

MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL HELD ON WEDNESDAY, DECEMBER 3rd, 2008

The Town Council met in the Council Chamber of the Town Hall at Shelburne, Nova Scotia on Wednesday, December 3rd, 2008 at 7:00pm.

Those present were His Worship Mayor Alan Delaney, Deputy Mayor Elizabeth Acker, and Councillors Tony Mahaney, Karen Mattatall, Bernard Nickerson, Michael Race and Elizabeth Rhuland.

The meeting was called to order.

Mayor Delaney wished everyone a Merry Christmas and a safe and Happy New Year.

It was moved by Councillor Mahaney and seconded by Councillor Nickerson,

“Resolved that the Agenda for the December 3rd, Council meeting be approved as received”. Motion Carried

It was moved by Deputy Mayor Acker and seconded by Councillor Mahaney,

“Resolved that Minutes of a regular meeting of Town Council held on November 5th, 2008 be received and adopted as amended”. Motion Carried

An amendment was made to the Minutes of November 5th, the Motion noted should read;

It was moved by Councillor Nickerson seconded by Councillor Rhuland,

“Resolved that the List of Committees for 2008/09 be approved as amended.” Motion Carried

Rebecca Tudor, Chair of the Shelburne Co. Arts Council was welcomed to Council. Ms. Tudor gave a brief presentation describing their programs and how the organization operates. She noted that the organization relies on an annual budget of \$6,000, project grants, memberships and donations. The organization relies mainly on volunteers but was fortunate enough to hire a full time person through the Job Creation Partnership Grant Program to help in collecting and creating a database about Shelburne County contemporary and historical art, artists and art organizations. The Shelburne County Arts Council have created seven (7) core programs: Commissioning, Literary Readings, Roseway Literary Prize, Partnership Projects, Community Art Development Fund, Peter Oliver Scholarship, Select Cinema, and the Shelburne County Arts Council Archive. They are presently looking into receiving institutional membership designation from Council of Nova Scotia Archives, which will enable them to access grants. In order to receive designation the Shelburne County Arts Council is seeking a new home. Ms. Tudor was requesting Town Councils help in finding them space within the Town with their basic requirement being two rooms; one small room that could be locked, and one that would be accessible by the public.

Mayor Delaney thanked Ms. Tudor on her presentation of the Shelburne County Arts Council and noted the considerable work being done on preserving the arts and history of Shelburne County.

The Correspondence was dealt with in the following manner.

A letter was received for information from Penny Smith, Municipal Clerk for the Municipality of the District of Shelburne, advising Town Council that the Municipality of the District of Shelburne would be pleased to partner with the Town in holding a joint New Year's Levee for 2009.

A letter was received from Dave Alexander, Chair of the Cox Building Team, confirming changes to Town representatives. It was moved by Deputy Mayor Elizabeth Acker seconded by Councillor Nickerson,

“Resolved that the Town Council confirm the changes to representatives on The Cox Building Team.” Motion Carried

The following Reports were received for information: Building Inspector's Report for October, Special Constable's Report for November, Parks and Recreation Director's Report for October, and the Physical Activity & Community School Coordinator Report for November.

It was moved by Councillor Mahaney seconded by Councillor Race,

“Resolved that bills as approved amounting to \$259,996.95 be received and paid.” Motion Carried

Committee Reports

Councillor Mahaney gave a verbal report on the Shelburne and Area Chamber of Commerce Meeting held on November 19th. He noted that the Chamber has developed a marketing plan, are looking at economic development opportunities and are looking into a project to encourage residents to shop locally. It was moved by Councillor Mahaney seconded by Councillor Rhuland,

“Resolved that the Report on behalf of the Shelburne and Area Chamber of Commerce Meeting held Wednesday, November 19th be received.” Motion Carried

Councillor Mahaney reported on the Public Works, Sewer Sanitation and Tree Committee meeting held November 19th. He noted that he had been elected Chair, that the new Public Works Supervisor started work on November 21st and that the 2009 one ton truck had arrived. He further noted that the Town would not be able to assist in snow plowing the parking lot at the Osprey/Marina; and the Public Works was assessing tree limbs and the condition of some parking signs throughout Town. Street lighting in the Town was to be reviewed and there has been twenty-nine lights noted for repairs. Discussion took place on the Town's Street Lighting Policy and a request was denied for an additional street light in front of the Cape Cod Motel. It was moved by Councillor Mahaney seconded by Councillor Nickerson, "Resolved that Minutes of the Public Works, Sewer Sanitation and Tree Committee Meeting held on November 19th, 2008 be received and adopted." Motion Carried

