

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda

June 27, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)

Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous or Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Presentations
 - a) Joint Regional Transportation Agency, CEO Mark Peck
7. Approval of Previous Meeting Minutes
 - a) 2023-05-23 Council Meeting Minutes
 - b) 2023-05-23 Public Hearing Minutes Benjamins Mill Wind Project Development Agreement
 - c) 2023-05-23 Public Hearing Minutes Scotch Village, Station Road, PID 45166915 Development Agreement
 - d) 2023-05-23 Public Hearing Minutes Payzant Drive, Windsor PID 45276441 and PID 45366986 Development Agreement
8. Public Hearings
 - a) Benjamins Mill Wind Project Development Agreement – Planner Dunphy
 - b) Cole Drive Development Agreement - Planner Dunphy
9. Second Readings
 - a) Benjamins Mill Wind Project Development Agreement – Planner Dunphy
 - b) Cole Drive Development Agreement - Planner Dunphy
10. Unfinished Business/Postponed Motions
 - a) Capital Update for March 31st, 2023
11. Mayor's Report

12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (June 13, 2023)
 - i. 2023 J-Class Roads
 - ii. Aberdeen Beach Road (Adequate Emergency Access)
 - iii. Brooklyn Fire Generator
 - iv. Capital Equipment Vendor Approvals (Excavator, hot patch trailer, street sweeper and Bulk Water Truckfill System)
 - v. Edward Drive and Underwood Road Connection
 - vi. Glooscap First Nation Re Proposed Addition to Reserve
 - vii. Half Ton Truck Purchase WHRMPW22-06
 - viii. Hants County Federation of Agriculture
 - ix. Independent Engineer
 - x. Letter of Support for the Avon Street Residents
 - xi. Main Street North Hantsport Design Priority
 - xii. Municipal Climate Change Action Plan (MCCAP) Appointment
 - xiii. Nova Scotia Low Carbon Communities Fund
 - xiv. N.S Bill 236 Railway Act
 - xv. Tourism Strategy with East Hants
 - xvi. Town Hall Meeting
 - xvii. West Hants Agricultural Society
 - b) Planning and Heritage Advisory Excerpts (June 7, 2023)
 - i. Affordable Housing within Developments and Plan Review Consultant
 - ii. Pemberton Ave, Garlands Crossing PID 45003563 (First Reading) – Planner Dunphy
 - iii. 35 William St, Hantsport PID 45044419 (First Reading) – Planner Dunphy
13. Councillor Municipal Business/Activity Reports
 - a) Councillor Ivey, District 11 Activity Report
14. Correspondence
 - a) Information
 1. Avon Causeway Activity Log
 - i. Combined Correspondence as of June 27, 2023
 2. Correspondence Received Activity Log
 - i. 2023-06-13 Kimm Kent (POSSE) Re Commitment to addressing housing insecurity and homelessness in the community.
 - ii. 2023-06-15 Paul Pierce WJAX Re Email to respond to award of tender.
 - iii. 2023-06-26 Response from the Honourable Timothy Halman Re Coastal Protection Act
 - iv. 2023-06-26 Committee of Zwicker Lake Property Owners Re Seeking Clarity
 3. Fort Edward Activity Log - None

4. Storm Wastewater Activity Log – None

b) Requests

- i. 2023-06-09 Nova Scotia Provincial Housing Agency Re Priority Access to Public Housing
- ii. 2023-06-14 Core Committee Zwicker Lake Property Owners Request Re CCBF Funding
- iii. 2023-06-20 Adriane Salah, Affordable Housing Association of Nova Scotia (AHANS) Re Tremain Crescent Funding Low Carbon Communities Application - Letter of Support
- iv. 2023-06-23 Barry Maxner Re No replies - Concerns with the Pisiquid Canoe Club

c) Outgoing Correspondence Log

15. New Business

- a) Cell Phone Service – Councillor M. McLean
- b) 2023/24 Provincial Capital Assistance Program (PCAP) Agreement
- c) Ice Resurfacer Recommendation Report – Director Kehoe

16. In-Camera

- a) 2023-05-23 In-Camera Minutes
- b) MGA 22(2)(a) Legal Matter
- c) MGA 22(2)(a) Legal Matter
- d) MGA 22(2)(a) Personnel Matter

17. Next Meeting Date / Adjournment – July 11, 2023 Committee of the Whole Meeting 6 p.m.

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Sewer Billing Review - Staff explore what the sewer rates would be if sewer util. fees were put back on the taxes.	2020-05-12		Discussions to occur once the Rate Study was completed.	CAO/Fin
Pedestrian Signage and Barriers - Have consistent and align with Branding outcomes. Staff prepare report for 2021/22 Capital & Operating budgets. (These items should be incorporated into our growth centres). Staff report back.	2020-09-22	Align with Branding outcomes 2021-07, On-going	Pending Beautification Strategy. PRIME has been engaged to create how the signs will look and are working on gathering suitable photos for Hantsport, Windsor and West Hants.	PW/Comm. Dev
W. B Stephens Building Design Project Management Tender Award (Municipal Office) - Draft an RFP that will look at A) the 100 King Street Building B) The 76 Morison Building and C) or an alternative new location is required to facilitate the needs of the Municipality.	2020-10-27	2022-on going	Ongoing	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	Spring/Summer 2023	On-going, an event will be scheduled this year.	Mayor
Noise By-law - Staff revise by-law (Peace and Good Order)	2021-03-23	March 2023	DEFEATED - No direction provided.	CAO
Glooscap First Nation & WHRM Council Meeting - Send formal invite for a meeting to discuss many topics including reconciliation.	2021-06-22		Met on March 15, 2022, mtgs continue.	Mayor
Request to Meet with Avon Causeway Gate Stakeholders - Send letter to Glooscap First Nation requesting immediate joint council mtg. to discuss Avon River Causeway/Aboiteau Gate System and Ministerial Order	2021-06-22		Pending, Meeting date being confirmed	Mayor/CAO
65 Fort Edward Street (Municipal Lands) - the Public Hearing and Second Reading be adjourned until October 2023	2022-06-28	2023-10	On-going meetings with Dr. Fowler (pending plan submission and approval) POSTPONED SECOND READING UNTIL OCTOBER, 2023	CAO/Planning

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Security Cameras - Review and bring a report back to Council for further discussion and decision making re: security cameras within West Hants in consultation with IT and RCMP on locations.	2022-11-08	*2023-06*	Approved, Report expected for July COTW	Finance
Subdivision Street Lighting - Create a policy to come back to Council for review.	2023-01-10	2023-04	Approved, Report will be presented at June COTW	PW
WFD Rescue Engine - approve the award of tender WHRMAD22-03A for the supply of a Rescue Engine to the compliant bidder, Techno Fu Inc., at the tendered price of \$1,496,490.36 plus applicable taxes.	2023-01-10	2023-10	Re-issue a new tender when permitted	CAO
Waste Collection By-Law - initiate the process for consolidating the Windsor and West Hants waste by-law to remove the disparities that exist between the two.	2023-03-28	2023-06	Approved, awaiting report/By-Law	PW
Public Participation Policy - staff explore amending the Public Participation Program Policy (PPPP) to include strengthening public notice of information meetings.	2023-03-28	2023-04-25	Approved, awaiting report	Plan
WH Historical Society Proclamation - proclamation will return to the July 25th meeting for official declaration within chambers.	2023-03-28	2023-07-25	Approved, will return to July COTW meeting	CAO
Sidewalk Extension from Wentworth Road to the WH Sports Complex - prepare a report on what is required to extend the sidewalk from Wentworth Rd. to the WH Sports Complex and as a second step to include extending the sidewalk to the end of the block (intersection of Wentworth and Tregothic).	2023-04-11	2023-06	Approved, awaiting report	PW

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Insurance - engage a consultant (if needed) to do a review of insurance costs across the Municipality (all operations) to be able to do a review to optimize insurance expenditures. (Amended - to be done within the next two months)	2023-04-12	2023-07-25	Approved, Ongoing	Fin
Council Chamber Improvements - Direct staff to add up to \$30,000 to the budget to improve Chambers and bring a report on the costs.	2023-04-19	2023-07	Approved, report presented at July COTW mtg	CAO
Bulk Water Options - staff explore options for having bulk water rates reduced to previous levels prior to regulation from the UARB.	2023-04-19	2023-04-19	Approved, awaiting report	Fin
John Paris Jr. Naming - WHRM names the Rink at the West Hants Sports Complex the John Paris Jr. Rink.	2023-04-25	2023-04-25	Event and Renaming completed	CD, Fin
Electronic Gate System (Underwood and Edward Drive) - Staff provide a report on options including what an electric gate would cost and return to Council in a couple months.	2023-05-09	2023-07	Presented at the June COTW mtg	PW
Downtown Draft Parking By-Law - staff prepare a draft Parking By-Law for WHRM to be reviewed by Council.	2023-05-09	2023-07	Approved, pending report	PW/By-Law
Short Term Rentals - Planning staff prepare a report with recommendations/regulations if appropriate for short term rentals within WHRM rentals. Report will go to PAC first.	2023-05-09	2023-09	Approved awaiting report	Plan

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Amendment to Land Use Bylaw Definition "Community Centres" - staff review the process that occurred and resulted in the change in Community Centre's definition and review the existing definition in comparison to the original definition to determine if the current definition does result in a broader scope and the potential to create increased land use conflicts.	2023-05-23	2023-09	Approved, await the report from Planning	Plan
Reimagine the Windsor/Falmouth waterfront area - Correspondence be sent in follow up to the previous correspondence with regards to the Windsor/Falmouth waterfront and that it focus on the reimagination component , to all individuals previously sent as a single correspondence with everyone copied on the same letter.	2023-05-23	2023-06	Approved, letter will be signed and sent following June Council mtg	CAO
Aberdeen Beach Road - staff explore the restricted vehicular access to Aberdeen Beach Road through a safety lens re: emergency vehicles (fire apparatus, ambulance and emergency vehicles)	2023-06-13	2023-07-25	Pending Council Approval	CAO/PW
Brooklyn Fire Generator - approve the tender for the supply and install generator for BFD2 to Geddes and Murphy Electric for the tendered price of \$98,400 plus a 15% contingency of \$14,760 for a total price of \$113,160, plus taxes.	2023-06-13	2023-06-27	Pending Council Approval	PW
Capital Equipment Approvals - approve the tender for the purchase of a 4 ton asphalt hot box trailer (WHPW23-07) from Atlantic Coastal Equip. for the price of \$64,945.00 plus taxes.	2023-06-13	2023-06-27	Pending Council Approval	PW

Matter	Start Date	Deadline / Update	Status/Progress Updates	Resp.
Capital Equipment Approvals - approve the tender for the purchase of an excavator and float trailer (WHPW23-10) from Nova International for the price of \$236,835.00 plus taxes.	2023-06-13	2023-06-27	Pending Council Approval	PW
Capital Equipment Approvals - approve the tender for the purchase of a pre-selected sole sourced bulk water truckfill system from Birsco for the price of \$67,850 incl. a 15% contingency plus applicable taxes	2023-06-13	2023-06-27	Pending Council Approval	PW
Capital Equipment Approvals - approve the tender for the purchase of a street sweeper (WHPW23-11) from Saunders Equipment Ltd for the price of \$385,000 plus taxes.	2023-06-13	2023-06-27	Pending Council Approval	PW
Capital Equipment Approvals - approve the tender for the purchase of a street sweeper (WHPW23-11) from Saunders Equipment Ltd for the price of \$385,000 plus taxes.	2023-06-13	2023-06-27	Pending Council Approval	PW
Edward Drive and Underwood Road - provide a quote (class D estimate) on connecting Payzant to King Street and report back to Council within 3 months.	2023-06-13	2023-07-25	Pending Council Approval	PW
Federation of Agriculture Letter of Support - send a letter to the appropriate ministers for the province of NS, the government of Canada, the Premier of NS and the Prime Minister of Canada stating our firm support for a permanent long term fresh water resource for the community as stated by the Hants County Federation of Agriculture.	2023-06-13	2023-07-11	Pending Council Approval	CAO
Glooscap First Nation - send correspondence back to Indigenous Services Canada informing them that Council has no concerns with the request from Glooscap First Nation.	2023-06-13	2023-06-27	Pending Council Approval	CAO

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Half To Truck Purchase - approve the award and purchase of a 1/2ton truck (WHPW23-06) from Pothier Motors Ltd. for \$67,444.95 plus taxes.	2023-06-13	2023-06-27	Pending Council Approval	PW/CD
Independent Engineer - staff solicit a report from an Independant Engineer on storm water management plans for requested DA's as part of the development process.	2023-06-13	2023-07-11	Pending Council Approval	PW/PL
J-Class Roads - mayor and clerk sign the cost share agreement No. 2023-022 and 2023-023" resolution, as presented at the June 13th COTW mtg.	2023-06-13	2023-06-27	Pending Council Approval	PW
NS Low Carbon Communities Fund - approve funding 25% (up to \$25,000) as the municipal contribution of an application to the NS Low Carbon Communities program to support a solar energy feasibility study through the regional operating reserve.	2023-06-13	2023-06-27	Pending Council Approval	FIN/PL
Main St. North Hantsport Design Priority - approve the release of an RFP for the engineering and design work for Main St. North infrastructure renewal for the 2023/24 fiscal peroid with construction starting in 2024/25 & defer the engineering and design work for Rand St. infrastructure renewal to 2024/25 fiscal peroid with construction starting in 2025/26.	2023-06-13	2023-06-27	Pending Council Approval	PW
MCCAP Resident Appointment - appoint Jeremy Higgins as a resident member to MCCAP for the current term expiring October 31, 2024.	2023-06-13	2023-06-27	Pending Council Approval	CAO/PL

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Prograss Updates</u>	<u>Resp.</u>
NS Bill 236 Railway Act - write a letter to the Hon. Kim Masland, Minister of NS Dept. Public Works expressing a desire for an expeditious proclamation of Bill 236 or intervention by the province declaring the Windsor and Hantsport Railway no longer having controlling interest in the tracks.	2023-06-13	2023-06-27	Pending Council Approval	CAO
Tourism Project with East Hants - staff begin work on tourism strategies with staff at East Hants and report back to Council on updates and future recommendations.	2023-06-13	2023-07-11	Pending Council Approval	CD
Town Hall Mtg - Council hold a Town Hall mtg and extend an invitation to MP Blois and MLA Sheehy-Richard to attend and answer questions from the public.	2023-06-13	2023-07-11	Pending Council Approval	CAO
WH Ag Society - staff prepare a report & bring back information on the request made by the WH Agricultural Society pertaining to water usage and sewer amounts billed; and further that staff provide a refresher on how residential and commercial businesses are billed for water and sewer usages.	2023-06-13	2023-07-11	Pending Council Approval	FIN

**West Hants Regional Municipality
Dangerous or Unsightly Premises
Dashboard (Action List)
June 27, 2023**

Matter	Meeting
Textile Building - Staff continue to monitor the site. ON-GOING	Nov 8, 2022 COTW
74 Bowman Road - File remains open. ON-GOING	Nov 8, 2022 COTW



Overview

Outline

- Introduction to Organization and Team
- Background & Alignment
- Planning Framework
- Next Steps
- Questions / Discussion



Creation, Mission & Mandate

New Crown Corporation

Created in Fall 2021 (Bill 61) mandated to address transportation issues associated with rapid growth in Halifax and surrounding communities.

Mission

Championing regional collaboration to advance transportation solutions through joint planning, partnerships, data-driven analysis, and strategic investments.

Mandate

Plan for all modes of transportation consistent with the region's growth and development to ensure the safe, efficient, and coordinated movement of people and goods.

Core Partners



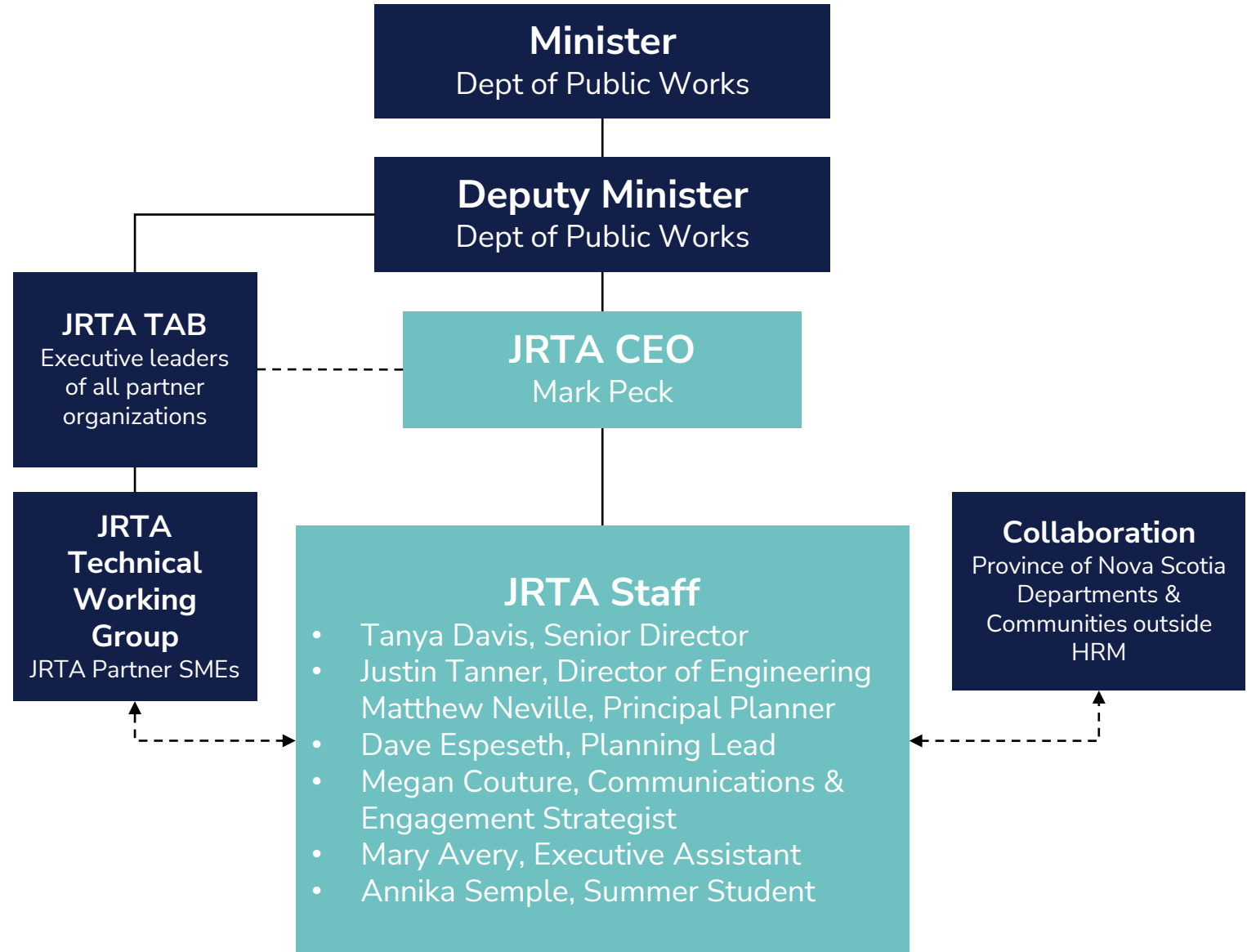
HALIFAX



Atlantic Canada
Opportunities
Agency

Agence de
promotion économique
du Canada atlantique

Governance & Team



Key Areas of Focus for 2023/24

Organization

Build organizational capacity and right size staffing compliment.

Regional Transportation Planning

Hold first stages of engagement and maintain progress towards plan completion.

Partnerships and Early Wins

Champion regional collaboration and support the implementation of regional transportation projects.

Background and Alignment

2x Nova Scotia
Population

Target of 2M people by 2060

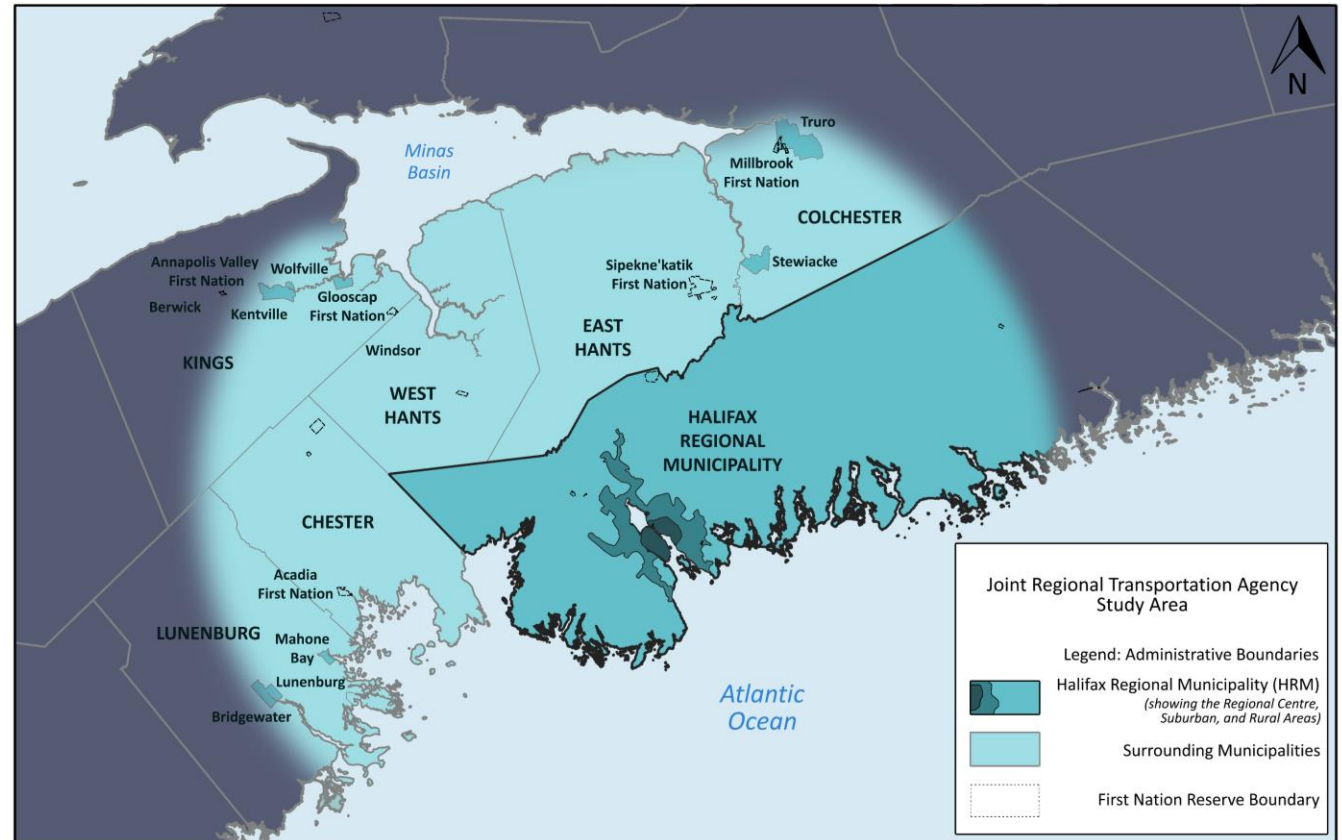


Net-Zero
by 2050

Targets set by province
and HRM

Purpose of the Plan

- Provide a coordinated and strategic vision for a regional transportation system
- Integrate transportation and land use decision-making and guide transportation infrastructure investments
- Maximize impact of strategic investments



Planning Framework

Regional Transportation Plan



HDR Team

HDR

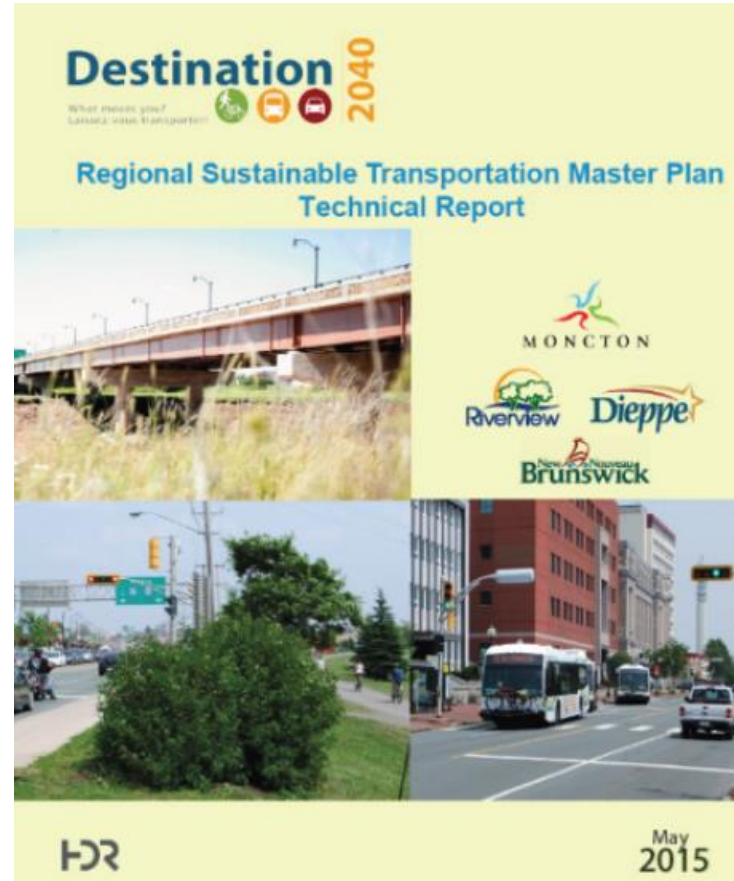
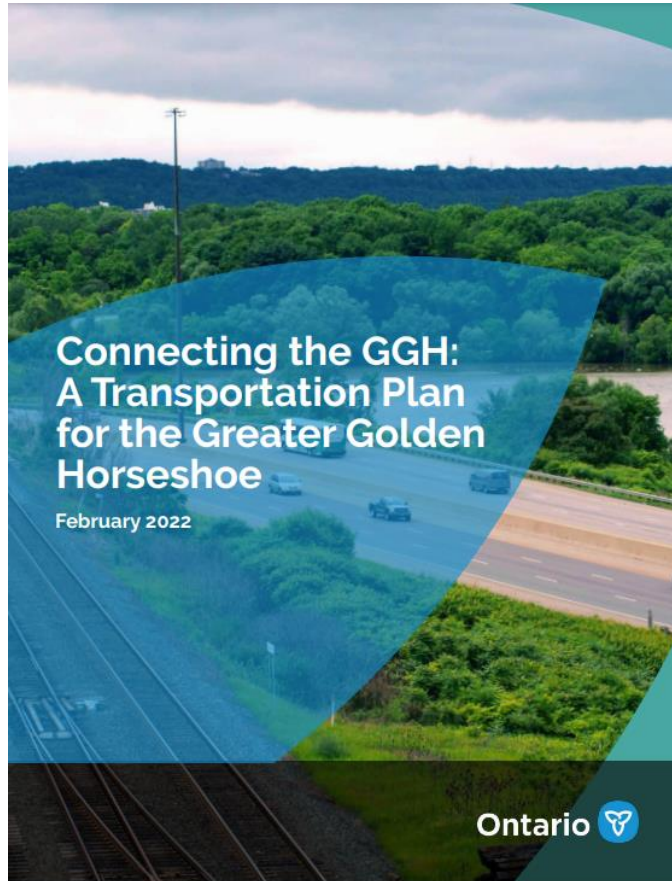
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UPLAND



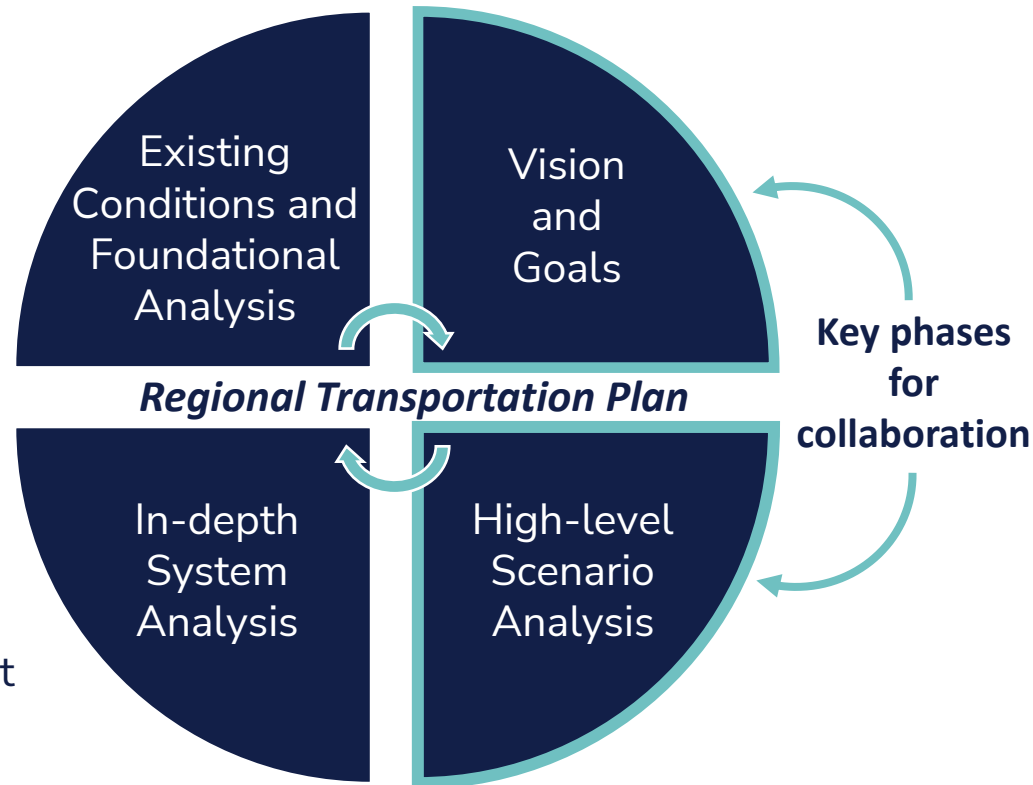
HDR Experience



The Planning Process

Key Inputs:

- Existing plans, studies, strategies (municipal / provincial)
- Mandates and guiding policies
- Long-term projections (e.g., population and employment)
- Partner, stakeholder and public input

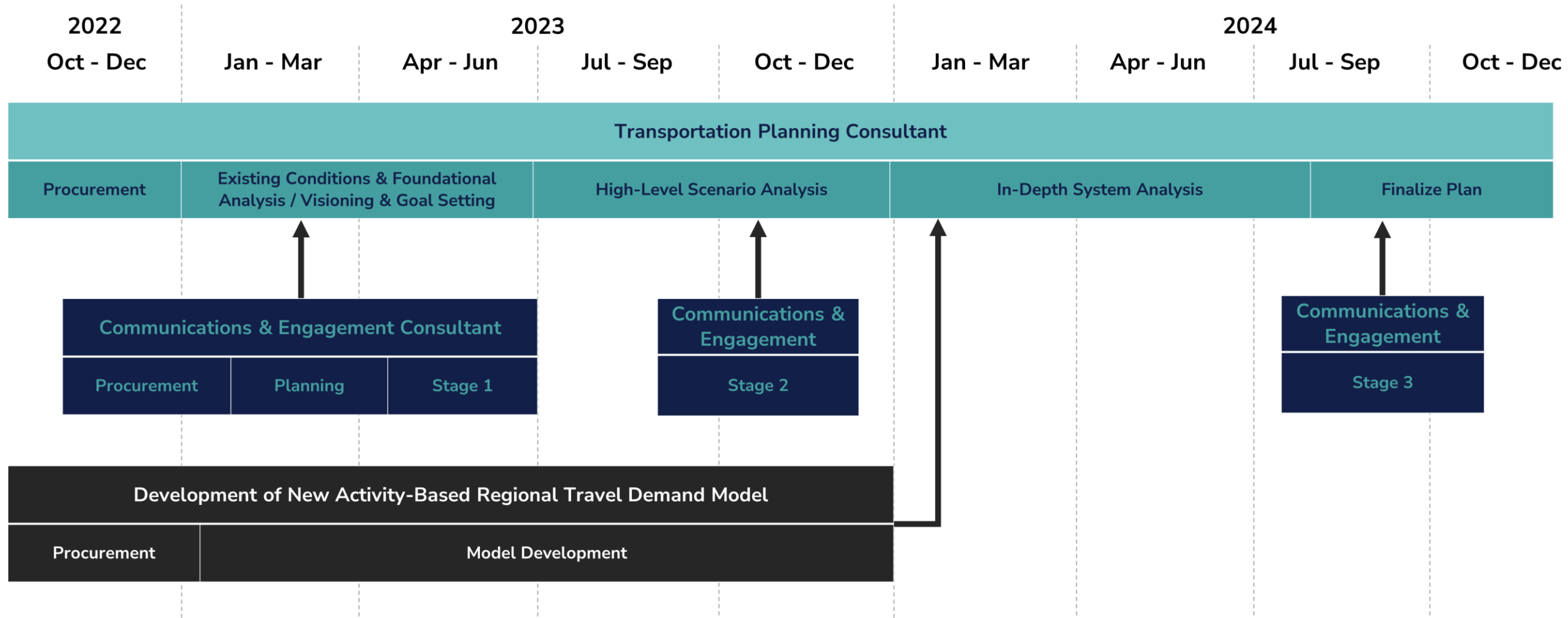


Anticipated Outcomes:

A transportation system that:

- Supports the achievement of provincial growth and climate targets
- Helps integrate transportation and land use

Project Schedule



Next Steps

- Phase 1 engagement underway. More information can be found here:

www.engage.jrta.ca

- Continue building awareness of JRTA and momentum for collaboration



Questions / Discussion

Mark Peck

Mark.peck@novascotia.ca
902.240.4234

Tanya Davis

tanya.davis@novascotia.ca
902.266.6249

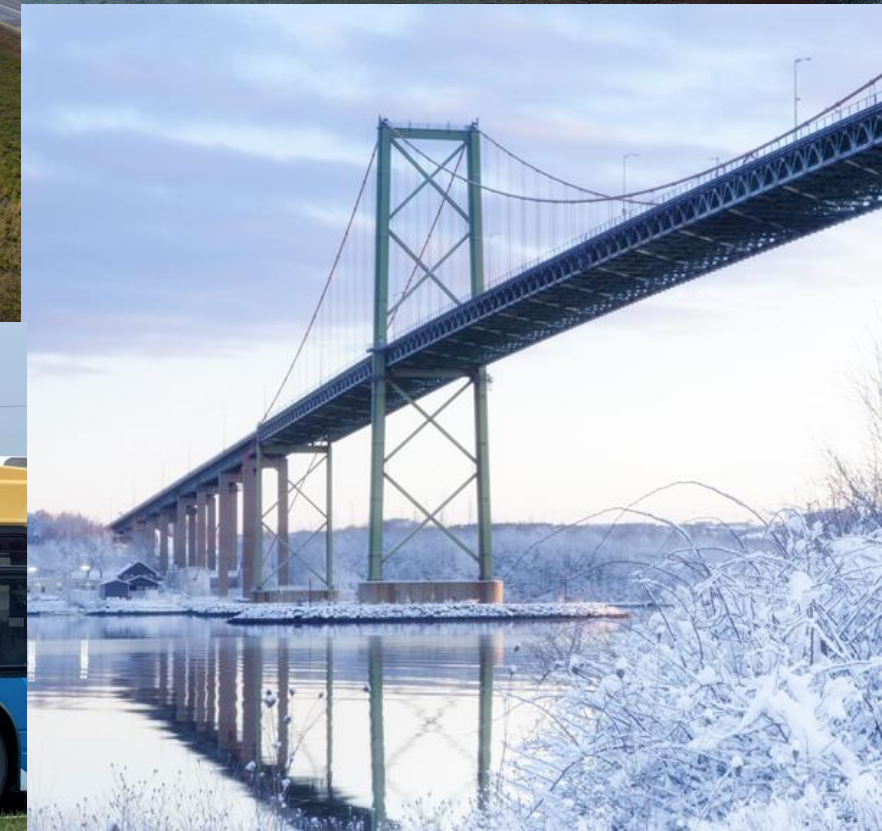
www.jrta.ca



Photo credit: Steve Farmer



Photo credit: HRM





WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: June 27, 2023

Subject: Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

Should Council wish to approve the development agreement following the Public Hearing, the following motion would be in order:

...that Council gives Second Reading and approves entering into a development agreement to permit a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor which is substantively the same as the draft set out in Appendix A of the report File #23-05B to Council dated June 27, 2023.

...that Council requires that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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An updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments on March 21, 2023. The application is to consider permitting a 4-storey mixed-use apartment building by development agreement.

DISCUSSION

A Public Information Meeting was held on April 13, 2023.

On May 8, 2023, staff received a request from the applicant to include the following in the draft development agreement: 'banks and financial institutions', 'retail stores', and 'indoor recreation uses' to the list of permitted commercial uses, extending the commercial hours of operation to 10:00 p.m., and increasing the maximum building height to 45 ft.

On May 11, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B).

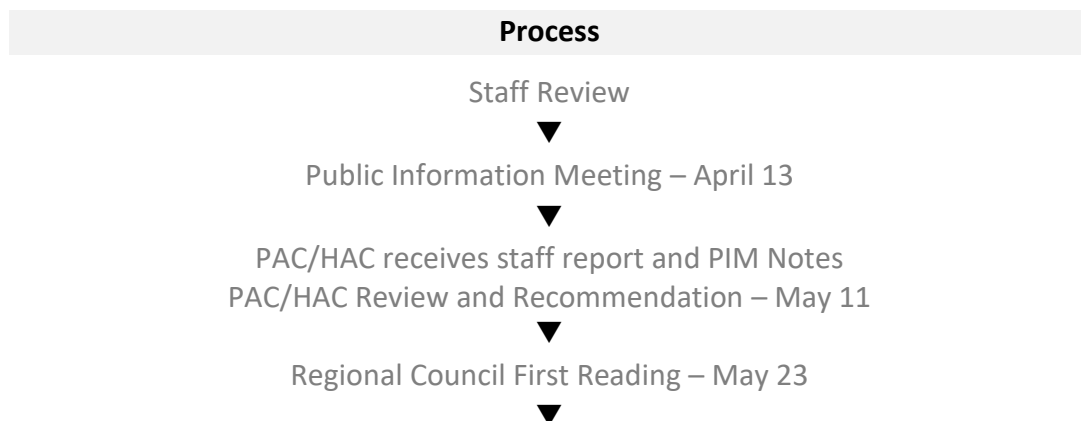
During the May 11 meeting, PAC/HAC recommended in favour of the application with the addition of all requested items from the applicant in the development agreement.

On May 23, 2023, staff presented the PAC/HAC recommendation to Council for First Reading. During the May 23 meeting, Council recommended in favour of the application.

On June 19, 2023, staff received a request from the applicant to increase the maximum building height from 45 ft. to 50 ft. The request is to allow more room between floors for ventilation and buffering, the proposal will still be limited to 4 total storeys. Staff have no major concerns with the increase of 5 ft. to the maximum building height and this is outlined in the revised draft development agreement in Appendix A.

NEXT STEPS

The process for this application is as follows.



Public Hearing & Second Reading – June 27



Notice of Approval in Local Paper



14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

- hold Second Reading and approve the development agreement as drafted or as specifically revised by direction of Council; or
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A	Revised Draft Development Agreement
Appendix B	2023-05-11 Staff Report – Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05

CHIEF ADMINISTRATIVE OFFICER REVIEW

The recommendation is in keeping with previous discussions and public feedback.

I support the recommendation.

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A – Revised Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

MAINLAND SOUTH INVESTMENTS INC. a body corporate, with a head office at 56 Jebel Lane, Herring Cove, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “First Co-owner”)

OF THE SECOND PART

3171692 NOVA SCOTIA LIMITED a body corporate, with a head office at Suite 411, 5 Ramsgate Lane, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Second Co-owner”)

OF THE THIRD PART

WHEREAS the Co-owners are the registered owners of parcel of land located on Cole Drive, PID 45411808, hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45411808 is designated Residential and is within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Multiple Unit Residential (R-3) on the Zoning Map of the Land Use By-law; and

WHEREAS the Co-owners have requested that the Municipality enter into a development agreement to permit up to 42 apartment units and up to 13,400 sq. ft. of commercial space within a four (4) storey apartment building on the Property (the “Development”); and

WHEREAS Policy 5.3.8 of the Municipal Planning Strategy and Section 6.1 (a) of the Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development greater than three storeys in the Three Mile Plains Growth Centre, and Policy 5.6.4 of the Municipal Planning Strategy and Section 6.1 (h) of the Land Use By-law enable Council to consider entering into a development agreement to allow new local commercial uses in Growth Centres outside of the Commercial designation; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2023, approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use Bylaw, except those defined as follows:

- (a) “Active Construction” means that the Co-owners have active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.

- (b) “Commencement” means the date the Co-owners begin Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit; and
- (c) “Commercial Floor Area” means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores.
- (d) “Co-owners” means the First Co-owner and the Second Co-owner, jointly and severally.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) Municipal Planning Strategy means the Municipal Planning Strategy of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (b) Land Use By-law means the Land Use By-law of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (c) Subdivision By-law means the Subdivision By-law of West Hants, approved on May 13, 2008, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Property shall be limited to the following:
 - (i) those uses permitted by the underlying zoning in the Land Use By-law;
 - (ii) a four (4) storey apartment building containing up to 42 apartment units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor for commercial uses which shall be limited to the following:
 - Arts, crafts, gifts and antique shops
 - Banks and financial institutions
 - Clubs
 - Convenience stores
 - Day care centres, licensed or non-licensed
 - Florists
 - Indoor recreational uses

- Offices
- Personal service shops
- Restaurants, excluding drive-through restaurants
- Retail stores

(iii) underbuilding, underground and surface parking for the uses within the building.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this Agreement.

2.2 Development Location and Design

- (a) The Development location and design shall be generally consistent with the site plan shown in Schedule B.
- (b) The Development Officer may approve in writing minor changes to the location of the building or other aspects of the Site Plan provided the side yards are not decreased.
- (c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 42 dwelling units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	35 ft. (10.67 m.)
Minimum Side Yard	15 ft. (4.57 m.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	4 storeys
Maximum Building Height	50 ft. (15.24 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (e) A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreation space as outlined in Section 2.6, *Recreational Space*, shall be required.
- (f) The Co-owners shall keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

- (a) The Co-owners shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.
- (b) The driveways shown on Schedule B shall be constructed a minimum of 100 ft. (30.48 m.) from a street intersection. The driveways shall be paved with a minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.

2.4 Parking

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 500 sq. ft. (46.45 sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.
- (c) Parking may be provided either underbuilding, underground or outside at grade.
- (d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Co-owners. They may be constructed using permeable construction materials to assist with stormwater retention.
- (e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.
- (f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.5 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Co-owners to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.6 Recreational Space

A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreational space shall be provided on the Property and may include:

- (a) individual balconies; and
- (b) common use landscaped areas.

2.7 Buffering

Outdoor parking, driveways, and parking aisles shall be screened from adjacent properties, except for the lot line abutting Cole Drive and the lot line abutting PID 45366432, through the use of:

- (a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 5 ft.; or
- (b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
- (c) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

2.8 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Co-owners shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Co-owners shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

- (i) The building shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

- (ii) The Co-owners shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Co-owners shall have sole responsibility for snow plowing within the Development.

2.9 Maintenance

- (a) The Co-owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Co-owners shall maintain the driveways to a level adequate to allow for access by emergency services vehicles.

2.10 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.11 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 10:00 p.m. daily, inclusive.

2.12 Variance

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this Agreement; and
- (ii) number of parking spaces required.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Co-owners shall not vary or change the number of units within the apartment building on the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

- 3.2** Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of this Agreement.
- 3.3** The following matters are substantive matters:
- (a) the number of units permitted within the apartment building on the Property as listed in Section 2.1, *Use*;
 - (b) the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, *Development Location and Design*;
 - (c) the fire safety requirements as listed in Section 2.5, *Fire Safety*;
 - (d) the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation*.
- 3.4** Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by Council without a public hearing.
- 3.5** Notice of Intent to Discharge this Agreement may be given by the Municipality to the Co-owners following a resolution of Council to give such Notice:
- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Co-owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
 - (c) at any time upon the written request of the Co-owners, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Co-owners may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Co-owners begins Active Construction on the

building within this Agreement as permitted by an issued development and building permit.

- (b) Active Construction shall commence not later than forty-eight (48) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Co-owners. Upon the written request of the Co-owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Co-owners are bona fide delayed from commencing the Development for reasons which are beyond the Co-owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Co-owners is excused for the period of the delay and the time period for the Co-owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Co-owners shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.
- (b) The Co-owners shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Co-owners from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Co-owners about the suitability of the Property for the Development proposed by this Agreement. The Co-owners assume all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Co-owners in writing. In the event that the Co-owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on

the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Co-owners shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Co-owners may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Co-owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Shawn Foote at 56 Jebel Lane, Herring Cove, NS, B3V 1T2, and Mark Hartlin at Suite 411, 5 Ramsgate Lane, Halifax, NS, B3P2S6, or at any other address provided in writing or email by the Co-owners. Service upon one co-owner shall be deemed to be service upon both.
- (b) The Co-owners may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided in writing or email by the Municipality to the Co-owners.

5.10 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Co-owners. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

) **MAINLAND SOUTH INVESTMENTS INC.**

)

Per: _____

) Shawn Foote, President

)

) **3171692 NOVA SCOTIA LIMITED**

)

Per: _____

) Mark Hartlin, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Shawn Foote**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Mark Hartlin**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2023
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Shawn Foote, Nova Scotia, make oath and say that:

1. I Shawn Foote of **MAINLAND SOUTH INVESTMENTS INC.** the "Corporation".
Except as otherwise stated I have personal knowledge of the matters to which I
have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the
Corporation on the date of this affidavit; this acknowledgment is made for the
purpose of registering such instrument pursuant to s.31(a) of the Registry Act,
R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may
be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the
corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not
entitle the owner of such share or interest in such share to occupy a dwelling
owned by the Corporation.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Shawn Foote, President

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mark Hartlin, Nova Scotia, make oath and say that:

6. I Mark Hartlin of **3171692 NOVA SCOTIA LIMITED** the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
7. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
8. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
9. The Corporation is a resident of Canada under the Income Tax Act (Canada).
10. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Mark Hartlin, President

Schedule A
Legal Description

PID 45411808

Registration County: HANTS COUNTY

Street/Place Name: COLE DRIVE /GARLANDS CROSSING

Title of Plan: PLAN OF S/D TO CREATE LOT 2 S/D OF OF LOT 2R LAND REGISTERED TO 3102673
NOVA SCOTIA LTD COLE DR & HWY NO 101 WINDSOR & GARLANDS CROSSING

Designation of Parcel on Plan: LOT 2

Registration Number of Plan: 122141428

Registration Date of Plan: 2023-03-08 11:29:32

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act
or registered under the Land Registration Act

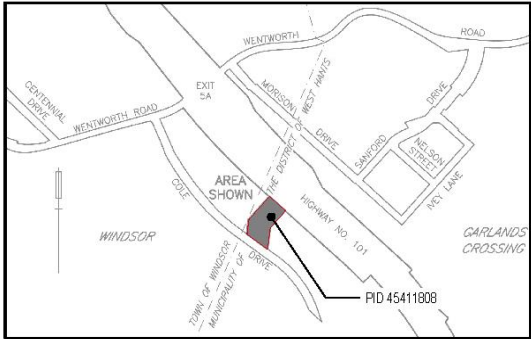
Registration District: HANTS COUNTY

Registration Year: 2023

Plan or Document Number: 122141428

Schedule B Site Plan

**brighter
community**
PLANNING & CONSULTING



KEYPLAN
NTS



ARCHITECTURAL SITE PLAN
1/64" = 1'-0"

APRIL 2023

**Appendix B – 2023-05-11 Staff Report –
Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: May 11, 2023

Subject: Development Agreement: PID 45411808, Cole Drive, Windsor; File # 23-05

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

Staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-05 to the Planning and Heritage Advisory Committee dated May 11, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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An updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments on March 21, 2023. The application is to consider permitting a 4-storey mixed-use apartment building by development agreement.

DISCUSSION

The subject lot is approximately 2 acres (8093.71 sq. m.) in size. It is designated Residential and included within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned Multiple Unit Residential (R-3) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

Surrounding Context

Properties to the south and west of the subject lot are designated Residential and are zoned Multiple Unit Residential (R-3) and Agriculture (AG). Properties to the north and east are designated Joint Industrial Park and zoned Light Industrial Type Three (LI-3). Lands to the south and west are currently being developed for residential uses. There is an office building which is currently under construction and directly abutting the subject lot. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot on the northeast lot line. The Residentially designated land located on the south side of Cole Drive are currently being developed for residential uses.

Municipal Planning Strategy Document Review

Policy 5.3.8 is one of the two enabling policies to be considered for this application. This policy provides Council with the ability to consider new multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement. In addition to the criteria outlined in this policy, Policy 5.3.8 requires the criteria from Policy 5.3.7 to be considered by Council in relation to the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed development has side yards that are at least one half the height of the main building;
- Cole Drive has been identified as a Collector Street on the Future Streets Map within the West Hants Subdivision By-law;

- the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the West Hants Land Use By-law; and
- the Development Officer, Municipal Project Engineer, Fire Chief, Manager of Building and Fire Inspection Services, and the Municipal Traffic Authority have no concerns.

Policy 5.6.4 is the second enabling policy to be considered for this application. This policy provides Council with the ability to consider new local commercial uses in Growth Centres outside the Commercial designation by development agreement. This policy also includes criteria which must be considered in relation to the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed development is of a similar size to surrounding buildings;
- the draft development agreement outlines the hours of operation for the commercial uses of the development as between 7:00 a.m. and 9:00 p.m. daily, inclusive; and
- the Development Officer and the Municipal Traffic Authority have no concerns.

Policy 16.3.1 establishes the general criteria that must be considered for all development agreements applications. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Municipal Traffic Authority have no concerns which have not been addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

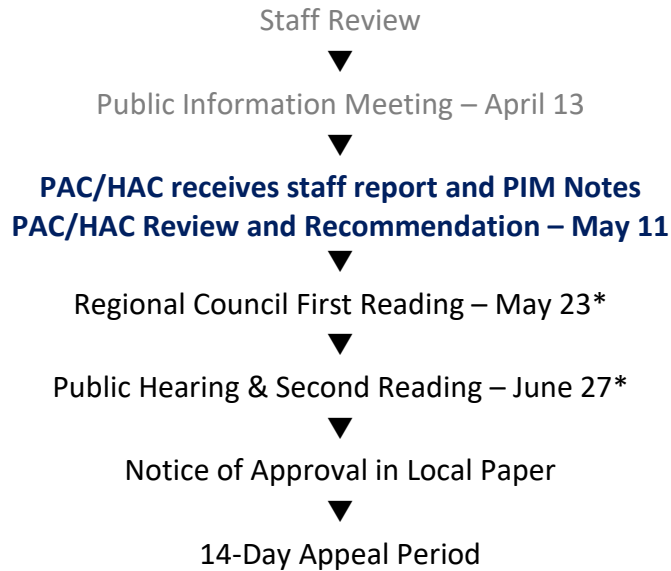
The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the subject lot, however the bottom of Cole Drive may experience flooding.

The Municipal Services Specifications Manual will require the developer to provide information to the Municipal Department of Public Works to ensure pre- and post-development flows are met. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

Discussion from PAC/HAC will be incorporated into the report and presentation to Council.

Process



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the development agreement as drafted or as specifically revised by direction of PAC/HAC; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

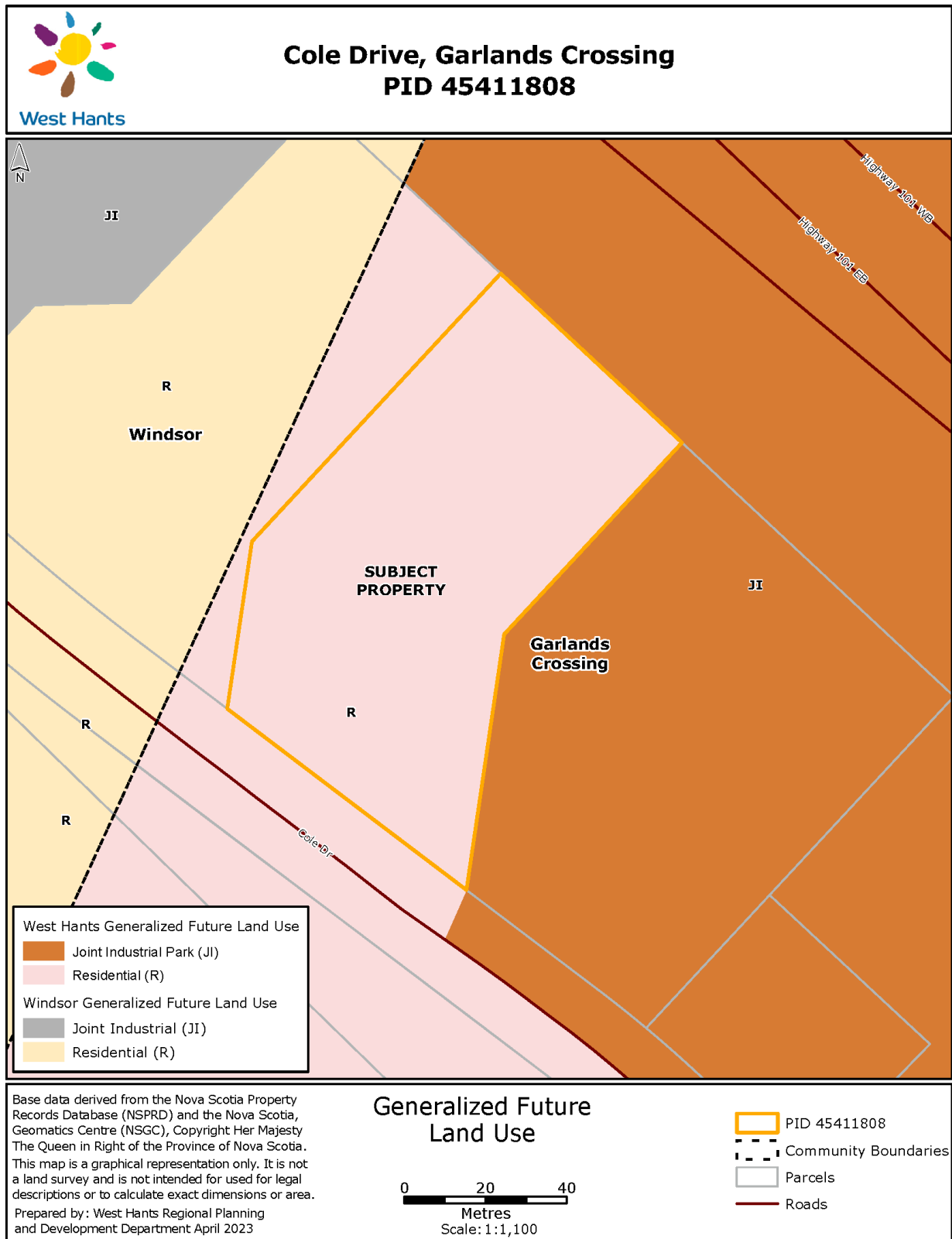
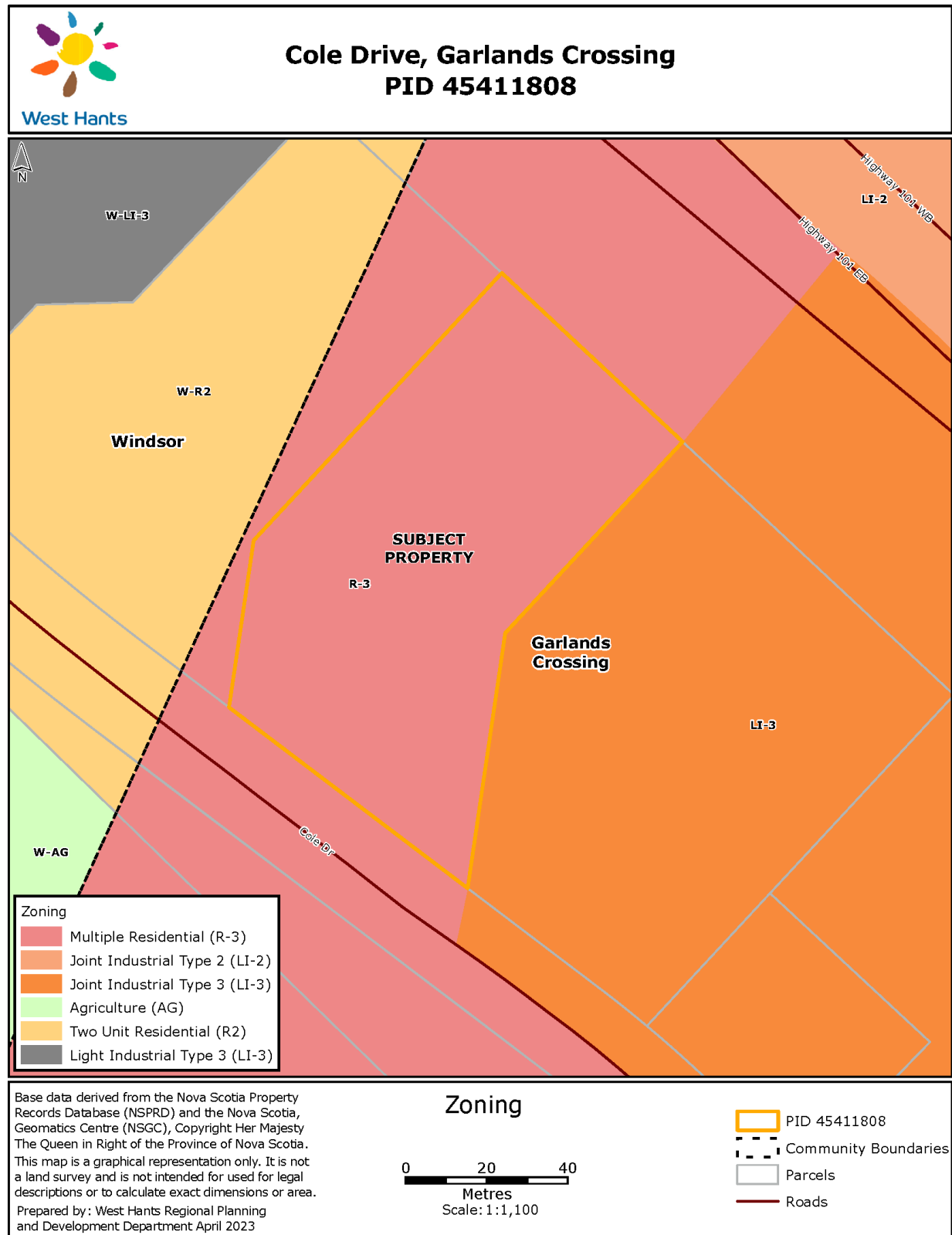


Figure 2 – West Hants Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

Policy 5.3.7

It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:

<i>(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;</i>	Cole Drive is shown as a local road on the Transportation Map of the West Hants Municipal Planning Strategy. Even though Cole Drive is within an area designated Joint Industrial Park and was constructed with a sidewalk on one side of the street, it is most likely classified as a local road due to it being a dead-end street with no current connections elsewhere. The Future Streets Map attached to the West Hants Subdivision By-law identifies Cole Drive as a collector street. Due to this classification and the Traffic Authority having no concerns, this criterion is considered met.
<i>(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i>	The Municipal Public Works Department stated that they have no concerns regarding the adequacy of municipal services for the proposed development.
<i>(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;</i>	The proposal is of a similar scale and design to the surrounding existing uses. There are no concerns regarding traffic generation or density.
<i>(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;</i>	Cole Drive is a public street owned by the Municipality. The Municipal Traffic Authority stated that they have no concerns and that the existing street is adequate to support the development.
<i>(e) adequate open space or recreational space is provided;</i>	The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the West Hants Land Use By-law.

