

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

COUNCIL MEETING AGENDA

Tuesday, April 18th, 2017 at 7:30pm

Municipal Administration Centre

- 1) Call to Order – Chairman, Warden Russell Boucher
- 2) Approval of Agenda
- 3) Approval of Municipal Council Minutes of March 21st, 2017
- 4) Business Arising from Minutes
- 5) Statutory Public Hearing
 - a) Marble Holdings Limited – Beech Hill Road
- 6) Presentations:
 - a) Jennifer DeWolfe – Nova Scotia Housing
 - b) Michael MacKay, HomeWarming
- 7) Correspondence
 - a) Municipal Affairs - 12 month notice under the Municipal Government Act
- 8) Committee Reports
 - a) Economic Development Advisory Committee – March 5, 2017
 - b) Active Transportation Advisory Committee – March 28th, 2017
 - c) Committee of the Whole – April 4th, 2017
 - d) Committee of the Whole – April 18th, 2017 (will be provided at meeting)
- 9) Reports from Individual Council Members on Outside Boards, Committees, and Commissions
- 10) Motions
 - a) Proclamation – Access Awareness Week, May 28th – June 3rd, 2017
- 11) Miscellaneous Business
 - a) 989XFM; Byron MacGregor award for best Newscast
- 12) Adjournment

Present:

Councillors: Warden Russell Boucher Deputy Warden Owen McCarron
 Councillor Mary MacLellan Councillor Rémi Deveau
 Councillor Donnie MacDonald Councillor John Dunbar
 Councillor Hugh Stewart Councillor Bill MacFarlane
 Councillor Vaughan Chisholm

Regrets: Councillor Gary Mattie

Also present: Glenn Horne, Municipal Clerk/Treasurer
 Beth Schumacher, Deputy Municipal Clerk
 Adam Rodgers, Solicitor- Boudrot Rodgers Law Firm

Media: Richard MacKenzie, The Casket
 Matt Draper, The Reporter
 Greg Morrow, 101.5 The Hawk
 Matthew Moore, 98.9 XFM

Gallery: Ryan Finn, Antigonish Art Fair
 Mike MacEachern, Antigonish Art Fair
 David Miller, Antigonish Art Fir

The meeting was called to order at 7:34pm by the Chair, Warden Boucher.

APPROVAL OF AGENDA

Warden Boucher called for any additions or deletions to the agenda. The following additions were made to the agenda:

- Item 9(b) – Sexual Assault Awareness Month Proclamation
- Item 10(a) – Maggie MacDonnell Teaching Award

Min #2017-023 (Approval of Agenda)

MOVED by Councillor MacLellan, SECONDED by Councillor Dunbar that the agenda be approved as amended. Motion carried.

APPROVAL OF MINUTES

Warden Boucher called for the approval of the Municipal Council Minutes of February 21st, 2017.

Min #2017-024 (Approval of Minutes)

MOVED by Councillor MacDonald, SECONDED by Councillor Chisholm, that the Municipal Council minutes of February 21st, 2017 be approved. Motion carried.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

PRESENTATIONS

Ryan Finn – Antigonish Art Fair

Mr. Ryan Finn provided members of Council with a review of the success of the Antigonish Art Fair events in 2016, and provided some updates on new things that are happening with the group for the 2017 season. The Art Fair is looking to increase their marketing, listing additional community events and capitalizing on social media platforms for outreach. The group has also applied to the Canada 150 Forward Grant for funds to assist with these efforts. Discussion followed. The representatives from the Art Fair were thanked for their presentation.

CORRESPONDENCE

Correspondence has been received from the following:

- a) PARL letter to Minister Ince regarding the Provincial Librarian's position.
- b) Diamond – 5 year relationship plaque

COMMITTEE REPORTS

Committee of the Whole – e-poll – March 1, 2017

Min #2017-025 (D-38 Road)

MOVED by Deputy Warden McCarron, SECONDED by Councillor MacFarlane, that Municipal Council approve the Municipality accepting ownership of D-38 Road. Motion carried.

Joint Police Advisory Board – March 2nd, 2017

Councillor Stewart read the report, noting that no recommendations were made. The Board received an overview of policing activities for the past year in the Municipality and Town as well as priorities for the upcoming year. The Board also discussed mandate and training. The next meeting is scheduled for June 8, 2017 at 4:30pm in the Municipal Office.

Committee of the Whole – March 7th, 2017

Mr. Horne read the report, noting that no recommendations were made. The Committee received a presentation from representatives from the Antigonish Farmer's Market regarding the conceptual plans for a permanent and year-round Market Building. Discussions were held regarding preparations for the County's Canada Day Celebrations and Canada 150 legacy project, proposed capital improvements projects, the results of the municipal tax sale, the transfer of Road D-38, and a petition was received from residents in District 5 regarding Internet access.

Sustainable Communities Advisory Committee – March 9th, 2017

Councillor John Dunbar read the committee report, noting that no recommendations were made. The Committee had received an overview and update on sustainability, discussions were held regarding Source Water Protection Plans, World Water Day and Earth Day, the upcoming screening of Before the Flood at the Municipal Office, striking a working group with other community groups to explore the idea of a Sustainability Fair in the fall, and the idea of setting up a learning tour for committee members.

Planning Advisory Committee Report – March 20th, 2017

Councillor MacLellan read the committee report, noting that the following recommendations were made:

Min #2017-026 (Marble Holdings Limited Development Agreement)

MOVED by Councillor MacLellan, SECONDED by Councillor MacFarlane that Municipal Council approves the proposed Development Agreement between Marble Holdings Limited and the Municipality of the County of Antigonish with respect to the construction of an automatic and self-serve carwash to be located off a new cul-de-sac to be located immediately across from 124 Beech Hill Road, Beech Hill, on a portion of property PID 01249846 totaling approximately 8290 square metres of area subject to the development meeting the evaluation criteria as outlined in the Development Agreement approved. Motion carried.

Min #2017-027 (Marble Holdings Limited Development Agreement Addition)

MOVED by Councillor MacLellan, SECONDED by Councillor MacDonald that Municipal Council approves an amendment to the Development Agreement between Marble Holdings Limited and the Municipality of the County of Antigonish that reads as follows:

“3.3.5 If necessary, traffic circulation on the property may be reversed and the “Car Vacuuming Station” relocated in order to facilitate better traffic flow on the property.”

Motion carried.

Further, the Committee discussed the DTIR’s Trunk 4 Access Management Plan and appointed two members to sit on a joint working group with the Economic Development Advisory Committee members to review and raise Municipal concerns with the Plan. Discussion also took place regarding the Province’s request for comments on the proposed amendments to the Heritage Conservation District Regulations under the Heritage Property Act.

