

**PORT HAWKESBURY TOWN COUNCIL
PUBLIC MEETING**

**Minutes of Meeting
Monday, June 17, 2013**

Present

Mayor, Billy Joe MacLean
Deputy Mayor, Brenda Chisholm-Beaton
Councilor, Dr. Trevor Boudreau
Councilor, Joe Janega
Councilor, Bert Lewis
Chief Administrative Officer, Maris Freimanis
Director of Finance, David Gray
Town Solicitor, Larry Evans

Guests

John Bain, Director, Eastern District Planning Committee (EDPC)
Greg Squires
Rod MacIsaac, Co-ordinator, Emergency Measures Organization (EMO)
Aurine Richard, Fundraising Coordinator, Strait Richmond Healthcare Foundation
Joset Marchand, Member, BoD, Strait Richmond Healthcare Foundation

Regrets

Director Marketing, Recreation, Tourism & Culture, Paula Davis

1. Call to Order

A meeting of the Port Hawkesbury Town Council was held in the Shannon Studio, PHCC, Monday, June 17 2013. It was called to order by Mayor MacLean at 7:00 p.m.

2. Gallery Presentations

a) Greg Squires – Letter of Appeal to Repair Order

Mr. Squires addressed Town Council regarding his appeal to a repair order for his property on Embree Street. Mr. Squires has the infrastructure in place to erect a retaining and requested direction from Council to approve his plans. He had concerns with the water flowing from his neighbor's property which pools and freezes on Mr. Squire's property. Additional concerns and questions included frost and possible movement of the retaining wall; waiving any liability which could result from both diverting his neighbor's water or accidents due to the pooling and freezing of water on his property; and, who was responsible for diverting the water sources. Mr. Squires made a formal complaint against Mr. Fowlie for not addressing the water issue which Mr. Squires believes is affecting his property and delaying the project. He requested an extension of four weeks to complete the work. Mr. Bain addressed the letter from the EDPC to Mr. Squires and stated that the repair order fell under 'dangerous and unsightly premises' as defined in the MGA.

Council discussion included drainage systems and the Town's responsibility, if any, to complete the project. Mayor MacLean suggested CAO M. Freimanis, Mr. Fowlie, Mr. Squires, and Councilor J. Janega meet to discuss the origin of the water source and confirm if the Town has any accountability. He added that a repair order is in place to erect a retaining that will conform with Town planning specifications from Mr. Squire's property line to the Town's property line and that the Town had no liability on either property of Mr. Squires or Mr. Fowlie.

Councilor J. Janega suggested that Mr. Squires submit sketches and a detailed, step by step plan of the work to Town Council, Mr. Fowlie, and Mr. Bain for approval. Mayor MacLean noted that Mr. Squires should consult professional advice in preparing this plan.

CAO, M. Freimanis will arrange for staff from the Public Works Department to assess the water seepage and the connection to the Town storm sewer drain. He added that there would be sharing of costs between the property owners.

MOVED by Councilor J. Janega, and SECONDED by Councilor Dr. T. Boudreau "That Mr. Squires will submit to Town Council sketches and a detailed, step by step plan of the scope of work he will undertake to conform to the repair order. Town Council will review this plan before a decision can be made to grant an extension of four weeks". MOTION CARRIED.

b) Emergency Measures Organization (EMO) – Updated Statement

Mr. Rod MacIsaac, EMO Co-ordinator, provided Town Council with a copy of the EMO updated statement and an overview of the progress that has taken place since the original report presented by the EMO Planning Committee. Mr. MacIsaac discussed the procedures to be followed to open a comfort centre in the Town in the event of an emergency. Council discussion included the concerns of evacuation of the Cardeil Trailer Park, frequency of EMO meetings, funding, EMO guide books, the Town's responsibility in the event of an emergency, and the Seacole Brook water supply to Landry Lake. Mayor MacLean thanked Mr. MacIsaac for his presentation and commended him for his 18 years of service and dedication to the EMO.