	The Development Officer commented that they have no concern regarding the adequacy of on-site recreational space.
<i>(f) adequate on-site parking is provided;</i>	The Development Officer commented that the parking provided is considered adequate.
<i>(g) any other matter which may be addressed in a Land Use By law; and</i>	All relevant matters have been addressed in this report.
<i>(h) Policy 16.3.1.</i>	See below.
Policy 5.3.8 <i>It shall be the policy of Council to consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement subject to the following:</i>	
<i>(a) the side yards are at least one half the height of the building;</i>	The proposed building is 4 storeys and has side yards of at least 20 ft.
<i>(b) adequate landscaping, screening and buffering is provided to minimize the impact of building height on adjacent properties;</i>	The proposed development agreement outlines the buffering requirements for all parking and service areas of the development.
<i>(c) the specific requirements for multiple unit development set out in Policy 5.3.7;</i>	See above.
<i>(d) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(e) Policy 16.3.1.</i>	See below.

Policy 5.6.4 <i>It shall be the policy of Council to consider new local commercial uses in Growth Centres outside the Commercial designation by development agreement subject to the following provisions:</i>	
<i>(a) the adjacent residential area will not be adversely affected with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	The Traffic Authority stated that they have no concerns regarding traffic generation or safety.
<i>(ii) signage;</i>	Any signage will need to meet the

	requirements of the West Hants Land Use By-law.
<i>(iii) hours of operation;</i>	The draft development agreement outlines the hours of operation for the commercial uses of the development as between 7:00 a.m. and 9:00 p.m. daily, inclusive.
<i>(iv) size of building(s); and</i>	The proposal is of a similar size to the surrounding existing uses. There are no concerns regarding the proposal's building size.
<i>(v) pedestrian circulation and safety;</i>	The Traffic Authority stated that they have no concerns regarding pedestrian circulation or safety. There is a sidewalk on Cole Drive which leads to the subject lot and will connect to the proposed development through an abutting development which is also owned by the property owners of the subject lot.
<i>(b) adequate on-site parking is provided;</i>	The Development Officer has no concerns regarding the adequacy of the proposed on-site parking provided by the development.
<i>(c) adequate buffering or screening, setbacks and yards are provided;</i>	The Development Officer has no concerns regarding the buffering and required setbacks for the proposed development.
<i>(d) maintenance of the proposed use will be satisfactory;</i>	The draft development agreement outlines the requirements for maintenance.
<i>(e) any other matter which may be addressed by a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(f) Policy 16.3.1.</i>	See below.

Policy 16.3.1

In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

(a) whether the proposal is considered premature or inappropriate in terms of:

<i>(i) the adequacy of sewer and water services;</i>	The Public Works Department confirmed that the existing municipal services are adequate for the proposed development.
<i>(ii) the adequacy of school facilities;</i>	The Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager of Building and Fire Inspection Services has no issues with fire protection but did mention that the proposal has a steep driveway access for the fire department. The local Fire Chief has stated that there is adequate fire protection for the proposed use and had no concerns regarding the driveway access.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Traffic Authority has no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The subject lot has access to adequate municipal services.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has no concerns regarding movement suitability on the subject lot.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the subject lot is suitable for this proposal.

<i>(e) the pattern of development which the proposal might create;</i>	The proposal is in line with the pattern of development surrounding Cole Drive. There have been more applications to consider residential uses in this area lately. The Development Officer has no concerns regarding the pattern of development.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	The site appears to be at a higher elevation in comparison to buildings closer to Wentworth Road. There are no watercourses or wetlands located on the property. No concerns were recorded during the site visit.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

MAINLAND SOUTH INVESTMENTS INC. a body corporate, with a head office at 56 Jebel Lane, Herring Cove, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Co-owner”)

OF THE SECOND PART

3171692 NOVA SCOTIA LIMITED a body corporate, with a head office at Suite 411, 5 Ramsgate Lane, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Co-owner”)

OF THE THIRD PART

WHEREAS the Co-owners are the registered owners of parcel of land located on Cole Drive, PID 45411808, hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45411808 is designated Residential and is within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Multiple Unit Residential (R-3) on the Zoning Map of the Land Use By-law; and

WHEREAS the Co-owners have requested that the Municipality enter into a development agreement to permit up to 42 apartment units and up to 13,400 sq. ft. of commercial space within a four (4) storey apartment building on the Property (the “Development”); and

WHEREAS Policy 5.3.8 of the Municipal Planning Strategy and Section 6.1 (a) of the Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development greater than three storeys in the Three Mile Plains Growth Centre, and Policy 5.6.4 of the Municipal Planning Strategy and Section 6.1 (h) of the Land Use By-law enable Council to consider entering into a development agreement to allow new local commercial uses in Growth Centres outside of the Commercial designation; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2023, approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use Bylaw, except those defined as follows:

- (a) “Active Construction” means that the Owner has active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.

- (b) “Commencement” means the date the Owner begins Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit; and
- (c) “Commercial Floor Area” means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) Municipal Planning Strategy means the Municipal Planning Strategy of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (b) Land Use By-law means the Land Use By-law of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (c) Subdivision By-law means the Subdivision By-law of West Hants, approved on May 13, 2008, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Property shall be limited to the following:
 - (i) those uses permitted by the underlying zoning in the Land Use By-law;
 - (ii) a four (4) storey apartment building containing up to 42 apartment units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor for commercial uses which shall be limited to the following:
 - Arts, crafts, gifts and antique shops
 - Clubs
 - Convenience stores
 - Florists
 - Day care centres, licensed or non-licensed
 - Offices
 - Personal service shops
 - Restaurants, excluding drive-through restaurants

- (iii) underbuilding, underground and surface parking for the uses within the building.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this Agreement.

2.2 Development Location and Design

- (a) The Development location and design shall be generally consistent with the site plan shown in Schedule B.
- (b) The Development Officer may approve in writing minor changes to the location of the building or other aspects of the Site Plan provided the side yards are not decreased.
- (c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 42 dwelling units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	35 ft. (10.67 m.)
Minimum Side Yard	15 ft. (4.57 m.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	4 storeys
Maximum Building Height	40 ft. (12.19 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (e) A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreation space as outlined in Section 2.6, *Recreational Space*, shall be required.
- (f) The Co-owners shall keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

- (a) The Co-owners shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.
- (b) The driveways shown on Schedule B shall be constructed a minimum of 100 ft. (30.48 m.) from a street intersection. The driveways shall be paved with a

minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.

2.4 Parking

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 500 sq. ft. (46.45 sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.
- (c) Parking may be provided either underbuilding, underground or outside at grade.
- (d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Co-owners. They may be constructed using permeable construction materials to assist with stormwater retention.
- (e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.
- (f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.5 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Co-owners to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.6 Recreational Space

A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreational space shall be provided on the Property and may include:

- (a) individual balconies; and
- (b) common use landscaped areas.

2.7 Buffering

Outdoor parking, driveways, and parking aisles shall be screened from adjacent properties, except for the lot line abutting Cole Drive and the lot line abutting PID 45366432, through the use of:

- (a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 5 ft.; or
- (b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
- (c) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

2.8 Servicing

(a) Waste Collection

- (i) No Municipal garbage collection will be provided to the Development. The Co-owners shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Co-owners shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

- (i) The building shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.
- (ii) The Co-owners shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Co-owners shall have sole responsibility for snow plowing within the Development.

2.9 Maintenance

- (a) The Co-owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Co-owners shall maintain the driveways to a level adequate to allow for access by emergency services vehicles.

2.10 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.11 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 9:00 p.m. daily, inclusive.

2.12 Variance

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this Agreement; and
- (ii) number of parking spaces required.

PART 3 CHANGES AND DISCHARGE

- 3.1** The Co-owners shall not vary or change the number of units within the apartment building on the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.
- 3.2** Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of this Agreement.
- 3.3** The following matters are substantive matters:

- (a) the number of units permitted within the apartment building on the Property as listed in Section 2.1, *Use*;
- (b) the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, *Development Location and Design*;
- (c) the fire safety requirements as listed in Section 2.5, *Fire Safety*;
- (d) the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation*.

3.4 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by Council without a public hearing.

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Co-owners following a resolution of Council to give such Notice:

- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
- (b) at the discretion of the Municipality, with or without the concurrence of the Co-owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Co-owners, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Co-owners may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Co-owners begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.
- (b) Active Construction shall commence not later than forty-eight (48) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to

Discharge to the Co-owners. Upon the written request of the Co-owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.

- (c) If the Co-owners are bona fide delayed from commencing the Development for reasons which are beyond the Co-owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Co-owners is excused for the period of the delay and the time period for the Co-owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Co-owners shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Co-owners from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Co-owners about the suitability of the Property for the Development proposed by this Agreement. The Co-owners assume all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Co-owners in writing. In the event that the Co-owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Co-owners shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Co-owners may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Co-owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Shawn Foote at 56 Jebel Lane, Herring Cove, NS, B3V 1T2, and Mark Hartlin at Suite 411, 5 Ramsgate Lane, Halifax, NS, B3P2S6, or at any other address provided in writing or email by the Co-owners.
- (b) The Co-owners may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided in writing or email by the Municipality to the Co-owners.

5.10 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Co-owners. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

Per: _____

) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

) **MAINLAND SOUTH INVESTMENTS INC.**

)

Per: _____

) Shawn Foote, President

)

) **3171692 NOVA SCOTIA LIMITED**

)

Per: _____

) Mark Hartlin, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Shawn Foote**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Mark Hartlin**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2023
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Shawn Foote, Nova Scotia, make oath and say that:

1. I Shawn Foote of **MAINLAND SOUTH INVESTMENTS INC.** the "Corporation".
Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Shawn Foote, President

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mark Hartlin, Nova Scotia, make oath and say that:

6. I Mark Hartlin of **3171692 NOVA SCOTIA LIMITED** the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
7. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
8. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
9. The Corporation is a resident of Canada under the Income Tax Act (Canada).
10. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this _____, 2023
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Mark Hartlin, President

Schedule A
Legal Description

PID 45411808

Registration County: HANTS COUNTY

Street/Place Name: COLE DRIVE /GARLANDS CROSSING

Title of Plan: PLAN OF S/D TO CREATE LOT 2 S/D OF OF LOT 2R LAND REGISTERED TO 3102673
NOVA SCOTIA LTD COLE DR & HWY NO 101 WINDSOR & GARLANDS CROSSING

Designation of Parcel on Plan: LOT 2

Registration Number of Plan: 122141428

Registration Date of Plan: 2023-03-08 11:29:32

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act
or registered under the Land Registration Act

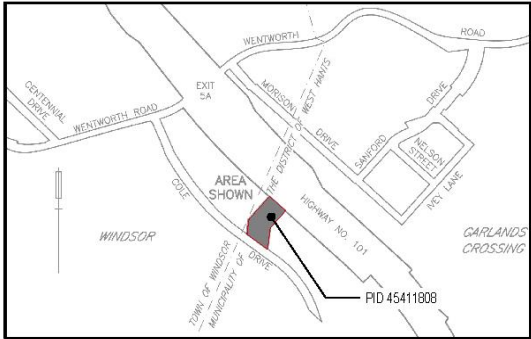
Registration District: HANTS COUNTY

Registration Year: 2023

Plan or Document Number: 122141428

Schedule B
Site Plan

brighter
community
PLANNING & CONSULTING



KEYPLAN
NTS



ARCHITECTURAL SITE PLAN
1/64" = 1'-0"

APRIL 2023

Attachment C – Public Information Meeting Notes

April 13 - April 28, 2023

Development Agreement: PID 45411808, Cole Drive ; File # 23-05

Meeting date and time	A Public Information Meeting was held on April 13, 2023 beginning at 6:55 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	23-05
Attending	In attendance: One (1) Councillor: • Councillor Murley Three (3) members of staff: • Director Poirier • Planner Dunphy • Planning Assistant Lake Applicant: • Darren Shupe, Brighter Community Planning (Applicant's Planner) • Shawn Foote (Applicant) PAC/HAC Members: • Jennifer Nicholls (Chair) • Jane Davis • Stefan Palios • Greg Pace • Tasha Rogers • Lisa Bland 26 members of the public were present for this meeting.
Applicant Darren Shupe on behalf of Shawn Foote Property Cole Drive (PID 45411808)	Planner Dunphy outlined the application to allow a proposed mixed-use 4 storey apartment building by development agreement. Darren Shupe provided a presentation on behalf of the applicant.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between April 13 – April 28, 2022. No comments were received from the public. 1 member of the public spoke during the Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text. • Shirley Pineo asked how residential development was happening.

	Shawn Foote responded that a rezoning process was initiated previously. Shirley then asked if Council had looked into policing, municipal servicing, and doctor capacity for more development. • Laura Mosher asked what the criteria for the policies being considered are. Alex Dunphy responded that the criteria are generally not discussed at Public Information Meetings in depth and that they are addressed in the recommendation report to PAC/HAC.
Adjournment	The presentation portion of the PIM ended at approximately 7:18 p.m.

WEST HANTS REGIONAL MUNICIPALITY
2022-23 CAPITAL PROJECT REPORT
March 31, 2023

						Funding Source										
Notes	GENERAL/RECREATION/COURTHOUSE	APPROVED CAPITAL BUDGET	APPROVED FUNDING SOURCE (\$)	APPROVED FUNDING SOURCE	STATUS	Approved Tender Amount (If applicable)	Actual March 31, 2023	Operating	Operating Reserve	Capital Reserve	Sewer Capital Reserve	Water Capital Reserve	Consolidation	CCBF	LTD	Grants/ Other
	Website Redevelopment - Branding	\$ 37,000	\$ 37,000	Operating Reserve												
	Core Switches - Main Core Stack	\$ 23,253	\$ 23,253	Operating Reserve	NA		\$ 18,897		\$ 18,897							
	Server Replacement - Seneca Xprotec (2022)	\$ 5,100	\$ 5,100	Operating Reserve												
	Old Parish Cemetery - SE Wall Restoration (2022)	\$ 637,991	\$ 637,991	CCBF												
	Recreation Property - Active Transportation & Community Trail Opportunities (2022)	\$ 250,000	\$ 150,000	RBC/MFC/Loan	NA		\$ 145,933								\$ 145,933	
			\$ 100,000	CCBF	NA											
	Hobarts Beach Recreation Site - Boat Launch (2022)	\$ 100,000	\$ 100,000	CCBF	NA		\$ 63,742							\$ 63,742		
1.	Plans & Strategies - Community Beautification Plan (2022)	\$ 65,000	\$ 65,000	Operating Reserve												
	P&G Truck - 1/2 Ton Truck (2022)	\$ 55,000	\$ 55,000	Capital Reserve	S	60,150	\$ 60,185			\$ 60,185						
	Hants Aquatic Centre - Underground Pipe Repairs (2022)	\$ 42,000	\$ 42,000	Operating Reserve	NA		\$ 36,306		\$ 36,306							
	Community Beautification Products - Waste Stations & Seasonal Community Decorations (2022)	\$ 115,000	\$ 115,000	Operating Reserve	NA		\$ 36,738	\$ 36,738								
	Windsor Skatepark - Ramp Extension & Feature (2022)	\$ 37,000	\$ 37,000	CCBF												
	Victoria Park - Gazebo Repair (2022)	\$ 35,000	\$ 35,000	Operating Reserve	NA		\$ 44,079		\$ 35,000							
	Windsor Waterside Park - Gazebo (2022)	\$ 35,000	\$ 35,000	CCBF	NA		\$ 22,479						\$ 22,479			\$ 9,079
	P&G Small Equipment - Dump Trailer & Plow Gear (2022)	\$ 20,000	\$ 20,000	General Ops/Capital Reserve	NA		\$ 20,764	\$ 20,764								
	Elmcroft Park - Correct Drainage Issues (2022)	\$ 15,000	\$ 15,000	Operating Reserve												
	Equipment Loan Program - Mobile Storage Trailer (2022)	\$ 15,000	\$ 15,000	Operating Reserve	NA		\$ 15,591	\$ 15,591								
	P&G Truck - 2019 Previous Approved	\$ 9,189	\$ 9,189	General Operations	NA		\$ 9,179	\$ 9,179								
	Windsor Community Centre - Automatic Door System - Wheelchair Ramp (2022)	\$ 10,000	\$ 10,000	CCBF	NA		\$ 6,082						\$ 6,082			
	Maplewood Cemetery - Equipment Storage (2022)	\$ 9,000	\$ 9,000	Operating Reserve	NA		\$ 1,901		\$ 1,901							
	Glooscap First Nations Community Led Tribute Project	\$ 30,000	\$ 30,000	Operating Reserve												
	Replacement of Hantsport Historical Society Museum Mural	\$ 10,000	\$ 10,000	Operating Reserve												
2.	Rubberized Track (Carry forward, approved in 2021-22)	\$ 129,159	\$ 129,159	CCBF/Grant	S	263,448	\$ 105,949							\$ 105,949		
3.	Sports Complex Upgrades	\$ 130,000	\$ 130,000	Carryover Reserve/CCBF	NA		\$ 102,685	\$ 42,046						\$ 60,639		
	MCCAP - Electric Vehicle Charging Stations	\$ 48,000	\$ 48,000	Operating Reserve/Grants	NA		\$ 50,875		\$ 50,875							
	Small Scale Solar Project	\$ 20,000	\$ 20,000	CCBF												
4.	Asset Management Annual Fee	\$ -	\$ -		S	171,657	\$ 96,897						\$ 96,897			
5.	Coachouse Roof Replacement	\$ -	\$ -		S	37,362	\$ 34,667							\$ 34,667		
	TOTAL	\$ 1,882,692	\$ 1,882,692		S	532,618	\$ 872,949	\$ 124,318	\$ 142,979	\$ 60,185	\$ -	\$ -	\$ 96,897	\$ 293,558	\$ 145,933	\$ 9,079

						Funding Source										
Notes	FIRE SERVICES	APPROVED CAPITAL SPEND	APPROVED CAPITAL SPEND	APPROVED FUNDING SOURCE	STATUS	Approved Tender Amount (If applicable)	Actual March 31, 2023	Operating	Operating Reserve	Capital Reserve	Sewer Capital Reserve	Water Capital Reserve	Consolidation	CCBF	LTD	Grants/ Other
	MFS - Hose Tester	\$ 7,926	\$ 7,926	Fire Equip Reserve												
	MFS - BFD 1 & 2 Radios (4 Radios)	\$ 20,858	\$ 20,858	RBC/MFC/Loan	NA		\$ 12,207								\$ 12,207	
	HFD - 100' Quint Replace Engine 11 (Preapproved 2022-23)	\$ 1,716,750	\$ 1,716,750	RBC/MFC/Loan	S	1,716,750										
	HFD - SCBA Replacement	\$ 25,000	\$ 25,000	RBC/MFC/Loan	NA		\$ 21,050								\$ 21,050	
6.	HFD New Fire Station - (Previously Approved 2021)	\$ 3,888,974	\$ 3,888,974	CCBF/Loan	S	3,604,937	\$ 1,500,956						\$ 1,000,000		\$ 500,956	
7.	BFD 1 - Extinction Tools, Batteries, & Chargers	\$ 52,314	\$ 52,314	RBC/MFC/Loan	S	64,804	\$ 64,802								\$ 64,802	
8.	BFD 1 - Civic Centre Roof	\$ 500,000	\$ 500,000	Capital Reserve/Loan	S	553,160	\$ 1,043								\$ 1,043	
	BFD 2 - Building Generator - (Previously Approved 2020)	\$ 76,000	\$ 76,000	RBC/MFC/Loan	S	100,324										
9.	BFD 2 - Equipment/Tools for New Truck #1	\$ 75,000	\$ 75,000	Operating/Capital Reserves	S	78,003	\$ 78,000			\$ 78,000						
	BFD 2 - Boiler Replacement	\$ 20,000	\$ 20,000	RBC/MFC/Loan	NA		\$ 16,050								\$ 16,050	
	SFD - Reside Main Station - (Previously Approved 2021)	\$ 30,000	\$ 30,000	RBC/MFC/Loan												
	SFD - Pave Truck Bay Entrance - (Previously Approved 2021)	\$ 25,000	\$ 25,000	RBC/MFC/Loan												
10.	WFD - Thermal Imaging Cameras (x2)	\$ 22,300	\$ 22,300	Fire Equip Reserve	S	28,316	\$ 23,836			\$ 23,836						
11.	WFD - Rescue 4 - Preapproval Truck for 2023-2024, Equipment 2022	\$ 60,000	\$ 60,000	Capital Reserve/Loan	S	66,725	\$ 66,725			\$ 19,810					\$ 46,915	
11.	WFD - Electric Jaws Cutter	\$ 19,810	\$ 19,810	Fire Equip Reserve												
	TOTAL	\$ 6,539,932	\$ 6,539,932		S	6,213,020	\$ 1,784,669	\$ -	\$ -	\$ 121,645	\$ -	\$ -	\$ -	\$ 1,000,000	\$ 663,023	\$ -

						Funding Source										
Notes	SEWER SYSTEM	APPROVED CAPITAL SPEND	APPROVED CAPITAL SPEND	APPROVED FUNDING SOURCE	STATUS	Approved Tender Amount (If applicable)	Actual March 31, 2023	Operating	Operating Reserve	Capital Reserve	Sewer Capital Reserve	Water Capital Reserve	Consolidation	CCBF	LTD	Grants/ Other
	West Hants Sewer															
	Hantsport Sewer Renewal Projects 2022 - Bog Road (Preapproved)	\$ 42,241	\$ 42,241	Capital Reserve												
12.	Hantsport Sewer Renewal Projects 2022 - Riverview Road	\$ -	\$ -		S	48,147	\$ 20,906				\$ 20,906					
	L/S Submersible Pump	\$ 40,000	\$ 40,000													
	L/S Chambers/Piping	\$ 35,000	\$ 35,000													
	L/S Access Doors	\$ 5,000	\$ 5,000	Capital Reserve	NA		\$ 108,111				\$ 108,111					
	L/S Panel/SCADA	\$ 30,000	\$ 30,000													
	Cutter Stacks for Grinder	\$ 5,000	\$ 5,000	Capital Reserve												
	Replacement Crane for Service Truck	\$ 5,000	\$ 5,000	Capital Reserve												
	FSTP Heater for Headworks Building	\$ 6,000	\$ 6,000	Capital Reserve												
	Total West Hants Sewer	\$ 168,241	\$ 168,241		S	48,147	\$ 129,017	\$ -	\$ -	\$ -	\$ 129,017	\$ -	\$ -	\$ -	\$ -	\$ -
	Windsor Sewer															
	Windsor Sewer Renewal Projects 2022 - Albert Street	\$ 319,500	\$ 319,500	Capital Reserve/Loan												
13.	Pump on Trailer	\$ -	\$ -		NA		\$ 130,395				\$ 130,395					
	L/S Submersible Pump	\$ 40,000	\$ 40,000													
	L/S Chambers/Piping	\$ 35,000	\$ 35,000													
	L/S Access Doors	\$ 5,000	\$ 5,000	Capital Reserve	NA		\$ 20,575				\$ 20,575					
	L/S Panel/SCADA	\$ 30,000	\$ 30,000													
	L/S #1 New Rotating Assembly	\$ 8,000	\$ 8,000													
	Lagoon Drive - Study - Headworks Connection	\$ 60,000	\$ 60,000	Capital Reserve	NA		\$ 2,172				\$ 2,172					
	WSTP Spare Equipment	\$ 15,000	\$ 15,000	Capital Reserve	NA		\$ 1,695			\$ 1,695						
	Replacement of Crane for Service Truck	\$ 5,000	\$ 5,000	Capital Reserve												
14.	Flood Study	\$ -	\$ -		S	82,963	\$ 65,639	\$ 65,639								
	Total Windsor Sewer	\$ 517,500	\$ 517,500		S	82,963	\$ 220,476	\$ 65,639	\$ -	\$ 1,695	\$ 153,142	\$ -	\$ -	\$ -	\$ -	\$ -

							Funding Source										
		APPROVED CAPITAL SPEND	APPROVED CAPITAL SPEND	APPROVED FUNDING SOURCE	STATUS	Approved Tender Amount (if applicable)	Actual March 31, 2023	Operating	Operating Reserve	Capital Reserve	Sewer Capital Reserve	Water Capital Reserve	Consolidation	CCBF	LTD	Grants/ Other	
15.	West Hants Water																
	Hantsport Water Renewal Projects 2022 - Bog Road (Preapproved)																
		\$	49,571	\$	49,571	Capital Reserve											
		\$	605,000	\$	605,000	CCBF	\$ 587,335	\$ 415,854						\$	418,854		
		\$	200,000	\$	200,000	CCBF	NA	\$ 52,637				\$ 52,637					
		\$	155,000	\$	155,000	Capital Reserve											
		\$	40,000	\$	40,000	Capital Reserve	NA	\$ 10,941				\$ 10,941					
		\$	40,000	\$	40,000	Capital Reserve											
		\$	17,500	\$	17,500	Capital Reserve											
		\$	32,000	\$	32,000	Capital Reserve											
		\$	30,000	\$	30,000	Users	NA	\$ 11,212									\$ 11,212
		\$	30,000	\$	30,000	Capital Reserve	NA	\$ 24,515				\$ 24,515					
		\$	25,000	\$	25,000	Capital Reserve	NA	\$ 49,508				\$ 49,508					
		\$	20,000	\$	20,000	Capital Reserve	NA	\$ 18,609				\$ 18,609					
		\$	15,000	\$	15,000	Capital Reserve											
		\$	15,000	\$	15,000	Capital Reserve											
		\$	10,000	\$	10,000	Capital Reserve											
		\$	10,000	\$	10,000	Capital Reserve											
		\$	8,000	\$	8,000	Capital Reserve	NA	\$ 7,175				\$ 7,175					
		\$	5,000	\$	5,000	Capital Reserve	NA	\$ 9,590					\$ 9,590				
	\$	5,000	\$	5,000	Capital Reserve												
16.	50% Transit Van	\$	22,500	\$	22,500	RBC/MFC/Loan	\$ 18,136	\$ 18,136							\$ 18,136		
17.	Holdback from Former WH Project	\$		\$	-	NA	\$ 43,756					\$ 43,756					
	Total West Hants Water	\$	1,334,571	\$	1,334,571		\$ 605,471	\$ 661,933	\$ -	\$ -	\$ -	\$ 163,385	\$ 53,346	\$ -	\$ 418,854	\$ 18,136	\$ 11,212
Windsor Water																	
18.	Wentworth Road - Watermain Replacement	\$	85,125	\$	85,125	Capital Reserve	NA	\$ 35,294				\$ 35,294					
	Water Storage Tank Facility	\$	3,200,000	\$	3,200,000	RBC/MFC/Loan		\$ 195,583						\$	195,583		
	Sluice Gate-Water Control Structure & Dam Upgrades and Road Construction	\$	1,538,806	\$	1,538,806	RBC/MFC/Loan	\$ 495,342	\$ 70,567							\$	70,567	
	Electronic Meter Reading System (Itron)	\$	150,000	\$	150,000	Capital Reserve/Loan											
	Actuator Replacement Program	\$	80,000	\$	80,000	Capital Reserve	NA	\$ 72,380				\$ 72,380					
	Lime Building Upgrades	\$	50,000	\$	50,000	Capital Reserve	NA	\$ 49,454				\$ 49,454					
	Treatment Plant Gate & Security	\$	17,500	\$	17,500	Capital Reserve	NA	\$ 17,516				\$ 17,516					
	Automatic Flushing Station Upgrades	\$	16,000	\$	16,000	Capital Reserve	NA	\$ 14,350				\$ 14,350					
	Replace Geotubes	\$	15,000	\$	15,000	Capital Reserve	NA	\$ 11,742				\$ 11,742					
	System Assessment Report	\$	15,000	\$	15,000	Capital Reserve											
	Containerized Workshop at Lagoons	\$	15,000	\$	15,000	Capital Reserve	NA	\$ 14,784				\$ 14,784					
	Meter Replacement	\$	10,800	\$	10,800	Users	NA	\$ 17,922								\$ 17,922	
	Filter Repair	\$		\$		NA	\$ 102,174				\$ 102,174						
	16.	50% Transit Van	\$	22,500	\$	22,500	RBC/MFC/Loan	\$ 18,136	\$ 18,136				\$ 102,174				\$ 18,136
		Total Windsor Water	\$	5,215,731	\$	5,215,731		\$ 513,478	\$ 619,901	\$ -	\$ -	\$ -	\$ 317,693	\$ -	\$ -	\$ 284,286	\$ 17,922
Funding Source																	
		APPROVED CAPITAL SPEND	APPROVED CAPITAL SPEND	APPROVED FUNDING SOURCE	STATUS	Approved Tender Amount (if applicable)	Actual March 31, 2023	Operating	Operating Reserve	Capital Reserve	Sewer Capital Reserve	Water Capital Reserve	Consolidation	CCBF	LTD	Grants/ Other	
20.	PUBLIC WORKS																
	Roads																
	General Roads Rehabilitation - Active Sealing Program	\$	50,000	\$	50,000	Capital Reserve		\$ 46,292			\$ 46,292						
	Hantsport Road Renewal Projects 2022 - Bog Road (Preapproved)	\$	143,396	\$	143,396	Capital Reserve											
21.	Windsor Road Renewal Projects 2022 - Albert Street	\$	662,125	\$	662,125	Capital Reserve/Loan/CCBF	\$ 1,275,996	\$ 15,550		\$ 15,550							
22.	Windsor Road Renewal Projects - Avon Street	\$	-	\$	-		\$ 51,147	\$ 29,703									
	Windsor Road Renewal Projects - College Road	\$	-	\$	-		\$ 65,089	\$ 35,325									
	Windsor Road Renewal Projects - Payzant @ Wentworth Roundabout	\$	-	\$	-	NA	\$ 20,064	\$ 20,064									
23.	Windsor Stormwater Cunnabel Creek Project	\$	200,000	\$	200,000	RBC/MFC/Loan											
	Avondale Boat Launch & Dyke Repair	\$	390,000	\$	390,000	CCBF	\$ 416,481										
	Crosswalk Rapid Flashing Signals	\$	24,000	\$	24,000	CCBF	NA	\$ 20,014						\$ 20,014			
	Traffic Radar Signs	\$	10,000	\$	10,000	Capital Reserve	NA	\$ 8,443			\$ 8,443						
	Equipment																
24.	Replace 2006 Sidewalk Machine with Flail Mower	\$	280,000	\$	280,000	RBC/MFC/Loan	\$ 237,187	\$ 232,656							\$ 232,656		
	Vehicle Lift	\$	50,000	\$	50,000	Operating/Capital Reserves	\$ 62,596	\$ 58,766	\$ 29,383	\$ 29,383							
25.	Facility																
	Hantsport PW Garage Upgrades	\$	20,000	\$	20,000	Transition/Reserve											
	Vehicles																
	PW Service Truck - (Previously Approved 2019)	\$	7,600	\$	7,600	General Operations	NA	\$ 7,600	\$ 7,600								
	Sidewalk Plow - (Previously Approved 2019)	\$	8,853	\$	8,853	General Operations	NA	\$ 8,853	\$ 8,853								
	Truck 51 - New Dump Body	\$	50,000	\$	50,000	Capital Reserve	\$ 56,835	\$ 51,666			\$ 51,666						
	TOTAL	\$	1,895,974	\$	1,895,974		\$ 2,165,332	\$ 534,932	\$ 16,453	\$ 29,383	\$ 236,427	\$ -	\$ -	\$ -	\$ 20,014	\$ 232,656	\$ -
	TOTAL 2022-23 COST	\$	17,554,640	\$	17,554,640		\$ 10,161,027	\$ 4,823,877	\$ 206,411	\$ 172,363	\$ 419,952	\$ 445,543	\$ 371,039	\$ 96,897	\$ 1,732,426	\$ 1,344,035	\$ 38,212

COLOUR LEGEND	
	Completed
	In Progress
	Carry Forward to 2023-24
	Canceled

Notes:

1. Council approved over-budget tender of \$60,150.30 on June 28, 2022 to Pothier Motors Ltd for the 1/2 ton truck.
2. Rubberized Track was approved by Council in the 2021-22 budget year with only a portion of the expense being paid in that year.
3. Sports Complex Upgrades include a carryover amount from the 2021-22 budget year. Additionally, Council approved \$20,000 more for upgrades to come from CCBF on June 28, 2022
4. Asset Management was approved by Council in the 2021-22 budget year, with only a portion of the expense being paid in that year.
5. Windsor Coachhouse Roof required emergency repairs during the winter of 2022-23, alternative procurement was used and Council approved the tender in the amount of \$37,361.83 on October 25, 2022 to be split between the former TOW CCBF and Regional CCBF.
6. Hantsport Fire Station was approved and tendered in a previous year, and the budget for 2022-23 showed the entire project cost, though a large portion of the work was already completed.
7. Council approved the over-budget tender of \$64,804.4 on October 25, 2022 to Safety Source Fire for the Extrication Tools.
8. Council approved the over-budget tender of \$553,160.10 on March 28, 2023 to Acadia Roofing & Contracting Limited for the Civic Centre Roof at Brooklyn Station 1.
9. Council approved the over-budget amount of \$78,002.85 on March 22, 2022 for Brooklyn Fire to purchase equipment to outfit their new pumper/tanker.
10. Council approved the over-budget tender of \$28,315.78 on November 22, 2022 to Cumming's Fire & Safety Equipment Ltd for two thermal imaging cameras for Windsor Fire.
11. Windsor Fire combined these two items in their tender, which Council approved at \$66,725
12. Riverview Road was budgeted for in 2021-22, with Council approving the design tender on December 16, 2021 for \$48,146.52 to EXP.
13. Unbudgeted pump for the Stanus Street Flooding Issues, alternative procurement was used.
14. Flood Study was approved in the 2021-22 budget year, with a \$82,962.70 tender approved by Council November 22, 2021 for CBCL to do the study, with \$43,854 of that to come from CCBF.
15. TMP Booster Station tender approved on December 7, 2021 included an additional \$48,494.85 for a backup generator. All to be funded through CCBF.
16. Truck replacement was budgeted within the Public Works section of the 2022-23 budget, but a tranist van was purchased for \$36,272.68 and split between the two water utilities.
17. This holdback was carried over from the former Municipality of West Hants and was unbudgeted. Paid to GK Morse for their work on TMP Water Upgrades in 2018.
18. Council approved the under-budget tender of \$495,342.10 on March 28, 2023 to Howard E. Little Excavation for the Mill Lakes Watershed Road Renewal portion of this project.
19. Unbudgeted repairs required at the Windsor Water Treatment Plant as the main filter went down during the year. Alternative procurement was used.
20. Council approved the over-budget tender of \$1,275,996.49 on March 28, 2023 to Gary Parker Excavating Limited for the Albert Street Rehab project.
21. Council approved the un-budgeted tender of \$51,146.94 on November 22, 2021 to Design Point for the design of the Avon Street, Windsor Rehab project.
22. Council approved the un-budgeted tender of 65,089.47 on November 22, 2021 to EXP for the design of the College Road Rehab project.
23. Council approved the over-budget tenderof \$416,481.07 on September 22, 2022 to Dexter Construction Company Limited for the Avondale Boat Launch.
24. Council approved the over-budget tender of \$62,596 on September 22, 2022 to Hunter Engineering Company for the Four Post Vehicle Lift.
25. Council approved the over-budget tender of \$56,834.89 on June 28, 2022 to XL Truck & Equipment Services for the Replacement of the Salt/Dump Body on Truck #51.

WEST HANTS REGIONAL MUNICIPALITY
Sports Complex Fundraising/Donation Update
March 31, 2023

Original Fundraising Goal	\$2,000,000
Fundraised by Municipality of West Hants	\$ 64,884
Fundraised Since Consolidation	\$ 5,763
Sponsorship to March 31, 2023	\$ 25,215
Adversiting to March 31, 2023	\$ 47,500
Remaining to Reach Fundraising Goal	\$ 1,856,638



Committee of the Whole Excerpts
June 13, 2023

2023 J-CLASS ROAD AGREEMENT EXCERPT

The current three-year agreement for the paving of subdivision streets expires March 31, 2024. The document covers the terms of the agreement but does not list any specific subdivision roads that are to be paved.

For each of the one year + three years covered by the agreement, the Municipality will be asked to submit a prioritized list of roads for the next fiscal year.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE AND DIRECT THE MAYOR AND THE CLERK TO SIGN THE COST SHARE AGREEMENTS NO. 2023-022 AND 2023-023" RESOLUTION, AS PRESENTED AT THE JUNE 13TH COMMITTEE OF THE WHOLE MEETING.



WEST HANTS REGIONAL MUNICIPALITY REPORT

J-Class Road Agreement

Date: June 13, 2023

Meeting: Committee of the Whole

Meeting Subject Matter: J-Class Road Agreement

Outline/Summary (Matter): ONE YEAR (2023/24) + THREE YEAR (2024-2027) COST SHARE AGREEMENTS FOR SUBDIVISION STREETS

The current three-year agreement for the paving of subdivision streets expires March 31, 2024. The document covers the terms of the agreement but does not list any specific subdivision roads that are to be paved.

For each of the one year + three years covered by the agreement, the Municipality will be asked to submit a prioritized list of roads for the next fiscal year.

REQUEST THAT COUNCIL APPROVE AND DIRECT THE MAYOR AND THE CLERK TO SIGN THE COST SHARE AGREEMENTS NO. 2023-022 AND 2023-023" RESOLUTION, AS PRESENTED AT THE JUNE 13TH COMMITTEE OF THE WHOLE MEETING.



Department of Public Works
Highway Engineering and
Construction – Capital Programs

Johnston Building, 4th Floor
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

Bus: 902-424-0897
Fax: 902-424-0571
E-mail:
laura.cunningham@novascotia.ca

Mr. Mark Phillips
Chief Administrative Officer
West Hants Regional Municipality
76 Morrison Drive PO Box 3000
Windsor, NS B0N 2T0

Dear Mr. Phillips:

RE: THREE YEAR COST SHARE AGREEMENT FOR SUBDIVISION STREETS

The current three-year agreement for the paving of subdivision streets expires March 31, 2024. Attached is an electronic copy of the new three-year agreement to be entered into with the Minister of Public Works to continue this program.

The document will cover the terms of the agreement but will not list any specific subdivision roads that are to be paved.

For each of the three years covered by the agreement, the Municipality will be asked to submit a prioritized list of roads for the next fiscal year.

The Minister will return a letter advising of the approved roads for that fiscal year. Once the Municipality agrees to the approved list, it will become part of the agreement.

Please complete and affix the Municipal Seal on the Resolution of Council authorizing the Mayor and a designate to sign the agreement, then have the Mayor and the designate sign the agreement, have witnessed, and affix the Municipal Seal. **Please return all documents to me electronically on or before July 31, 2023.**

The Department requests that the Municipality return the attached agreement, whether you currently intend to submit subdivision roads for the program. Signing the outline agreement in no way commits the Municipality to the cost-sharing of the paving of any subdivision roads unless an approved list is accepted in any fiscal year of the agreement. However, not having a signed agreement on file will prevent the Municipality from requesting any subdivision paving under this program for the next three fiscal years.

Yours truly,

Laura Cunningham

Laura Cunningham
Capital Program Administration Officer



Public Works

COST SHARING AGREEMENT NO. 2023-022

THIS COST SHARING AGREEMENT ON THE PAVING OF SUBDIVISION (J-CLASS) STREETS (this “Agreement”) is effective as of the _____ day of _____, 2023 (the “Effective Date”).

BETWEEN:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF NOVA SCOTIA, as represented by the Minister of Public Works (the “Province”)

-and-

WEST HANTS REGIONAL MUNICIPALITY, a municipal corporation incorporated pursuant to the *Municipal Government Act.*, S.N.S. 1998, c. 18 (the “Municipality”)

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BACKGROUND:

1. Section 308 of the *Municipal Government Act*, S.N.S. 1998, c. 18 (the “**Act**”), provides that all streets in a municipality are vested absolutely in the municipality. Section 307 of the Act provides that this does not include streets that are vested in His Majesty in Right of the Province.
2. The parties agree that it is in the best interests of the public to cooperate with each other on the construction, improvement, alteration, repair, cleaning and clearing of Village and Subdivision Streets (as hereinafter defined).
3. By Order in Council dated May 12, 1988, the Province’s Executive Council approved a paving and cost-sharing program for these Village and Subdivision Streets.
4. The 1996 *Provincial-Municipal Service Exchange Agreement* (the “**Service Exchange Agreement**”) specifies that cost-sharing on Village and Subdivision Streets is to be apportioned between the Province and the participating municipalities on a uniform 50-50% basis.
5. This Agreement outlines the parties’ joint understandings, commitments, and terms and conditions associated with the paving and cost-sharing of Village and Subdivision Streets, all in accordance with the Service Exchange Agreement, the *Public Highways Act*, R.S.N.S. 1989, c. 371 and the *Municipal Government Act*, S.N.S. 1998, c. 18.

AGREEMENT:

In consideration of the mutual covenants and agreements in this Agreement, the receipt and sufficiency of which are acknowledged by the parties, and subject to the terms and conditions of this Agreement, the parties, intending to be bound, agree as follows:

1. **Definitions.** In this Agreement, unless something in the subject matter or context is inconsistent therewith, the following terms have the meanings set forth below:
 - (a) “*Additional Work*” has the meaning given to it under Section 5 (*Additional Works*).
 - (b) “*Agreement*” means this Agreement.
 - (c) “*Business Day*” means any day other than a Saturday, Sunday or a holiday as defined in the *Interpretation Act*, R.S.N.S. 1989, c. 235.
 - (d) “*Confidential Information*” has the meaning given to it in Section 15 (*Confidentiality*).
 - (e) “*Cost Estimate*” has the meaning given to it in Subsection 3.3.
 - (f) “*Fiscal Year*” means the 12-month period beginning on April 1 and ending on March 31.
 - (g) “*Force Majeure Event*” has the meaning given to it in Section 16 (*Force Majeure*).
 - (h) “*Notice of Acceptance*” has the meaning given to it in Subsection 3.4.
 - (i) “*Paving*” means: (i) the work of grading, gravelling, culvert repair and required upgrading of Village and Subdivision Streets to meet industry-standard specifications; (ii) paving, repaving, or double chip sealing of Village and Subdivision Streets; and (iii) pre-engineering, design, on-site engineering supervision and inspection, and incidental services that are required from the edge of the roadway to the limit of the right of way. For greater certainty, “*Paving*” does not include feasibility studies, construction, reconstruction, relocation, repairs, or adjustments of sidewalks, water lines, fire hydrants, sanitary sewers, sanitary sewer manholes, catch basins, water valves, utility poles, street lighting or similar work on infrastructure that accompanies a Village and Subdivision Street.
 - (j) “*Village and Subdivision Street(s)*” means streets located in the Municipality that are: (i) constructed prior to April 1, 1995; and (ii) under the administration and control of the Province.
2. **Term of Agreement.** This Agreement shall be effective from the Effective Date to the earlier of: (i) the date on which the Service Exchange Agreement expires or is terminated; or (ii) March 31, 2027. This Agreement applies to Fiscal Years 2024-25, 2025-26 and 2026-27.
3. **Designation and Acceptance of Streets.**
 - 3.1 In order to have the Paving of one or more Village and Subdivision Streets cost-shared under this Agreement for a Fiscal Year, the Municipality must first provide the Province with advance notice of its intention to participate in the Province’s Paving program. This notice must be provided to the Province on or before October 31 of each year (commencing in the year prior to the first Fiscal Year to which this Agreement applies).

- 3.2 If the Municipality provides notice to the Province in accordance with Subsection 3.1, then the Municipality shall, at the same time, submit a list of the Village and Subdivision Streets it proposes be considered by the Province for Paving (the “**Road Submission List**”).
- 3.3 After receiving the Road Submission List, the Province shall review the Road Submission List and notify the Municipality of: (i) the Village and Subdivision Streets that the Province accepts for Paving; and (ii) the anticipated costs for such Paving (the “**Cost Estimate**”).
- 3.4 After receiving the Cost Estimate (but in no event later than twenty 20 Business Days from the date of its receipt), the Municipality shall notify the Province whether it accepts the Province’s list of approved Village and Subdivision Streets and the related Cost Estimate for Paving such streets (the “**Notice of Acceptance**”).
- 3.5 If the Municipality does not provide a notice to the Province under Subsection 3.1 or a Notice of Acceptance under Subsection 3.4 by the specified times, the Municipality will be deemed to have elected not to participate in the Province’s paving and cost-sharing program for the Fiscal Year in question.
- 3.6 After receipt of the Municipality’s Notice of Acceptance, the Province shall perform the Paving and any Additional Work that may be required for the identified Village and Subdivision Streets. As between the parties, the Province shall be responsible for all construction oversight and management of work required for Paving and any Additional Works.
4. **Payment of Construction Costs.** The Municipality shall pay: (i) fifty percent (50%) of the costs related to Paving performed by the Province, plus applicable taxes; and (ii) one hundred percent (100%) of the costs related to any Additional Work performed by the Province, plus applicable taxes. These payments must be made within sixty (60) days of the Municipality’s receipt of the Province’s applicable invoice(s).
5. **Additional Works.** If the Paving of a Village and Subdivision Street requires that the Province adjust manholes, catch basins, or water valves, then the Province shall perform such adjustments as part of the subject street’s Paving (“**Additional Work**”). Additional Work will be performed at the Municipality’s full cost, in accordance with Section 4 (*Payment of Construction Costs*). The Municipality will be invoiced by the Province at the standard unit price for the required Additional Work, and the Municipality shall pay the Province promptly (and in no event later than sixty (60) days) after its receipt of any such invoice.
6. **Work May be Subcontracted.** The Province may conduct a competitive tendering process for the selection of one or more contractors capable of completing the Paving and any Additional Work contemplated by this Agreement, in accordance with the Province’s *Procurement Policy*.
7. **Costs Over Estimate.** Where the Province conducts a tendering process pursuant to Section 6 (*Work May be Subcontracted*), then if the total approved tender price exceeds the Province’s Cost Estimate by more than ten percent (10%), then the Province shall, before awarding a contract for Paving and any Additional Work, and subject to any confidentiality requirements outlined in its tender document and the proponent’s bid submission, provide the Municipality with the details of

the successful bid, including all details pertaining to the proponent's pricing submission. The Municipality shall, within ten (10) Business Days of receipt of such bid details, provide the Province with written acknowledgment of its consent to the Province awarding the tender, which consent will not be unreasonably withheld. If the Municipality reasonably withholds its consent to the award of the tender, then the subject Paving or Additional Work will not proceed.

8. **Cost Overruns.** Subject to Section 7 (*Costs Over Estimate*), the Municipality shall pay for any cost overruns associated with the Paving of the Village and Subdivision Streets or any Additional Work. Cost overruns (if any) will be reflected on the Province's invoice(s) to the Municipality.
9. **Appropriation of Future Funds.** Notwithstanding anything else contained in this Agreement, in the event this Agreement extends into a Fiscal Year subsequent to its execution, continuation of this Agreement is conditional upon an appropriation of sufficient monies under the *Finance Act* (Nova Scotia) to enable the Province to make the payments committed to the Municipality. In the event that sufficient monies are not available as a result of: (i) non-appropriation for the Fiscal Year in which payment becomes due; and (ii) the payment being neither charged nor chargeable to an appropriation for a previous Fiscal Year, the Province may terminate this Agreement, without any further liability, cost or penalty whatsoever, upon giving thirty (30) days' notice to the Municipality. Termination will become effective on the date of the beginning of the first Fiscal Year for which funds have not been appropriated.
10. **Permits and Approvals.** The Municipality shall obtain all material permits, approvals, authorizations and consents that may be required in order for the Province to perform its duties and obligations under this Agreement. The Municipality acknowledges and agrees that the Province shall not be obligated to perform any Paving or any other duty until such permits, approvals, authorizations and consents are obtained. For greater certainty, this includes any leases to or licences over land that may be required to perform Paving of the Village and Subdivision Streets.
11. **Indemnification by the Municipality.** The Municipality agrees to indemnify and save harmless the Province and its officers, employees and agents from all liabilities, fines, suits, claims, demands and actions, of any kind and nature for which the Province or its officers, employees or agents shall or may become liable or suffer by reason of any breach, violation or non-performance by the Municipality of any covenant, term or provision hereof or by reason of any death or injury of any person or any damage or destruction of any property resulting from any act, neglect or default on the part of the Municipality or any of its servants, employees, agents, invitees or licensees whatsoever.
12. **Release from Liability.** The Municipality hereby releases the Province from any claim that may arise from construction delays or cost overruns in relation to the Paving of Village and Subdivision Streets.
13. **Disclaimer of Consequential or Indirect Damages.** Neither party will be liable to the other for any special, incidental, punitive, indirect or consequential damages arising out of or in connection with this Agreement, including lost revenue or lost profits, even if foreseeable or if a party has been advised of the possibility of such damages, and regardless of the basis on which a party is entitled to claim (including fundamental breach, negligence, misrepresentation, or other contract

or tort claim).

14. **Construction Warranty.** The Province shall obtain a contractual warranty under its contract with the contractor(s) for the Work. This warranty will be in accordance with the requirements under the *Standard Specification – Highway Construction and Maintenance*. The Province makes no other warranties whatsoever with respect to the Work, express or implied, including warranties of merchantability and warranties of fitness. The Municipality acknowledges that all such warranties are disclaimed by the Province.
15. **Confidentiality.** The Municipality acknowledges and agrees that all Confidential Information will be received in the strictest confidence and will be held and used only in accordance with and subject to the terms of this Agreement. The Municipality shall retain such information in confidence and shall treat such information with a degree of care no less than the degree of care that the Municipality employs for the protection of its own information of a similar nature. “**Confidential Information**” means any and all information identified as confidential or marked as confidential Information by the Province or is clearly recognizable as confidential information to a prudent person with no special knowledge of the Province’s business, that has or will come into the possession or knowledge of the Municipality, or to which the Municipality has access in connection with or as a result of this Agreement. “Confidential Information” does not include information that is: (a) publicly available when it is received by or becomes known to the Municipality; (b) is already known to the Municipality at the time of its disclosure to the Municipality and is not known by the Municipality to be the subject of an obligation of confidence of any kind; (c) independently developed or obtained by the Municipality; or (d) received by the Municipality in good faith without an obligation of confidence of any kind from a third party who the Municipality had reason to believe was lawfully in possession of such information free of any obligation of confidence of any kind.
16. **Force Majeure.** No party is responsible for a failure to fulfil its obligations under this Agreement or for delay in doing so if such failure or delay is due to a Force Majeure Event. If either party is prevented from or delayed in performing any of its obligations under this Agreement because of a Force Majeure Event, then the party claiming the Force Majeure Event shall promptly notify the other party which outlines the particulars of the Force Majeure Event including details of the nature of the event, its expected duration and the obligations under this Agreement that will be affected by the Force Majeure Event. A “**Force Majeure Event**” means the occurrence of one or more of the following events or any other event that is beyond the reasonable control of a party, and that interferes with, delays or prevents performance of the obligations of a party under the Agreement, provided that the nonperforming party is without fault in causing or failing to prevent such occurrence: (a) catastrophic weather conditions or other elements of nature or acts of God; (b) acts of war (declared or undeclared), acts of terrorism, insurrection, riots, civil disorders, rebellion or sabotage; and (c) other events which the parties expressly agree in writing as constituting a “Force Majeure Event”.
17. **Interpretation.** In this Agreement, unless something in the subject matter or context is inconsistent therewith, words importing the singular number include the plural and *vice versa*; words importing a gender include the masculine, feminine and neutral genders; and words importing persons include individuals, partnerships, companies, associations, trusts, government agencies and any other form of organization or entity whatsoever.

18. **Governing Laws.** This Agreement will be governed by and construed in accordance with the laws of the Province of Nova Scotia.
19. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto with regard to the subject matter hereof and supersedes all prior agreements, understandings, representations or warranties, negotiations and discussions, whether oral or written, among the parties hereto with respect thereto, entered into prior to the date hereof, which are hereby terminated.
20. **Amendments.** No amendment of this Agreement will be binding unless in writing and signed by all the parties hereto.
21. **Waiver.** No waiver by any party hereto of any breach of any of the provisions of this Agreement will take effect or be binding upon such party unless in writing and signed by such party. Unless otherwise provided therein, such waiver will not limit or affect the rights of such party with respect to any other breach.
22. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision will be deemed to be severed from this Agreement and the remaining provisions will nevertheless remain in full force and effect.
23. **Further Assurances.** The parties agree to execute and deliver all such further documents and instruments and do, or cause to be done, all such acts and things as either party may reasonably consider necessary to evidence the intent and meaning of this Agreement.
24. **Counterparts; Electronic Execution.** This Agreement may be executed in several counterparts, each of which will be an original and all of which will constitute one and the same instrument. The parties agree that signatures transmitted, received and reproduced via electronic transmission, email or electronic signatures will be treated for all purposes of this Agreement as original signatures and will be deemed valid, binding and enforceable by and against all parties.
25. **Notices.** All notices, demands or other communications to be given in connection with this Agreement will be in writing and will be given by personal delivery, registered mail or by electronic means of communication addressed to the recipient as follows:

(a) to the Municipality at

Mr. Mark Phillips
Chief Administrative Officer
West Hants Regional Municipality
76 Morrison Drive PO Box 3000
Windsor, NS B0N 2T0
Tel (902) 902-798-8391
Email: mphillips@westhants.ca

- (b) to the Province at
Laura Cunningham
Capital Program Administration Officer
Johnston Building, 1672 Granville St.
P.O. Box 186
Halifax, NS B3J 2N2
Tel: (902) 424-0897
Email: laura.cunningham@novascotia.ca
- (c) or, to such other address, individual or electronic communication number as may be designated by notice given by either party to the other in accordance herewith. Any demand, notice or other communication given by personal delivery will be conclusively deemed to be given on the day of actual delivery thereof and, if given by registered mail, on the fifth (5th) Business Day following the deposit thereof in the mail and if given by electronic communication, on the day of transmittal thereof if given during normal business hours of the recipient and on the Business Day during which such normal business hours next occur if not given during such hours on any day. If the party giving any demand, notice or other communication knows or ought reasonable to know of any difficulties with the postal system which might affect the delivery of mail, any such demand, notice or communication will not be mailed but will be given by personal delivery or by electronic communication.

[signature page follows]

IN WITNESS WHEREOF the Province has hereunto subscribed its hand and affixed its seal and the Municipality has set and affixed its corporate seal authenticated by the signatures of the Mayor and the witness hereunto duly authorized.

SIGNED, SEALED and DELIVERED in the presence of:

His Majesty the King in Right of the Province of Nova Scotia, as represented by the Minister of Public Works

Witness

Kim Masland, Minister of Public Works

Date (Day-Month-Year)



Witness

West Hants Regional Municipality


Abraham Zebian, Mayor



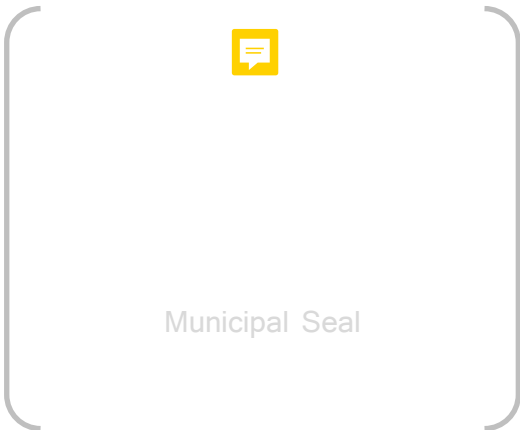
Witness



Resolution of Council Designate



Provincial Seal



Municipal Seal

Resolution of Council

Cost Share Agreement No. 2023-022

The following Resolution was passed at a meeting of the Council of the West Hants Regional

Municipality on the _____ day of _____ A.D., 2023.

Moved by: _____

Seconded by: _____

“That the Mayor and _____ be authorized to sign Cost Share Agreement No. 2023-022”

Motion Carried.

I certify that the above Resolution was passed at the duly called meeting of the West Hants

Regional Municipality Council on _____ A.D., 2023.

Signature

Name (Print)

Title

Municipal Seal



Department of Public Works
Highway Engineering and
Construction – Capital Programs

Johnston Building, 4th Floor
1672 Granville Street
PO Box 186
Halifax, Nova Scotia
B3J 2N2

Bus: 902-424-0897
Fax: 902-424-0571
E-mail:
laura.cunningham@novascotia.ca

Mr. Mark Phillips
Chief Administrative Officer
West Hants Regional Municipality
76 Morrison Drive PO Box 3000
Windsor, NS B0N 2T0

Dear Mr. Phillips:

RE: ONE YEAR COST SHARE AGREEMENT FOR SUBDIVISION STREETS

It has come to the Departments attention that the Municipality would like to participate in the Paving of Subdivision (J-Class) Streets for fiscal 2023-24. Given the Municipality chose not to sign the Three-Year Cost Share Agreement back in 2020, the Department will enter a One-Year agreement with the Municipality for the year 2023-24.

If funds become available for 2023-24 the Department will review the road submission list provided by the Municipality and proceed with our normal process.

Once roads are selected from the list submitted by the Municipality, the Minister will return a letter advising of the approved roads for 2023-24. Once the Municipality agrees to the approved list, it will become part of the agreement and the approved projects for this current fiscal year.

Please complete and affix the Municipal Seal on the Resolution of Council authorizing the Mayor and a designate to sign the agreement, then have the Mayor and the designate sign the agreement, have witnessed, and affix the Municipal Seal. I have placed sticky notes where signatures are required, **please remove these prior to signing and please return all documents to me electronically as soon as possible.**

Also note that the Agreement for the next three-year term has already been sent to your attention for signature.

I will return another electronic PDF to you which will be signed by all parties for you records.

Should you require an original paper copy in addition to the electronic PDF to be returned to you, please let me know and I will ensure that it is sent to you.

Please let me know if you have any questions.

