



**Town of Westville
Regular Council Meeting
Monday, May 27, 2013**

Commencing at 6:00 pm

Council Members Present: Mayor Roger Mackay, Deputy Mayor Lynn MacDonald; Councillor Charlie Sutherland; Councillor Bernie Murphy; Councillor Lennie White

Town Employees Present: CAO Scott Fraser; Superintendent of Public Works Samuel Graham; Recording Secretary Vicki Heighton

Absent: None

Visitors Present: A number of Westville residents;

Media Organizations Present: The News; 94.1 FM, Pictou Advocate

1. CALLING OF MEETING TO ORDER

- 1.1 Mayor MacKay called the meeting to order welcoming everyone in attendance.
- 1.2 Mayor MacKay welcomed Vicki Heighton as the new administrative assistant for the town.
- 1.3 Mayor MacKay called for a moment of silence for former Police Chief Claire White.

2. APPROVAL OF AGENDA

- 2.1 *It was motioned by Deputy Mayor MacDonald to approve the agenda with amendments and was seconded by Councillor White.*
Items added to the agenda were: Mayor and Warden's meeting, Shared Service meeting to meet, ALS walk on June 1st, Second reading of file 03-13w Land use by-law, Water and fronts charge insulation agreement for Robinson's Way, and presentation from DEANS.

3. APPROVAL OF MINUTES

- 3.1 *It was moved by Councillor Murphy and seconded by Councillor Sutherland to approve the minutes of the April 29, 2013 regular Council Meeting as presented.*
Deputy Mayor MacDonald questioned 7.1 Under Correspondence on

Highland Middle School cannot read it all. CAO Fraser noted that it could not be deciphered in the recording.

Councillor Sutherland had 6.2 in question in regards to fire hydrants. He wondered if it is possible Public Works are too busy to get at the fire hydrants and maybe we should look at another plan. Superintendent of Public Works Samuel Graham noted he presented a proposal to CAO Fraser that we are looking at getting new hydrants and change out the ones causing problems. He also noted there are seven hydrants not in service and we have over 300 working.

Motion carried.

Councillor Murphy asked if we would be liable for insurance. CAO Fraser does not think we will be as there are over 300 working hydrants. Deputy Mayor MacDonald would like it put in the capital budget to buy bags with a zip cover as she does not like the look of the garbage bags.

Superintendent Graham noted he does not want to hear of a delay at a fire scene because they hooked onto a hydrant that wasn't working.

- 3.2 Councillor White asked for a status update on the governance study. Mayor MacKay noted the CAO's are going to meet and go over the terms of reference again. CAO Fraser noted that it should be issued by September. Deputy Mayor MacDonald understands from media reports the cost of policing is not going to be included in the study, and cannot see how you can do the study without it. Councillor White noted the motion we accepted was to participate in the study under the terms of reference that had been established previously and it did have the police study in it. CAO Fraser noted at the last meeting, Stellarton did not feel policing should be included and was decided to go ahead without police included. CAO Fraser will take it back to the other CAO's as all of council wants policing included.

4. BUSINESS ARISING FROM MINUTES

- 4.1 4.1 – Deputy Mayor MacDonald wondered if Councillor White had anything to report on the REN. Councillor White only had the CAO has forwarded his name for the representative of council for the proposed committee to look at our REN for established rent in this geographic area. There has been no meeting to his knowledge.
- 4.2 6.8 – Deputy Mayor MacDonald followed up if we have taken any action on talking to our animal control officer as he offered to present a course in Westville. CAO Fraser noted our recreation has been working with the animal control on it.
- 4.3 7.1 – Deputy Mayor MacDonald asked about the school. She suggested council take a tour of the school. Councillor Sutherland noted he would like to see us do it in conjunction with the school board officials who were involved with the repairs and assessed the building and let them show us what was done, what has been done, and what the current status is. CAO Fraser is going to contact the school board.
- 4.4 9.1 **Unightly** – Deputy Mayor MacDonald asked where we were with the property on the corner of Purvis Ave. and Queen St. It was mentioned we

could have it deemed dangerous or unsafe. CAO Fraser noted that both have been sent to Unsightly to see if it is dangerous or unsightly and is just waiting to hear back.