c) Strait Richmond Health Care Foundation

The presentation to Town Council by Ms. Aurine Richard, Funding Co-ordinator and Ms. Joset Marchand, Member, Board of Directors, Strait Richmond Health Care Foundation, was an information session to explain the funding process and purchases of funding dollars; the services provided by the Strait Richmond Hospital (SRH); visitor breakdown by community, and the need for recruitment for new board members from the Port Hawkesbury area. The presentation included objectives of the Foundation, the Board of Directors and activities, purchases of medical equipment, and fundraising campaigns. Council discussion included funding goals, donation sources, and the Board process to determine and prioritize the needs of the SRH. On behalf of Town Council, Mayor MacLean thanked Ms. Richard and Ms. Marchand for their presentation, their work, and the services provided by the Foundation. Council will review the presentation and CAO, M. Freimanis will be in contact with Ms. Richard.

3. Additions to / Approval of Agenda

a) Report on the Regional Enterprise Network (REN) and Recommendation of Council

MOVED by Deputy Mayor B. Chisholm-Beaton, and SECONDED by Councilor B. Lewis "To approve the amended agenda as circulated". MOTION CARRIED.

4. Minutes

a) Regular Town Council – May 6, 2013

There were no errors or omissions.

5. Business Arising from the Minutes

There was no business arising from the minutes.

6. Proclamations

- a) Early Childhood Resource Centre

MOVED by Councilor J. Janega, and SECONDED by Deputy Mayor B. Chisholm-Beaton "That Town Council proclaims June 2013 "Child Care Awareness Month" in the Town of Port Hawkesbury". MOTION CARRIED.

7. Correspondence

- a) Sobeys Fast Fuels

As follow up to the Regular Council Meeting, May 6, 2013, CAO, M. Freimanis provided Council with a draft letter for Mayor MacLean's endorsement regarding Sobeys' assistance to reinstate the Food Bank Box at Sobeys Fast Fuels in Port Hawkesbury. Councilor J. Janega suggested the letter be readdressed to a senior member of Sobeys in Stellarton, NS.

MOVED by Deputy Mayor B. Chisholm-Beaton, and SECONDED by Councilor Dr. T. Boudreau "To readdress the letter to a senior member of Sobeys regarding Council's request to reinstate the Food Bank Box at Sobeys Fast Fuels in Port Hawkesbury ". MOTION CARRIED.

8. Resolutions

There were no resolutions.

9. 2013 – 2014 Budget – Ratification

CAO, M. Freimanis provided Town Council with the 2013-14 Operating Budget for the Town of Port Hawkesbury and recommendations as outlined in his memo of June 13, 2013.

MOVED by Councilor Dr. T. Boudreau, and SECONDED by Councilor J. Janega "That for the 2012-13 Fiscal Year, Town Council transfer the Operating Fund Surplus for the 12 months ended March 31, 2013 to the Operating Reserve". MOTION CARRIED.

MOVED by Councilor B. Lewis, and SECONDED by Deputy Mayor B. Chisholm-Beaton "That for the 2013-14 Fiscal Year, Town Council set the Residential Tax Rate at \$1.78 per \$100 of Assessment and the Commercial Tax Rate at \$4.38 per \$100 of Assessment, payable by October 1, 2013 and with interest charged at a rate of 18% per annum on overdue accounts". MOTION CARRIED.

Councilor J. Janega stated Town Council kept the best interests of the residents in mind during budget deliberations with a goal of restoring tax rates to less than what they were 3-4 years ago. Councilor Dr. T. Boudreau stated Town Council deliberated hard and the choices going forward will be difficult. He added it will be prudent for Council and staff to plan early and look at long term budgeting and planning for the next five years.