Yours truly,

Laura Cunningham

Laura Cunningham
Capital Program Administration Officer



Public Works

COST SHARING AGREEMENT NO. 2023-023

THIS COST SHARING AGREEMENT ON THE PAVING OF SUBDIVISION (J-CLASS) STREETS (this “Agreement”) is effective as of the _____ day of _____, 2023 (the “Effective Date”).

BETWEEN:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF NOVA SCOTIA, as represented by the Minister of Public Works (the “Province”)

-and-

WEST HANTS REGIONAL MUNICIPALITY, a municipal corporation incorporated pursuant to the *Municipal Government Act.*, S.N.S. 1998, c. 18 (the “Municipality”)

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BACKGROUND:

1. Section 308 of the *Municipal Government Act*, S.N.S. 1998, c. 18 (the “**Act**”), provides that all streets in a municipality are vested absolutely in the municipality. Section 307 of the Act provides that this does not include streets that are vested in His Majesty in Right of the Province.
2. The parties agree that it is in the best interests of the public to cooperate with each other on the construction, improvement, alteration, repair, cleaning and clearing of Village and Subdivision Streets (as hereinafter defined).
3. By Order in Council dated May 12, 1988, the Province’s Executive Council approved a paving and cost-sharing program for Village and Subdivision Streets.
4. The 1996 *Provincial-Municipal Service Exchange Agreement* (the “**Service Exchange Agreement**”) specifies that cost-sharing on Village and Subdivision Streets is to be apportioned between the Province and the participating municipalities on a uniform 50-50% basis.
5. This Agreement outlines the parties’ joint understandings, commitments, and terms and conditions associated with the paving and cost-sharing of Village and Subdivision Streets, all in accordance with the Service Exchange Agreement, the *Public Highways Act*, R.S.N.S. 1989, c. 371 and the *Municipal Government Act*, S.N.S. 1998, c. 18.

AGREEMENT:

In consideration of the mutual covenants and agreements in this Agreement, the receipt and sufficiency of which are acknowledged by the parties, and subject to the terms and conditions of this Agreement, the parties, intending to be bound, agree as follows:

1. **Definitions.** In this Agreement, unless something in the subject matter or context is inconsistent therewith, the following terms have the meanings set forth below:
 - (a) “*Additional Work*” has the meaning given to it under Section 5 (*Additional Works*).
 - (b) “*Agreement*” means this Agreement.
 - (c) “*Business Day*” means any day other than a Saturday, Sunday or a holiday as defined in the *Interpretation Act*, R.S.N.S. 1989, c. 235.
 - (d) “*Confidential Information*” has the meaning given to it in Section 15 (*Confidentiality*).
 - (e) “*Cost Estimate*” has the meaning given to it in Subsection 3.3.
 - (f) “*Fiscal Year*” means the 12-month period beginning on April 1 and ending on March 31.
 - (g) “*Force Majeure Event*” has the meaning given to it in Section 16 (*Force Majeure*).
 - (h) “*Notice of Acceptance*” has the meaning given to it in Subsection 3.4.
 - (i) “*Paving*” means: (i) the work of grading, gravelling, culvert repair and required upgrading of Village and Subdivision Streets to meet industry-standard specifications; (ii) paving, repaving, or double chip sealing of Village and Subdivision Streets; and (iii) pre-engineering, design, on-site engineering supervision and inspection, and incidental services that are required from the edge of the roadway to the limit of the right of way. For greater certainty, “*Paving*” does not include feasibility studies, construction, reconstruction, relocation, repairs, or adjustments of sidewalks, water lines, fire hydrants, sanitary sewers, sanitary sewer manholes, catch basins, water valves, utility poles, street lighting or similar work on infrastructure that accompanies a Village and Subdivision Street.
 - (j) “*Village and Subdivision Street(s)*” means streets located in the Municipality that are: (i) constructed prior to April 1, 1995; and (ii) under the administration and control of the Province.
2. **Term of Agreement.** This Agreement shall be effective from the Effective Date to the earlier of: (i) the date on which the Service Exchange Agreement expires or is terminated; or (ii) March 31, 2024. This Agreement applies to Fiscal Year 2023-24.
3. **Designation and Acceptance of Streets.**
 - 3.1 In order to have the Paving of one or more Village and Subdivision Streets cost-shared under this Agreement for a Fiscal Year, the Municipality must first provide the Province with advance notice of its intention to participate in the Province’s Paving program. This notice must be provided to the Province on or before October 31 of each year (commencing in the year prior to the first Fiscal Year to which this Agreement applies).

- 3.2 If the Municipality provides notice to the Province in accordance with Subsection 3.1, then the Municipality shall, at the same time, submit a list of the Village and Subdivision Streets it proposes be considered by the Province for Paving (the “**Road Submission List**”).
- 3.3 After receiving the Road Submission List, the Province shall review the Road Submission List and notify the Municipality of: (i) the Village and Subdivision Streets that the Province accepts for Paving; and (ii) the anticipated costs for such Paving (the “**Cost Estimate**”).
- 3.4 After receiving the Cost Estimate (but in no event later than twenty 20 Business Days from the date of its receipt), the Municipality shall notify the Province whether it accepts the Province’s list of approved Village and Subdivision Streets and the related Cost Estimate for Paving such streets (the “**Notice of Acceptance**”).
- 3.5 If the Municipality does not provide a notice to the Province under Subsection 3.1 or a Notice of Acceptance under Subsection 3.4 by the specified times, the Municipality will be deemed to have elected not to participate in the Province’s paving and cost-sharing program for the Fiscal Year in question.
- 3.6 After receipt of the Municipality’s Notice of Acceptance, the Province shall perform the Paving and any Additional Work that may be required for the identified Village and Subdivision Streets. As between the parties, the Province shall be responsible for all construction oversight and management of work required for Paving and any Additional Works.
4. **Payment of Construction Costs.** The Municipality shall pay: (i) fifty percent (50%) of the costs related to Paving performed by the Province, plus applicable taxes; and (ii) one hundred percent (100%) of the costs related to any Additional Work performed by the Province, plus applicable taxes. These payments must be made within sixty (60) days of the Municipality’s receipt of the Province’s applicable invoice(s).
5. **Additional Works.** If the Paving of a Village and Subdivision Street requires that the Province adjust manholes, catch basins, or water valves, then the Province shall perform such adjustments as part of the subject street’s Paving (“**Additional Work**”). Additional Work will be performed at the Municipality’s full cost, in accordance with Section 4 (*Payment of Construction Costs*). The Municipality will be invoiced by the Province at the standard unit price for the required Additional Work, and the Municipality shall pay the Province promptly (and in no event later than sixty (60) days) after its receipt of any such invoice.
6. **Work May be Subcontracted.** The Province may conduct a competitive tendering process for the selection of one or more contractors capable of completing the Paving and any Additional Work contemplated by this Agreement, in accordance with the Province’s *Procurement Policy*.
7. **Costs Over Estimate.** Where the Province conducts a tendering process pursuant to Section 6 (*Work May be Subcontracted*), then if the total approved tender price exceeds the Province’s Cost Estimate by more than ten percent (10%), then the Province shall, before awarding a contract for Paving and any Additional Work, and subject to any confidentiality requirements outlined in its tender document and the proponent’s bid submission, provide the Municipality with the details of

the successful bid, including all details pertaining to the proponent's pricing submission. The Municipality shall, within ten (10) Business Days of receipt of such bid details, provide the Province with written acknowledgment of its consent to the Province awarding the tender, which consent will not be unreasonably withheld. If the Municipality reasonably withholds its consent to the award of the tender, then the subject Paving or Additional Work will not proceed.

8. **Cost Overruns.** Subject to Section 7 (*Costs Over Estimate*), the Municipality shall pay for any cost overruns associated with the Paving of the Village and Subdivision Streets or any Additional Work. Cost overruns (if any) will be reflected on the Province's invoice(s) to the Municipality.
9. **Appropriation of Funds.** Notwithstanding anything else contained in this Agreement, in the event this Agreement extends into a Fiscal Year subsequent to its execution, continuation of this Agreement is conditional upon an appropriation of sufficient monies under the *Finance Act* (Nova Scotia) to enable the Province to make the payments committed to the Municipality. In the event that sufficient monies are not available as a result of: (i) non-appropriation for the Fiscal Year in which payment becomes due; and (ii) the payment being neither charged nor chargeable to an appropriation for a previous Fiscal Year, the Province may terminate this Agreement, without any further liability, cost or penalty whatsoever, upon giving thirty (30) days' notice to the Municipality. Termination will become effective on the date of the beginning of the first Fiscal Year for which funds have not been appropriated.
10. **Permits and Approvals.** The Municipality shall obtain all material permits, approvals, authorizations and consents that may be required in order for the Province to perform its duties and obligations under this Agreement. The Municipality acknowledges and agrees that the Province shall not be obligated to perform any Paving or any other duty until such permits, approvals, authorizations and consents are obtained. For greater certainty, this includes any leases to or licences over land that may be required to perform Paving of the Village and Subdivision Streets.
11. **Indemnification by the Municipality.** The Municipality agrees to indemnify and save harmless the Province and its officers, employees and agents from all liabilities, fines, suits, claims, demands and actions, of any kind and nature for which the Province or its officers, employees or agents shall or may become liable or suffer by reason of any breach, violation or non-performance by the Municipality of any covenant, term or provision hereof or by reason of any death or injury of any person or any damage or destruction of any property resulting from any act, neglect or default on the part of the Municipality or any of its servants, employees, agents, invitees or licensees whatsoever.
12. **Release from Liability.** The Municipality hereby releases the Province from any claim that may arise from construction delays or cost overruns in relation to the Paving of Village and Subdivision Streets.
13. **Disclaimer of Consequential or Indirect Damages.** Neither party will be liable to the other for any special, incidental, punitive, indirect or consequential damages arising out of or in connection with this Agreement, including lost revenue or lost profits, even if foreseeable or if a party has been advised of the possibility of such damages, and regardless of the basis on which a party is entitled to claim (including fundamental breach, negligence, misrepresentation, or other contract

or tort claim).

14. **Construction Warranty.** The Province shall obtain a contractual warranty under its contract with the contractor(s) for the Work. This warranty will be in accordance with the requirements under the *Standard Specification – Highway Construction and Maintenance*. The Province makes no other warranties whatsoever with respect to the Work, express or implied, including warranties of merchantability and warranties of fitness. The Municipality acknowledges that all such warranties are disclaimed by the Province.
15. **Confidentiality.** The Municipality acknowledges and agrees that all Confidential Information will be received in the strictest confidence and will be held and used only in accordance with and subject to the terms of this Agreement. The Municipality shall retain such information in confidence and shall treat such information with a degree of care no less than the degree of care that the Municipality employs for the protection of its own information of a similar nature. “**Confidential Information**” means any and all information identified as confidential or marked as confidential Information by the Province or is clearly recognizable as confidential information to a prudent person with no special knowledge of the Province’s business, that has or will come into the possession or knowledge of the Municipality, or to which the Municipality has access in connection with or as a result of this Agreement. “Confidential Information” does not include information that is: (a) publicly available when it is received by or becomes known to the Municipality; (b) is already known to the Municipality at the time of its disclosure to the Municipality and is not known by the Municipality to be the subject of an obligation of confidence of any kind; (c) independently developed or obtained by the Municipality; or (d) received by the Municipality in good faith without an obligation of confidence of any kind from a third party who the Municipality had reason to believe was lawfully in possession of such information free of any obligation of confidence of any kind.
16. **Force Majeure.** No party is responsible for a failure to fulfil its obligations under this Agreement or for delay in doing so if such failure or delay is due to a Force Majeure Event. If either party is prevented from or delayed in performing any of its obligations under this Agreement because of a Force Majeure Event, then the party claiming the Force Majeure Event shall promptly notify the other party which outlines the particulars of the Force Majeure Event including details of the nature of the event, its expected duration and the obligations under this Agreement that will be affected by the Force Majeure Event. A “**Force Majeure Event**” means the occurrence of one or more of the following events or any other event that is beyond the reasonable control of a party, and that interferes with, delays or prevents performance of the obligations of a party under the Agreement, provided that the nonperforming party is without fault in causing or failing to prevent such occurrence: (a) catastrophic weather conditions or other elements of nature or acts of God; (b) acts of war (declared or undeclared), acts of terrorism, insurrection, riots, civil disorders, rebellion or sabotage; and (c) other events which the parties expressly agree in writing as constituting a “Force Majeure Event”.
17. **Interpretation.** In this Agreement, unless something in the subject matter or context is inconsistent therewith, words importing the singular number include the plural and *vice versa*; words importing a gender include the masculine, feminine and neutral genders; and words importing persons include individuals, partnerships, companies, associations, trusts, government agencies and any other form of organization or entity whatsoever.

18. **Governing Laws.** This Agreement will be governed by and construed in accordance with the laws of the Province of Nova Scotia.
19. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto with regard to the subject matter hereof and supersedes all prior agreements, understandings, representations or warranties, negotiations and discussions, whether oral or written, among the parties hereto with respect thereto, entered into prior to the date hereof, which are hereby terminated.
20. **Amendments.** No amendment of this Agreement will be binding unless in writing and signed by all the parties hereto.
21. **Waiver.** No waiver by any party hereto of any breach of any of the provisions of this Agreement will take effect or be binding upon such party unless in writing and signed by such party. Unless otherwise provided therein, such waiver will not limit or affect the rights of such party with respect to any other breach.
22. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision will be deemed to be severed from this Agreement and the remaining provisions will nevertheless remain in full force and effect.
23. **Further Assurances.** The parties agree to execute and deliver all such further documents and instruments and do, or cause to be done, all such acts and things as either party may reasonably consider necessary to evidence the intent and meaning of this Agreement.
24. **Counterparts; Electronic Execution.** This Agreement may be executed in several counterparts, each of which will be an original and all of which will constitute one and the same instrument. The parties agree that signatures transmitted, received, and reproduced via electronic transmission, email or electronic signatures will be treated for all purposes of this Agreement as original signatures and will be deemed valid, binding and enforceable by and against all parties.
25. **Notices.** All notices, demands or other communications to be given in connection with this Agreement will be in writing and will be given by personal delivery, registered mail or by electronic means of communication addressed to the recipient as follows:

(a) to the Municipality at

Mr. Mark Phillips
Chief Administrative Officer
West Hants Regional Municipality
76 Morrison Drive PO Box 3000
Windsor, NS B0N 2T0
Tel (902) 902-798-8391
Email: [mphillips@westhants.c](mailto:mphillips@westhants.ca)

- (b) to the Province at
Laura Cunningham
Capital Program Administration Officer
Johnston Building, 1672 Granville St.
P.O. Box 186
Halifax, NS B3J 2N2
Tel: (902) 424-0897
Email: laura.cunningham@novascotia.ca
- (c) or, to such other address, individual or electronic communication number as may be designated by notice given by either party to the other in accordance herewith. Any demand, notice or other communication given by personal delivery will be conclusively deemed to be given on the day of actual delivery thereof and, if given by registered mail, on the fifth (5th) Business Day following the deposit thereof in the mail and if given by electronic communication, on the day of transmittal thereof if given during normal business hours of the recipient and on the Business Day during which such normal business hours next occur if not given during such hours on any day. If the party giving any demand, notice or other communication knows or ought reasonable to know of any difficulties with the postal system which might affect the delivery of mail, any such demand, notice or communication will not be mailed but will be given by personal delivery or by electronic communication.

[signature page follows]

IN WITNESS WHEREOF the Province has hereunto subscribed its hand and affixed its seal and the Municipality has set and affixed its corporate seal authenticated by the signatures of the Mayor and the witness hereunto duly authorized.

SIGNED, SEALED and DELIVERED in the presence of:

His Majesty the King in Right of the Province of Nova Scotia, as represented by the Minister of Public Works

Witness

Kim Masland, Minister of Public Works

Date (Day-Month-Year)

West Hants Regional Municipality

Witness

Abraham Zebian, Mayor

Witness

Resolution of Council Designate



Resolution of Council

Cost Share Agreement No. 2023-023

The following Resolution was passed at a meeting of the Council of the West Hants Regional

Municipality on the _____ day of _____ A.D., 2023.

Moved by: _____

Seconded by: _____

“That the Mayor and _____ be authorized to sign Cost Share Agreement No. 2023-023”

Motion Carried.

I certify that the above Resolution was passed at the duly called meeting of the West Hants

Regional Municipality Council on _____ A.D., 2023.

Signature

Name (Print)

Title

Municipal Seal



Committee of the Whole Excerpts
June 13, 2023

ABERDEEN BEACH ROAD (ADEQUATE EMERGENCY ACCESS) EXCERPT

Concerns have been expressed from residents residing on Aberdeen Beach Road (a private road) pertaining to restricted vehicular access to the road. Residents feel this one concern, highlighted by the recent wildfires, needs serious consideration and addressing. It would be beneficial to know the clearance width emergency service provider vehicles require to allow safe passage in cases of emergency.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO LOOK AT THE RESTRICTED VEHICULAR ACCESS TO ABERDEEN BEACH ROAD, MOUNT DENSON, THROUGH A SAFETY LENS IN REGARD TO EMERGENCY VEHICLES (FIRE APPARATUS, AMBULANCE, EMERGENCY VEHICLES).



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: Mayor Abraham Zebian

Date: June 13, 2023

Subject: Aberdeen Beach Road

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

.... Council direct staff to look at the restricted vehicular access to Aberdeen Beach Road, Mount Denson, through a safety lens in regard to emergency vehicles (fire apparatus, ambulance, emergency vehicles).

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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Since consolidation, I have been in constant contact with residents who reside on Aberdeen Beach Road, which is a private road. They have expressed many concerns to me in regard to a residence on Aberdeen Beach Road, one concern being the restricted vehicular access to the road. Residents have repeatedly contacted the Municipality with their concerns but feel this one concern, highlighted by the recent wildfires, needs serious consideration and addressing.

DISCUSSION

Firstly, I would strongly encourage councillors to visit the location and view the entrance to Aberdeen Beach Road. You will immediately find the access being restricted with posts that

span in width of 11.5 feet. According to West Hants regulation, a minimum of 10 feet is required. While the 11.5 feet obviously meets West Hants regulations, the question does arise of if West Hants regulations need to be updated to accommodate the width of today's emergency service provider vehicles and if anything can be done currently to help address this situation. It would be helpful if Council could know the clearance width emergency service provider vehicles require to allow safe passage in cases of emergency.

NEXT STEPS

Staff to investigate and report back to council on findings and if any recommendations need to be made to address the situation.

FINANCIAL IMPLICATIONS

No monetary implications with requesting the report with the exception of staff time in regards to investigating and reporting.

ALTERNATIVES

Council may not request an investigation and report.

Council may request something different.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

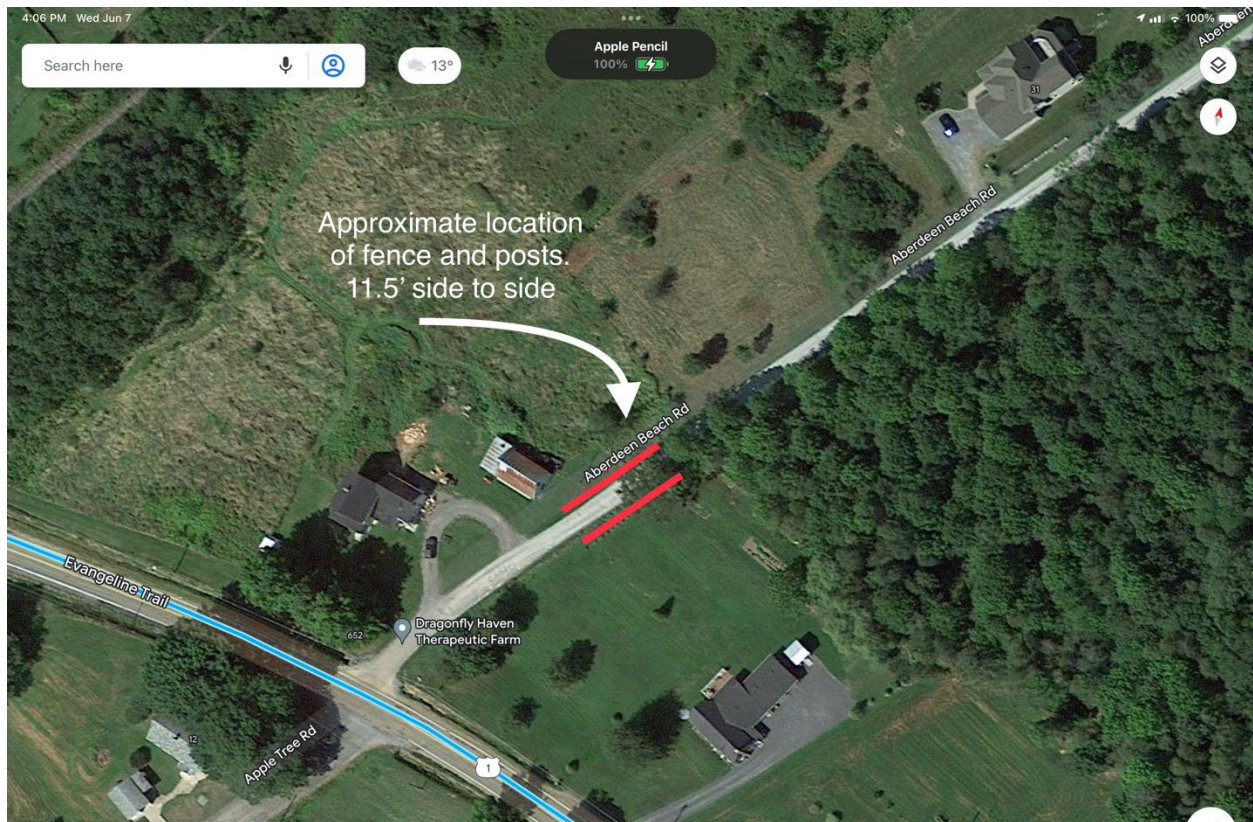
As described above there is a private road that crosses through private property by right of way. On each side of the road or lane upon entrance there are posts that line each side limiting the width of the access to 11.5'.

This property has warranted recent attention by the Development Officer over the last year. I consulted with Development Officer, MacInnis and he has shared the following as of June 7, 2023.

- The DO has advised the property owner to confirm that the 10' minimum right of way / road must be met. This was directed by the DO. The property owner spaced the posts 11.5' apart from side to side on each side of the right of way or road.
- The Hantsport Fire Department has been at the location and made safe passage through the 11.5' section.

Please see the map below.

Staff await direction from Council on this matter.



Report Prepared by: Abraham Zebian, Mayor

Report Reviewed by: 
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
June 13, 2023

BROOKLYN FIRE GENERATOR EXCERPT

During the 2022-23 budget deliberations, a new dedicated power generator (genset) package was recommended for Brooklyn Fire Station (BFD) Substation#2. The recommendation was defeated at the October 25, 2022, Council meeting. Following the meeting, municipal staff became aware of the award of a one-time Provincial \$50,000 grant for fire stations (80% of the cost, up to \$50,000) to be equipped with standby generators to be classified as comfort centres. This reclassification is a requirement to receive this Provincial grant funding.

The Municipality was approved for an extension for project completion to December 31st, 2024. This approval enables us to proceed if approved by Council and not lose the grant.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE THE AWARD OF INVITED TENDER FOR SUPPLY & INSTALL GENERATOR FOR THE BROOKLYN FIRE STATION BFD2 TO THE LOW COMPLIANT BIDDER, GEDDES AND MURPHY ELECTRIC, FOR THE TENDERED PRICE OF \$98,400 PLUS A 15% CONSTRUCTION PROJECT CONTINGENCY OF \$14,760 FOR A TOTAL OF \$113,160, PLUS APPLICABLE TAXES.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Todd Richard

Date: June 13, 2023

Subject: Supply & Installation of Generator for BFD2 (WHRMPW22-02)

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

Council approve the award of invited tender for Supply & Install Generator for the Brooklyn Fire Station BFD2 to the low compliant bidder, Geddes and Murphy Electric, for the tendered price of \$98,400 plus a 15% construction project contingency of \$14,760 for a total of \$113,160, plus applicable taxes.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☒	Economic ☒	Councillor Activity ☐
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As identified during in the 2022-23 budget deliberations, a new dedicated power generator (genset) package was recommended for Brooklyn Fire Station (BFD) Substation#2 in Garlands Crossing, NS.

This project includes the following specifications:

- The supply of a new 100 kW, 120/240V, single phase generator, c/w weather housing and sub-base fuel tank;
- Installation of the new generator on a concrete pad located at the end of the building outside the electrical room;
- Installation to include all civil work of a 6" reinforced concrete pad (6'x14'x6") and protective bollards, in accordance with applicable building codes for protection of tanks and equipment;
- Supply and installation of a 400A automatic transfer switch in the place of the existing manual switch;
- Installation of all controls on the exhaust and intake air to keep them from bringing in exhaust from the generator;
- Power for battery charger and block heater;
- All applicable building and electrical permits required for execution of the work scope;
- All documentation, including installation, parts, and service manuals, including complete wiring diagrams must be forwarded to the Municipality's Public Works Department at the time of delivery;
- All equipment and parts supplied are to be new only (no remanufactured equipment), never used and of the latest manufacture; and
- Engines must operate to specifications and be equipped with pollution emissions as required by law in the Province of Nova Scotia.

DISCUSSION

This project was originally released for a public tender in June/July, 2022, when staff issued a public tender on NS Procurement for construction services for this project, closing on July 21, 2022. The original public call for proposals resulted in five bids being submitted for evaluation.

The bids received included:

- Thompson's Electric
- Headway Electric
- Able Electric
- Geddes & Murphy Electric
- Gilson Construction

The award of this construction project was presented to Council at the October 13, 2022 Committee of the Whole Meeting, and was subsequently voted to recommend to Council at the October 25, 2022 Council meeting.

12. a) *Committee of the Whole Excerpts (October 13, 2022):*

ii. *Brooklyn Fire Dept – Generator Over Budget (8:36 p.m.)*

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE AWARD OF TENDER WWHPW22-02 FOR THE SUPPLY AND INSTALLATION OF A GENERATOR FOR BROOKLYN FIRE STATION #2 TO THE LOW COMPLIANT BIDDER, THOMPSON'S ELECTRIC LTD, FOR THE UPDATED TENDERED PRICE OF \$101,200.00 PLUS 15% CONTINGENCY AND APPLICABLE TAXES. MOTION DEFEATED. Nays: Jannasch, S. McLean, M. McLean, Hartt, P. Morton, Ivey and Zebian

Discussion Points:

- The impact of not having a Special Council meeting following Committee of the Whole was that every week of delay resulted in the delivery date being pushed ahead two-three weeks, resulted in an estimated delivery delay of an additional eight-weeks.*
- The generator would be used to power the entire building.*
- A grant application was submitted, one of the conditions of the grant was that the station be classified as a Comfort Centre. Fire Departments have been independently opening as Comfort Stations prior to the 72-hour mark as identified by EMO.*
- The Comfort Centre classification was new information to Council, it was felt that this was not the reasoning behind the original request made.*
- It was unclear if the generator could be retendered, significant change would be required from the original tender issued. Staff will explore options to determine the best approach in moving forward (retendering, pursuing an alternative vendor, either from the original quotes, etc.).*

Following the defeated motion by Council at the October 25, 2022 Council meeting, Municipal staff became aware of the award of a one-time Provincial \$50,000 grant for fire stations (80% of the cost, up to \$50,000) to be equipped with standby generators to be classified as comfort centres. This reclassification is a requirement to receive this Provincial grant funding.

Staff reached out to the Communities, Nova Scotia Program Development Officer requesting an extension to the approved grant project deadline. The Municipality was approved for an extension for project completion to December 31st, 2024. This approval enables us to proceed if approved by Council and not lose the grant.

As the pricing supplied by the five proponents was no longer valid (past 60 days terms); in March, 2023, Public Works staff contacted each of the original proponents with an invited tender request to provide the same equipment, installation and service contract. Out of the five proponents, four of the bidders submitted new individual prices based on the original specification that was released in July, 2022.

The results of the invited tender process (results of the invited tender were not disclosed publicly) are as follows:

Geddes and Murphey Electric Limited	\$96,900.	plus applicable taxes
Thompson's Electric Ltd.	\$112,850.	plus applicable taxes
Able Electric (2016) Ltd.	\$120,000.	plus applicable taxes
Gilson Construction Ltd.	\$131,408.50	plus applicable taxes

As the 45 day validity period of the lowest bid invited tender had elapsed, staff requested that the pricing be revised with another 45 day validity period. The result of the revised price is as follows. This price increase was directly a result of an equipment increase by the manufacturer. The price for installation and commissioning did not change.

Geddes and Murphey Electric Limited	\$98,400.	plus applicable taxes
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As this work involves construction tie-ins to the existing building, there would most likely be a need for some contingency with the project scope as work proceeds through actual physical execution. It has been recommended that a project construction contingency of 15% should be sufficient for this project.

NEXT STEPS

Pending contract approval of Council; staff would award the construction tender to the successful proponent. Construction is planned to begin as soon as the equipment became available for installation. Delivery has been quoted at approximately 21 weeks from time of order. Allowing contingency and scheduling of the contractor, we would anticipate installation at approximately 6-7 months from the date of approval.

FINANCIAL IMPLICATIONS

Quote Pricing	\$98,400.00
Contingency (15%)	\$14,760.00
Non-Recoverable Tax (4.29%)	\$4,854.56
Total Cost	\$118,014.56.56
Less: Provincial Grant	(\$50,000.00)
Cost to Municipality	\$66,215.56
2023-24 Budget Value	\$ -
Variance (over budget)	(\$68,014.56)

Though this item was not included in the 2023-24 budget, there is room within the WHRM Fire Services Reserve to cover this cost, it would change the projected March 31, 2024, balance to \$7,486.44.

Should Council choose to fund through debt servicing instead, it would result in \$14,181 in additional debt servicing costs for 2023-24.

ALTERNATIVES

1. Council may choose to award to another bidder (non-lowest price); or
2. Council may choose not to proceed with this project.

ATTACHMENTS

- Sommers Diesel Generator Specification Sheet (unit proposed by the low bidder)

CHIEF ADMINISTRATIVE OFFICER REVIEW

The generator for BFD 2 was an item approved in the 2022/23 capital budget and did not get added to the 2023/24 budget liberations at the time the budget was drafted and reviewed by Council. The \$50,000 grant was awarded after the initial review by Council for the purchase was denied. Permission was granted to allow the extension of the grant until March 31 2024. Staff felt the matter should be revisited by Council as the fire service and facility operations feel it is still important to ensure ongoing fire station operations during power outages.

The cost of the entire project was revisited to ensure current market values were reflected. The price has increased slightly since last reviewed by Council but with the off-setting grant of \$50,000 the increase and overall cost to the Municipality is reduced.

I support the recommendation.

Report Prepared by: _____


Brad Carrigan, P.Eng., Capital Projects Engineer

Report Reviewed by: _____

Todd Richard, Director of Public Works

Report Reviewed by: _____

Shelleena Thornton, Municipal Operations Supervisor

Report Approved by: _____


Mark Phillips, Chief Administrative Officer

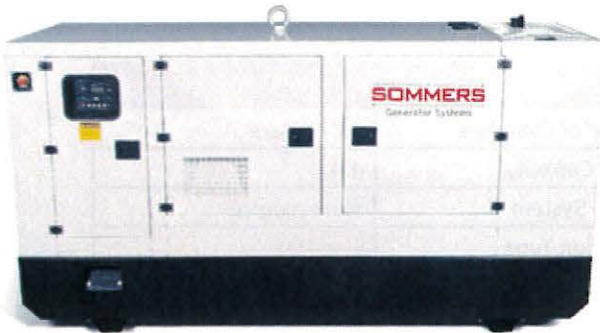
SOMMERS

Generator Systems

✓ 3YR or 3000Hr Limited Parts, Travel & Labour warranty

60Hz PERKINS 1104D-E44TAG2 Tier 3

DGPSW 100 ST T3

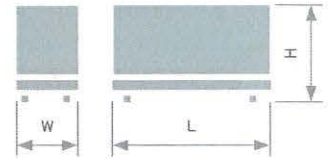


Measures:

L: 2775 mm H: 1700 mm
W: 1162 mm

Weight (dry):

3858 lbs / 1750 kg



60Hz



Diesel



Water cooled



Soundproofed



1800 RPM



CSA Approved or Equivalent

1 Genset General Description

➤ Soundproof genset with automatic startup, control card allows automatic, manual or signal start-up.

General Technical Data			
Engine	PERKINS 1104D-E44TAG2		
Alternators	240/120V	Wdg.	STAMFORD UCI274D-w06
		06	
	208/120V	Wdg.	STAMFORD UCI274D
		311	
	600/347V	Wdg.	STAMFORD UCI274D
		17	
Performance Class	G3		
Frequency	60Hz		
Control Panel	240/120V		DSE 7320 MKII
	208/120V		DSE 7320 MKII
	600/347V		DSE 7320 MKII
Noise level (dBA@7m)	67		

Voltage (V)	PRP (kW)	ESP (kW)	PRP/ESP (A)
240/120V	90	98	371/408
208/120V	95	104	328/361
600/347V	96	105	115/126

PRP: Continuous power ("Prime Power") ISO 8528-1 standard.
ESP: Emergency power ("Emergency Standby Power") ISO8528-1 standard.

V.0-2022 • Last update: 03/09/2022 | Page 1

Sommers Motor Generator Sales Ltd.
www.sommersgen.com
1-800-690-2396

Head Office
70 Packham Ave.
Stratford, ON. N4Z 0A6

Atlantic Canada
551 Ferdinand Boulevard
Dieppe, NB E1A 7G1

2 Engine Specifications

➤ PERKINS 1104D-E44TAG2 Diesel engine, inline 4-cylinders, 4-stroke. Turbocharged aspiration, air intake system. Electronic regulation. Complying with Tier 3 emissions.

Engine General Data			
Manufacturer/Model	PERKINS 1104D-E44TAG2	Number of Cylinders	4 cylinders
R.P.M.	1800	Engine Capacity	4,4
Max. Power (kWm) (net)	114,6	Cooling System	Water cooled
Power PRP (Kwm) (net)	104,2	Regulation Type	Electronic
Fuel	Diesel	Engine Type/Injection/ Suction	Diesel /Direct/ Turbocharged

2.1 Fuel Feed System

➤ Direct injection system, fuel filter included that prevents the passage of particles, original parts from the engine manufacturer.

50% PRP	15,9 l/h (4,2 US gals/h)
100% PRP	27,7 l/h (7,3 US gals/h)

75% PRP	22,2 l/h (5,9 US gals/h)
110% ESP	29,9 l/h (7,9 US gals/h)

2.2 Cooling System

➤ Cooling by fully distributed coolant in a closed circuit driven by a pump activated by the engine. Tropicalized radiator. Original parts from the engine manufacturer.

N/A	6,7 (5)	17	1000W 120V
Fan Airflow (N/A)	Fan Power Consumption, hp (kW)	Engine + Radiator Capacity (l)	Blockheater (W/V)

2.3 Lubricating System

➤ Lubrication system is driven by the crankshaft driven pump. Filter on top with full flow cartridge inserted, front crankcase. Original parts from the engine manufacture.

Total Oil Capacity 8,4L

🛢 With oil pressure reading sensor



Committee of the Whole Excerpts
June 13, 2023

CAPITAL EQUIPMENT VENDOR APPROVALS (EXCAVATOR, HOT PATCH TRAILER, STREET SWEEPER AND BULK WATER TRUCKFILL SYSTEM) EXCERPT

During the 2023-24 Capital budget the following equipment needs were identified and approved, WHPW23-7 (4-ton Asphalt Hot Box Trailer, WHPW23-10 (Excavator and Float Trailer), WHPW23-11 (Street Sweeper) and a Bulk Water Truckfill System). A public tender was released on the Nova Scotia Procurement site.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVES THE AWARD OF TENDER FOR THE PURCHASE OF THE 4-TON ASPHALT HOT BOX TRAILER (WHPW23-07) FROM ATLANTIC COASTAL EQUIPMENT FOR THE TENDERED PRICE OF \$64,945.00 PLUS APPLICABLE TAXES.

COUNCIL APPROVES THE AWARD OF TENDER FOR THE PURCHASE OF EXCAVATOR AND FLOAT TRAILER (WHPW23-10) FROM NOVA INTERNATIONAL FOR THE TENDERED PRICE OF \$236,835.00 PLUS APPLICABLE TAXES.

COUNCIL APPROVES THE AWARD OF TENDER FOR THE PURCHASE OF THE STREET SWEEPER (WHPW23- 11) FROM SAUNDERS EQUIPMENT LTD FOR THE TENDERED PRICE OF \$385,000 PLUS APPLICABLE TAXES.

COUNCIL APPROVE THE PURCHASE FOR PRE-SELECTED SOLE SOURCED BULK WATER TRUCKFILL SYSTEM FROM BIRKSCO FOR THE QUOTED PRICE OF \$67,850 INCLUDING A 15% CONTINGENCY PLUS APPLICABLE TAXES. CURRENT DELIVERY TIMES ARE FORECASTED AT 16 TO 20 WEEKS DUE TO SUPPLY AND DEMAND ISSUES.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Todd Richard

Date: June 13, 2023

Subject: Supply & Installation of Generator for BFD2 (WHRMPW22-02)

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

Council approve the award of invited tender for Supply & Install Generator for the Brooklyn Fire Station BFD2 to the low compliant bidder, Geddes and Murphy Electric, for the tendered price of \$98,400 plus a 15% construction project contingency of \$14,760 for a total of \$113,160, plus applicable taxes.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☒	Economic ☒	Councillor Activity ☐
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As identified during in the 2022-23 budget deliberations, a new dedicated power generator (genset) package was recommended for Brooklyn Fire Station (BFD) Substation#2 in Garlands Crossing, NS.

This project includes the following specifications:

- The supply of a new 100 kW, 120/240V, single phase generator, c/w weather housing and sub-base fuel tank;
- Installation of the new generator on a concrete pad located at the end of the building outside the electrical room;
- Installation to include all civil work of a 6" reinforced concrete pad (6'x14'x6") and protective bollards, in accordance with applicable building codes for protection of tanks and equipment;
- Supply and installation of a 400A automatic transfer switch in the place of the existing manual switch;
- Installation of all controls on the exhaust and intake air to keep them from bringing in exhaust from the generator;
- Power for battery charger and block heater;
- All applicable building and electrical permits required for execution of the work scope;
- All documentation, including installation, parts, and service manuals, including complete wiring diagrams must be forwarded to the Municipality's Public Works Department at the time of delivery;
- All equipment and parts supplied are to be new only (no remanufactured equipment), never used and of the latest manufacture; and
- Engines must operate to specifications and be equipped with pollution emissions as required by law in the Province of Nova Scotia.

DISCUSSION

This project was originally released for a public tender in June/July, 2022, when staff issued a public tender on NS Procurement for construction services for this project, closing on July 21, 2022. The original public call for proposals resulted in five bids being submitted for evaluation.

The bids received included:

- Thompson's Electric
- Headway Electric
- Able Electric
- Geddes & Murphy Electric
- Gilson Construction

The award of this construction project was presented to Council at the October 13, 2022 Committee of the Whole Meeting, and was subsequently voted to recommend to Council at the October 25, 2022 Council meeting.

12. a) *Committee of the Whole Excerpts (October 13, 2022):*

ii. *Brooklyn Fire Dept – Generator Over Budget (8:36 p.m.)*

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE AWARD OF TENDER WWHPW22-02 FOR THE SUPPLY AND INSTALLATION OF A GENERATOR FOR BROOKLYN FIRE STATION #2 TO THE LOW COMPLIANT BIDDER, THOMPSON'S ELECTRIC LTD, FOR THE UPDATED TENDERED PRICE OF \$101,200.00 PLUS 15% CONTINGENCY AND APPLICABLE TAXES. MOTION DEFEATED. Nays: Jannasch, S. McLean, M. McLean, Hartt, P. Morton, Ivey and Zebian

Discussion Points:

- The impact of not having a Special Council meeting following Committee of the Whole was that every week of delay resulted in the delivery date being pushed ahead two-three weeks, resulted in an estimated delivery delay of an additional eight-weeks.*
- The generator would be used to power the entire building.*
- A grant application was submitted, one of the conditions of the grant was that the station be classified as a Comfort Centre. Fire Departments have been independently opening as Comfort Stations prior to the 72-hour mark as identified by EMO.*
- The Comfort Centre classification was new information to Council, it was felt that this was not the reasoning behind the original request made.*
- It was unclear if the generator could be retendered, significant change would be required from the original tender issued. Staff will explore options to determine the best approach in moving forward (retendering, pursuing an alternative vendor, either from the original quotes, etc.).*

Following the defeated motion by Council at the October 25, 2022 Council meeting, Municipal staff became aware of the award of a one-time Provincial \$50,000 grant for fire stations (80% of the cost, up to \$50,000) to be equipped with standby generators to be classified as comfort centres. This reclassification is a requirement to receive this Provincial grant funding.

Staff reached out to the Communities, Nova Scotia Program Development Officer requesting an extension to the approved grant project deadline. The Municipality was approved for an extension for project completion to December 31st, 2024. This approval enables us to proceed if approved by Council and not lose the grant.

As the pricing supplied by the five proponents was no longer valid (past 60 days terms); in March, 2023, Public Works staff contacted each of the original proponents with an invited tender request to provide the same equipment, installation and service contract. Out of the five proponents, four of the bidders submitted new individual prices based on the original specification that was released in July, 2022.

The results of the invited tender process (results of the invited tender were not disclosed publicly) are as follows:

Geddes and Murphey Electric Limited	\$96,900.	plus applicable taxes
Thompson's Electric Ltd.	\$112,850.	plus applicable taxes
Able Electric (2016) Ltd.	\$120,000.	plus applicable taxes
Gilson Construction Ltd.	\$131,408.50	plus applicable taxes

As the 45 day validity period of the lowest bid invited tender had elapsed, staff requested that the pricing be revised with another 45 day validity period. The result of the revised price is as follows. This price increase was directly a result of an equipment increase by the manufacturer. The price for installation and commissioning did not change.

Geddes and Murphey Electric Limited	\$98,400.	plus applicable taxes
-------------------------------------	-----------	-----------------------

As this work involves construction tie-ins to the existing building, there would most likely be a need for some contingency with the project scope as work proceeds through actual physical execution. It has been recommended that a project construction contingency of 15% should be sufficient for this project.

NEXT STEPS

Pending contract approval of Council; staff would award the construction tender to the successful proponent. Construction is planned to begin as soon as the equipment became available for installation. Delivery has been quoted at approximately 21 weeks from time of order. Allowing contingency and scheduling of the contractor, we would anticipate installation at approximately 6-7 months from the date of approval.

FINANCIAL IMPLICATIONS

Quote Pricing	\$98,400.00
Contingency (15%)	\$14,760.00
Non-Recoverable Tax (4.29%)	\$4,854.56
Total Cost	\$118,014.56.56
Less: Provincial Grant	(\$50,000.00)
Cost to Municipality	\$66,215.56
2023-24 Budget Value	\$ -
Variance (over budget)	(\$68,014.56)

Though this item was not included in the 2023-24 budget, there is room within the WHRM Fire Services Reserve to cover this cost, it would change the projected March 31, 2024, balance to \$7,486.44.

Should Council choose to fund through debt servicing instead, it would result in \$14,181 in additional debt servicing costs for 2023-24.

ALTERNATIVES

1. Council may choose to award to another bidder (non-lowest price); or
2. Council may choose not to proceed with this project.

ATTACHMENTS

- Sommers Diesel Generator Specification Sheet (unit proposed by the low bidder)

CHIEF ADMINISTRATIVE OFFICER REVIEW

The generator for BFD 2 was an item approved in the 2022/23 capital budget and did not get added to the 2023/24 budget liberations at the time the budget was drafted and reviewed by Council. The \$50,000 grant was awarded after the initial review by Council for the purchase was denied. Permission was granted to allow the extension of the grant until March 31 2024. Staff felt the matter should be revisited by Council as the fire service and facility operations feel it is still important to ensure ongoing fire station operations during power outages.

The cost of the entire project was revisited to ensure current market values were reflected. The price has increased slightly since last reviewed by Council but with the off-setting grant of \$50,000 the increase and overall cost to the Municipality is reduced.

I support the recommendation.

Report Prepared by: _____


Brad Carrigan, P.Eng., Capital Projects Engineer

Report Reviewed by: _____

Todd Richard, Director of Public Works

Report Reviewed by: _____

Shelleena Thornton, Municipal Operations Supervisor

Report Approved by: _____


Mark Phillips, Chief Administrative Officer

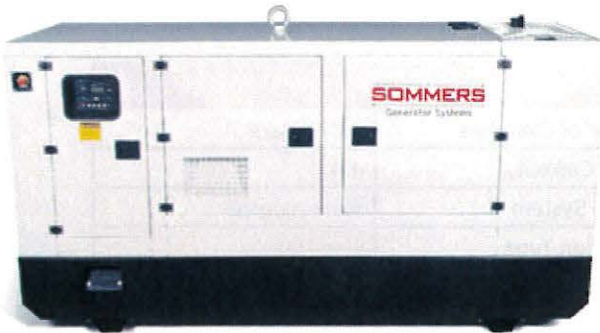
SOMMERS

Generator Systems

✓ 3YR or 3000Hr Limited Parts, Travel & Labour warranty

60Hz PERKINS 1104D-E44TAG2 Tier 3

DGPSW 100 ST T3

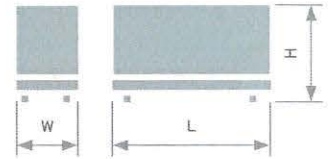


Measures:

L: 2775 mm H: 1700 mm
W: 1162 mm

Weight (dry):

3858 lbs / 1750 kg



60Hz



Diesel



Water cooled



Soundproofed



1800 RPM



CSA Approved or Equivalent

1 Genset General Description

➤ Soundproof genset with automatic startup, control card allows automatic, manual or signal start-up.

General Technical Data			
Engine	PERKINS 1104D-E44TAG2		
Alternators	240/120V	Wdg.	STAMFORD UCI274D-w06
		06	
	208/120V	Wdg.	STAMFORD UCI274D
		311	
	600/347V	Wdg.	STAMFORD UCI274D
		17	
Performance Class	G3		
Frequency	60Hz		
Control Panel	240/120V		DSE 7320 MKII
	208/120V		DSE 7320 MKII
	600/347V		DSE 7320 MKII
Noise level (dBA@7m)	67		

Voltage (V)	PRP (kW)	ESP (kW)	PRP/ESP (A)
240/120V	90	98	371/408
208/120V	95	104	328/361
600/347V	96	105	115/126

PRP: Continuous power ("Prime Power") ISO 8528-1 standard.
ESP: Emergency power ("Emergency Standby Power") ISO8528-1 standard.

V.0-2022 • Last update: 03/09/2022 | Page 1

Sommers Motor Generator Sales Ltd.
www.sommersgen.com
1-800-690-2396

Head Office
70 Packham Ave.
Stratford, ON. N4Z 0A6

Atlantic Canada
551 Ferdinand Boulevard
Dieppe, NB E1A 7G1

2 Engine Specifications

➤ PERKINS 1104D-E44TAG2 Diesel engine, inline 4-cylinders, 4-stroke. Turbocharged aspiration, air intake system. Electronic regulation. Complying with Tier 3 emissions.

Engine General Data			
Manufacturer/Model	PERKINS 1104D-E44TAG2	Number of Cylinders	4 cylinders
R.P.M.	1800	Engine Capacity	4,4
Max. Power (kWm) (net)	114,6	Cooling System	Water cooled
Power PRP (Kwm) (net)	104,2	Regulation Type	Electronic
Fuel	Diesel	Engine Type/Injection/ Suction	Diesel /Direct/ Turbocharged

2.1 Fuel Feed System

➤ Direct injection system, fuel filter included that prevents the passage of particles, original parts from the engine manufacturer.

50% PRP **15,9 l/h** (4,2 US gals/h)

75% PRP **22,2 l/h** (5,9 US gals/h)

100% PRP **27,7 l/h** (7,3 US gals/h)

110% ESP **29,9 l/h** (7,9 US gals/h)

2.2 Cooling System

➤ Cooling by fully distributed coolant in a closed circuit driven by a pump activated by the engine. Tropicalized radiator. Original parts from the engine manufacturer.

N/A

Fan Airflow (N/A)

6,7
(5)

Fan Power Consumption, hp (kW)

17

Engine + Radiator Capacity (l)

1000W
120V

Blockheater (W/V)

2.3 Lubricating System

➤ Lubrication system is driven by the crankshaft driven pump. Filter on top with full flow cartridge inserted, front crankcase. Original parts from the engine manufacture.

Total Oil Capacity 8,4L

With oil pressure reading sensor



Committee of the Whole Excerpts
June 13, 2023

EDWARD DRIVE AND UNDERWOOD ROAD CONNECTION EXCERPT

Staff were directed to provide options including an electronic gate system that would improve connectivity between Edward Drive Underwood Road. Staff noted that the construction of Community Way was in progress and potentially could be open for traffic as early as this fall 2023 which provided an option to explore the option and cost to design and construct a street from the end of Payzant and connect it to King Street.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO PRESENT COUNCIL WITH A QUOTE (CLASS D ESTIMATE) ON CONNECTING PAYZANT TO KING STREET AND REPORT BACK TO COUNCIL WITHIN THREE (3) MONTHS.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☒	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Members of Council

Submitted by: 
Todd Richard, Director of Public Works

Date: June 13, 2023

Subject: Automatic Siren Activated Gate – Underwood Drive /Edward Drive

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

INFORMATION REPORT

BACKGROUND

Property ☒	Public Opinion ☒	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☒
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Staff has received notification from Council of the following motion:

MOVED BY DEPUTY MAYOR MORTON AND SECONDED BY COUNCILLOR BOB MORTON THAT COUNCIL DIRECT STAFF TO DO A REPORT ON OPTIONS INCLUDING WHAT AN ELECTRONIC GATE SYSTEM WOULD COST AND RETURN WITHIN A COUPLE OF MONTHS. MOTION CARRIED

DISCUSSION

As most of council is aware the Edward / Underwood area and more particularly the old boundary area between the previous two municipal units (Windsor & West Hants) has and continues to be a much debated and decisive issue. The two streets have been a concerning issue for traffic flow, connectivity, emergency access, safety, peace of mind and other various matters.

The current status of these two streets is a fully paved assessable area, however a locked gate is present preventing normal traffic throughfare. The gate can be opened for emergency access along with access for snow & ice control by municipal staff.

More recently it has been brought to council's attention relaying apparent statements that EHS has responded to this area and were forced to go around since they were unable to open the gate. This has led to a request from a resident to install a siren activated gate opener.

Staff have reached out to EHS to identify any issues on their end. A supervisor with EHS dispatch told staff that there have been no issues as their map shows a gap / blockage at Underwood / Edward. During the call they have officially identified this area as closed and requested they be contacted if the status changes.

Staff have also reached out to suppliers for an estimated cost c/w installation. Currently this cost is estimated to be \$50,000 minimum (\$30,000 supply of gate equipment and installation, plus \$20,000 for electrical, civil work and road restoration). Along with the high cost of installation, this option presents a few operational challenges such as reliability and proper operation of gate when required, increased maintenance, inspection and operational costs, stand-by power (batteries) required, issues with snow and ice causing issues with operation of swing gate, WHRM ROW in this area may require obtaining additional land and or service easements for electrical and gate swing TBD. These additional costs if required have not been factored in the above price estimate.

Staff have also outlined some other alternatives, as staff would not recommend installing an automatic gate at Edward / Underwood. Over the past several years streets have been constructed to allow improved access to and from the crossing. Approvals are also currently being reviewed for streets connections from Edward to Cole Drive. This along with intersection improvements current being designed for the Payzant / Wentworth & Centennial intersection. Based on these and other factors, staff are confident the restricted access at Edward / Underwood is no longer necessary or recommended.

NEXT STEPS

- Await council direction for next steps if any.

FINANCIAL IMPLICATIONS

Should Council decide to proceed with the electric gate options above, there will be a new capital cost for the 2023-24 fiscal year of \$50,000 minimum, this can be funded through the operating reserves of the former entities or the region. Additionally, there will be operating

costs associated with this electric gate that are currently unknown that will add to the 2023-24 operating budget and will need to be factored in to future year budgets.

Should Council consider the alternative staff have provided below, there will be minimal or no financial implications for the Municipality.

ALTERNATIVES

Council may choose to direct staff to open the current gate at Edward / Underwood and monitor activity. Traffic counts can be recorded and any safety concerns or incidents can be reviewed and addressed if necessary. Construction of Community Way is in progress and potentially could be open for traffic as early as this fall 2023. Council could also direct staff to explore the option and cost to design and construct a street from the end of Payzant connecting to King Street. Having Community Way along with a potential third connection point via King Street could lead to having the Edward / Underwood access opened permanently as the other access points would be the common traffic flow patterns.

ATTACHMENTS

Eastern Fence Quote (May 31, 2023)

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in the report, connecting these two communities has been an outstanding matter as it relates to transportation connectivity. I agree with the comments to not recommend the installation of the siren activated gate. A more permanent solution is warranted. As noted by EHS and common GPS related mapping systems the two streets are not connected and may create further confusion by promoting a local alternative not widely recognized.

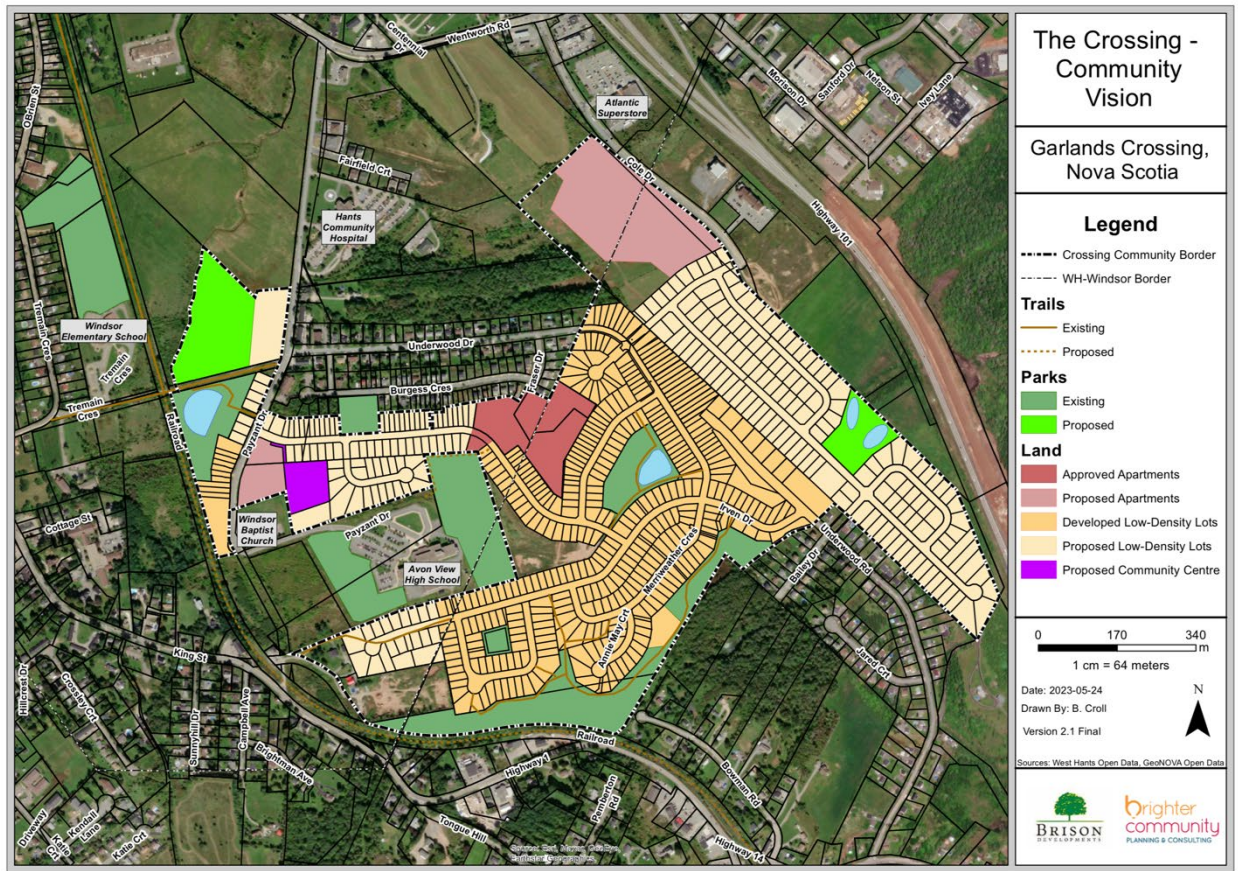
A broader internal review by staff and presentation to Council of existing road networks, soon to be constructed streets and unplanned streets should be presented to Council for review.

As development continues in the area of The Crossing on Payzant and Cole Drive improved connectivity would improve traffic flow. A majority of these needs are scheduled to be met through traffic review exercises, traffic studies and improvements as approved by PWs which accompany development applications.

- Underwood Drive and Edward Drive connectivity
 - Remove the gate and formalize the street connectivity.
 - Introduce traffic calming measures (temporary or long-term)
- Edward Drive connectivity to Cole Drive
- Community Way connectivity to Payzant

- Payzant Drive to King Street
- Emergency School Exit
- Payzant and Wentworth Round About
- Traffic Calming measures for new road connectivity intersections and roads.
- Other considerations.

Staff await Council's direction on these matters.



Report Reviewed / Prepared by:

T. Richard
Todd Richard, Director of Public Works

Report Approved by:

M. Phillips
Mark Phillips, CAO

EASTERN FENCE ERECTORS LIMITED

145 Cutler Ave., Dartmouth, Nova Scotia, B3B 0J5



May 31st 2023

West Hants Reginal Municipality
PO Box 3000 100 King Street
Windsor N.S. B0N2T0

Phone: 902.798.8391
Email: mkehoe@westhants.ca

Re: Barrier Arms

Site: Edward & Underwood

Martin Kehoe

We are pleased to submit our quotation to you for the above noted project as follows:

Scope of Work: Supply & Install

- Remove existing pipe barrier arms
- Two (2) concrete pads 20" x 20" by 48" deep
- Two (2) Lift Master up lift barrier arm operators
- Two (2) led barrier arms
- One (1) pair opex 100 photo eyes for safety
- One (1) siren operated sensor c/w counter balance
- Two (2) strobe lights

Quotation: \$29,700.00 + HST

Note: Trenching, Conduit, Asphalt, Power to operators by others

Eastern Fence carries complete Workers Compensation coverage and Liability Insurance to protect our employees as well as you our customer. The establishment of property lines and the procurement of building permits, are the sole responsibility of the customer. Damage to un-located underground utilities are the sole responsibility of the customer.

If you have any questions, please feel free to contact me at the number below. Price(s) are valid for 30 days, HST Extra. Snow removal if required, not included.

