

MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL HELD ON WEDNESDAY, OCTOBER 7th, 2009

The Town Council met in the Council Chamber of the Town Hall at Shelburne, Nova Scotia on Wednesday, October 7th, 2009 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 by Mayor Delaney.

It was moved by Councillor Race and seconded by Councillor Mahaney, "Resolved that the Agenda for the October Council meeting be approved as received". **Motion Carried**

It was moved by Councillor Mahaney and seconded by Councillor Nickerson, "Resolved that Minutes of a Regular Meeting of Town Council held on September 2nd, 2009 be received and adopted as circulated". **Motion Carried**

Mayor Delaney welcomed Mr. Roddy Conrad, President of Shelburne Minor Baseball. Mr. Conrad gave a brief presentation regarding the possibility of converting the Albert Acker Memorial Field into a baseball field for Mosquito, and T-ball teams; youth between the ages of 4 and 10 years. Mr. Conrad noted that the amount of baseball teams have doubled over the last four years and it has become difficult to schedule games and practices. He further noted that a Committee was prepared to seek funding assistance through Sport Nova Scotia and start fundraising. Mr. Conrad noted that it would take approximately three (3) years to have the present field as an approved baseball field, but practices and some games could take place over that time. Discussion took place on the ownership of the field, receiving approval from the Municipality of the District of Shelburne, on keeping the name for the field and on the amount of activity the field is presently used for. It was agreed that Mr. Conrad should work with the Recreation Commission regarding any changes planned for the Albert Acker Memorial Field. It was moved by Councillor Mahaney seconded by Councillor Mattatall, "Resolved that the Town of Shelburne agrees in principle of the Albert Acker Memorial Field being converted into a minor baseball field subject to a final look at all plans and that financing is in place." **Motion Carried.** Mr. Conrad was thanked for his presentation and commitment to the Shelburne Minor Baseball Association.

It was moved by Councillor Nickerson seconded by Councillor Race, "Resolved that the correspondence be received as circulated." **Motion Carried**

The correspondence was dealt with in the following manner.

A letter was received from the Municipality of the District of Barrington requesting the Towns consideration to encourage the federal and provincial governments to continue providing grants to local museums for student summer employment. It was moved by Councillor Mahaney seconded by Councillor Mattatall,

"Resolved that the Town of Shelburne send a letter to the Provincial and Federal government to emphasize the importance of continuing support for student summer employment for local museums." **Motion Carried.** It was noted that the student summer employment funding contributions from the senior levels of government affects more than just the museums.

A letter was received from Perley Goodick requesting permission to open a business at 159 Water Street. It was moved by Councillor Mahaney seconded by Deputy Mayor Acker, "Resolved that the Town of Shelburne grant Mr. Perley Goodick approval to open "The Little Guy Household Products" at 159 Water Street subject to appropriate licenses and by-laws." **Motion Carried**

A letter was received from Mr. & Mrs. Rech requesting Councils consideration regarding the increased duck population. It was agreed that the Town would contact the Department of Natural Resources and ask for assistance regarding this issue. The Town would keep Mr. and Mrs. Rech informed of any decisions made regarding minimizing the duck population.

It was moved by Deputy Mayor Acker seconded by Councillor Rhuland, "Resolved that the Building Inspection Services Report for August, 2009 be received and adopted." **Motion Carried**

It was moved by Councillor Mahaney seconded by Councillor Nickerson, "Resolved that the Special Constable's Report for August 2009 and September 2009 be received and adopted." **Motion Carried**

It was moved by Deputy Mayor Acker seconded by Councillor Race, "Resolved that the Parks and Recreation Director's Report for August 2009 be received and adopted." **Motion Carried**

It was moved by Councillor Mahaney seconded by Councillor Race, "Resolved that the Physical Activity & Community School Coordinator Report for September 2009 be received and adopted." **Motion Carried**

It was moved by Deputy Mayor Acker seconded by Councillor Rhuland, "Resolved that bills as approved amounting to \$182,225.99 be received and paid." **Motion Carried**

Committee Reports

Councillor Mahaney reported on the Personnel Committee Meeting held on Sept. 17th. He noted that a letter was received from the IBEW Local 1928 concerning arbitration, correspondence was received from Mr. Wills, Service Nova Scotia and Municipal Relations regarding an organizational study and an example of an organizational chart was distributed for review. He further noted that the Collective Agreement will expire at the end of October and it was agreed to start negotiations on October 13th, 2009, that correspondence was received requesting consideration to renew courses for Waste Water collection and a transition plan would be reviewed with the Department of Environment. It was moved by Councillor Mahaney seconded by Councillor Mattatall,