Councillor Mahaney reported on the Water Utility Committee meeting held on November 19th. He noted he had been elected Chair of the Committee and that the water treatment plant had been certified on October 24th, 2008, but several deficiencies are still outstanding and being worked on. He further noted the THM levels, the replacement of existing water lines within the Shelburne Industrial Park, a requirement to develop a Municipal Source Water Protection Plan, and the idea of extending the water line. It was moved by Councillor Mahaney seconded by Councillor Mattatall,

"Resolved that the Water Utility Committee held on November 19th, 2008 be received and adopted." Motion Carried Discussion took place on the Town having a 10% holdback until the deficiencies are completed, and on the THM levels noting they are above provincial guidelines.

Councillor Mattatall reported on the Revision of By-Laws Committee Meeting held on November 18th. She noted the need to create a Civic Numbering By-Law to enable emergency services to respond quickly, and other priorities outlined would be reviewed. It was moved by Councillor Mattatall seconded by Councillor Mahaney, "Resolved that Minutes of the Revision of By-Laws Committee Meeting held on November 18th, 2008 be received and adopted." Motion Carried. Discussion took place on how quickly a Civic Numbering By-Law could begin. It was agreed a draft copy could be provided at the first of the Year.

Councillor Mattatall gave a verbal report on the Shelburne County Industrial Commission meeting held on December 6th in Barrington. She noted that the Commission was an independent body with representatives from each municipal unit, with a mandate to promote and encourage growth within the County. She further noted that the Commission had agreed to hire an office worker for 8hours per week. It was moved by Councillor Mattatall seconded by Councillor Nickerson,

"Resolved that the verbal report for the Shelburne County Industrial Commission Meeting held on December 6th, 2008 be received." Motion Carried

Councillor Mattatall reported on the Integrated Community Sustainability Plan Committee meeting held on December 6th. She noted that Jacques Whitford, consultants for the Town, gave a power point presentation outlining the process and indicating that it will be driven by community engagement, a great deal of discussion took place on how to target and involve the people as well as future timelines. She noted further discussion took place regarding the Request for Proposals for a Municipal Energy Audit. It was moved by Councillor Mattatall seconded by Councillor Rhuland,

"Resolved that the Minutes of the Integrated Community Sustainability Plan Committee Meeting held on December 2nd, 2008 be received and adopted." Motion Carried

It was moved by Councillor Mattatall seconded by Councillor Mahaney, "Resolved that the Town of Shelburne incorporate a greenhouse gas/air pollutant emissions reduction strategy as part of their Integrated Community Sustainability Plan, and Be It Further Resolved that the Town of Shelburne complete the emissions/energy inventory and audit with a maximum 20% financial contribution from the Town." Motion Carried

Councillor Rhuland reported on the Waterfront Development Committee meeting held on October 15th. She noted that the Committee had developed interpretive signage for the Shelburne Historic District, one for the Mill Building, one for the Muir-Cox Shipbuilding Centre and one located on George Street, and two Highway 103 signs would be erected one at each Shelburne County line. She further noted that the signage had been awarded to a local graphic artist and that a branding crest had been developed for the signs with an outline of the Kingfisher. It was moved by Councillor Rhuland seconded by Councillor Nickerson,

"Resolved that the Minutes of the Waterfront Development Committee meeting held on October 15th, 2008 be received and adopted." Motion Carried

Councillor Rhuland reported on the Waterfront Development Committee information session held on November 19th. She noted that the Committee has completed and signed off on all projects and that a 10% holdback was placed in case of any problems with signage over the winter months. She further noted that the next meeting would be held in January and any suggestion for new projects would be reviewed at that time. It was moved by Councillor Rhuland seconded by Councillor Mattatall,

“Resolved that the Minutes of the Information Session of the Waterfront Development Committee Meeting held November 19th, 2008 be received.” Motion Carried

Councillor Rhuland gave a verbal report on the orientation session held in Truro on November 20th and 21st, for new Councillors. She noted that Councillor Mattatall, Councillor Race and herself had attended as well as several other Councillors and CAO's from across the Province. She further noted that it was a great networking opportunity and learning experience, and she had brought back some literature for all Councillors.

