
The Regular Meeting of Town Council for the Town of Mahone Bay was held on Tuesday, June 13, 2023 at 7:00 p.m. in Council Chambers and broadcast via YouTube live.

Present:

Mayor D. DeVenne
Deputy Mayor F. Kangata (virtual)
Councillor P. Carver
Councillor R. Nowe
Councillor K. Wilson
CAO, D. Heide
Acting Clerk & Deputy CAO, K. Redden

Regrets:

Councillor J. Feeney
Councillor S. Lohnes-Croft

Gallery: Online & 0 in-person gallery

Land Acknowledgement

Let us begin by acknowledging that we are gathered today in Mi'kma'ki. The ancestral, present and future territory of the Mi'kmaw people. Today, we gather with the intent followed by the living Peace and Friendship Treaties - with respect, cooperation and coexistence.

1. Agenda

A motion by Councillor Carver, seconded by Councillor Nowe, "THAT the agenda be approved as amended to remove the closed session item." Motion carried.

2. Minutes

A motion by Councillor Wilson, seconded by Councillor Carver, "THAT the minutes of the May 18, 2023 special meeting of Council be approved as presented." Motion carried.

A motion by Councillor Wilson, seconded by Councillor Nowe, "THAT the minutes of the May 25, 2023 regular meeting of Council be approved as presented." Motion carried.

A motion by Councillor Carver, seconded by Councillor Nowe, "THAT the minutes of the June 2, 2023 special meeting of Council be approved as presented." Motion carried.

3. Public Input Session

No one was in attendance for the Public Input Session.

4. Presentations

No presentations.

5. Correspondence

5.1 NSFM – Survey Concerning Policing Services in Nova Scotia

Council received a request from NSFM to complete a survey on policing services in Nova Scotia.

5.2 Vervan Haysom and Valerie Hearder – Forest Fire Prevention

A motion by Councillor Carver, seconded by Deputy Mayor Kangata, “THAT Council direct staff to provide council with a report on the items outlined in the letter from Mr. Haysom and Ms. Hearder concerning forest fire prevention.” Motion carried.

5.3 Eric Claus – Request for Parking Buyout

Council received a request from property owner Eric Claus to buy out two parking spaces for his business.

A motion by Councillor Wilson, seconded by Deputy Mayor Kangata, “THAT Council approve the request of Eric Claus, owner of 631 Main Street, for a parking buyout in the amount of \$8,131.44 in accordance with the current Land Use By-law, and provide that, if a new Land Use Bylaw removing the requirements for commercial parking at this location is passed by Council by December 31, 2023, the \$8,131.44 payment be refunded.” Motion carried.

5.4 Mark A. Peck, CAO, JRTA – Request for Working Group Member

Council received a request from the Joint Regional Transportation Agency for an appointment to the JRTA Working Group.

A motion by Councillor Wilson, seconded by Councillor Carver, “THAT Dylan Heide, CAO, be appointed to the Joint Regional Transportation Agency and that Eric Levy, Deputy CAO, fill the role of alternate.” Motion carried.

6. Staff Reports

6.1 Council Report

Council received the June 13, 2023 Staff Report to Council.

A motion by Councillor Carver, seconded by Councillor Nowe, “THAT Council accept the May 25, 2023 Staff Report for information.” Motion carried.

6.2 Staff Report Bandstand Grant Application

Council received a staff report on the progress of the application to the Canada Cultural Spaces Program for updates to the Michael O'Connor Memorial Bandstand and to request a resolution approving the CAO to sign the grant application.

A motion by Councillor Nowe, seconded by Councillor Carver, "THAT Council direct the Mayor to sign the completed application form for the Canada Cultural Spaces Fund."
Motion carried.

6.3 Staff Report – Blue Flag Marina Designation

Council received a staff report with an update concerning the potential participation of the Mahone Bay Marina in the international Blue Flag Program.

A motion by Councillor Carver, seconded by Councillor Wilson, "THAT Council refer the issue of harbour water quality monitoring back to the Climate and Environment Committee for further consideration, noting the Wooden Boat Society's willingness to cooperate in this regard."
Motion carried.

6.4 Staff Report – Housing Strategy Update

Council received an update concerning the development of a Housing Strategy for Mahone Bay.

A motion by Councillor Wilson, seconded by Councillor Carver, "THAT Council direct staff to develop a draft Housing Action Plan to support application to the CMHC Housing Accelerator Fund, for Council's consideration."
Motion carried.

6.5 Report of the Clerk – Amending Development Agreement – 995 Main Street

Kelly Redden, Town Clerk, provided Council with the Report of the Clerk concerning the amending development agreement for 995 Main Street.

A motion by Councillor Wilson, second by Councillor Nowe, "THAT council provide second reading to the amending Development Agreement for 995 Main Street."
Motion carried.

7 Council Items

7.1 Mayor DeVenne – 2023/24 Budget

Council received the draft 2023/24 Town of Mahone Bay Budget.

A motion by Deputy Mayor Kangata, seconded by Councillor Wilson, "THAT Council approve the 2023-24 General Operating Budget with operating expenditures in the amount of \$3,212,608 as presented, with general tax rates set at \$1.115/\$100 Residential and \$3.055/\$100 Commercial, and the infrastructure charge at \$300/unit."
Motion carried.

A motion by Councillor Wilson, seconded by Councillor Carver, "THAT Council approve the 2023-24 General Capital Budget with expenditures totaling \$5,161,431, supported by a projected \$2,639,914 in external funding." Motion carried.

A motion by Councillor Carver, seconded by Councillor Nowe, "THAT Council approve the 2023-24 Fire Department Operating Budget with expenditures in the amount of \$707,216 as presented and fire tax rates set at \$0.209/\$100." Motion carried.

A motion by Councillor Nowe, seconded by Councillor Wilson, "THAT Council approve the 2023-24 Fire Department Capital Budget with expenditures totaling \$418,000." Motion carried.

A motion by Deputy Mayor Kangata, seconded by Councillor Carver, "THAT Council approve the 2023-24 Electric Utility Operating Budget with operating expenditures in the amount of \$2,858,328 as presented." Motion carried.

A motion by Councillor Wilson, seconded by Councillor Carver, "THAT Council approve the 2023-24 Electric Utility Capital Budget with expenditures totaling \$649,000." Motion carried.

A motion by Councillor Carver, seconded by Councillor Nowe, "THAT Council approve the 2023-24 Water Utility Operating Budget with operating expenditures in the amount of \$798,631 as presented." Motion carried.

A motion by Councillor Nowe, seconded by Councillor Wilson, "THAT Council approve the 2023-24 Water Utility Capital Budget with expenditures totaling \$359,900 supported by a projected \$163,082 in external funding." Motion carried.

A motion by Deputy Mayor Kangata, seconded by Councillor Wilson, "THAT Council approve the 2023-24 cemetery budgets, in the amount of \$19,000 for Park Cemetery and \$12,500 for Bayview Cemetery, as presented." Motion carried.

A motion by Councillor Carver, seconded by Councillor Wilson, "THAT Council approve the 2023-24 Budget Press Release as presented." Motion carried.

7.2 Councillor Carver – Signage at Exit 10

Council received a memo from Councillor Carver concerning the proliferation of signage at the Exit 10 junction with Route #3.

A motion by Councillor Carver, seconded by Councillor Nowe, "THAT Council direct staff and the Mayor to write to the Council of the Municipality of the District of Lunenburg indicating support for the Mahone Bay Tourism and Chamber of Commerce's efforts to eliminate the unsightly signage display at the Exit 10 junction with Route #3.

Motion carried.

8. Committee Reports

8.1 Climate and Environment Advisory Committee

Council received the draft minutes of the May 3, 2023 meeting of the Climate and Environment Advisory Committee.

8.2 Lunenburg County Senior Safety Program

Council received May's monthly report of the Lunenburg County Senior Safety Program.

8.3 Community Logo Development Steering Team

Council received the draft minutes of the May 29, 2023 meeting of the Community Logo Development Steering Team.

A motion by Councillor Nowe, seconded by Deputy Mayor Kangata, "THAT Council direct staff to approach the Mahone Bay Tourism and Chamber of Commerce to request that they permanently discontinue the use of their current logo, that it might be exclusively used by the Town." Motion carried.

8.4 Policy and Strategy Committee

Council received the minutes of the May 29, 2023 meeting of the Policy and Strategy Committee.

8.5 Planning Advisory Committee

Council received the draft minutes of the June 6, 2023 meeting of the Planning Advisory Committee.

A motion by Deputy Mayor Kangata, seconded by Councillor Carver, "THAT Council direct staff to work with Upland to include appropriate language in the draft MPS/LUB concerning applications for Development Agreements received prior to the cut off for new applications associated with the approval process for the draft documents."

Motion carried.

9. New Business

No new business.

10. Closed Session

No closed session.

Council adjourned at 8:49 p.m. on conclusion of business.

TOWN OF MAHONE BAY

TOWN OF MAHONE BAY

Mayor, David Devenne

Town Clerk, Kelly Redden

DRAFT

**PROCLAMATION
RIGHT TO KNOW WEEK
September 25 to October 1, 2023**

WHEREAS the **[Insert the name of your jurisdiction]** has adopted the principles of openness, transparency and accountability; and

WHEREAS *Part XX* of the *Municipal Government Act* gives citizens a right of access to information in the custody or under the control of the **[Insert the name of your jurisdiction]**; and

WHEREAS access to information ensures citizens of Nova Scotia have the opportunity for meaningful participation in the democratic process; and

WHEREAS a celebration of the right of citizens to access information will facilitate informed public participation in policy formulation, ensure fairness in government decision-making and permit the airing and reconciliation of divergent views; and

WHEREAS **[Insert the name of your jurisdiction]** joins all other Canadian jurisdictions and democracies world-wide in acknowledging international Right to Know Week;

THEREFORE be it resolved that I, **[Insert the name of the Mayor or Warden]**, **[Insert the name of your jurisdiction]**, do hereby proclaim September 25 to October 1, 2023 to be Right to Know Week in the **[Insert the name of your jurisdiction]**.



June 9, 2023

Mayor David Devenne
Town of Mahone Bay
493 Main Street, PO Box 530
Mahone Bay, NS B0J 2E0

Dear Mayor Devenne:

I am writing to let you know we will be reaching out to your Chief Administrative Officers to request their input on how to improve the application process for Nova Scotians seeking priority access to public housing under the inadequate housing stream.

In its June 2022 report, the Office of the Auditor General (OAG) of Nova Scotia found that current processes are insufficient to grant priority access to public housing. Priority access allows certain applicants to be placed at the top of the waitlist for public housing if they are:

- Victims of family violence
- In need of affordable housing in proximity to sustaining medical supports
- **Living in inadequate housing which poses an immediate health or safety risk**

To be approved for priority access under all three streams, applicants must submit forms documenting their situational requirements that are verified by a third party. Although the form for those living in inadequate housing indicates that it must be completed by fire, building and/or health inspectors, the OAG found that in some districts, applicants were unable to find the officials to do this for them. It concluded that further guidance is required on who can complete the forms, under what circumstances and whether the requirements are reasonable to meet so that only those most vulnerable are granted priority access.

We look forward to this discussion with your team so we can better understand how we can work together to ensure only the most vulnerable Nova Scotians in our communities are granted priority access to public housing.

Sincerely,

Cara Spittal

Cara Spittal, PhD
Director, Corporate Policy & Strategy
(902) 476-9008
cara.spittal@novascotia.ca



Maritime Centre – 1505 Barrington Street, 14th Floor (North)
Halifax, Nova Scotia, B3J 3K5

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June 9, 2023

CAO Dylan Heide
Town of Mahone Bay
493 Main Street, PO Box 530
Mahone Bay, NS B0J 2E0

Dear CAO Heide:

I am writing to seek your input on how to improve the application process for Nova Scotians seeking priority access to public housing under the inadequate housing stream.

In its June 2022 report, the Office of the Auditor General (OAG) of Nova Scotia found that current processes are insufficient to grant priority access to public housing. Priority access allows certain applicants to be placed at the top of the waitlist for public housing if they are:

- Victims of family violence
- In need of affordable housing in proximity to sustaining medical supports
- **Living in inadequate housing which poses an immediate health or safety risk**

To be approved for priority access under all three streams, applicants must submit forms documenting their situational requirements that are verified by a third party. Although the form for those living in inadequate housing indicates that it must be completed by fire, building and/or health inspectors, the OAG found that in some districts, applicants were unable to find the officials to do this for them. It concluded that further guidance is required on who can complete the forms, under what circumstances and whether the requirements are reasonable to meet so that only those most vulnerable are granted priority access.

Enclosed with this letter is a new Priority Access Validation – Inadequate Housing Form developed to address the OAG's concerns and provide clarity around the role of municipal staff with regards to verification of the applicant's current housing conditions. We thank the Association of Municipal Administrators for their support in developing this form and connecting us with you to seek your guidance on the following:

- Are the examples of inadequate housing provided aligned with your understanding of the relevant legislation, regulations and bylaws?
- Can you confirm that the officials identified in the form have jurisdiction to verify whether an applicant is living in adequate housing that poses an immediate health and safety risk?



- Do you see any barriers to building inspectors and/or by-law officers in your municipality supporting applications for priority access to public housing by completing the form in a timely fashion?
- Are there any changes you think should be made to the form more generally?

In follow-up, we would like to invite you, and anyone else you feel should be part of these discussions, to discuss these questions and provide any other input you may have on the priority access process. This meeting will take place on Monday, June 26, 2023, at 1:00 pm or Tuesday, June 27, 2023 at 2:00 pm. Please attend whichever is most convenient for you and your team. We will follow-up with you by e-mail with an invitation to the meeting through Microsoft Teams that you can forward to other attendees.

We look forward to this discussion so we can better understand how we can work together to ensure only the most vulnerable Nova Scotians in our communities are granted priority access to public housing.

Sincerely,

Cara Spittal

Cara Spittal, PhD
Director, Corporate Policy & Strategy
(902) 476-9008
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Maritime Centre – 1505 Barrington Street, 14th Floor (North)
Halifax, Nova Scotia, B3J 3K5

Welcome to Nova Scotia Provincial Housing Agency | Nova Scotia Provincial Housing Agency (nspha.ca)

enc.