- 4.5 Deputy Mayor MacDonald mentioned having a get together with the Nova Scotia Chamber of Commerce regarding municipal taxation. She noted Wayne Fiander did a good presentation for the Chamber of Commerce and we were going to invite him to do the presentation for all the other councils. She noted we should talk to them and see if they are interested, if they are not we will not bother Mr. Fiander.

5. APPROVAL OF ACCOUNTS

- 5.1 *It was moved by Deputy Mayor MacDonald and seconded by Councillor Murphy to approve/pay the accounts as presented. Motion carried.*

6. COMMITTEE REPORTS

- 6.1 *Police - It was moved by Councillor Sutherland and seconded by Councillor White that the Police Report be approved as presented. Motion carried.*
- 6.2 *Fire Report - It was moved by Deputy Mayor MacDonald and seconded by Councillor White that the Fire Report be approved as presented. Motion carried.*
Councillor Sutherland noted during the month of May there was a conference in Halifax for first responders. He does not believe that anyone in our department was made aware of it. He thinks that this is the type of conference that we may be interested in.
- 6.3 *Recreation Report - It was moved by Councillor Murphy and seconded by Deputy Mayor MacDonald that the Recreation Report be approved as presented. Motion carried.*
- 6.4 *Compost, Garbage & Recycling Report - It was moved by Deputy Mayor MacDonald and seconded by Councillor Sutherland the Compost, Garbage & Recycling Report be approved as presented. Motion carried.*
- 6.5 *Environmental Health Report - It was moved by Deputy Mayor MacDonald and seconded by Councillor Murphy that the Environmental Health Report be approved as presented. Motion carried.*
- 6.6 *Transportation Report - It was moved by Councillor Sutherland and seconded by Councillor White that the Transportation Report be approved as presented. Motion carried.*
- 6.7 *Building Report - It was moved by Councillor Murphy and seconded by Deputy Mayor MacDonald that the Building Report be approved as presented. Motion carried.*

7. CORRESPONDENCE

7.1 MINING ASSOCIATION OF NOVA SCOTIA

They are inviting council to 'Not Your Grandfathers Mining Industry' website which explains how the industry works today. They included a pamphlet to outline some practices today with respect to mining in Nova Scotia.

7.2 HEART AND STROKE FOUNDATION

They attached a draft resolution for proclamation for National Health and Fitness Day.

HEART AND STROKE FOUNDATION

Proclamation

WHEREAS Canada by nature offers abundant recreational and fitness opportunities through such things as our mountains, oceans, lakes, forests, parks and wilderness.

WHEREAS we as Canadians could therefore be the healthiest and fittest people on earth.

WHEREAS participation rates in healthy physical activities have been declining.

WHEREAS we have public facilities to promote health and fitness.

WHEREAS Canadians recognize the growing concern over chronic disease and other impediments to health and fitness.

AND WHEREAS health and fitness ought to be promoted for Canadians of all ages and abilities.

The first week of June is Environment Week in Canada and walking and cycling are great ways to reduce vehicle pollution and encourage physical fitness; and we all aspire to increase participation by Canadians in health, recreational sports and fitness activities.

THEREFORE: We proclaim National Health & Fitness day to be June 1st in the town of Westville.

Deputy Mayor MacDonald motioned to accept this proclamation and was seconded by Councillor White. Motion carried.

8. PRESENTATIONS

8.1 ACTIVE PICTOU COUNTY

Rae Dunn Coordinator with Active Pictou County gave a presentation. It is a partnership with all the municipalities in Pictou County that cost share on the initiative to promote physical activity in our area.

Active Pictou County is a community development through physical activity. It is a five year commitment and wants the municipality to join.

The base program is \$3,333.00. Councillor White asked about the status of the other municipal units and was informed they are all signed on.

8.2 DEANS (Destination Eastern & Northumberland Shores)

Cindy MacKinnon, Managing Director gave a presentation explaining DEANS. It is a regional tourism industry association, recognized as a partner of the provincial government. It is led by a volunteer board of directors consisting of eight from each shore.