“Resolved that this Report and Minutes of the Personnel Committee Meeting held on Sept. 17th, 2009 be received and adopted.” **Motion Carried**

Councillor Mattatall reported on the Integrated Community Sustainability Plan meeting held on September 24th, 2009. She noted that the draft plan was reviewed page by page, that the document was a working document and the changes noted were submitted to Ms. Greene, Sustainability Planner for the Town. It was moved by Councillor Mattatall seconded by Councillor Race,

“Resolved that this Report and Minutes of the Integrated Community Sustainability Plan meeting held on September 24th, 2009 be received and adopted.” **Motion Carried**

Councillor Rhuland gave a verbal overview of the Regional Development Authority Meeting held on September 16th, 2009. She noted that the annual general meeting and the regular monthly meeting was held on the same day. The financial statements were reviewed and approved in principle. Councillor Rhuland noted that each Councillor received a copy to review. She further noted that there was a new voting member representing the First Nations and they were added to the RDA Board, and that discussions had taken place on the RDA’s cash flow issues. It was moved by Councillor Rhuland seconded by Deputy Mayor Acker,

“Resolved that this verbal Report and Minutes of the Regional Development Authority Meeting held on Sept. 16th, 2009 be received and adopted.” **Motion Carried**

Councillor Rhuland reported on the Waterfront Development Committee Meeting held on September 21st, 2009. She noted that the committee reviewed the overall status of the projects. She noted that the Tender for repairs to the roof of the Muir Cox Shipbuilding Interpretive Centre would close on Friday and the Committee would be reviewing the Tenders with recommendations made to Town Council. She further noted it was planned to start construction on the roof before winter. Councillor Rhuland noted that a presentation was made to the Committee on climate change and possible funding options for implementations to reduce the impact to the waterfront. Councillor Rhuland noted that the next meeting would be to review projects for the Committee to consider for the 2010/11 year. It was moved by Councillor Rhuland seconded by Councillor Mattatall,

“Resolved that this verbal Report and Minutes of the Waterfront Development Committee Meeting held on September 21st, 2009 be received and adopted.” **Motion Carried**

Deputy Mayor Acker reported on the Planning Advisory Committee Meeting held on September 28th, 2009. She noted that the Town has acquired the assistance of a master’s student from Dalhousie University to develop a decision making matrix. She further noted discussions took place on the role of the planning advisory committee, the challenges and opportunities of a decision-making tool to reflect the Town’s priorities in social, economic, and environmental issues. It was moved by Deputy Mayor Acker seconded by Councillor Rhuland,

“Resolved that this Report and Minutes of the Planning Advisory Committee Meeting held on September 28th, 2009 be received and adopted.” **Motion Carried**

Deputy Mayor Acker reported on the Joint Services Board Meeting held on September 10th, 2009. She noted that the financial statements were reviewed, and a draft Tender Proposal for Solid Waste was discussed. It was moved by Deputy Mayor Acker seconded by Councillor Nickerson,

“Resolved that this Report and Minutes of the Joint Services Board Meeting held on Sept. 10th, 2009 be received and adopted.” **Motion Carried**

Deputy Mayor Acker reported on the Joint Services Board Meeting held on September 22nd, 2009. She noted that the draft tender proposal for solid wastes was finalized and approved for distribution to all three municipal councils for review and approval. She further noted that the fall cleanup will proceed beginning the week of October 19th. It was moved by Deputy Mayor Acker seconded by Councillor Race,

Resolved that this Report and Minutes of the Joint Services Board Meeting held on September 22nd, 2009 be received and adopted.” **Motion Carried**

Deputy Mayor Acker reported on the Shelburne Parks and Recreation Commission Meeting held on September 16th, 2009. She noted that there were not enough members present for a quorum so only discussions took place. She further noted that a review took place on the revised budget for 2009/10, and that the summer programs had seen a decline in participants and considerations were needed for formatting next years summer programs with the possibility to extend into the winter.

She further noted that the Christmas Parade Committee's current chair could not continue in the leadership capacity and that it was hoped that the Chamber of Commerce would become involved with the leadership role. Deputy Mayor Acker noted that "Keep It Moving Day" will be held on October 21st with two walks planned within the Town. It was moved by Deputy Mayor Acker seconded by Councillor Mattatall,

"Resolved that this Report and Minutes of the Shelburne Parks and Recreation Commission Meeting held on September 16th, 2009 be received and adopted." **Motion Carried**

Deputy Mayor Acker gave a verbal update on the Roseway Manor. She noted that a new ventilation system was being installed throughout the entire building, and she was pleased to announce that the Roseway Manor presently has a fulltime staff of RN's on site.

Deputy Mayor Acker reported on the Finance & Audit Committee Meeting held on Sept. 29th, 2009. She noted a presentation was received from the new Tourism Coordinator, Jeff Spencer regarding the plans underway for the arrival of the cruise ship; Balmoral, a presentation was received from the Longboat Society regarding approval for an easement to install power to accommodate the 40' x 30' proposed longboat maintenance and storage facility. She further noted that correspondence was received regarding an extension of Cornwallis Street, refunds for charged sewage fees, and two applications for taxi licenses within Town. Deputy Mayor Acker noted that discussions had taken place on the church located on Dock Street built by the Moby Dick Productions, on support for an additional plaque to be placed at the Fire Hall/Community Centre, and on the audited financial statements of the South West Shore Development Authority. She further noted that the draft tender document for solid waste was distributed for review, discussions took place on the shortage of Town owned green carts and the committee reviewed the 5yr Capital Investment Plan with a total capital investment amounted to \$7,990,716. It was moved by Deputy Mayor Acker seconded by Councillor Race,

"Resolved that this Report and Minutes of the Finance & Audit Committee Meeting held on September 29th, 2009 be received and adopted." **Motion Carried**

It was moved by Deputy Mayor Acker seconded by Councillor Rhuland,

"Resolved that all adjacent streets between Water Street and Dock Street located between George Street and King Street be closed to vehicular traffic between 8:00am and 6:00pm on October 25th, 2009." **Motion Carried**

It was moved by Deputy Mayor Acker seconded by Councillor Nickerson,

"Resolved that the Town's Public Works Department remove the boulders near the Shelburne Marine Terminal to allow for public parking on October 25th, 2009." **Motion Carried**

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

"Resolved that Moby Dick Productions be notified that the Town of Shelburne has no interest in the church located on Dock Street." **Motion Carried**

A detailed discussion took place on the Motion. The Mayor had received correspondence by email, and the Shelburne Historical Society in favour of the Town maintaining the church. Moby Dick Productions would grant the Town \$3,000 to dispose of the church. Some options discussed was to take possession and barge the church to another location, to auction the church off in a tendering process with the proceeds to go to the Town, and to take possession and have a work crew take the church apart and reuse the material. It was noted that there were costs associated in maintaining the church such as insurance, that the church was built to the building inspectors code, that there were no firm offers for purchasing the church from the Town, and that it was a temporary structure built as a movie set allowing 60 days under the Land Use By-law. Concerns were expressed regarding cost to the Town with the present financial position and if the Town took control of the church it would be violating its own Land Use By-Laws. It was noted that there are three main reasons movie company's like to use the Dock Street area; the overhead wires being buried, the view of the harbour for filming and the space available for film company's to build the necessary structures suitable for their film. Discussions took place on the Guild Hall that was built as a movie prop and the structure requiring maintenance for the leaking roof and exterior walls. It was agreed that it was unfortunate to have the structure demolished but the temporary permit would run out in the middle of November and that the Town can not legally violate its own Land Use By-Laws.

It was moved by Deputy Mayor Acker seconded by Councillor Nickerson,

"Resolved that the Town Council will not entertain any offers by anyone else to take possession of the Church." **Motion Carried**

Councillor Nickerson reported on the Shelburne Library Building Association Meeting held on June 3rd, 2009. He noted that discussions took place on the ownership with regards to paintings at the Library that the Library received \$2,400.83 from a private source, and congratulations were extended to Edith Bower on winning the Gabriele Schreiber award. He further noted that the boiler at the library needs replacing at an estimated cost of \$8,000. It was moved by Councillor Nickerson seconded by Deputy Mayor Acker,

"Resolved that the Shelburne Library Building Association Meeting held on June 3rd, 2009 be received and adopted." **Motion Carried**

Councillor Nickerson reported on the Shelburne Library Building Association Meeting held on September 9th, 2009. He noted that the furnace was installed and correspondence was received regarding funding for the additional amount required for the library expansion. It was moved by Councillor Nickerson seconded by Councillor Race,
“Resolved that the Shelburne Library Building Association Meeting held on September 9th, 2009 be received and adopted.” **Motion Carried**

Mayor's Items

The Mayor took the opportunity to thank everyone for the cards, calls and offers of support received due to his heart attack on September 12th. As well he thanked the Councillors for stepping in and attending meetings and dealing with necessary correspondence. He further noted that it was good to see Councillor Nickerson back sitting at the Council table after having surgery.

On September 25th, Mayor Delaney noted he attended the official grand opening of the Home Hardware Furniture store on Water Street.

Mayor Delaney noted that he had attended a “Support the Troops” ball tournament held last weekend.

Mayor Delaney commented on the cruiseship arriving on October 25th, and the organizations working together to make it a positive event which will hopefully amount to a regular occurrence of cruise ship traffic.

Clerk's Items

It was moved by Councillor Mattatall seconded by Councillor Nickerson,
“Resolved that the second reading of the Shelburne County East RCMP Advisory Board By-Law pass and a copy be filed with Service Nova Scotia and Municipal Relations.” **Motion Carried**

It was moved by Deputy Mayor Acker seconded by Councillor Mahaney,
“Resolved that the Town of Shelburne appoint Glen Muise (Municipality of the District of Barrington), Roger Devine (Municipality of Yarmouth), Mike Bevis and Brent Hasse (Municipality of the District of Lunenburg) as Building/Fire Inspectors to assist the Joint Services Board in the absence of Carl Smith.” **Motion Carried**

It was moved by Councillor Mattatall seconded by Councillor Mahaney,
“Resolved that Tina Mackay be appointed as a Civic Numbering Coordinator for the Town of Shelburne.” **Motion Carried**

It was moved by Councillor Mahaney seconded by Councillor Nickerson,
“Resolved that the Town of Shelburne designate the three weeks from October 26th to November 13th, 2009 to collect bagged leaves curb side and that an ad be placed in the local paper to that effect.” **Motion Carried**

New Business

Councillor Mahaney noted that Islands Provincial Park closes on Labour Day weekend and there has been concerns expressed regarding the Park remaining open into October to accommodate the traveling tourist that visit the many fall activities taking place. It was moved by Councillor Mahaney seconded by Deputy Mayor Acker,

“Resolved that the Town of Shelburne write a letter to the Minister of Natural Resources asking that consideration be given to the Islands Provincial Park hours of operation be extended until the end of October.” **Motion Carried**

Discussion took place on the park being located in the Municipality and the possibility of extending limited access to the picnic areas, washroom facilities, and three or four campsites until the end of October. It was moved by Councillor Mahaney seconded by Councillor Nickerson,
“Resolved that the Town of Shelburne contact the Municipality of the District of Shelburne to consider writing to the Minister of Natural Resources to show their support of the Islands Provincial park hours of operation be extended.” **Motion Carried**

Councillor Mattatall gave special thanks to John Hartley and the participants of the September 25th weekend ball tournament for successfully raising \$2,400 for the “Support the Troops” care packages. The donation will also support injured soldiers and their families.

Councillor Mattatall commented on the increasing Emergency Room closures at Roseway Hospital. It was moved by Councillor Mattatall seconded by Councillor Rhuland,
“Resolved that a letter be written to Sterling Belliveau, MLA and the Honourable Maureen MacDonald, Minister of Health expressing the Town's grave concerns regarding the emergency room closures at Roseway Hospital.” **Motion Carried**

It was moved by Councillor Mattatall seconded by Deputy Mayor Acker, “Resolved that the Town of Shelburne request Sterling Belliveau, MLA and the Honourable Maureen MacDonald, Minister of Health on how the government plans to address the increased closures at Roseway Hospital and the steps they are taking to correct it.” **Motion Carried**

Deputy Mayor Acker noted that the Town will be sending a Christmas Tree to Gloucester for the 10th year. The tree will be donated by Mrs. Betty Marsh of Fanning Street.

Deputy Mayor Acker noted an emergency Regional Development Authority’s meeting was held this week regarding the cash flow shortage and a sample letter was distributed for Councils to consider sending to the Honourable Percy Paris, Minister of Economic and Rural Development. The sample letter was for Council’s support to guarantee the \$500,000 loan from the Province. It was agreed to refer this to the next Finance & Audit Meeting.

Deputy Mayor Acker noted that the “Keep It Moving Day” is October 21st and it is important that all participate in a physical activity. She further noted that two (2) walks are being held within the Town and invited the Councillors to join her during those walks.

Deputy Mayor Acker reported on vandalism at the George Street Playground. She was pleased to mention that the RCMP Department had investigated arson and has laid charges. But now the cost of replacing the slide will need to be investigated.

Deputy Mayor Acker reported on Jerry Locke, Parks and Recreation Director being the recipient of the 2009 Recreation Nova Scotia Professional Achievement Award. Jerry was chosen by his colleges’ for recognizing outstanding contributions to the growth and development of the profession.

Deputy Mayor Acker noted on November 7th, Nova Scotia Music Week would be celebrated in Yarmouth with a local young band comprised of SRHS students competing. She would like to wish the band the best of luck from the Town.

Councillor Rhuland reported on the 10th Annual Whirligig Festival held on September 19th and 20th. She noted that this year vendors were added and that the festival was gaining recognition with entries from across Canada and New Mexico. She thanked the committee members, participants and volunteers for their commitment on a successful event.

Councillor Rhuland noted that on September 19th & 20th she entertained five (5) travel writers who visited various areas of the Town. She reviewed the itinerary and noted that the Town would get a copy of the results.

Councillor Rhuland noted the last Shelburne Farmers’ Market would be held on October 10th, 2009 from 8-12pm and it will comprise of crafters and entertainment.

Councillor Rhuland noted that she had attended a presentation from EcoNova Scotia regarding funding received for the Town to undergo the completed Energy Audits.

Councillor Mattatall expressed concerns of replacing trees being cut within the Town. She noted that the Department of Natural Resources would supply trees to replant. The Mayor noted that the Town has a new unwritten policy that states “cut a tree, plant a tree”. It was agreed that if the homeowner wishes a tree would be replanted.

Councillor Mattatall noted she was pleased to read that the Municipality of the District of Shelburne was going to have discussions regarding amalgamation. It was moved by Councillor Mattatall seconded by Councillor Nickerson,

“Resolved that the Town of Shelburne invite John Leefe and Dave Clattenburg to discuss the pro’s and con’s of how amalgamation has worked for the Region of Queens, and an invitation be extended to the Town of Lockeport and the Municipality of the District of Shelburne to join the meeting.”

Motion Carried. It was noted that the CAO of the Municipality of the District of Shelburne was asked to research amalgamation and report to his Council. It was agreed to ask the Municipality of the District of Shelburne for the outcomes of their discoveries. It was further agreed that Town Council was open to healthy discussions regarding the possibility of shared services and/or amalgamation.

At 8:50pm Council recessed for a short break.

At 8:55pm the meeting reconvened.

At 8:55 pm all members of Council agreed to go into an in-camera session to discuss legal issues. Deputy Mayor Acker removed herself from the Council Table citing conflict of interest.

At 9:20pm the meeting reconvened.

It was moved by Councillor Mahaney seconded by Councillor Nickerson, “Resolved that authorization be granted to the Mayor and Town Clerk to negotiate with Mr. DesChamp.” **Motion Carried**

At 9:22 pm Deputy Mayor Acker joined the Council meeting.

Further Business

Discussion took place on the arrival of the Balmoral scheduled for October 25th and a blanket insurance coverage for activities held on the waterfront. It was agreed that this was a Town sponsored event and that Town Council was aware of potential liability issues associated with this event.

Deputy Mayor Acker noted that in discussions with Mr. Parker Comeau an invitation was extended from the city of Gloucester to pay for up to three (3) Town employees to attend the official Christmas Tree lighting held on November 29th. It was agreed that Deputy Mayor Acker could approach the three employees if they were interested they could attend if there was no cost to the Town. It was noted that they would require passports and the Mayor had indicated he would produce passport photos free of charge to the employees.

Mayor Delaney requested that all Councillors review the List of Committees they serve on before the November meeting. During the November meeting appointments will be made for the Committees for 2009/10 year.

The following meetings were scheduled:

October 13 th	Personnel Meeting	6:30pm
October 15 th	Finance & Audit Meeting	7:00pm
October 20 th	Port Authority Meeting	7:00pm
October 26 th	Revisions of By-Laws	9:30am
November 23 rd	ICSP	6:00pm

There being no further business at 9:40pm, on Motion the meeting adjourned.

Mayor

Clerk