CAO, M. Freimanis stated it was incumbent on the Mayor, Council and Staff to focus on the Town's financial position and prepare the community for planning for the next 5-10 years. He added there will be challenges but we have set ourselves on a road to a good solid fiscal approach to the affairs of the Town. The presentation to Council this fall of the 5 year projection to the Town will enable Council to address challenges prior to the next and subsequent budget years.

MOVED by Councilor Dr. T. Boudreau, and SECONDED by Councilor J. Janega "That Town Council approve the the 2013-14 Operating Budget as presented by staff, and approve the Transfer of Operating Reserve Funds equal to the 2012-13 Operating Fund Surplus back to the Operating Fund in the 2013-14 Fiscal Year. If during the finalization of the 2012-13 Audited Financial Statements the Operating Fund Surplus for the 2012-13 Fiscal Year is adjusted downwards from the amount currently included in the 2013-14 Operating Budget, the Transfer to Capital Reserve in the 2013-14 Fiscal Year will be adjusted downwards by the same amount". MOTION CARRIED.

CAO, M. Freimanis addressed questions from Town Council and confirmed that if there is a surplus, it will be reported as a surplus and dealt with in the next fiscal year. The current Capital Reserve Accounts are at low amounts. The budget will enable us to invest in infrastructure improvements and match funding from senior government sources that we are currently unable to do. There will be some capital work this year but the bulk of it will be strengthening our position to reinvest. Some Capital Reserve items will be tabled for Council's consideration in July .

Mayor MacLean stated it was a pleasure to Chair the meetings and budget deliberations and to work with a Council that has accepted the responsibility to administer well the budget and recognize that infrastructure must be kept up to date to invest in our future. He added there are challenges ahead but was confident that Council had the ability to work hard on behalf of the residents of Port Hawkesbury. Mayor MacLean also thanked and congratulated CAO, M. Freimanis, Director of Finance D. Gray, and staff for their hard work and dedication throughout the budget deliberations. Town Solicitor L. Evans was thanked for his longstanding service as the Town's legal representative.

10. Other Business

a) Sobey's Fast Fuels – Request to Sell Fireworks - Update

As follow up to the Regular Council Meeting, May 6, 2013, Mr. Vaters requested Town Council's consideration to change the current Peace and Good Order By-law to permit the sale of fireworks in his establishment. CAO, M. Freimanis provided Council with a number of considerations that applied to the request and were asked to determine whether or not to proceed with permitting the sale of fireworks and the merits of permitting the use of fireworks in the Town. Council discussion included policy direction for the sale and use of fireworks in the Town; granting permits, Mr. Vaters' request to sell fireworks *only*; regulations and permission to use fireworks in Town for celebrations/festivities; liability issues, and the potential increase to insurance costs and ramifications to permit the sale and use of fireworks in the Town. CAO, M. Freimanis will contact the Town insurers regarding the Town's liability and possible ramifications in selling and/or using fireworks in the Town. Mr. Vaters will be provided with an update to his request regarding Council's decision to amend the current by-law to approve, in principle, the sale of fireworks but not the use of fireworks in the Town of Port Hawkesbury.

MOVED by Councilor J. Janega, and SECONDED by Councilor B. Lewis "That Town Council, is in favor, in principle, to change the current Peace and Good Order By-law to permit the sale of fireworks in the Town on condition there is no liability to the Town and it does not affect the current insurance rates for the Town. The current by-law will be structured to include conditions for the sale but not the use of fireworks in theTown. MOTION CARRIED.

MOTION TO AMEND by Councilor J. Janega, and **SECONDED** by Deputy Mayor B. Chisholm-Beaton "That the restructuring of the current by-law will also include granting permits to sell fireworks for the purpose of celebrations/festivities but not their use in the Town. Permits will not be granted for private use in the Town.