Regards,


Mike Ramsay

Accepted By:

Terms: Due Upon Receipt

Quote # 23-MR144



902.468.2455

TOLL FREE: 1.800.563.2455

FAX: 902.468.3773



sales@easternfence.ns.ca





Committee of the Whole Excerpts
June 13, 2023

GLOOSCAP FIRST NATION ADDITION TO THE RESERVE EXCERPT

Glooscap First Nation requested that land, located partially in West Hants Regional Municipality and partially in Kings County, in the Province of Nova Scotia, identified as Parcel A (former PID 55234926), Parcel B (former PIDs 45193604 and 45193596) and PIDs 55216303 and 55234892, comprising a total area of 52.81 acres or 21.37 hectares more or less, be added to Glooscap Reserve No. 35.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL SEND CORRESPONDENCE BACK TO INDIGENOUS SERVICES CANADA INFORMING THEM THAT COUNCIL HAS NO CONCERNS WITH THE REQUEST FROM GLOOSCAP FIRST NATION.



April 14, 2023

5600-30-06036-B1
GCdocs #111680230

Mayor Abraham Zebian
West Hants Regional Municipality
76 Morison Dr., P.O. Box 3000
Windsor, NS B0N 2T0

Dear Mayor Zebian:

Proposed Addition to Reserve, Glooscap First Nation

This letter is to inform you that Glooscap First Nation has, by way of a Band Council Resolution, submitted a request for an Addition to Reserve to Indigenous Services Canada (ISC). Glooscap First Nation has requested that land, located partially in West Hants Regional Municipality and partially in Kings County, in the Province of Nova Scotia, identified as Parcel A (former PID 55234926), Parcel B (former PIDs 45193604 and 45193596) and PIDs 55216303 and 55234892, comprising a total area of 52.81 acres or 21.37 hectares more or less, be added to Glooscap Reserve No. 35 (see attached).

As you may know, reserves are land that has been set apart for the use and benefit of a First Nation. The Government of Canada has discretion to create reserves and add land to existing reserves in accordance with Canada's Addition to Reserve/Reserve Creation Policy Directive. I would like to request your input on this Addition to Reserve Proposal by **June 13, 2023**.

As part of the Addition to Reserve Process, the First Nation will negotiate agreements with local governments on issues such as service provisions, by-law harmonization and land-use planning. Local government(s) and the Province are encouraged to work with the First Nation using the "good neighbour" approach. This approach involves good will, good faith and reasonableness in discussions between the First Nation and other Governments.

We encourage Municipal, Provincial and First Nation governments to work together on common and shared obligations and goals. By working together, we can advance our collective work in the spirit of reconciliation and a nation-to-nation relationship. Communication among all relevant parties is encouraged when addressing issues of mutual concern.

.../2

Should you have any questions or wish to receive further information, please contact Naomi Ferdinand, by phone at 902-397-0958 or by e-mail at naomi.ferdinand@sac-isc.gc.ca.

Sincerely,

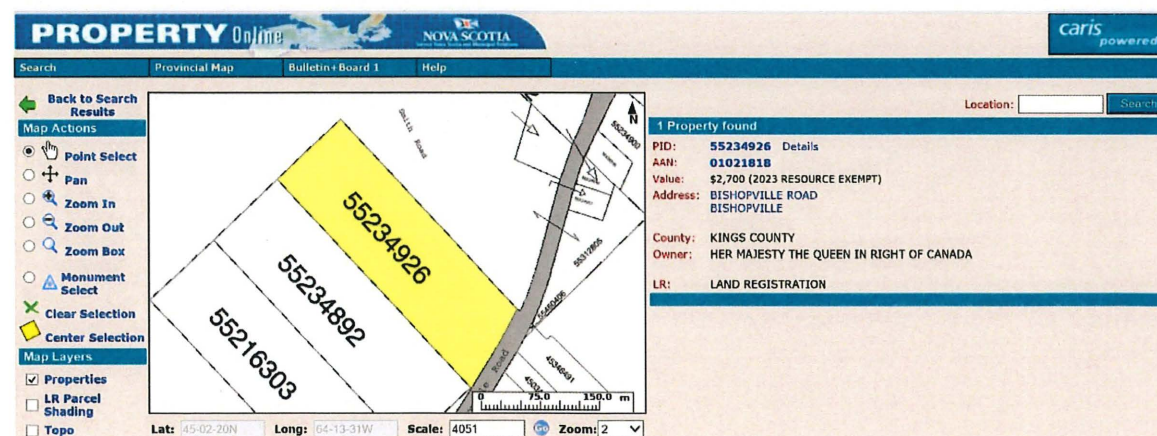
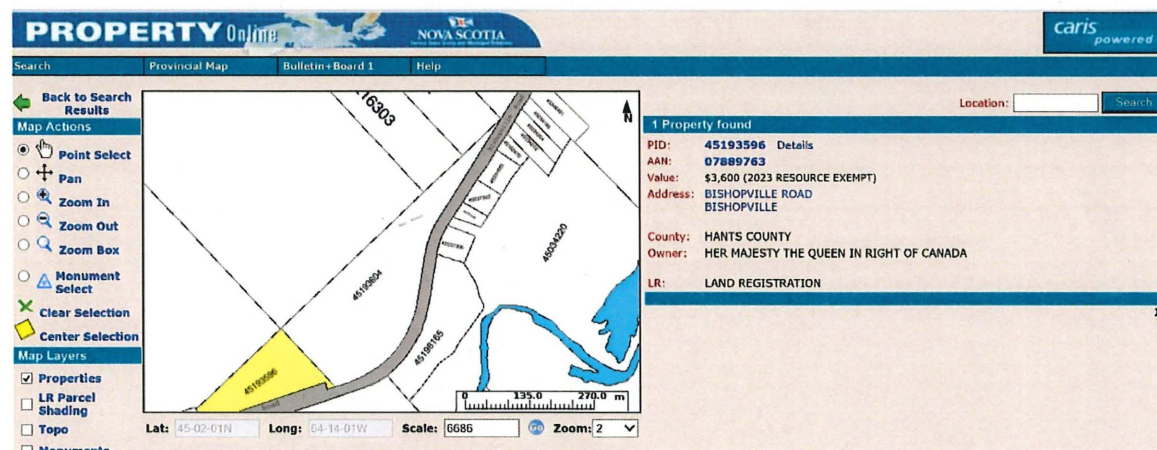
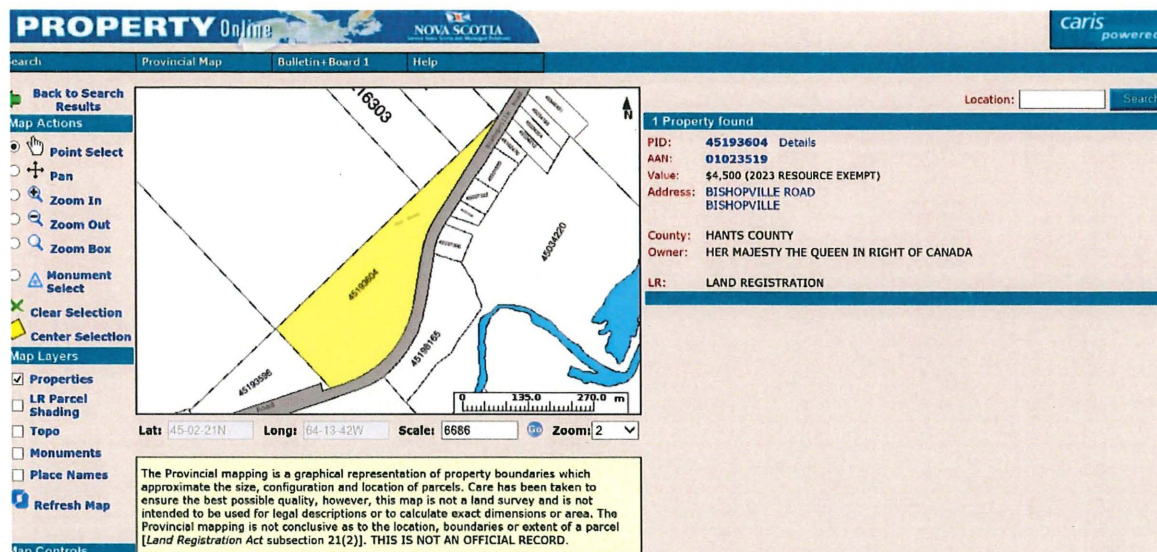


Krista MacDonald, Manager
Lands, Environment and Natural Resources
Indigenous Services Canada – Atlantic
PO Box 160
40 Havelock Street
AMHERST NS B4H 3Z3

Enclosure

c.c.: Council of Glooscap First Nation
Jason MacLeod, Director of Administration, Glooscap First Nation
Naomi Ferdinand, Regional Program Development Team Lead, ISC – Atlantic
allcouncil@westhants.ca

Figure 1: Location map of PIDs (highlighted in yellow) extracted from Service Nova Scotia Property Online website.



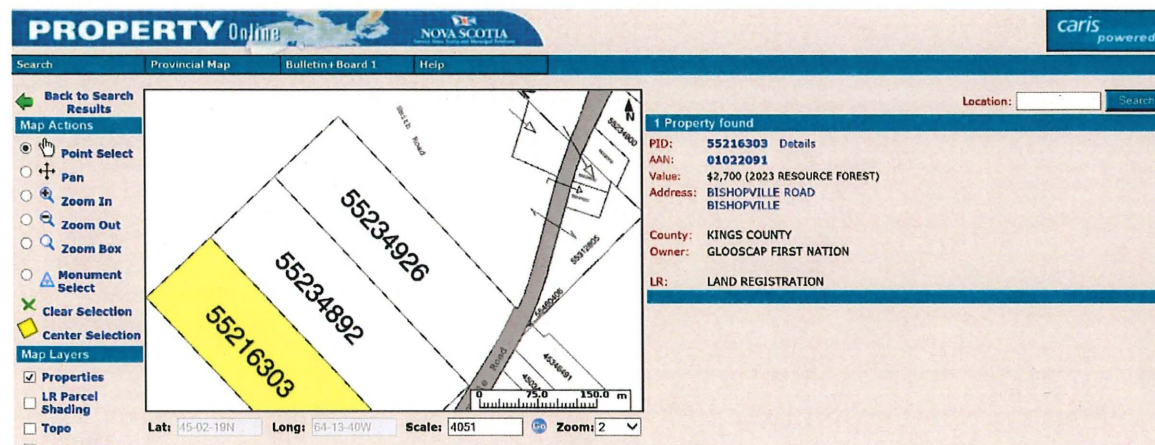
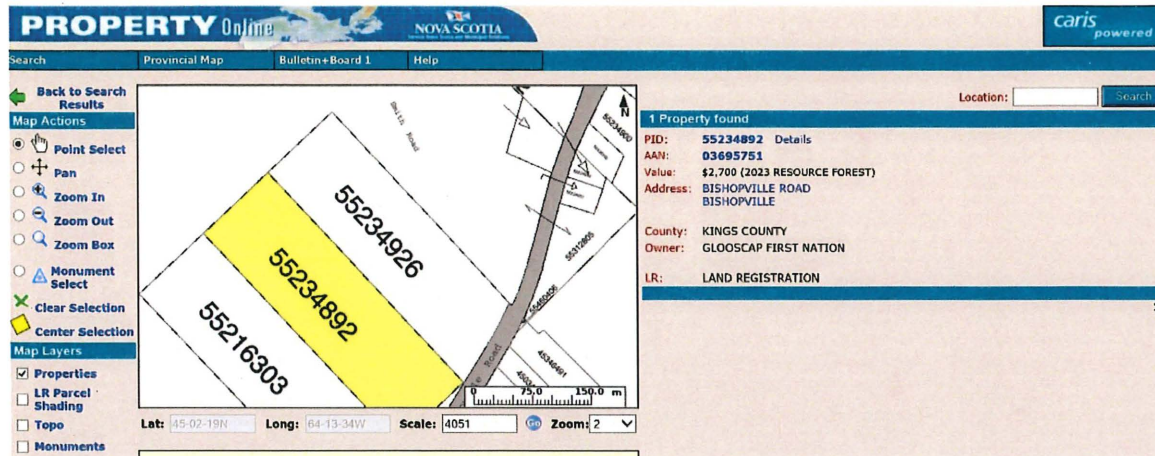


Figure 2: Close up of addition in relation to Glooscap Indian Reserve No. 35.





Government
of Canada

Gouvernement
du Canada

May 19, 2023

5600-30- 06036-B1
GCDocs #112928130

Mayor Abraham Zebian
West Hants Regional Municipality
76 Morison Dr., P.O. Box 3000
WINDSOR NS B0N 2T0

Dear Mayor Zebian:

Re: Proposed Addition to Reserve, Glooscap First Nation

Indigenous Services Canada (ISC) has been asked by the Glooscap First Nation to set apart certain lands as an addition to Glooscap Indian Reserve.

Further to my letter dated April 14, 2023 and your e-mail response of April 18, 2023 where you mentioned you would add it to your meeting agenda, this is a reminder that we have not received any further response from you. We look forward to hearing from you. If you need additional time to provide us with a response, kindly advise us to make arrangements.

Thank you for your assistance in this regard. If you have any questions or concerns with respect to this request, please contact Lesley Reynolds, Land Management Advisor by phone at (902) 397-4464 or by e-mail at lesley.reynolds@sac-isc.gc.ca.

Sincerely,

Krista MacDonald
Manager, Lands, Environment and Natural Resources
Indigenous and Northern Affairs Canada - Atlantic
PO Box 160, 40 Havelock Street
AMHERST, NS B4H 3Z3

Tel.: 902-669-0864

Email: krista.macdonald@sac-isc.gc.ca

cc: Chief and Council of Glooscap First Nation
allcouncil@westhants.ca
Lesley Reynolds – ISC Land Management Advisor



Committee of the Whole Excerpts
June 13, 2023

HALF TON TRUCK PURCHASE WHRMPW22-06 EXCERPT

During the 2023-4 Capital budget WHPW23-06 for a Half ton truck for Community Development was identified and approved. A public tender was issued on the Nova Scotia Procurement site. Two complete tender submissions were received.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVES THE AWARD OF TENDER FOR THE PURCHASE OF THE 1/2 TON TRUCK (WHPW23-06) FROM POTHIER MOTORS LTD FOR THE TENDERED PRICE OF \$67,444.95 PLUS APPLICABLE TAXES.



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐		Recommendation ☒		Decision Request ☐		Councillor Activity ☐	
Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐		

To: Committee of the Whole

Submitted by: _____
Kathy Kehoe, Director, Community Development

Date: June 13, 2023

Subject: Purchase of Equipment (WHRMPW22-06)

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

Council approves the award of tender for the purchase of the 1/2 Ton Truck (WHPW23-06) from Bruce Leasing Limited for the tendered price of \$66,584.14 plus applicable taxes.

BACKGROUND

The equipment tendered (WHPW23-6) was identified and approved in the 2023/24 Capital budget.

DISCUSSION

As per the West Hants Regional Municipality's Procurement Policy and the evaluation formula set out in the tenders document the following are the results after review and evaluation of the above-mentioned tenders.

1. Tender #WHPW23-06 had two complete tender submissions. After evaluation with consideration given to tendered specification needs, warranty, service availability and price the recommended bid is from Bruce Leasing Limited.

Tender results are:

Bruce Leasing Limited	\$66,584.14	Score 99.00%
Pothier Motors Ltd	\$67,444.95	Score 98.26%

The total amount of the equipment tendered (WHPW23-6) is \$4,440.60 over the approved amount in the 2023/24 Capital budget.

Tender #	Budgeted Amount	Tendered Price
WHPW23-06	\$65,000	\$66,584.14

NEXT STEPS

Pending approval of Council; staff would award the equipment tender and issue Purchase Orders to the successful proponent.

FINANCIAL IMPLICATIONS

Tendering Timeline:

Posted to Procurement	May 1, 2023
Closing Date	May 18, 2023
Price Expiry Date	August 10, 2023
Days Remaining	59 Days

2023-24 Capital Budget – P&G Truck – ½ Ton Truck

Tender Pricing	\$66,584.14
Non-Recoverable Tax (4.29%)	<u>\$2,856.46</u>
Tender Total	\$69,440.6
2023-24 Budget Value	\$65,000.00
Variance (over budget)	(\$4,440.60)

Within the 2023-24 Capital Budget, this truck purchase is scheduled to be funded through the WHRM Vehicle Reserve. This reserve is projected to have a March 31, 2024, balance of just under \$8,500. The WHRM Vehicle Reserve does have room to fund the over budgeted amount of \$4,440.60, but will leave a March 31, 2024, balance of \$4,000. Alternatively, Council could choose a different reserve to fund the over-budgeted amount if they felt it necessary.

ALTERNATIVES

1. Council may choose to award to the other bidder; or
2. Council may choose not to proceed with the purchases.

ATTACHMENTS

- None

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and funding as proposed.

Report Prepared by: _____
Troy burgess, Manager of Public Works Operation

Report Reviewed by: _____
Kathy Kehoe, Director of Community Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
June 13, 2023

HANTS COUNTY FEDERATION OF AGRICULTURE EXCERPT

The Hants County Federation of Agricultural has voiced concerns regarding the need for a freshwater resource to assist them. With the awareness that nothing has been brought forward to address the concerns of the Agricultural community regarding the provision of a freshwater Resource the following recommendation as made.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL ISSUE A LETTER TO THE APPROPRIATE MINISTERS FOR THE PROVINCE OF NOVA SCOTIA AND THE GOVERNMENT OF CANADA, THE PREMIER OF NOVA SCOTIA AND THE PRIME MINISTER OF CANADA STATING OUR FIRM SUPPORT FOR A PERMANENT LONG TERM FREASH WATER RESOURCE FOR THE COMMUNITY AS STATED BY THE HANTS COUNTY FEDERATION OF AGRICLUTURE.

February 23, 2023

Mark Phillips – Chief Administrative Officer
Municipality of West Hants
76 Morrison Drive
PO Box 3000
Windsor, NS
B0N 2T0



Dear Mr. Phillips,

The Hants County Federation of Agriculture and the Falmouth Great Dyke Marsh Body have been advised that there are remaining funds with the West Hants Regional Municipality and the ACOA project #219903 "Divert Avon River to provide fresh water access for Tourism and Agriculture sector".

We would like to use the remaining funds of the project to develop a fresh water source and infrastructure for access to the farm community in the Avon River Watershed area. The Federation and the Marsh Body would like to meet with the municipality to discuss the options.

We look forward to having the conversation with the municipality for a freshwater access project for agriculture.

Sincerely,

Nick Juurlink
President, Hants County Federation of Agriculture
902-805-9300

Dean Manning
Chair, Falmouth Great Dyke Marsh Body
902-790-3116



Committee of the Whole Excerpts
June 13, 2023

INDEPENDANT ENGINEER EXCERPT

WHRM has experienced unprecedented development growth and interest in its urban areas. A development agreement requires a storm water management plan as part of the process to ensure water runoff is managed and controlled with no change in predevelopment flows. Storm water runoff, drainage, intensity of storms and rain events, and concerns on the Regions storm water systems have resulted in several conversations during development agreements being approved.

Concerns have been raised that it was noted that it may be beneficial for the Municipality to solicit an independent report as an additional “safe guard” for Council to be assured storm water is properly managed and no concerns are identified.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO SOLICIT A REPORT FROM AN INDEPENDENT ENGINEER ON STORM WATER MANAGEMENT PLANS FOR REQUESTED DEVELOPMENT AGREEMENTS AS PART OF THE DEVELOPMENT AGREEMENT PROCESS.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: Mayor Abraham Zebian

Date: June 13, 2023

Subject: Independent Engineer Report

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

...Council direct staff to solicit a report from an independent engineer on storm water management plans for requested development agreements as part of the development agreement process.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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Since consolidation, the Region of West Hants has experienced unprecedented development growth and interest in its urban areas. As part of the process for an applicant to file for a development agreement with the Municipality, a storm water management plan is required to ensure water runoff is managed and controlled with no change in pre development flows.

DISCUSSION

Since consolidation, the issue of storm water runoff, drainage, intensity of storms and rain events, and concerns on the Regions storm water systems have arisen regularly as Council has approved numerous development agreements. As part of every process, applicants have had to

provide storm water management plans to fulfill requirements for approvals. Council, in particular Councillor Ivey, have raised the issue of the developer supplying a privately solicited engineering report to satisfy the requirements of the Municipality. There have been concerns raised that it may be beneficial for the Municipality to solicit an independent report as an additional “safe guard” for Council to be assured storm water is properly managed and no concerns are identified. Council had recently voted down such a recommendation and motion during the process for an applicant in process because it was singularly focused on the individual application. The purpose of this recommendation report is to support the principle of the request for an independent engineering report on a storm water management plan for all applications going forward.

NEXT STEPS

If the recommendation is ratified by Council, staff are to undertake the request for all future development agreements.

FINANCIAL IMPLICATIONS

There will be financial implications to Council with approving the recommendation.

ALTERNATIVES

COTW may not choose to send a positive recommendation to Council.

COTW may choose a different course of action.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending the discussion and decision of Council staff should provide feedback before the June Council meeting regarding anticipated costs associated with this added service.

Staff have discussed this request when it was first highlighted and will follow Council’s direction regarding this resource. The added resource will provide an added level of security as it relates to construction standards compliance and capacity evaluation which is favorable in this time of significant growth.

I support the recommendation.

Report Prepared by: Abraham Zebian, Mayor

Report Reviewed by: 
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
June 13, 2023

LETTER OF SUPPORT FOR AVON STREET RESIDENTS EXCERPT

The Hantsport residents experiencing erosion along their property banks feel they have not received support for their concerns at the Provincial or Federal levels. Assistance from the municipal levels (Kings County and West Hants) is needed to help get their concerns addressed.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO WRITE A LETTER OF SUPPORT FOR THE RESIDENTS WHO LIVE ALONG AVON STREET FOR THE IMMEDIATE ACTION BY THE FEDERAL AND PROVINCIAL GOVERNMENTS TO ADDRESS THE ISSUES THAT ARE BEING EXPERIENCED AS REPORTED BY THE AVON STREET GROUP. THE LETTER WILL BE SENT TO THE PROPER FEDERAL AND PROVINCIAL DEPARTMENTS, MP BLOIS. MLA SHEEHY-RICHARD, MLA IRVING AND THE MUNICIPALITY OF THE COUNTY OF KINGS.



Committee of the Whole Excerpts
June 13, 2023

MAIN STREET NORTH HANTSPORT DESIGN PRIORITY RECOMMENDATION REPORT EXCERPT

Both Main Street north and Rand Street in Hantsport are identified in the 5-year road capital projects. It was requested the projects be reprioritized based on overall infrastructure risk: there is an exposed sewer main that currently runs through Willow Brook at the Main Street (North) bridge. With the exposed main there is the risk that a flood event could cause damage to this pipe and cause an extreme sewer release to a freshwater stream, thereby causing significant damage to the environment, fish, wildlife and potentially people in our community.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE THE RELEASE OF, REQUEST FOR PROPOSALS (RFP) FOR THE ENGINEERING AND DESIGN WORK FOR MAIN STREET NORTH INFRASTRUCTURE RENEWAL FOR THE 2023/24 FISCAL PERIOD, WITH THE PLAN OF STARTING CONSTRUCTION OF THE MAIN STREET NORTH RENEWAL PROJECT FOR 2024/25.

AND,

COUNCIL DEFER THE ENGINEERING AND DESIGN WORK FOR RAND STREET INFRASTRUCTURE RENEWAL TO THE 2024/25 FISCAL PERIOD, WITH THE PLAN OF STARTING CONSTRUCTION OF THE RAND STREET NORTH RENEWAL PROJECT FOR 2025/26.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Council

Submitted by: _____
Todd Richard, Director, Public Works

Date: June 13, 2023

Subject: Main Street North Hantsport Infrastructure Renewal Design

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

Council approve the release of, Request for Proposals (RFP) for the engineering and design work for MAIN STREET NORTH Infrastructure Renewal for the 2023/24 fiscal period, with the plan of starting construction of the Main Street North Renewal Project for 2024/25.

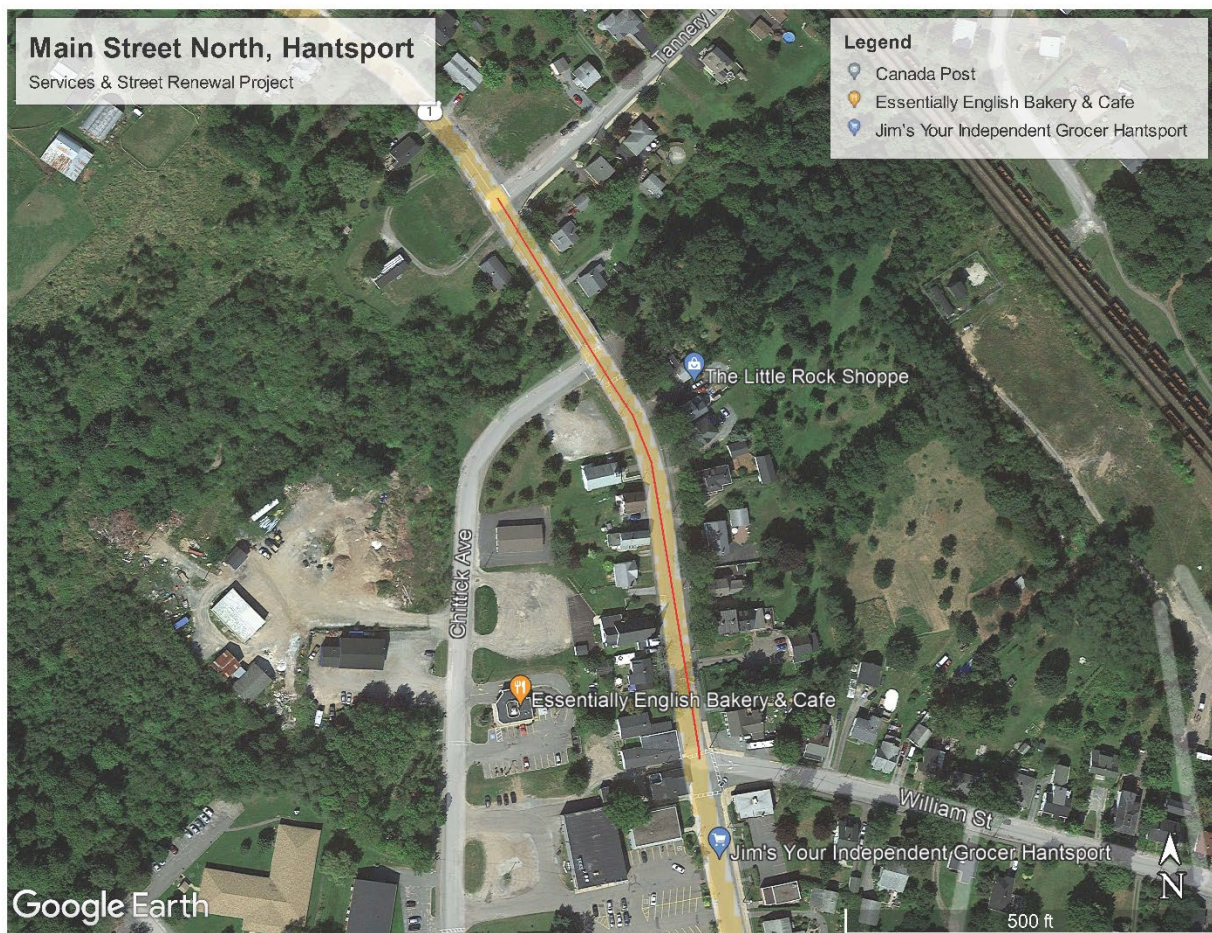
And,

Council defer the engineering and design work for RAND STREET Infrastructure Renewal to the 2024/25 fiscal period, with the plan of starting construction of the Main Street North Renewal Project for 2025/26.

BACKGROUND

Property	Public Opinion	Environment	Social	Economic	Councillor Activity
☐	☒	☐	☒	☐	☐

Public Works intends to replace underground sanitary sewer, storm, and water services, and roadway surface structures (road, curb, sidewalk, signs) on Main Street North in Hantsport, from William Street extending northerly to Tannery Road (Municipality boundary), approximately 265 meters in length.



Public Works also intends to replace underground sanitary sewer, storm, and water services, and roadway surface structures (road, curb, sidewalk realignment to one-side, signs) on Rand Street in Hantsport, from Holmes Hill Road / Bog Road intersection extending westerly to Riverview Road (West Hants / Kings County boundary), approximately 680 meters in length.



DISCUSSION

As presented in the 2023/24 Capital Budget, the following 5-year road capital projects are currently prioritized as follows for the community of Hantsport:

2023/24	Riverview Road Renewal (Design) Riverview Road Renewal (Construction) Main Street Mid - Prince St to William St (Construction, sidewalks/road only) Rand Street Renewal (Design)
2024/25	Rand Street Renewal (Construction) Main Street North (Design)
2025/26	Main Street North Renewal (Construction) Porter's Avenue (Design) Evangeline to Chestnut (Design, water loop only, no street construction)
2026/27	Porter's Avenue (Construction) Evangeline to Chestnut (Construction, water loop only, no street construction) Avon Street Renewal (Design)
2027/28	Avon Street Renewal (Construction) Maple Avenue Renewal (Design)

It is being recommended that the 5-year road capital projects be re-prioritized as follows for the community of Hantsport, based on overall infrastructure risk:

2023/24	Riverview Road Renewal (Design)	
	Riverview Road Renewal (Construction)	
	Main Street Mid - Prince St to William St (Construction, sidewalks/road only)	
	⬆ Main Street North (Design)	\$70,000 Class D Estimate
2024/25	⬆ Main Street North Renewal (Construction)	\$1,620,000 Class D Estimate
	⬇ Rand Street Renewal (Design)	\$30,000 Class D Estimate
2025/26	⬇ Rand Street Renewal (Construction)	\$2,150,000 Class D Estimate
	Porter's Avenue (Design)	
	Evangeline to Chestnut (Design, water loop only, no street construction)	
2026/27	Porter's Avenue (Construction)	
	Evangeline to Chestnut (Construction, water loop only, no street construction)	
	Avon Street Renewal (Design)	
2027/28	Avon Street Renewal (Construction)	
	Maple Avenue Renewal (Design)	

Both projects are still warranted for the community of Hantsport, as the water mains were installed at relatively the same time (circa 1948) and are approximately 75 years old. There have been few water breaks on each water main, however there is no indication that one set of underground infrastructure may be in worse condition than the other. From a street condition and sidewalk alignment perspective, both projects are warranted to improve condition of drivability and pedestrian safety.

- Rand Street asphalt condition is slightly worse than Main Street North asphalt,
- Main Street sidewalk condition is slightly worse than Rand Street sidewalk,
- Sidewalk realignment to the east side will be recommended for Rand Street,
- Length of work scope for Rand Street renewal would be more than double that of Main Street North, and
- NS Department of Public Works Willow Brook bridge upgrades should be investigated as part of the Main Street North project.

Photos of existing 2023 conditions are being shared below for each of the proposed projects, for reference by Council.

The request for reconsideration of project priority is primarily based on the current **risk posed by an exposed sewer main that currently runs through Willow Brook** at the Main Street (North) bridge. As this sanitary sewer main is currently exposed, there is the current risk that a flood event could cause damage to this pipe and cause an extreme sewer release to a freshwater stream, thereby causing significant damage to the environment, fish, wildlife and potentially people in our community.

The project design would include the realignment of this sanitary sewer main to bury the infrastructure under the waterway. It is also our intention to work closely with provincial Department of Public Works to determine what bridge upgrades can be made, with the hope to extend and widen concrete sidewalks over the bridge structure, for pedestrian safety and to allow safety snow-clearing operations by the Municipality.

MAIN STREET NORTH (2023 CURRENT CONDITION) PHOTOS:



Main Street North (northbound view)



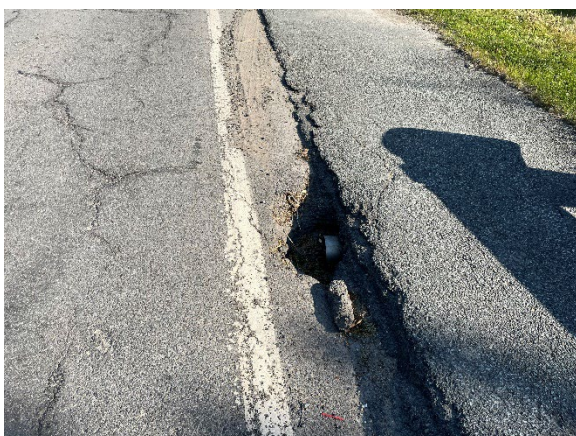
Main Street North (southbound view)



Willow Street Bridge (NSDPW jurisdiction)



Willow Street Bridge (NSDPW jurisdiction)



Sidewalk Stormwater Drainage Solution



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Willow Bridge Sidewalk Condition (width insufficient for safe snow clearing operations)



Exposed Sanitary Sewer Main within Willow Brook (under drought conditions)



Exposed Sanitary Sewer Main within Willow Brook (under drought conditions)

RAND STREET (2023 CURRENT CONDITION) PHOTOS:



Rand Street (northbound view)



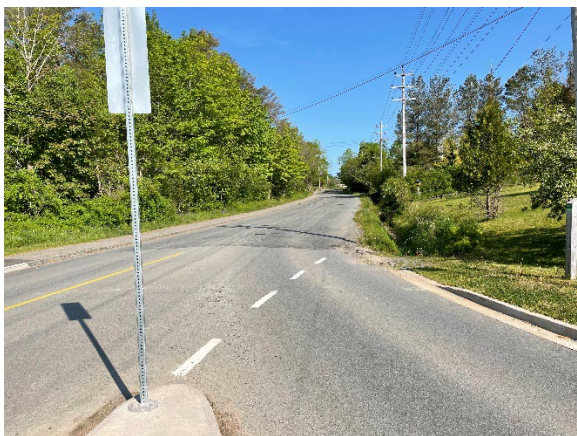
Rand Street (southbound view)



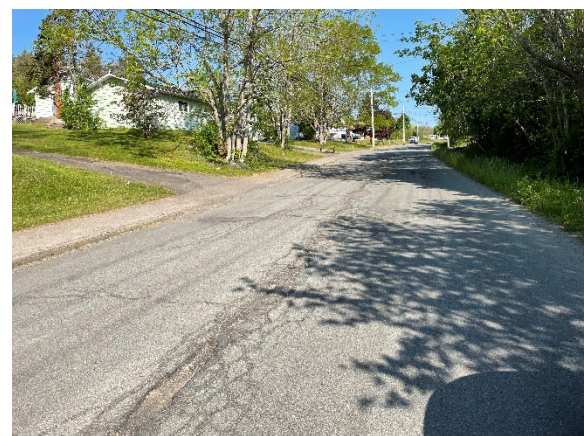
Bog Road Intersection (facing southwest)



Holmes Hill Road Intersection (facing east)



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Asphalt & Asphalt Sidewalk Condition



Multiple Sidewalk Crosses on Rand Street (proposed realignment to east side)

NEXT STEPS

Pending approval of Council; staff will issue Requests for Proposals (RFP's) from pre-qualified consulting engineers to proceed with engineering and design work for the Main Street North infrastructure renewal project.

FINANCIAL IMPLICATIONS

Council has approved \$50,000 in the 2023-24 capital budget associated with the Rand Street Renewal design and engineering. Design and engineering costs for Main Street North Renewal project are estimated to be \$70,000, due to the additional engineering costs associated with burying the sanitary, water, and stormwater under the Willow Brook waterway. These estimated costs would likely need to be reversed for the two years, with \$70,000 for 2023-24 and then \$50,000 for the 2024-25 fiscal period. Please note that both of these engineering costs are "estimates only" based on history of design pricing for similar community projects, and that staff will not know firm pricing until the RFP's have been responded to.

The \$50,000 design work for Rand Street is scheduled to come from our capital Hantsport infrastructure reserves, which has a March 31, 2024 expected balance of \$624,980. This reserve will be able to support the additional \$20,000 associated with reprioritizing the street work, and having the \$70,000 design for Main Street North in the 2023-24 spend.

ALTERNATIVES

1. Council may choose to not to proceed with this recommendation and maintain status quo on the project priorities, as currently identified in the 5-year capital plan.

ATTACHMENTS

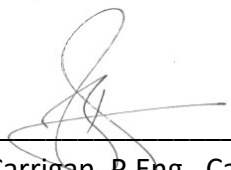
None

CHIEF ADMINISTRATIVE OFFICER REVIEW

The rationale for the exchange of these two projects is noted in the report. The exposure of risk for the sewer main within the Willow Brook and it not being repaired raises concern as noted.

I support the recommendation.

Report Prepared by:



Brad Carrigan, P.Eng., Capital Projects Engineer

Report Reviewed by:

Todd Richard, Director of Public Works

Report Approved by:



Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
June 13, 2023

MUNICIPAL CLIMATE CHANGE ACTION PLAN (MCCAP) COMMITTEE EXCERPT

On April 24th staff were advised that a committee member had submitted their resignation resulting in a vacancy on the Municipal Climate Change Action Plan (MCCAP) committee.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPOINT JEREMY HIGGINS AS A RESIDENT REPRESENTATIVE ON THE MUNICIPAL CLIMATE CHANGE ACTION PLAN (MCCAP) COMMITTEE FOR THE CURRENT TERM EXPIRING OCTOBER 31, 2024.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and members of Committee of the Whole

Submitted by: _____
Deanna Snair, Municipal Clerk

Date: June 13, 2023

Subject: Appointment to the Municipal Climate Change Action Plan (MCCAP) Committee

LEGISLATIVE AUTHORITY

Part 1 Section 24 of the Municipal Government Act

RECOMMENDATION or DECISION REQUEST

...That Committee of the Whole recommends Council appoint Jeremy Higgins as a resident representative on the Municipal Climate Change Action Plan (MCCAP) committee for the current term expiring October 31, 2024.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☒	Social ☐	Economic ☐	Councillor Activity ☐
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On April 24th staff were advised that a committee member had submitted their resignation resulting in a vacancy on the Municipal Climate Change Action Plan (MCCAP) committee.

DISCUSSION

The terms of reference for the MCCAP (Municipal Climate Change Action Plan) committee outlines that the committee consists of eleven (11) members, with the composition as follows:

- Three (3) Councillors;
- Two (2) resident members, who are not members of Council;

- Chief Administrative Officer or designate;
- Director of Public Works or designate;
- Director of Planning and Development or designate;
- Director of Community Development or designate;
- Director of Finance or designate;
- Protective Services Manager or designate.

Advertisement for the MCCAP committee resident vacancy was placed in the local paper on May 2nd, 2023 as well the Municipal website and Facebook page. Deadline for expressions of interest was noon on May 19, 2023. A total of five (5) applications were received. All applications were reviewed by the Director of Planning and Development resulting in the recommendation before Council.

NEXT STEPS

Once approved by Council the successful applicant will be notified on their successful appointment to the committee.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the Annual Operating Budget.

ALTERNATIVES

Council can choose not to support the recommendation and provide an alternate direction.

ATTACHMENTS

MCCAP Terms of Reference

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Deanna Snair, Municipal Clerk

Report Reviewed by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:

A handwritten signature in blue ink, appearing to read 'Mark Phillips', is written over a horizontal line.

Mark Phillips, Chief Administrative Officer

MUNICIPAL CLIMATE CHANGE ACTION PLAN COMMITTEE TERMS OF REFERENCE

1. Official Name

The official name of this committee is the Municipal Climate Change Action Plan Committee. It may be referred to as MCCAP.

2. Members/Composition

The Committee consists of a minimum of eight members:

- three (3) Councillors;
- two (2) resident members, who are not members of Council
- Chief Administrative Officer or designate;
- Director of Public Works or designate;
- Director of Planning and Development or designate;
- Director of Community Development or designate;
- Protective Services Manager or designate.

All members of the Committee are appointed by resolution of Council, and each member appointed serves the Committee for a term specified in the policy establishing the Committee. Members are eligible for reappointment.

Resident members are chosen through an evaluation process and recommendation to Council.

All positions, whether or not an existing member has re-offered, will be reviewed through the evaluation process when the specified term is over.

In the case of any unexpected vacancy, Council may undertake the selection process to fill the position, with that new person appointed to serve the remainder of the term of the person replaced.

The Chair and the Vice-Chair are elected by a majority of the members and hold office for a one-year term. The Chair acts as the liaison with Council.

MCCAP may recommend to Council that a Committee member who fails to attend three (3) consecutive meetings of MCCAP, without good reason accepted by the MCCAP Chair be dismissed from the Committee.

3. Goals

- 3.1 The Municipal Climate Change Action Plan Committee provides a forum for all municipal departments and Council representatives to work co-operatively on implementing and evaluating the adaptation and mitigation actions outlined in the Municipal Climate Change Action Plans of the Municipality hereafter referred to as

MUNICIPAL CLIMATE CHANGE ACTION PLAN COMMITTEE TERMS OF REFERENCE

"the MCCAP". These policy and adaptation procedures help protect people, properties, special places, and municipal infrastructure from the negative impact of climate change.

3.2 The Committee will strive to reflect the best interests of the Region in any recommendation.

4. Deliverables

The Committee will:

- develop an annual Work Plan of actions based on the MCCAP. This work plan will include the estimated timeline and cost for the action, anticipated partners and recommendations for funding sources such as the Gas Tax Agreement or other provincial and federal funding programs. The annual Work Plan will summarize actions completed in the previous year;
- submit the Work Plan annually to Council to be placed on file;
- keep Council fully informed on the progress of MCCAP implementation;
- undertake, as it determines appropriate, pilot projects that carry out actions outlined in the MCCAP, funded in part or in whole through the Committee's approved annual budget;

5. Jurisdiction

MCCAP was formed pursuant to the Meeting and Committee Procedural Policy dated March 23, 2020.

The Committee's duration is indefinite, based on:

- Council's continued support of the above Goals and Deliverables.

6. Resources/Budget

Following their appointment new Committee members will be given an introductory workshop organized by staff to assist them in their duties.

MCCAP resident members are remunerated in accordance with the Councillor Remuneration Policy.

Municipal planning staff will provide ongoing support to the Committee. Staff will:

- arrange meeting times and venues and take Committee minutes;
- circulate meeting agendas and minutes;
- provide reports or status updates on identified projects or applications; and
- make public presentations on behalf of the Committee as required.

MUNICIPAL CLIMATE CHANGE ACTION PLAN COMMITTEE TERMS OF REFERENCE

7. Governance

MCCAP meetings will generally take place the morning of the second Wednesday of the month in February, April, September and November but additional meetings may be called by the Chair on an as-needed basis or as directed by Council. Members will be informed of all meetings and supplied with an agenda prior to each scheduled meeting date.

A quorum is a majority of the number of appointed members at the time of the meeting.

Orders and rules of conduct for debate for MCCAP meetings are the same as those for Council in the Meeting and Committee Procedural Policy.

8. Communications

MCCAP members and staff will communicate with each other at meetings (in person or electronic), by telephone or by email.

Draft minutes of MCCAP meetings are available to the public and will be approved at the next meeting.

All MCCAP meetings are open to the public, except as specified Section 203 of the MGA.

MCCAP agendas may set aside a period of time during the meeting for public comment or presentation.

9. Related Policies, Procedures and Legislation

West Hants MCCAP

Hantsport MCCAP

Windsor MCCAP

West Hants ICSP

Hantsport ICSP

Windsor ICSP

Meeting and Committee Procedural Policy

Council Remuneration Policy

Approved by: _____

Councillor Debbie Francis, Committee Chair

Adoption	
Notice to Council:	Not Applicable
Approval:	September 9, 2020
Description: Initial approval of MCCAP Terms of Reference, RADPL-003.04.	



Committee of the Whole Excerpts
June 13, 2023

NS LOW CARBON COMMUNITIES FUND EXCERPT

The NS Low Carbon Communities Fund helps communities perform preparatory work for projects, advance community led solutions, support learning, and contribute to social and equitable investments for Nova Scotian communities. Projects must be feasibility studies, designs, strategies/plans, engagement/education activities, and should demonstrate innovative low carbon solutions. The Fund provides up to 75% of eligible costs, to a maximum of \$75,000 for clean electricity projects.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL APPROVE IN PRINCIPLE FUNDING 25% AS THE MUNICIPAL CONTRIBUTION OF AN APPLICATION TO THE NOVA SCOTIA LOW CARBON COMMUNITIES PROGRAM TO SUPPORT A SOLAR ENERGY FEASIBILITY STUDY, UP TO A MAXIMUM COUNCIL CONTRIBUTION OF \$25,000, TO BE FUNDED THROUGH THE REGIONAL OPERATING RESERVE.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: 2023-06-13

Subject: Nova Scotia Low Carbon Communities Fund

LEGISLATIVE AUTHORITY

West Hants Regional Municipality (WHRM) Greenhouse Gas (GHG) Emission Local Action Plan: Action Items 2.2, 2.3, 2.4, and 2.5.

WHRM Municipal Climate Change Action Plan (MCCAP) Committee 2023 Workplan

RECOMMENDATION or DECISION REQUEST

...that Committee of the Whole recommend that Council approve in principle funding 25% as the Municipal contribution of an application to the Nova Scotia Low Carbon Communities program to support a solar energy feasibility study, up to a maximum Council contribution of \$25,000, to be funded through the Regional Operating Reserve.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☒	Social ☐	Economic ☒	Councillor Activity ☐
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The NS Low Carbon Communities Fund is administered by the Provincial Department of Natural Resources and Renewables. It is intended to help communities perform preparatory work for projects, advance community led solutions, support learning, and contribute to social and equitable investments for Nova Scotian communities. Projects must be feasibility studies, designs, strategies/plans, engagement/education activities, and should demonstrate innovative

low carbon solutions. The Fund will provide up to 75% of eligible costs, to a maximum of \$75,000 for clean electricity projects. Projects must be completed by August 1, 2024.

DISCUSSION

Action items 2.2-2.5 in the WHRM GHG Emission Local Action Plan pertain to developing solar energy in West Hants; it is also a stated priority in the 2023 workplan of the MCCAP Committee to develop a solar energy project.

In December 2022, an application was made to the Nova Scotia (NS) Sustainable Communities Challenge Fund for capital funding to develop a solar energy project. That application was unsuccessful, but various other capital funding opportunities will be available in the future. A feasibility study will reinforce an application for capital funding and help the Committee select a location on existing Municipal lands.

Action item 2.2 is to “consider green power purchasing”, which will serve to offset emissions produced from electricity used for Municipal operations. Action item 2.3 is to “investigate partnerships for renewable energy provisions”, so the Municipality can work with relevant organizations to advance renewable energy opportunities. A solar energy installation will allow the Municipality to offset its electricity consumption and reduce corporate emissions, while providing a clear example of the benefits of solar energy. Typically, to purchase green power, the Municipality would seek a green power producer to purchase electricity they generate for the Nova Scotia Power grid – such as a wind farm operator. By installing Municipally owned solar energy capacity, WHRM may not need to purchase green power from other sources.

Action item 2.4 is a wish list item, which is to “investigate solar PV for water and wastewater treatment plants”. Available space at the Windsor Water Treatment Plant (786 Windsor Back Rd.), new Windsor Wastewater Treatment Plant (293 Wentworth Rd.), and Falmouth Wastewater Treatment Plant (48 Falmouth Conn.) may be investigated within the feasibility study pending budget allocation. Lastly, action item 2.5 is to “update the asset management plan to include solar”. WHRM Public Works is adding Municipal assets and relevant information to the asset management software over time, including new solar powered assets such as crosswalk lights.

The sites recommended for the feasibility study to focus on are listed below:

- 1) Former West Hants Landfill in Cogmagun (near 1569 Walton Woods Rd.)
 - Estimated 598,000 sq. ft. of ground space available
- 2) New Windsor Wastewater Treatment Plant (293 Wentworth Rd.)
 - Estimated 260,000 sq. ft. of ground space available
- 3) Falmouth Wastewater Treatment Plant (48 Falmouth Conn.)

- Estimated 186,000 sq. ft. of ground space available

4) Windsor Water Treatment Plant (786 Windsor Back Rd.)

- Estimated 23,000 sq. ft. of ground space, 2,800 sq. ft. of roof space available

Subject to budget constraints within a feasibility study, three of the Municipal water utility facilities have been added to the list. They are the highest emitting facilities in the corporate portfolio and provide large amounts of open space for solar panels. The former landfill has been selected as the open space it provides cannot otherwise be developed or planted with trees, and the Municipality must safely upkeep the site in perpetuity. This funding opportunity was awarded to Halifax Regional Municipality in 2021-22 to perform a feasibility study for solar generation at the closed Sackville landfill.

As stated in the Nova Scotia Power (NSP) Regulations, Section 3.6.2(b), net metering for solar energy is currently not available to unmetered locations. This eliminates the ability to use the former Municipal landfill in Cogmagun, but the unused open space it provides cannot be ignored. The Province is currently updating solar energy regulations to include provisions for community solar, which would allow for larger installations in places such as the former landfill. This could be similar to the Municipally owned solar gardens in Antigonish, Berwick, and Mahone Bay, and the NSP owned trial in Amherst. More information about these projects can be found online at [CBC News: Amherst, Mahone Bay, and Berwick Solar Gardens](#) and [NSP Solar Garden Pilot](#). Performing a feasibility study on the former landfill site will prepare the Municipality for when Provincial regulations are updated.

Solar energy is an important component of Municipal action to mitigate and adapt to climate change. Electrification of existing processes will enhance efficiency but increase electricity demand, requiring greater amounts of green electricity to continue to drive down emissions. Solar energy cannot be the Municipality's only method for enhanced sustainability, but it will decarbonise corporate electricity consumption. The WHRM goal is to reduce corporate emissions by 45% by 2030; business as usual will result in a 44% reduction based on greening of the NSP grid, leaving WHRM to reduce an additional 1% (35.3 tonnes of GHG emissions). If WHRM were to install a solar energy installation large enough to meet the targeted 45% reduction in corporate emissions by 2030, the Municipality would likely need a 48-kW system. These calculations are based on average panel production and electrical grid emissions intensity for Nova Scotia, to give Council an idea of what is needed. All recommended locations in the list above have more than enough open space for a solar installation that will have measurable impacts and could exceed the corporate emissions reduction target. Detailed size and energy requirements would be determined as part of the feasibility study.

Other Municipal locations will continue to be investigated for solar energy, such as facilities included in an application for a feasibility study through the Federation of Canadian

Municipalities (FCM) Community Building Retrofit Program. The water utility facilities to be included in the NS Low Carbon Communities application are also on the list for the FCM Community Building Retrofit Program. If the Municipality receives funding from this Provincial application, and a consultant can accommodate those facilities, they will be replaced in the FCM application with other Municipal buildings.

NEXT STEPS

- 1) Motion and recommendation from Committee of the Whole to Council for June 27, 2023.
- 2) If the motion is approved by Council, staff will submit a full application to the Low Carbon Communities Fund before the deadline of June 29, 2023.
- 3) Funding decision from the Provincial Department of Natural Resources and Renewables.

FINANCIAL IMPLICATIONS

If Council approves the recommendation, an application will be made to this funding opportunity. If possible, quotes for feasibility studies may be obtained to be included in the application. With a conditional Municipal contribution of \$25,000, the maximum available grant is \$75,000, up to 75% of the study costs.

Within the 2023-24 Capital Budget, Council approved \$20,000 for the small-scale solar project to come from the Regional Operating Reserve, with the funding application to Nova Scotia (NS) Sustainable Communities Challenge Fund unsuccessful, this \$20,000 could be used for the feasibility study. This would mean that Council would need to fund an additional \$5,000 to reach the \$25,000 maximum request. The Regional Operating Reserve has a March 31, 2024 expected balance of \$3,338,146 and can support the additional \$5,000.

ALTERNATIVES

The Committee of the Whole may:

- recommend that Council approve in principle funding 25% as the Municipal contribution of an application to the Nova Scotia Low Carbon Communities Fund to support a solar feasibility study; or
- provide alternative directions such as requesting further information on a specific topic.

ATTACHMENTS

There are no attachments to this report.

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report is very thorough and aligns with the goals and action plan of the MCCAP Committee. As noted in the report \$20,000 of the total \$25,000 request can be reutilized. The balance if approved by Council is affordable in relation to the reserve balance. If approved by Council and then the province the execution of a feasibility study would be an excellent foundation for a future project. Site selection can be further reviewed pending the study.

I support the recommendation.

Report Prepared by: _____

John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Reviewed by: _____

Diana Gibson, Acting Director of Financial Services

Report Approved by: _____


Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
June 13, 2023

MUNICIPAL CLIMATE CHANGE ACTION PLAN (MCCAP) COMMITTEE EXCERPT

Through ongoing meetings with East Hants, it was felt that correspondence as a united “Hants County”, should be sent to the Minister of Public Works requesting the Province proclaim Bill 236. Having this proclamation would be a “progressive” first step in the goal of connecting our Municipality to neighbouring Municipalities with a true “rails to trails” trail.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO WRITE A LETTER TO THE HONOURABLE KIM MASLAND, MINISTER OF THE NOVA SCOTIA DEPARTMENT OF PUBLIC WORKS, EXPRESSING COUNCILS DESIRE FOR AN EXPEDITIOUS PROCLAMATION OF BILL 236 OR INTERVENTION BY THE PROVINCE DECLARING THE WINDSOR AND HANTSPORT RAILWAY NO LONGER HAVING CONTROLLING INTEREST IN THE TRACKS.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: Mayor Abraham Zebian

Date: June 13, 2023

Subject: NS Bill 236 Railways Act

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

...Council direct staff to write a letter to the Honourable Kim Masland, Minister of The Nova Scotia Department of Public Works, expressing Councils desire for an expeditious proclamation of Bill 236 or intervention by the Province declaring the Windsor and Hantsport Railway no longer having controlling interest in the tracks.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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Over recent years, the interest in the Province and our Region for having a “rails to trails” connection to neighbouring municipalities has been growing. Just recently, the Region of West Hants has purchased, in partnership with the Municipality East Hants, the former DAR line for a similar project. The obstacle for West Hants and other neighbouring Municipalities has been the Windsor and Hantsport Railway Company and its controlling interest in the tracks it claims as being in operational condition. The Uniacke Trails Association attempted to argue to the UARB to revoke the license of the Windsor and Hantsport Railway Company. They were turned down because the UARB believed the application should have been presented by a body or

organization more directly impacted by the arguments made regarding to the UARB regarding lack of use and disrepair of the rail line by the Windsor Hantsport Rail Line than the Uniacke Trails Association. The Province through the Department of Transportation and Infrastructure Renewal (currently the Department of Public Works) or a municipal Unit(s) may have been a better alternative.

DISCUSSION

After meeting with the Warden, Deputy Warden, and staff of East Hants, we believe both Municipalities, in partnership as a united “Hants County”, should send correspondence to the Minister of Public Works requesting the Province proclaim Bill 236. This would be a very “progressive” first step in the goal of connecting our Municipality to neighbouring Municipalities with a true “rails to trails” trail.

NEXT STEPS

Staff prepare a letter for signature and send.

FINANCIAL IMPLICATIONS

No financial implications with the preparation of this report and writing of a letter with the exception of staff time.

ALTERNATIVES

Council may not choose to send a letter.

Council may choose a different course of action.

ATTACHMENTS

Letter to Hon. Kim Masland dated November 16, 2021

Bill 236

Uniacke Trails Association UARB Ruling

2020 NSUARB 152 M08802

CHIEF ADMINISTRATIVE OFFICER REVIEW

The rail line and associated lands connect many municipalities and counties. The inactivity and disrepair of the rail line is an ongoing concern for adjacent public and private landowners. Future joint or alternative use of the lands is influenced by the current operating license of the lands held by The Windsor and Hantsport Railway Company.

Having the position of the Provincial Government known in relation to Bill 236 will assist with a resolution or assist with guiding parties when considering “next steps”.

I support the recommendation.

Report Prepared by: Abraham Zebian, Mayor

Report Reviewed by:



Mark Phillips, Chief Administrative Officer



Melissa Sheehy-Richard, MLA
Hants West

November 16, 2021

Hon. Kim Masland
Department of Public Works
2nd Floor, Johnston Building
1672 Granville Street
P.O. Box 186
Halifax, NS. B3J 2N2

Dear Ms. Masland:

Our letter today is on behalf of the Uniacke Trails Association, the Sackville Lakes Park and Trails Association and other trail groups in the Sackville, Mount Uniacke and Hants West areas. It concerns the status of Bill 236 - The Railways Act.

It is our clear understanding this legislation passed third reading and given Royal Assent in March 2020 under the former government but has yet to receive proclamation until regulations are formulated for the Bill. We are fully cognizant the Nova Scotia Utility and Review Board turned down an application by the Uniacke Trails Association with considerable assistance from Paul Smith from Sackville Lakes Park and Trails Association to revoke the license of Windsor and Hantsport Railway Company.

The Utility and Review Board believes despite Nova Scotia Transportation and Infrastructure Renewal as it was known then, having intervenor status along with the Municipality of West Hants and East Hants, that the Department should have filed the complaint which they outline in considerable detail in their decision handed down December 23, 2020.

Windsor and Hantsport Railway are clearly not following terms and conditions of their operating license nor are they following legislation known as the Railways Act even prior to the introduction of Bill 236 and the awaited approval of regulations. Confusion also exists with Bill 236 as it stands now with the true definition of a non-operating railway. If this could be better explained, the trails groups would be truly appreciative.

In summation today, we are asking for one of two things, an expeditious proclamation of Bill 236 or if this is not feasible, is the Department of Public Works prepared to overrule the decision of the Nova Scotia Utility and Review Board and put into legislation the fact the Windsor and Hantsport Railway be removed from controlling the tracks which would support the vision of an Active Transportation Trail that completes access to the Valley for The Great Trail (TransCanada Trail) and continues around to the south and western sides of the Province. This plan has the potential to provide

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Email: Melissa.MLAoffice@gmail.com



Melissa Sheehy-Richard, MLA
Hants West

economic benefits to rural communities along the route, as well as health benefits and provision of recreational, educational, and active transportation opportunities.

Thank you for your consideration and we look forward to a reply at your earliest convenience.

Yours truly,

Melissa Sheehy-Richard, MLA
Hants West

Yours truly,

John MacDonald, MLA
Hants East

Yours truly,

Steve Craig, MLA
Sackville-Cobequid

Yours truly,

Brad Johns, MLA
Sackville-Uniacke

cc. Nicole Lafosse-Parker, Chief of Staff to the Premier of Nova Scotia

cc. Kody Blois, MP

cc. Municipality of West Hants

cc. Municipality of East Hants

cc. (to all the trail associations listed)

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BILL NO. 236

(as introduced)



*2nd Session, 63rd General Assembly
Nova Scotia
69 Elizabeth II, 2020*

Government Bill

Railways Act (amended)

The Honourable Lloyd Hines
Minister of Transportation and Infrastructure Renewal

[First Reading](#): February 28, 2020

[\(Explanatory Notes\)](#)

Second Reading: March 3, 2020

[Third Reading](#): March 9, 2020 (WITH COMMITTEE AMENDMENTS) ([LINK TO BILL AS PASSED](#))

Explanatory Notes

[Clause 1](#) adds definitions of "non-licensed railway", "non-operating railway" and "qualified engineer".