Councillor Rhuland reported on a twenty page report from Communities in Bloom. She was pleased to report that the Town of Shelburne received four (4) out of five (5) Blooms, with special significance made regarding the historic waterfront. She noted the Town received a total mark of 808/1000 on the evaluation form for Provincial designation and the categories evaluated on were: Tidiness, Environmental Awareness, Community Involvement, Natural and Cultural Heritage Conservation, Tree/Urban Forest Management, Landscaped Areas, Floral Displays and Turf and Groundcover. Councillor Rhuland noted that she had received a Resolution from Sterling Belliveau, MLA for Shelburne presented in the House of Assembly on November 7th recognizing the Town of Shelburne for its celebratory summer and its Communities in Bloom application.

Deputy Mayor Acker gave a verbal report on the South West Shore Development Authority Meeting held November 19th. She noted that the Authority's Business Plan is presently being evaluated, with regards to federal and provincial criteria. The Authority could be disbarred if they do not meet the criteria or receive additional funding if they pass all the criteria. She further noted that the Shelburne County Arena received \$32,000 towards their renovation project, and that the development authority will be hiring an independent consultant over a two year period with regards to the pro's and con's of the seismic testing on the South West Region. It was moved by Deputy Mayor Acker seconded by Councillor Nickerson,

“Resolved that the verbal report of the South West Shore Development Authority meeting held November 19th, 2008 be received.” Motion Carried

Deputy Mayor Acker reported on the Parks and Recreation Commission meeting held on November 19th. She noted that repairs had been completed on the Skateboard equipment from the Our House Youth Wellness Centre. She further noted that Jerry had attended the Recreation Nova Scotia Conference and was fortunate to win a Step Count Kit that will be made available to the public to use through the 10,000 Step Program. It was moved by Deputy Mayor Acker seconded by Councillor Rhuland,

“Resolved that the Minutes of the Shelburne Parks and Recreation Commission Meeting on Wednesday, November 19th, 2008 be received and adopted.” Motion Carried

Deputy Mayor Acker reported on the Joint Services Board Meeting held on November 27th, 2008. She noted that she was elected Chair, that they had toured the lock-up facility and the security procedures that take place, it was also noted that numbers were up from 168 last year to 190 people held to date in the facility. It was moved by Deputy Mayor Acker seconded by Councillor Rhuland,

“Resolved that the verbal report of the Joint Service Board meeting held on Thursday, November 27th, 2008 be received.” Motion Carried

Councillor Nickerson reported on the Shelburne Library Building Association meeting held on November 26th. He noted that they were purchasing a new fax machine, and two (2) new civic numbering signs through the Lions Hall. He further noted that a letter had been sent to Joan Bower, Development Officer for SWSDA requesting assistance for funding on the proposed extension to the library. It was moved by Councillor Nickerson seconded by Councillor Rhuland “Resolved that Minutes of the Shelburne Library Building Association Meeting held on Wednesday, November 26th, 2008 be received.” Motion Carried

Councillor Nickerson reported on the Occupational Health & Safety Committee Meeting held November 27th, he noted there were no incidents to report, that Charles Thomas had resigned from the Committee and that Peggy Ruiz has joined the Committee, and that the Inspection Sheets are being reviewed and updated. It was moved by Councillor Nickerson seconded by Councillor Mattatall,

“Resolved that the Minutes of the Occupational Health & Safety Committee Meeting held on Thursday, November 27th, 2008 be received and adopted.” Motion Carried

Mayor's Items

Mayor Delaney noted that a letter and purple ribbons were received from the Juniper House in memory of the fourteen women who lost their lives in Montreal.

Mayor Delaney noted he attended the 1st Annual Maritime Day that was held in Halifax on November 27th. He had presented a power point presentation on behalf of the Shelburne Marine Terminal, and noted that it was well attended with government and industry officials.

Mayor Delaney reported on the Shelburne Port Authority meeting held on October 1st, he noted that the Treasurer's Report had showed a gain and that some outstanding payments have been received. He further noted that some damage had taken place on the south eastern corner of the wharf, and that a security exercise had taken place on October 25th that is a requirement of Transport Canada in order to meet Port Certification and Accreditation. It was moved by Mayor Delaney seconded by Councillor Mahaney,

“Resolved that Minutes of the Shelburne Port Authority meeting held on Wednesday, October 1st, 2008 be received and adopted.” Motion Carried

Mayor Delaney reported on the Shelburne Port Authority meeting held on November 13th, he noted that the meeting was held to elect the appropriate Chairs. He further noted that he was elected Chair, Councillor Rhuland was elected Treasurer, Councillor Nickerson was elected Secretary, and Councillor Mahaney was elected Operations Manager. It was moved by Mayor Delaney seconded by Councillor Mahaney,

“Resolved that Minutes of the Shelburne Port Authority meeting held on Thursday, November 13th, 2008 be received and adopted.” Motion Carried