MOTION AS AMENDED CARRIED.

b) Update – Meeting with RCMP regarding By-law Enforcement
CAO, M. Freimanis, Town Solicitor L. Evans, and Councilor Dr. T. Boudreau met with RCMP representatives to discuss summary offence tickets and by-law enforcement for the Town. Council discussion included:

- Town by-laws must be registered in order to issue summary offence tickets
- The penalty sections must be current and include payment in lieu of prosecution in the registration process
- Priority by-laws such as the noise by-law , garbage by-law and winter parking by-law will be the first to be registered
- Prosecution will be undertaken by the Town Solicitor
- The By-law Enforcement Officer must be approved by the Attorney General to be a special constable in order to issue a summary offence ticket
- A voluntary ticket or a summary offence ticket can be issued
- The RCMP can serve a summary offence ticket on behalf of the Town

Future Council work schedules and meetings must include revision of the priority by-laws as they relate to the penalty sections and their registration accordingly. CAO, M. Freimanis and Town Solicitor L. Evans will meet to prioritize the work and provide Council with a list for the September Council meeting. Registration and approval of these by-laws will be a priority this fall.

c) Summer Recess – Council Meetings

MOVED by Councilor Dr. T. Boudreau, and **SECONDED** by Councilor J. Janega "That Town Council approve the recess of Council meetings for the summer months with meetings called on an as needed basis. The regular schedule of Council meetings will resume September 3, 2013". **MOTION CARRIED.**

11. Approved Additions

Report on the Regional Enterprise Network (REN) and Recommendation of Council

Mayor MacLean and CAO, M. Freimanis provided an update to Council on the REN. Mayor MacLean met with the Strait Area Mayors and Wardens Committee in May. There was no resolution for a go forward plan for the REN. A meeting was held in Arichat with a request of the Province to increase the level of funding based on capacity needs for an eastern NS REN. Further, a teleconference was held in which the Province indicated they would not increase funding. Those present on the teleconference, in support of an Eastern NS REN, and looking for funding from the Province, were asked to submit an operation plan that would look at capacity issues and funding needs. It was suggested to have a further meeting to invite those participants on the call and everyone from eastern NS to finalize this issue. Those not present would not be included in the potential eastern NS REN. There has been no further update on this meeting.

The recommendation to Council from Mayor MacLean and CAO, M. Freimanis is to wait, assess the issue, let the process unfold and not participate in any REN discussions for the next year. Council can

then evaluate at the end of this fiscal year and decide whether or not to participate in a REN in the 2014-15 budget.

Council discussion Included:

- The potential for Town Council to take on regional development and the time and resources required to take on this work
- Decision to remain as a participant(s) in the REN discussions
- Geography and population issues
- Focus on Investment readiness for the Town

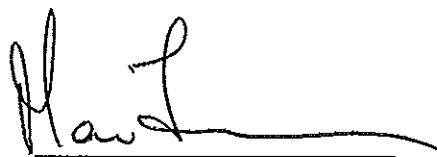
MOVED by Councillor J. Janega, and **SECONDED** by Deputy Mayor B. Chisholm-Beaton "That Town Council accepts the recommendation to wait, assess the issue, let the process unfold and not participate in REN discussions for the next year". **MOTION CARRIED.**

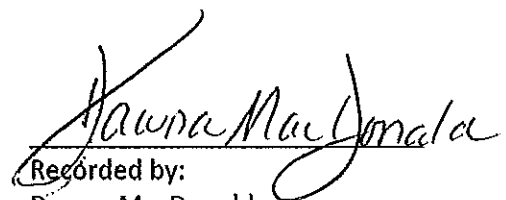
The Regular Town Council Meeting recessed in Camera at 9:10 p.m. to discuss Taxi Driver Conduct in the Town. The meeting reconvened at 9:30 p.m.

12. Adjournment

MOVED by Deputy Mayor B. Chisholm-Beaton, and **SECONDED** by Councillor Dr. T. Boudreau "To adjourn the Town Council Meeting at 9:30 p.m.". **MOTION CARRIED.**

July 16, 2013
Date


Approved by:
Maris Freimanis, CAO


Recorded by:
Dawna MacDonald