[Clause 2](#)

(a) provides that the Act applies to the Sydney Coal Railway;

(c) provides that the Act does not apply to non-licensed or non-operating railways except where expressly provided.

Clause 3

(a) requires the operator of a railway to provide crossings where track divides a continuous area of privately-held land or a private road; and

(b) sets out rules for determining who is responsible for paying for the crossings.

Clause 4

(a) requires licence holders to maintain their railways in a safe condition as a condition of their licence; and

(b) where a railway is not in a safe condition, makes the licence holder responsible for the cost of repairs.

Clause 5 requires

(a) the inspection of a railway and the repair of any deficiencies before a licence may be issued; and

(b) licence holders or former licence holders to maintain safety standards, insurance coverage and financial viability even while their licence is suspended or after it has been revoked.

Clause 6 requires proof of the safe condition of a railway before a railway licence can be automatically renewed.

Clause 7

(a) allows the Nova Scotia Utility and Review Board to suspend or revoke the licence of a licence holder where the licence holder fails to maintain the railway in a safe condition;

(b) provides that a deemed notice of discontinuance is given where a licence holder does not resume operation after a suspension;

(c) allows the Board to grant a temporary licence to operate a railway where a licence holder is deemed to have applied for discontinuance;

(d) requires safety inspections of railways by a qualified engineer and the repair of any deficiencies prior to reinstatement of a suspended licence; and

(e) provides that, where a licence is revoked, the former licence holder is deemed to have applied for discontinuance and, where the former licence holder cannot find a buyer, the railway may be purchased by the Government of Nova Scotia for its salvage value.

Clause 8 provides that the obligation of a railway company to maintain the railway continues until the railway is sold, even if it is discontinued or abandoned.

Clause 9

(a) allows the Minister of Transportation and Infrastructure Renewal to require a railway company to conduct repairs necessary for the safety of the public; and

(b) allows the Minister to conduct repairs or modifications of a railway where necessary as a result of a state of emergency or imminent threat to the safety of the public.

Clause 10 requires railway companies to conduct a thorough inspection of their railways at least once every 5 years and permits the requirements for those inspections to be established by regulation.

Clause 11

(a) requires a plan for the discontinuance of a railway line to include

(ii) an inspection, if one has not been completed in the previous 5 years; and

(b) allows the Minister to

(i) order that a railway company is deemed to have applied for abandonment of a railway line where it has not done so in the time required by the regulations, and

(ii) complete any necessary repairs.

Clause 12 requires an application for abandonment of a railway line to include either a statement affirming its safe condition or indicating any necessary repairs. It also allows the Minister to complete any necessary repairs at the railway company's expense.

Clause 13 corrects a reference to whom is responsible for the approval of an abandonment plan.

Clause 14 allows the Governor in Council to make regulations

(a) prescribing the qualifications necessary for a person to be a qualified engineer; and

(b) establishing requirements for inspections.

Clause 15 provides that an exclusion of the application of the Municipal Government Act and prescribed enactments only applies with respect to an operating railway.

Clause 16 provides that this Act comes into force on proclamation.

An Act to Amend Chapter 11 of the Acts of 1993, the Railways Act

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 11 of the Acts of 1993, the Railways Act, as amended by Chapter 12 of the Acts of 2001 and Chapter 57 of the Acts of 2014, is further amended by

(a) adding immediately after clause (d) the following clauses:

(da) "non-licensed railway" means an operating railway whose licence has been suspended or revoked;

(db) "non-operating railway" means a railway that is the subject of a valid licence but is not actively operating in accordance with its licence and has not had an application made for its discontinuance or abandonment;

and

(b) adding immediately after clause (f) the following clause:

(fa) "qualified engineer" means a person who meets the qualifications prescribed in the regulations;

2 Section 4 of Chapter 11 is amended by

(a) adding "(1)" immediately after the Section number; and

(b) adding immediately after subsection (1) the following subsections:

(2) For greater certainty, this Act applies to the Sydney Coal Railway.

(3) Notwithstanding subsection (1), this Act only applies to

(b) discontinued railways; and

(c) abandoned railways.

(4) Except where expressly provided, this Act does not apply to non-licensed railways or to non-operating railways.

3 Chapter 11 is further amended by adding immediately after Section 12 the following Sections:

13 (1) Where

(a) a person owns land that is located on both sides of a right of way for a railway line; and

(b) if it were not for that right of way, that land would be joined together forming a single continuous area of land,

the operator of the railway shall, on the request of the owner of the land, provide a crossing across the right of way and any track located on the right of way that is appropriate for the intended use of the crossing by the owner of the land.

(2) A crossing that is provided under this Section must remain in place until the owner of the land notifies the operator of the railway that the crossing is no longer required or the crossing is removed pursuant to an agreement between the owner of the land and the operator of the railway.

(3) For the purpose of this Section,

(a) where the right of way existed before the owner of the land acquired the land on both sides or either side of the right of way, the owner of the land is responsible for the costs of constructing, maintaining, repairing and removing the crossing; or

(b) where the owner of the land acquired that land before the right of way that separated that land came into existence, the operator of the railway is responsible for the costs of constructing, maintaining, repairing and removing the crossing.

(4) This Section does not apply in respect of an industrial railway.

13A (1) In this Section,

(a) "private road" means

(i) a road that is not a highway, or

(ii) a highway that is not owned or otherwise under the direction, control and management of Her Majesty in right of the Province or Canada, a member of the Executive Council or a municipality and the highway is designated as a private road by the Minister;

(b) a reference to an owner of a private road is a reference to the person who owns or otherwise has the direction, control and management of the private road.

(2) Where

(a) a person owns a private road that is located on both sides of a right of way for a railway line; and

(b) if it were not for that right of way, that private road would be joined together forming a continuous road,

the operator of the railway shall, on the request of the owner of the private road, provide a crossing across the right of way and any track located on the right of way that is appropriate for the intended use of the crossing by the owner of the private road.

(3) A crossing that is provided under this Section must remain in place until the owner of the private road

(4) For the purpose of this Section,

(a) where the right of way existed before the private road existed on both sides or either side of the right of way, the owner of the private road is responsible for the costs of constructing, maintaining, repairing and removing the crossing; or

(b) where the private road was in existence before the right of way that separated that road came into existence, the operator of the railway is responsible for the costs of constructing, maintaining, repairing and removing the crossing.

(5) A person shall not construct a crossing under this Section unless a railway inspector has granted an approval for the construction of the crossing.

(6) This Section does not apply in respect of an industrial railway.

4 Section 16 of Chapter 11 is amended by adding immediately after subsection (2) the following subsections:

(2A) It is a condition of every licence that the licence holder maintain the railway in a safe condition.

(2B) Where a railway is not in a safe condition as required by subsection (2A), the licence holder is responsible for the cost and repairs necessary to bring the railway into a safe condition.

5 (1) Subsection 17(1) of Chapter 11, as amended by Chapter 27 of the Acts of 1995-96, is further amended by adding immediately after clause (a) the following clause:

(aa) has had the proposed railway and proposed railway service inspected by a railway inspector and has addressed any deficiencies identified in the inspection to the satisfaction of the railway inspector;

(2) Section 17 of Chapter 11 is further amended by adding immediately after subsection (2) the following subsection:

(3) The duties imposed under subsection (2) continue to apply to a licence holder or former licence holder even if the licence has been suspended or revoked until such time as the railway has been sold or transferred to another person.

6 Section 20 of Chapter 11 is amended by adding "and proof of the safe condition of the railway" immediately after "fee" in the first line.

7 Section 21 of Chapter 11 is amended by

(a) adding "(1)" immediately after the Section number; and

(b) adding immediately after subsection (1) the following subsections:

(2) Where a licence holder fails to comply with the condition referred to in subsection (2A) of Section 16, the Board shall suspend or revoke the licence of the licence holder until the licence holder complies with the condition and that compliance is verified by a qualified engineer.

(3) Where a licence holder whose licence has been suspended does not resume operating the railway within thirty days after the suspension is ended or any longer period that the Board may allow, the licence holder is deemed to have given notice on the thirtieth or final allowed day to the Board pursuant to Section 41 requesting authorization to discontinue service on the railway.

(4) Where a licence holder is deemed to have given notice to the Board under subsection (3), the Board may

(a) issue a temporary operating licence for the railway to another person; and

(b) make any orders the Board considers necessary in relation to the temporary operating licence, including a requirement for the temporary operating licence holder to maintain the condition of the railway.

holder whose licence has been suspended shall provide the Board with a report from a qualified engineer confirming the safe condition of the railway before the Board may reinstate the licence.

(6) Where a report required under subsection (5) identifies any deficiencies, those deficiencies must be remedied to the satisfaction of the qualified engineer before the Board may reinstate the licence.

(7) Where a licence holder's licence is revoked, the licence holder is deemed to have made an application for discontinuance under Section 41 on the day that the licence is revoked.

(8) Where an application is deemed to have been made under subsection (7) and the former licence holder has not sold the railway to another person within a period of not less than six and not more than twelve months, as determined by the Board,

(a) the former licence holder is deemed to have offered the railway for sale to Her Majesty in right of the Province at its value as salvage; and

(b) Her Majesty in right of the Province may buy the railway at the cost of its value as salvage.

(9) The sale of a railway under subsection (8) does not relieve the seller of any duty, debt or obligation, including a duty, debt or obligation under the Environment Act, the Pension Benefits Act or any other enactment, in respect of the railway, its employees or former employees or any related land or thing.

8 Section 22 of Chapter 11, as amended by Chapter 12 of the Acts of 2001, is further amended by

(a) adding "(1)" immediately after the Section number; and

(b) adding immediately after subsection (1) the following subsections:

(2) The obligation respecting maintenance in subsection (1) continues to apply

(a) while the railway company's licence to operate is suspended or revoked;

(b) while the railway company has discontinued use of the railway; and

(c) while the railway company has abandoned the railway.

9 Chapter 11 is further amended by adding immediately after Section 22 the following Sections:

22A (1) The Minister may, by order, require a railway company to perform any repairs to the railway company's railway that the Minister considers necessary for the safety of the public.

(2) Where a railway company fails to perform any repairs required under subsection (1) within a reasonable time, as determined by the Minister, the Minister may have the repairs completed.

(3) The cost of any repairs completed under subsection (2) is a debt owed by the railway company to Her Majesty in right of the Province and is recoverable in any court of competent jurisdiction.

22B (1) Where repairs or modifications to a railway are needed as the result of a declared state of emergency or an imminent threat to the safety of the public, the Minister may have the repairs or modifications completed without notice to the railway company that operates the railway.

(2) The cost of any repairs completed under subsection (1) is a debt owed by the railway company to Her Majesty in right of the Province and is recoverable in any court of competent jurisdiction.

10 Chapter 11 is further amended by adding immediately after Section 35 the following Section:

35A (1) A railway company shall, at least every five years,

(a) have a qualified engineer conduct a thorough inspection of the railway company's railways; and

(b) remedy any deficiencies identified in the inspection.

regulations.

11 (1) Section 41 of Chapter 11, as amended by Chapter 12 of the Acts of 2001 and Chapter 57 of the Acts of 2014, is further amended by adding immediately after subsection (1) the following subsections:

(1A) A discontinuance plan filed under clause (b) of subsection (1) must include how the railway company intends to deal with the safety and maintenance of the railway line during any period of discontinuance.

(1B) Where a railway line that would be affected by a discontinuance plan has not been inspected within the past five years, the railway company shall

(a) conduct an inspection of the railway line in accordance with Section 35A; and

(b) include a copy of the inspection in its discontinuance plan.

(2) Section 41 is further amended by adding immediately after subsection (4) the following subsections:

(5) Where a railway company has not applied for abandonment of a railway line under Section 42 within the time required under subsection (4), the Minister may order that the railway company is deemed to have applied under Section 42 for abandonment of the railway line.

(6) Where the Minister makes an order under subsection (5), the Minister may take steps to complete any necessary repairs to or maintenance of the railway line.

(7) The cost of any repairs or maintenance completed under subsection (6) is a debt owed by the railway company to Her Majesty in right of the Province and is recoverable in any court of competent jurisdiction.

12 Section 42 of Chapter 11, as enacted by Chapter 57 of the Acts of 2014, is amended by adding immediately after subsection (2) the following subsections:

(3) An application under subsection (2) must include a statement from a qualified engineer

(a) affirming the safe condition of the railway line and any related infrastructure; or

(b) indicating the repairs necessary to restore the railway line and any related infrastructure to a safe condition.

(4) Where a statement required under subsection (3) indicates that repairs are necessary to restore the railway line and any related infrastructure to a safe condition, the Minister may take steps to complete the repairs.

(5) The cost of any repairs completed under subsection (4) is a debt owed by the owner or lessee to Her Majesty in right of the Province and is recoverable in any court of competent jurisdiction.

13 Subsection 44(1) of Chapter 11 is amended by striking out "Board" in the first line and substituting "Minister".

14 Subsection 48(1) of Chapter 11, as amended by Chapter 27 of the Acts of 1995-96 and Chapter 12 of the Acts of 2001, is further amended by

(a) relettering clause (a) as (aaa);

(b) adding immediately before clause (aaa) the following clause:

(a) prescribing the qualifications necessary to be a qualified engineer;

and

(c) adding immediately after clause (v) the following clause:

(va) prescribing requirements for the purpose of an inspection under Section 35A;

15 Section 51 of Chapter 11, as enacted by Chapter 12 of the Acts of 2001, is amended by

(b) striking out "a" in the third line of subsection (1) and substituting "an operating"; and

(c) adding immediately after subsection (1) the following subsection:

(2) For greater certainty, subsection (1) does not apply to

(a) a non-operating railway;

(b) a non-licensed railway;

(c) a railway that has discontinued the line to which the right of way relates; or

(d) a railway that has abandoned or applied for abandonment of the line to which the right of way relates.

16 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE RAILWAY ACT

- and -

IN THE MATTER OF A COMPLAINT by **THE UNIACKE TRAILS ASSOCIATION** requesting that the Board revoke the **WINDSOR & HANTSPORT RAILWAY COMPANY'S** operating license for non-compliance with the conditions of that license

BEFORE: Richard J. Melanson, LL.B., Member

COMPLAINANT: **UNIACKE TRAILS ASSOCIATION**
Paul Smith, President

RESPONDENT: **THE WINDSOR & HANTSPORT RAILWAY COMPANY**
Christopher C. Robinson, Q.C.
Mark Blades

INTERVENORS: **NOVA SCOTIA DEPARTMENT OF TRANSPORTATION
AND INFRASTRUCTURE RENEWAL**
Michael Pugsley, Q.C.
Neil J. Kuranyi
Sheldon Choo

MUNICIPALITY OF THE DISTRICT OF EAST HANTS
Marc Dunning

**REGIONAL MUNICIPALITY OF WINDSOR AND WEST
HANTS**
Mark Phillips

HEARING DATE: **September 30, 2020**

DECISION DATE: **December 23, 2020**

DECISION: **Motion requesting dismissal of the complaint based on standing issues is granted.**

1.0 INTRODUCTION

[1] The Windsor & Hantsport Railway Company (WHRC) is a railway company which is subject to the *Railways Act*, S.N.S. 1993, c. 11 (*RA*). Pursuant to s. 52A of the *RA*, a May 30, 1994, agreement between the Province of Nova Scotia and WHRC is deemed to be a license issued pursuant to the *RA* (Operating License).

[2] On October 3, 2018, the Nova Scotia Utility and Review Board received a letter dated September 28, 2018, from the Uniacke Trails Association (UTA). This letter outlined various alleged actions by WHRC which the UTA requested the Board investigate.

[3] The UTA alleged that WHRC had failed to comply with the *RA* and regulations enacted thereunder. The UTA also alleged violations of the terms of the Operating License.

[4] The UTA requested the following remedies:

- That the Board direct WHRC to immediately make application to abandon its railway line; and
- That WHRC's Operating License be suspended or revoked.

[5] The Board determined that the allegations contained in the UTA's September 28, 2018, correspondence could form the subject matter of a complaint pursuant to s. 39(1) of the *RA* and initiated an inquiry by requesting a response from WHRC.

[6] On January 31, 2019, following some failed attempts by the Board to communicate with WHRC, the company filed a response to the UTA's complaint (Response).

[7] WHRC's Response denied any contraventions of the *RA*, regulations, or the terms of its Operating License. It further challenged the UTA's standing to bring a complaint. As well, WHRC asserted the Board had no jurisdiction to address any part of the UTA's complaint, to the extent it was based upon the condition and repair of the Hantsport aboiteau, as that issue was pending before the Supreme Court of Nova Scotia.

[8] After a preliminary hearing with WHRC and the UTA to address the process to be followed in this matter, the Board issued a preliminary Hearing Order dated March 21, 2019. The Hearing Order established a process for public advertising of the matter; the possibility of intervention by interested parties; a process for the pre-filing of documentary and visual evidence; and, a process for issuing information requests (IRs) to parties who pre-filed evidence. The setting of a hearing date and a determination as to how such a hearing would proceed was deferred until the initial process was completed.

[9] The Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR), the Municipality of the District of West Hants (West Hants) and the Municipality of the District of East Hants (East Hants) were granted intervenor status in this proceeding. DTIR administers significant parts of the *RA*, including safety inspections, on behalf of the responsible Minister. The railway in question runs through both West Hants and East Hants. The Board notes that, subsequent to West Hants' intervention, it was amalgamated with the Town of Windsor to form the Regional Municipality of Windsor and West Hants (RMWWH).

[10] IRs were issued by the Board, East Hants and the UTA. WHRC refused to answer certain IRs issued by the UTA and East Hants. These parties brought motions to

the Board for an order directing WHRC to provide responses to their IRs. The Board decided to address these motions through written submissions.

[11] With the issue of the IR responses pending, and given the nature of some of WHRC's objections, the Board convened a preliminary hearing. It established a process for addressing the standing of the UTA to bring the complaint, and to establish the parameters of the Board's jurisdiction, if any, with respect to the Hantsport aboiteau issue. The process included provision for oral argument.

[12] WHRC filed motions with respect to these issues on December 4, 2019, requesting that the complaint be dismissed for lack of standing or, alternatively, that the Board had no jurisdiction to hear issues which were pending before the Supreme Court of Nova Scotia. The UTA, East Hants and DTIR responded to the motion.

[13] WHRC's motions were scheduled to be heard on February 28, 2020. On the eve of the hearing, the Board was made aware that amendments to the *RA* would be introduced in the Legislature on the date scheduled for the oral hearing. As the summary of topics to be addressed in the amendments appeared to potentially have some bearing on this matter, the Board agreed to a request by WHRC to adjourn the motions so the text of the amendments could be reviewed.

[14] Bill 236, *An Act to Amend Chapter 11 of the Acts of 1993, the Railways Act*, S.N.S.2020, c.17 (Bill 236) received Royal Assent on March 10, 2020. It will take effect upon proclamation. Bill 236 has not yet been proclaimed.

[15] With the passage of time, the UTA requested that the adjourned hearing be reconvened. After receiving written arguments on the request, the Board agreed. A September 30, 2020, hearing date was established to hear oral arguments on WHRC's

motions. WHRC continued to submit right up to the hearing date that the matter should be held in abeyance until the proclamation of Bill 236. The Board did not agree and given the COVID-19 pandemic, oral submissions proceeded by way of a virtual hearing, as scheduled.

2.0 ISSUES

[16] The issues before the Board are:

- 1) Does the UTA have standing to bring the complaint?
- 2) If the answer to the first question is yes, given the Hantsport aboiteau matter pending before the Supreme Court of Nova Scotia, to what extent does the Board have jurisdiction to hear the complaint?

3.0 ISSUE ONE - UTA STANDING

1. Legal test

[17] Section 39(1) of the *RA* allows the Board to "... inquire into, hear and determine a complaint concerning any act, matter or thing prohibited, sanctioned or required to be done under this Act."

[18] There are no provisions in the *RA*, nor in any regulations enacted pursuant to the *RA*, which establish a procedure for the Board when it inquires into a complaint. For matters within its jurisdiction, the Board has the authority to establish rules of practice and procedure pursuant to s.19 of *Utility and Review Board Act*, S.N.S.1992, c.11 (*UARB Act*). The Board has established formal procedural rules for many of the mandates which it administers. No procedural rules have been established specifically related to the *RA*. In this case, the process to be followed was set out in the Hearing Order. While not specifically made applicable to the *RA*, the Board and the parties have generally been

guided by the *Board Regulatory Rules* enacted pursuant to s.12 of the *UARB Act*. As well, the *Utility and Review Board Regulations*, enacted pursuant to s.34 of the *UARB Act*, are applicable to all proceedings before the Board.

[19] There are no provisions in the *RA*, or in regulations enacted pursuant to the *RA*, which set out a test for standing to bring a complaint under s.39 (1) of the *RA*.

[20] In these circumstances, WHRC takes the position that the common law standing tests are applicable. In the civil litigation context, the common law has recognized parties may have private interest or public interest standing to appear before the courts.

[21] The common law tests, which involve balancing the preservation of judicial resources with access to justice, as discussed in *Delta Air Lines v. Lukacs*, 2018 SCC 2 (*Delta Air Lines*) and *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45, can be summarized as follows:

- Private interest standing is available where a proposed party has a direct personal interest in the subject matter of a proceeding;
- Public interest standing is discretionary, and a court must consider the following three factors, in a cumulative, purposive and flexible manner, and not as technical requirements:

(i) whether there is a serious justiciable issue raised. In this context a serious justiciable issue usually means an important or substantial constitutional question, including the constitutionality of administrative action;

(ii) whether the plaintiff is impacted by, or has a real stake or genuine interest in, the serious justiciable issue; and

(iii) whether, in all the circumstances, the proposed suit is a reasonable and effective way to bring the issue before the courts.

[22] While submitting that the Supreme Court of Canada decision in *Delta Air Lines*, which will be discussed in more detail below, is not a case which determined standing, counsel for WHRC acknowledged that the public interest standing test cannot act as a complete bar to complaints.

[23] Sections 5 and 6 of the *Utility and Review Board Regulations*, allow for parties who have a “real and substantial interest” in Board proceedings to appear before the Board. WHRC submits that while not addressing who may initiate a Board proceeding, the provisions provide guidance to the Board with respect to standing.

[24] WHRC says the UTA does not meet the common law tests for private interest standing or public interest standing, even considered in light of the *Delta Air Lines* case. WHRC further submits the UTA does not have a real and substantial interest in the subject matter of this proceeding. WHRC advances the proposition that the UTA is bringing the complaint for the improper purpose of acquiring WHRC’s railway corridor for public trails.

[25] DTIR and East Hants take the position that the statutory language related to complaints under the *Canadian Transportation Act*, S.C.1996, c.10 (CTA), which was considered in *Delta Air Lines*, is almost identical to s.39(1) of the RA. These parties submit that *Delta Air Lines* stands for the proposition that the Board has a discretion to hear complaints under the RA and need not be bound by the standing tests applied in

civil matters. In fact, both parties submit that the Board need not consider the complainant's standing at all when deciding whether to investigate a complaint.

[26] The UTA generally adopts the DTIR and East Hants submissions with respect to *Delta Air Lines* and appears to also argue that they should have public interest standing in any event.

[27] In *Delta Air Lines*, the Canada Transport Agency (Agency) had applied the public interest standing test in denying standing to the complainant. Section 37 of the *CTA* says:

37 The Agency may inquire into, hear and determine a complaint concerning any act, matter or thing prohibited, sanctioned or required to be done under any [Act](#) of Parliament that is administered in whole or in part by the Agency.

[28] The Supreme Court of Canada remitted the matter back to the Agency on the basis that the public interest standing test, as applied by the Agency, would be virtually impossible to meet. The Agency had essentially based its decision on the part of the public interest standing test related to "a serious justiciable issue." It found that a serious constitutional issue had not been raised. Given that the Agency regulated "private non-governmental actors", a complaint regarding the terms and conditions of carriers could never be a challenge to the constitutionality of legislation or administrative action.

[29] The Supreme Court of Canada also held that such a use of the public interest standing test would not be consistent with the scheme of the *CTA* and the broad remedial powers provided to the Agency. Therefore, the decision did not ultimately determine what standing test the Agency should apply. That said, the Supreme Court of Canada provided some guidance with respect to the various options the Agency could consider.

[30] MacLachlin, C.J.C., in the majority decision, stated:

[14] In this case, the Agency had discretion under s. 37 of the Act to determine whether to hear Dr. Lukacs' complaint. The Agency did not advert to this discretion, however, and appeared to approach the standing question as if bound by the tests for standing as applied in civil courts. As such, it found that it would hear the complaint only if Dr. Lukacs could satisfy the test for either private interest standing or public interest standing.

...

[25] In my view, this is not a case where merely supplementing the reasons can render the decision reasonable. The Agency clearly stated a test for public interest standing and applied that test. The Agency could have adapted the test so that the complainants under its legislative scheme could actually meet it. Of course, it could also have exercised its discretion without any reference to standing at all. But it did neither of these things. The reviewing court must not do them in the Agency's place for three principal reasons.

...

[30] I would agree with Abella J., however, that the Court of Appeal should not have held that standing rules could not be considered by the Agency in its reconsideration of the matter. The better approach is to send this matter back to the Agency for reconsideration in its entirety. In its order, the Court of Appeal stipulated that the Agency must reconsider the matter "otherwise than on the basis of standing" (para. 32). I would not structure the order so strictly so as to foreclose the possibility that the Agency could reasonably adapt the standing tests of civil courts in light of its statutory scheme. As my colleague observes, s. 25 of the Act confers on the Agency "all the powers, rights and privileges that are vested in a superior court" (para. 56) with respect to all matters within its jurisdiction. This language indicates the legislator's intention to give deference to the Agency's determination of its complaints process.

[31] Of course, there are numerous other ways that the Agency could exercise its discretion under s. 37 of the Act, including examining whether the complaint is in good faith, timely, vexatious, duplicative, or in line with the Agency's workload and prioritization of cases. The Agency may also wish to consider whether the claim raises a serious issue to be tried or, as Abella J. has done, whether the complaint is based on sufficient evidence. It is not for this Court to tell the Agency which of these methods is preferable. Deference requires that we let the Agency determine for itself how to use its discretion, provided it does so reasonably.

[31] As a starting point in this analysis, the Board did not address the standing of the UTA to bring a complaint when it decided to initiate an inquiry. Initially, in a letter dated June 13, 2018, and filed with the Board on June 26, 2018, the UTA requested that WHRC's Operating License "...be revoked as it is my opinion that this company does NOT intend to operate a railway in Nova Scotia." The letter addressed certain matters related to the CTA, including an alleged failure to follow that regulatory scheme with respect to the potential purchase, from Canadian National Railway Company (CN), of a

portion of the railway to which the Operating License is applicable. The letter also discussed the potential use of railway corridors to build public trails.

[32] The Board responded on July 11, 2018, stating in part:

After receiving your correspondence, Board Member Melanson felt it advisable that the scope, and limits, of the Board's jurisdiction under the *Railways Act*, S.N.S. 1993, c. 11, as amended, be clarified in relation to the issues raised by your correspondence.

Firstly, the Board plays no role and has no jurisdiction to address any issues with respect to the potential sale of the portion of the rail line from Windsor Junction to the Town of Windsor, currently owned by Canadian National (CN), in relation to whether the process followed conforms with any legislation administered by the Canadian Transportation Agency, such as the *Canadian Transport Act*, S.C. 1996, c. 10, as amended, or regulations made under that Act.

Secondly, the Board does not make any determinations on whether it is in the public interest to have a railway corridor become a part of a public trail system.

[33] The July 11, 2018 letter went on to explain the Board's jurisdiction and stated:

Therefore, in order to proceed further with this request for revocation, the Board would require further particulars as to what conduct on the part of the W&HRC is alleged to contravene the Act, regulations, or the terms and conditions of W&HRC's license.

It would be helpful to the Board if specific provisions of the Act, regulations, or terms and conditions of the license were referenced in relation to the alleged conduct.

[34] After making a number of inquiries of the Board and DTIR, the UTA formulated a complaint letter dated September 28, 2018. The Board would summarize the alleged contraventions of the *RA*, regulations and WHRC's Operating License as follows:

- The WHRC has effectively discontinued and abandoned service without following the process set out in the *RA* and the *Railway Discontinuance of Services and Abandonment Regulations*;
- WHRC has not provided proof of financial viability or the correct type of proof of insurance to the Board;

- WHRC has altered sections of its railway without following the process set out under the *RA* and *Railway Notifications and License Regulations*;
- As the preamble to the Operating License says it is for the purpose of operating a railway, the failure to so operate is a violation thereof;
- Certain specific violations with respect to safety inspection reports and safety standards under the Operating License; and
- A safety violation related to the Hantsport aboiteau.

[35] On October 5, 2018, the Board advised that it had determined that the UTA's correspondence constituted a complaint pursuant to s.39 of the *RA*. It initiated an inquiry by requesting a response from WHRC. Therefore, having determined the complaint met the technical requirements of the *RA*, the Board initially exercised its discretion to initiate an inquiry without considering the standing issue.

[36] The issue of standing had never previously been raised before the Board under the *RA*. Given there are only two railway companies governed by the *RA*, complaints pursuant to this Board mandate are very rare. The Board simply adapted some aspects of the complaints process it uses under the *Public Utilities Act*, R.S.N.S.1989, c. 380 (*PUA*), where standing is seldom an issue. That said, as the issue of standing is now squarely before the Board, with the benefit of a substantial record for context, together with full legal arguments, it must be addressed, regardless of the path initially undertaken as described above. It is important that standing issues be analyzed in a principled manner and not on an *ad hoc* basis.

[37] Despite counsel for WHRC's attempt to minimize the importance of *Delta Air Lines*, the case is clearly instructive, given the similarity of the legislative language in

the respective inquiry powers of the Agency and the Board. While there are other similarities between the two legislative schemes, there are also key differences. This is important, given that like an exercise in statutory interpretation, *Delta Air Lines* makes a direct link between the manner in which the Agency should address its discretion to hear a complaint and whether it is consistent with the overall statutory regime it is called upon to oversee.

[38] As discussed in *Delta Air Lines*, s. 25 of the *CTA* conferred upon the Agency the following powers:

25 The Agency has, with respect to all matters necessary or proper for the exercise of its jurisdiction, the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders or regulations and the entry on and inspection of property, all the powers, rights and privileges that are vested in a superior court.

[39] Section 16 of the *UARB Act* indicates a Board member acting within her jurisdiction has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*, R.S.N.S.1989, c.372. Section 5 of the *Public Inquiries Act* says:

5 The commissioner or commissioners shall have the same power to enforce the attendance of persons as witnesses and to compel them to give evidence and produce documents and things as is vested in the Supreme Court or a judge thereof in civil cases, and the same privileges and immunities as a judge of the Supreme Court.

[40] While the language related to Board members' powers, privileges and immunities is somewhat narrower than found in the *CTA*, the legislative scheme makes it clear that, like the Agency, the Board plays the primary role in determining its process. Combined with an almost identical statutory provision, the Board is satisfied that it has the discretion to consider standing issues on a basis other than the common law standing tests.

[41] Despite the comments in *Delta Air Lines* that the Agency could have proceeded with the complaint without considering the standing of the complainant at all, the Board is not persuaded by the arguments that it should exercise its discretion under the *RA* in this manner. *Delta Air Lines* noted that the Agency had the express power to initiate investigations on its own motion. This included the subject matter of Dr. Lukacs' complaint. If an investigation can be initiated without a complaint, traditional standing issues become less relevant.

[42] The Board has similar broad powers to investigate matters on its own motion in some mandates. These include s.19 of the *PUA* in relation to public utilities and s. 32(1) of the *Motor Carrier Act*, R.S.N.S. 1989, c.292, which is also a transportation industry licensing statute. That express power is absent from s.39 (1) and is not found elsewhere in the *RA*.

[43] While the Board would not completely exclude the possibility of having the discretion to initiate an inquiry on its own motion in certain situations, if that power exists, it should probably only be exercised in exceptional circumstances. In this regard, the Board generally agrees with WHRC that the inquiry process under s.39 (1) is complaints-driven.

[44] This is particularly the case where the Minister, who oversees many parts of the legislative scheme, including safety inspections and railway abandonment applications, has, pursuant to s.36 of the *RA*, the broad power, without the need for a complaint, "...to cause an investigation to be made relating to any matter or thing respecting a railway." This potential avenue for an investigation suggests the Board's

discretion under s.39(1) should not ordinarily be exercised so broadly as suggested by the UTA and the Intervenors.

[45] Turning to how the Board should exercise its discretion in this case, the Board finds that the private interest test is too restrictive for regulatory statutory regimes designed to protect not only customers of the railway but the public at large and to generally regulate railway corridors. That said, a party with a direct interest in the subject matter of a complaint within the Board's jurisdiction, which is the case in the vast majority of complaints brought to the Board under its various mandates, would ordinarily not raise any standing issues.

[46] As the regulated railways under the *RA* are private companies, the public interest standing test, to the extent it focuses on constitutional issues, is not appropriate. As well, while the "real and substantial interest" test discussed above provides guidance, the extent of the complainant's interest in the matter must be balanced with the seriousness and importance of the issue raised. The main concern is to avoid having complaints from parties who have an insufficient interest in the subject matter, or parties with an improper purpose, who may have limited ability or incentive to assist the process. Administrative efficiency must also be considered, including whether there is a clearly more effective way to address the issue.

[47] The Board considers the following elements gleaned from *Delta Air Lines* should be considered in this case:

- The importance of the issues raised in the context of the Board's role in the *RA* regulatory regime and its prioritization of matters under all its mandates arising from 40 different statutes;

- The degree to which the UTA has a genuine interest, or a real and substantial interest, in a legal sense, in the subject matter of the complaint, including whether the complaint is brought for an improper purpose;
- Whether the complaint is timely, vexatious, frivolous, or duplicative; and
- Whether there is a more efficient and effective way to have the matter addressed.

[48] Not all of the above factors are implicated in every standing analysis. In the matter before the Board, as the alleged conduct giving rise to the complaint is ongoing, the Board does not consider issues of timeliness arise. As well, the issues raised give rise to real, and in many ways, novel, legal considerations. They are not vexatious or frivolous. The issue of duplication forms part of the analysis on effectiveness and efficiency.

[49] In assessing the relevant factors, the Board must be mindful of the scope of its role under the *RA*. Section 2 of the *RA* says its overarching purpose is "...to ensure the safe operation of railways in the Province." The Minister has retained many of the powers required to achieve that purpose, including inspection powers and duties. The Board employs no safety inspection personnel. The Minister also has responsibility for the approval of railway rules. The Operating License, incorporated by reference in the *RA*, sets out direct inspection and safety reporting requirements with the Province. While s 52A makes the Operating License subject to the *RA*, it contains an arbitration provision related to dispute resolution.

[50] In addition to the broad investigative powers previously discussed, there is a complaints process directly to the Minister, pursuant to s.35 of the *RA*, with respect to safety and state of repair issues which can result in an inspection being ordered. As well,

that provision allows the Minister to initiate inspections if it is considered necessary. Upon receipt of the results of the inspection, the Minister can make certain orders restricting the operation of the railway and requiring repairs.

[51] The Minister has the power to make emergency directives to address safety issues pursuant to s.37 of the *RA*. As noted during the hearing, the Minister also has the power to initiate an inquiry pursuant to s. 38 of the *RA*. That said, such an inquiry must be held “in accordance with the regulations...” There are currently no regulations governing the conduct of such an inquiry.

[52] The Board’s primary functions under the *RA* are with respect to initial licensing under ss. 16 and 17, including whether an applicant has met the prescribed safety standards, obtained the prescribed insurance and has shown proof of financial viability to provide the applied for railway service. With respect to safety standards, s.18 requires an inspection from a railway inspector.

[53] The Board is also responsible for approval of licensing amendments and renewals. Of note, the Board has never received an application for a license to operate a railway service. In the case of the two operating licenses in existence under the *RA*, agreements with the Province were expressly incorporated by reference and deemed to be operating licenses issued under this legislation.

[54] As an adjunct to the complaints process described above, s. 21 provides the Board with the authority to suspend or revoke a license for failure to adhere to the *RA*, regulations enacted under the *RA*, or its operating license. While not every complaint will necessarily implicate s.21 of the *RA*, principles of fairness and natural justice require that a railway company have a fair opportunity to respond before any such action is taken.

[55] By virtue of s.26 of the *RA*, the Board also has the power to order or waive reasonable accommodations with respect to the receiving, loading, carriage, delivery and unloading of freight and address interconnection issues pursuant to s.30.

[56] Section 41 of the *RA* relates to discontinuance of service, which is prohibited unless the railway company provides notice and a reasonable discontinuance plan, as approved by the Board. The discontinuance process is set out in *Railway Discontinuance of Services and Abandonment Regulations*. The focus of these regulations is to ensure adequate notice and a proper discontinuance plan to allow rail service customers to transition to another mode of transportation.

[57] If the Board approves the notice period and discontinuance plan proposed by the railway company, and no other railway company applies to operate the line within the prescribed time, it triggers a process which can ultimately lead to abandonment of the railway line. No abandonment can take place without ministerial approval. Pursuant to s.44 of the *RA*, once an abandonment plan is approved, the Province ultimately may have the right, but not the obligation, to acquire the railway line.

[58] While not directly impacting the analysis, the Board notes s. 44 of the *RA* is confusing, as it speaks in terms of the Board approving an abandonment plan. Section 42 of the *RA*, and the *Railway Discontinuance of Services and Abandonment Regulations*, make it clear the abandonment plan must be submitted to the Minister for approval. As well, the *Railway Discontinuance of Services and Abandonment Regulations* allow for a process where both the Province, and the municipalities through which the railway runs, can offer to purchase the railway line if no company steps in to acquire and

operate it after discontinuance. Section 44 of the *RA* only provides this right to the Province.

[59] The Board has jurisdiction with respect to certain construction or alterations associated with a railway line pursuant to the *Railway Notification and Licence Regulations*. It also has some jurisdiction with respect to private crossing fees over railway lines pursuant to the *Private Railway Crossing Fees Regulations*, which regulations are not implicated in the complaint.

[60] The UTA's complaint raises a number of issues. The standing analysis, keeping in mind the above-described legislative scheme, is not uniform with respect to these various issues. They can be divided into the following themes:

- Safety issues;
- Discontinuance and abandonment process issues;
- Notifications related to railway construction and alterations;
- Filing requirements with respect to financial viability and insurance; and,
- Failure to operate in accordance with the Operating License.

a) Safety

[61] Safety is the most important objective of regulation pursuant to the *RA*. That said, safety concerns are tempered by the fact that no trains are currently running on the railway line in question. As well, with the possible exception of the Hantsport aboiteau matter, which is being addressed in another process, the types of safety concerns raised do not appear to require immediate action, given the current status of the railway operations.

[62] The degree to which a complainant must have an interest in the subject matter of the proceeding is a flexible concept. The Board has always been liberal in its application of the “real and substantial interest” test in relation to intervention or participation in matters before it.

[63] The Board allowed numerous public interest groups, including political parties, to participate in discontinuance proceedings involving the *Cape Breton & Central Nova Scotia Railway Limited*, 2015 NSUARB 6. In fact, with the possible exception of planning matters, where a restricted appellate jurisdiction is exercised, and the legislation outlines which parties should ordinarily be allowed to participate, occasions where the Board has denied standing are somewhat rare. An example would be M06208, which was an application to dissolve the Town of Bridgetown, where a public interest group had no significant connection to the subject matter of that proceeding.

[64] In this case, the UTA has no direct interest in the operation of railways. It is not a railway customer, or someone in the supply chain serviced by the railway. The UTA does not own property impacted by WHRC’s railway operations. Its mandate does not relate to railway safety and it has raised no expertise in this area.

[65] While the UTA may have a general interest in the proper functioning of the legislative scheme, its primary purpose in raising these issues appears to be to bring to a head what it sees as a non-operating railway company which has not followed the proper procedures for discontinuance and abandonment, with the hope that the railway corridor will eventually be bought by the Province for use as public trails.

[66] A general concern for the proper operation of a legislative scheme is not sufficient to ground standing in this case, particularly where there is a more effective and

efficient mechanism to address safety issues, even in the absence of railway customers, by a party which does have a mandate to address safety issues.

[67] As discussed above, the Minister has access to railway inspectors who should be able to assess the seriousness and immediacy of safety issues. There is a process under the *RA* to address any safety concerns. The process would also allow the Minister to objectively assess whether the circumstances which give rise to any safety issues, including the conduct of the railway company, warrant seeking disciplinary action through the complaints process.

[68] Absent parties who are directly impacted by the operation of a railway, or who might otherwise have a railway safety mandate, this would appear to be the most effective way to bring forward safety complaints. It would alleviate certain issues which have arisen in this proceeding, where the UTA, which, as the complainant, is ostensibly responsible for leading the complaints process, has on occasion indicated a lack of resources in its submissions. It would also provide for the party with access to expertise and the most documentation to lead the process.

[69] For the foregoing reasons, the Board finds the UTA does not have standing to bring the safety related complaints before the Board.

b) Discontinuance and abandonment

[70] The Board has long been aware that the WHRC has not been operating trains over its railway lines because its last customers ceased to utilize its services. All the parties before the Board have also long been aware of this state of affairs. The fact is that the scheme of the *RA*, including the discontinuance provisions, contemplate an active railway.

[71] The Board had not, in the past, advised either WHRC or DTIR that it considered the discontinuance process had been triggered, where trains were no longer running because the railway company no longer had any customers. The issue has been brought into focus before the Board, where parties have cited certain cases before the CTA which discuss temporary discontinuance and *de facto* discontinuance. The Board notes that the discontinuance regime, and applicable legal tests, are different under the *RA* and the federal legislation.

[72] While adherence to the legislative scheme is undoubtedly an important issue, the main purpose of the discontinuance regime under the *RA* and regulations is to provide adequate notice to those who use the railway service, to a maximum of 12 months, and to provide a discontinuance plan.

[73] The purpose of the discontinuance plan was explained by the Board as follows:

In the Board's view, the discontinuance provisions of the *Act* are there to permit customers to make reasonable alternate arrangements during the period of discontinuance which will be in place once the discontinuance period ends to allow them to receive the goods they require.

[2015 NSUARB 6, para.124]

[74] Therefore, the primary purpose of the discontinuance provisions is not to trigger an eventual abandonment application, over which the Board has no jurisdiction. Given the history behind the creation of provincial legislation to encourage short-run provincial railways to replace CN's inter-provincial railway operations in the face of abandonment, an interpretation of the *RA* which promotes the continued existence of railway corridors appears to be a reasonable approach.

[75] In any event, the significance of any alleged failure to initiate a discontinuance proceeding is lessened where there are no customers to give notice to or

who require alternate arrangements as part of a discontinuance plan. It is in this context that the flexible approach to the “real and substantial interest” test must be considered.

[76] Whether or not discontinuance has occurred raises issues of fact and mixed fact and law. This is different than the inspector expertise issues raised by railway safety concerns. In considering the interest of the UTA in the subject matter of the complaint, the Board is led to the same conclusion as to the primary aim of the UTA. It is to achieve a result where the Province, or the municipalities through which the railways run, are in a position to purchase WHRC’s railway line pursuant to the abandonment provisions of the regulations. The hope is that these lands can be converted to public trails after such an acquisition.

[77] One could argue that the actions of WHRC, in apparently converting some portions of its railway lines for use as public trails, as the photographic evidence tends to illustrate, has opened the door to the UTA being able to claim it has a genuine interest in this proceeding. On balance, the Board is not persuaded this is the case. In the first place, this potential outcome is not related to the discontinuance process. Abandonment would be required. In the Board’s opinion, the object of the abandonment provisions is to initially allow for the preservation of the railway corridor for railway usage. The provisions which allow, but do not obligate, the Province or municipalities to purchase the railway corridor, only come into play if there is no expression of interest by a railway operator. Therefore, in the Board’s view, the UTA has only a speculative interest in the subject matter of the proceeding related to discontinuance an abandonment which is insufficient to ground standing to bring a complaint.

[78] In the Board's view, if it is alleged the WHRC has failed to follow the discontinuance/abandonment process, because it no longer has customers and has used its assets for other than railway purposes, a party with a more direct interest would be required.

[79] Such a party does exist. DTIR, representing the Minister, no doubt has standing to initiate a complaint, or to cause a matter to be investigated. DTIR can represent the public interest at large and balance the object of promoting railways in the province with other considerations. DTIR also has all the required information to decide whether a complaint is warranted.

[80] In the final analysis, the Board would not describe the UTA's interest and purpose as improper, in the pejorative sense of the word. Rather, from a legal standpoint, it is not sufficiently tied to the objects and purposes of the *RA* to ground the UTA's status as a complainant.

c) Notifications related to railway construction and alterations

[81] The *Railway Notification and Licence Regulations* require that the Board be notified of certain railway construction alterations. The types of construction and alterations subject to the requirement can be summarized as follows:

- The acquisition of additional land from adjacent owners for the realignment of any existing railway line;
- Constructing or altering any crossing of a public road;
- Constructing or altering any crossing of a railway line with any other railway line;
- Constructing or altering any tunnel or railway bridge over 3 meters in length.

[82] The wording of the regulations does not make it entirely clear whether the construction and alterations must be approved by the Board. That said, it is clear that the listed types of construction and alterations were intended to address safety issues. They would ordinarily contemplate a railroad which is currently providing a service to customers.

[83] It is alleged some of the changes to the railway relate to covering the line where it intersects with public roads. This is the type of alteration or construction addressed in the regulations. In direct answers to UARB IRs-6 and 7, WHRC indicated this was not the case. The Board does not have to make a final determination on the issue, given its standing analysis based on the purpose of the provisions.

[84] The same analysis discussed above with respect to the UTA's lack of a real and substantial interest in the subject matter of this component of the complaint is engaged. The notification provisions relate to safety and the proper operation of the railway. The UTA does not have a sufficient nexus with these issues to be granted standing as a complainant.

[85] The Board notes that the facts surrounding the railway construction and alterations, which appear related to providing public trails while the railway is not in use, are readily ascertainable through inspection. If such inspections by DTIR reveal a contravention of the regulations, it is always open for the Minister to bring a complaint, after having made an initial assessment as to whether such a course of conduct is warranted.

d) Filing Requirements re financial viability and proof of insurance

[86] The Board will now address the portion of the complaint related to alleged failures to file the proper proof of insurance and proof of financial viability. The regulations suggest financial statements might fulfill the proof of financial viability obligation. In relative terms, these are not the most pressing issues where the company is not running railway cars.

[87] The Board has been aware of the form of insurance filed by WHRC for some time. It has been satisfied it provides adequate coverage for third party liability in the circumstances WHRC currently finds itself in. It would not be appropriate for the Board to pursue disciplinary action at the request of a stranger to the railway operations, without any public safety mandate, to address an issue where the Board itself has not raised concerns with WHRC in the past. Rather, the Board will review the matter to see if changes to the insurance filings are needed.

[88] With respect to proof of financial viability, given how WHRC's licensing occurred, the Board has never requested this type of information. It would similarly be inappropriate at this stage to grant standing to the UTA, which is not impacted directly or indirectly by WHRC's financial viability, to maintain a complaint seeking a disciplinary penalty for this alleged transgression. The Board will review the legislative requirements and determine what, if anything, should be obtained from WHRC in this regard.

e) Failure to operate in accordance with the Operating License

[89] This component of the complaint is founded on three essential aspects: the alleged failure to operate a railway; the alleged failure to provide inspection reports and other documentation, and meet the safety standards, set out in the Operating License;

and, the expiration of a leasing agreement with CN over a portion of the railway line covered by the Operating License.

[90] All the component elements of this portion of the complaint really relate to issues of safety and whether in fact WHRC is operating a railway, or intends to operate a railway (or is even capable of operating a railway with respect to the CN portion of the line). Therefore, the same basic analysis discussed above with respect to safety, discontinuance and abandonment are raised. In the Board's opinion, the UTA is simply not the proper party to make a complaint in relation to these matters.

4.0 GIVEN THE HANTSPORT ABOITEAU MATTER PENDING BEFORE THE SUPREME COURT OF NOVA SCOTIA, TO WHAT EXTENT DOES THE BOARD HAVE JURISDICTION TO HEAR THE COMPLAINT?

[91] As the Board has granted WHRC's motion based on standing issues, this issue need not be addressed. This in no way is meant to endorse the submissions of WHRC with respect to the interplay between ss. 22 and s.23 of the *UARB Act*, which WHRC says preclude the Board from proceeding where an issue of law or mixed fact and law relevant to the determination of a matter before it is before the courts. As raised by the Board during the hearing, the *UARB Act* applies to all the Board's mandates. The limitations on the Board's ability to proceed with its various mandates, often involving ongoing regulatory oversight, or similar legal issues in various proceedings, would be severely impaired if WHRC argument were accepted.

[92] In order to avoid duplication and the possibility of inconsistent results, the Board has usually held matters in abeyance if there are related proceedings before the courts. An example appears in the record in this proceeding with respect to the Hanstport aboiteau, where an impacted party had raised the issue with the Board. That said, the

most reasonable interpretation of ss.22 and 23 of the *UARB Act* is that it provides the Board with discretion to proceed, if the circumstances warrant, even where such related matters are being considered by the courts.

5.0 CONCLUSION

[93] The Board is mindful that considerable effort has been expended to date as part of this proceeding. Nevertheless, it has been convinced that the UTA is not the proper party to bring a complaint with respect to the issues raised before it. This proceeding should therefore not continue based on the UTA's complaint.

[94] The remedy which has been requested, if granted, would effectively terminate WHRC's ability to operate a railway and could ultimately lead to the forced sale to the Province. These are significant potential repercussions. It is important that WHRC be fully aware of the case it must meet. If these remedies are to be sought, and the Board makes no comment on whether they will be, or should be, the Board is of the view the process should be led by a party with a real and substantial interest, in the legal sense, in the outcome of the proceeding.

[95] In the Board's opinion, it is not sufficient that DTIR, for example, which has such an interest, is an Intervenor in the process. There are potential procedural and fairness issues, related to the ability of WHRC to respond to the case it has to meet, which could arise where the complaint is not framed by such a party.

[96] After reviewing the totality of the record, which was very helpful in providing context, and the very able legal arguments of the participants, the Board finds as follows:

- While not completely precluding the possibility that the Board could initiate a complaints process on its own pursuant to s.39 of the *RA*, the legislation primarily contemplates a complaints-driven process;
- The applicable standing test the Board has developed in this proceeding for complaints under the *RA* has the following elements;
 - i) The importance of the issues raised in the context of the Board's role in the *RA* regulatory regime and its prioritization of matters under all its mandates arising from 40 different statutes;
 - ii) The degree to which the complainant has a genuine interest, or a real and substantial interest, in a legal sense, in the subject matter of the complaint, including whether the complaint is brought for an improper purpose;
 - iii) Whether the complaint is timely, vexatious, frivolous, or duplicative; and
 - iv) Whether there is a more efficient and effective way to have the matter addressed.

[97] Taking all of the above into consideration, the Board finds the UTA does not have a sufficient nexus with the subject matter of the complaint to establish standing, when analyzed in the context of the legislative framework, the relative importance of the issues, and more effective and efficient alternative processes.

[98] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 23 day of December, 2020.



Richard J. Melanson



Committee of the Whole Excerpts
June 13, 2023

Tourism Strategy with East Hants Excerpt

The Region of West Hants and Municipality of East Hants are known to many as “Hants County”. There is a lot of overlapping and untapped potential to create a joint tourism strategy/plan for the “shore” and surrounding areas. Both areas have many common themes that would benefit both regions if they were explored and promoted as a united Hants County.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL AUTHORIZE STAFF TO BEGIN DISCUSSIONS AND WORK ON TOURISM STRATEGIES WITH THE STAFF AT EAST HANTS AND TO REPORT BACK TO COUNCIL ON UPDATES AND FUTURE RECOMMENDATIONS AS NEEDED.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: Mayor Abraham Zebian

Date: June 13, 2023

Subject: Joint Tourism Work

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

...Council authorize staff to begin discussions and work on tourism strategies with the staff at East Hants and to report back to Council on updates and future recommendations as needed.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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The Region of West Hants and Municipality of East Hants are what many refer to as “Hants County”. Each respective unit has had its own tourism strategies, active transportation plans, and economic development work over the years.

DISCUSSION

At a recent meeting between the Warden, Deputy Warden, staff (from both units) and myself, it was discussed that there is a lot of overlapping and untapped potential to create a joint tourism strategy/plan for the “shore” and surrounding areas. East and West Hants have many common themes and it only makes sense to explore and promote them, as a united Hants County, for the benefit of both units. We could see huge benefits with accommodations, the culinary sector, agriculture sector, wine industry, and many other benefits.

NEXT STEPS

If COTW forwards a positive recommendation to council, the next step would be for Council to ratify the decision and staff begin work.

FINANCIAL IMPLICATIONS

No financial implications with the initial work on areas to explore with the exception of staff time.

There may be future financial implications with potential recommendations to Council.

ALTERNATIVES

COTW may not choose to send a positive recommendation to Council.

COTW may choose a different course of action.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

There are many synergies between East Hants and West Hants. Tourism relayed initiatives are at the forefront.

I support the Mayor's recommendation. In addition, we will share the recently released Valley Regional Enterprise Network (VREN) Tourism Strategy with East Hants to ensure our joint initiatives are in alignment with the strategy and the themes within.

Themes within the strategy include:

- The Bay of Fundy

- Culinary

- Heritage, Culture Arts

- Outdoor Recreation

- Rural Landscapes, Coastal Communities, Small Towns and Villages

Report Prepared by: Abraham Zebian, Mayor

Report Reviewed by: 
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
June 13, 2023

TOWN HALL MEETING EXCERPT

Following the discussion regarding the Hants County Federation of Agriculture need for a freshwater resource a motion was made to host a town hall meeting so that the public could ask questions to MP Blois and MLA Sheehy-Richard.

The recommended motion was that Committee of the Whole recommend that ...

THE WEST HANTS COUNCIL HOLD A TOWN HALL MEETING AND EXTEND AN INVITATION TO MP BLOIS AND MLA SHEEHY-RICHARD TO ATTEND AND ANSWER QUESTIONS FROM THE PUBLIC.



Committee of the Whole Excerpts
June 13, 2023

WEST HANTS AGRICULTURAL SOCIETY EXCERPT

Barbara Rockwell from the West Hants Agricultural Society presented a request for a grant in the amount of \$4,000 in 2023 to assist with the costs of sewage charges that are not used but are being charged for. In addition, a request was made to add this as a Line Item with appropriate increases to the next budget as this is an ongoing cost that will need to be addressed each year.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO PREPARE A REPORT AND BRING BACK INFORMATION ON THE REQUEST MADE BY THE WEST HANTS AGRICULTURAL SOCIETY PERTAINING TO WATER USAGE AND SEWER AMOUNTS BILLED; AND FURTHER THAT STAFF PROVIDE A REFRESHER ON HOW RESIDENTIAL AND COMMERCIAL BUSINESSES ARE BILLED FOR WATER AND SEWER USAGES.

WEST HANTS REGIONAL MUNICIPALITY
Presenter/Presentation Overview



Date: June 13, 2023

Name of Presenters & Organization:

Windsor Agricultural Society
Jonathan Strum, Chair, Finance Committee
Barb Rockwell, Facility Manager

Presentation Outline/Summary (Matter): Financial relief in relation to Water/Sewer Bill

Our water consumption is for the most part due to animals being on our grounds for weekend shows and in particular during the two weekends of the Hants County Exhibition. The average water consumption of a cow is 30 gallons per day and of a horse is 20-25 gallons. During the exhibition we have approximately 620 animals on the grounds over the two weekends. Over the summer we have rentals all but a few weekends with the average show having 100 animals. Not only do the animals drink the water but they are usually bathed or rinsed several times at our outdoor wash stands. Also, normally the arena and the Mary Henry building (warm up ring) needs to be watered at least once each week to ensure safe useable footing. In addition, because of bio-security, all of the stalls that are used each weekend are required to be sprayed with a disinfectant/water solution. All of the above water use does not go into our sewer system.

Request of WHRM Council:

We are asking for a grant in the amount of \$4,000 in 2023 which would cover the cost of the sewage charges that we do not use. Also, we would ask the Mayor and Council to add this as a Line Item with appropriate increases to the next budget as this is an ongoing cost that will need to be addressed each year.

*Thank you for providing this information & a full copy of your presentation one full week **BEFORE** the date you are scheduled to present to West Hants Regional Council to dsnair@westhants.ca !*



Planning and Heritage Advisory Committee Excerpts
June 7, 2023

PLANNING AND HERITAGE ADVISORY COMMITTEE MOTION EXCERPT

On June 7, 2023, the PAC/HAC discussed affordable housing and how to require and regulate it within developments, as well as furthering the process of the Plan Review by giving staff the capacity to engage with a consultant to help accelerate the process.

The Planning and Heritage Advisory Committee moved that ...

PAC/HAC REQUEST THAT COUNCIL ENDORSES PAC/HAC AND PLANNING STAFF TO EXPLORE THE ABILITY TO REQUIRE AND REGULATE THE PROVISION OF AFFORDABLE HOUSING WITHIN DEVELOPMENTS.

The Planning and Heritage Advisory Committee moved that ...

PAC/HAC RECOMMENDS TO COUNCIL THAT PLANNING STAFF BE GIVEN THE CAPACITY TO ENGAGE CONSULTANTS FOR FURTHERING THE PROCESS OF THE PLAN REVIEW FOR THE WEST HANTS REGIONAL MUNICIPALITY.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: June 27, 2023

Subject: WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563);
File # 23-03A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to proceed to a Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45003563 on Pemberton Avenue, Garlands Crossing, from the General Commercial (GC) zone to the Two Unit Residential (R-2) zone in a manner substantively the same as Figure 3 of the staff report to the Planning and Heritage Advisory Committee report #23-03 dated June 7, 2023.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received from Gene and Annetta Anthony on March 14, 2023. The application is to allow for two, two unit dwellings by rezoning the subject lot to the Two Unit

Residential (R-2) zone. The property owners will then apply to subdivide the subject lot if the rezoning is approved.

