 fiscal year, and further, that these funds come out of the PRO Kids Reserves.

Executive summary

To date in the 2023-2024 fiscal year, staff have processed 235 applications for a total of \$70,871.59. Applications are still being received; however, our current budget is depleted. To process additional applications, more budget is required. The PRO Kids reserve has \$51,008 in funds.

Discussion

PRO Kids is a program that provides financial assistance to children and youth from the Municipality of Lunenburg who, due to lack of funds, are not able to participate in sport, recreation, and cultural activities. This program strives to remove financial barriers to ensure every child and youth has an opportunity to participate.

We've seen a significant increase in the cost of registration fees this year, as well as an increase in applications. We have seen an additional 19 users of the program, and a total of 235 applications.

Budget implications

To continue processing more applications, more budget is required. A budget up to \$16,000 would allow staff to cover any additional applications until the fiscal year-end.

The PRO Kids Reserves currently has \$51,008.

Alternatives

Council may decide to approve additional funds to ensure staff can fulfil future applications until March 31, or decide against approving more funds for this program.

Conclusion

Staff recommend that Council approve up to \$16,000 in additional funds for the PRO Kids program from the PRO Kids Reserve. This would allow staff to fund additional applications received until the fiscal year-end.

Report Preparation	
Department	Recreation
Report Prepared by	Tissy Bolivar
Report Approved by	
Date Reviewed by C.A.O.	