9. NEW/UNFINISHED BUSINESS

9.1 Cat Bylaw

CAO Fraser is looking for feedback from council on how they wish to proceed with the cat bylaw that. He noted our current animal control officer does not have the equipment to deal with them. He has contacted the other units and they have done away with the cat bylaw. Councillor White asked if we have received many calls and CAO Fraser noted we only had two in the last year. Councillor Murphy asked if the cat bylaw could go under anything other bylaw. CAO Fraser noted that there was not. Deputy Mayor MacDonald wondered if we could direct a person to the vet. A member of the public noted that dogs have to be on a leash and wondered about having the same for cats.

9.2 Water Line Replacement RFP

CAO Fraser noted they received tenders for the project on the Grant St. water line replacement RFP.

Weeks Construction	- \$118,000
Kitson Construction	- \$ 83,000
Tuppers Trucking	- \$140,892
Blaine Maclaine Construction	- \$137,750
Dexter Construction	- \$240,000

Weeks Construction suggested doing the other side of Diamond Street and they will not have to dig up the relatively new pavement. CAO Fraser noted they budgeted \$200,000 and the prices came in below budget at roughly \$140,000. CAO Fraser suggested going with Weeks as they included the cost of paving for Grant St. and would keep Diamond St. from being tore up. Councillor Sutherland asked if there was any way we can see what Weeks charges for just the paving. Superintendent of Public Works Samuel Graham noted Weeks were the only contractor to propose doing the other side of Diamond St. and to pave all of Grant causing less interference and saving money and we can not disclose that to the other companies. He does not think you can get it paved for \$35,000. Deputy Mayor MacDonald noted that only one company suggested going up the other side of Diamond St. preventing them from tearing up new asphalt and no other company suggested going up the other side of Diamond. Mayor MacKay pointed out that it does not say the other companies wouldn't go up the other side and we need to get verification if that was their plan but according to what Sam has said Weeks were the ones to come up with the idea and we don't know if these other companies had the same idea. Superintendent Graham noted in all his site visits Weeks were the only ones that were going to go up the opposite side and he did not disclose that to the other companies. He also noted that we did not tell the companies which side of the road it had to be on. Councillor White added they were all given the same criteria of what we were asking to be done and this is what came back and he is quite comfortable accepting the recommendation. Mayor MacKay asked if the repaving was part of the tender that went out. Superintendent Graham noted they asked them to rehab the work to the standard that is there now. Deputy Mayor MacDonald also accepted staff's recommendation for Weeks and noted they have a solid reputation. Councillor Murphy agreed. Mayor MacKay asked when they were planning on starting the project. Superintendent

Graham noted they were given the second week in July. Mayor MacKay asked if we could have a request to see what the cost of paving is. Deputy Mayor MacDonald noted that she does not think we could do that because the tenders have been open and in doing so we are revealing Weeks plan to the other vendors. Councillor White noted that we would have to deny all tenders and retender.

Councillor White moved to accept the recommendation from staff to award the contract for Grant St. water line to Weeks Construction.

Councillor Murphy seconded. Motion carried.

4 Yays – Mayor MacKay Deputy Mayor MacDonald, Councillor White, Councillor Murphy,

1 Nay - Councillor Sutherland.

9.3 MCCAP (Municipal Climate Change Adaption Plan)

CAO Fraser noted they had their first meeting for the MCCAP on May 23rd. He sent out an e-mail to council to see if anyone was interested and the only member that indicated they were was Councillor Murphy. CAO Fraser recommended if council want to appoint a member to that committee that it be Councillor Murphy.

Deputy Mayor MacDonald motioned to appoint Councillor Murphy to the MCCAP committee. Councillor Sutherland seconded. Motion carried.

9.4 Active Pictou County

CAO Fraser noted there was a request at the last meeting with the municipal service agreement that council have a presentation before the decision was made. Now the presentation was made the agreement is back on the table for review. Deputy Mayor MacDonald noted she has a lot of questions about the service agreement.

Councillor White motioned to accept the MOU act of Pictou County project they have in place and Councillor Murphy seconded.