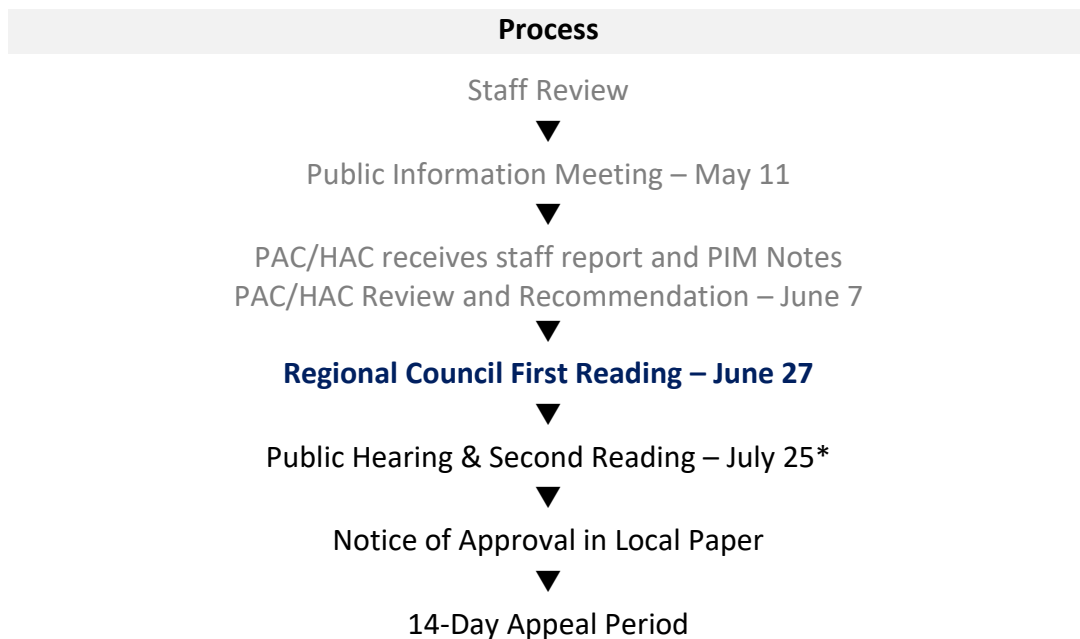
DISCUSSION

A Public Information Meeting was held on May 11, 2023. A total of 3 members of the public spoke at the meeting. The public comment period ended on May 25, 2023, with staff receiving no written correspondence. To summarize, the comments and concerns of the public included: options to rezone to the Single Unit Residential (R-1) zone, access to the lot, and developer presence.

On June 7, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). During the June 7 meeting, PAC/HAC recommended in favour of the proposed rezoning.

NEXT STEPS

The process for this application is as follows.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2023-06-07 Staff Report - WHLUB Amendment: Pemberton Avenue,
Garlands Crossing (PID 45003563); File # 23-03

CHIEF ADMINISTRATIVE OFFICER REVIEW

Approving the recommendation for first reading is recommended to ensure that the public hearing process is conducted, and further public feedback is gathered regarding this application.

I support the recommendation.

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Appendix A – 2023-06-07 Staff Report - WHLUB Amendment: Pemberton Avenue, Garlands
Crossing (PID 45003563); File # 23-03**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: June 7, 2023

Subject: WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563);
File # 23-03

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff recommend that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45003563 on Pemberton Avenue, Garlands Crossing, from the General Commercial (GC) zone to the Two Unit Residential (R-2) zone.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received from Gene and Annetta Anthony on March 14, 2023. The application is to allow for two, two unit dwellings by rezoning the subject lot to the Two Unit

Residential (R-2) zone. The property owners will then apply to subdivide the subject lot if the rezoning is approved.

DISCUSSION

The subject lot is currently designated Commercial Core and included within both the Three Mile Plains Growth Centre and the Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned General Commercial (GC) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

Surrounding Context

Properties surrounding the subject lot on the south side of Highway 1 are designated Commercial Core and included within both the Three Mile Plains Growth Centre and the Commercial Development District, with the properties on Pemberton Avenue being zoned General Commercial (GC) and the properties to the southeast being zoned Highway Commercial (HC). Adjacent properties on Pemberton Avenue are single unit residences, while a commercial area including restaurants, a gas station, convenience store, and personal service shops are located southwest of the subject lot.

Municipal Planning Strategy Document Review

Policy 5.3.4 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to the Two Unit Residential (R-2) zone. The Policy also includes criteria which must be considered in relation to the proposal. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot is capable of being serviced by municipal water and sewer; and
- the proposed use will not conflict with adjacent existing uses.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Area Manager of the Nova Scotia Department of Public Works, and Municipal Project Engineer have no concerns which have not been addressed in this report.

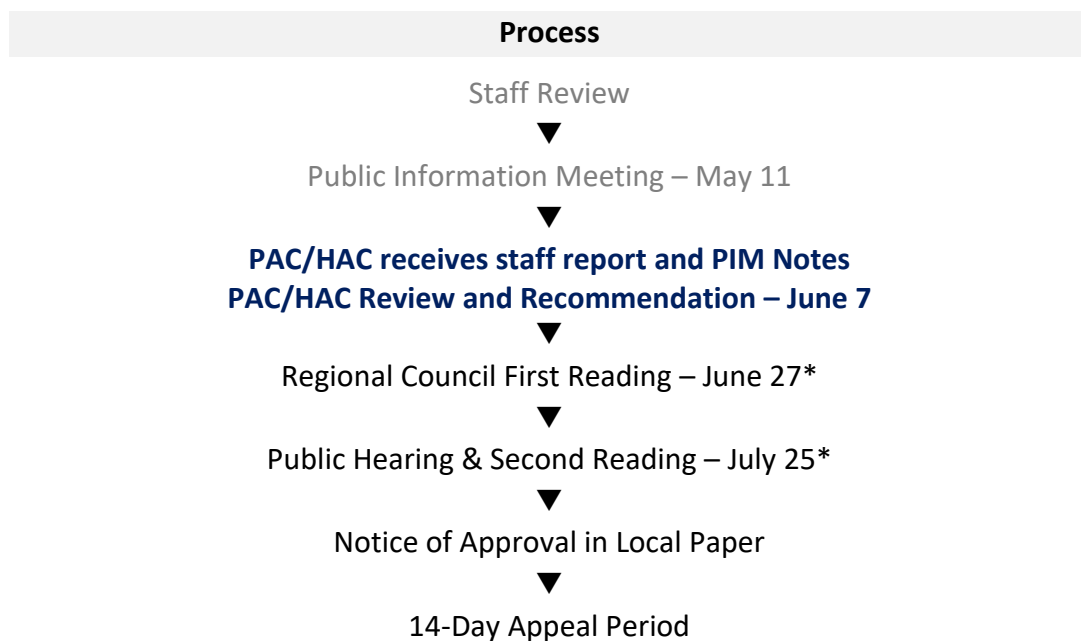
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to amend the zoning of PID 45003563 to the Two Unit Residential (R-2) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

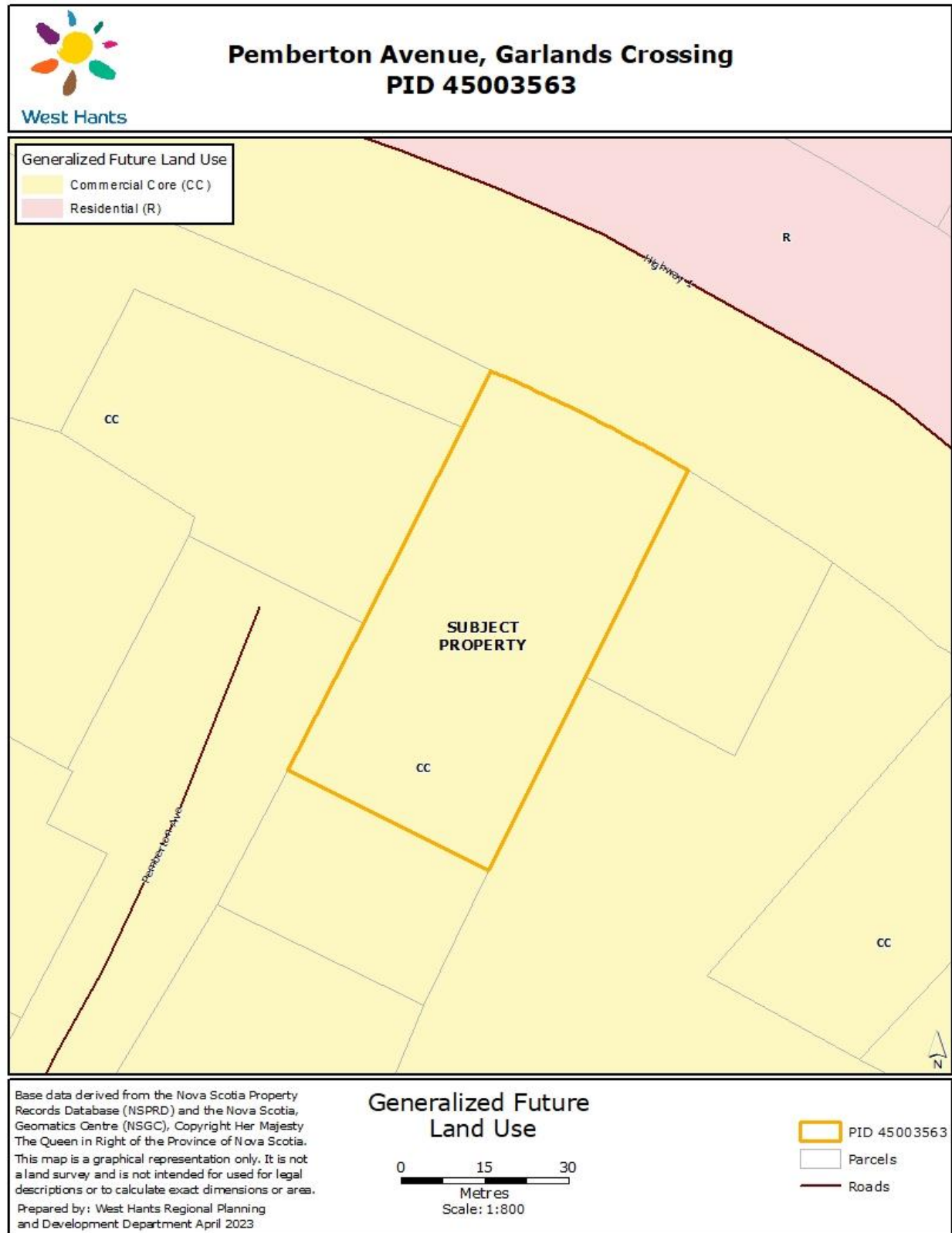


Figure 2 – West Hants Zoning Map Extract

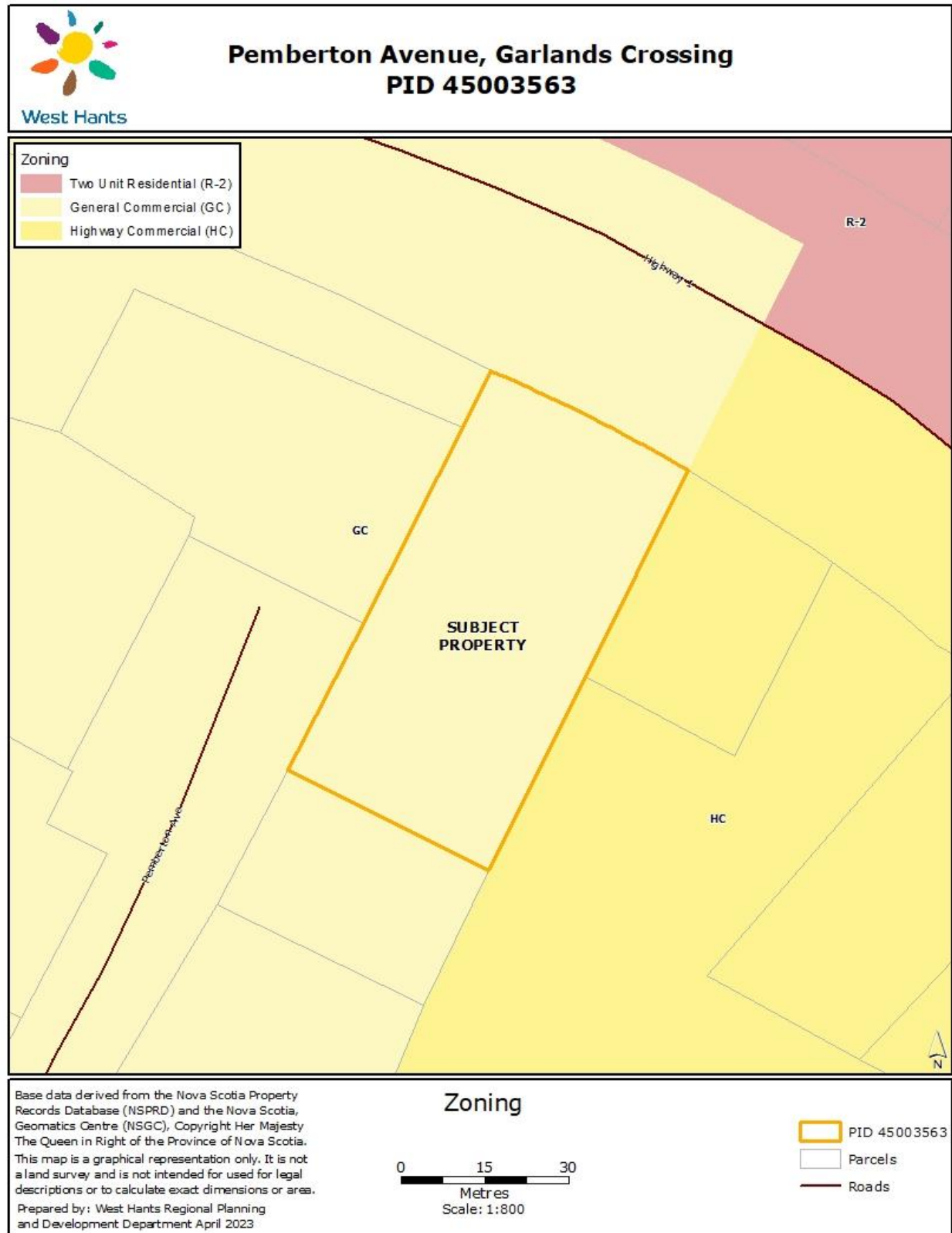
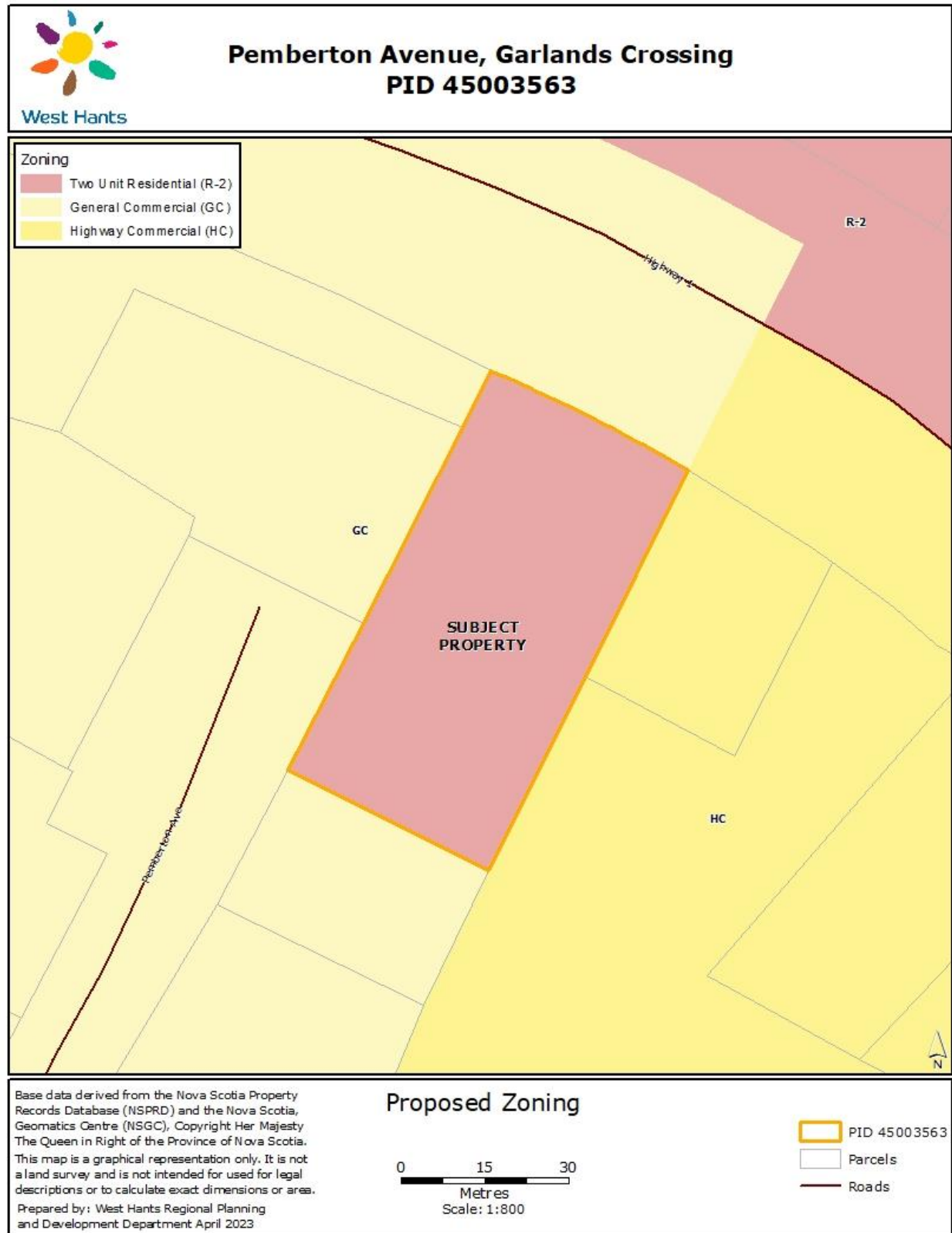


Figure 3 – West Hants Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendments

Policy 5.3.4 <i>It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R 2 subject to the following:</i>	
<i>(a) the area to be rezoned is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i>	The Municipal Project Engineer commented that the lot is capable of being serviced by municipal water and sewer.
<i>(b) the proposed use will not conflict with adjacent existing uses;</i>	The Development Officer commented that they have no concerns regarding conflict between the proposed use and adjacent existing uses.
<i>(c) any other matter which may be addressed in a Land Use By-law; and</i>	All relevant matters have been addressed in this report.
<i>(d) Policy 16.3.1.</i>	See Policy 16.3.1 below.

Policy 16.3.1 <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Municipal Project Engineer commented that they had no concerns regarding the adequacy of municipal services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	Both the Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection. The local

	Fire Chief commented that they also had no concerns.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the adjacent road network.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Municipal Project Engineer commented that the subject lot is capable of being serviced by municipal water and sewer.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the suitability of movement and traffic and that the subject lot would be granted a single access to Highway 1.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of the dimensions and shape of the lot for the intended use.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of development which the proposal might create.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	The subject lot is relatively flat, excepting the portion fronting onto Highway 1. There are no waterbodies or wetlands present on the mapping for the property and there are no evident

	concerns in terms of steepness of grade, soil or geological conditions.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Public Information Meeting Notes

May 11 - May 25, 2023

WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563); File # 23-03

Meeting date and time	A Public Information Meeting was held on May 11, 2023 beginning at 6:02 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: • Councillor Murley • Councillor Ivey Four (4) members of staff: • Planner Dunphy • Planner Fredericks • Planning Assistant Lake • Director Poirier PAC/HAC Members: • Jennifer Nicholls (Chair) • Jane Davis • Stefan Palios • Tasha Rogers • Lisa Bland 20 members of the public.
Applicant Gene & Annetta Anthony Property Pemberton Avenue, Garlands Crossing (PID 45003563)	Planner Dunphy outlined the application to rezone the subject lot to permit two, two unit dwellings. The applicant did not provide a presentation.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between May 11 – May 25, 2023. Staff received no phone calls or written correspondence during the comment period. 3 members of the public and the applicant spoke during the May 11 Public Information Meeting. Staff and applicant responses are in purple.

	• Paul asked about the option to rezone to the Single Unit Residential (R-1) zone, as that area is primarily single unit dwellings. • Gina Cochrane asked about access to the lot. Alex responded that the NS Department of Public Works would be contacted to inquire about access. Gina then commented that the area is single unit dwellings and that the higher density development would contribute to traffic and road issues. • A member of the public commented that it is best to have the developer in-person at the meeting. The developer not living in the community is seen as an issue. Gene Anthony, the applicant, commented that they originally used the property for a shop and were now rezoning to residential to match the surrounding uses.
Adjournment	The PIM was adjourned at approximately 6:21 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: June 27, 2023

Subject: HLUB Amendment: 35 William Street (PID 45044419); File # 23-06A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:
...that Council gives First Reading and will hold a Public Hearing to consider amending the Hantsport Land Use By-law to increase the height and number of dwelling units permitted in the Mixed Commercial/Residential (C-2) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report #23-06 dated June 7, 2023.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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An updated application was received from Michael Lawen of Cornerstone Developments Ltd. on April 14, 2023. The application is to allow for a 5-storey, 40-unit residential apartment

building.

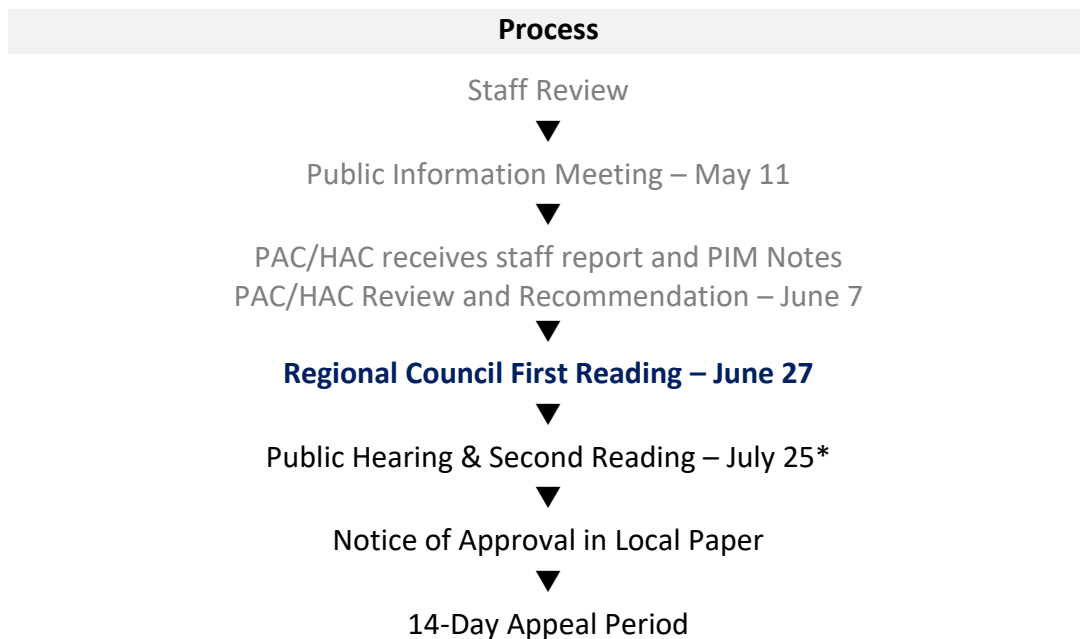
DISCUSSION

A Public Information Meeting was held on May 11, 2023. A total of 3 members of the public spoke at the meeting. The public comment period ended on May 25, 2023, with staff receiving 4 pieces of written correspondence. To summarize, the comments and concerns of the public included: density not fitting the former town, limited parking, the target market for the proposal, site plan, water supply availability, support for density, walkability, lack of available housing, and potential traffic issues.

On June 7, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). During the June 7 meeting, PAC/HAC recommended in favour of the proposed amendments.

NEXT STEPS

The process for this application is as follows.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2023-06-07 Staff Report - HLUB Amendment: 35 William Street (PID 45044419); File # 23-06

CHIEF ADMINISTRATIVE OFFICER REVIEW

Approving first reading and proceeding to a public hearing will allow for additional public feedback regarding the application.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A – 2023-06-07 Staff Report -
HLUB Amendment: 35 William Street (PID 45044419); File # 23-06**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: June 7, 2023

Subject: HLUB Amendment: 35 William Street (PID 45044419); File # 23-06

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff recommend that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use By-law to increase the height and number of dwelling units permitted in the Mixed Commercial/Residential (C-2) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated June 8, 2023.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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An updated application was received from Michael Lawen of Cornerstone Developments Ltd. on April 14, 2023. The application is to allow for a 5-storey, 40-unit residential apartment

building.

DISCUSSION

The subject lot is designated Commercial and included in the Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Hantsport Municipal Planning Strategy (HMPS) (Figure 1). The subject lot is zoned Mixed Commercial/Residential (C-2) on Schedule A of the Hantsport Land Use By-law (HLUB) (Figure 2).

Proposal Information

The site plan that was submitted with the application has been included as Figure 3. Staff is providing this for information purposes only. There is no mechanism to require adherence to any proposed site plans associated with the amendments to the HLUB.

Surrounding Context

Properties surrounding the subject lot are primarily designated Commercial and zoned Mixed Commercial/Residential (C-2) to the south and west, with properties to the north and east designated Industrial and zoned Industrial (M) and Residential Multiple Unit (R-3). Nearby uses in the area include an existing apartment building, a fire station, and a rail yard.

Draft Land Use By-law Changes

Currently the HLUB allows:

- a maximum height for all main buildings of 35 ft. (except within the Industrial (M) zone); and
- a maximum of 20 units per apartment building in the Mixed Commercial/Residential (C-2) zone.

The current parking requirement for apartment buildings is a ratio of 1.5 parking spaces per dwelling unit.

In summary, to permit the proposed development, the following changes are required to the HLUB:

- an increase in maximum height for main buildings in the Mixed Commercial/Residential (C-2) zone to 55 ft;
- an increase in the maximum dwelling units per apartment building in the Mixed Commercial/Residential (C-2) zone to a total of 40; and
- inclusion of a parking requirement for the Mixed Commercial/Residential (C-2) zone of one parking space per dwelling unit.

The full set of changes can be found in Attachment B.

As the proposed amendment would affect all properties within the Mixed Commercial/Residential (C-2) zone, staff have prepared a map showing the extent of the zone in Hantsport, shown as Figure 4. The Mixed Commercial/Residential (C-2) zone is localized to the western portion of William Steet, northern Main Street, Chittick Avenue, and Jubilee Lane.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Traffic Authority, these changes did not raise any concerns which are not otherwise addressed in this report.

Municipal Planning Strategy Document Review

Policy IM-3 establishes the general criteria that must be considered for all amendments to the HLUB. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Area Manager of the Nova Scotia Department of Public Works, and Municipal Project Engineer have no concerns which have not been addressed in this report.

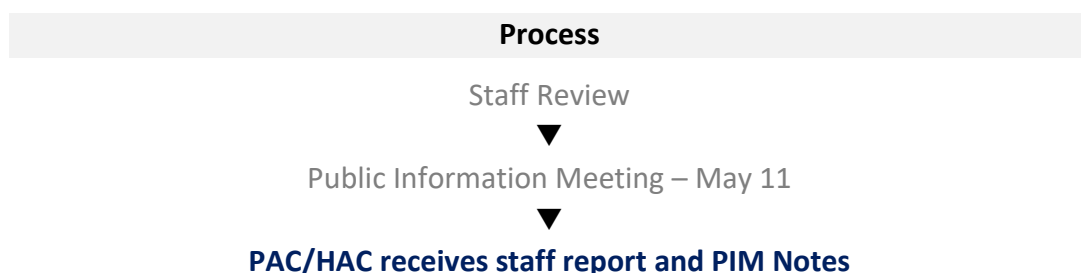
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the HMPS, and is consistent with the intent, objectives, policies and criteria of the HMPS. As a result, it is reasonable to....



PAC/HAC Review and Recommendation – June 7



Regional Council First Reading – June 27*



Public Hearing & Second Reading – July 25*



Notice of Approval in Local Paper



14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Hantsport GFLUM Extract
Figure 2	Hantsport Zoning Map Extract
Figure 3	Proposal Site Plan
Figure 4	Mixed Commercial/Residential (C-2) Zone Extent Map
Attachment A	Policy Summary for Land Use By-law Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – Hantsport GFLUM Extract

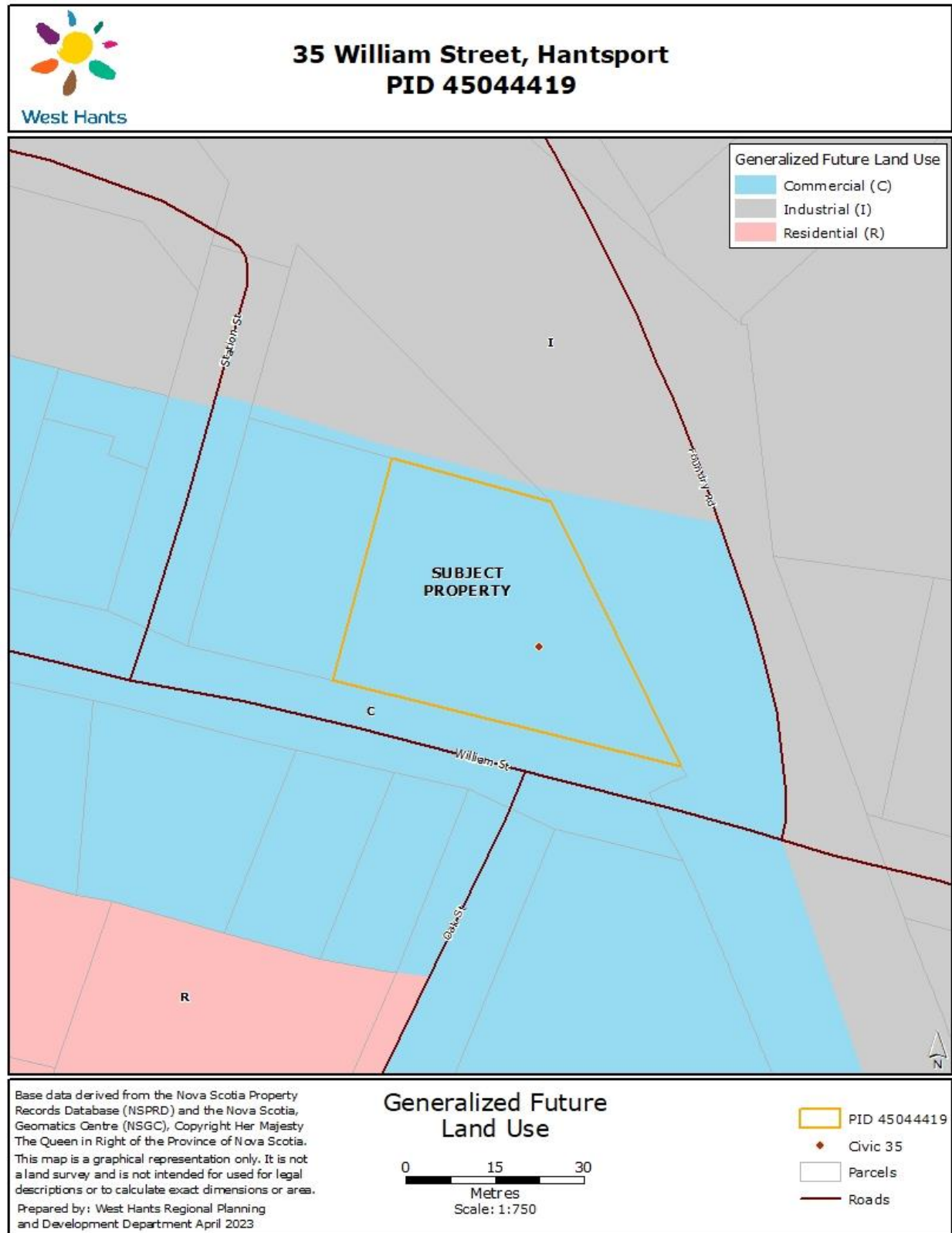
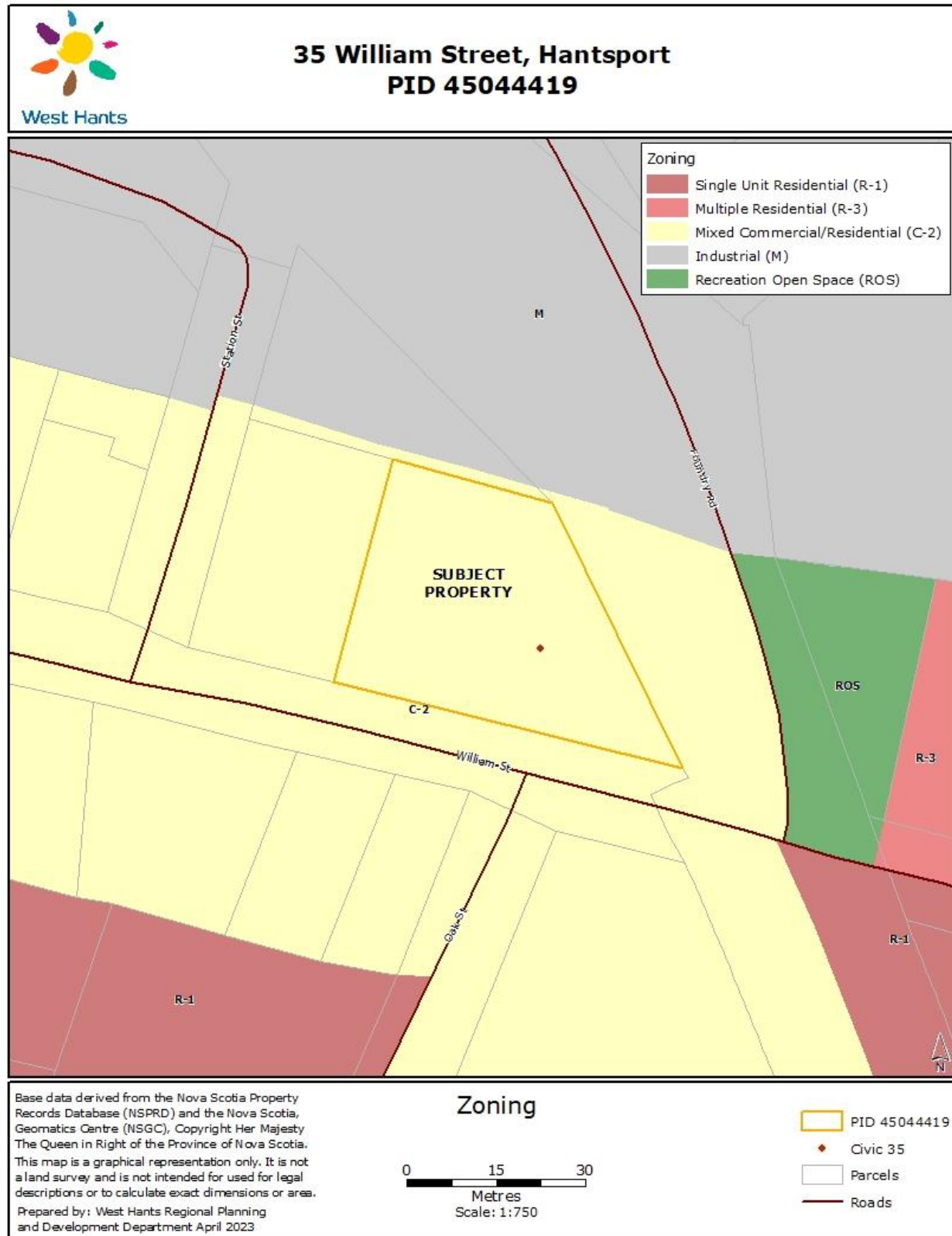


Figure 2 – Hantsport Zoning Map Extract



¹H NMR (CDCl₃) δ: 7.60 (d, 2H, H_A), 7.50 (d, 2H, H_B), 7.40 (d, 2H, H_C), 7.30 (d, 2H, H_D), 7.20 (d, 2H, H_E), 7.10 (d, 2H, H_F), 7.00 (d, 2H, H_G), 6.90 (d, 2H, H_H), 6.80 (d, 2H, H_I), 6.70 (d, 2H, H_J), 6.60 (d, 2H, H_K), 6.50 (d, 2H, H_L), 6.40 (d, 2H, H_M), 6.30 (d, 2H, H_N), 6.20 (d, 2H, H_O), 6.10 (d, 2H, H_P), 6.00 (d, 2H, H_Q), 5.90 (d, 2H, H_R), 5.80 (d, 2H, H_S), 5.70 (d, 2H, H_T), 5.60 (d, 2H, H_U), 5.50 (d, 2H, H_V), 5.40 (d, 2H, H_W), 5.30 (d, 2H, H_X), 5.20 (d, 2H, H_Y), 5.10 (d, 2H, H_Z), 5.00 (d, 2H, H_{AA'}), 4.90 (d, 2H, H_{AB'}), 4.80 (d, 2H, H_{AC'}), 4.70 (d, 2H, H_{AD'}), 4.60 (d, 2H, H_{AE'}), 4.50 (d, 2H, H_{AF'}), 4.40 (d, 2H, H_{AG'}), 4.30 (d, 2H, H_{AH'}), 4.20 (d, 2H, H_{AI'}), 4.10 (d, 2H, H_{AJ'}), 4.00 (d, 2H, H_{AK'}), 3.90 (d, 2H, H_{AL'}), 3.80 (d, 2H, H_{AM'}), 3.70 (d, 2H, H_{AN'}), 3.60 (d, 2H, H_{AO'}), 3.50 (d, 2H, H_{AP'}), 3.40 (d, 2H, H_{AQ'}), 3.30 (d, 2H, H_{AR'}), 3.20 (d, 2H, H_{AS'}), 3.10 (d, 2H, H_{AT'}), 3.00 (d, 2H, H_{AU'}), 2.90 (d, 2H, H_{AV'}), 2.80 (d, 2H, H_{AW'}), 2.70 (d, 2H, H_{AX'}), 2.60 (d, 2H, H_{AY'}), 2.50 (d, 2H, H_{AZ'}), 2.40 (d, 2H, H_{BA'}), 2.30 (d, 2H, H_{BB'}), 2.20 (d, 2H, H_{BC'}), 2.10 (d, 2H, H_{BD'}), 2.00 (d, 2H, H_{BE'}), 1.90 (d, 2H, H_{BF'}), 1.80 (d, 2H, H_{BG'}), 1.70 (d, 2H, H_{BH'}), 1.60 (d, 2H, H_{BI'}), 1.50 (d, 2H, H_{BJ'}), 1.40 (d, 2H, H_{BK'}), 1.30 (d, 2H, H_{BL'}), 1.20 (d, 2H, H_{BM'}), 1.10 (d, 2H, H_{BN'}), 1.00 (d, 2H, H_{BO'}), 0.90 (d, 2H, H_{BP'}), 0.80 (d, 2H, H_{BQ'}), 0.70 (d, 2H, H_{BR'}), 0.60 (d, 2H, H_{BS'}), 0.50 (d, 2H, H_{BT'}), 0.40 (d, 2H, H_{BU'}), 0.30 (d, 2H, H_{BV'}), 0.20 (d, 2H, H_{BW'}), 0.10 (d, 2H, H_{BX'}), 0.00 (d, 2H, H_{BY'}), -0.10 (d, 2H, H_{BZ'}), -0.20 (d, 2H, H_{CA'}), -0.30 (d, 2H, H_{CB'}), -0.40 (d, 2H, H_{CC'}), -0.50 (d, 2H, H_{CD'}), -0.60 (d, 2H, H_{CE'}), -0.70 (d, 2H, H_{CF'}), -0.80 (d, 2H, H_{CG'}), -0.90 (d, 2H, H_{CH'}), -1.00 (d, 2H, H_{CI'}), -1.10 (d, 2H, H_{CJ'}), -1.20 (d, 2H, H_{CK'}), -1.30 (d, 2H, H_{CL'}), -1.40 (d, 2H, H_{CM'}), -1.50 (d, 2H, H_{CN'}), -1.60 (d, 2H, H_{CO'}), -1.70 (d, 2H, H_{CP'}), -1.80 (d, 2H, H_{CQ'}), -1.90 (d, 2H, H_{CR'}), -2.00 (d, 2H, H_{CS'}), -2.10 (d, 2H, H_{CT'}), -2.20 (d, 2H, H_{CU'}), -2.30 (d, 2H, H_{CV'}), -2.40 (d, 2H, H_{CW'}), -2.50 (d, 2H, H_{CX'}), -2.60 (d, 2H, H_{CY'}), -2.70 (d, 2H, H_{CZ'}), -2.80 (d, 2H, H_{DA'}), -2.90 (d, 2H, H_{DB'}), -3.00 (d, 2H, H_{DC'}), -3.10 (d, 2H, H_{DD'}), -3.20 (d, 2H, H_{DE'}), -3.30 (d, 2H, H_{DF'}), -3.40 (d, 2H, H_{DG'}), -3.50 (d, 2H, H_{DH'}), -3.60 (d, 2H, H_{DI'}), -3.70 (d, 2H, H_{DJ'}), -3.80 (d, 2H, H_{DK'}), -3.90 (d, 2H, H_{DL'}), -4.00 (d, 2H, H_{DM'}), -4.10 (d, 2H, H_{DN'}), -4.20 (d, 2H, H_{DO'}), -4.30 (d, 2H, H_{DP'}), -4.40 (d, 2H, H_{DQ'}), -4.50 (d, 2H, H_{DR'}), -4.60 (d, 2H, H_{DS'}), -4.70 (d, 2H, H_{DT'}), -4.80 (d, 2H, H_{DU'}), -4.90 (d, 2H, H_{DV'}), -5.00 (d, 2H, H_{DW'}), -5.10 (d, 2H, H_{DX'}), -5.20 (d, 2H, H_{DY'}), -5.30 (d, 2H, H_{DZ'}), -5.40 (d, 2H, H_{EA'}), -5.50 (d, 2H, H_{EB'}), -5.60 (d, 2H, H_{EC'}), -5.70 (d, 2H, H_{ED'}), -5.80 (d, 2H, H_{EE'}), -5.90 (d, 2H, H_{EF'}), -6.00 (d, 2H, H_{EG'}), -6.10 (d, 2H, H_{EH'}), -6.20 (d, 2H, H_{EI'}), -6.30 (d, 2H, H_{EJ'}), -6.40 (d, 2H, H_{EK'}), -6.50 (d, 2H, H_{EL'}), -6.60 (d, 2H, H_{EM'}), -6.70 (d, 2H, H_{EN'}), -6.80 (d, 2H, H_{EO'}), -6.90 (d, 2H, H_{EP'}), -7.00 (d, 2H, H_{EQ'}), -7.10 (d, 2H, H_{ER'}), -7.20 (d, 2H, H_{ES'}), -7.30 (d, 2H, H_{ET'}), -7.40 (d, 2H, H_{EU'}), -7.50 (d, 2H, H_{EV'}), -7.60 (d, 2H, H_{EW'}), -7.70 (d, 2H, H_{EX'}), -7.80 (d, 2H, H_{EY'}), -7.90 (d, 2H, H_{EZ'}), -8.00 (d, 2H, H_{FA'}), -8.10 (d, 2H, H_{FB'}), -8.20 (d, 2H, H_{FC'}), -8.30 (d, 2H, H_{FD'}), -8.40 (d, 2H, H_{FE'}), -8.50 (d, 2H, H_{FF'}), -8.60 (d, 2H, H_{FG'}), -8.70 (d, 2H, H_{FH'}), -8.80 (d, 2H, H_{FI'}), -8.90 (d, 2H, H_{FJ'}), -9.00 (d, 2H, H_{FK'}), -9.10 (d, 2H, H_{FL'}), -9.20 (d, 2H, H_{FM'}), -9.30 (d, 2H, H_{FN'}), -9.40 (d, 2H, H_{FO'}), -9.50 (d, 2H, H_{FP'}), -9.60 (d, 2H, H_{FQ'}), -9.70 (d, 2H, H_{FR'}), -9.80 (d, 2H, H_{FS'}), -9.90 (d, 2H, H_{FT'}), -10.00 (d, 2H, H_{FU'}), -10.10 (d, 2H, H_{FV'}), -10.20 (d, 2H, H_{FW'}), -10.30 (d, 2H, H_{FX'}), -10.40 (d, 2H, H_{FY'}), -10.50 (d, 2H, H_{FZ'}), -10.60 (d, 2H, H_{GA'}), -10.70 (d, 2H, H_{GB'}), -10.80 (d, 2H, H_{GC'}), -10.90 (d, 2H, H_{GD'}), -11.00 (d, 2H, H_{GE'}), -11.10 (d, 2H, H_{GF'}), -11.20 (d, 2H, H_{GG'}), -11.30 (d, 2H, H_{GH'}), -11.40 (d, 2H, H_{GI'}), -11.50 (d, 2H, H_{GJ'}), -11.60 (d, 2H, H_{GK'}), -11.70 (d, 2H, H_{GL'}), -11.

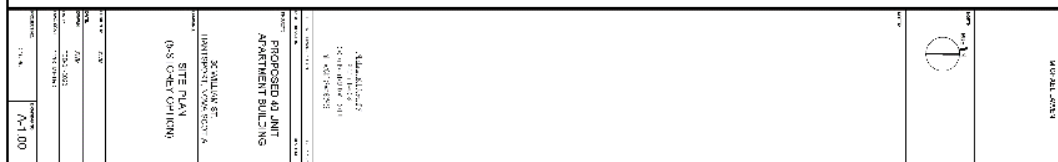
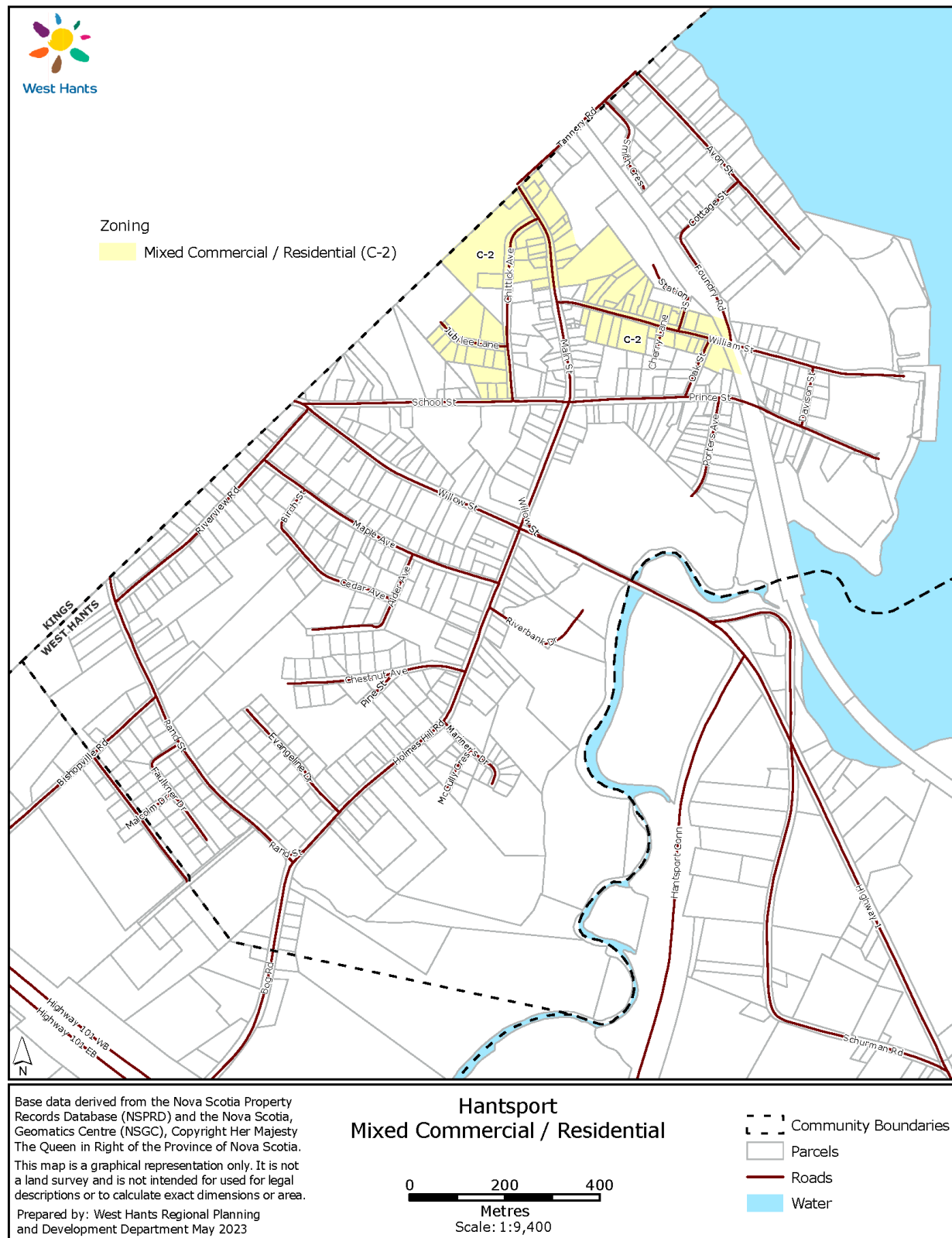


Figure 4 – Mixed Commercial/Residential (C-2) Zone Extent Map



Attachment A – Policy Summary for Land Use By-law Amendments

Policy IM-3

In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

(a) whether the proposal is considered appropriate in terms of:

<i>(i) the adequacy of sewer and water services;</i>	The Municipal Project Engineer commented that the allowable withdrawal limit from the Davidson Lake watershed is being approached, however, the water system could accommodate this proposal. Also, the existing sewer system does have capacity for this proposed development.
<i>(ii) the adequacy of school facilities;</i>	The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that “We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development.”
<i>(iii) the adequacy of fire protection;</i>	The Manager of Building and Fire Inspection Services commented that the apartment building would require a sprinkler system to be installed and that staff should review the application with the Fire Department. The Hantsport Fire Chief commented that they did not have any concerns regarding the adequacy of fire protection for the proposal.

<i>(iv) the impact on adjacent uses;</i>	The Development Officer commented that they did not have any concerns regarding the impact on adjacent uses.
<i>(v) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Municipal Traffic Authority commented that they did not have any concerns regarding the adequacy of the road networks.
<i>(vi) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Municipal Traffic Authority commented that they did not have any concerns regarding the suitability of movement for auto, rail, or pedestrian traffic.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they did not have any concerns regarding the adequacy of the dimension and shape of the lot, provided that parking can be accommodated. Staff are suggesting the inclusion of a provision to permit a parking ration of one parking space per dwelling unit, which matches the ratio that has been used for multiple unit buildings considered by development agreement in Windsor. The Development Officer agreed with this addition. Other lots included in the Mixed Commercial/Residential (C-2) zone would have to meet all requirements of the zone to permit a multi-unit apartment building, staff do not

	anticipate any issues caused by the change.
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	The subject lot appears relatively flat and suitable for development. There are no waterbodies or wetlands present on the mapping for the property and there are no evident concerns in terms of steepness of grade, soil or geological conditions.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations;</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(g) the impact of not only the use being proposed but all uses permitted in the zone;</i>	Staff do not view any of the permitted uses within the Mixed Commercial/Residential (C-2) zone as an issue for the proposal. Any use in the Mixed Commercial/Residential (C-2) zone would currently be permitted as-of-right.
<i>(h) the site meets all of the zone requirements for the zone sought; and</i>	With the inclusion of the parking ratio provision, the Development Officer commented that they did not have concerns regarding the proposal meeting all zone requirements.
<i>(i) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Draft Amendments

Note: purple text indicates a change from the present HLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Text amendments to the Mixed Commercial/Residential (C-2) zone of the Hantsport Land Use By-law to increase the maximum height for main buildings, increase the maximum dwelling units per apartment building and include specific parking requirements.

Hantsport Land Use By-law

1. Amend Section 5.2.2, *Height Restrictions*, in the Hantsport Land Use By-law to include the Mixed Commercial/Residential (C-2) zone in the exceptions to the maximum height of all main buildings, so that Section 5.2.2 reads as the following:

5.2.2 Height Restrictions

The maximum height of all main buildings under the jurisdiction of the Hantsport Land Use By-law shall be 10.67 m. (35 ft.), except:

- (a) buildings within the Industrial (M) zone; and
- (b) buildings within the Mixed Commercial/Residential (C-2) zone, which shall have a maximum height of 16.76 m. (55 ft.).

2. Amend Section 9.2.2, *Lot Specifications*, of the Hantsport Land Use By-law to allow up to 40 units per building for apartment buildings and grouped homes, so that Section 9.2.2 reads as follows:

9.2.2 Lot Specifications

	Minimum Specifications for all Commercial and New Residential uses
Minimum Lot Area	4004 sq. ft. (372 square metres)
Minimum Lot Frontage	39.4 feet (12 metres)
Required Side Yards	9.8 feet (3 metres)
Maximum number of units per building	4 for Townhouse Development 40 for Apartment Buildings and Grouped Homes

3. Create Section 9.2.4, *Parking Requirements*, in the Hantsport Land Use By-law to permit a parking ration of one parking space per dwelling unit within the Mixed Residential/Commercial (C-2) zone, so that Section 9.2.4 reads as follows:

9.2.4 Parking Requirements

Notwithstanding the parking requirements in Section 6.1 of the Land Use By-law, parking in the Mixed Commercial/Residential (C-2) zone is required at one parking space per dwelling unit. All other parking requirements shall follow the requirements in Section 6.1 of the Land Use By-law.

Attachment C – Public Information Meeting Notes

May 11 - May 25, 2023

HLUB Amendment: 35 William Street, Hantsport (PID 45044419); File # 23-06

Meeting date and time	A Public Information Meeting was held on May 11, 2023 beginning at 6:39 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: • Councillor Murley • Councillor Ivey Four (4) members of staff: • Planner Dunphy • Planner Fredricks • Planning Assistant Lake • Director Poirier PAC/HAC Members: • Jennifer Nicholls (Chair) • Jane Davis • Stefan Palios • Tasha Rogers • Lisa Bland 20 members of the public.
Applicant Michael Lawen of Cornerstone Development Ltd. Property 35 William Street, Hantsport (PID 45044419)	Planner Dunphy outlined the application to amend the Land Use By-law to permit a 5-storey, 40-unit apartment building. The applicant did not provide a presentation.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between May 11 – May 25, 2023. Staff received 4 written submissions from the public. The email responses are attached.

	3 members of the public spoke during the May 11 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text. • Mason Mcquellen commented that allowing up to 5 storeys would cause issues for a small town and that development is becoming too dense, as well as there being limited available parking. • Amanda Forcee commented that the height being proposed was an issue for Hantsport and that increased density could contribute to traffic issues on William Street. Amanda also asked if the residents will only be seniors, or if other age groups will be allowed in the building. <i>Alex responded that he would pass the question along to the developer.</i> • Mason asked for a drawing of the proposal from the developer. <i>Alex responded that he would provide a drawing in the staff report.</i> • Tasha Rogers asked about the available public water supply for Hantsport. <i>Alex responded that Public Works would be contacted to ensure that there would be sufficient municipal service availability.</i>
Adjournment	The PIM was adjourned at approximately 6:51 p.m.

Public Email Responses Submitted for the Application PIM

May 23, 2023

From: Jason Tucker

To: Alex Dunphy

Good morning,

I am a 17-year resident of Hantsport as well as a local business owner. I am in favour of proposals which will bring much-needed housing and density to our community.

Hantsport is ideal for additional growth -- its walkability and access to shops and services makes it well-suited for more housing. Access to the site in question is very good, with 2 streets (Prince & William) leading directly to Highway 1.

If the West Hants professionals evaluating this proposal determine that our infrastructure (traffic, parking, fire services, etc.) can support this development safely, then I would be happy to see this and other multi-story units in this community.

Thank you,

Jason Tucker

May 23, 2023

From: Tim Carr

To: Alex Dunphy

Good morning,

I am a long term resident of Hantsport, and also a local business owner. I am writing to support proposals that would increase the population density of Hantsport, including considerations for rezoning to achieve growth. In particular I support efforts at 35 William Street (PID 45044419) to construct multi-level housing.

Hantsport has no current available rentals and few homes for sale. There is a real demand to live in this community. Hantsport is extremely walkable, with excellent municipal services, fire service and numerous recreational opportunities. Our community is limited in space for new development. It's time to start building upwards in our population centres.

Thank you for considering my letter of support.

Tim Carr

May 23, 2023

From: Bill Preston

To: Alex Dunphy

Hi Alex;

Just a few thoughts regarding this proposal, I totally do not agree with it. The development agreement needs to be changed so that the residents in Hantsport do have some say in proposals by developers.

The requested amendment as such by Cornerstone Developments will require two proposals.

- (1) An increase in the maximum number of units per building from 20 to 40 units
- (2) An increase in the maximum height from 35ft.to 50ft.

That in its-self is a big change however what is concerning is the fact that the amendments would effect all properties zoned mixed Commercial/Residential (C2 in Hantsport).

William St. is a very narrow and busy street with the post office being close as the Credit Union. The fire station just across the street. Workers for the Canadian Keyes Fiber also use William St. to go to and from work. Parking is will be a problem with that location. Height is a problematic it just will not fit in with the surrounding buildings for example the new Fire station is approximately 42 ft.

It has been indicated that the building would be for seniors which would be nice but what if the seniors do not move in what will the rents be?

I totally disagree with both proposals, not enough information. it would be nice to to see the development plans before any approval is given, not cosmetic to area.

What do we know about the developer where is the company from etc. its like buying a pig in a poke.

Respectfully

Bill Preston,

Hantsport Resident, NS

May 25, 2023

From: Heather Pitt

To: Alex Dunphy

1. How many stories tall will the building be?
2. What type of housing is being proposed i.e. family? low income? short rental?
3. How does the development fit in the longterm vision plan for Hantsport?
4. I see this was advertised in the Journal (which unfortunately not many subscribe to) and by a little piece of paper stuck on the building...which we just happened to notice. Where else was it advertised...nobody I know was aware of this development or the May 11th meeting.
5. Where will the 40+ cars park?

May 30, 2023

From: Alex Dunphy

To: Heather Pitt

Hello Heather,

I can provide the following answers to your questions.

1. The proposal is 5 stories tall.
2. The proposal is for senior focused, affordable housing.
3. A more in-depth answer to this question will be provided in the recommendation report going to the Planning and Heritage Advisory Committee. However, the proposal is aligned policy set out in the Hantsport Municipal Planning Strategy.
4. The file was advertised according to our Public Participation Program Policy. In addition to the paper advertisement and the sign posted at the site, letters were also sent to the owners of surrounding properties.
5. The proposal includes underground parking to accommodate the required parking.