Priority Access Validation Form: Inadequate Housing

Some households in Nova Scotia occupy housing which poses an immediate health or safety risk. When a person who qualifies for public housing can demonstrate that their home poses an immediate health or safety risk, they may be eligible for priority access to public housing and be placed at the top of the waitlist for a unit.

Applicants may be eligible for priority access to public housing if their current housing is found to be inadequate by one of the following third-party verifiers:

- | | |
|--|--|
| <input type="checkbox"/> Municipal Building Inspectors | <input type="checkbox"/> Registered Home Inspectors |
| <input type="checkbox"/> Fire Marshall | <input type="checkbox"/> Environmental abatement professionals |
| <input type="checkbox"/> Certified tradesperson, provided
assessment is limited to trade
(e.g., plumber, electrician, carpenter) | |

Information for renter applicants:

Applicants living in rental units who seek priority access to public housing because they believe they are living in inadequate housing must demonstrate that they have sought to resolve their concerns through the Residential Tenancies Board *before* their application can be assessed. For more information on the Residential Tenancies Program, visit this website:

<https://beta.novascotia.ca/programs-and-services/residential-tenancies-program>

Information for homeowner applicants:

Before applying for public housing, applicants who are homeowners may choose to seek assistance through the Homeowner Residential Rehabilitation Assistance Programs (RRAP) offered by the Department of Municipal Affairs and Housing. For more information on Homeowner Programs that provide financial assistance to people who own and occupy homes that do not meet minimum levels of health and safety, require emergency repairs or do not meet their accessibility requirements, visit this website:

<https://housing.novascotia.ca/programs/financial-assistance-and-grant-programs-homeowners/homeowner-residential-rehabilitation>

The definition of inadequate housing is related to the basic structure and systems of a housing unit. Inadequate housing is defined as an occupied housing unit that has moderate or severe physical problems related to habitability. Housing is not adequate if it does not guarantee physical safety or protect against cold, damp, heat, rain, wind or serious threats to health and structural hazards. Examples of inadequate housing related to habitability include, but are not limited to:

- | | |
|--|--|
| ✓ Structural issues | ✓ Presence of allergens in the home |
| ✓ Plumbing facilities not in working order | ✓ Presence of harmful substances/chemicals in the home |
| ✓ Electrical system not in working order | ✓ Other significant issues related to habitability |
| ✓ Heating system is not in working order | |

Examples of housing situations that *do not* meet the criteria include, but are not limited to:

- ✓ Main entryway locks are inoperable
- ✓ Floors, stairways and railings are in disrepair
- ✓ Housing does not meet accessibility needs
- ✓ Housing is overcrowded

To be granted approval for priority access to public housing due to inadequate housing, applicants must provide the following documents to their Nova Scotia Provincial Housing Agency district office:

1. **Public Housing Application Form** → **Completed by the applicant**
2. **Priority Access Validation Form** → **Completed, dated and signed by a**
Inadequate Housing **qualified third-party verifier**

The Priority Access Validation Form for Inadequate Housing must be completed, dated and signed by a qualified third-party verifier.

Third-party verifiers cannot be an applicant's friend, neighbour or relative.

If you or your third party verifier has any questions or concerns about qualifying for priority access to public housing due to inadequate housing, please contact your district office by email **<district email address>** or by telephone at **<district telephone #>**.

Priority Access Validation Form: Inadequate Housing

1. Applicant Information

Last Name		First Name	
Date of Birth		Phone	
Street Address		City/Province	
Postal Code		Email	

2. Residential Tenancy Information:

This section of the form is to be completed by the applicant

Please indicate which of the following living situations is applicable to you:

☐ renter ☐ home-owner ☐ homeless ☐ Other(specify): _____

If you are a renter, has a report been filed with the Residential Tenancies Program? ☐ No ☐ Yes

If yes, please attach a copy of the Residential Tenancy Officer decision to your application.

3. Eligibility Criteria Checklist

This section of the form is to be completed by a third party verifier who is qualified to assess and confirm whether the applicant seeking priority access to public housing due to inadequate housing is

The applicant's housing poses an immediate health or safety risk. Please check off all that apply:

- ☐ Structural issues
- ☐ Plumbing facilities not in working order
- ☐ Electric system not in working order
- ☐ Heating system not in working order
- ☐ Presence of allergens in the home
- ☐ Presence of harmful substances or chemicals in the home
- ☐ Other

If 'other' is selected, please describe the immediate health or safety risk in the space below:



4. Professional Services Information

Authorized Body:

- | | |
|---|---|
| <input type="checkbox"/> Municipal Building Inspector | <input type="checkbox"/> Registered Home Inspector |
| <input type="checkbox"/> Fire Marshal | <input type="checkbox"/> Environmental abatement professional |
| <input type="checkbox"/> Certified tradesperson (specify trade) | |
- _____

Street Address

City/Town

5. Declaration

Name (print):

Position/Title:

Phone

Email

I solemnly declare that, to the best of my knowledge, the information I have provided in this form is accurate.

Signature: _____

Date: _____

Garth Sturtevant

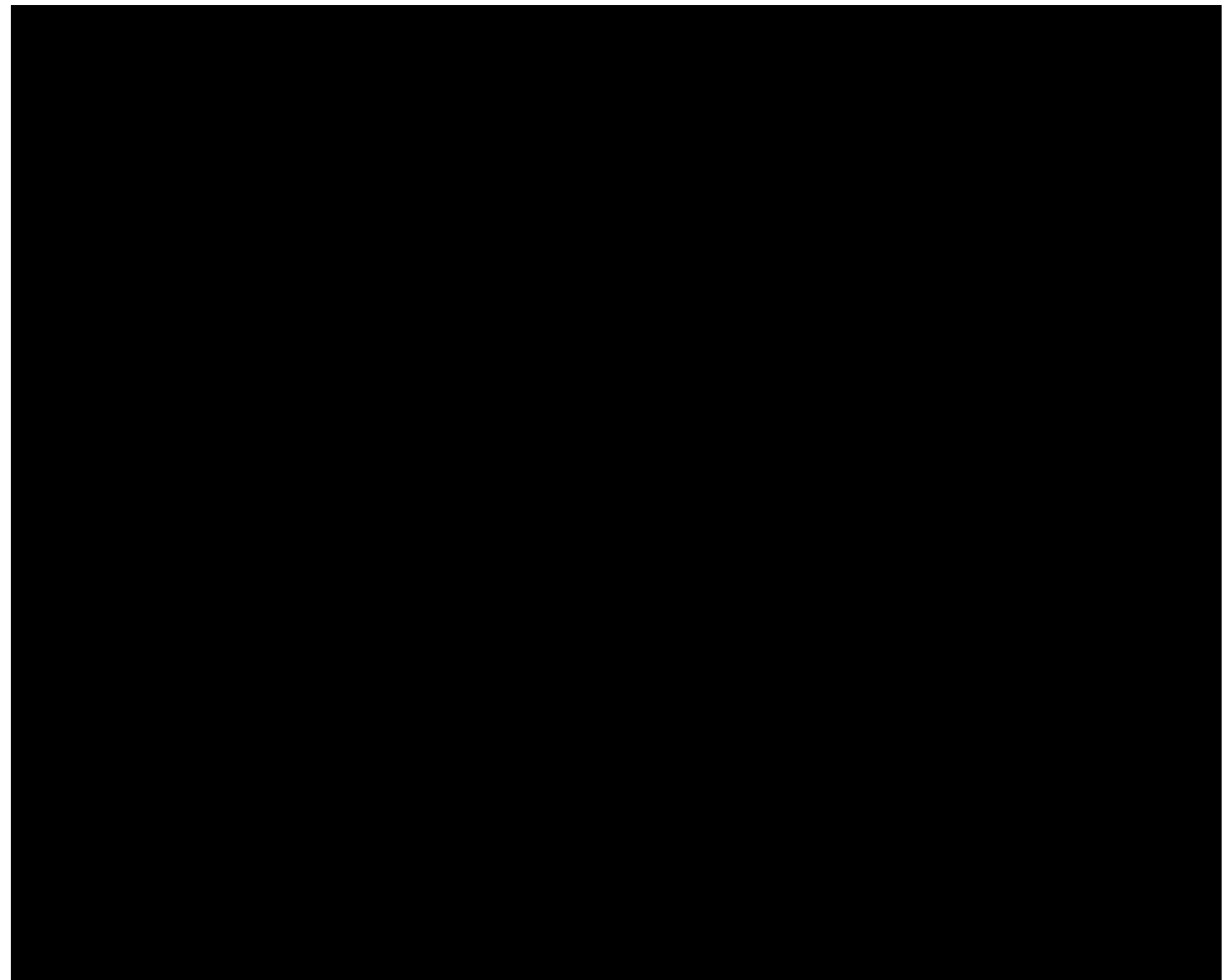
From: Dave Laskey [REDACTED]
Sent: Monday, June 5, 2023 12:11 PM
To: Garth Sturtevant
Subject: Re: Development Agreement

Follow Up Flag: Follow up
Flag Status: Flagged

**** EXTERNAL EMAIL ****

Please do not open attachments or click links from an unknown or suspicious origin.

Good afternoon Garth, please accept this email as a formal request to discharge the current Development Agreement that is in place at 350 Main St Mahone Bay. Thank you for your help regarding this matter, respectfully David Laskey .



THIS DEVELOPMENT AGREEMENT made in duplicate this 7 day of May A.D., 1991.

BETWEEN: CHRISTOPHER L. HUNTINGTON and CHARLOTTE A. MCGILL, of Blockhouse, in the County of Lunenburg and Province of Nova Scotia, being the sole owners of lands described in Schedule "A" attached hereto, sometimes called the property or the site or the lot.

hereinafter called the "DEVELOPER"

OF THE ONE PART

and

THE TOWN OF MAHONE BAY a body corporate under the provisions of the Towns Act

hereinafter called the "TOWN"

OF THE OTHER PART

WHEREAS the Developer intends to lease for use as a medical practice the lower floor of the building identified as civic number 350 Main Street on the property described in Schedule "A"; and

WHEREAS the property described in Schedule "A" is situated in an area designated as a Residential Area, and zoned as a Residential Multi-Family (R2) Zone; and

WHEREAS the property described in Schedule "A" is also situated in an area designated under the Municipal Planning Strategy as the Tourist Commercial Development Agreement Area; and

WHEREAS Policy 7.4 of the Municipal Planning Strategy makes provision for Medical Clinics to be developed by Development Agreement in the Tourist Commercial Development Agreement Area; and

WHEREAS Section 9.2 of the Land Use by-law makes provision for Medical Clinics to be developed by Development Agreement in the Residential Multi-Family (R2) Zone; and

WHEREAS the Council of the Town, by resolution passed at a meeting on the 8th day of January, 1991, approved the development;

NOW THIS AGREEMENT WITNESSETH that in consideration of the foregoing recitals and for other good and valuable consideration the parties hereto agree as follows:

1. USE OF LAND AND BUILDINGS

- a) That the second and third floors of the building identified as 350 Main Street on Schedule "B" shall be devoted exclusively to Residential uses;
- b) That the First (Ground) Floor of the building identified as 350 Main Street on Schedule "B" may be used either for retail commercial sales or for a medical clinic, or for both;
- c) That the land described in Schedule "A" may be used for any purpose accessory to the main uses located in the building at 350 Main Street, in accordance with the provisions of the Land Use By-law;

2. LOCATION OF STRUCTURES

- a) That the building identified as 350 Main Street shall be located as shown on Schedule "B";
- b) That an entranceway and storage room not to exceed one storey in height may be constructed on the west end of the building as shown on Schedule "B";

- c) That detached minor accessory structures may be constructed on the property in accordance with the provisions of the Land Use By-law.

3. SIGNS

That all exterior signs shall be subject to the requirements set out in the Land Use By-law for a Development Permit for signs in a Commercial Zone.

4. DESIGN OF BUILDINGS

That all new buildings and any renovations, repairs, or additions to the existing building at 350 Main Street shall reproduce the primary architectural features of the existing building, as shown on Schedule "C", including roof shape, proportions and relationships of windows and doors and exterior shingle cladding as well as the exterior architectural details including trim elements and mouldings around windows and doors, ornamental brackets, eavesboards and cornerboards.

5. PARKING

- a) That the parking area shall be laid out substantially as shown on Schedule "B";
- b) That the parking area and driveway identified on Schedule "B" shall be surfaced with gravel or with a hard surface such as asphalt and repaired from time to time as necessary to provide a stable, well-drained and dust-free surface;
- c) That the surface water drainage from the parking area shall be directed away from away from Main Street and shall be directed as shown on Schedule "B".

6. SCREENING, LANDSCAPING AND LIGHTING

- a) That the existing vegetation along the property boundaries north and south of the parking area be maintained as shown on Schedule "B";
- b) That all ground disturbed by construction of the parking area be seeded, sodded, or supported by retaining walls as shown on Schedule "B";
- c) That the parking area shall be illuminated by overhead fixtures as shown on Schedule "B", directing illumination away from adjacent residential properties.

7. CHANGES AND ALTERATIONS

- a) That neither party shall deviate from the terms and conditions of this Agreement except as may be further agreed in writing by both parties;
- b) That the following matters are not substantial matters and may be changed or altered without amendment to this Agreement, but with the written consent of the Council of the Town provided that the Council of Town determines that the changes do not significantly alter the intended effect of these aspects of this Agreement:
 - i) the exact location of the lighting, fencing, and parking areas;
 - ii) the planting of grass, trees, shrubs, and flowers;
 - iii) the precise dimensions and siting of any addition to the existing building;
 - iv) the nature of cladding materials;
 - v) the exact extent of the completion period specified in Clause 9 of this Agreement;

- c) That all matters in this Agreement not specified in Sub Clause 7(b) above are substantial matters which shall not be changed or altered except by amendment to this Agreement in the form of a further Development Agreement.

8. OPERATION AND MAINTENANCE

- a) That the buildings and all signs be kept in good repair and maintained as constructed with the exposed exterior surfaces being repaired, resurfaced, painted or treated as necessary, so that the buildings and signs are maintained in a tidy and attractive state;
- b) That all lawns, trees, shrubs, parking areas, lighting systems, drainage systems and other landscaping elements shall be regularly maintained with any undeveloped, unused portions of the lot kept in a tidy state and free from unkempt materials or matter of any kind.