Deputy Mayor MacDonald had questions on number 4 under governance, “The Participating Units shall appoint their Mayors or Warden, as the case may be, and hereby agree that the Mayors and Warden shall form the Governance Committee of Active Pictou County”. She noted they already serve on several governing bodies and wonders what the roll of council is.

6. “Active Pictou County shall be administered in accordance with the CAO model of local government” wants to know what it means.

Program Administration under 9d, “convene at minimum two meetings per year of the CAO’s and Clerk of the Participating Units to review annual work plans and outcome reports prepared by the Program Coordinator” we already have a governing board why do we have another. Financial 14. “Deficits incurred are to be the first charge on subsequent funding commitments assessed to the Participating Units’ succeeding fiscal year” she would like to see it changed to state the program must NOT run with a deficit.

Program Additions 16. “The Governance Committee may approve such additional programs, provided that such program addition does not conflict with existing plans or operations of any Participating Unit,” does that mean if we offer lacrosse through Westville Recreation that every other unit would be precluded from offering lacrosse? Councillor Murphy noted that he also took it that way. Deputy Mayor MacDonald noted that there will be a cost recovery so if there is a cost of covering the office she trusts

CPP, EI and Worker's Compensation costs will all be assessed to the unit cost therefore divided amongst the municipal units and is wondering what kind of costs are they recovering, what kind of money are we looking at? She noted it may not be big money and she is not negative on it. Mayor Mackay noted that the situation is going to have to go to finance and there are a few questions on the draft. Councillor White said we need to make a decision and don't need more time we had the presentation and some of these questions we should have asked while she was here. Mayor MacKay noted that there are questions we should have been able to ask and also that is a draft and they may not change their minds. CAO Fraser is taking the questions to the board to see if there is a chance we can change them or not. Deputy Mayor MacDonald noted this is an agreement between all the municipal units so we need to talk to them. Councillor Sutherland would like for Councillor Murphy and Deputy Mayor MacDonald to give him some insight into how the recreation commission feel about this item. Councillor Murphy noted that this seems to be a valuable resource and he is all for it, he just had one point about them mentioning the deficit and if he had to vote today he would still support it. Deputy Mayor MacDonald noted she does support Active Pictou County she just has a problem with a couple of clauses in the agreement. She asked if we were going to pass something where deficits were going to be anticipated. CAO Fraser noted that you would have to have some wording in the agreement to deal with it. If there was a deficit and no wording then it would be vague on how to address that. Councillor White noted it is saying if there were a deficit last year the funding comes from the current year's funds and would be taken out of that assessment to pay the deficit first before anything else is paid. Deputy Mayor MacDonald asked if the deficit exceeds the municipal contributions, would the province refund us. Mayor MacKay could not answer that question. Councillor White noted that they meet twice a year and one of the purposes to make sure we stay on task and what is going on with the programs, their costs, and where we are budget wise to make sure that doesn't happen. He feels it is a good document and he is fully supporting it.

Motion carried.

9.5 Museum of Industry Request

CAO Fraser noted that in the package there is information on the industrial strength conference 2013. Denise Taylor from the Museum of Industry did a presentation on it and she is requesting each unit contribute \$500 towards the conference reception. Deputy Mayor MacDonald wondered if it would be a conflict of interest as Taylor is on a municipal council. CAO Fraser said it was not a conflict of interest.

Councillor White motioned that it be sent to the finance committee and was seconded by Councillor Murphy. Motion carried.

Deputy Mayor MacDonald noted the Museum of Industry belongs to the Provincial Government and asked by they are looking for municipal dollars for a Provincial Government body. Mayor MacKay believes they are just hosting this conference and it is not the provincial government themselves because the county is going to be the ones reaping the benefits of this conference being held in Pictou County. Deputy Mayor MacDonald again noted the Museum of Industry belongs to the Province and that is where their budget comes from and they are coming to us as a provincial

body asking for municipal dollars.