Best,

Alex Dunphy

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Danny	Dill	2020-06-30	2020-07-14 COTW
Quentin	Davison	2020-07-06	2020-07-14 COTW
Alyson	Bremner	2020-07-07	2020-07-14 COTW
Cecil	Rolfe	2020-07-13	2020-07-14 COTW
Pat	Porter	2020-07-13	2020-07-14 COTW
Nikki-Marie	Lloyd	2020-08-02	2020-09-08 COTW
Heather	Boylan (Martock)	2020-09-01	2020-09-08 COTW
Greg	O'Leary	2020-09-03	2020-09-08 COTW
Dr. Abby	Kirumira	2020-09-02	2020-09-08 COTW
Dean	Manning	2020-09-08	2020-09-08 COTW
David & Michelle	Rideout	2020-09-08	2020-09-08 COTW
Colleen	Walsh-Bouman	2020-09-08	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	2020-09-08	2020-09-22 Council
Tasha	Rogers	2020-09-08	2020-09-22 Council
Brad	Carrigan	2020-09-23	2020-10-13 COTW
Karen	Carrigan	2020-09-23	2020-10-13 COTW
Elaine	Morehouse	2020-09-24	2020-10-13 COTW
Gary	Morehouse	2020-09-24	2020-10-13 COTW
Dr. A	Kirumira	2020-09-24	2020-10-13 COTW
Blake	Sarsfield	undated	2020-10-13 COTW
Greg	Webster	2020-10-01	2020-10-13 COTW
Bobby	Kidston	2020-10-02	2020-10-13 COTW
NSTIR	(Province of NS)	2021-01-13	2021-01-26 Council
Darren	Porter	2021-03-19	2021-03-23 Council
Rylan	Carrigan	2021-03-29	2021-04-13 COTW
Robin	Bremner-Popma (Hants Co Fed of Agri)	2021-03-29	2021-04-13 COTW
Roslyn	MacDuff	2021-03-29	2021-04-13 COTW
Darlene	Taylor	2021-03-23	2021-04-13 COTW
Daniel	Oulton	2021-03-26	2021-04-13 COTW
Karen	Carrigan	2021-03-26	2021-04-13 COTW
Marie & Andrew	Connolly	2021-03-26	2021-04-13 COTW
Robin	Thomson (Atlantic Division Canoe Kayak Canada)	2021-03-30	2021-04-13 COTW
Barbara	Hughes	2021-03-29	2021-04-13 COTW
Laura	Fisher	2021-04-01	2021-04-13 COTW

Avon River Causeway Correspondence
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<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Nikki-Marie	Lloyd	2021-04-06	2021-04-13 COTW
Ken	Donnelly (Hwy 101 Twinning CLC)	2021-04-01	2021-04-13 COTW
Darren	Porter	2021-04-06	2021-04-13 COTW
Karen	Lynch	2021-04-09	2021-04-13 COTW
Carilee	Eddy	2021-04-15	2021-04-27 Council
Nikki-Marie	Lloyd	2021-04-19	2021-04-27 Council
Sheldon	Hope	2021-04-19	2021-04-27 Council
Adrienne	Wood	2021-04-22	2021-04-27 Council
Magda	Montgomery	2021-04-22	2021-04-27 Council
Sheldon	Hope	2021-04-26	2021-04-27 Council
Andrew	Smiley	2021-05-02	2021-05-11 COTW
Carrilee	Eddy	2021-05-03	2021-05-11 COTW
Denise	Forand	2021-04-27	2021-05-11 COTW
Erin	Naugler	2021-05-02	2021-05-11 COTW
Janet	Comeau	2021-05-02	2021-05-11 COTW
Kristyn	Anderson	2021-05-02	2021-05-11 COTW
Laura	Fisher	2021-04-01	2021-05-11 COTW
Nick	Rafuse	2021-05-03	2021-05-11 COTW
Nicole	McLeod	2021-05-02	2021-05-11 COTW
Robyn	Cook	2021-05-02	2021-05-11 COTW
Sheldon	Hope	2021-05-02	2021-05-11 COTW
Tammy	Hilden	2021-05-02	2021-05-11 COTW
Tracey	Sexton	2021-05-03	2021-05-11 COTW
Ginette	Pitcher	2021-05-03	2021-05-11 COTW
Greg	Miller	2021-05-05	2021-05-11 COTW
David & Michelle	Rideout	2021-05-05	2021-05-11 COTW
Sylvia & Vince	Burgess	2021-05-05	2021-05-11 COTW
Scott (Adrienne)	Miniau (Wood)	2021-05-03	2021-05-11 COTW
Barbara	Sullivan	2021-05-06	2021-05-11 COTW
Sandra & Skip	Hogan	2021-05-06	2021-05-11 COTW
Marie & Andrew	Connolly	2021-05-06	2021-05-11 COTW
Karen	Carrigan	2021-05-07	2021-05-11 COTW
Adrienne	Wood (Petition)	2021-05-07	2021-05-11 COTW
Lisa	Hines	2021-05-07	2021-05-11 COTW

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<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Cam	Hartley	2021-05-07	2021-05-11 COTW
Troy & Vicki	Harvie	2021-05-07	2021-05-11 COTW
Jenn	McDermott	2021-05-08	2021-05-11 COTW
Jennifer	Daniels	2021-05-09	2021-05-11 COTW
Krista & Colin	Duncan	2021-05-09	2021-05-11 COTW
Robin	Bremner-Popma	2021-05-07	2021-05-11 COTW
Roslyn (Darlene) [Barb]	MacDuff (Taylor) [Hughes]	2021-05-08	2021-05-11 COTW
Wayne & Dianne	Hines	2021-05-09	2021-05-11 COTW
Bob & Sandra	Langdon	2021-05-10	2021-05-11 COTW
Brad	Hood	2021-05-10	2021-05-11 COTW
Ed & Cathy	Kerr	2021-05-10	2021-05-11 COTW
Ann	MacArthur	2021-05-10	2021-05-11 COTW
Carole Anne	Casey	2021-05-10	2021-05-11 COTW
Sarah	MacDonald	2021-05-10	2021-05-11 COTW
Andre & Donna	Arsenault	2021-05-11	2021-05-11 COTW
Aaron	Leblanc	2021-05-12	2021-05-25 Council
Adrian	Rooney	2021-05-19	2021-05-25 Council
Adrienne	Wood	2021-05-12	2021-05-25 Council
Barb	Sullivan	2021-05-16	2021-05-25 Council
Barbara	Beck	2021-05-15	2021-05-25 Council
Bethany	Rozee	2021-05-12	2021-05-25 Council
Carl	Siler	2021-05-12	2021-05-25 Council
Carol	Bradley	2021-05-16	2021-05-25 Council
Carol	McKinley	2021-05-12	2021-05-25 Council
Chad	Pothier	2021-05-18	2021-05-25 Council
Chris	Cann	2021-05-21	2021-05-25 Council
Connie	Shay	2021-05-15	2021-05-25 Council
Conrad	Mullins	2021-05-18	2021-05-25 Council
Darlene	Taylor	2021-05-15	2021-05-25 Council
Darren	Porter	2021-05-12	2021-05-25 Council
Darren	Woods	2021-05-13	2021-05-25 Council
Dawson	Sheehy	2021-05-16	2021-05-25 Council
Deanna	Hamilton	2021-05-15	2021-05-25 Council
Debbie	Porter-Wood	2021-05-13	2021-05-25 Council
Debbie	Siler	2021-05-15	2021-05-25 Council
Denise	Forand	2021-05-13	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Devan	Archibald	2021-05-18	2021-05-25 Council
Diane	Ogilvie	2021-05-13	2021-05-25 Council
Erin	Naugler	2021-05-13	2021-05-25 Council
Ernest	Eddy	2021-05-15	2021-05-25 Council
Gerry	Young	2021-05-15	2021-05-25 Council
Gina	Cochrane	2021-05-12	2021-05-25 Council
Harry	Ullock	2021-05-15	2021-05-25 Council
Hope	Moon	2021-05-12	2021-05-25 Council
Ian	Shaw	2021-05-16	2021-05-25 Council
J	Davis (and J Griffith)	2021-05-17	2021-05-25 Council
Jacqueline	Farvacque	2021-05-12	2021-05-25 Council
Jayne	Murray	2021-05-16	2021-05-25 Council
Jeff	Redden	2021-05-17	2021-05-25 Council
Jennifer	Shaw	2021-05-16	2021-05-25 Council
Jocelyne	Marchand	2021-05-12	2021-05-25 Council
John & Sarah	Monette	2021-05-19	2021-05-25 Council
Jordan	Macumber	2021-05-12	2021-05-25 Council
Josette	Dugue	2021-05-12	2021-05-25 Council
Judy	Lynch	2021-05-13	2021-05-25 Council
June	Pedersen-LaPierre	2021-05-15	2021-05-25 Council
Justin	Cochrane	2021-05-12	2021-05-25 Council
Karen	Lynch	2021-05-18	2021-05-25 Council
Kathryn	Bergeron	2021-05-16	2021-05-25 Council
Kathy	Veinot	2021-05-15	2021-05-25 Council
Kyle	Pellegrini	2021-05-12	2021-05-25 Council
Lachlan	Riehl	2021-05-12	2021-05-25 Council
Laura	Stewart	2021-05-19	2021-05-25 Council
Lee	Billington	2021-05-12	2021-05-25 Council
Lee	Millett	2021-05-12	2021-05-25 Council
Lexie	Barkhouse	2021-05-12	2021-05-25 Council
Linda	Card	2021-05-11	2021-05-25 Council
Monique	Wood	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-18	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-12	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-17	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council
Paula	Lake	2021-05-12	2021-05-25 Council
Robert	Bowkett	2021-05-18	2021-05-25 Council
Roslyn	MacDuff	2021-05-15	2021-05-25 Council
Ruth	Angevine	2021-05-13	2021-05-25 Council
Scotch Village	Farm	2021-05-19	2021-05-25 Council
Shirley	Pineo	2021-05-12	2021-05-25 Council
Stephen	Brooks	2021-05-12	2021-05-25 Council
Trudy	Sheehy	2021-05-17	2021-05-25 Council
Steven	Bouman	2021-05-17	2021-05-25 Council
Sue	Sheehy	2021-05-14	2021-05-25 Council
Susie	Smith	2021-05-12	2021-05-25 Council
Tasha	Rogers	2021-05-12	2021-05-25 Council
Tera	Brommit	2021-05-17	2021-05-25 Council
Toni-Lee	Burns	2021-05-12	2021-05-25 Council
Tony	Wood	2021-05-18	2021-05-25 Council
Tracey	Sexton	2021-05-16	2021-05-25 Council
Trevor	Levy	2021-05-12	2021-05-25 Council
Tricia	Brommit	2021-05-17	2021-05-25 Council
Vince & Sylvia	Burgess	2021-05-16	2021-05-25 Council
Loretta	MacEachern	2021-05-20	2021-05-25 Council
Tim & Jennifer	Bayers	2021-05-21	2021-05-25 Council
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darren	Porter (forwarded email from/to another source)	2021-05-27	2021-06-08 COTW
Dawn	Allen	2021-05-25	2021-06-08 COTW
John	Monette	2021-05-25	2021-06-08 COTW
Richard	Dunham	2021-05-25	2021-06-08 COTW
Carrilee	Eddy	2021-06-06	2021-06-22 Council
Darlene	Taylor	2021-06-09	2021-06-22 Council
Darren	Porter	2021-06-06	2021-06-22 Council
Lisa	Bland	2021-06-08	2021-06-22 Council
Krista & Scott	Lloy	2021-06-07	2021-06-22 Council
Nancy	Sheehy	2021-06-06	2021-06-22 Council
Karen	Beazley	2021-07-06	2021-07-13 COTW

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<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Quentin	Davison	2021-07-13	2021-07-13 COTW
Iain (Hon.)	Rankin	2021-07-16	2021-07-27 Council
Karen	Beazley	2021-07-15	2021-07-27 Council
G.E.	Morehouse	2021-07-22	2021-07-27 Council
Darlene	Taylor	2021-07-26	2021-09-14 COTW
Heather	MacLean	2021-08-13	2021-09-14 COTW
Kim (Hon)	Masland	2021-09-22	2021-10-12 COTW
Darren	Porter	2022-02-01	2022-02-08 Council
Hon. Steve	Craig	2022-03-02	2022-03-08 COTW
Hon. Greg	Morrow	2022-03-08	2022-03-22 Council
Sheldon	Hope	2022-03-10	2022-03-22 Council
Darren	Porter	2022-06-02	2022-06-14 COTW
Darren	Porter	2022-06-27	2022-06-28 Council
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Jennifer	Allen	2022-08-30	2022-09-13 COTW
Hon. Kody	Blois	2022-10-07	2022-10-11 COTW
K Salter	Salter	2022-10-28	2022-11-08 COTW
Hon. Kody	Blois	2023-06-02	2023-06-13 COTW
Andre	Arsenault	2023-06-02	2023-06-13 COTW
Darlene	Taylor	2023-06-02	2023-06-13 COTW
Kevin	Walsh	2023-06-03	2023-06-13 COTW
Alyson and Nicholas	Bremner/Juurlink	2023-06-03	2023-06-13 COTW
Hants County Federation of Agriculture		2023-06-03	2023-06-13 COTW
Al	Mailman	2023-06-03	2023-06-13 COTW
Greg	O'Leary	2023-06-03	2023-06-13 COTW
Lisa	Bland	2023-06-04	2023-06-13 COTW
Karen	Lynch	2023-06-04	2023-06-13 COTW
Judy	Lynch	2023-06-04	2023-06-13 COTW
Greg	Miller	2023-06-04	2023-06-13 COTW
Darren	Porter	2023-06-04	2023-06-13 COTW
Monique	Wood	2023-06-04	2023-06-13 COTW
Lana	Patterson	2023-06-04	2023-06-13 COTW
Dr. AK.	Kirumira	2023-06-04	2023-06-13 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

Bonnie	O'Leary	2023-06-04	2023-06-13 COTW
Robyn	Bremner-Popma	2023-06-04	2023-06-13 COTW
Traci and Elizabeth	Curry	2023-06-04	2023-06-13 COTW
Sheldon	Hope	2023-06-05	2023-06-13 COTW
Wilf and Diane	Ogilvie	2023-06-05	2023-06-13 COTW
Aaron	Ewing	2023-06-05	2023-06-13 COTW
Cara	Pfeffer	2023-06-05	2023-06-13 COTW
Maxine	Chandler	2023-06-05	2023-06-13 COTW
Pat	Porter	2023-06-05	2023-06-13 COTW
Shannon	Cunningham	2023-06-05	2023-06-13 COTW
Anna	DeNicola	2023-06-06	2023-06-13 COTW
Jen	Murphy	2023-06-06	2023-06-13 COTW
Karen	Beazley	2023-06-06	2023-06-13 COTW
Linda	Card	2023-06-06	2023-06-13 COTW
Richard	Dunham	2023-06-06	2023-06-13 COTW
Doug	Symonds	2023-06-06	2023-06-13 COTW
Krista	Lunn	2023-06-06	2023-06-13 COTW
Barbara	Hughes	2023-06-06	2023-06-13 COTW
Andrew	Smiley	2023-06-06	2023-06-13 COTW
Nikki	Lloyd	2023-06-06	2023-06-13 COTW
Aaron	Ewing	2023-06-07	2023-06-13 COTW
Jim	White	2023-06-07	2023-06-13 COTW
Sasha	Stevens	2023-06-07	2023-06-13 COTW
Chris	Phillips	2023-06-07	2023-06-13 COTW
Chad	Pothier	2023-06-07	2023-06-13 COTW
Darlene	Taylor	2023-06-07	2023-06-13 COTW
Nancy and Bruce	Cameron	2023-06-07	2023-06-13 COTW
James	Pothier	2023-06-07	2023-06-13 COTW
Abe	Zebian	2023-06-07	2023-06-13 COTW
Judith	Kazmirski	2023-06-08	2023-06-13 COTW
Nikki Lloyd	Lloyd	2023-06-08	2023-06-13 COTW
Darren	Porter	2023-06-09	2023-06-13 COTW
Ashley Imlay	Imlay	2023-06-09	2023-06-13 COTW
Valerie	Wilcox	2023-06-11	2023-06-13 COTW

Avon River Causeway Correspondence
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Colleen	Walsh-Bouman	2023-06-12	2023-06-13 COTW
G. Wayne	Hines	2023-06-12	2023-06-13 COTW
Sharon	Johnson	2023-06-12	2023-06-13 COTW
Nicholas	Juurlick	2023-06-11	2023-06-13 COTW
Ed and Cathy	Kerr	2023-06-12	2023-06-13 COTW
Tracey	Sexton	2023-06-12	2023-06-13 COTW
Peter	Nicol	2023-06-12	2023-06-13 COTW
Jennifer	Shaw	2023-06-13	2023-06-13 COTW
Jayne	Murray	2023-06-13	2023-06-13 COTW
Reid & Roslyn	MacDuff	2023-06-13	2023-06-13 COTW
Monique	Wood	2023-06-13	2023-06-13 COTW
Dean	Manning	2023-06-13	2023-06-13 COTW
Karen	Beazley	2023-06-14	2023-06-27 Council
Carrilee	Eddy	2023-06-15	2023-06-27 Council
Maria DeNicola	DeNicola	2023-06-15	2023-06-27 Council
Anna	DeNicola	2023-06-16	2023-06-27 Council
Karen F.	Beazley	2023-06-16	2023-06-27 Council
Lisa	Bland	2023-06-16	2023-06-27 Council
Duncan	Armour	2023-06-19	2023-06-27 Council
Gwendolyn	Aker	2023-06-19	2023-06-27 Council
Laura	Fisher	2023-06-19	2023-06-27 Council
Barbara	Hughes	2023-06-21	2023-06-27 Council
Reid & Roslyn	MacDuff	2023-06-21	2023-06-27 Council
Kim	Jansen	2023-06-22	2023-06-27 Council
Brian and Sandra	Hogan	2023-06-22	2023-06-27 Council
Maria	DeNicola Re Concerns of Racism, Bullying and Slander	2023-06-22	2023-06-27 Council
Karen	Langille	2023-06-22	2023-06-27 Council
Anne	Desneiges	2023-06-22	2023-06-27 Council
Darren	Porter	2023-06-25	2023-06-27 Council

From: [Abraham Zebian](#)
To: Karen Beazley
Cc: [WWH Council](#); [Deanna Snair](#)
Subject: Re: Cabinet vote to stop impounding freshwater in Avon River
Date: Wednesday, June 14, 2023 10:25:45 AM

On Jun 14, 2023, at 9:53 AM, Karen Beazley

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hon. Ministers Lohr and Morrow and Members of Legislative Assembly Sheehy-Richard and Lachance;

It is our understanding that the question of whether to continue to disregard DFO's Ministerial Order to not obstruct outflow on the outgoing tide at the Windsor aboiteau will be subject to a vote in Cabinet on Thursday.

We urge you to **vote to respect DFO's Ministerial Order and immediately recommence the opening of the aboiteau on both incoming and outgoing tides to allow for fish passage.**

The recent and continuing migratory fish kills on downriver side due to lack of water flow at low tides caused by closing the aboiteau are illegal, in contravention of the Ministerial Order, and ethically indefensible from a socio-ecological justice perspective. Further, blocking the water flow infringes on Indigenous Rights and contradicts the direction provided by the Assembly of Nova Scotia Mi'kmaw Chiefs.

There are alternative nearby sources of freshwater. Damming the tidal river near its mouth is not an acceptable approach.

Prior to closure of the aboiteau under Min. Lohr's Emergency Measure, ecological gains had been evident for migratory fish and waterfowl, along with other species and the ecosystem as a whole, as a result of prohibitions against impounding freshwater on outgoing tides under the Ministerial Order. Migratory fish, such as gaspereaux, were spawning and migratory waterfowl were nesting. The impoundment allowed under the umbrella of Min. Lohr's Emergency Order has already caused significant ecological damage, and risks undoing the gains that have been hard won over the past few years. The implications are devastating for migratory fish and waterfowl, particularly spawning habitat, fish, and spawn, as well as waterfowl nests and ducklings. The timing of the impoundment during spawning and nesting season has been and continues to be particularly devastating for fish and waterfowl.

As you should be well aware, there is a biological diversity emergency, along with the climate crisis. Humans are dependent upon the diversity of life that constitutes our ecological-life-support system. At present, the biodiversity crises caused by human activities (including dams) is even more severe than the climate crisis, having already reached the planetary limit beyond which the ability to recover is in question. Accordingly, retaining and restoring habitat to support the diversity of native species and ecosystems is paramount to our survival. We cannot survive as a species without intact ecological systems, such as tidal estuaries, and yet increasing numbers of species and ecosystems are extinct or at risk.

This is not only a local issue. As a society we need to rectify egregious past harms to people, such as to the Mi'kmaq, as well as to non-human species and ecosystems. Moving forward, we need to recover relationships among all peoples and nature, and conduct human activities in ways that reduce further on-going harms. Reinstating incoming and out-going water flows on the Avon River to accommodate migratory fish recovery, in ways consistent with Indigenous rights, ecological justice, and the laws of Canada, is one small yet crucial step towards such recovery and reconciliation.

Many generations-long citizens of Windsor and West Hants, including most of our relatives, friends and colleagues, share our view and support the Ministerial Order to prohibit the impounding of freshwater on outgoing tides to allow for fish passage. These long-time, local citizens are not publicly vocal people who write letters or make telephone calls to their political representatives. They aim to keep the peace with their more-vocal and politically connected neighbours by not engaging in public debate. As a result, their views go largely unheard by the Ministers, Mayor, local political representatives, and other decision makers.

Majority local views are represented in a survey conducted in Hants County in 2020, which found that 77% of those surveyed said they supported restoring free passage of fish to the Avon River, and 65% said that maintaining the existing reservoir (Lake Pisiquid) should not be prioritized over Indigenous rights and the need to restore free passage of fish and balance to the ecosystem (Windsor Causeway Survey Report. Oracle Poll, 2020).

Such views are also consistent with those of the Mi'Kmaq people as expressed by the

Assembly of Nova Scotia Mi'kmaw Chiefs and others. Crucially, provincial and federal governmental bodies in Canada are mandated to work in government-to-government relationships with Indigenous Peoples to advance their rights and leadership, and to take actions consistent with these responsibilities as required by Canada's Constitution Act, commitments to the United Nations Declaration on the Rights of Indigenous Peoples, and the Treaties of Peace and Friendship.

These views are also central to current government commitments to work towards halting and reversing nature loss by 2030 and achieving a full recovery for nature by 2050. Reconciliation among peoples and nature is not a luxury but crucial to the survival of life on earth, including humans. Nature-based solutions are core to addressing both the biodiversity and climate change, representing the most effective mitigation and adaptation approaches available to us, while at the same time respecting and advancing Indigenous Rights and leadership.

As we write from our home on the shore of the Avon River in Windsor, we can see that the impounded freshwater is now at a slightly lower level than it has been over the past ten days. The completely submerged vegetation has now re-emerged in shallower places since last night. Though we cannot see the schools of dead and dying fish, who desperately and futilely are trying to fight their way through the closed aboiteau to move upriver to spawn, we know they are there and it is distressing. It is wrong.

We respectfully urge you as responsible Ministers and Members of Cabinet to vote to reinstate measures consistent with DFO's Ministerial Order and stop the impounding of freshwater immediately. Please maintain waterflow on both ingoing and outgoing tides as reinstated measures for the recovery of migratory fish and fish habitat, now and in the future. To achieve this goal would truly be an important legacy for generations to come, for all peoples and nature.

Sincerely,
Karen F. Beazley,
Windsor, NS B0N 2T0

Kenneth G. Crowell,
Halifax, NS B3H 4P5

Cc:
Bernadette Jordan, Minister of Fisheries and Oceans Canada
Kody Blois, MP for Kings-Hants
Andy Fillmore, MP for Halifax
Abraham Zebian, Mayor for the Regional Municipality of West Hants
Mi'kmaq Rights Initiative

We live on the ancestral and unceded territory of the Mi'kmaq nation. We are all Treaty people.

We acknowledge the histories, contributions, and legacies of the African Nova Scotian people and communities who have been here for over 400 years.

From: Carrilee E
To: info@nsfa-fane.ca
Cc: [PublicOnlyCouncilEmail](#)
Subject: Avon River Water Draw Permits
Date: Thursday, June 15, 2023 1:42:00 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good morning,

I am looking to clarify the statement made in this Global News report by Hants County Federation of Agriculture President Nicholas Juurlink. He said "...a lot of water withdraw permits that we use out of the lake and the river system...". I am hoping you are able to help or redirect me.

Are you able to tell me where I can get the following information? Or direct me to a public web source?

Who issues Water Draw permits for the Avon River in Hants County?

How many Water Draw permits were issued in each of the years 2017 -2023?

Does the permit application require a reason for the permit?

How many Water Draw permits have been issued between the causeway gates and Sangster's Bridge since 2018?

Is there a limit to how much water can be drawn individually? Collectively?

Are there any timing limits on these permits, can they be issued at any time of year?

How are these permits monitored?

Is there a pipe/pump system from the river? Does that system measure flow?

Is there anything in this process that prohibits a permit holder from storing the permitted draw on their farm?

Global News report posted to their website June 14, 2023 06:19pm - three minutes in.

<https://globalnews.ca/video/9770263/global-news-morning-halifax-june-15-4/?mibextid=Zxz2cZ&fbclid=IwAR28KpmVa97Y1soA59kKEjrjzvh1d0jRW4ifr5TIJLf4uSgpKPu1NqVRWLQ>

Thank you,

Carrilee Eddy

Windsor, NS located in **Mi'kma'ki on ancestral and unceded territory of the Mi'kmaq people**

From: Maria DeNicola
To: [PublicOnlyCouncilEmail](#)
Subject: URGENT Call to Action
Date: Thursday, June 15, 2023 11:26:49 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

John Lohr,

This is an URGENT call to action for the allowance of fish passage at the Avon River Causeway for a total of 60 minutes during incoming tides, AND for politicians to publicly respond to the residents of Hants County for the ludicrous actions of those in power in our province. This has been an abuse of power and is clearly for political gain and is fracturing the democratic process.

Today's decision to extend the emergency order, after the fire ban has been lifted, and after 260mm of rain has fallen, is illogical and harmful. In not doing so, it ignores the request for the Avon River ministerial Order to be reinstated by the Mi'kmaw Chiefs, overrides the constitution and fisheries act, and prolongs the ecological crisis that has been created. This is creating a blockage of passageway during the peak season of Gaspereau spawning upstream, and no water flow downstream at low tide kills fish, and has destroyed the estuarine habitat that was being reestablished.

The initial decision to use the emergency measure order to close the gates and limit fish passage through the Avon River Causeway was dismissive and harmful. There is no evidence that the residents of Windsor were in imminent harm, and there is no evidence that alternative solutions were explored. There was significant rainfall in the forecast at the time.

Again, this is an urgent call to action, and action is expected.

--

Maria DeNicola
MA, RCT, CCC

Land Acknowledgement: We are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people.

CONFIDENTIALITY NOTICE: This message and any and all of the attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information that is protected from public disclosure. Any unauthorized use, disclosure, or distribution is prohibited. If you have received this message in error, please contact the sender and then delete all copies of the original message.

PLEASE NOTE: By choosing to communicate by e-mail, you are agreeing that you understand there are risks when using email communication. You understand that e-mail is not 100% secure and that confidentiality and security cannot be guaranteed. **You understand that email relevant to your therapy will be placed on your file, this may include but is not limited to cancellations.** You understand that email is for non-urgent communication only. Note that **email is not checked outside of regular business hours. If this is an emergency, please call 911.** You understand that you are responsible for telling your therapist if you do not want to communicate by email.

From: Highland Farm
To: DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca; Kody.Blois@parl.gc.ca; PublicOnlyCouncilEmail;melissa.mlaoffice@gmail.com; premier@novascotia.ca
Subject: Avon River aboiteau
Date: Friday, June 16, 2023 7:47:56 AM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

To the Premier Tim Houston, The Minister John Lohr, MP Kodie Blois, MLA Melissa Sheehy-Richard, Hants West Council,

As a citizen of Canada and a resident of Hants County, I am calling upon the Provincial elected representatives and current members of the parties relevant to this matter to ensure their full participation in resolving this issue in a timely manner.

This is an URGENT call to action for the allowance of fish passage at the Avon River Causeway for a total of 60 minutes during incoming tides, AND for politicians to publicly respond to the residents of Hants County for the ludicrous actions of those in power in our province. This has been an abuse of power and is clearly for political gain and is fracturing the democratic process.

Today's decision to extend the emergency order, after the fire ban has been lifted, and after 260mm of rain has fallen, is illogical and harmful. In not doing so, it ignores the request for the Avon River ministerial Order to be reinstated by the Mi'kmaw Chiefs, overrides the constitution and fisheries act, and prolongs the ecological crisis that has been created. This is creating a blockage of passageway during the peak season of Gaspereau spawning up stream, and no water flow downstream at low tide kills fish, and has destroyed the estuarine habitat that was being reestablished.

The initial decision to use the emergency measure order to close the gates and limit fish passage through the Avon River Causeway was dismissive and harmful. There is no evidence that the residents of Windsor were in imminent harm, and there is no evidence that alternative solutions were explored. There was significant rainfall in the forecast at the time. Again, this is an urgent call to action, and action is expected.

Anna DeNicola
Brooklyn, NS

--

Anna DeNicola

From: Karen Beazley
To: justin.trudeau@parl.gc.ca; Steven.Guilbeault@parl.gc.ca; Marc.Miller@parl.gc.ca; [Minister / Ministre \(DFO/MPO\)](#); doug.wentzell@dfo-mpo.gc.ca; Ken Crowell
Cc: [PublicOnlyCouncilEmail](#); johnlohrmla@gmail.com; melissa.mlaoffice@gmail.com; [Blois, Kody - M.P.](#); andy.fillmore@parl.gc.ca; premier@novascotia.ca; Ken Crowell; Jamie Simpson; [lisalachancemla](#)
Subject: Re: Reinstate river and tidal flow to Avon River, NS
Date: Friday, June 16, 2023 10:05:53 AM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Right Hon. Prime Minister, NS Premier, Ministers, MPs, MLAs, Mayor and Council;

It is extremely disappointing that yesterday Min Lohr with support of NS Cabinet reinstated the EM, and also that Min Jordan - DFO quietly lifted the MO.

This is doubly problematic. I urge you to reverse these decisions to allow for water flow and fish passage on both incoming and outgoing tides on the Avon River, NS.

Respectfully,
Karen Beazley and Ken Crowell

Sent from my iPhone

On Jun 14, 2023, at 10:35 PM, Karen Beazley wrote:

Right Honorable Prime Minister Justin Trudeau and Honorable Ministers and Members of Parliament,

We are forwarding (below) a letter that we sent earlier today to NS Premier Tim Houston and NS Cabinet Ministers urging them to reopen the tidal gates at the Avon River consistent with DFO's Ministerial Order.

The closing of the gates under the umbrella of an Emergency Measure put in place for the province two weeks ago is causing migratory fish mortality and has resulted in flooding of migratory waterfowl nests. The stated reasons for closing the gates has shown to be unsubstantiated and unrelated to the wildfires in the province that prompted the Emergency Measure. Even if the Emergency Measure, scheduled to expire today or tomorrow, is reinstated, the tidal gates should not remain closed.

We respectfully urge you to support and facilitate the reinstatement of measures consistent with DFO's Ministerial Order, specifically to **open the aboiteau on both incoming and outgoing tides to allow for freshwater and tidal flows adequate for migratory fish passage.**

We are also including Min. Guilbeault (ECCC) and Min. Miller (Crown-Indigenous Relations) in light of the impact on migratory waterfowl and respecting the Aboriginal and Treaty Rights of the Mi'kmaq.

For additional rationale and details, please see our letter, forwarded below. Note that I had previously sent a similar letter to the Min. Jordan (DFO) and several political representatives, many of who are also copied on the letter below.

Sincerely,

Karen F. Beazley,
Windsor, NS B0N 2T0

Kenneth G. Crowell,
Halifax, NS B3H 4P5

From: Karen Beazley

Date: Wednesday, June 14, 2023 at 10:45 AM

To: premier@novascotia.ca <premier@novascotia.ca>,
mlamacmaster@bellaliant.com <mlamacmaster@bellaliant.com>

Cc: azebian@westhants.ca <azebian@westhants.ca>, info@mikmaqrights.com <info@mikmaqrights.com>, DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca <DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca>, kody.blois@parl.gc.ca <kody.blois@parl.gc.ca>, Andy.Fillmore@parl.gc.ca <andy.fillmore@parl.gc.ca>, melissa.mlaoffice@gmail.com <melissa.mlaoffice@gmail.com>, lisalachancemla <lisalachancemla@gmail.com>, Ken Crowell

Subject: Cabinet vote to stop impounding freshwater in Avon River

Hon. Premier and Members of Cabinet,

It is our understanding that the question of whether to continue to disregard DFO's Ministerial Order to not obstruct outflow on the outgoing tide at the Windsor aboiteau will be subject to a vote in Cabinet on Thursday.

We respectfully urge you to **please vote to reinstate DFO's Ministerial Order and immediately recommence the opening of the Avon River aboiteau on both incoming and outgoing tides to allow for fish passage.**

The recent and continuing migratory fish kills on downriver side due to lack of water flow at low tides caused by closing the aboiteau are illegal, in contravention of the Ministerial Order, and ethically indefensible from a socio-ecological justice perspective. Further, blocking the water flow infringes on Indigenous Rights and contradicts the direction provided by the Assembly of Nova Scotia Mi'kmaw Chiefs.

There are alternative nearby sources of freshwater. Damming the tidal river near its mouth is not an acceptable approach.

Prior to closure of the aboiteau under Min. Lohr's Emergency Measure, ecological gains had been evident for migratory fish and waterfowl, along with other species and the ecosystem as a whole, as a result of prohibitions against impounding freshwater on outgoing tides under the Ministerial Order. Migratory fish, such as gaspereaux, were spawning and migratory waterfowl were nesting. The impoundment allowed under the umbrella of Min. Lohr's Emergency Order has already caused significant ecological damage, and risks undoing the gains that have been hard won over the past few years. The implications are devastating for migratory fish and waterfowl, particularly spawning habitat, fish, and spawn, as well as waterfowl nests and ducklings. The timing of the impoundment during spawning and nesting season has been and continues to be particularly devastating for fish and waterfowl.

As you should be well aware, there is a biological diversity emergency, along with the climate crisis. Humans are dependent upon the diversity of life that constitutes our ecological-life-support system. At present, the biodiversity crises caused by human activities (including dams) is even more severe than the climate crisis, having already reached the planetary limit beyond which the ability to recover is in question. Accordingly, retaining and restoring habitat to support the diversity of native species and ecosystems is paramount to our survival. We cannot survive as a species without intact ecological systems, such as tidal estuaries, and yet increasing numbers of species and ecosystems are extinct or at risk.

This is not only a local issue. As a society we need to rectify egregious past harms to people, such as to the Mi'kmaq, as well as to non-human species and ecosystems. Moving forward, we need to recover relationships among all peoples and nature, and conduct human activities in ways that reduce further on-going harms. Reinstating incoming and out-going water flows on the Avon River to accommodate migratory fish recovery, in ways consistent with Indigenous rights, ecological justice, and the laws of Canada, is one small yet crucial step towards such recovery and reconciliation.

Many generations-long citizens of Windsor and West Hants, including most of our relatives, friends and colleagues, share our view and support the Ministerial Order to prohibit the impounding of freshwater on outgoing tides to allow for fish passage. These long-time, local citizens are not publicly vocal people who write letters or make telephone calls to their political representatives. They aim to keep the peace with their more-vocal and politically connected neighbours by not engaging in public debate. As a result, their views go largely unheard by the Ministers, Mayor, local political representatives, and other decision makers.

Majority local views are represented in a survey conducted in Hants County in 2020, which found that 77% of those surveyed said they supported restoring free passage of fish to the Avon River, and 65% said that maintaining the existing reservoir (Lake

Pisiquid) should not be prioritized over Indigenous rights and the need to restore free passage of fish and balance to the ecosystem (Windsor Causeway Survey Report. Oracle Poll, 2020).

Such views are also consistent with those of the Mi'Kmaq people as expressed by the Assembly of Nova Scotia Mi'kmaq Chiefs and others. Crucially, provincial and federal governmental bodies in Canada are mandated to work in government-to-government relationships with Indigenous Peoples to advance their rights and leadership, and to take actions consistent with these responsibilities as required by Canada's Constitution Act, commitments to the United Nations Declaration on the Rights of Indigenous Peoples, and the Treaties of Peace and Friendship.

These views are also central to current government commitments to work towards halting and reversing nature loss by 2030 and achieving a full recovery for nature by 2050. Reconciliation among peoples and nature is not a luxury but crucial to the survival of life on earth, including humans. Nature-based solutions are core to addressing both the biodiversity and climate change, representing the most effective mitigation and adaptation approaches available to us, while at the same time respecting and advancing Indigenous Rights and leadership.

As we write from our home on the shore of the Avon River in Windsor, we can see that the impounded freshwater is now at a slightly lower level than it has been over the past ten days. The completely submerged vegetation has now re-emerged in shallower places since last night. Though we cannot see the schools of dead and dying fish, who desperately and futilely are trying to fight their way through the closed aboiteau to move upriver to spawn, we know they are there and it is distressing. It is wrong.

We respectfully urge you as responsible Members of Cabinet and Executive Council to vote to reinstate measures consistent with DFO's Ministerial Order and stop the impounding of freshwater immediately. Please maintain waterflow on both ingoing and outgoing tides as reinstated measures for the recovery of migratory fish and fish habitat, now and in the future. To achieve this goal would truly be an important legacy for generations to come, for all peoples and nature.

Sincerely,
Karen F. Beazley,
Windsor, NS B0N 2T0

Kenneth G. Crowell,
Halifax, NS B3H 4P5

CC:
Abraham Zebian, Mayor for the Regional Municipality of West Hants
Mi'kmaq Rights Initiative
Bernadette Jordan, Minister of Fisheries and Oceans Canada

Kody Blois, MP for Kings-Hants
Andy Fillmore, MP for Halifax
Melissa Sheehy-Richard, MLA for Hants West
Lisa Lachance, MLA for Halifax Citadel – Sable Island

BCC:

Min. John Lohr, MLA
Min. Pat Dunn, MLA
Min. Barbara Adams, MLA
Min. Colton Leblanc, MLA
Min. Brian Comer, MLA
Min. Jill Balser, MLA
Min. Greg Morrow, MLA
Min. Susan Corkum-Greek, MLA
Min. Becky Druhan, MLA
Min. Brian Wong, MLA
Min. Steven Craig, MLA
Min. Tim Halman, MLA
Min. Brad Johns, MLA
Min. Karla MacFarlane, MLA
Min. Kim Masland, MLA
Min. Tory Rushton, MLA
Min. Michelle Thompson, MLA

We live on the ancestral and unceded territory of the Mi'kmaq nation. We are all Treaty people.

We acknowledge the histories, contributions, and legacies of the African Nova Scotian people and communities who have been here for over 400 years.

From: Lisa and Alan Bland
To: [Abraham Zebian](#)
Cc: [Deanna Snair](#)
Subject: Re: Avon River Fish Passage
Date: Friday, June 16, 2023 8:38:43 AM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

On Jun 15, 2023, at 6:39 PM, Lisa and Alan Bland wrote:

Dear Mayor, Ministers, and copied MLA and Premiere,

Please reinstate the Ministerial Order requiring fish passage at the Avon River Causeway with an increase of minimums on incoming tides to 60 minutes from 10 minutes.

I am disappointed in todays decision to extend an emergency order following over 260mm of rain. This decision disrespects the life and habitat of fish, the advice and recommendations of the L'nu, upon who's unceded territory we reside.

Thank you,

Lisa Bland

From: Duncan Armour
To: [PublicOnlyCouncilEmail](#); melissa.mlaoffice@gmail.com; kody.blois@parl.gc.ca; DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca; premier@novascotia.ca
Subject: The Lake
Date: Monday, June 19, 2023 3:08:21 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

This is an URGENT call to action for the allowance of fish passage at the Avon River Causeway for a total of 60 minutes during incoming tides, AND for politicians to publicly respond to the residents of Hants County for the ludicrous actions of the those in power in our province. This has been an abuse of power and is clearly for political gain and is fracturing the democratic process.

Today's decision to extend the emergency order, after the fire ban has been lifted, and after 260mm of rain has fallen, is illogical and harmful. In not doing so, it ignores the request for the Avon River ministerial Order to be reinstated by the Mi'kmaw Chiefs, overrides the constitution and fisheries act, and prolongs the ecological crisis that has been created. This is creating a blockage of passageway during the peak season of Gaspereau spawning up stream, and no water flow downstream at low tide kills fish, and has destroyed the estuarine habitat that was being reestablished.

The initial decision to use the emergency measure order to close the the gates and limit fish passage through the Avon River Causeway was dismissive and harmful. There is no evidence that the residents of Windsor were in imminent harm, and there is no evidence that alternative solutions were explored. There was significant rainfall in the forecast at the time.

Again, this is an urgent call to action, and action is expected.

From: Gwendolyn
To: [PublicOnlyCouncilEmail](#); Kody.blois@parl.gc.ca; min@dfo-mpo.gc.ca
Subject: Ongoing disaster.
Date: Monday, June 19, 2023 1:13:09 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

The ecological crisis ongoing in Windsor must be addressed! 3 years of progress lost! Thousands of dead fish! This is a massive loss to an already imperilled ecosystem! We will not know the true scope of damage done for years!

John Lohr exploited the emergency to override a federal ministerial order! This act violates Mi'kmaq rights, constitution, and fisheries act, and was a massive abuse of power.

Gwendolyn Aker
they/them

Sent from my iPhone

From:
To: Fisher, Laura; [WWH Council](#)
Subject: Re: Lake Pisiquid
Date: Monday, June 19, 2023 2:55:13 PM

On Jun 19, 2023, at 2:44 PM, Fisher wrote:

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good afternoon,

My name is Laura Fisher and my family and I live in West Hants. We have lived here for the last 20 years and are proud to call it our home. Due to the wild fires in Nova Scotia we have just watched the water in Lake Pisiquid be put back in the lake, and this has been a huge relief. Having a strong fresh water reserve for Windsor/Falmouth and the Martock area is extremely important and necessary. There is no way that this can be done with the small river that was there before. There is no doubt of the beauty of the area with the lake, but more importantly the need for water in case of fire, for irrigation and farming.

I am well aware that there are people that are fighting very hard to have the river returned to the way that it was, I am asking why something cant be done to allow for proper fish passage, and maintain the lake? I have seen many video's of fishers that have worked in other provinces and I am unsure why things as to be an all or nothing?

There is no doubt that the lake adds to the beauty and charm of the community, but it is far more than that. Please consider keeping the lake and finally ending all of this turmoil in the community. I sure hope something can be done.

Laura Fisher

From: B Hughes
To: [PublicOnlyCouncilEmail](#)
Cc: kody.blois@parl.qc.ca ; melissa.mlaoffice@gmail.com
Subject: Lake
Date: Wednesday, June 21, 2023 10:52:08 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

I am writing to express my thanks for your support in extending the order to keep a fresh water resource available in our area, As a home owner and long time citizen of Windsor I feel a sense of relief knowing we have a reliable fresh water resource for both fire protection and agriculture(food security) as we head into a potentially hazardous dry summer season.

As a former Educator and High school Guidance Counsellor I am aware of the ongoing mental emotional and physical health needs of our children, and adolescents. In the short time since the lake has been back, I have already seen
So many individuals swimming, boating and sitting beside the lake in the downtown area a real testimony to the therapeutic value of this life giving gift of nature.

Thank you for considering these thoughts as you move forward in decision making over the next few weeks.

Yours sincerely
Barbara Hughes

Adults

Sent from [Mail](#) for Windows



Virus-free www.avast.com

From: Reid MacDuff
To: [PublicOnlyCouncilEmail](#)
Subject: Avon River/Lake Pisiquid
Date: Wednesday, June 21, 2023 8:47:50 PM
Attachments: [Lake Letter.docx](#)

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

To the mayor and council members of the West Hants Regional Municipality

I would like to thank you for supporting a fresh water scenario in Lake Pisiquid and would hope that your intention would be to maintain the lake as it was prior to the decision to drop the levels. We realize that the final decision will be made by the provincial and federal governments but we would like to think that they would take into consideration the wishes of the community.

We recognize that maintaining the higher water levels may impact fish passage but that should be taken into consideration along with the benefits to the community of having higher water levels. The lake serves the community in many ways, recreational use (it would be nice to have the canoe club back in town and might alleviate some issues with their new location), fire safety, irrigation for farmers and others, increased property values yielding higher tax revenue, increased activities on the waterfront which boosts income for merchants, water supply for Ski Martock to name a few.

There is also the psychological aspect of having the lake full of water which benefits many within our community.

Wallace J. Nichols, a marine biologist, believes that we all have a "blue mind" -- as he puts it, "a mildly meditative state characterized by calm, peacefulness, unity, and a sense of general happiness and satisfaction with life in the moment" -- that's triggered when we're in or near water.

"We are beginning to learn that our brains are hardwired to react positively to water and that being near it can calm and connect us, increase innovation and insight, and even heal what's broken,"

We support the discussions on the pros and cons involved provided that all information presented is from scientific unbiased sources and that the concerns of the community are not dismissed out of hand. We feel that there are sufficient reasons to support making higher lake water levels a priority and trying to regulate fish passage while maintaining a full lake.

It is our understanding that the motion at the last council meeting to have a fresh water lake needs to be ratified at the next council meeting. We feel that your continued support of that motion would be to the betterment of the community.

Please register this correspondence at your next meeting

Sincerely,
Reid & Roslyn MacDuff
Windsor NS

To the mayor and council members of the West Hants Municipality

I would like to thank you for supporting a fresh water scenario in Lake Pisiquid and would hope that your intention would be to maintain the lake as it was prior to the decision to drop the levels. We realize that the final decision will be made by the provincial and federal governments but we would like to think that they would take into consideration the wishes of the community.

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"We are beginning to learn that our brains are hardwired to react positively to water and that being near it can calm and connect us, increase innovation and insight, and even heal what's broken,"

We support the discussions on the pros and cons involved provided that all information presented is from scientific unbiased sources and that the concerns of the community are not dismissed out of hand. We feel that there are sufficient reasons to support making higher lake water levels a priority and trying to regulate fish passage while maintaining a full lake.

It is our understanding that the motion at the last council meeting to have a fresh water lake needs to be ratified at the next council meeting. We feel that your continued support of that motion would be to the betterment of the community.

Sincerely,
Reid & Roslyn MacDuff
Windsor NS

From: Anne Desneiges
To: melissa.mlaoffice@gmail.com; [PublicOnlyCouncilEmail](#); kody.blois@parl.qc.ca; DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca; premier@novascotia.ca; johnlohrmla@gmail.com
Subject: Urgent
Date: Thursday, June 22, 2023 8:29:41 AM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

To whom it may concern, which is all of you being sent this email,

This is an URGENT call to action for the allowance of fish passage at the Avon River Causeway AND for politicians to publicly respond to the residents of Hants County for the ludicrous actions of those in power in our province.

This has been an abuse of power and is clearly for political gain and is fracturing the democratic process.

Yesterdays decision to extend the emergency order, after the fire ban has been lifted, and after 260mm of rain has fallen, is illogical and harmful. In not doing so, it ignores the request for the Avon River ministerial Order to be reinstated by the Mi'kmaw Chiefs, overrides the constitution and fisheries act, and prolongs the ecological crisis that has been created.

This is creating a blockage of passageway during the peak season of Gaspereau spawning up stream, and no water flow downstream at low tide kills fish, and has destroyed the estuarine habitat that was being reestablished.

The initial decision to use the emergency measure order to close the gates and limit fish passage through the Avon River Causeway was dismissive and harmful. There is no evidence that the residents of Windsor were in imminent harm, and there is no evidence that alternative solutions were explored. There was significant rainfall in the forecast at the time.

Again, this is an urgent call to action, and action is expected.

Anne Desneiges

Anne Desneiges

From: [Abraham Zebian](#)
To: [Deanna Snair](#)
Subject: Fwd: Support for Lake Pisiquid
Date: Thursday, June 22, 2023 3:51:59 PM

From: Kim Janssen
Date: June 22, 2023 at 11:46:57 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Subject: Support for Lake Pisiquid

Caution [External Email]

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Hi Abraham,

Thank you for all your hard work supporting West Hants. As a resident of Garlands Crossing, I wanted to voice my support for the refilling of Lake Pisiquid for these reasons:

Preventing further crop loss from drought is essential to support our local agriculture as farmers recover from the significant cold-snap damage. Conservation and protection of the Acadian Forest's land-based native species, some of which don't exist anywhere else in the world, is crucial as wildfire risk grows. With fewer freshwater lakes in The Valley, I appreciate the priority given to protecting the lives & livelihoods of our residents and their families, pets, crops/livestock, businesses, and homes.

Thank you again for all you do for West Hants. I look forward to the continued development of our communities.

Kim Janssen

Garlands Crossing, NS
B0N 2T0

From: Brian Hogan
To: [PublicOnlyCouncilEmail](#)
Subject: Grateful
Date: Thursday, June 22, 2023 9:51:04 PM

Caution [External Email]

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We are taking this opportunity to thank you, our Mayor and Council, for the on going effort you are taking to keep the public informed about the status of Lake Pisiqid.

We are just two of the hundreds ,and more, delighted residents enjoying the return of the Lake. Definitely, fish are there and are enjoying it as well . They swim in the clear fresh water and surface to feed on insects throughout the day.

For many other good reasons, which you already know, we support the presence of the Lake on a permanent basis . We express our gratitude to you as you continue to be our voice, and continue to support what is necessary to save the Lake.

Sincerely,

Brian and Sandra Hogan
Windsor

From: Maria DeNicola
To: [PublicOnlyCouncilEmail](#); johnlohrmla@gmail.com; kody.blois@parl.gc.ca; melissa.mlaoffice@gmail.com; premier@novascotia.ca
Subject: Concerns
Date: Thursday, June 22, 2023 7:22:52 PM

Caution [External Email]

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Members of Nova Scotia Legislature

June 22, 2023

RE: Concerns of racism, bullying, threats, and slander within Hants County

To John Lohr, Tim Houston, Melissa Sheehy-Richards, Kody Blois, & Abraham Zebian,

As a resident of Hants County, and a Registered Counselling Therapist, I am writing to address concerns of racism, bullying, threats, and slander that I am witnessing on social media within our community.

Since the closure of the Windsor Causeway aboiteau, there have been members of our community on Facebook pages ('Together we can Save our lake Pisiquid' and 'Hants County and Beyond'), who are actively engaging in harmful and abusive behaviour.

As a trauma therapist, I am well aware of the impact of these behaviours, and believe that they could possibly escalate if not addressed. I am bringing this to your attention, as well as the local RCMP. I also feel confident that you are aware that the divide and chaos is in large part, due to your recent irresponsible political decisions. I also believe your negligence to respond to the Assembly of Nova Scotia Mi'kmaw Chiefs is beyond disrespectful and sets the tone for these other concerning behaviours.

If you have any questions about the above, please contact me at this email or [REDACTED]

Sincerely,

Maria DeNicola

--

Maria DeNicola
MA, RCT, CCC

Land Acknowledgement: We are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people.

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PLEASE NOTE: By choosing to communicate by e-mail, you are agreeing that you understand there are risks when using email communication. You understand that e-mail is not 100% secure and that confidentiality and security cannot be guaranteed. **You understand that email relevant to your therapy will be placed on your file, this may include but is not limited to cancellations.** You understand that email is for non-urgent communication only. Note that **email is not checked outside of regular business hours. If this is an emergency, please call 911.** You understand that you are responsible for telling your therapist if you do not want to communicate by email.

From: [Abraham Zebian](#)
To: [Deanna Snair](#)
Subject: Fwd: Lake Pisiquid
Date: Thursday, June 22, 2023 3:51:38 PM

From: karenlangille
Date: June 22, 2023 at 3:03:18 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Subject: Lake Pisiquid

Caution [External Email]

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Hello Abraham,

As I write this I am sitting in one of the red adirondack chairs looking out over Lake Pisiquid. What a beautiful scene...a kayak just went by...the lake is full and the view is spectacular.

I just cannot understand the controversy regarding this lake, which could add so much to this community. Who wants to sit under the gazebo, or use the look off chairs, when all you see is a muddy weed filled crater. Not to mention the beautiful canoe club sitting empty!! This lake brings joy to a lot of people in this area, provides a place for canoe activities, breathes activity...life...into this community.

I cannot think of anything more important than enhancing the quality of life for people in small town Nova Scotia...of making the most of one's surroundings to entice people to the area and bolster business.

Look!...SIX KAYAKS FLOATING BY NOW!!!

And now, a sailboat! Fantastic!

PLEASE...can you not do something about this?

Sincerely,

Karen Langille
Falmouth resident

From: Anne Desneiges
To: melissa.mlaoffice@gmail.com; [PublicOnlyCouncilEmail](#); kody.blois@parl.qc.ca; DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca; premier@novascotia.ca; johnlohrmla@gmail.com
Subject: Urgent
Date: Thursday, June 22, 2023 8:29:41 AM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

To whom it may concern, which is all of you being sent this email,

This is an URGENT call to action for the allowance of fish passage at the Avon River Causeway AND for politicians to publicly respond to the residents of Hants County for the ludicrous actions of those in power in our province.

This has been an abuse of power and is clearly for political gain and is fracturing the democratic process.

Yesterdays decision to extend the emergency order, after the fire ban has been lifted, and after 260mm of rain has fallen, is illogical and harmful. In not doing so, it ignores the request for the Avon River ministerial Order to be reinstated by the Mi'kmaw Chiefs, overrides the constitution and fisheries act, and prolongs the ecological crisis that has been created.

This is creating a blockage of passageway during the peak season of Gaspereau spawning up stream, and no water flow downstream at low tide kills fish, and has destroyed the estuarine habitat that was being reestablished.

The initial decision to use the emergency measure order to close the gates and limit fish passage through the Avon River Causeway was dismissive and harmful. There is no evidence that the residents of Windsor were in imminent harm, and there is no evidence that alternative solutions were explored. There was significant rainfall in the forecast at the time.

Again, this is an urgent call to action, and action is expected.

Anne Desneiges

From: darren porter
To: [PublicOnlyCouncilEmail](#)
Subject: Access to Expert reports on the ecological effects of situation created by the emergency measures act being used to block federal law and the constitution leading to the impoundment of water.
Date: Sunday, June 25, 2023 1:28:37 PM

Caution [External Email]

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I'd like to bring a few Resources to councils attention to help with an evidence based approach moving forward if West Hants council so desire's to go with this type of approach.

There are two expert (PhD) affidavits on the ecological effects with the supreme court of Nova Scotia in Halifax. If council wishes to access them I could help with that.

Also there are other affidavits you may find useful with the supreme Court in Nova Scotia.

Also at my sons grad picture day in Windsor the director of west Hants Todd Richard with his wife our Mla informed me the boat ramp in Avondale has run into a provincial regulatory snag " something to do with protected marsh " " Ramsar Marsh" if you require any help with this situation please also let me know .

And lastly thanks to a councillor for taking down the hate sign personally against myself on municipal property that was up for over 36 hrs in a highly visible location down town.,

Perhaps as this situation escalates non-approved signs on municipal property will be removed promptly regardless of whom puts them up or has put them up. I believe there is something in the by laws?