9. COMPLETION PERIOD

To commence construction as shown on Schedule "B" within six (6) months of the date of Agreement and to complete said works together with any related landscaping and site improvements within twelve (12) months of the commencement of construction provided, however, if the Developer is bona fide delayed or hindered in or prevented from commencing such construction as aforesaid for reasons which are not the fault of the Developer, then performance by the Developer is excused for the period of the delay and the Developer shall be entitled to perform its obligations hereunder within the appropriate time period after the expiration of the period of such delay.

10. TERMINATION OF AGREEMENT

- a) That this Agreement shall be in effect until discharged by resolution of the Council of the Town pursuant to the Planning Act, whereupon the Land Use By-law shall apply to the lands described in Schedule "A";
- b) Notwithstanding Clause 9 hereof, that the Council of the Town may discharge this Agreement if the construction herein described has not been completed within twenty-four (24) months of the date of this Agreement;
- c) That this Agreement shall be binding upon the parties hereto, their heirs, administrators, successors, executors and assigns, until discharged.

11. COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

That nothing in this Agreement shall exempt the Developer from complying with other By-laws or Regulations in force within the Town, including the Building By-law, or from obtaining any license, permission, permit, authority or approval required thereunder, including any permission required under the Provincial Fire Code.

IN WITNESS WHEREOF the parties to this Agreement have hereunto set their hands and seals on the day and year first above written.

IN THE PRESENCE OF:

Linda Aulenback

Jaclyn Wentzell
Witness

Linda Aulenback
Witness

CHRISTOPHER L. HUNTINGTON

CHARLOTTE A. MCGILL

COM-SEL

TOWN OF MAHONE BAY

PER: [Signature]

PER: [Signature]

SCHEDULE "A"

ALL that land at Mahone Bay in the County of Lunenburg and Province of Nova Scotia, described in a conveyance from Leber Grandy and his wife to James Henry Wheeler and his wife, Dorothy Wheeler as Joint Tenants dated the 15th of July, 1971, and recorded at Bridgewater on the 23rd of November, 1971, in Book 151 at Page 418 under Number 137, described in that conveyance as follows:

"ALL that certain lot, piece or parcel of land situated on the South side of West Main Street, in Mahone Bay, in the County of Lunenburg, and bounded and described as follows:-

BEGINNING at the Northeast angle of land formerly of Mrs. Alice Brown and running Southwardly along the said Alice Brown line for a distance of One Hundred and Twenty-six (126) feet;

THENCE continuing on for a distance of Sixty-nine (69) feet, more or less, to a stake;

THENCE in an Easterly direction to an iron stake on the line of lands formerly of the late Charles F. Zwicker, Fifty-four (54) feet, more or less;

THENCE in a Northeasterly direction, in a straight line, for a distance of Two Hundred and Twenty-eight (228) feet, more or less, to West Main Street;

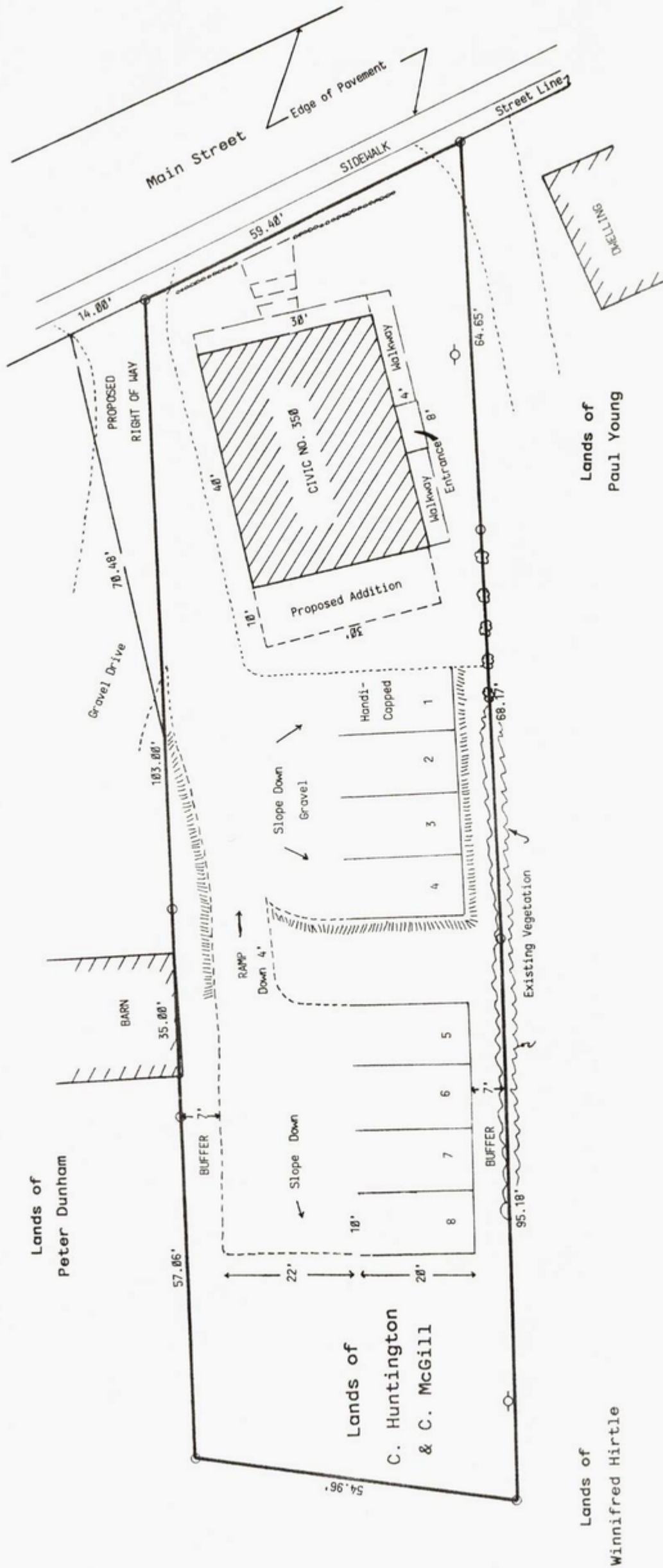
THENCE along said West Main Street, in a Westerly direction for a distance of Sixty-two (62) feet, more or less, to the place of beginning."

AND BEING THE SAME LAND as described in a Deed dated the 3th day of July, 1977 from James Henry Wheeler and Dorothy Wheeler, his wife to Leslie G. Hirtle and recorded at the Registry of Deeds at Bridgewater, N.S., on the 28th day of July, 1977 in Book 240 at Page 120 under Number 30.

AND BEING the same lands as conveyed by Leslie G. Hirtle and Mayola Hirtle to Margaret A. Brown by deed dated the 22nd day of December, 1980, and recorded at the Registry of Deeds Office at Bridgewater in Book 291 at Page 636, and subsequently conveyed by Margaret A. Brown to Grey Gables Limited by deed dated the 12th day of January, 1982, and recorded at the Registry of Deeds Office at Bridgewater in Book 317 at Page 599.

SCHEDULE "A" CONT'D Page 2

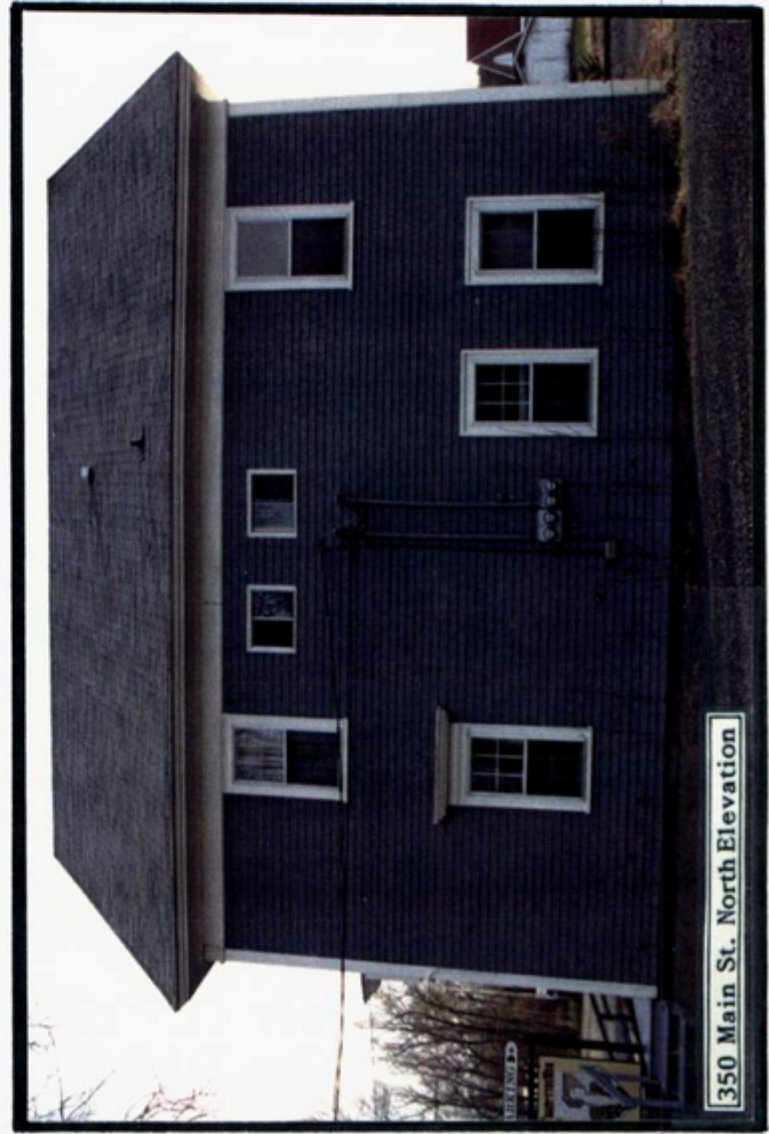
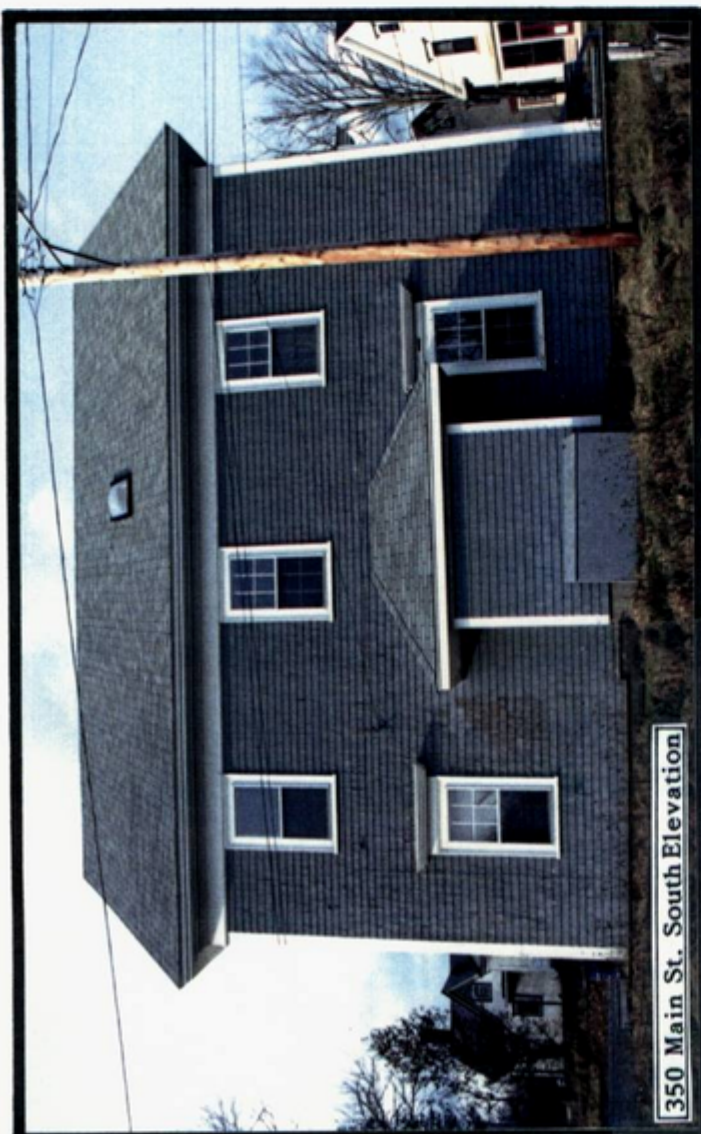
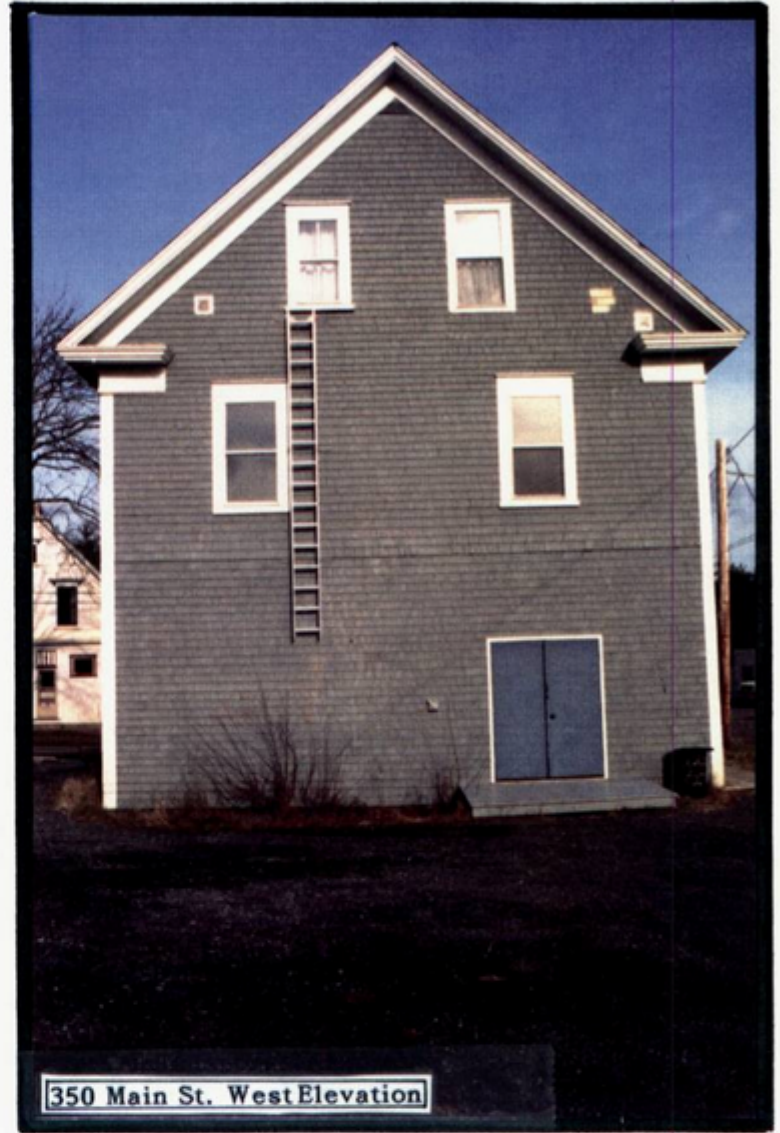
TOGETHER WITH a right-of-way over the existing driveway located upon lands formerly of Maurice P. Veinot and now of Peter Dunham leading from West Main Street in the Town of Mahone Bay to the lands herein conveyed.



SCHEDULE "B"
 DR. DAVID ABRIEL DEVELOPMENT AGREEMENT
 350 Main Street, Mahone Bay, N.S.

Site Plan
 Scale: 1 inch equals 21'

SCHEDULE "C"
Primary Architectural Features and Details




I CERTIFY that on the _____ day of _____, 19____,

the _____ in the

foregoing _____, signed and executed it in my presence and

I have signed as witness to such execution.


A Commissioner of the Supreme Court
of Nova Scotia.

PROVINCE OF NOVA SCOTIA
COUNTY OF LUNenburg

[illegible]


A Commissioner of the Supreme Court
of Nova Scotia.

PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

ON THIS 15 day of May 1991, before me the subscriber, personally came and appeared

JOCELYN WENTZELL, a subscribing
witness to the foregoing Development Agreement, who, having been by me duly sworn,
made oath and said that CHARLOTTE A. MCGILL

affixed h_{er} seal and subscribed h_{er} signature to that agreement in h_{er} presence.


A Commissioner of the Supreme Court
of Nova Scotia.

MICHAEL G. BAKER
A BARRISTER OF THE SUPREME
COURT OF NOVA SCOTIA

PROVINCE OF
COUNTY OF

ON THIS day of 19 , before me the subscriber, personally
came and appeared

_____ , a subscribing
witness to the foregoing _____ , who, having been by me duly sworn,
made oath and said that _____

executed the same in his presence by affixing thereto its corporate seal identified

by the signatures of _____, its _____, and _____

that regard.

A Commissioner of the Supreme Court
of Nova Scotia.

DATED: 1991

CHRISTOPHER L. HUNTINGTON

-and-

CHARLOTTE A. MCGILL

DEVELOPMENT AGREEMENT

GAR, WELLS, LAMEY & BAKER
Attorneys & Solicitors
P.O. Box 310
Chester, N.S. B0J 1J0



Municipal Affairs and Housing
Office of the Minister

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902-424-5550 Fax 902-424-0581 • novascotia.ca

June 15, 2023

David Devenne, Mayor
Town of Mahone Bay
493 Main Street, PO Box 530
Mahone Bay, NS B0J 2E0

Dear Mayor Devenne:

As is the case in other provinces, Nova Scotia is facing a challenge regarding the availability and affordability of housing. While this challenge is felt by so many Nova Scotians, it is also acutely felt by employers, including healthcare and construction employers, who are trying to recruit much needed workers in their sectors. This challenge has recently been further intensified in some communities where residents have been displaced by wildfires.

The Province is committed to growing our investments in housing. We have announced several affordable housing projects across the province in recent months. And, as you know, we have recently leveraged a partnership with the Housing Trust of Nova Scotia to invest \$20M in modular housing. One of the barriers they have experienced in advancing their modular builds is the availability of serviced and/or serviceable land.

While we will continue to grow our inventory of provincially owned land for housing, we are also asking for your help by sharing a list of any municipally owned, serviced (or easily serviceable) land that may be suitable for any type of new housing development, or unused buildings on serviced land for which you currently do not have any planned future use. This will help us to identify future opportunities for housing investments.

We value the partnership we have with municipalities across the province and know you are dealing with the reality of this housing challenge every day in your community. Many of you have received several requests from us as we try to find solutions to housing. We appreciate your responsiveness and willingness to put forward ideas.

Together, we can move the marker on housing. We look forward to hearing back from you and request information be submitted to Jennifer MacIntyre at Jennifer.MacIntyre@novascotia.ca by July 15, 2023.

Sincerely,




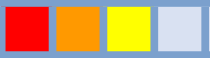
Honourable John Lohr
Minister of Municipal Affairs and Housing

c: Dylan Heide, Chief Administrative Officer, Town of Mahone Bay




Goal	Objective	Assigned	Target	% Completion			
Council Assignments to Staff							
1	Staff to initiate discussion with MODL Planning staff and prepare a report for Council about the possibility of intermunicipal collaboration between the Town of Mahone Bay and MODL on the topic of housing in the preparation of their respective planning documents.	26-Nov-20	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>			75%
		Notes: In progress. Discussion initiated with MODL Planning staff. Timeline coordinated with Plan Mahone Bay process.					
2	Staff to apply to the Canada Healthy Communities initiative and the Canada Cultural Spaces Fund to sponsor Phase 3 improvements to the Michael O'Connor Memorial Bandstand	08-Jun-21	Jun., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>			75%
		Notes: Canada Healthy Communities Initiative application did not receive approval. Canada Cultural Spaces Program application will be submitted for implementation in 2024 (if approved); Council approved application at June 13th meeting.					

3	Staff to initiate a Home Charger Pilot Program for electric vehicle owners under the Grow the Load Initiative.	29-Jul-21	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: In Progress. Town staff coordinating with AREA staff on development of pilot program. Associated residents survey to inform program development completed in 2022. Implementation planned for Q2 2023.
4	Staff to produce a report on the Town's Procurement Policy.	28-Jul-21	Sep., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: Assigned to Manager of Finance (Treasurer).
5	That minimum standards for housing be reflected in any housing strategy that the Town may develop.	14-Sep-21	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: Update report concerning Housing Strategy development appeared on Council's June 13th meeting agenda.
6	Direct staff to issue an RFP for legal services.	28-Oct-21	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: RFP to be issued in July, 2023.
7	Staff to convene a Special Council meeting in the new year to discuss the RCMP service that the Town contracts through the Province.	09-Nov-21	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Scheduled for July 21, 2023
8	Staff to develop draft protocols for the new community hall as an emergency shelter.	27-Jan-22	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Report anticipated to Council's July 11th meeting. Allocation included in draft 2023-24 budget.
9	Staff to initiate discussions with the Nova Scotia Liquour Commission concerning potential cyclist and pedestrian safety improvements to their property on Main Street.	08-Mar-22	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Staff in discussion with Nova Scotia Liquour Commission. Report anticipated to Council's July 27th meeting.




10	Council take no action for a further eighteen (18) months from the date of this resolution regarding the discharge of MB-DA2019-001.	12-Jul-22	Feb, 2024		75%
		Notes: Development Agreement Amendment request received Mar 30th, recommended by PAC May 2nd, given first reading May 9th; hearing on June 13th (Council approved); two weeks for appeal began June 21st.			
11	Staff to reach out to MODL staff to discuss any interest in extending Town water/wastewater services into Mader's Cove / Blockhouse.	14-Jul-22	Jul., 2023		75%
		Notes: In Progress, report anticipated to Council's July 11th meeting.			
12	Defer the Ghaffari/Mahmoodi request until the resolution of the Plan Mahone Bay process.	11-Oct-22	Oct., 2023		50%
		Notes: Property owners have been notified of the decision of Council.			
13	Direct staff to execute a twenty-five year power purchase agreement with AREA for wind energy incremental to AREA's existing 23.5W Ellershuse Wind Farm, delivered as the wind blows and when the Town can use it in a given hour, with the added option for the Town to increase its annual takings from AREA to achieve 100% renewable energy supply if the town elects to subscribe to energy balancing services from the market	11-Oct-22	Jul., 2023		75%
		Notes: In Progress.			

14	Direct staff to coordinate with the Fire Chief to present the draft by-law to the Fire department to obtain specific stakeholder feedback to be presented to council.	08-Nov-22	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Presented to Fire Department meeting on November 15, 2022. Staff have been informed that feedback will be provided in writing. Chief updated that Dept. required additional time for consideration and will provide feedback to Council's July 27th meeting.
15	Inquire of the South Shore Regional Library Board about the rationale for an appointment to that Board and if there is a preference for a community member or a member of Council, and on receiving that answer that Council consider whether an appointment to that Board is necessary.	13-Dec-22	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Correspondence has been sent and staff will share the response with Council when it becomes available.
16	Provide Council with a report regarding the potential implementation of a marketing levy and interaction with the Provincial Short-Term Accommodation legislation.	26-Jan-23	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Coordinating with other Lunenburg County municipalities in developing report.
17	Proceed with recommended tee-up of the Pleasant Street and Main Street intersection.	07-Feb-23	Jun., 2024	<div><div></div><div></div><div></div><div></div><div></div></div>	25%	Notes: In progress with WSP (engineering).
18	Provide Council with a report no later than November 14, 2023, on the potential formation of a Council Remuneration Review	09-Mar-23	Nov., 2023	Not yet begun		Notes:

19	Investigate potential locations for a new Mahone Bay Pool, as as part of that investigation, a survey be conducted with citizens.	30-Mar-23	Sep., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	25%	Notes: Underway in coordination with Mahone Bay Pool Society. Public Survey planned to launch in July.
20	Provide a report on the feasibility of Council receiving periodic summaries of building and development permits issued by the Town's Planners.	30-Mar-23	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	25%	Notes: In Progress. Report anticipated to Council's July 27th meeting.
21	Prepare a report on the potential for the provision of access to Oakland Lake for fire services.	30-Mar-23	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	25%	Notes: In Progress.
22	Facilitate tours of the Community Solar Garden	11-Apr-23	Sep., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: In progress with AREA staff.
23	Develop service standards that can be used to benchmark and analyze performance.	11-Apr-23	Sep., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	25%	Notes: In Progress.
24	Arrange a stakeholder engagement session between the MBTCC and the Plan Mahone Bay Steering Team.	27-Apr-23	Jun., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>		Notes: Engagement session was held June 14, 2023.
25	Provide a report on the possibility of shared use of former firehall between Public Works and other possible uses.	28-Apr-23	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: In Progress. Report anticipated to Council's July 27th meeting.

26	Request a meeting between Council members and representatives of the Wooden Boat Society concerning the Mahone Bay Marina and future capital expenditures on the wharf.	28-Apr-24	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	50%
		Notes: Wooden Boat Society has been contacted and responded positively to Council's request; discussing upcoming opportunities to meet.			
27	Work with the Wooden Boat Society to explore options for a fishing pier at the marina wharf.	11-May-23	Sep., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	25%
		Notes: Staff have engaged in preliminary discussion with Wooden Boat Society; exploring options for extending marina area to the East or West to accommodate fishing pier / potential other facilities expansion.			
28	Prepare a report on the addition of a Town financed washer and dryer at the marina comfort station, including the feasibility of cost recovery.	11-May-23	Jul., 2023	Not yet begun	
		Notes:			
29	Staff to conduct a fire rate study.	11-May-23	Nov., 2023	Not yet begun	
		Notes:			
30	Release 2023-24 grants to organizations funds.	11-May-23	Jun., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>
		Notes: In Progress.			
31	Invite MJSB to speak with Council about IT Service cost and level of service.	18-May-23	Jul., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%
		Notes: Invitation made and accepted; looking for opportunities in July.			
32	Prepare a report on the potential use of the perpetual care funds to be provided as a loan to the utility to finance any operational deficit in	18-May-23	Sep., 2023	Not yet begun	
		Notes:			

33	Prepare a report on employee pension and benefit plans, benchmarking against other NS municipalities.	18-May-23	Oct., 2023	Not yet begun			
		Notes:					
34	Support welcome initiatives for the newcomers arriving from Kenya in coordination with MacLeod Group's Settlement Coordinator.	25-May-23	Oct., 2023	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	25%
		Notes: In progress.					
35	Register the property located at 496 Main Street as a Municipal Heritage Property.	25-May-23	Jun., 2023	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	75%
		Notes: Schedule B picked up by Town solicitor to be registered at Access NS					
36	Register the property located at 45 School Street as a Municipal Heritage Property.	25-May-23	Jun., 2023	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	75%
		Notes: Schedule B picked up by Town solicitor to be registered at Access NS					
37	Provide Council with a report on the items outlined in the letter from Mr. Haysom and Ms. Hearder concerning forest fire prevention.	13-Jun-23	Sep., 2023	Not yet begun			
		Notes:					
38	Develop a draft Housing Action Plan to support application to the CMHC Housing Accelerator Fund, for Council's consideration.	13-Jun-23	Jul., 2023	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	25%
		Notes: In progress.					

39	Write to the Council of the Municipality of the District of Lunenburg indicating support for the Mahone Bay Tourism and Chamber of Commerce's efforts to eliminate the unsightly signage display at the Exit 10 junction with Route #3.	13-Jun-23	Jun., 2023		75%
40	Approach the Mahone Bay Tourism and Chamber of Commerce to request that they permanently discontinue the use of their logo, that it might be exclusively used by the Town.	13-Jun-23	Jul., 2023		50%
41	Work with Upland to include appropriate language in the draft MPS/LUB concerning applications for Development Agreements received prior to the cut off for new applications associated with the approval process for the draft documents.	13-Jun-23	Jul., 2023		50%

Chief Administrative Officer's Report - June 29, 2023

1	Atlantic Infrastructure Management (AIM) Network	Participated in annual conference in Charlottetown (Sept 13-14); 2023 conference Sept 18-20 in Moncton, New Brunswick. Council approved participation in Regional Climate Cohort (planning workshops begun Jan 2023); AIM-supported South Shore Sustainability Summit planned for September 23. Data collection on natural assets completed in October. Appointed Chair of AIM Network at October AGM.
2	Municipal Joint Services Board (MJSB)	Regular CAO/COO meetings ongoing. Topics include additional shared service opportunities among others. Participation in Board meetings.
3	Riverport Electric Shared Service Advisory Committee	Regular meetings continue. Committee discussions focus on opportunities for closer cooperation.
4	Regional Emergency Measures Organization (REMO)	Regular monthly meetings and bi-monthly table exercises between REMO Coordinator and CAOs continue (along with regular planning meetings). Planning Committee established and meeting regularly.
5	Alternative Energy Resource Authority (AREA)	Weekly AREA staff meetings continue by phone. Participation in AREA Board meetings. AREA continues to manage solar garden projects for Berwick, Mahone Bay and Antigonish with regular updates to Council. Joint HOME Program review application with other AREA units submitted to FCM.

6	Lunenburg County Accessibility Advisory Committee	CAO serving as staff policy resource to Lunenburg County Accessibility Advisory Committee (LCAAC). Funding for accessibility audits included in draft 2023-24 budget. Draft Operational Plan presented to Council by Lunenburg County Accessibility Coordinator on March 9; draft plan referred to LCAAC for review and recommendation back to Council.
7	Nova Scotia Federation of Municipalities (NSFM)	CAO continuing to serve on Nova Scotia Infrastructure Asset Management Working Group as AMA/NSFM representative (meeting quarterly). Participated in Working Group panel/presentation at 2022 NSFM Spring conference (May 5).
8	New Long Term Care Facility	Water/Wastewater upgrades project serving new long term care facility completed, save for some wrap-up with MacLeod Group. Electrical system upgrades in progress (voltage regulator delivery anticipated in July).

Manager of Public Works & Transportation's Report - June 29, 2023

1	Streets & Sidewalks	<ol style="list-style-type: none">1. Jubilee Park laneway culvert scheduled to be installed between June 1st - Sept 30th, 2023.2. 2023 Line Painting Tender issued to PPM on June 22/2023. Line and pavement markings to start early next month.3. Long Hill Rd additional barriers installed.4. Vegetation cut cut back in most areas that obstructed view of road signage.5. Road shoulder and ditch mowing to begin early next month.
2	Other	<ol style="list-style-type: none">1. Ballfield up and running as on June 23, 2023.2. After many obstacles and unforeseen repairs the town swimming pool will be ready for use on June 30th as scheduled and it will be definitely the last year of operation.3. Soccer field bleachers installed.4. New Groundskeeper (PW Tech) hired.5. New Articulating tractor and Thail mower ordered and will be received in September-October.6. New 2 ton plow truck with plow awarded to Mosher Motors and Rick Bulsar Welding. Delivery date to be determined.7. Town Hall Exterior Renovations tender posted on June 20th and closes July 11th.8. New roof on playground gazebo roof to be installed later next month.

Water/Wastewater System Manager's Report - June 29, 2023

1

Water Supply, Treatment & Distribution

- CBCL assisting as need for compliance monitoring, data collection, plus on call rotation
- Regular monitoring and maintenance activities continued. Routine or as required flushing of water mains conducted in various locations throughout the water distribution system
- Watermain project wrapped up week of Sept 12th, some deficiencies still outstanding
- Dead end flush unit for South Main St installed in July 2022 and currently programmed for 2x Daily, Second flush unit location TBD (Edgewater St., Fairmont St.)
- Oakland Lake Watercourse Level Monitoring indicated below seasonal low levels on May 25th, back to normal levels by June 5th.
- Draft Cross Connection Control Program due to NSE April 2023, draft by-law in the works and working on identifying and surveying locations
- Annual Reports submitted in March for NSE compliance
- Plans to continue with NRW recommendations
- Spring Leak Survey completed with 3 leaks

located, potential of a 4th leak discovered after the leak survey. Since the Leak Survey 3 leaks were repaired with the 4th repair pending on the property owner.

- CBCL 10yr System Assessment Report completed and submitted to NSE for review and comments.
- Spring High Velocity flushing completed May 9th&10th
- New 3" water meter installed at new LTCF
- Vibration monitoring program started on WTP/WWTF Equipment
- Residential auto-flusher installed in problem area, 1 week of operation with positive results

2	Sewage Collection & Treatment	<ul style="list-style-type: none"> • Regular daily compliance monitoring and maintenance activities continued • CBCL has submitted a job proposal including the repairs and upgrades of the Towns current pumping stations, to be reviewed • Door modifications of chemical room WWTP for PAA tote delivery pending on CBCL • Treatment cell #3 drain and cleaning planning started, quotations requested for sludge hauling and disposal, potential leak discovered near solar garden. Pending approval for Summer 2023 • Quotes received for select sewer main cleaning and inspections, scheduling pending approval • Future new connections on Hawthorn, Longhill, Main St.& Welcome St. Spring/Summer 2023 • CBCL to update PAA Pilot Project Final Report, 2022 thru current. Lab & Budget information provided • Investigations started to locate sources of Tidal infiltration affecting collection system • Pumps pulled and Rags removed from pumps in stations 2 & 3
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Climate & Energy Program Manager's Report - June 29, 2023

1	EV CarShare - Study	MODL Council is in support of partnering with the Town of Mahone Bay on this project but has directed staff to reach out to neighbouring municipalities as well, and has decided to postpone the project until 2025-2027 (aligning with the Town Council's decision not to proceed with this project in 2023-24).
2	Climate and Environment Advisory Committee	The last meeting of the C&E committee took place on June 7th.
3	HOME program reboot	Greenfoot Energy Solutions are the new contractors for the HOME program. Marketing, including updates to the website, and a press release to announce the relaunch of the program are being coordinated between AREA and ToMB.
4	HOME Program Review	The full application to FCM has been submitted. The review of this application is nearly completed.
5	Solar Garden	Continues to attend bi-weekly meetings to get updates on the progress of the ToMB solar garden and provide general support to AREA staff.
6	Clean Foundation Internships	The Natural Assets Intern has been an asset to the team. Efforts are underway to find a replacement for the second intern as she was not able to find housing in the area and could not commute.
7	Home EV Charger Pilot	Options are being explored in terms of the logistics for controlling the chargers.

8	Urban Forest Management Pla	A public engagement session took place on May 31st and was well attended with around 30 participants. The Natural Assets Intern has begun collecting data and the urban forest tree plotter interactive map has been launched.
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Finance Manager's Report - May 25, 2023 (next update July 27th)		
1	Assessment Roll, Taxation and Billing	April 30th tax bills sent out.
2	Budgeting and Reporting	Budget was presented on April 14th. May 18th is the next planned budget meeting.
3	Rate Study	NSUARB decision sent out on April 28th, 2023. Board's requests were sent in on time on May 12, 2023.
4	Annual Audit Preparation/Support	Consolidated, Electric and Water FS have been approved by council. Waiting on final versions of FS from Deloitte.
5	RELC Project	RELC Finance work is 'on hold' due to RELC removing their records from TOMB two weeks ago.
6	Financial Information Return (FIR)	2021-22 FIR has been filed. Waiting to hear back from the province.

Deputy CAO's Report

Deputy CAO's report to be included in July 27th Report to Council (and thereafter).

By-law and Policy Review - June 29, 2023

1	Trees	Target	Staff to research tree policy/by-laws and recommendations received regarding Mahone Bay specifically. In context of Plan Review.
		28-Sep-23	
2	Park By-law	Target	Staff to review Park By-law in context of Plan Review.
		28-Sep-23	
3	Fire Services	Target	Draft Fire Services By-law presented to Council at which time staff were directed to present the draft by-law to the fire department and seek their comment before consideration of 1st Reading. By-law has been presented to Fire Department, anticipating feedback in July, 2023.
		28-Sep-23	
4	Surveillance Camera Policy	Target	Pending discussion at Strategy & Policy Committee.
		TBD	
5	Fees Policy	Target	Not yet begun
		TBD	
6	Penalties By-law	Target	Not yet begun
		TBD	

7	Land-Use By-law and Municipal Planning Strategy	Plan Review Underway. Draft documents now publicly available. Consultations took place May 10th and June 26th (MBTCC stakeholder consultation took place June 14th); engagement period ends July 4th. Upland report on consultations - and steering team meeting - planned for July.	
8	Noise By-law	Target 27-Jul-23	Draft By-law presented to Council April 27th, referred to Policy & Strategy Committee mtg. May 29th, revised By-law draft included on Council's June 29th meeting agenda.
9	Alternative Voting By-law	Target 29-Jun-23	Presented to Council May 9th, given first reading, hearing scheduled for June 29th.
10	Reserve Management Policy	Target 28-Sep-23	Not yet begun
11	Procurement Policy	Target 28-Sep-23	Not yet begun

Service Statistics - June 29, 2023

1	By-law Enforcement	May, 2023	Parking Tickets: 7	
		Notes: Regular patrols and parking enforcement continues. Coordinating LUB enforcement with Development Officer. Followed up on illegal dumping concerns with Town waste bins. Enforcement and education activities in relation to woodlands closure (good compliance from the public). Spoke at the Atlantic By-law Officers Convention at Oak Island.		
2	Police Services (founded & SUI occurrences)	Q1 2023	65	CalendarYTD: 65
		Notes:		
3	Mahone Bay & District Fire Department	Jan-Mar	15	YTD: 82
		Fire Calls: 3; Fire Alarms: 4; Mutual Aid: 1; Medical Calls: 3; Motor Vehicle: 3; Other: 1		
		Notes: Next quarterly fire fighters' community breakfast June 11th.		
4	Traffic (Speed Signage)	May, 2023	MAIN STREET Median Speed ~55 km/h	
			EDGEWATER STREET Median Speed ~57 km/h	
			120 Pine Grove Street Average Speed 30 km/h	
		Notes: Tube Counters = Kinburn St. (Weekday ADT: 499, Weekend ADT: 527), Pleasant St. (Weekday ADT: 129, Weekend ADT: 64).		
5	Solid Waste (Tonnage)	2023-24 YTD	199.92	2021-22: 199.23
		Notes: Recyclables = 20.93; Organics = 36.53; Garbage/Other = 140.19; Septic/Treatment Plant = 0; Cardboard = 2.27.		

6	HOME Program	Leads: 50	Installations: 5		
		Notes: Ambassador engagement (previously Oct-Nov 2020) and installations to resume in Spring/Summer 2023.			
7	Water Utility	Pumped	Q4 2023 (flow meter total)		
			58,638,000 Litres Q3: 61,669,000 Litres		
		Treated	Q4 2023 (4th Quarter total)		
			47,996,000 Litres Q3: 49,262,000 Litres		
		Sold	Q4 2023 (4th Quarter total)		
			22,073,153 Litres Q3: 24,114,552 Litres		
		Accounted NRW (flushing,	Q4 2023 (approximate quarterly)		
			1,756,080 Litres Q3: 2,876,000 Litres		
Losses NRW	Q4 2023 (4th Quarter total)				
	24,166,767 Litres Q3: 22,271,448 Litres				
8	Electrical Utility (Q3)	Purchased (AREA)		\$132,608	
		Purchased (NBP)		\$254,524	
		TOTAL Purchased		\$387,132	
		Sold (Commercial)		\$28,130	
		Sold (Residential)		\$367,048	
		Sold (Power & Demand)		\$193,191	
		TOTAL Sold		\$588,370	
9	EV Chargers	YTD	785 Charging Sessions	1505 Hrs / \$2,175	8661 kWh
		May 2023	63 Charging Sessions	113 Hrs / \$170	662 kWh

10	Development Services	Approved Subdivisions		Q3 2022-23		2
		Development Permits		Q3 2022-23		10
11	Comfort Stations (May 2023)	Edgewater Street	4,498 (4,498 YTD)	Main St.	524 (524 YTD)	
12	CodeRED Registrations	31/4/2023	Residential: 424; Business: 19; Email: 218; Text: 309			
		31/3/2023	Residential: 417; Business: 19; Email: 216; Text: 305			
		31/1/2023	Residential: 412; Business: 19; Email: 208; Text: 286			
		31/12/2022	Residential: 412; Business: 19; Email:			
		30/09/2022	Residential: 400; Business: 12;			
		31/08/2022	Residential: 393; Business: 12; Email:			
		30/07/2022	Residential: 390; Business: 11; Email:			
		30/06/2022	Residential: 371; Business: 11; Email:			
		31/5/2022	Residential: 369; Business: 11; Email:			
		30/4/2022	Residential: 357; Business: 11; Email:			
		31/3/2022	Residential: 356; Business: 11; Email:			
		28/2/2022	Residential: 356; Business: 11; Email:			
		31/1/2022	Residential: 336; Business: 10; Email:			
		31/12/2021	Residential: 326; Business: 10; Email:			
		2021-11-30	Residential: 319; Business: 10; Email:			
		31/10/2021	Residential: 310; Business: 10; Email:			
		30/9/2021	Residential: 308; Business: 10;			
		31/08/2021	Residential: 297; Business: 10;			
		31/07/2021	Residential: 298; Business: 10;			
		30/06/2021	Residential: 297; Business: 10;			
		31/05/2021	Residential: 294; Business: 10;			
		30/04/2021	Residential: 293; Business: 10; Email:			
		31/03/2021	Residential: 294; Business: 10;			
		28/02/2021	Residential: 290; Business: 10;			
		31/01/2021	Residential: 285; Business: 10;			
		31/12/2020	Residential: 285; Business: 10;			
		31/03/2020	Residential: 243; Business: 12; Email:			

2021-25 Strategic Plan - June 29, 2023

Sustainable Municipal Services

	2021				2022				2023				2024			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1.1.1	Undertake water, wastewater & electrical rate studies															
	Operating Initiatives															
Water																
Wastewater																
Electrical																
	<p>Electrical rate study by BDR (contracted by AREA), presented to Council's October 20th meeting. Application submitted to NSUARB; hearing took place February 14th. Decision Issued April 28th, required compliance filling made May 12th, new rates will be reflected in next billing cycle. Water utility rate study will get underway in Q2 2023-24 supporting NSUARB rates decision effective April 1, 2024.</p>															
1.1.2	Implement initiatives to increase utility demand															
	Operating Initiatives															
	<p>EV Home Charger Pilot under development. Joint application - Mahone Bay, Berwick and Antigonish - submitted to FCM for funding support for HOME Program review/expansion.</p>															

1.1.3 Complete water and wastewater system diagnostics Operating Initiatives

Water



Water Distribution System Audit with Xylem Inc. completed; recommendations incorporated into 2022-23 budget / business plan.

Wastewater



Wastewater system diagnostic project included in 2023/24 budget approved June

1.1.4 Strategically replace/upgrade utility infrastructure Capital Projects

Project 1



Project 2



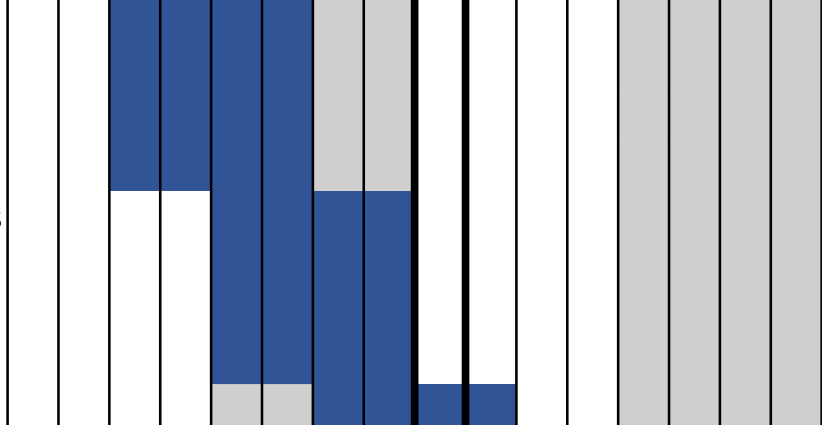
Project 3



Project to upgrade lines from Main Street to Water Treatment Plant (with MacLeod Group) complete. Investing in Canada Infrastructure Program supported project on Main Street (West of Cherry Lane) in 2023-24 budget (engineering); construction anticipated in 2024.

1.2.1 Develop 10-year asset management plans for each asset class

Electrical
Water
Wastewater
Stormwater
Buildings and facilities
Transportation
Recreational facilities
Equipment & Vehicles
Natural infrastructure



AIM Cohort 2.0 completed. Development of draft Water, Wastewater, Stormwater and Transportation asset management plans currently underway with AM Committee. GIS for AM transitioned from ESRI to Civitas/QGIS. Natural Assets / Cemetery data collection project completed in October 2022. 2023 summer intern expected to complete Natural Assets inventory.

1.2.2 Integrate asset management plans into 10-year capital budget



1.3.1 Accessibility Operational Plan Operating Initiative / Capital Projects



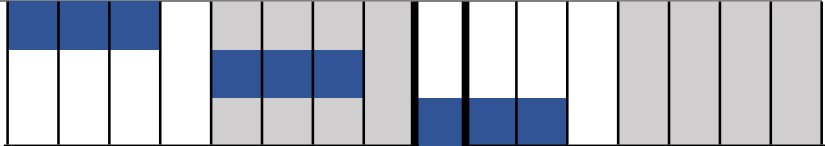
Draft operational plan presented to Council March 9, 2023. Referred to Lunenburg County Accessibility Advisory Committee for recommendation back to Council.

1.3.2 Improve transportation infrastructure to support healthy living Capital Projects

Project 1

Project 2

Project 3

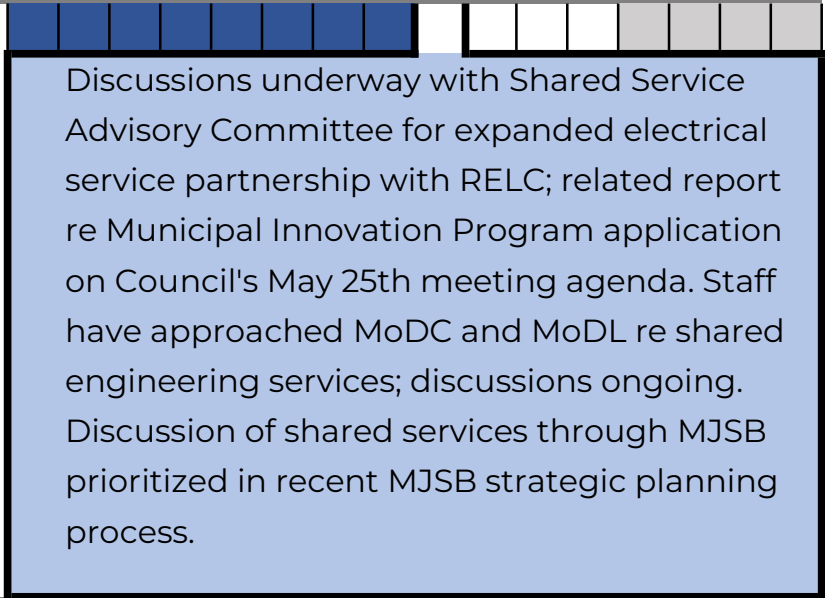


Crossings at Anglican Church, Lutheran Church (pride crossing), Medical Clinic, Kedy's Landing, and Main/Long Hill completed. Trail crossing signage improved. Speed humps on Clairmont/Kinburn and Pleasant/Fauxburg completed. Tee-up of Pleasant/Main in engineering stage. WSP engineers presented concepts report for Edgewater/Main intersection Apr 21, 2023. Edgewater multi-use trail (with anticipated external funding) included in 2023-24 budget approved June 13th.

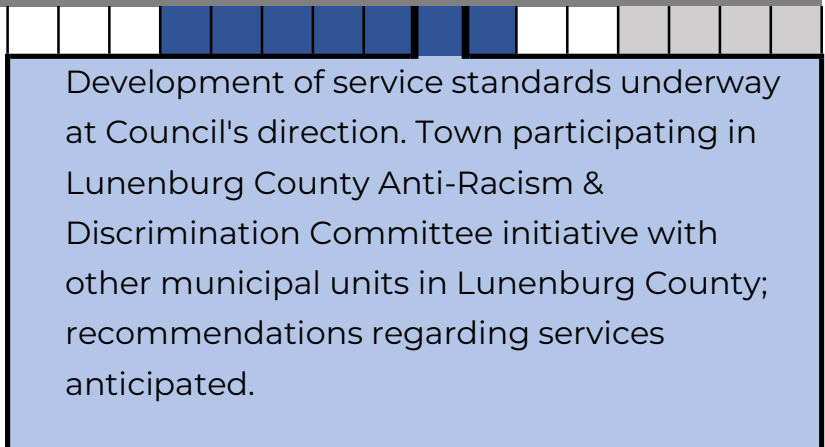
Equitable & Inclusive Growth

		2021				2022				2023				2024			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
2.1.1	Complete Plan Mahone Bay MPS/LUB Process	Operating Initiative															
		Draft MPS/LUB documents under development now. Phase 2 engagement process underway now (first public session took place May 10th, next planned for June). Adoption of new documents by Council anticipated in Fall of 2023.															
2.1.2	Develop and implement Housing Strategy	Operating Initiatives															
		Discussions initiated with other Lunenburg County units on the possibility of regional approach to housing (staff-level regional meetings ongoing). Next steps report included on Council's Oct 27th meeting agenda. Update report provided to Council's June 13th meeting; staff currently working on Housing Action Plan for CMHC (on the basis of Provincial Needs Assessment report).															
2.2.1	Review service levels and align with residents' ability to pay																
		Low Income Tax Exemption process enhanced in 2022-23 annual budget. Service standards report requested by Council now under development.															

2.2.2 Explore shared services and partnerships for efficient service delivery



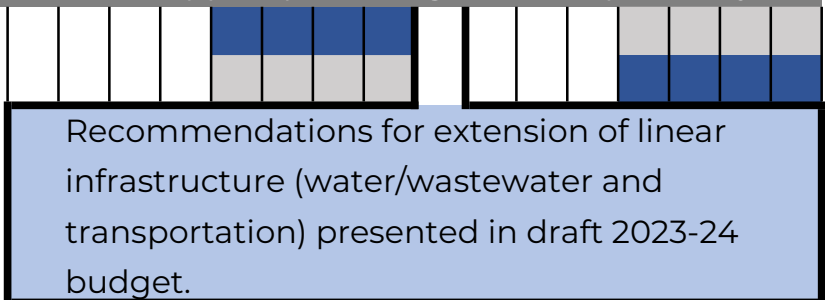
2.2.3 Establish inclusive strategies for provision of municipal services







2.2.4 Expand existing infrastructure to support planned growth Capital Projects

Project 1

Project 2

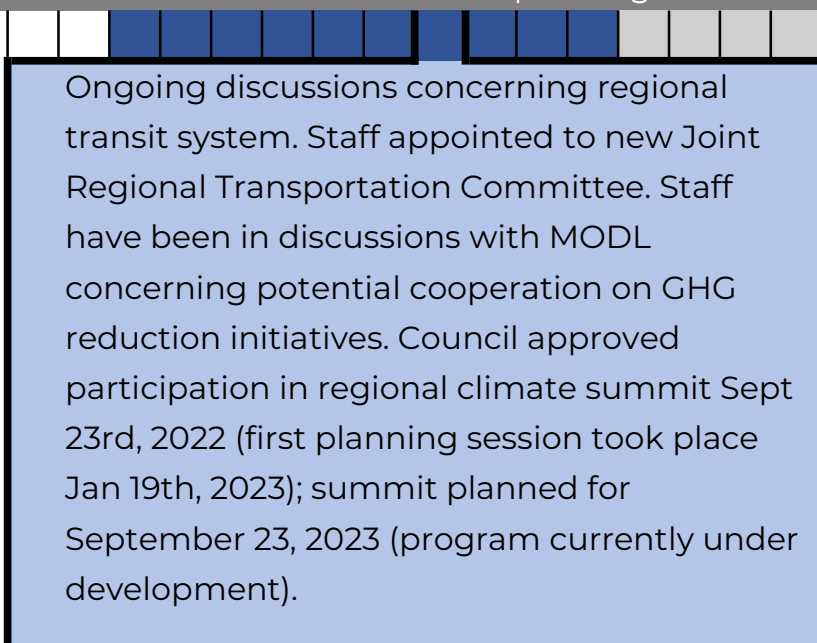


2.3.1	Align staff capacity, capital and operating plans with strategic plan	 <p data-bbox="618 241 1435 499">2022-23 annual budget included investments in staff capacity in Public Works and Finance, 2023-24 budget includes separation of Town Clerk and Deputy CAO positions to improve strategic focus.</p>
2.3.2	Update policies and by-laws for effective governance / Plan implementation	 <p data-bbox="618 598 1435 688">Numerous policies and by-laws developed / amended.</p>
2.3.3	Prioritize public engagement processes supporting Plan implementation	 <p data-bbox="618 787 1435 989">Council adopted Public Engagement Policy and has subsequently approved numerous Public Engagement Plans in relation to Council's strategic priorities.</p>
2.3.4	Regularly review progress and continually improve strategic plan	 <p data-bbox="618 1087 1435 1232">Most recent annual strategic plan review completed April 11, 2023 with amendment of strategic plan.</p>

Environmental Leadership

		2021				2022				2023				2024			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
3.1.1	Community Greenhouse Gas (GHG) Reduction Action Plan	Operating Initiatives															
		Implementation of Community Greenhouse Gas (GHG) Reduction Action Plan proceeding apace. Climate & Environment Committee established with a mandate to review the GHG Reduction Action Plan and recommend updates to Council. Committee recommendations for updates to GHG Reduction Action Plan anticipated in July 2023.															
3.1.2	Expand home heating program	Operating Initiative															
		Joint proposal - Berwick, Antigonish and Mahone Bay - submitted to FCM for review and expansion of HOME Program.															
3.1.3	Expand electric vehicle charging infrastructure	Capital Projects															
		Equipment received, installations completed at all locations (town hall, marina, clairmont street, MBC, main street, fire station). Chargers now online. Promotion of EV chargers will															
3.1.4	Invest in renewables (e.g., community solar garden)	Capital Project															
		The construction phase continues, with completion anticipated in the late Summer / early Fall of 2023. The second open house on the project took place October 19th 2022 and was well attended with ~90 participants. Distribution line upgrades currently underway.															

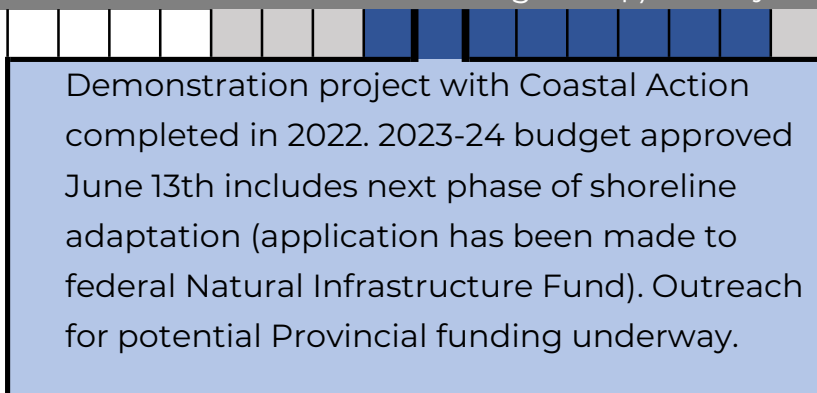
3.1.5 Support regional initiatives that contribute GHG reduction Operating Initiatives



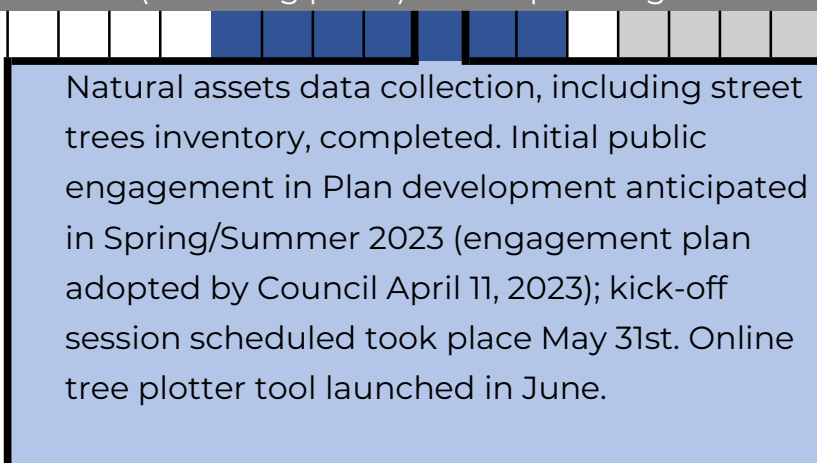
3.2.1 Develop and implement policies / by-laws supporting adaptation measures



3.2.2 Invest in infrastructure (shoreline and stormwater management) Capital Project



3.3.1 Urban Forest Management Plan (including parks) Operating Initiative



3.3.2 Invest in infrastructure (straight pipes) and land acquisition Capital Projects

Project 1																	
Project 2																	

3.3.3 Encourage recognition of the value of natural assets Operating Initiatives

Promotion of natural assets planned to coincide with Urban Forest engagement, program manager supported by summer interns, in coordination with Climate & Environment Committee.