9.6 Capital Paving

CAO Fraser presented the recommendation on tendering for capital paving and they recommend the following streets:

Church Street – 734 Meters (Old Church to South Main Street)

Hamilton Road – 1000 Meters (Bridge to Highway)

College Street – 275 Meters (Main to Grant)

Cowan Street – 769 Meters (Whitman to Cowan Place)

North Main & Spring Garden Road – Slurry Seal Candidates*

We are looking to tender on these to get prices and then come back and recommend to council which ones would go forward for approval. He noted that we probably wouldn't be able to get all those streets done with the budget allotment. Councillor Murphy asked if these were selected by certain criteria. CAO Fraser noted that we have a rating system that we use and at the last budget meeting council provided feedback on streets they felt were in need of repair.

Deputy Mayor MacDonald moved that we accept staff's recommendation and tender on the streets that appear in the information provided. It was seconded by Councillor Sutherland. Motion carried.

9.7 CEF MOU (Memorandum of Understanding on the Construction Engineering Flight)

CAO Fraser noted that there is a memorandum that explains their full intention. The construction engineer flight is a branch of the armed forces which has done a number of projects within the communities, usually for non-profit or for municipal governments and they have done a number for us. He explains the memorandum of understanding is attention to give some legal feed to the arrangement to the municipalities. In the memo it states the town of Pictou is the host town for this group. What they are trying to do is put an agreement in place to deal with the administration for that. They are also looking for changes to the governing body. Deputy Mayor MacDonald asked what the money is used for. CAO Fraser believes it is to cover the cost of operating the building. Councillor White notes that in the third paragraph of the memo it outlines what the situation has been and what it is asking it to be. Councillor Sutherland asked if it was a onetime fee. Mayor MacKay noted that he was not sure.

Deputy Mayor MacDonald noted that she has been cautious with money tonight but we went through a process the other evening with our operating budget and we are still looking for \$25,000 for our share of the governance study. She noted that this is a great group but there are some questions. She wondered how big the board is going to be as we already have seventeen members, and are all members voting members?

9.8 Mayor Compensation (Mayor MacKay)

Mayor MacKay passed this over to Deputy Mayor MacDonald. Mayor MacKay noted he voted against a motion to increase council's pay to comparable pay of councilors in other towns. In addition the salary of the office of Mayor also increased by \$20 per pay cycle and was passed at the last meeting. He noted he was selected as second term of mayor on a promise of getting our finances in order.

Deputy Mayor MacDonald noted that the second ALS walk is Saturday June 1, 2013 at 10:00 am and registration is at 9:30 in the gymnasium and she urges everyone to take part. Councillor White pointed out that it falls on National Health and Fitness Day in Westville.

9.13 Robinson's Way

Sandy Jones had contacted Mayor Mackay and wanted to know if we will have a look at an agreement for Robinson's Way and noted it is the same agreement for Foxbrook Road. Mayor MacKay has a copy of the agreement with all the engineering designs. CAO Fraser noted that it would be a capital project. Deputy Mayor MacDonald asked what Mr. Jones hoped to accomplish with this project. Mayor MacKay noted he was looking at having 16 building lots. Deputy Mayor MacDonald asked if he wanted us to run water and sewer. Mayor MacKay noted it is the same agreement as we did on Foxbrook. Deputy Mayor MacDonald mentioned we did that agreement with the understanding that there would be two houses built there. Mayor MacKay was just bringing forward a request from a citizen of the town and will have to be discussed. Deputy Mayor MacDonald noted that the idea being that if we get into these agreements on a cost recovery basis like we did on Cowan Street we had a two year cost recovery and after that the debt was paid and it was an income for the town. She was curious as to what Mr. Jones wanted to do.

10. QUESTIONS FROM CITIZENS

10.1 Maury Campbell re: Main St.

Mr. Campbell was wondering about the look of Main St. and what we were going to do with the Heritage Building as it was tore down and the old Quik Pik as they took the siding off. He is concerned about July 1st coming and no one coming to the town for the celebrations.

Mayor MacKay noted that there is a process that has to be done, it is through the unsightly premises and is not sure if the town has any calls in on it as of yet but the process has to be followed.

Mr. Campbell noted about the garbage at the end of people's driveways, he feels people should know what they will be picking up. Mr. Campbell feels that these people should be given a ticket for littering.

10.2 Russell Burton re: Hamilton Rd.

Mr. Burton noted that he and his wife have 20 signatures of the people of Hamilton Road. He also noted that this year there has been lots of damage to the vehicles and also witnessed a close accident between a school bus and a local car as they were swerving to miss the potholes and was very concerned with the school bus.