Thank you,
Darren Porter

Sent from my iPhone

Correspondence Received

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forrand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland	Newcombe	2022-01-20	2022-01-25 Council
Valerie	Newcombe	2022-01-20	2022-01-25 Council
Andrea	Moore	2022-01-21	2022-01-25 Council
Gary	Nelson	2022-01-26	2022-02-08 COTW
Hon. Minister	Johns	2022-01-27	2022-02-08 COTW
Hon. John	Lohr	2022-02-01	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Kim	MacQuarrie	2022-02-06	2022-02-22 Council
Sheldon	Hope	2022-02-08	2022-02-22 Council
Brad	Carrigan	2022-01-24	2022-03-08 COTW
Dr. Gordon	Haliburton	2022-02-14	2022-03-08 COTW
Hon. Kim	Masland	2022-03-01	2022-03-08 COTW
East Hants		2022-03-01	2022-03-08 COTW
Hon. John	Lohr	2022-03-22	2022-04-12 COTW
Andrea	Parker	2022-03-28	2022-04-12 COTW
Bulk Water Haulers		2022-03-30	2022-04-12 COTW
Mark	Wainman	2022-04-04	2022-04-12 COTW
Jeff	Houser	2022-03-23	2022-04-12 COTW
Kathrin	Winkler	2022-04-05	2022-04-12 COTW
Joseph, PVSC	Feeney	2022-04-14	2022-04-26 Council

Correspondence Received

Darren	Porter	2022-04-21	2022-04-26 Council
Daphnee	de Lamirande	2022-04-29	2022-05-10 COTW
Hon. John	Lohr	2022-05-02	2022-05-10 COTW
Ann- Marie	Mathieu, Annapolis Valley Regional Library	2022-05-05	2022-05-10 COTW
2022-05-11 Yves	Arsenault re Information session for Hosting of 44th annual Final des Jeux de l'Acadie for 2025	2022-05-11	2022-05-26 Council
Anna	Allen	2022-05-22	2022-06-14 COTW
Seamus	Marriott, Community Petition re Zwicker lake	2022-05-31	2022-06-14 COTW
Scott	Carson (Presenting letter in person to Council)	2022-06-03	2022-06-14 COTW
Hon. John	Lohr (DMA)	2022-06-10	2022-06-14 COTW
Nancy	Sherwood	2022-06-14	2022-06-28 Council
Bobby	Best	2022-06-16	2022-06-28 Council
Hon. Kim	Masland	2022-06-21	2022-06-28 Council
Sherri	Bulger	2022-06-28	2022-06-28 Council
Hon. John	Lohr	2022-06-30	2022-07-12 COTW
Domenic	Padula	2022-07-07	2022-07-12 COTW
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Diana	Gibson re: RCMP & Fort Edward Information	2022-06-29	2022-07-26 Council
Acute Care	Tanya Penney	2022-07-19	2022-07-26 Council
Darren	Porter	2022-07-27	2022-09-13 COTW
PVSC		2022-08-02	2022-09-13 COTW
DMA		2022-08-04	2022-09-13 COTW
Breaking Barriers Together		2022-08-17	2022-09-13 COTW
Bill	Preston	2022-08-18	2022-09-13 COTW
Alix	Munro (POSSE)	2022-09-01	2022-09-13 COTW
County of Annapolis	Letter to Premier Tim Houston and Hon. Tim Halman re Moratorium on Aerial Herbicide Spraying	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-14	2022-09-27 Council

Correspondence Received

Darren	Porter	2022-09-16	2022-09-27 Council
Philip	Hyam	2022-09-17	2022-09-27 Council
Mash Up Lab re: Opportunity for Aspiring Entrepreneurs in West Hants		2022-10-17	2022-10-25 Council
Minister Masland	Re: Potential Mi'kmaq Burial site	2022-10-19	2022-10-25 Council
Heather Hughes,	Executive Director Re: Proposed changes to Weed Control Act	2022-09-13	2022-11-08 COTW
Minister of Finance and Treasury Board	Re: Provincial Non-Resident Deed Transfer Tax	2022-10-21	2022-11-08 COTW
Home Hardware	Re: Security Cameras	2022-10-21	2022-11-08 COTW
Windsor Township	Re: Security Cameras	2022-10-24	2022-11-08 COTW
Dawna MacIvor	Re: November is Crohn's and Colitis Awareness Month	2022-10-28	2022-11-08 COTW
Waye Mason	re Concerns and Information regarding Bill 225 and HRM Noise By-Law	2022-11-02	2022-11-08 COTW
Peter Gregg	Re Information on Bill 212, An Act to Amend Public Utility Act	2022-11-02	2022-11-08 COTW
Andrea Parker	Re Road repair work needed	2022-11-06	2022-11-22 Council
WAEFA Recipient Confirmation - 2022	(Awards sponsored by the West Hants Regional Municipality)	2022-11-07	2022-11-22 Council
CAO Letter	Comfort Centre Designation - Garden of Eden Community Centre	2022-11-10	2022-11-22 Council
David Old,	President Hantsport Seniors and Elders Club re Community Generator Program	2022-11-10	2022-11-22 Council
Juanita Wilcox	re Expression of Thanks	2022-11-12	2022-11-22 Council
Emily McNeil	re Renewal of the Operating Approval for the Avon Hydro System	2022-11-14	2022-11-22 Council
Paul Beazley	re Boundary Review Questions	2022-11-16	2022-11-22 Council
West Hants Historical Society	Re Old Parish Burying Ground Letter	2022-11-16	2022-12-06 COTW
Graham Sanford	Re Road Concerns	2022-11-16	2022-12-06 COTW
Fidelis House	Re financial assistance request	2022-11-30	2022-12-06 COTW
Lawrencetown Education Centre	Re Big Chill Donation request	2022-12-06	2022-12-13 Council
Kate Sircom, Secretary, St. Andrew's Church Council	Re Community Comfort Centre proposal	2022-12-06	2022-12-13 Council
NSFM	Re: Code of Conduct - Summary of content from consultation	2022-12-14	2023-01-10 COTW

Correspondence Received

Graham Sanford	Re: response to outstanding concerns sent after the presentation to Council on December 13th, 2022.	2023-01-09	2023-01-10 COTW
Graham Sanford	Re: File to Rezone Lots along Bog Road	2023-01-24	2023-01-24 Council
Nova Scotia Department of Public Works Request	Re: Pothier Motors Crosswalk Request	2023-02-03	2023-02-14 COTW
Windsor Township Business Association	Re: Expression of Thanks and Continued Conversations	2023-02-09	2023-02-14 COTW
Hants County Federation of Agricultural and the Great Falmouth Marsh Body	Re: Remaining ACOA funds	2023-02-23	2023-02-28 Council
Seamus Marriot (Zwicker Lake Property Owners)	Re Permit Clarification	2023-02-17	2023-03-14 COTW
Windsor Lions Club	Re Tourist Bureau Park Request	2023-02-23	2023-03-14 COTW
Carrilee Eddy	Re Affordable Housing	2023-02-28	2023-03-14 COTW
Graham Sanford	Re: Don't Be The Dirt Advocacy Presentation	2023-02-28	2023-03-14 COTW
Andrew Hardman	Re 997 Highway 14 Distribution Depot - Trans-World Concerns	2023-03-02	2023-03-14 COTW
Seamus Marriot (Zwicker Lake Property Owners)	Re Permit Clarification	2023-03-02	2023-03-14 COTW
FCM Executive Decision	Re Green Municipal Fund application	2023-03-03	2023-03-14 COTW
Avondale Hall	Re Floor repair and renovation request	2023-03-08	2023-03-14 COTW
Letter From Private Road Development	Re Petition for Waste Collection Services	2023-03-09	2023-03-14 COTW
Hon. Greg Morrow	Response to Expenses incurred due to fencing	2023-03-14	2023-03-28 Council
Sarah Reddington	Re Hantsport Memorial Community Center and Pickleball Facility	2023-03-14	2023-03-28 Council
Core Committee - Zwicker Lake Property Owners	Re Permit Clarification	2023-03-14	2023-03-28 Council
Hantsport Community Rep	Re: Apple Blossom Festival Sponsorship Request	2023-03-15	2023-03-28 Council
MLA Sheehy-Richard	Request for a Nomination for the Order of Nova Scotia	2023-03-15	2023-03-28 Council
VREN I	Re Response to continued partnership and IMSA	2023-03-16	2023-03-28 Council
NS Power	Re Avon Hydro System Relicensing	2023-03-20	2023-03-28 Council
Public Health	Re New alcohol guidance on harms and risks for residents	2023-03-20	2023-03-28 Council
Kody Blois	Re: Letter to the Hon. Kim Masland	2023-03-21	2023-03-28 Council

Correspondence Received

Margot Bureaux	Re Cancellation of ABF Leadership Competition	2023-03-21	2023-03-28 Council
Shawna Nichols	Re: Lego program	2023-03-23	2023-03-28 Council
West Hants Historical Society	Proclamation Request	2023-03-23	2023-03-28 Council
Pisiquid Canoe Club	Re: Funding Request	2023-03-24	2023-03-28 Council
KMK Negotiation Office	Re: Expression of interest to meet and discuss the Avon River and downtown waterfront	2023-03-28	2023-04-11 COTW
Markus Kehoe	Re Expression of appreciation	2023-03-29	2023-04-11 COTW
Chantelle Hill	Re Proclamation of Parental Alienation Bubbles of Love Day April 25 2023 Request	2023-03-30	2023-04-11 COTW
Communities in Bloom	Re Invitation to participate	2023-03-30	2023-04-11 COTW
David Simpson	Re Rails-to-trails to Windsor	2023-03-30	2023-04-11 COTW
Mark Kehoe	Re Permit D2023-019 Pisiquid Canoe Club Day Camps - Not Valid	2023-03-30	2023-04-11 COTW
Minister Lohr DMA	Re Sustainability Services Growth Fund (SSGF)	2023-03-30	2023-04-11 COTW
Hon. Masland	Re Intersection Lighting	2023-04-03	2023-04-11 COTW
Brenda Shiers Chair West Hants Uniacke Community Health Board	Re Request for Funding Support	2023-04-04	2023-04-11 COTW
Windsor Township Business District	Reimagine Lake Pisiquid	2023-04-04	2023-04-11 COTW
Poplar Grove Community Hall	Funding Request	2023-04-06	2023-04-11 COTW
Heather Lake	Re Cogmagun and Beaver Pond Petition	2023-04-11	2023-04-11 COTW
Laurent Breault, General Director	Re International Day Against Homophobia and Transphobia, May 17, 2023	2023-04-09	2023-04-25 Council
Trudy Flynn	Re Light up Municipal office Purple for May 12 Fibromyalgia Awareness Day.	2023-04-10	2023-04-25 Council
Zwicker Lake Core Committee	Re Letter of Complaint - Disrespectful Behaviour	2023-04-10	2023-04-25 Council
Gloria Shanks	S Re Old Shanks Road dated March 30, 2023	2023-04-10	2023-04-25 Council
Response to MP Blois	Re Highway 101 Twinning	2023-04-11	2023-04-25 Council
Hants County Federation of Agriculture	Re Expression of Appreciation for meeting	2023-04-11	2023-04-25 Council
Trevor Levy	Re Scotch Village Station Road Development	2023-04-14	2023-04-25 Council

Correspondence Received

Mark Kehoe	Re 2023-24 Tax Exemption Concern - Upper Vaughan	2023-04-16	2023-04-25 Council
Tom Levy	Re 301 Station Road Development	2023-04-16	2023-04-25 Council
Roberto Gueli and Anke Kungl	Re Community feedback for Sustainable Hill proposal	2024-04-17	2023-04-25 Council
Glooscap First Nation	Letter of Intent Re Proposed Addition to Reserve, Glooscap First Nation	2023-04-18	2023-04-25 Council
VREN to WHRM	Re Regional Enterprise Networks Review	2023-04-18	2023-04-25 Council
Mike Smith	Re Support of the Proposal from Sustainable Hill Campground and Yoga Dome	2023-04-20	2023-04-25 Council
Kathy Blois, Chair Hants County Senior Safety Association	Re Letter of Notice	2023-04-20	2023-04-25 Council
Seamus Marriot	Re FOIPOP Follow up	2023-04-20	2023-04-25 Council
Erin Naugler	Re Falmouth Highway Access	2023-04-23	2023-04-25 Council
Jessica and Allan Hill	Re Additional Considerations for Sustainable Hill's Application	2023-04-24	2023-04-25 Council
Karen Bourque-Ward and Art Ward	Re Scotch Village Station Road PID 45166915	2023-04-24	2023-04-25 Council
Wesley Petite	Re MPSA Retroactive Pay	2023-04-24	2023-04-25 Council
Hants County Federation of Agriculture	Re Scotch Village Rezoning Application	2023-04-25	2023-04-25 Council
Andrew Hardman	Re 997 Highway 14 - Zoning Change challenge	2023-04-26	2023-05-09 COTW
Guide Furlani	Re Concerns re 20 deer roaming and eating anything they can	2023-04-26	2023-05-09 COTW
Trevor Levy	Re Scotch Village Station Rd. PID 45166915	2023-04-26	2023-05-09 COTW
Denise Forand	Re Windsor Causeway and my Windsor's township waterfront vision	2023-04-27	2023-05-09 COTW
Barry Maxner	Re 50% Tax Reduction Request pertaining to Zwicker Lake Property and Pisiquid Canoe Club Concerns	2023-04-29	2023-05-09 COTW
Margot Bureaux	Re Banners	2023-05-02	2023-05-09 COTW
2023-05-03 Grant Thomas	Re Theft	2023-05-03	2023-05-09 COTW
Aissa Thomas	Re Windsor Textile Development	2023-05-04	2023-05-09 COTW
Art Ward	Re Scotch Village Station Road PID 45166915	2023-05-06	2023-05-09 COTW

Correspondence Received

Core Committee Zwicker Lake Property Owners	Re CCBF Funding and the Canoe Club	2023-05-08	2023-05-09 COTW
John Fitzgerald	Re Scotch Village yoga retreat	2023-05-10	2023-05-23 Council
Karen Fitzgerald	Re Yoga resort plan	2023-05-10	2023-05-23 Council
Bill Preston	Re Unsightly etc.	2023-05-11	2023-05-23 Council
Garret Johnston	Re Avon Street Erosion Hantsport Nova Scotia	2023-05-11	2023-05-23 Council
Margy Fletcher	Re Expansion to King Street from Payzant Drive	2023-05-11	2023-05-23 Council
Art Ward and Karen Bourque-Ward	Re Scotch Village Station Road PID 45166915 and PID 45148608.	2023-05-15	2023-05-23 Council
Letter to NSFM from the Minister of Municipal Affairs and Housing	Re 12 Month Notice	2023-05-15	2023-05-23 Council
Andrew Hardman	Re Property Tax Exemption List	2023-05-15	2023-05-23 Council
Upper Vaughan Property Owners	Re 997 Highway 14, Permit #C2020-371	2023-05-15	2023-05-23 Council
Denise Forand	Re Waterfront options are ours to design for generations to come. Ebb n Flow.	2023-05-16	2023-05-23 Council
Warden Nickerson	Re RCMP Retroactive Costs - Copy	2023-05-18	2023-05-23 Council
Art Ward	Re Proposed DA for Scotch Village Station Road PID 45166915 and PID 45148608.	2023-05-19	2023-05-23 Council
Shelley Arsenault	Re Rezoning and Development of Agricultural Land	2023-05-19	2023-05-23 Council
Lee and Debbie Watson	Re Old Railway, Collapse in Mt Denson	2023-05-21	2023-05-23 Council
Dave Smith	Re Zwicker Lake Petition	2023-05-22	2023-05-23 Council
Seamus Marriott	Re Petition to Reconsider Canoe Club Tax Exemption	2023-05-22	2023-05-23 Council
Denise Thibault	Re Concerned property owner and taxpayer	2023-05-23	2023-06-13 COTW
Glooscap First Nation	Re Proposed Addition to Reserve, Bishopville Road	2023-05-25	2023-06-13 COTW
Mark Kehoe	Re Property Tax Exemption Community Center	2023-05-26	2023-06-13 COTW
Barry Maxner	Follow up Re Definition of Community Centre and the Pisaquid Canoe Club	2023-05-29	2023-06-13 COTW
Will Balser, Coastal Adaptation Coordinator	Re Joint Statement Call to Release the Coastal Protection Act Regulations	2023-06-01	2023-06-13 COTW
Chrystal Fuller on behalf of Mitch Brison	Re connecting Payzant and King Street request to Council	2023-06-02	2023-06-13 COTW

Correspondence Received

Carrilee Eddy	Re World Ocean Day	2023-06-07	2023-06-13 COTW
Carrilee Eddy	Re Fire Protection	2023-06-07	2023-06-13 COTW
Mark Peck, CEO of Joint Regional Transportation Agency	Re Invite to Municipal Working Group	2023-06-07	2023-06-13 COTW
Wayne and Edith.	Re the Gate and the Crossing.	2023-06-07	2023-06-13 COTW
Steph Sedgwick	Re the Gate and the Crossing.	2023-06-08	2023-06-13 COTW
Debbie Stoddard-Pageau	Re the Gate and the Crossing.	2023-06-08	2023-06-13 COTW
Rachelle Trudel	Re Garlands Crossing - Access Roads	2023-06-09	2023-06-13 COTW
Mike MacDonell	Re Agritourism and Rural Development - Sustainable Hill Resort	2023-06-11	2023-06-13 COTW
Melissa Levy	Re Appeal	2023-06-12	2023-06-13 COTW
Paul and Amy Brown	Re Gate in the crossing	2023-06-13	2023-06-13 COTW
Jason Tucker and Tim Carr	Re Canada Day Events in Hantsport	2023-06-13	2023-06-13 COTW
Kimm Kent, POSSE	Re Addressing housing insecurity and homelessness	2023-06-13	2023-06-27 Council
Paul Pierce	Re Award of Tender	2023-06-15	2023-06-27 Council
Nova Scotia Provincial Housing Agency	Re Priority Access to Housing	2023-06-09	2023-06-27 Council
Core Committee Zwicker Lake Property Owners	Re CCBF Funding	2023-06-14	2023-06-27 Council
Adriane Salah	Re Request for letter of support Re Tremaine Crescent	2023-06-20	2023-06-27 Council
Barry Maxner	Re No replies - Concerns with the Pisiquid Canoe Club.pdf	2023-06-23	2023-06-27 Council
Honourable Timothy Halman	Response Re Coastal Protection Act	2023-06-25	2023-06-27 Council
Core Committee Zwicker Lake Property Owners	Re Seeking clarity	2023-06-27	2023-06-27 Council



The POSSE Project
10 King St. Windsor, NS B0N
Operating in the communities of Sipekne'katik First Nation and area, Sackville, and
Windsor/West Hants.

Municipality of the District of West Hants
76 Morison Dr P O Box 3000
Windsor NS B0N 2T0

June 13th, 2023

Dear Municipal Council members of the District of West Hants,

We are writing to you to see a **deeper and more meaningful commitment to addressing housing insecurity and homelessness in our communities**. While being informed by local community organizations and the best available data on rural homelessness in our region, we believe that your Council has the willingness to acknowledge and support the United Nations Declaration of adequate housing as a human right, established in 1948, and decide to enact robust and equitable change in community.

POSSE is a youth-driven harm reduction and human rights training and peer outreach project for youth aged 15-35. POSSE educates youth to become peer outreach workers within their community. Trained youth then assist and educate their peers, reaching youth where they're at, during street-level outreach, regarding violence, homelessness, harm reduction, substance use, sexual health, exploitation, human trafficking, human rights, and sexualized violence.

A team of peer outreach workers are trained in effective outreach work and will provide peer-driven, non-judgmental support in harm reduction outreach; to assist youth in decision-making, coping, and problem-solving.

On the daily, we see the experience of homelessness in our community. From our perspective, there is an immediate need for truly affordable and low barrier housing and an increase in assisted living and transitional housing.

We appreciate your consideration and hope you choose to respond to the 2022 data on Rural Homelessness between West Hants to Digby, NS and address housing insecurity and homelessness in our community.

Wela'lioq

Kimm Kent

POSSE Project



151 Thornhill Drive
Dartmouth, NS
B3B 1S2

902.468.7352 Tel
902.468.3524 Fax
902.430.4265 MBL
www.wajaxequipment.com

June 15th, 2023

West Hants Mayor and Council

I am writing this letter in response to RFQ WHPW23-06 to supply an excavator and trailer.

On June 13th the recommendation by public works to award the tender to Wajax was overruled by the mayor and council. I am looking for some clarification on statements made publicly at the meeting for the reason for awarding to the "local bidder."

The statement made that an extra 10% scoring policy when looking at local.

I have attached a copy of your Tendering Policy as well as a copy of the RFQ and in either document I was unable to find any mention of a 10% for "local" suppliers. Could someone please direct me to the section that in fact states this.

Wajax scored 94.59% and the "local supplier" scored 82.69%. According to the councilor if they were given a 10% "advantage for being local" (couldn't find in your policy). The local supplier would score as follows ($82.69\% + 10\% = 92.69\%$). By your own omission, Wajax still scored higher and should be awarded the tender.

It also was stated in the meeting that the definition of "local" by the Nova Scotia procurement website defines "local" as anywhere in Nova Scotia. The tender was released on the Nova Scotia Procurement site, thus making Wajax a "local" company.

Stated in the meeting it was mentioned that only in the event of a tie bid, consideration will be given to a "local supplier". Clearly the scoring doesn't reflect a tie and therefore the tender should be awarded to Wajax.

The discussion about warranty travel was not part of the RFQ. To later bring this "cost" as part of the decision to award to the "local" dealer is irrelevant. We offer travel packages, and we would have included this with our submission and still we would have scored higher than the "local" supplier.

When we spec'd the unit, the reach is based on the standard pin on bucket. The installation of the coupler will add an additional 8" to the reach stated in the submission.

I have countless other examples I could site where the interpretation of your own policies has not been followed either my mistake or intentionally.

The accusatory tone of collusion is unfounded as the attached specification sheet clearly shows the Deere machine meets spec also. I was the one who submitted the tender and at no point sent any documentation or specifications to any employee of West Hants.

I had several people tell me that a former employee of the Municipality of West Hants and current employee of the “local supplier” had discussions with several council members prior to the meeting. I can’t confirm what was discussed, however the optics don’t look favorable as per your tender policy regarding reaching out to employees and members of council.

There is some questionability regarding a “conflict of interest” with some of the council members who voted on this matter. Hypothetically If any council member has a relative currently doing a work term with the “local supplier” or in a relationship with any employee of the “local supplier”, they should have recused themselves from the vote.

I do not enjoy sending correspondence such as this, however clarification on this matter is needed before deciding what Wajax’s next steps are.

I am looking forward to your response to my concerns in a timely fashion.

Thank you,

Paul Pierce
Government Tender Specialist

Cc Bill Allen – Sales Manager Wajax, Atlantic
Mark Phillips – Chief Administrative Officer (CAO)
Todd Richard – Director of Public Works – West Hants



**Environment and Climate Change
Office of the Minister**

PO Box 442, Halifax, Nova Scotia, Canada B3J 2P8 • Telephone 902-424-3736 • novascotia.ca

File No.: 10700-40-59260

June 26, 2023

Mayor Abraham Zebian
West Hants Regional Municipality
DSnair@westhants.ca

Dear Mayor Abraham Zebian:

Thank you for your letter regarding the *Coastal Protection Act*.

There is no doubt that climate change is impacting our coastline. We are all seeing the impacts - more erosion, more damage from bigger storms, more flooding and sea levels are rising.

We are hearing that there is a lot of support for the *Coastal Protection Act*, but we are also hearing that property owners have a lot of questions about how it will impact them. It has also become apparent that many coastal property owners do not even know about the Act. Buying or building on coastal property is a big investment and Government has decided to take some time now to talk to property owners with a goal to build awareness, understanding and support.

Our Government feels that building a strong awareness of the issues and the approach of the *Coastal Protection Act* and its proposed regulation of development along our coast will best ensure its successful implementation. Nova Scotia Environment and Climate Change is finalizing a public education and consultation plan which will be targeted at coastal property owners or those who may be buying property along the coast. I will have more to share in the coming weeks.

We are aware that the Municipality of the District of Lunenburg is considering options for regulating coastal development and hosted an informational workshop with council where representatives from Natural Resources Canada, TransCosastal Adaptations, Dalhousie University, Ducks Unlimited and my department presented information on aspects of coastal development, processes and potential adaptation responses. Staff concluded with the types of regulatory responses that council could consider.

Once again, thank you for bringing your concerns to my attention. Should you have any additional questions, please contact coastal@novascotia.ca.

.../2

Abraham Zebian
Mayor of West Hants
Page 2

Our Government is committed to take action to protect our coastline and to do what it can to help make sure people are building in safe areas. We will complete our consultation this year and with that information we will develop plans for how to proceed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Halman', is positioned above the printed name of the Minister.

Honourable Timothy Halman, MLA
Minister of Environment and Climate Change

c: Melissa Sheehy-Richard, MLA for Hants West
 WHRM Council
 Mark Phillips, WRRM Chief Administrator Officer

From: [Abraham Zebian](#)
To: Seamus Marriott
Cc: [PublicOnlyCouncilEmail](#); Andrew Hardman; bmaxner; Mark Kehoe
Subject: Re: Seeking Clarity
Date: Monday, June 26, 2023 7:26:30 PM

On Jun 26, 2023, at 7:16 PM, Seamus Marriott wrote:

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hello Mayor Zebian,

In an email dated June 23rd, which was also shared with all of WHRM Council, you wrote:

"Last year, the PCC believed they met the definition of community Center which would allow them to operate their day camps. Once a complaint was registered with the municipality, staff investigated, and while there was some confusion internally, staff received clarity that the PCC met the definition of community Center. Now that is a quick summary of my recollection. Director Poirier may better be able to give more detail.

To satisfy councils questions on the process and definition of community Center, legal advice was sought on the definition and, as a result, council was satisfied with staffs decision."

Our Committee of Zwicker Lake Property Owners have had the same questions and queries on process and definition of this very matter for over a year. As this was an item discussed with Council, would you please direct us to the Council minutes, where these issues were addressed and resolved for council?

Thank you for your assistance.

Regards,
Seamus Marriott
Committee of Zwicker Lake Property Owners

June 9, 2023

Mayor Abraham Zebian
West Hants Regional Municipality
76 Morison Drive, PO Box 3000
Windsor, NS B0N 2T0

Dear Mayor Zebian:

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

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

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

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

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

Sincerely,

Cara Spittal

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

From: Seamus Marriott
To: PublicOnlyCouncilEmail; Mark Phillips
Cc: Barry Maxner; Andrew Hardman; Mark Kehoe; Debbie Innes; Heidi; Smeltzers; ktcopeland; Traci Curry; Robin Christie; Liam Kelley; JANIS KINNIE; joshinny@gmail.com; Thelma Chandler; sharon daniels; Janet Maxner; Shirley Pineo; Shirley Walker; Ada & Ed Smith; Seamus Marriott; johnabrownless; Doug Christie; Lee; Stewart Russell; Denise Thibault; Andrew; Faylene Lunn; Nick; daveinwhitehorn; Ron Smith; beverly lake; Brian Peveril; Heather Peveril; ccbf@novascotia.ca
Subject: Re: CCBF Funding
Date: Wednesday, June 14, 2023 1:11:09 PM

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Dear CAO Phillips and WHRM Council Members,
One of the items on the COTW agenda for May 9, 2023 and subsequent agendas was the approval of \$17500 to the Pisiquid Canoe Club to assist with the installation of a commercial septic system at their Zwicker Club location. We are happy that Council has decided to place a hold the funding request, pending the outcome of the Judicial Review.

The bigger question is eligibility for the funding. We contacted CCFB Nova Scotia seeking clarification on the funding criteria. We attached the letter we had originally sent to Council and asked specifically *"if a privately owned, maintained and operated club would be eligible for such funding under the CCBF criteria. If so, can you please outline the specific category and criteria that this application would fall under in order to meet the standard of eligibility?"*.

The Office of the CCFB response was: *"I would suggest you bring this matter directly to the Region of West Hants as they are recipient of the CCBF. We do have a process to review for CCBF eligibility, but the request should come directly from the Region"*.

Even though we did originally bring this matter to WHRM, based upon the CCFB response we ask again that a letter from WHRM be sent to CCFB asking if a private property owner/private club is eligible under CCFB criteria to receive funding for a solid waste management project. To provide clarity and transparency we also ask that these communications (both outgoing and incoming), be shared.

On a related issue, the WHRM's own Grants and Contribution Policy as it relates to Recreational Facility Capital Investment Project Grants, section 5.12 states:

"Projects must be for the betterment of the entire community and accessible by all residents and be Parks, Recreation or Culture related". The betterment of the entire community and accessible by all residents. Even without guidance from CCFB, this one statement from the WHRM policy clearly outlines eligibility and demonstrates that a privately owned, maintained and operated club such as the PCC is not eligible under the CCBF for the granting of further tax dollars. Can you please provide a rationale of how Municipal Staff came to the decision to support and put forward this funding request?

Thank you for your attention to both of these matters.

Regards,
Core Committee Zwicker Lake Property Owners

On Tue, May 9, 2023 at 6:08 AM Seamus Marriott < wrote:

Dear WHRM Council Members,
One of the items on the COTW agenda for May 9, 2023 is the approval of \$17500 to the Pisiquid Canoe Club to assist with the installation of a commercial septic system at their Zwicker Club location. We ask that the council follow WHRM policy and reject the application or at the minimum place a hold on this request and investigate the eligibility of this funding request with both the federal and provincial offices of the Canada Community Building Fund.

The Pisiquid Canoe Club(PCC) is a private club with an annual membership fee of \$2100+/year. The PCC operates as a non-profit commercial organization, but is in no way a community center or public recreational facility. The PCC operates as a privately owned, maintained and operated club. Everyone supports activities for youth and youth sports, but we also insist upon true and honest governance and straight forward implementation of policy, no bending of rules.

The WHRM's own Grants and Contribution Policy as it relates to Recreational Facility Capital Investment Project Grants, section 5.12 states: **"Projects must be for the betterment of the entire community and accessible by all residents and be Parks, Recreation or Culture related"**. The betterment of the entire community and accessible by all residents. Even without guidance of the federal or provincial office, this one statement from the WHRM policy clearly outlines eligibility and demonstrates that a privately owned, maintained and operated club such as the PCC is not eligible under the CCBF for the granting of further tax dollars. How Municipal Staff negated this article within WHRM policy and supported the funding application is a mystery,dj or is it?

Council it is up to you to show true leadership and follow policy. At the very least please hold off on a decision until there is follow up with federal and provincial offices to gain clarity on eligibility for grants to private clubs under the CCBF. Should this route be explored we ask that for the sake of transparency, outward and incoming communication be shared publicly. Here is a link to eligible categories with some examples of funding outlined. <https://www.buildingcommunities.ca/about-the-fund/agreements/eligible-categories>

Regards,
Core Committee Zwicker Lake Property Owners

From: Adriane Salah
To: [Deanna Snair](#)
Cc: [Sara Poirier](#)
Subject: Re: Tremain Crescent Funding Low Carbon Communities Application - Letter of Support
Date: Tuesday, June 20, 2023 10:12:35 AM

Caution [External Email]

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Good morning,

AHANS was the successful applicant to Municipal Affairs and Housing Land for Housing Program for three sites in Windsor (PIDs 45053337, 45216983, and 45216991). Our vision is to develop a mixed-income community, that incorporates affordable housing and seniors housing, with an array of unit sizes to accommodate diverse households. The original site plan in our application included a mix of townhouses and low-density apartment buildings with green space that connected to the existing trail way system. We have applied to the Community Housing Growth Fund for support to commission a topographic survey and wetland and flood risk assessment to determine where development is feasible.

We are seeking a letter of support from Council to apply to the Department of Natural Resources and Renewables Low Carbon Communities program for funding to work with experts in the energy field. This funding will support our team exploring the viability of developing a net zero project that consumes as much energy as it consumes.

Our application must demonstrate the project responds to a community identified need, so any way to tie the concept into existing plans or policies would be appreciated. I am hoping the letter of support can speak to how this project is consistent with the Windsor Municipal Planning Strategy to:

"4.18.1 encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community."

We also hope to utilize innovative design and financing models to ensure this projects attains energy targets and remains affordable in perpetuity for residents.

Please do not hesitate to reach out if you have any questions.

Thanks,
Adriane Salah (she/her)
Director, Planning and Development
Affordable Housing Association of Nova Scotia (AHANS)
asalah@ahans.ca

On Jun 23, 2023, at 7:34 AM, Barry Maxner wrote:

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hi Abe

It has been 2 months (next week) that I sent you and council a letter. Still no reply. So I will ask again , please answer my questions. I will include the letter and others in case they were miss placed. Also a few other questions like does the municipality have a code of conduct , conflict of interest and code of ethics policies.

A group from Zwicker Lake met with the mayor and 2 councillors on June 3. The word **TRUST** come up a number of times. You were told that the PCC had a permit to operate last year. Here is a copy of that permit. Please note the wording. Development permit issued for equipment storage only. Does that mean that they can operate as a daycare?

When you as council are asked to vote on something , you **TRUST** that the information provided is correct. **TRUST** that you are getting all of the correct facts, not just assume that your are. If you find that you do not feel that all of the information that you receive is correct, then it is your **RESPONSIBILITY** to question these facts. Question who gathered the information and who presented it to you.

Without the proper permits, and I will ask again, who would be liable if something happened to any one of the kids. My bet would be a big part would fall to the West Hants Municipality.

Development Services

The [Municipal Government Act](#) requires that Council appoint a Development Officer to administer its Land Use and Subdivision By-laws and development agreements.

The Land Use By-law (LUB) specifies the types of development for which a development permit is required, and the Development Officer's job is to review applications to make sure they meet the requirements of the LUB. The LUB sets out permitted uses in each zone, how far buildings must be

from a lot line, minimum lot sizes, and requirements for parking spaces, landscaping, and a variety of other matters. There is very little discretion available to the Development Officer in issuing permits. A permit must be issued if it meets the requirements of the By-law and must be refused if it does not meet the requirements. If the Development Officer refuses to issue a permit, the applicant has the right to appeal to the [Nova Scotia Utility and Review Board](#)

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When I asked about Code of Conduct and Conflict of Interest for staff, the mayor told me that was not for the public to see. You as councillors do have those codes. Are they the same for staff? You should ask. You are held to a high standard, I would hope that staff would be held to an equally high standard.

[Council Policies - West Hants Regional Municipality](#)
[The Regional Municipality of Windsor- West Hants](#)

West Hants, officially named the West Hants Regional Municipality, is a regional municipality in Hants County, Nova Scotia, Canada.
www.westhants.ca

8.1 Conflict of Interest Policy Policy Statement Recognizing and addressing issues that arise from conflict of interest is an important facet of a professional public service. This policy is intended to reduce the potential for conflict of interest within Nova Scotia's public service by defining conflict of interest and by providing tools to address issues that arise when employee's personal and employment interests conflict. This policy compliments Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants and the Conflict of Interest Act, S.N.S. 2010, c. 35, Sections 22-34. The act has prevailing authority over this policy. Definitions **CONFLICT OF INTEREST** Conflict of interest exists when the duties and responsibilities of an employee are or potentially could be compromised by his or her personal and private interests¹. A conflict of interest may be real, apparent or perceived. **"Real" conflict of interest exists when the employee has knowledge of a private interest economic or otherwise that could influence the exercise of his or her public duties and responsibilities. "Apparent" or "perceived" conflict of interest exists when the employee is in a situation in which a reasonably well-informed person could properly have a**

reasonable apprehension that a conflict of interest exists, even when there may not be a conflict. DEPUTY HEAD The deputy of the member of the Executive Council presiding over a department and all others whom the Governor in Council from time to time designates as having the status of deputy head. DEPARTMENTS Any department, office, or public service entity established by the Government of Nova Scotia, as identified under Category 1 in Appendix 1-A of the Corporate Administrative Policy Manuals Policy. 1 22 (1) ... "private int

Policy Principles Nova Scotia's employees • recognize that conflict of interest in the public service undermines the confidence of the public and that of elected officials. They also recognize that confidence in the public service is fundamental to the successful management of government overall. • place the trust and confidence of our citizens and elected officials in the highest regard and work to foster a reputation as being a caring and professional public service. • must be impartial and accountable and treat all citizens and all matters related to the public interest with respect, integrity and fairness. • will not unduly benefit through their position within the public service. • have personal and private interests and the same rights and privileges accorded every Nova Scotian. • can participate in, have membership in, and serve not-for-profit organizations. When a conflict of interest exists, the interests of the public supersede those of the employee.

Do you not think that the commadore might have a conflict of interest? He is a senior official at the municipal office.

You know the worst part is that, the CAO knows about these things and has done nothing to correct these actions of those officials, that he oversees, for over a year.

I looked up the these codes and found this as maybe some guidance for your staff.

Values, Ethics, & Conduct A Code for Nova Scotia's Public Servants

We support the efforts of our elected government to develop and implement public policy. We are answerable through due process to Ministers of the Crown who in turn are accountable to the public. We value the trust and confidence of our elected officials and the citizens we serve. We strive to meet the highest expectations of Nova Scotians and know that tasks we undertake are important and often essential. We value respect, integrity, diversity, accountability, and the public good. We stand by these values, and we believe that they are in the best interest of all Nova Scotians. We are a cornerstone of our province's society.

Respect

Admiration, Civility, and Tolerance We respect our citizens and our colleagues.¹ We respect our predecessors who laid the foundations upon which we build. We respect those who inherit the outcome of our efforts. As public servants we • recognize good in our colleagues and the citizens we serve • are caring and professional • work to earn trust and respect • expect respect

Integrity

Non-partisan and Honest We value and provide service that is honest, open, impartial, and non-partisan.² We are committed to standards of behaviour, safety, and expertise befitting our respective duties and responsibilities. As public servants we • answer to our managers • know that our responsibility to the public is an essential concern • ensure confidentiality when required and always expect honesty • will not be compromised with gifts, hospitality, or other benefits • lead by example.

Accountability

Responsible and Transparent We are answerable for our decisions and actions and take responsibility for our successes and failures. We are objective, fair, and transparent.⁵ We are guided by and act according to democratically established laws and policies. As public servants we • rely on the law and policy for guidance • use and encourage the use of transparent and fair processes • use public resources efficiently and effectively • answer by explaining our decisions and actions • correct errors as soon as possible

Public Good

Democratic Process, Law, and Policy We know that our elected officials create the laws and policies that advance the public good. We recognize that the implementation, management, and delivery of these laws and policies is how the public good is best served and the essence of our work as public servants. As public servants we • are impartial and non-partisan • deliver on government's commitments • expect that government policy advances the public good • are concerned about public safety and the safety of our colleagues ⁶ • work to earn the public's confidence

I think that the municipality needs new and better LEADERSHIP. Just my opinion.

Barry Maxner

Sent from [Mail](#) for Windows

<1st Letter to Council.docx>
<Letter to council 2.docx>

Fort Edward Lands Correspondence

First Name	Last Name	Correspondence	Meeting/Logged
Theresa	Newcombe	11/23/2021	2022-03-22 Council
Gary	Nelson	12/17/2021	2022-01-11 COTW
Lisa	Bland	12/17/2021	2022-01-11 COTW
John	Wilson	12/21/2021	2022-01-11 COTW
Gary	Nelson	1/11/2022	2022-01-25 Council
Andrea	Moore	1/21/2022	2022-01-25 Council
Valerie	Newcombe	1/21/2022	2022-03-22 Council
Gary	Nelson	1/26/2022	2022-02-08 COTW
Sara	Brothers	1/19/2022	2022-01-25 Council
Dawn	Allen	1/17/2022	2022-01-25 Council
Marty	Fougarty	2/5/2022	2022-03-22 Council
Dr. Gordon	Haliburton	2/14/2022	2022-03-08 COTW
Theresa	Newcombe	3/11/2022	2022-03-22 Council
Marie	Claude-Roiux	3/9/2022	2022-03-22 Council
Barbara	Gallagher	No Date	2022-03-22 Council
Roland	Newcombe	1/20/2022	2022-01-25 Council
Liz	Galbraith	12/16/2021	2021-12-16 COTW
Mary Lou	Bennet	12/13/2021	2021-12-16 COTW
Jean	Scotney	2/25/2022	2022-03-22 Council
Denise	Forand	3/16/2022	2022-03-22 Council
Jonathan Fowler	Fowler	3/13/2022	2022-03-22 Council
Heather	Pick	3/17/2022	2022-03-22 Council
Wanda	Donelle	2/22/2022	2022-04-12 COTW
Teresa	Newcombe	3/22/2022	2022-04-12 COTW
Patti	Quinn	3/22/2022	2022-4-12 COTW
Martin	Theberge	4/6/2022	2022-04-12 COTW
Rene	Cormier	4/12/2022	2022-04-26 Council
Daphnee	de Lamirande	4/29/2022	2022-05-12 COTW
Carol	Bradley	6/23/2022	2022-06-28 Council
Ruth	Angevine	6/24/2022	2022-06-28 Council
Denise	Forand	6/28/2022	2022-06-26 Council
Marie	Claude-Roiux	6/28/2022	2022-07-12 COTW
Colleen	Rogers	7/24/2022	2022-09-13 COTW
Shirley	Pineo	8/9/2022	2022-09-13 COTW
Pamela	Spence	8/19/2022	2022-09-13 COTW
Councillor Gail	Tupper	8/22/2022	2022-09-13 COTW
Camilla	Noiles	9/3/2022	2022-09-13 COTW
Sandra Barss	Heritage Trust of NS	10/18/2022	2022-10-25 Council

Richard
Jon

Skelton
Hall

2/2/2023
2/16/2023

2023-02-14 COTW
2023-02-28 Council

Combined Overflow System Correspondence

First Name	Last Name	Date Received	Meeting/Logged
Katherine	MacLeod	10/27/2021	2022-01-11 COTW
Katherine	MacLeod	10/28/2021	2022-01-11 COTW
Carrilee	Eddy	3/13/2022	2022-03-22 Council
Anna	DeNicola	3/12/2022	2022-03-22 Council
Darren	Porter	3/13/2022	2022-03-22 Council
Ellen	Hart	3/13/2022	2022-03-22 Council
Jennifer	Davidson	3/13/2022	2022-03-22 Council
Felicia	McNeil	3/14/2022	2022-03-22 Council
Darren	Porter	3/15/2022	2022-03-22 Council
Susie	Smith	3/15/2022	2022-03-22 Council
Carol	Bradley	3/17/2022	2022-03-22 Council
Felicia	McNeil	3/21/2022	2022-04-12 COTW
Felicia	McNeil	4/11/2022	2022-04-26 Council

Correspondence Sent

First Name	Last Name	Correspondence Date	Meeting / logged
Katherine MacLeod	MacLeod, Dept. Envir. and Climate Change	2021-10-27	2022-01-11 COTW
Robyn	Homans	2021-11-23	2021-12-07 COTW
Hon. Kim	Masland	2022-01-20	2022-01-25 Council
Hon. Kim	Masland re: clarity on correspondence sent 2022-02-20	2022-02-16	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Hon. Greg	Morrow	2022-02-04	2022-02-08 COTW
VREN		2022-03-10	2022-03-22 Council
Station Food Hub		2022-04-28	2022-05-10 COTW
MLA Melissa	Sheehy-Richard re: Avon River Eco/Tourism	2022-05-02	2022-05-02 COTW
MLA Melissa	Sheehy-Richard re: exit 6	2022-05-02	2022-05-02 COTW
Hon. Joyce	Murray	2022-05-06	2022-05-10 COTW
KMK Assembly Mi'kmaw Chiefs		2022-05-06	2022-05-10 COTW
The Premier	The Hon. Tim Houston	2022-06-27, sent 2022-06-30	2022-07-09 COTW
The Premier	The Hon. Tim Houston	2022-06-30	2022-07-09 COTW
Hon. Kim	Masland	2022-08-23	2022-09-13 COTW
POSSE		2022-09-14	2022-09-27 Council
Minister Murray	re Pumpkin Regatta	2022-10-20	2022-10-25 Council
VREN	Re: IMSA and request for a presentation to Council	2022-12-20	2023-01-10 COTW
MLA Sheehy-Richard	Re: Invitation to meet with Council re: Highway 101 Twinning project	2022-12-21	2023-01-10 COTW
MP Kody Blois	Re: Invitation to meet with Council re: Highway 101 Twinning project	2022-12-21	2023-01-10 COTW
Deputy Minister of Environment and Climate Change	Re: Costs incurred for fencing at 417 Wentworth Road	2023-02-15	2023-02-24 Council
VREN	Re Continued Partnership and Intermunicipal Service Agreement (IMSA)	2023-03-03	2023-03-14 COTW
Minister Masland	Re Provincial Intersection Street Lighting	2023-03-10	2023-03-14 COTW
Hockey Hall of Fame	Re Letter of Support John Paris Jr	2023-03-14	2023-03-28 Council
Premier Tim Houston	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Joyce Murray	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council

Correspondence Sent

[illegible]



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
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To: West Hants Regional Municipal Council

Submitted by: _____
Mark Mclean, Councillor District 3

Date: June 27, 2023

Subject: Cellular Phone Service

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

.... COUNCIL DIRECT STAFF TO WRITE A LETTER TO ALL CELL PHONE CARRIERS PARTICULARLY BELL ABOUT THE POOR CELL SERVICE IN THE BROOKLYN, SCOTCH VILLAGE AND ELLERHOUSE AREA REQUESTING THAT PROVIDERS EXPLORE ALL OPTIONS THAT WOULD RESULT IN INCREASED CELLULAR SERVICE FOR THESE AREAS.

BACKGROUND

Property ☐	Public Opinion ☒	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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Following the aftermath of Hurricane Fiona; residents and businesses within the Brooklyn, Scotch Village and Ellerhouse area have noted that cellular service in these areas has drastically declined posing a safety concern for those who do not have land lines to use.

DISCUSSION

Since Hurricane Fiona residents continue to experience poor cellular service, despite many upgrading their personal cell phones. Residents and businesses continue to experience “dropped calls, limited-service range or no service range at all.

An initial step would be to reach out to cellular service providers to determine what avenues can be explored to increase service levels. Should additional resources be required, such as a new cell tower, Council could direct staff to complete a report and advise Council on all options available that may increase cellular service for these areas.

NEXT STEPS

Staff prepare a letter for signature and send.

FINANCIAL IMPLICATIONS

There are no initial financial implications with writing a letter outside of staff time.

ALTERNATIVES

Council may not choose to send a letter.

Council may choose to provide alternate directions.

ATTACHMENTS

N/A

CHIEF ADMINISTRATIVE OFFICER REVIEW

Many people have reportedly experienced the same cell phone coverage concerns in the areas noted by Councillor Mark Mclean. Reaching out to the carriers will ensure they are aware of the concerns and hopefully spark a response.

Bell Aliant has been attempting to secure land to place a cell coverage on in the Brooklyn area for almost 2.5 years. Several attempts have been made by Bell with some assistance from my office to secure lands owned by the province as well as any known private landowner with no success to date. Through this report and with greater awareness in the community perhaps a land owner will come forward and offer to lease land for this purpose. After recently speaking with Bell Aliant installers, it is expected that leasing rate will be offered at market value for an area approximately 100ft x 100ft in area. Please refer to the map below as it identifies the preferred area for a tower.

In addition to my added comments, I support the recommendation.



Map: Preferred area for a cell tower as identified by Bell Aliant.

Report Prepared by: _____
Councillor Mark McLean

Report Reviewed by: 
Chief Administrative Officer, Mark Phillips



WEST HANTS REGIONAL MUNICIPALITY REPORT
2023-24 Provincial Capital Assistance Program (PCAP)

Date: June 27, 2023

Meeting: Council

Meeting Subject Matter: Provincial Capital Assistance Program

Outline/Summary (Matter): Windsor Master Sanitary/Stormwater Separation Infrastructure Project

The proposed project will involve the creation of a master stormwater separation plan to replace the existing (original) Cunnabel Creek combined sanitary/storm sewer system that exists throughout the community of Windsor. Our preliminary study includes preliminary modelling of a replacement system, with one of four pre-design options to increase capacity of the system by separation of sanitary sewer from storm sewer into independent collection systems.

... that Council approve and direct *the Mayor and Clerk be authorized to sign a Provincial Capital Assistance Program (PCAP) Cost Share Agreement for the Windsor Master Sanitary/Stormwater Infrastructure Project.*

APPLICANT INFORMATION

West Hants Regional Municipality

Applicant Name (Municipality or Organization) *

76 Morison Drive, Windsor
Street Address *
Number *

Apartment/Suite

PO Box West Hants
Municipality *

Nova Scotia
Province *

B0N 2T0
Postal Code *

CONTACT INFORMATION

Brad
First Name, Initials *

Carrigan
Last Name *

Manager, Engineering & Capital Projects
Title *

(902) 798-8391
Telephone (Primary) *

126
Ext.

(902) 790-6665
Telephone (Alt) Ext.

Fax bccarrigan@westhants.ca
Email *

JOINT APPLICATION

Is this a Regional project (collaborative effort, shared services, etc)? *

☒ Yes

☐ No

If Yes, please describe: *

(If the space provided is not sufficient, please attach additional information as required)

Windsor is the commercial and recreational hub of West Hants Regional Municipality. As such, this project benefits the greater region of West Hants, including its many businesses, visitors as well as it's many community residents.

PROJECT INFORMATION

Windsor Master Sanitary/Stormwater Separation Infrastructure Project
Project Name *

Water and Wastewater (including Stormwater)
Project Category *

Windsor, NS
Project Location *

Is this a multi-phase project? *

☒ Yes

☐ No

If Yes, which Phase of the project (ie. Phase 2 of 5): Phase 1 of 5 (Master Stormwater Design)

Project will secure all permits? *		☐ Yes	☒ No
If No, why not: <i>(If the space provided is not sufficient, please attach additional information as required)</i>			
We do not anticipate any project permits being required for Phase 1 (Master Stormwater System Design). Permits may be required for future construction activities (Phase 2 through Phase 4).			
Indicate which permits are required; what, if any associated restrictions there are (ie. Time, location, etc.); and, if they have been obtained or are in progress. <i>(If the space provided is not sufficient, please attach additional information as required)</i>			
Required Permit	Associated Restrictions	Obtained/In Progress (expected approval date)	
Nature of Project (select all that apply): * ☒ Renewal ☒ Expansion ☒ New Construction			
Has a study been completed for this project? *		☒ Yes	☐ No
If Yes, when was the study completed? (MM/YYYY) *		May, 2023	
Have other alternatives to the proposed project been investigated? *		☒ Yes	☐ No
If Yes, please describe. <i>(If the space provided is not sufficient, please attach additional information as required)</i>			
Alternative considerations would be to perform no sanitary sewer / stormwater separation (status quo). This is not the recommended action, as the result would be the continuance and increased occurrence of combined sewer overflow discharge into community rivers and waterways. This would have negative effects on the discharge environments and local wildlife.			
Does this project address an immediate need? *		☒ Yes	☐ No
If Yes, please describe. <i>(If the space provided is not sufficient, please attach additional information as required)</i>			
The end result of this project would be the reduction, and eventual elimination of combined sewer overflow discharge into our community rivers and waterways. This will decrease environmental harm from untreated wastewater overflow, preserve and increase treatment system capacity, and reduce the risk of flooding in an area of Windsor that has a long history of inland flooding.			
Does this project address critical capacity issues? *		☒ Yes	☐ No

Jun 1, 2023

Proposed Start Date (MM/DD/YYYY) *

Mar 31, 2024

Proposed End Date (MM/DD/YYYY) *

If Yes, please describe.

(If the space provided is not sufficient, please attach additional information as required)

The existing Windsor sanitary sewer system does not have sufficient capacity to handle existing or future stormwater flows. Through separation of sanitary and storm sewer systems throughout the community of Windsor, the existing sanitary sewer system will then have sufficient capacity to handle increased stormwater flows from extreme weather that is more prevalent due to climate change, to meet the future needs of our community.

Is this project required to meet Federal or Provincial standards and/or regulations? *

☒ Yes

☐ No

If Yes, please describe.

(If the space provided is not sufficient, please attach additional information as required)

This project will help in meeting provincial standards and regulations to limit (or eliminate) combined sewer overflows into our community rivers and waterways. This project will also help to comply with Federal Wastewater Systems Effluent Regulations, which are being updated to reflect more stringent standards on effluent releases, overflows and bypasses.

Does this project address immediate health and/or safety issues? *

☒ Yes

☐ No

If Yes, please describe.

(If the space provided is not sufficient, please attach additional information as required)

Untreated wastewater can be detrimental to the health of fish, wildlife and people. By reducing toxic flows into local waterways, residents and visitors are at less risk of coming into contact with untreated wastewater.

Will this project have a significant impact on the community and or region? *

☒ Yes

☐ No

If Yes, please describe.

(If the space provided is not sufficient, please attach additional information as required)

As stated above, this project will reduce negative health impacts on local fish, wildlife and people; as well as reduce strain on the wastewater treatment systems. This will have additional benefits such as significantly reduced energy and chemical demand for waste water treatment, which will help reduce greenhouse gas emissions. These factors will also reduce operating costs and increase the longevity of existing treatment infrastructure.

Please describe how the project design and implementation considers long term sustainability. *

(If the space provided is not sufficient, please attach additional information as required)

The existing Windsor sanitary sewer system does not currently have sufficient capacity to handle existing or future stormwater flows. Through separation of sanitary and storm sewer systems throughout the community of Windsor, the existing sanitary sewer system will then have sufficient capacity to meet the future needs of the community, and increased stormwater flows from extreme weather that is more prevalent due to climate change. Separating stormwater and wastewater flows will: reduce energy and chemical consumption for treatment, reducing emissions; increase flow capacity which will enhance resiliency to extreme weather events that cause flooding; reduce overflow containing untreated wastewater that is toxic to the environment; and increase the longevity of existing treatment infrastructure, reducing future cost and land use burdens.

PROJECT DESCRIPTION

Please give a description of your proposed project: *

The proposed project will involve the creation of a master stormwater separation plan to replace the existing (original) Cunnabel Creek combined sanitary/storm sewer system that exists throughout the community of Windsor. Our preliminary study includes preliminary modelling of a replacement system, with one of four pre-design options to increase capacity of the system by separation of sanitary sewer from storm sewer into independent collection systems. Stormwater would be collected using up to three new independent collection systems and then each discharged into the adjacent Avon River at three outflow locations; while all other sanitary sewer systems would be collected using the existing collection and lift station network in place near Water Street. There are currently five major phases identified for this project, with the first phase involving the overall design of the master system, including collection main pipe sizing and identification of roadway locations and invert depths required for the entire system. The next four phases of the project would involve systematic separation for each geographical location to remove stormwater from the sanitary systems, with new piping networks under existing streets.

Describe the benefits that will result from this project: *

The primary project benefit is the to meet provincial standards and regulations to limit (or eliminate) combined sewer overflows into our community rivers and waterways. This is also a significant social issue in the community of Windsor, that will also be achieved with this project. A significant secondary benefit is the renewal of aging sanitary sewer network piping and addition of brand new storm sewer network piping infrastructure. The Windsor Water Utility may also consider taking advantage of the construction opportunities for renewal of any required water infrastructure at this same time. For this work to be completed in the existing ROW roadways, it will also ultimately result in renewal of many street and sidewalk infrastructure improvements (wherever possible). The new underground infrastructure would have an anticipated lifespan of 80-100 years, and with the street and sidewalk infrastructure having an anticipated renewed lifespan of up to 20 years.

Separating stormwater and wastewater flows will: reduce energy and chemical consumption for treatment, reducing emissions; increase flow capacity which will enhance resiliency to extreme weather events that cause flooding; reduce overflow containing untreated wastewater that is toxic to the environment; and increase the longevity of existing treatment infrastructure, reducing future cost and land use burdens.

Please select project outcomes from the following list and include quantity estimates if applicable and known: *

- ☐ Solid Waste
- ☒ Wastewater
- ☒ Water
- ☐ Studies
- ☒ Capital - Other

Wastewater		
Outcome Indicator	Input Value	
☒ Number of treatment plants receiving investment	0	☐ To be determined
☒ # of households connected whose wastewater will be treated to a higher quality	700 approx	☒ To be determined
☒ # of new households (and/or non-residential properties) connected to municipal wastewater system		☒ To be determined
☒ # of communities and/or developments to be connected to municipal wastewater & collection system	1	☐ To be determined
☒ Increased service life of wastewater infrastructure (years)	100	☐ To be determined
☒ Length of linear asset receiving investment (m)		☒ To be determined
☒ Increased capacity to collect and/or treat wastewater (m ³ per year)		☒ To be determined
☒ Length (m) of combined sewer systems separated		☒ To be determined
☒ Other		
Explain "Other" Outcome		
Approximately 700-800 residents with existing combined sanitary/storm water service fronting their properties with potential of		

Water		
Outcome Indicator	Input Value	
☒ Number of treatment plants receiving investment	0	☐ To be determined
☒ # of new households (and/or non-residential properties) connected to municipal water system		☒ To be determined
☒ # of households that will be equipped with residential metering		☒ To be determined
☒ # and type of assets receiving investment		☒ To be determined
☒ Length of linear asset receiving investment (m)		☒ To be determined
☒ Change in capacity of water distributed (m3 per day)	0	☐ To be determined
☒ Change in water storage capacity (m3)	0	☐ To be determined
☒ Change in capacity of water treated to meet applicable treatment standards (m ³ per day)		☒ To be determined
☒ # of new households (and/or non-residential properties) connected to municipal water system that will benefit from increased service reliability		☒ To be determined
☒ # of new households (and/or non-residential properties) connected to municipal water system that will receive improved potable water quality		☒ To be determined
☒ # locations that will be connected to hydrants & improve fire protection		☒ To be determined
☒ Other		
Explain "Other" Outcome		
Approximately 700-800 residents with existing combined sanitary/storm water service fronting their properties. During separation of combined sanitary/storm systems, the Municipality would also take advantage of the opportunity to replace up to 700-800 municipal water services, whenever they may be candidates for replacement.		
"Capital - Other" Please Describe Outcome		
Separation of existing Cunnabel Creek combined sanitary/storm water system, with renewed sanitary network mains and new storm sewer infrastructure throughout the community of Windsor.		
A Council Resolution supporting the submission of this project under PCAP accompanies this application.* ☒ Yes ☐ No		

PROJECT COSTS		PROJECT FUNDING	
NOTE: a detailed cost estimate must accompany the application			
Professional Fees	\$175,000	Provincial Capital Assistance Program (up to 50%) *	\$100,000
Materials/Supplies		Municipal Sources *	\$108,580
Contractor		Other Provincial (Please Specify)	
Contingency *	\$25,000		
Other Eligible Costs (Please Specify):		Federal Program (Please Specify)	
TOTAL ELIGIBLE COSTS	\$200,000		
HST *	\$30,000	Other (Please Specify)	
HST Rebate *	\$21,420		
TOTAL NET ELIGIBLE COSTS	\$208,580	TOTAL PROJECT FUNDING	\$208,580
DECLARATION			
Brad Carrigan		May 15, 2023	
Name *		Date (MM/DD/YYYY) *	
Manager, Engineering & Capital Projects			
Title *			

NOTE: Ensure all required additional documents (eg. Detailed Cost Estimate, Council Resolution) are uploaded at the time of application.

Resolution of Council

2023/24 PCAP Agreement

The following Resolution was passed at a meeting of the Council of the West Hants Regional Municipality on the _____ day of _____ A.D., 2023.

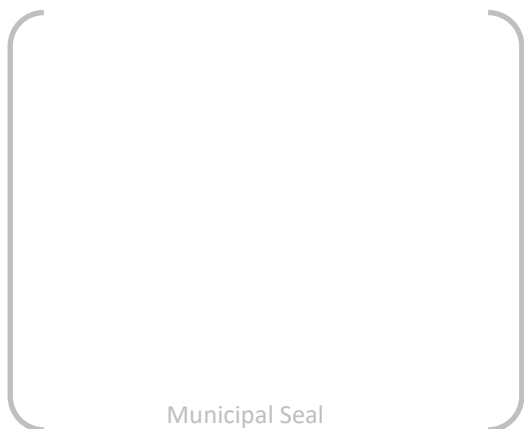
Moved by: _____

Seconded by: _____

“That the Mayor and _____ be authorized to sign a Provincial Capital Assistance Program (PCAP) Cost Share Agreement for the Windsor Master Sanitary/Stormwater Infrastructure Project”

Motion Carried.

I certify that the above Resolution was passed at the duly called meeting of the West Hants Regional Municipality Council on _____ A.D., 2023.

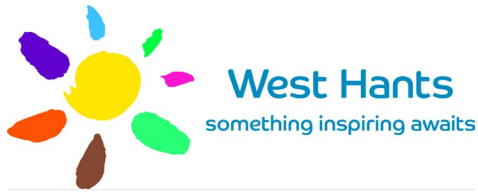


Municipal Seal

Signature

Name (Print)

Title



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: West Hants Regional Municipality Committee of the Whole

Submitted by: Kathy Kehoe, Director Community Development

Date: June 15, 2023

Subject: West Hants Sports Complex Ice Resurfacer Replacement

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION

It is recommended that:

Council approves the award of tender for the purchase of an Electric Ice Resurfacer to Saunders Equipment at a cost of \$152,175 before applicable taxes.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☒	Economic ☒	Councillor Activity ☐
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With the approval of the 2023-24 Capital Budget, Council approved \$170,000 for an Electric Ice Resurfacer for the West Hants Sports Complex.

DISCUSSION

The tenders were reviewed by staff to confirm compliance with our requested specifications and that it meets our operational requirements, and the following are the results after the review and evaluation.

Delivery of this electric ice resurfacer is expected to be delivered in 9-12 months from the date of order.

Proponent Name	Total Score /100	Total Bid Price (not including HST)
Saunders Equipment	94.33	\$152,175
Engo Equipment Sales Inc.	86.67	\$158,000
Monarch Enterprises	87.5	\$158,600

NEXT STEPS

If approved, staff will proceed with the purchase.

FINANCIAL IMPLICATIONS

Tendering Timeline:

Posted to Procurement	April 27, 2023
Closing Date	June 1, 2023
Price Expiry Date	July 30, 2023
Days Remaining	45 Days

2023-24 Capital Budget – Ice Resurfacer

Tender Pricing	\$152,175.00
Non-Recoverable Tax (4.29%)	<u>\$0.00</u>
Tender Total	\$152,175.00
2023-24 Budget Value	\$170,000.00
Variance (over budget)	\$17,825.00

Allowance for the purchase of an electric ice resurfacer in the amount of \$170,000 was approved under the 2023-24 Community Development Capital Budget. The total expense is \$152,175 as the applicable taxes are fully recoverable by the municipality.

The Canada Community Building Funding allows for the purchase of Sports Infrastructure, which includes Ice Resurfacers for arenas. This funding source must be approved by West Hants Regional Council.

*Note: All taxes paid are fully recovered on all Capital and Operating expenses related to the Sports Complex.

March 31, 2024 Propose WHRM CCBF Reserve Balance	\$1,994,344
<u>Savings Related to Under Budget Ice Resurfacer</u>	<u>\$17,825</u>
Updated March 31, 2024 Balance	\$2,012,169

Community Development staff are recommending we retain the existing unit for back-up purposes. A back-up machine could be beneficial to both the WH facility and Newport facility.

ALTERNATIVES

1. Council may choose to award to other bidders; or
2. Council may choose not to proceed this this purchase.

This is not the course of action recommended but it is within the Council's purview.

ATTACHMENTS

n/a

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Kathy Kehoe, Director Community Development

Report Reviewed by: _____
Kevin Bennett, Manager, Parks & Recreation Facilities

Report Reviewed by: _____

Diana Gibson, Acting Director, Financial Services

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer