

The Regular Meeting of Town Council for the Town of Mahone Bay was held on Tuesday, September 12, 2017, at 7:00 p.m.

Present:

Mayor D. Devenne
Deputy Mayor K. Nauss
Councillor J. Bain
Councillor J. Feeney
Councillor R. Nowe
Councillor P. Carver
Councillor S. Chia-Kangata
CAO J. Wentzell
Deputy Clerk M. Hughes
Planning Assistant P. Nightingale
Director of Community Development, T. Maguire

Regrets:

Gallery: 3

Minutes

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **“THAT the Minutes of the July 27, 2017 regular meeting be approved as presented.”** **Motion carried.**

A motion by Deputy Mayor Nauss, seconded by Councillor Chia-Kangata, **“THAT the Minutes of the July 27, 2017 Public Hearing (LUB Amendment – Pet Grooming) be approved as presented.”** **Motion carried.**

A motion by Deputy Mayor Nauss, seconded by Councillor Nowe, **“THAT the Minutes of the July 27, 2017 Public Hearing (LUB Amendment – DA and Heritage Property Lists) be approved as presented.”** **Motion carried.**

Delegations and Individuals

Sue Bourinot

Sue Bourinot, resident and business owner in Mahone Bay spoke to Council to encourage discussion of a noise bylaw for the Town of Mahone Bay. Ms. Bourinot stated that she had done a great deal of research into what other Towns have done to address noise concerns and she realizes that it is a difficult subject to consider, but she feels that it needs to be addressed.

Ms. Bourinot stated that there is one property from which the noise is particularly disturbing and she has been unable to find a resolution from conversation with the property owner, prompting her interest in finding a way to address noise concerns as a Town. Council agreed that they would approach the property owner and try to assist with finding a solution.

Correspondence

1. Derek Mombourquette, Minister of the Department of Municipal Affairs, expressing appreciation of the opportunity to meet with Mahone Bay Town Council in July.

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **“THAT the above correspondence, be received and filed.”** **Motion carried.**

2. Leland Anthony, Warden of the Municipality of the District of Yarmouth, requesting the support of municipalities for assistance in placement of a Doppler radar system in the Yarmouth area; included a copy of letter to MP Colin Fraser and MLA Zach Churchill seeking support for this initiative.

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **“THAT the above correspondence be received and filed.”** **Motion carried.**

Committee and Other Reports

Planning Advisory Committee

Planning Assistant, Peter Nightingale, and Director of Community Development, Tara Maguire, reviewed the staff report which was prepared in response to a request from Council to review the requested Development Agreement amendment from M.A.D.E. for Mahone Bay Ltd to remove the requirement that the sewage pumping station be built to municipal specifications and turned over to the Town.

The purpose of the amendment is to remove the requirement that the sewage pumping station be built to municipal specifications and turned over to the Town. All construction and ongoing maintenance of the sewage system located on PID will be the responsibility of the owner of the property. As the developer feels that a sewage pump built to commercial specifications will be sufficient for the development, the request to amend the Development Agreement would reduce the overall costs of construction.

Mr. Nightingale noted that the request from M.A.D.E. for Mahone Bay Ltd. includes three parcels of land; if the sewage pump is not to be turned over to the Town for operation and maintenance, it is possible that a situation could arise in the future in which a privately-owned pump could be responsible for pumping sewage from two of the privately owned parcels of land.

Staff recommend a clause in the Amending Development Agreement that would require the developer to ensure that a signed agreement is in place between property owners and that easements are in place for the pump and infrastructure. Staff noted that the pump does not have public benefit, that it only benefits three properties.

Mr. Nightingale offered comment on the standard clause in any Development Agreement which states that in the event that specific requirements of the Development Agreement are not met, the Town has the right to address those requirements and charge the work back to the developer as a lien on the property; staff have received advice from their solicitor to add a paragraph that states that the Town shall have the right but not the obligation to fulfil those requirements.

A motion by Councillor Feeney, seconded by Councillor Carver, **“THAT Council accept the recommendation of the Planning Advisory Committee and express their intention to amend the Development Agreement with MADE for Mahone Bay Ltd for PID 60374493 and that the public participation program consist of information being mailed to neighbours within the notification area.**

A motion by Councillor Chia-Kangata, seconded by Councillor Nowe, **“THAT the motion be amended to include the phrase, as suggested by the Solicitor: *The Developer, its successors and assigns shall be responsible to maintain and repair the pumping station and laterals in good working order and failing which, the Town shall have the right, but not the obligation to do so under paragraph #11 of the original agreement.*”** Motion carried

The motion to amend the motion being passed, the amended motion was put to a vote.

“THAT Council accept the recommendation of the Planning Advisory Committee and express their intention to amend the Development Agreement with MADE for Mahone Bay Ltd for PID 60374493, including the phrase *The Developer, its successors and assigns shall be responsible to maintain and repair the pumping station and laterals in good working order and failing which, the Town shall have the right, but not the obligation to do so under paragraph #11 of the original agreement,* and that the public participation program consist of information being mailed to neighbours within the notification area.

Motion carried

It is agreed that a public hearing will be held at 7:00pm on Tuesday, October 10, 2017, prior to the regularly scheduled Town Council meeting.

South Shore Regional Library Board

Council received the minutes of the June 19, 2017 meeting of the South Shore Regional Library Board.

REMO

Council received a copy of a letter from the Chair of REMO requesting the support of Emergency Health Services in ensuring naloxone training for volunteer firefighters as a safety precaution in case of fentanyl exposure. First responders have to be trained to use the naloxone, which would require training from EHS.

Lunenburg County Seniors' Safety Program

Council received the August 2017 monthly report from the Lunenburg County Seniors' Safety Program as well as the 2016 Annual Report which gives an overview of the work of the Senior Safety Coordinator.

Municipal Finance Corporation

Council received the September 2017 Quarterly Newsletter of the Municipal Finance Corporation. The CAO advised Council that the two projects in place now Pleasant Street and Clairmont Street are currently being funded with a temporary borrowing but will be financed by the Municipal Finance Corporation in the spring.

Region 6 Solid Waste Management

Council received the August 25, 2017 Boardroom Brief update from Region 6 Solid Waste Management. Deputy Mayor Nauss advised that a new agreement is being reviewed and will probably come to Council in December for signing.

Fisherman's Memorial Service

Deputy Mayor Nauss represented the Town of Mahone Bay at the Annual Fisherman's Memorial Service held in Lunenburg on Sunday, September 10, 2017.

Unfinished Business

Heritage Advisory Committee

It was mutually agreed by the Town and the Founders Society that the operation of the Heritage Advisory Committee would revert back to being administered by the Town with the Town appointing the committee including the Committee Chair and that the Founders' Society continue to be invited to nominate up to two representatives to the committee.

Motion by Councillor Carver, seconded by Councillor Nowe, **"THAT Michael O'Connor be appointed as a Founders' Society representative to the Heritage Advisory Committee for 2017/18, replacing Carole Nixon who is no longer affiliated with the Mahone Bay Founders' Society.** **Motion carried.**

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **"THAT Councillor Feeney be appointed Chair of the Heritage Advisory Committee for 2017/18."** **Motion carried**

Motion by Councillor Bain, seconded by Councillor Carver, **“THAT Councillor Chia-Kangata be named Chair of the Economic Development Committee, replacing Councillor Feeney who has agreed to take on the responsibilities of the Heritage Advisory Committee.”**

Motion carried.

Pleasant Street and Clairmont Street Road Reconstruction 2017

Council received an update on the progress of the 2017 Road Reconstruction on Pleasant Street and Clairmont Street from the Deputy Clerk. Council were advised that while the piping crews were between Pond Street and the firehall on Clairmont Street, the underground infrastructure work on Pleasant Street has been completed. Crews on Pleasant Street were installing new curb and preparing for the new sidewalk. Work on Pleasant Street also included the installation of new utility poles.

Ms. Hughes noted that paving is expected to begin at the end of September on Pleasant Street and in early October on Clairmont Street.

The CAO noted that the communication plan has had a positive impact in the community and Town staff have been receiving feedback that the communication is appreciated. Mayor Devenne also noted that he has gotten feedback from citizens on how much they have appreciated staff from Town Hall getting the information out into the community about the project.

Visitor Information Centre

Council received an update on the restoration of the Visitor Information Centre. As of the evening of the Council meeting, it was expected that the building would be turned over to the Town during the week of September 18, 2017.

New Business

Nova Scotia Utility and Review Board

Council received a letter from the Nova Scotia Utility and Review Board dated July 27, 2017 approving the watermain replacement on Pleasant Street. This approval is necessary as the net cost to the Water Utility is in excess of \$250,000. The Board receives budgets for both the Water Utility and Electric Utility on an approval basis. The Board also acknowledged the replacement of the Clairmont Street watermain in the Town's water utility capital budget for 2017/18.

UNSM Fall Conference

The UNSM Fall Conference will be held in Halifax November 7-10, 2017. Any member of Council who wishes to attend should advise the Deputy Clerk.

Council received the UNSM Resolutions Interim Report and information on upcoming meetings at which comments will be received from members of the UNSM on the proposed resolutions.

Councillor Carver noted that she plans to attend one of the proposed sessions and asked if when she speaks it is as a representative of the Town of Mahone Bay, or as an individual member of the UNSM. The CAO noted that the history is that members have spoken as individuals and Council agreed that this is appropriate.

Paving Tender – Clearway Street

The tender for the paving of Clearway Street closed on September 1, 2017 and five tenders were received. Council were polled by email for their decision regarding tenders received. A tender was awarded based on Council response.

A motion by Deputy Mayor Nauss seconded by Councillor Nowe, **“THAT Council ratify the awarding of the tender for the paving of Clearway Street to Basin Contracting Ltd. at a cost of \$145,965 plus HST.”**
Motion carried.

Mobile Speed Signs

The CAO advised that staff had been asked to review the possibility of installing mobile speed radar signs. Mr. Wentzell reported that radar signs are now available that have the ability to track and retain data on vehicles, including the number of vehicles and the speeds being travelled. The proposed signs also have the benefit of being able to be moved from location to location to address concerns in a particular area.

A motion by Councillor Carver, seconded by Deputy Mayor Nauss, **“THAT Council approve the purchase of two electronic mobile speed signs for use in the Town of Mahone Bay.”**
Motion carried.

Town of Mahone Bay Strategic Plan Review

Councillors received a copy of the Town of Mahone Bay Strategic Plan Review. Mayor Devenne indicated that he would like to set a meeting with Council to review the current Strategic Plan. Staff will schedule a meeting via email.

Financial Condition Index 2017

Council received a report on the Draft Financial Condition Index (FCI) for the Town of Mahone Bay. Mr. Wentzell indicated that the FCI categories are being reviewed and some will be removed. When the FCI is finalized, the results will be posted on the Town website.

Accounts

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **“THAT the July 2017 accounts be paid in the amount of \$569,150.14.”** **Motion carried.**

A motion by Councillor Nowe, seconded by Councillor Chia-Kangata, **“THAT the August 2017 accounts be paid in the amount of \$174,177.03.”** **Motion carried.**

A motion by Councillor Nowe, seconded by Councillor Feeney, at 8:38 p.m. that Council go In Camera as permitted under MGA Section 22(2)(e) to discuss contract negotiations.
Motion carried.

A motion by Nauss, seconded by Councillor Nowe at 9:25pm to Rise and Report

A motion by Councillor Feeney, seconded by Councillor Nowe, **“THAT Council approve in principle the recommended changes to the Municipal Joint Services Board Agreement and direct staff to prepare the text amendments to the Agreement.”** **Motion carried.**

The meeting adjourned upon motion at 9:28p.m.

TOWN OF MAHONE BAY

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CAO, James A. Wentzell

Mayor, David Devenne