Councillor White asked for the petition so they could give it to the CAO to take care of.

10.3 Fred Jeffrey re: Safety and Speed at Crosswalks

Mr. Jeffrey noted that when on a crosswalk cars are not slowing down. The crosswalks are not very visible and the vehicles approaching the crosswalks do not see the people until they are right there. Mr. Jeffrey had a few suggestions to fix this issue.

Mayor MacKay noted they are legitimate concerns and will have the

Mayor MacKay motioned to reinstate his salary to pre February 25th, 2013, seconded by Councilor White.

Councillor White noted he seconded the motion so it can go to discussion and bring it to a head.

Councillor Murphy stated if the mayor is confident that this is one step at this time we can't afford although he thinks it is unfortunate because we have to think about this as the position itself and provide the opportunity for other people that come back after us to experience council but at the same time if it is beyond our budget he would suggest all raises be rescinded if the mayor feels that strongly about it.

Mayor MacKay responded that he made it clear he was not against council getting a raise and believes council should have the raise in comparison with the other municipal units. He believes it is his right that if he doesn't want to take a raise he doesn't have to take a raise. Mayor MacKay also noted that Mr. Fraser contacted legal advice and it was stated that he had to accept but he could make a motion to rescind. CAO Fraser noted that this was correct. Mayor MacKay noted in 2016 there will be an election and there is a possibility of a new mayor and his scale can be brought up to what the next four years are going to contain. Councillor Murphy wanted to clarify with Mayor Mackay that the reason he did not want the money was because he felt that the town cannot afford it at this time?

Mayor MacKay said no because it is not a big raise his platform was to try to get our finances under control and \$500 is not a lot but it could be used somewhere else. Councillor White wanted to make sure that the salary of the position would not be changed with the motion.

Mayor MacKay revised motion as mayor the increments can continue to go on but I do not accept my raise and in 2016 the new mayor's pay will be there for whoever is going to be their new mayor. Motion defeated

2 Yays – Mayor MacKay, Councillor White

3 Nays – Deputy Mayor MacDonald, Councillor Murphy, Councillor Sutherland

9.9 File No 03-13w Land Use By-law

CAO Fraser noted that we had a copy of the report from the public hearing and asked for a second reading of the text agreement and as Mr. Turnbull indicated there will be a 14 day wind over that could be appealed but after that the bylaw will come into effect.

Councillor Sutherland motioned to approve a second reading of File 03-13w bylaw amendments for the land use planning bylaw, seconded by Councillor Murphy. Motion carried.

9.10 Mayors and Wardens

Deputy Mayor MacDonald worried about not receiving the minutes for these meetings. CAO Fraser noted that they had been sent out and he will resend them. Councillor White noted he has not received them as well.

9.11 Finance Meeting

Deputy Mayor MacDonald wanted to set a date as people are waiting to here when it was going to be. Mayor Mackay noted that CAO Fraser will be on vacation and he will look at the calendar and send out a notice.

9.12 ALS Walk

traffic authority look at those situations and come up with a recommendation. Mayor MacKay asked for Mr. Jeffrey's notes. Superintendent of Public Works Samuel Graham noted that the next warm dry day the crosswalks are going to be painted.

11. Queen Elizabeth II Diamond Jubilee Medal

- 11.1 CAO Fraser presented Mayor MacKay with the Queen Elizabeth II Diamond Jubilee medal with the certificate.
Mayor MacKay thanked everyone and noted he appreciated the honor.

12. INCAMERA

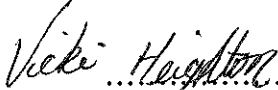
- 12.1 *Councillor White moved to go to an in-camera session and was seconded by Deputy Mayor MacDonald.*

13. ADJOURNMENT OF MEETING

- 13.1 *Councillor White motioned to adjourn the public meeting and Councillor Murphy seconded.*

Certified to be a true copy of the minutes of the May 27, 2013 regular Council Meeting for the Town of Westville.


.....
MAYOR


.....
RECORDING SECRETARY