Mayor Delaney reported on the Finance and Audit meeting held on November 25th, he noted discussions had taken place with regards to a funding request for the South West Shore Volunteer Services, and that the Town had received a letter from the Nova Scotia Trustee regarding a donation of land. He further noted that the 5-year capital budget was approved, and that quotes were received with regards to a plow and a salt spreader for the Public Works truck. It was moved by Mayor Delaney seconded by Councillor Nickerson,

“Resolved that the Minutes of the Finance and Audit meeting held on Tuesday, November 25th, 2008 be received and adopted.” Motion Carried

Mayor Delaney announced that Santa would be at the Town's Christmas Tree located at the corner of King and Water Street on Wednesday, December 10th at 6:30pm.

Mayor Delaney noted briefly the lobster crisis and the impact on the County.

Clerk's Items

It was moved by Councillor Mahaney seconded by Deputy Mayor Acker,
“Resolved that Town Council approve the Temporary Borrowing Resolution from the Canadian Imperial Bank of Commerce for 2009/10 in the amount of \$1,115,463., and that the Mayor and Clerk be authorized to sign the Borrowing Resolution.” Motion Carried

It was moved by Councillor Mahaney seconded by Councillor Rhuland,
“Resolved that Town Council approve the Temporary Borrowing Resolution in the amount of \$1,000,000, for the improvements to the Water Treatment Plant, and that the Mayor and Clerk be authorized to sign the Borrowing Resolution.” Motion Carried

It was moved by Councillor Mattatall seconded by Councillor Nickerson,
“Resolved that Town Council approve the 5-year Capital Investment Plan, and that authorization be given to submit the Plan to Service Nova Scotia.” Motion Carried

New Business

Councillor Mattatall requested approval for permission in principle to look into organizing a revival street dance for the summer of 2009, with final confirmation being granted by Council. All agreed and Councillor Mattatall was commended for her initiative.

Councillor Rhuland noted that on December 4th, TLC Pharmacy will be celebrating thirteen (13) years in business and she would like to congratulate Tammy on her success and the valuable service she provides to the community.

Councillor Rhuland was requesting permission from Council that she is able to start the process for businesses and individuals to participate in next year's Communities in Bloom. All agreed that this was an addition to making the Town vibrant.

Further Business

Deputy Mayor Acker noted that Volunteer week would be held April 19th -25th and she asked Council to think about a recommendation for the Town's representative.

Deputy Mayor Acker congratulated Councillor Rhuland and Cathy Holmes for working so hard on the Communities in Bloom project and achieving four (4) Blooms, she noted it was gratifying to see so much individual involvement.

At 8:44 pm Council recessed for a short break.

At 8:50 pm all members of Council agreed to go into an in-camera session to discuss the lease of municipal property.

At 10:00 pm the meeting reconvened.

It was moved by Councillor Mattatall seconded by Councillor Race, "Resolved that the Town of Shelburne stay proceedings and legal actions against Mr. Jacklyn until the process of rezoning and the results of the request to rezone are complete." Voting for the Motion three (3) Voting against the Motion four (4). Voting for the Motion were Councillors Mattatall, Rhuland and Race. Voting against the Motion were Mayor Delaney, Deputy Mayor Acker, and Councillors Mahaney and Nickerson. Motion Defeated.

It was moved by Councillor Nickerson seconded by Councillor Mahaney, "Resolved that the Town of Shelburne entertain the request from Mr. Huskilson and forward the request for rezoning to the Planning Advisory Committee." Motion Carried

Discussion took place on the draft List of Town Appointments for 2009, and it was noted that there are some vacancies. It was moved by Councillor Mahaney seconded by Deputy Mayor Acker,

"Resolved that Town Council approve the draft List of Town Appointments for 2009, and as attached to these Minutes as per Schedule "A"." Motion Carried

Two Tenders for property located at 51 Hammond Street For Sale by Real Estate Agent were received. The tenders received were:

Claussen Walters submitted a 6% listing commission, marketed no higher than \$49,900

Coldwell Banker submitted a 5% selling fee, price kept under \$50,000.

It was moved by Councillor Mahaney seconded by Councillor Race,

"Resolved that the Town of Shelburne list property located at 51 Hammond Street, PID#80149156, with Coldwell Banker for a six (6) month term." Motion Carried

The following Committee Meetings were set:

Revision of By-Laws	January 5 th	10:00am
Planning Advisory Committee	January 6 th	7:00pm
ICSP	January 8 th	7:00pm

There being no further business at 10:16pm, on Motion the meeting adjourned.

Mayor

Clerk