2023-24 Budget - Operating Initiatives & Capital Projects

2023-24 Budget Process Apr 6-June 13 - Budget approved June 13th

Next Update Anticipated July 27th

See Town website for 2023-24 Budget

(<https://www.townofmahonebay.ca/finance.html>)



**Town of Mahone Bay
Staff Report
Re: Noise By-law
June 26, 2023**

General Overview:

The purpose of this report is to provide Council with a draft Noise By-law to prohibit excessive noise within the Town of Mahone Bay.

Background:

At Council's June 14, 2022 meeting Council passed the following motion:

THAT Council direct staff to monitor the effectiveness of the Town of Lunenburg's updated Noise By-law and report back to Council in the fall.

This item was next discussed at Council's September 13, 2022 meeting, where the following motion as passed:

THAT Council direct staff to review the current best practices in the field of by-laws referencing noise, with a view to developing a recommendation to Council on how to proceed with the matter of noise regulation.

A staff report in response to both motions was received by Council on February 23, 2023. At that time Council passed the following motion:

THAT Council direct staff to develop a noise bylaw for the Town to be presented to Council at their April 27th regular meeting.

Council was provided with a draft Noise By-law at their April 27th meeting. At that time Council passed the following motion:

THAT this item be referred to the May 29, 2023 meeting of the Policy and Strategy Committee.

At the May 29, 2023 meeting of the Policy and Strategy Committee, the committee suggested some edits to the draft by-law.

Analysis:

The draft bylaw is attached with requested edits. Staff reviewed Noise By-laws from multiple municipalities within the province and consulted with the Town's By-law Enforcement Officer in preparing the draft by-law.

Financial Analysis:

Adoption of a Noise By-law would involve costs associated with staff time, public notification processes that are part of every by-law notice of intent to consider. Other financial implications would include the possibility of court fees and

increased By-law Enforcement costs (which were considered in the 2023-24 budget process).

Links to Strategic Plan:

2.3 Governance to Meet Expectations of our Growing Community

Recommendation:

It is recommended:

THAT Council provide first reading of the draft Noise By-law as presented.

Respectfully submitted,



Kelly Redden
Town Clerk



1. Title

This by-law is entitled the "Noise By-law".

2. Definitions

In this by-law:

- (1) "approved sound meter" means an instrument to measure levels of sound pressure, being administered by an approved Town employee.

"construction" includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation for construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any related work, but does not include blasting;

"construction equipment" means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment;

- (2) "dBA" stands for A-weighted decibel, it is a measurement of sound as perceived by the human ear.
- (3) "emergency response personnel" includes police, fire department, registered emergency services providers, search and rescue personnel, provincial, regional or municipal Emergency Measures Organizations, ambulance or emergency health services providers and includes volunteer or military personnel responding to an apparent condition of emergency;
- (4) "firearm" means any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm;

(5) "motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular, gravitational or wind power, (provided that it shall not include a motorized wheelchair);

(6) "point of reception" means any point ~~on premises~~ where sound, originating from other premises, including other dwelling units, is received;

(7) "public address system" means any system comprised of one or more of the following and in any combination: loudspeaker, amplifier, microphone, reproducer, receiver or tuner, where such equipment is part of a system used to reproduce or amplify sound.

3. Prohibitions and Interpretations

No person shall engage in any activity which is likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood. ~~For the purpose of this section, evidence that one neighbour is unreasonably disturbed by a noise is prima facie, accepted as correct until proven otherwise, that the neighbourhood is unreasonably disturbed by the noise.~~ For the purpose of this section, activity which is likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood is defined as follows:

A) Any noise, measured at a point of reception, by an approved sound meter, in excess of 65 dBA during the hours of 7:00am to 9:00pm

B) Any noise, measured at a point of reception, by an approved sound meter, in excess of 55 dBA during the hours of 9:00pm to 7:00am

(1) ~~Without limiting the generality of section 3, the activities or noises listed in Schedule "A" during the prohibited times as set out in this document are deemed to be activities which are likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood if the sound resulting from the activity is audible at a point of reception.~~

4. Fixed Exemptions

(1) This By-law does not apply to:

- a. Emergency response personnel engaged in the execution of their emergency response duties; or
- b. Persons acting at the request of emergency response personnel during an actual or apparent emergency condition;

And, without limiting the generality of section 4.1, noises caused by emergency response vehicle and air ambulances are specifically exempt from prosecution.

(2) Notwithstanding any other provisions of this By-law, this By-law shall not apply to or prohibit:

- a. The emission of sounds in connection with any organized traditional, festive or religious activity celebrating:
 - i. Canada Day;
 - ii. New Year's Eve;
 - iii. Religious holidays; or
 - iv. Remembrance Day;
- b. The emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
- c. Noise caused by the Town, the Government of Canada, the Province of Nova Scotia, Mahone Bay's electric utility, and telecommunication companies, and the contractors engaged by **the** these entities and employees of these entities, when acting in the reasonable execution of their duties;
- d. Noises in connection with organized athletic or recreational activities in municipal or public park areas, arenas or community centres and noises associated with maintenance or improvement of the property occupied or used by organized athletic or recreational or sporting clubs or municipal or public park areas, arenas or community centres, including the grooming, tilling, mowing and contouring of grass and soil and other activities associated with maintenance.
- e. Noises from the organized and scheduled activities and events of festivals, parades, street dances, rallies, or other community activities approved by the Town;
- f. Noises emitted by audible pedestrian signals;
- g. Garbage trucks operating in the Town between 6:00am and 10:00pm;
- h. Noises emitted from transport trucks, including refrigerated transport trucks, driving through or making deliveries within the Town;
- i. Noises emitted from electric tools, including landscaping equipment.**

5. Exemptions by Council

- (1) Any person can make application to **Council** to be granted an exemption from any of the provisions of this By-law with respect to the emission of noise from an industrial, institutional, commercial or community activity for which that person might otherwise be prosecuted. Council, by motion, may refuse to grant the

exception, or may grant the exemption applied for, or may grant any exemption of lesser effect. Any exemption granted will:

- a. Specify a time period during which the exemption shall be effective;
- b. Be confirmed in writing by the CAO or Clerk before becoming effective;
and
- c. Include such terms and conditions as Council deems appropriate.

(2) In deciding whether to grant an exemption, or in determining terms or conditions of the exemption, Council will give consideration to:

- a. The social or economic benefit of the proposed activity to the community;
- b. The volume, nature, duration and consistency of noise emission from the proposed activity;
- c. The proximity and nature of abutting or adjacent land uses;
- d. The hours of operation of the proposed activity;
- e. Any other factor relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.

(3) Applications for an exemption for an activity of less than 14 days duration will not require a public hearing pursuant to this section or notice pursuant to section 11 but all other exemptions, renewals of exemptions, or amendments expanding the scope of an exemption shall only be granted after a public hearing at which Council will give the applicant and any person interested in the application an opportunity to be heard.

(4) Ten days' notice of the time, date and purpose of a public hearing will be mailed to each of the properties which contains a building located within 150 meters of the property which will be the subject of the hearing, except when the exemption is requested for an outdoor event not conducted at a fixed location, in this case a notice will be given by advertisement, delivered to each mailbox within the Town.

(5) Any contravention of the terms or conditions of an exemption pursuant to section 5 will constitute a contravention of this By-law. In addition to any other available remedies for such contravention, the CAO or Clerk may, on reasonable

and probably grounds, and without a hearing, suspend an exemption for a period of up to 30 days pending Council's review of the exemption.

6. Penalty

(1) Any person engaging in activity likely to generate noise or sound that unreasonably disturbs peace and tranquility of the neighbourhood according to the terms of this By-law is subject to a fine of not less than \$250 and not more than \$1,000.

David Devenne, Mayor

Kelly Redden, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the day of 2023.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this day of 2023.

CLERK'S NOTATION

FIRST READING:	
"NOTICE OF INTENT" PUBLICATION:	
SECOND READING:	
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	
FORWARDED TO THE MINISTER:	
FORWARDED TO TOWN WEBSITE:	

Schedule "A"

Part 1: Activities prohibited at all times:

- a. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
- b. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sound due to an improperly secured load or equipment or inadequate maintenance;
- c. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
- d. The discharge of firearms except when used as a signaling device in a sporting competition with blank ammunition;
- e. The operation of any item of construction equipment in an area designated as a residential zone under the Land Use By-law without effective muffling devices in good working order and in constant operation;
- f. The release of private fireworks and similar aerial pyrotechnics

Part 2: Activities prohibited on any day of the week before 7:00am or after 9:00pm

- a. The operation, outside, of any power tool for domestic purposes (including, without limiting the preceding, lawn mowers) but not including snow removal equipment;
- b. Yelling, shouting, hooting, whistling, singing or playing musical instruments that can be heard from a distance of 200 feet;
- c. The operation of any public address system, television, music playing device, radio or any similar device that is audible beyond the bounds of the property from which the noise is emitted;
- d. Construction or the use or operation of construction equipment, except where such equipment is used or operated on any highway.



Town of Mahone Bay
Staff Report
RE: Alternative Voting Bylaw Amendments
June 29, 2023

General Overview:

This report is to provide Council with a draft amended Alternative Voting Bylaw for consideration and second reading.

Background:

The 2022 Special Election was conducted using solely alternative voting methods, that is online or phone voting. Election staff again found that alternative voting methods provided greater ease of voting in respect to transportation, mobility, scheduling, health consideration, childcare and any number of other manners.

Physical polling stations were established in the community room of the new fire station on the Saturday and the Tuesday preceding Ordinary Polling Day. These advance polls were staffed for a total of 19 hours with two trained election staff and saw a total of 10 electors.

On January 10, 2023, staff provided council with a report on the 2022 Special Election, that report included a recommendation that by the time of the next municipal election, consideration be given to an alternative to the practice of making physical polling stations available for two Advance Polling days. Staff recommended making a polling station available at Town Hall for the full 9 days of the advance polling period. This polling station would be available for citizens to vote during regular Town Hall business hours, with assistance from office staff where necessary.

The Town's Returning Officer for the 2022 Special Election also pointed out confusion between the Nova Scotia Municipal Election Act (MEA) and the Town of Mahone Bay Alternative Voting Bylaw. The MEA states that the first Advance Polling Day is 9 days preceding Ordinary Polling Day and the Alternative Voting Bylaw states that the first Advance Polling Day is 14 days preceding Ordinary Polling Day.

After receiving the January 10, 2023 staff report, council passed the following motion:

THAT Council direct staff to review the Town of Mahone Bay Alternative Voting Bylaw and provide Council with any suggested amendments to ensure clarity following the second election conducted using Alternative Voting Methods.

Other housekeeping amendments were made during review of the Bylaw.

The resulting proposed amended by-law – showing changes – is attached.

At the May 9th regular council meeting, council provided first reading of the draft amended Alternative Voting Bylaw.

Financial Analysis:

Holding Advance Polling Days in Town Hall and having them supported by front office staff would eliminate the need to hire election staff, as we have in the past, for two Advance Polling Days. For the 2022 Special Election we hired 2 poll workers for those two days. For the 2024 Municipal Election, this would realize a savings of at least \$560.

Links to Strategic Plan:

Equitable and Inclusive Growth

- Governance to Meet Expectations of our Growing Community.

Recommendation:

It is recommended, that at the June 26, 2023 meeting of Council

THAT Council provide second reading of the draft amended Alternative Voting Bylaw as presented.

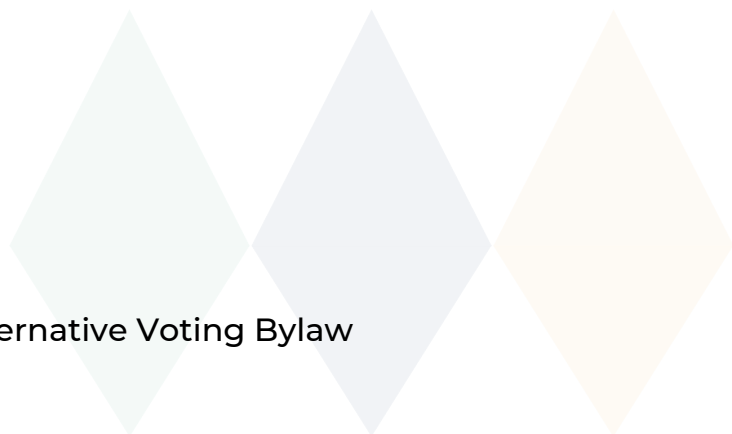
Respectfully submitted,



Kelly Redden

Town Clerk

Attached: DRAFT Amended Alternative Voting Bylaw



1. SHORT TITLE

1.1. This By-law shall be cited as the “Alternative Voting By-Law.”

2. DEFINITIONS

2.1 In this By-law:

- i. “Act” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
- ii. “Advance Poll” means the **two weeks 9 days** immediately preceding ordinary polling day;
- iii. “Alternative Polling Days” means any hours and dates fixed by a resolution of Council for alternative voting;
- iv. “Alternative Voting” means voting by telephone or via the internet and includes a combination of telephone and internet voting;
- v. “Ballot Box” means a computer database in the system in which internet ballots and telephone ballots are placed;
- vi. “Candidate” means a person who has been nominated as a candidate pursuant to the Act;
- vii. “Council” means the Council of the Town of Mahone Bay;
- viii. “Deputy Returning Officer” means a person appointed by the Returning Officer pursuant to the Act to preside over a polling station;
- ix. “Election” means an election held pursuant to the Act, including a school board election, special election, and a plebiscite;
- x. “Election Officer” means an “election official” under the Act;
- xi. “Elector” means a person:
 - a. Qualified to vote pursuant to the Act; and
 - b. Entitled to vote for an election pursuant to section 7 of this by-law;
- xii. “Final List of Electors” means the final list of electors completed pursuant to section 40 of the Act;
- xiii. “Friend Voter” means a friend who votes for an elector pursuant to Section 9 of the by-law;
- xiv. “Internet Ballot” means an image of a ballot on a computer screen including all the choices available to an elector and the spaces in which an elector marks a vote;
- xv. “Town” means the Town of Mahone Bay;
- xvi. “Normal Business Hours” means the time between 8:30 am and 4:00 pm Monday through to and including Friday;

- xvii. "Ordinary Polling Day" means the third Saturday in October in a regular election year and in the case of any other election means the Saturday fixed for the election;
- xviii. "PIN" means the Personal Identification Number issued to an elector for alternative voting on alternative polling days;
- xix. "Plebiscite" means a plebiscite directed to be held by the Council pursuant to section 56(2) of the *Municipal Government Act*;
- xx. "Proxy Voter" means an elector who votes by a proxy pursuant to the Act;
- xxi. "Regular Election Year" means 2020 and every fourth year thereafter;
- xxii. "Rejected Ballot" means the refusal by an elector to accept a ballot in a race;
- xxiii. "Returning Officer" means a Returning Officer appointed by Council pursuant to the Act;
- xxiv. "Seal" means to **secure the ballot box and** prevent internet and telephone ballots from being cast;
- xxv. "Special Election" means a special election held pursuant to the Act, including a special election for a vacancy on a school board;
- xxvi. "Spoiled Ballot" means an internet ballot or telephone ballot marked by an elector indicating a refusal to cast a vote for any candidate in a race;
- xxvii. "System" means the technology, including software that:
 - a. Records and counts votes; and
 - b. Processes and stores the results of alternative voting during alternative polling days;
- xxviii. "System Election Officer" means:
 - a. A person who maintains, monitors, or audits the system, and
 - b. A person who has access to the system beyond the access necessary to vote by alternative voting.
- xxix. "Telephone Ballot" means:
 - a. An audio set of instructions which describes the voting choices available to an elector; and
 - b. The marking of a selection by an elector by depressing the number on a touch tone keypad.

3. ALTERNATIVE VOTING PERMITTED

3.1 Subject to this by-law, alternative voting shall be permitted on all days of advance polling and on ordinary polling day.

4. NOTIFICATION OF ELECTORS

4.1 The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the Town.

4.2 The notice of alternative polling days shall:

- a. identify the alternative polling days for alternative voting; and
- b. inform the elector that telephone voting and internet voting is permitted during alternative polling days.

4.3 The notice may include any other information the Returning Officer deems necessary.

5. FORM OF TELEPHONE AND INTERNET BALLOTS

5.1 A telephone ballot and internet ballot shall:

- a. identify the title “Election for Mayor” or “Election for Councillor” or “Election for School Board Member” as the case may be.
- b. identify the ~~names of name~~ by which ~~they the candidates~~ are commonly known ~~of the candidates~~ with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names, and;
- c. warn the elector to “vote for one candidate only” or “vote for not more than (the number of candidates to be elected) candidates” as the case may be.

5.2 No title, honour, decoration or degree shall be included with a candidate’s name on an internet ballot or telephone ballot.

6. OATH

Any oath that is authorized or required shall be made in the form specified by the Act.

7. ELECTORS

No person shall vote by alternative voting unless:

- a. the person’s name appears on the final list of electors on the date chosen by Council for the final list of electors to be completed pursuant to section 40 of the Act; or
- b. the person’s name does not appear on the final list of electors and:
- c. the person appears before the Returning Officer or the Deputy Returning Officer during normal business hours during alternative polling days; and
- d. the person swears an oath in the manner prescribed by the Act.

8. PROXY VOTING

8.1 A proxy voter shall not vote for an elector by alternative voting ~~or by paper ballot~~ during advanced polling pursuant to the Act.

9. FRIEND VOTING

9.1 A friend voter shall only vote for an elector by alternative voting if:

- a. an elector is unable to vote because:
- b. the elector is blind;
- c. the elector cannot read;
- d. the elector has a physical disability that prevents him or her from voting by alternative voting;
- e. the elector and the friend voter appear, in person, before the Returning Officer or the Deputy Returning Officer and take the prescribed oaths.

9.2 A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate.

9.3 The elector shall take an oath in the form prescribed by the Act providing that he or she is incapable of voting without assistance.

9.4 The friend of the elector shall take an oath in the prescribed form to this by-law that:

- a. the friend has not previously acted as a friend for any other elector in the election other than an elector who is a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend of the elector;
- b. the friend will ~~mark the ballot vote~~ as requested by the elector; and
- c. the friend will keep secret the choice of the elector.

9.5 The Returning Officer shall enter into the poll book:

- a. the reason why the elector is unable to vote;
- b. the name of the friend; and
- c. the fact that the oaths were taken.

10. VOTING

10.1 The system shall put internet ballots and telephone ballots cast by an elector in the ballot box.

- a. The system shall put spoiled ballots in the ballot box.

10.2 Where alternative voting closes at the close of the polls on ordinary polling day, the system shall seal the ballot box at the close of the poll on ordinary polling day.

- a. The system shall seal the ballot box even where fewer than ten persons from any polling district voted for a candidate during alternative polling days.

~~10.3 In the event of contravention of this By-law, the Town may, initially, or in addition to any prosecution or other remedy:~~

- ~~a. prepare and serve a notice in writing to an owner to undertake work including, but not limited to the posting or re-posting of a civic number on a building or lot, the erection or re-erection of signage for a private road, or the removal of a civic number or signage for a private road.~~

11. ADVANCE POLL

11.1 The Advance Poll will take place during the 9 days preceding ordinary polling Day.

11.2 The Returning Officer shall establish a polling station for alternative voting at Town Hall, equipped with a computer or other device to permit voting by internet ballot.

11.3 The polling station for alternative voting shall be:

- a. Available for electors who are voting with friend voters and for any other electors; and
- b. Open on each advance polling day.

12. LIST OF PERSONS WHO VOTED

12.1 Where alternative voting closes at the close of the polls on ordinary polling day, the system shall:

- a. generate a list of all electors who voted by alternative voting; and
- b. on the Final List of Electors cause a line to be drawn through the name of all the electors who voted during alternative polling days.

12.2 A printed and electronic copy of the lists under section 12.1 shall be delivered to the Returning Officer within 24 hours of the close of alternative voting.

13. COUNTING

13.1 At the close of ordinary polling day, the system shall generate a count of the telephone ballots and internet ballots in the ballot box that were cast for each candidate during alternative polling days.

13.2 In counting the votes that were cast for each candidate during alternative polling days, the system shall count spoiled ballots and shall not count rejected ballots.

14. TALLYING OF SPOILED BALLOTS

At the close of ordinary polling day, the system shall tally the number of spoiled ballots that were cast during alternative polling days and the tally shall be delivered to the Returning Officer.

15. RECOUNT BY SYSTEM

15.1 In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.

15.2 If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.

15.3 If the regenerated count and the initial count do not match, the Returning Officer shall:

- a. direct one final count be regenerated by the system of the votes cast by alternative voting, and;
- b. attend while the final count is being regenerated

15.4 The regenerated final count pursuant to subsection 14.3(a) shall be the final count of the votes cast by alternative voting.

16. SECRECY

16.1 An election officer and system election officer shall maintain and aid in maintaining the secrecy of the voting.

16.2 Every person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

17. OTHER METHODS OF VOTING

17.1 The Returning Officer shall establish at least one polling station for alternative voting that is equipped with a computer or other device to permit voting by internet ballot.

17.2 The polling station for alternative voting shall be:

- a. Available for electors who are voting with friend voters and for any other electors; and
- b. Open on each advance polling day, on ordinary polling day, and on such other days as decided by the Returning Officer.

17. SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

18. PROHIBITIONS

18.1 No person shall:

- a. use another person's PIN to vote or access the system unless the person is a friend voter;
- b. take, seize, or deprive an elector of his or her PIN; or
- c. sell, gift, transfer, assign or purchase a PIN.

18.2 No person shall:

- a. interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;
- b. interfere or attempt to interfere with alternative voting; or
- c. attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.

18.3 No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

18.4 A person who:

- a. violates any provision of this by-law; or
- b. permits anything to be done in violation of any provision of this by-law;
- c. is guilty of an offense.

18.5 A person who contravenes 18.4 of this by-law is guilty of an offense and is liable, on summary conviction, to a penalty.

18.6 In determining a penalty under 18.5, a judge shall take into account:

- a. the number of votes attempted to be interfered with;
- b. the number of votes interfered with; and
- c. any potential interference with the outcome of an election.

18.7 Pursuant to section 146A of the Act;

- a. the limitation period for the prosecution of an offense under this by-law is two years from the later of the date of the commission of the offense and the date on which it was discovered that an offense had been committed; and
- b. the Remission of Penalties Act, 1989 SNS c. 397, as amended, does not apply to a pecuniary penalty imposed by this by-law.

19. BY-LAW ENFORCEMENT

It shall be the duty of the Returning Officer, appointed for the Town of Mahone Bay under the Nova Scotia Municipal Elections Act, to report all violations of this By-Law.

David W. Devenne, Mayor

Kelly Redden, Acting Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the day of 2023.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this day of 2023.

CLERK'S NOTATION

First Reading:	
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	



Report of the Clerk to Council

A Public Hearing was held on June 29, 2023 to receive verbal and written submissions regarding the Town of Mahone Bay draft amended Alternative Voting Bylaw.

2 members of the public were in attendance via the Town's YouTube Channel

0 members of the public presented comments to the Hearing

0 submissions were received prior to the hearing

0 submissions were received at the hearing

The hearing adjourned at 6:51 p.m.

Submissions Received:

No comments were received prior to the hearing.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kelly Redden".

Kelly Redden
Town Clerk



A meeting of the Climate and Environment Advisory Committee for the Town of Mahone Bay was held on Wednesday, June 7, 2023 at 10:00 a.m. in Council Chambers

Present

Councillor Carver
Councillor Wilson
Amanda Montgomery
Richard Wilson
Veryan Haysom
Gregg Little
James Tilley
Johan Evarts
Mayor DeVenne
Dylan Heide, CAO
Eric Levy, Deputy CAO
Lauren Clark, Climate & Energy Program Manager
Melissa Walters, Intern
Kelly Redden, Town Clerk

Absent:

1. Approval of Agenda

A motion by Mr. Haysom, seconded by Mr. Little, "THAT the agenda be approved as amended to add Mahone Bay Plan Review discussion and Solar Garden Update."

Motion carried.

2. Approval of the Minutes

A motion by Councillor Wilson, seconded by Mr. Haysom, "THAT the minutes of the May 3, 2023 meeting of the Climate and Environment Committee be approved as presented."

Motion carried.

3. Mahone Bay Plan Review Discussion

Mr. Heide explained the Plan Mahone Bay review of the Town's Land Use Bylaw and Municipal Planning Strategy and outlined options for committee members to participate in the review process.

4. Climate Summit Update

Ms. Clark updated the committee on the upcoming Climate Summit.

5. Natural Asset Stewardship

Ms. Clark updated the committee on the Urban Forest Management Plan and Natural Assets Map public engagement session that was held on May 31st. Ms. Clark also showed the committee the progress being made on the Natural Assets Map.

6. GHG Reduction Action Plan Amendments

Ms. Clark reviewed proposed amendments to the GHG Reduction Action Plan. Ms. Clark will bring back the suggested amendments to the committee's July meeting.

7. Solar Garden Update

The committee removed this agenda item.

8. Items Parked for Future Meetings

The committee discussed the list of "Items Parked for Future Meetings" and prioritized them. The developed environmental stewardship education package will be reviewed at the next meeting of the committee.

Items Parked for Future Meetings

Environmental Stewardship Education Package

Utility Expansion and net zero building

Rental Units

Review TOR

Discussion about wave suppression and wind damage

Prioritization of adaptation plans and strategies

Recommendation of a monitoring plan or monitoring protocol

Potential sponsorships

Engagement with students

Adjourned at 11:45 am

TOWN OF MAHONE BAY

TOWN OF MAHONE BAY

Chair, Councillor Penny Carver

Town Clerk, Kelly Redden



The regular meeting of the Town of Mahone Bay's Asset Management Committee for the Town of Mahone Bay was held on Thursday, June 8th, 2023, at 12:06 PM via video conference.

Present:

Mayor, D. Devenne

Councillor R. Nowe

CAO, D. Heide

N. Pavlinic

D. Waterfield

H. Baxter

Climate & Energy Program Manager, L. Clark

Absent:

Manager of Finance, A. Yeadon-Wentzell (with regret)

Gallery:

None

Land Acknowledgement

Let us begin by acknowledging that we are gathered today in Mi'kma'ki. The ancestral, present and future territory of the Mi'kmaw people. Today, we gather with the intent followed by the living Peace and Friendship Treaties - with respect, cooperation and coexistence.

Approval of Agenda

A motion by, R. Nowe seconded by N. Pavlinic, "THAT the agenda be approved as presented." Motion Carried.

Approval of Minutes

A motion by D. Waterfield, seconded by R. Nowe, "THAT the minutes of the April 20, 2022, Asset Management Committee be approved as presented." Motion carried.

Introduction of New Member

Introduction of new member Helga Baxter to the Asset Management Committee.

Asset Management Committee Meetings 2023-24

CAO D. Heide reviewed a document outlining agenda topics for upcoming asset management committee meetings. Members agreed that this document, along with the addition of a "parking lot" to future agendas would help ensure items are captured for future discussion.

Identification of Cross-Committee Topics in 2023-24

Members discussed possible topics for discussion with other Council committees in 2023-24. It was agreed that members would look for opportunities for such discussions going forward and that should a topic for cross-committee discussion be identified it would be recommended to Council.

Complete Adaptation Tool (beginning with Water, Wastewater, Stormwater and Transportation Assets)

CAO D. Heide led members through the adaptation tool. This exercise will continue at the committee's next meeting.

Training Opportunities – AIM Conference Sept 19-20

The opportunity for members to attend the upcoming AIM conference was identified (the Town's past practice has been to pay for registration costs for public members willing to cover their own travel and accommodations).

Committee Membership

It was noted that there are still two vacancies for public members on the Committee.

Next Meeting

Members confirmed that meetings would continue in a remote format for the time being. The next meeting of the Committee is scheduled for July 20, 2023, at 12:00 PM.

The meeting was adjourned at 1:59 PM.

TOWN OF MAHONE BAY

Mayor, David Devenne

TOWN OF MAHONE BAY

Acting Recording Secretary, Dylan Heide