Committee of the Whole – March 21st, 2017

Min #2017-028 (Canada 150 Capital Project)

MOVED by Councillor Deveau, SECONDED by Councillor MacLellan that Municipal Council commits a maximum of \$45,500 to a Canada 150 Capital Project contingent on receiving funding from other partners and having an acceptable agreement with the Strait Regional School Board. Motion carried.

Min #2017-029 (Canada 150 Capital Project Request to Town of Antigonish)

MOVED by Councillor Chisholm, SECONDED by Councillor MacDonald, that Municipal Council make a request to the Town of Antigonish for a contribution to the Canada 150 Capital Project. Motion carried.

Min #2017-030 (Crosswalk Request – South River Road at Trinity Lane)

MOVED by Councillor MacFarlane, SECONDED by Councillor MacLellan, that Municipal Council direct staff to prepare a letter to the Department of Transportation and Infrastructure Renewal requesting a crosswalk on South River Road at Trinity Lane. Motion carried.

Min #2017-031 (Amber Lights on Highway 104 at Dagger Woods)

MOVED by Councillor Deveau, SECONDED by Councillor Dunbar, that the Municipality write a letter to Nova Scotia Power requesting an update regarding the activation of the flashing amber lights on Highway 104 at Dagger Woods Road. Motion carried.

MISCELLANEOUS BUSINESS

Updates and Reports from Individual Council Members

Deputy Warden McCarron reported that he attended:

- Highway Twinning meeting in Port Hawkesbury on February 23rd
- REN meeting in Guysborough
- Highway Twinning meeting in Antigonish
- Chamber of Commerce Dinner, March 16th

Councillor MacDonald reported that he attended:

- Highway Twinning meeting in Antigonish
- Solid Waste Management meeting
- Chamber of Commerce Dinner, March 16th

Councillor MacLellan reported that she attended:

- February 22nd School Board meeting
- February 25th LBANS emergency meeting in Truro re: funding concerns
- February 28th Planning meeting
- March 10th Q&A with MLA Randy Delorey in Arasaig and Cape George
- March 15th ACALA meeting
- March 16th Chamber of Commerce Dinner
- RK MacDonald Policy Committee meetings

Councillor Deveau reported that he attended:

- OHS meeting
- Highway Twinning meeting in Antigonish
- Crime Prevention hot meal program
- Special Olympics funding announcement

Councillor MacFarlane reported that he attended:

- Highway Twinning meeting in Antigonish
- School Options Committee meeting

Councillor Chisholm reported that he attended:

- Highway Twinning meeting in Antigonish
- Planning Workshop

- Policy Advisory Board meeting
- PAC meeting
- RK MacDonald meetings

Councillor Dunbar reported that he attended:

- Planning Workshop
- March 1st – Eastern AAC meeting
- SCAC meeting March 9th

Councillor Dunbar noted that he needed to step down from the Heritage Board due to a schedule conflict, and noted that the road maintenance information meeting that had been scheduled to take place on February 9th but was cancelled due to weather had yet to take place, and he had been in touch with organizers and the media to encourage the meeting to be rescheduled in the near future.

Warden Boucher reported that he attended:

- UNSM workshop in Halifax
- Highway Twinning meeting in Antigonish
- EXPO at Paqtnekek Mi'kmaw Nation was cancelled due to weather
- Special Olympics funding announcement

MOTIONS

Min #2017-032 (March 26th Purple Day Proclamation)

MOVED by Warden Boucher, seconded by Councillor Deveau that Municipal Council proclaims March 26th, 2017 as Purple Day for Epilepsy Awareness in the County of Antigonish. Motion carried.

Min #2017-033 (April as Sexual Assault Awareness Month Proclamation)

MOVED by Councillor Stewart, seconded by Councillor MacLellan that Municipal Council proclaims the month of April as Sexual Assault Awareness Month in the County of Antigonish. Motion carried.

MISCELLANEOUS BUSINESS

Councillor Deveau brought forward the recent announcement that Antigonish native Maggie MacDonnell had been awarded the Global Teacher Prize by the Varkey Foundation, for her extraordinary efforts in supporting her school and the community in Salluit, Quebec. Councillor Deveau requested that a letter of congratulations from the Municipality be sent to Ms. MacDonnell.

Min #2017-034 (Recognizing Maggie MacDonnell for Teaching Award)

MOVED by Councillor Deveau, seconded by Councillor MacFarlane that Municipal Council send a letter of congratulations to Ms. Maggie MacDonnell for being the 2017 winner of the Global Teacher Prize by the Varkey Foundation. Motion carried.

MOTION TO ADJOURN

Min #2017-035 (Motion to Adjourn)

MOVED by Deputy Warden McCarron, seconded by Councillor Deveau that the Council meeting adjourns at 8:19pm. Motion carried.

Warden Russell Boucher

Glenn Horne, Municipal Clerk/Treasurer

To: **Antigonish Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **March 20, 2017**

Reference: **Development Agreement Application by Daniel MacDonald of Marble Holdings Limited and John MacDonald to allow for the construction of an automatic and self-serve carwash to be located off of a new cul-de-sac to be located immediately across from 124 Beech Hill Road (Tim Hortons and Sobeys Express) Beech Hill, Municipality of the County of Antigonish.**

Recommendation:

That Municipal Council **approve** the proposed Development Agreement attached to this staff report between Marble Holdings Limited and the Municipality of the County of Antigonish with respect to the construction of an automatic and self-serve carwash to be located off of a new cul-de-sac to be located immediately across from 124 Beech Hill Road (Tim Hortons and Sobeys Express) Beech Hill, Municipality of the County of Antigonish on a portion of property PID 01249846 presently owned by John MacDonald totaling approximately 8290 square metres of area (of a larger total property of approximately 6.0 hectares) located in the Commercial Designation and subject to the development meeting the evaluation criteria as outlined in the development agreement.

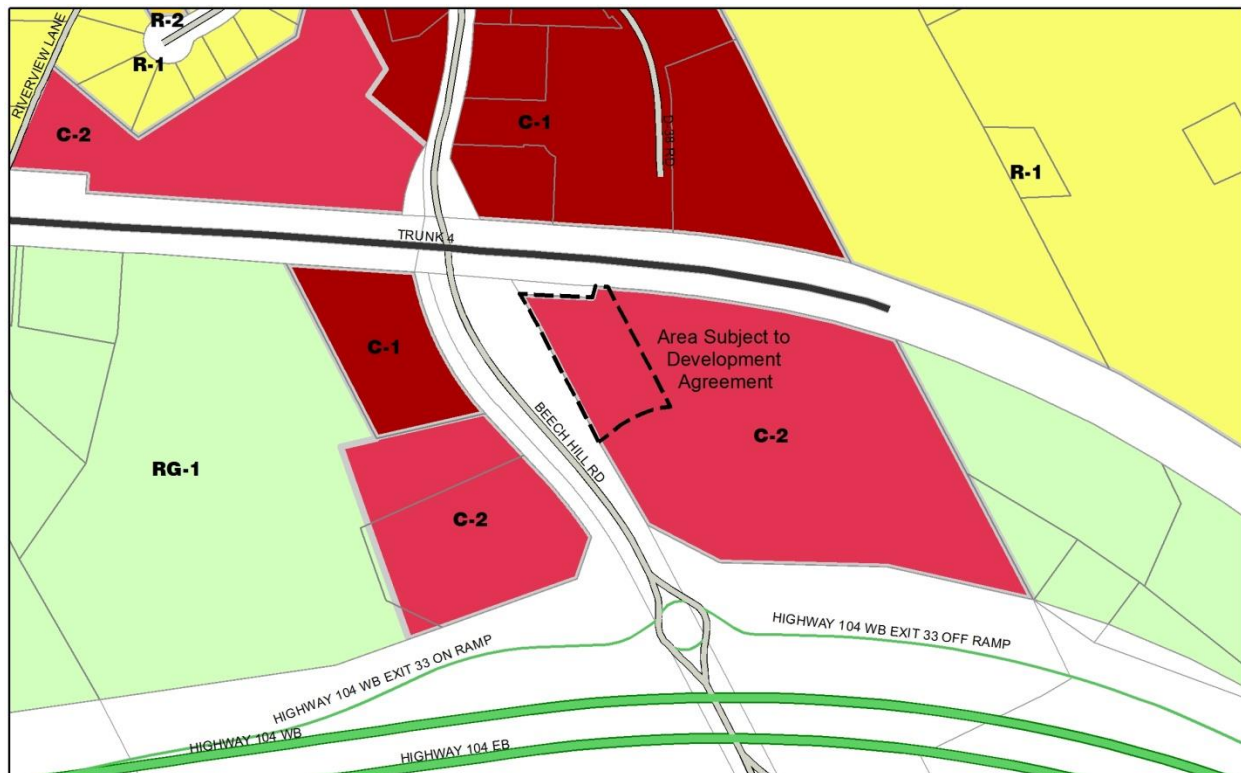
Information:

In October of 2016 Planning Staff received an application from Daniel MacDonald on behalf of Marble Holdings Limited to enter into an agreement for a proposed automatic and self-serve car-wash. The proposed development consists of 226 square metre building consisting of four carwash bays, three self-serve and one automatic, as well as an equipment room and a final bay used for storage. The carwash would be located on Beech Hill Road between the New 104 Highway and the Old 104 Highway on a new proposed cul-de-sac to be located directly across from the new mini-grocery store, gas station and coffee shop. The property is designated Commercial in the Planning Strategy and zoned General Commercial (C-2) zone. (See map 1, page 2.)

	Description
Designation:	Commercial
Zoning:	General Commercial (C-2)
Context Map:	Site Map, Page 7
Area:	0.83 hectares (2.04 acres)

Policy L-3.9 of the *Municipal Planning Strategy* makes provision for considering automobile sales and automobile service stations within the General Commercial (C-2) Zone according to

the development agreement provisions of the *Municipal Government Act*. Therefore the C-2 zone permits automobile service stations by development agreement. The definition of “automobile service station” in the Fringe Area Land Use By-law is as follows: “...a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils, diesel and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles. An automobile service station may include an automobile car wash and/or convenience store.”



The proposed development is to be located on a proposed cul-de-sac located immediately across from 124 Beech Hill Road and running east up the grade. At the bottom of the property parallel with Beech Hill Road is a large existing wetland and marsh area. According to the survey plan the property rises from the marsh at approximately 11.0 metres to a height of 19.0 metres at the Eastern proposed property line. The carwash originally was to be located above the wetland between two gabian retaining walls but the latest proposal has expanded the proposed lot up the slope to allow for a less severe cut into the bank. With the exception of the marsh area the property is covered with low grasses and a few large coniferous trees. The marsh area is characterized by low shrub growth and marsh grasses.

Development agreements provide an approach to development control which is more flexible than traditional zoning mechanisms. The nature of the agreement allows staff to negotiate safeguards which retain the general aesthetic of the neighbourhood and as well as enforce due regard for natural environment issues such as land grading, drainage and plant life. When

preparing such a document, staff refer to the evaluation criteria written into the Planning Strategy (MPS) and include the relevant items in the agreement. As part of the application process for development agreements, correspondence was sent to the applicant and to the various provincial and municipal departments as is required under the Antigonish MPS.

Analysis:

There are two sections of the MPS that specifically apply to such a development agreement. The first is Policy L-3.9, which is specific to the development. It lists five issues that Council shall have regard to in considering the development agreement.

The second specific section of the MPS is Policy I-1.13, which lists evaluation criteria to be considered for *any* development agreement (not just automobile service developments).

Policy L-3.9 of the *Municipal Planning Strategy*, lists specific considerations relating to automobile service developments. The following is a synopsis of the criteria, evaluation, agreements and conditions (See Appendix A):

The first two criteria in Policy L-3.9 relate to compatibility with meeting the C-2 Zone requirements and compatibility adjacent land uses. For the purposes of this agreement staff considered the new commercial development located along Beech Hill Road as the adjacent land uses. Compatibility relates to the height, bulk, lot coverage, site location and appearance of any building(s). The proposal is for a one storey carwash which staff worked with the developer to improve the design in keeping with the architectural guidelines found in the Municipal Planning Strategy. Also with respect to bulk, lot coverage and appearance of the buildings the agreement has landscaping and architectural provisions to minimize the impact on the abutting properties from a visual perspective.

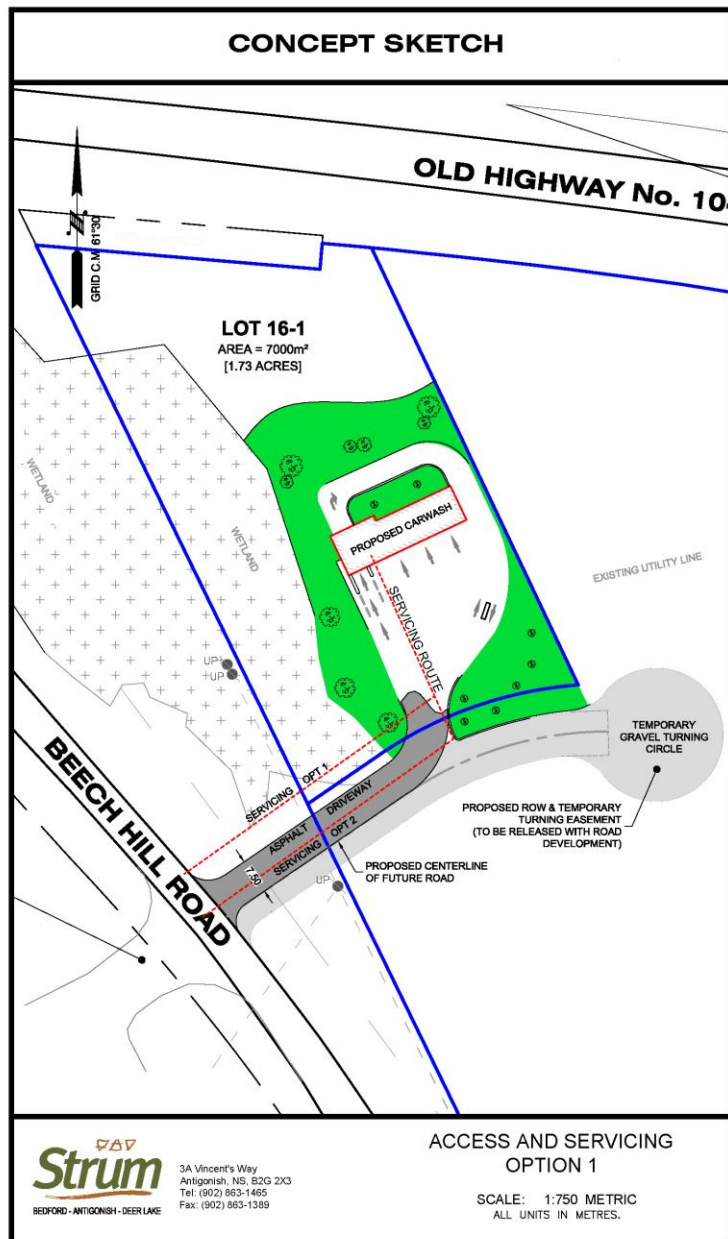


The third criteria of Policy L-3.9 deals with building design and the provision of barriers, berms, fences and/or landscaping as part of the development to minimize effect on adjacent land uses. As part of the negotiation phase staff recommended an orientation of the building such that the bays do not face Beech Hill Road. Also the agreement requires landscaping to be introduced to all areas disturbed during construction; and natural vegetation, landscaping or screening to be

employed around the carwash, against blank walls and against any retaining walls incorporated into the site plan. Also the developer will be required to provide a landscaping plan prior to the issuance of a Development Permit to the Development Officer for review to determine compliance with this Agreement.

Finally the last criteria of Policy L-3.9 relates to parking. The development agreement recognizes that a self-serve car wash does not require parking and as part of the negotiation process removed nine (9) parking spaces which a strict interpretation of the Land Use By-law would have required.

The proposed development agreement must also be consistent with Policy I-1.13 and I-1.13 of the *Municipal Planning Strategy*, which stipulates the Evaluation Criteria and Terms for any development agreement. The following is a synopsis of the criteria, evaluation, agreements and conditions (See Appendix B):



The Municipality of the County of Antigonish advises that the proposal is not premature or inappropriate by reason of the adequacy of sewer and water services and that the Municipality is financially capable of absorbing the costs relating to the proposed development. Also Section

2.5 of the Agreement states: *“The Developer shall be responsible for all cost, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial, and Municipal laws, by-laws, regulations, and codes applicable to the Lands.”*

Neither the Antigonish County Recreation Department nor the Strait Regional School Board were asked to comment on this proposal as it is a commercial development.

Nova Scotia Transportation and Infrastructure Renewal provided comment on the proposal January 12, 2017 advising that the proposal appears appropriate and that the provincial road network adjacent to the development is adequate for the proposed development allowing for a direct access point directly across from the access to the Shell/Tim Hortons. Prior to issuing a Transportation access permit the developer may be required to provide anticipated traffic volumes for this development. This is reflected in the development agreement. Also TIR noted that any future expansion or extension of the existing access for development purposes beyond that illustrated may require a traffic impact study, detailed design drawings, environmental and drainage plans, truck turning movements, etc. for evaluation. The developer may therefore be required to carry out additional upgrades to the public road network to support future development.

Nova Scotia Environment no longer comments on applications like this but the development agreement requires that an erosion and sedimentation plan be prepared for the proposed development. Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated with offsite works, the Development shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plan shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment. Also the agreement recognizes the wetlands below the development and therefore requires that the developer receives any necessary approvals from the Department with respect to any potential infilling of wetlands located on the site prior to any development or building permits being issued.

An evaluation of the proposal by shows that the proposed development meets the requirements of Policy L-3.13 and Policy I-1.13 and I-1.13 in the *Municipal Planning Strategy* and the requirements of all other Municipal by-laws and regulations. The MPS permits automobile sales and automobile service stations within the Commercial Designation by development agreement and therefore the proposal is permitted under the *Municipal Planning Strategy* and the *Land Use By-law*.

Conclusion:

In the opinion of planning staff the proposed development of an automatic and self-serve carwash to be located off of a new cul-de-sac to be located immediately across from 124 Beech Hill Road (Tim Hortons and Sobeys Express) Beech Hill, Municipality of the County of Antigonish on a portion of property PID 01249846 presently owned by John MacDonald totaling approximately 7001 square metres of area (of a larger total property of approximately 6.0 hectares) located in the Commercial Designation and subject to the development meeting the evaluation criteria as outlined in the development agreement meets the intent of the *Municipal Planning Strategy*.

The Municipality is advised to enter into the development agreement attached to this staff report between Marble Holdings Limited and the Municipality of the County of Antigonish with respect to the construction an automatic and self-serve carwash subject to the terms and conditions included in the agreement.

Appendix A: Summary of Evaluation Criteria Policy L-3.9

Policy L-3.9 Policy of Council to consider approval of automobile sales and service stations within the C-2 Zone according to the development agreement provisions of the <i>MGA</i> . In considering such an agreement, Council shall have regard to the following:	
a) The proposed use meets the C-2 Zone Requirements;	Complies (see staff report)
b) The height, bulk lot coverage, use, and appearance of any buildings are compatible with adjacent land uses;	Schedules “B” and “C”
c) Consideration is given to building design and the provision of barriers, berms, fences and/or landscaping as part of the development to minimize effect on adjacent land uses;	Complies Section 3.3.6 Schedules “B” and “C”
d) Parking and storage areas on each site are sufficient size to satisfy the needs of the particular development; that they are well designed and properly related to the building, landscaped areas and adjacent streets;	Complies Section 3.7.2
e) The proposal is consistent with the evaluation criteria for development agreements found in Policy I-1.12.	Complies

Appendix B: Summary of Evaluation Criteria: Policies I-1.12, I-1.13 and I-1.14

Policy I-1.12	
In considering development agreements, in addition to all other criteria set out in various policies of this planning strategy, Council shall have regard for the following matters:	
(a) The proposal is in conformance with the intents of this Strategy and with the requirements of all other Municipal by-laws and regulations;	Complies (see staff report)
(b) The proposal is not premature or inappropriate by reason of:	
i) the financial capability of the Municipality to absorb any costs relating to the development;	Complies (see staff report)
ii) the adequacy of sewer and water services to support the proposed development;	Complies (see staff report)
iii) the adequacy and proximity of school, recreation and other community facilities;	Not Applicable
iv) the adequacy of road networks adjacent to, or leading to the development; and	Complies (see staff report)
v) the potential for the contamination of watercourses or the creation of erosion or sedimentation.	Complies with conditions (see report)
c) The potential for damage to or destruction of historical buildings and sites.	Not Applicable
d) An erosion and sedimentation control plan prepared by a qualified individual or company;	Complies Section 3.2.1(c) and 4.2.1
e) A storm water management plan prepared by a qualified individual or company.	Complies Section 4.3

Appendix B: Summary of Evaluation Criteria: Policies I-1.12, I-1.13 and I-1.14 (Continued)

<p>Policy I-1.13 It shall be the policy of Council, when considering an application for a development agreement... that the agreement shall include but not be limited to the following:</p>	<p>Development Agreement Reference</p>
(a) the specified use and size of the structure... and the maximum floor area of additional or accessory uses;	Section 3.3.1
(b) the location of any structures within the development;	Section 3.3.1
(c) the percentage of land area that may be built upon and the size of yards, courts or other open spaces;	Subsection 3.3.1
(d) the external appearance of, in particular the compatibility with adjacent structures;	Schedule "C"
(e) access to streets and parking;	Sections 2.3.2 and 3.3.4
(f) the landscaping or buffering of development which may include fencing, trees, shrubs, walkways and outdoor lighting;	Sections 3.5
(g) signs;	Section 3.4
(h) open storage and screening;	Non permitted
(i) hours of operation	Section 3.7
(j) ongoing maintenance of the development	Section 3.6
(k) minimum lot sizes;	Subsection 3.3.2
(l) minimum area of land to be required for any class of use or size of structure;	Section 3.3.2
(m) regulating or prohibiting the use of land or the erection or use of structures except for such purposes as may be set out;	Subsections 3.3.1
(n) the maximum density of the population within the development;	Nor applicable
(o) any other similar matter that may be addressed in a Land Use Bylaw which Council feels is necessary to ensure the general compatibility of the use and structures with adjacent areas.	Remainder of Agreement

Appendix B: Summary of Evaluation Criteria: Policies I-1.12, I-1.13 and I-1.14 (Continued)

<p>Policy I-14 Council may require that any or all of the following information be submitted by the developer or property owner with respect to any proposed development that is subject to a development agreement:</p>	
<p>(a) details of the existing physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of lands;;</p>	<p>Subsections 2.3.3</p>
<p>(b) details of the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;</p>	<p>Schedules “B” and “C”</p>
<p>(c) for lands on which municipal servicing is not provided, information regarding the provision of water and sewage disposal;;</p>	<p>Not applicable. Municipal Services Provided</p>
<p>(d) details of the proposed access and egress to and from the lands and estimated traffic flows to be generated and parking provisions;</p>	<p>Subsection 2.3.2</p>
<p>(e) information regarding the intended hours of operation, open storage, signs; and</p>	<p>Part 3</p>
<p>(f) details regarding the provision of an appropriate landscape buffer or visual barrier, if required.</p>	<p>Schedules “B” and “C”</p>

THIS DEVELOPMENT AGREEMENT made this _____ day of _____, AD 2017,

BETWEEN:

MARBLE HOLDINGS LIMITED of 575 Marble Hill Road, Port Hood, Province of Nova Scotia (hereinafter called the “Developer”).

OF THE FIRST PART

-and-

MUNICIPALITY OF THE COUNTY OF ANTIGONISH, a body corporate, in the County of Antigonish, Province of Nova Scotia (hereinafter call the “Municipality”).

OF THE SECOND PART

WHEREAS the Developer has good title to lands known as PID _____, located off Beech Hill Road, Antigonish County in the Municipality of the County of Antigonish, Nova Scotia, and which said lands (hereinafter called the “Property”) are more particularly described in Schedule “A” of this Agreement;

AND WHEREAS pursuant to Part 16, subsection 1(c) of the *Antigonish Fringe Land Use By-law*, the Developer has requested permission to develop an Automobile service stations by Development Agreement on the Property;

WITNESS that in consideration of the sum of One Dollar (\$1.00) now paid by the Developer to the Municipality (the receipt of which is hereby acknowledged) the request to change the use of the Property is agreed upon by the Developer and the Municipality subject to the following:

PART 1: DEFINITIONS

1.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the *Antigonish Fringe Land Use By-law*, as amended from time to time. If a term is not defined in this document, its customary meaning shall apply.

1.2 Definitions Specific to this Agreement

Notwithstanding Section 1.1, the following words used in this Agreement shall be defined as follows:

Automobile Service Station means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils, diesel and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles. An automobile service station may include an automobile car wash and/or convenience store.

Phase of Development shall refer to the completion of an individual element of the development (either a building or the road) and include, where applicable, the landscaping and parking requirements associated with the specific element.

Pet Services means a facility which provides services for domestic pets, including pet grooming and self dog wash stations. Pet services must take place entirely within an enclosed building and do not include kennels, animal shelters, animal impounding facilities, or any overnight services.

2: GENERAL REQUIREMENTS

2.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

2.2 Applicability of the Land Use By-law

Except as otherwise stipulated by this Agreement, the development of the Property shall comply with the *Antigonish County Fringe Land Use By-law*;

2.3 Applicability of Other By-laws, Statutes, and Regulations

2.3.1 Subject to the provisions of this Agreement, the Developer shall be bound by all By-laws and regulations of the Municipality as well as by any applicable statutes and regulations of the Province of Nova Scotia;

2.3.2 Further to Subsection 2.3.1, the Developer shall receive any necessary approvals from the Department of Transportation and Infrastructure Renewal with respect to access to the site prior to any development or building permits being issued.

2.3.3 Further to Subsection 2.3.1, the Developer shall receive any necessary approvals from the Department of Environment with respect to any potential infilling of wetlands located on the site prior to any development or building permits being issued.

2.4 Conflict

2.4.1 Where the provisions of this Agreement conflict with those of any other applicable Municipal by-law (other than the *Subdivision* or *Land Use By-law* to the extent varied by this Agreement), or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

2.4.2 Where the written text of this Agreement conflict with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

2.5 Cost, Expenses, Liabilities, and Obligations

The Developer shall be responsible for all cost, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial, and Municipal laws, by-laws, regulations, and codes applicable to the Lands.

2.6 Provisions Severable

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.

PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms to this agreement and the following Schedules attached to this Agreement.

Schedule A	Legal Description of the Land
Schedule B	Concept Plan
Schedule C	Building Elevations

3.2 Requirements Prior to Approval

3.2.1 No municipal development or construction permit shall be granted unless:

- a) The Developer has submitted a Lot Grading Plan that has been prepared in accordance with the requirements of Section 4.2 of this Agreement, and the plan has been approved by the Antigonish County Municipal Engineer;
- b) The Developer has submitted a Site Servicing Plan that has been prepared by a Professional Engineer, and the plan has been approved by the Antigonish County Municipal Engineer. This plan shall include statements reflecting the following:
 - (i) the Developer shall install any necessary new sewer lines from the existing Municipal sanitary lines to the new buildings separate from any existing sewer lines. These new sewer lines shall meet the standards found in the *Municipal Services Systems General Specifications Pursuant to the Subdivision By-law*, and;
 - (ii) the Developer shall install any necessary new water lines from the existing Municipal water lines to the new buildings separate from any existing water lines. These new water lines shall meet the standards found in the *Municipal Services Systems General Specifications Pursuant to the Subdivision By-law*.
- c) The Developer has submitted an Erosion and Sedimentation Control Plan that has been prepared in accordance with the requirements of Section 4.2 of this Agreement, and signed off by their Engineer as complying with the Department of Environment's guidelines.
- d) The Developer has submitted a Landscape Plan that has been prepared in accordance with the requirements of Section 3.5 of this Agreement, and has been approved by the Development Officer.

3.2.2 Prior to the completion of a final Municipal Occupancy inspection for any building, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- a) Verification that all landscaping for the subject phase of development is substantially completed or a security provided in accordance with the requirements of Clause 3.5.5.
- b) Verification that all paving, curbing and line painting for the subject Phase of Development is substantially completed, or a security provided in accordance with the requirements of Clause 3.5.6

3.2.3 Notwithstanding any other provisions of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipal unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

3.3.1 The use of the Land permitted by this Agreement shall be a carwash including a pet services station as an accessory and optional use to the main use, as shown on Schedule B: Concept Plan.

3.3.2 Subject to the requirements of the *Antigonish County Subdivision By-law* with the exception of requirements related to access and frontage the Development Officer may approve the lot

shown on Schedule B, with access provided by a minimum 20 foot wide right-of-way subject to approvals from Department of Transportation and Infrastructure Renewal as required in Subsection 2.3.2.

- 3.3.3 The location of the Building shall be governed by the Concept Plan.
- 3.3.4 All parking, circulation, loading, and access areas shall be hard-surfaced with asphalt, concrete, or an equivalent material.
- 3.3.5 All parking, circulation, loading, and access shall be defined by curbs, or for the purpose of on-site storm water collection, a similar barrier to clearly define the edge of the paved area for motorists.
- 3.3.6 The Architectural design of the car wash shall be as shown in Schedule C: Elevations.

3.4 Commercial Site Lighting and Signage

- 3.4.1 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots, and buildings and shall use metal halide, incandescent or fluorescent lighting (white light) or similar lights. Low-pressure sodium lights are not permitted.
- 3.4.2 The Developer shall include lighting details on the detailed plans submitted for Development Permits when submitted to the Development Officer for review to determine compliance with this Agreement.
- 3.4.3 Fascia wall signs shall be as shown in Schedule C: Elevations.
- 3.4.4 Notwithstanding Subsection 3.4.3 above the developer will be permitted one ground sign in conformance with the requirements of the Part 7: Signs of the Antigonish Fringe Area Land Use By-law.

3.5 Landscaping

- 3.5.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specification and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.5.2 Prior to the issuance of a Development Permit, the Developer shall submit a detailed landscaping plan to the Development Officer for review to determine compliance with this Agreement. This landscaping plan shall include, but not be limited to, the following:
 - a) Landscaping to be introduced to all areas disturbed during construction; and
 - b) Natural vegetation, landscaping or screening to be employed around the carwash, against blank walls and against any retaining walls incorporated into the site plan.
- 3.5.3 All disturbed areas shall be re-instated to original condition or better with landscaping.
- 3.5.4 Prior to the issuance of the Occupancy Permit for the Development, the Developer shall submit to the Development Officer a letter certifying that all landscaping has been completed according to the terms of the Agreement.
- 3.5.5 Notwithstanding Section 3.5.4, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent (110%) of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing

of the Canadian Society of Landscape Architects or Qualified Person. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically-renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the landscape plan, as approved by the Development Officer. Should the Developer not complete the landscaping within twelve (12) months of the issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

- 3.5.6 Securities for the completion of outstanding on-site curbing, painting and line painting (at the time of the issuance of the first Occupancy Permit) may be permitted. Such securities shall consist of a security deposit in the amount of 110 percent (110%) of the estimated cost to complete the work. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically-renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed.

3.6 Maintenance

- 3.6.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal, snow an dice control, and the salting of walkways and driveways.

3.7 Hours of Operation

Hours of operation shall be 24 hours a day, seven days a week.

PART 4: STREETS, MUNICIPAL SERVICES, AND ENVIRONMENTAL PROTECTION

4.1 Off-Site Disturbance

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to streets, sidewalks, curbs and gutters, street trees, landscaped areas, and utilities shall be the responsibility of the Developer, and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.2 Erosion and Sedimentation Control and Grading Plans

- 4.2.1 Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated with offsite works, the Development shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plan shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

4.3 Storm Water Management

- 4.3.1 All private storm water facilities shall be maintained in good order to maintain full storage capacity by the owner of the lot on which they are situated.
- 4.3.2 Where private storm systems cross multiple properties, the Developer shall provide easements in favour of the affected properties to permit the flow of storm water.

PART 5: AMENDMENTS

5.1 Non-Substantive Amendments

- 5.1.1 The following items are considered by both parties to be non-substantive and may be amended by resolution of Council:
 - a) The granting of an extension to the date of commencement or completion of construction as identified in Section 6.3 of this Agreement; and,
 - b) Amendments to the development standards in Section 3.4.1 of this Agreement.

5.2 Substantive Amendments

Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Municipal Government Act*.

PART 6: REGISTRATION, EFFECT OF CONVEYANCES, AND DISCHARGE

6.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Antigonish, Nova Scotia and the Developer shall incur all costs in recording such documents.

6.2 Subsequent Owners

- 6.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees, and all subsequent owners, and shall run with the Lands that are the subject of this Agreement until this Agreement is discharged by Council.
- 6.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

6.3 Commencement of Development

- 6.3.1 This agreement or portions of it may be discharged at the discretion of the Municipality with or without the concurrence of the property owner if construction has not commenced within two years and/or construction has not been completed within five years of the signing of the agreement.
- 6.3.2 For the purpose of this section, Council may consider granting an extension of the commencement or completion of development time period through a resolution under Section 5.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

6.4 Completion of Development

6.4.1 This agreement may be discharged at the discretion of the Municipality upon the completion of the project and the satisfactory fulfillment of the terms of the agreement.

PART 7: ENFORCEMENT, AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer.

7.2 Failure to Comply

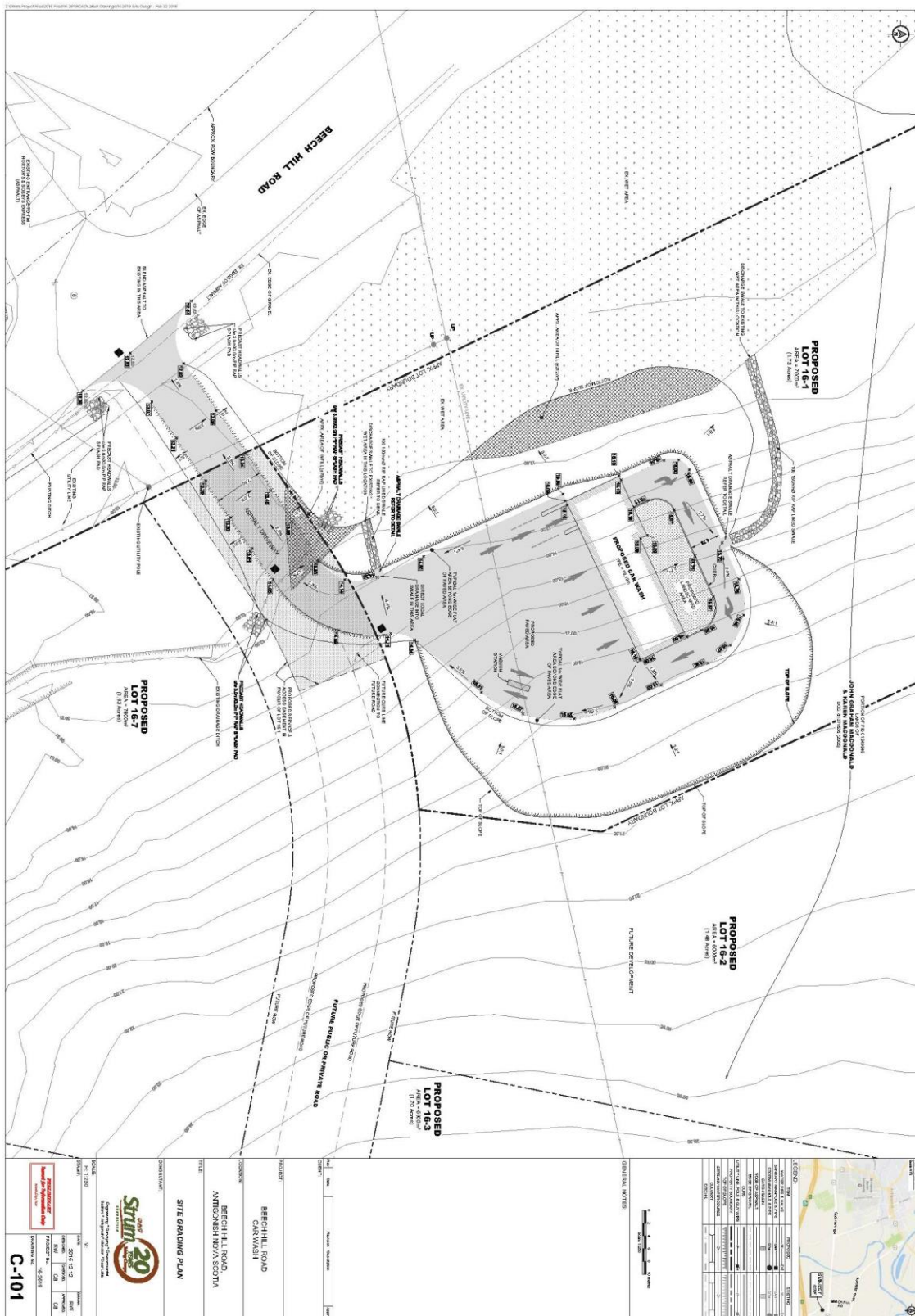
If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:

- a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunction relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a break of the Agreement, whereupon all reasonable expenses, whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the Assessment Act; or,
- c) The Municipality may, by resolution, discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this ____ day of _____, 2017.

Schedule "A" – Legal Description of the Land

Schedule "B" – Concept Plan



Schedule "C" – Elevations

<p style="text-align: center;">1 WEST ELEVATION SCALE: 1/8" = 1'-0"</p>	<p style="text-align: center;">3 EAST ELEVATION SCALE: 1/8" = 1'-0"</p>
<p style="text-align: center;">2 SOUTH ELEVATION SCALE: 1/8" = 1'-0"</p>	<p style="text-align: center;">4 NORTH ELEVATION SCALE: 1/8" = 1'-0"</p>

<p>PROJECT: BEECH HILL CAROLASH</p> <p>ARCHITECT: architect & interior architects ltd.</p> <p>DATE: 2013</p>	<p>SCALE: 1/8" = 1'-0"</p> <p>DATE: APR 2016</p> <p>STATUS: REVISED</p> <p>CLIENT: ARCHITECT</p>	<p>CONTRACTOR'S NO.: 256100107</p> <p>PROJECT NO.: 159</p> <p style="font-size: 2em; font-weight: bold; text-align: center;">A3</p>	<p>EXTERIOR ELEVATIONS</p> <p>PROJECT: BEECH HILL ROAD</p> <p>LOCATION: ANTICONSIL, NOVA SCOTIA</p> <p>DATE: APRIL 2016</p> <p>STATUS: REVISED</p> <p>CLIENT: ARCHITECT</p>
---	--	---	---



NOVA SCOTIA
Municipal Affairs
Office of the Minister



MAR 28 2017

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902 424-5550 Fax 902 424-0581 • novascotia.ca

MAR 23 2017

Deputy Mayor Laurie Murley
President of Union of
Nova Scotia Municipalities
Suite 1304, 1809 Barrington Street
Halifax, NS B3J 3K8

Dear President Murley:

Re: 12 Month Notice Under the *Municipal Government Act*

Under the provisions of the *Municipal Government Act*, the Minister of Municipal Affairs must provide to the Union of Nova Scotia Municipalities 12 months notice of any provincial legislation, regulation or administrative actions that could have the effect of decreasing revenues or increasing the required expenditures of municipalities.

This letter is intended to provide notice of such changes for fiscal year 2018-19 and beyond. The Department of Municipal Affairs (DMA) canvassed provincial departments to seek information on plans for legislative, regulatory and policy changes in the coming fiscal year. The following is a summary of the results of that survey.

Department of Justice

• **Biological Casework Analysis Agreement**

The Biological Casework Analysis Agreement provides Nova Scotia's municipalities with DNA analysis arising from criminal investigations. DNA analysis is an important and affordable service that helps solve crimes. The expected cost to Nova Scotia in 2017-18 and 2018-19 is \$724,334.26 compared to \$988,849.89 in 2016-17. This temporary reduction in cost is due to lower-than-anticipated expenses resulting from the consolidation of the lab. It is expected that the cost of the service post 2018-19 will return to the 2016-17 level as consolidation is now complete.

The proration of the cost to municipalities will be reassessed annually upon DMA's release of the "Total Uniform Assessment" for the current fiscal year.

- **Legalization of Cannabis**

There is a possibility that the federally directed legalization of cannabis could have implications for municipalities in 2018-19 and beyond in areas such as municipal policy and policing/by-law enforcement. Until there is clarity around the federal, and subsequent provincial legislative and regulatory frameworks, no specific implications can be identified.

DMA is on the inter-departmental working group on cannabis legalization and will be leading municipal engagement as the issue unfolds.

Nova Scotia Environment (NSE)

- **Cap and Trade Program for Greenhouse Gas Emissions**

NSE is leading the development of a cap and trade system for provincial Green House Gas emissions. While it does not anticipate direct municipal impacts, municipalities may be interested in understanding the broader impacts of cap and trade. NSE will work with DMA to provide opportunities to further engage municipalities on this matter.

- **Drinking Water Requirements**

Manganese is currently an aesthetic parameter in drinking water, which means treatment is not mandatory. Health Canada consulted on, and subsequently approved, making manganese a health-related parameter for drinking water. The federal guideline will be published later this year. Once this happens, it will become a provincially regulated limit for drinking water.

Municipalities are already required to sample for manganese; however, when it becomes a health-related parameter they will be required to treat for it, if they do not meet the newly established limit. Once the limit is in place NSE will expect municipalities to complete an evaluation to see if they meet the new limit and if they do not, to develop a plan to meet it. Based on 2015 data it is expected that this change will affect three of the 83 water treatment facilities. There will be a compliance period during which municipalities, in consultation with NSE, will be able to plan for required upgrades.

Department of Municipal Affairs

- **Uniform Assessment**

Uniform Assessment (UA) measures a municipality's tax base, including the total taxable property assessment plus the capitalized value of grants a municipality receives from special property tax arrangements. UA is used to calculate municipal education contributions, municipal contributions to corrections, and the Municipal Equalization Grant.

The UA calculation is currently being reviewed to consider the following:

- Inclusion of the Conservation Property Grant: This grant is provided by the Province to municipalities in lieu of taxes for qualifying “conservation properties” as outlined in the *Conservation Property Tax Exemption Act*. Currently there are 22 municipalities that receive this grant in lieu.
- Removal of Water Utilities: The current UA calculation provides a credit for water utilities under the assumption that municipalities do not tax their water utility; however, in a few cases it has been noted that the municipalities do in fact tax their water utilities.

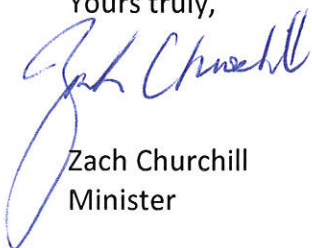
Municipal contributions to education are determined by applying a tax rate, set by the Department of Education, to the UA. If the UA calculation is updated accordingly, total municipal contributions to education would increase.

- **Joint Municipal Accountability and Transparency Committee (JMAT)**

The Joint Municipal Accountability and Transparency Committee was established to ensure mechanisms are in place to support the requirement of transparency and accountability to the public concerning municipal expenses. The committee is in the process of finalizing recommendations, with anticipated changes to the MGA in phases. Phase one will be this spring with anticipated amendments, including posting municipal expenses online, having no material financial impact on municipalities. Other recommendations are subject to further consultation, and may be brought forward and have impacts in the 2018/19 year.

As you know, all government departments continue to review programs that could affect municipalities, particularly those that would decrease revenues or increase the required expenditures of municipalities. As potential impacts are identified, notice will be provided to municipalities. Please let Kelliann Dean, Deputy Minister, Department of Municipal Affairs, know if you have any concerns or questions regarding the information contained in this 12 month notice.

Yours truly,



Zach Churchill
Minister

- c Honourable Diana Whalen, Minister of Justice
Honourable Margaret Miller, Minister of Nova Scotia Environment
Kelliann Dean, Deputy Minister of Municipal Affairs

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: Councillor Gary Mattie, VICE-CHAIR
SUBJECT: ACTIVE TRANSPORTATION ADVISORY COMMITTEE REPORT
DATE: March 28, 2017

The Active Transportation Advisory Committee was convened at 6:30pm on March 28, 2017. The following members were present:

Councillor John Dunbar, Meeting Chair
Dale Bogle
Jack Beaton
Monica Schuegraf
Eric Lumsden, member at large
Marlene Melanson, Director of Recreation
Meaghan MacNeil, Physical Activity Coordinator

Regrets: Councillor Remi Deveau
Councillor Gary Mattie

No Recommendations were made

The following items were discussed:

- Thoughts/concerns of the AT Plan
 - Possibility of immediate action on safety and awareness for biking and walking in the community
 - Noted that both Town and County are included within the plan. In moving forward, both municipalities would benefit in partnering on some initiatives
 - Committee needs to determine what is possible within the AT plan before moving forward with discussions
- AT Workshop
 - Proposal to host an AT Workshop for committee members and other key community stakeholders
 - Workshop will present an overview of AT and AT awareness. In addition to several local 'best practices' in AT
 - The workshop will introduce AT Plan to participants and begin their initial steps towards a timeline of actions
 - Tentative date: June 5th or 6th
- Eric Lumsden gave an overview of past and current provincial efforts within the province
- Dale Bogle introduced the Passport Program. The program is a great way to have community groups experience Antigonish County through active transportation while showcasing the beautiful outdoor areas of our region.

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: COMMITTEE OF THE WHOLE REPORT
DATE: April 4th, 2017

The Committee of the Whole was convened at 5:30pm on Tuesday, April 4th, 2017. The following Councillors were present:

Warden Boucher
Councillor MacLellan
Councillor MacDonald
Councillor Stewart
Councillor Chisholm
Councillor Dunbar
Councillor Mattie
Councillor MacFarlane

Regrets: Councillor Deveau

The following recommendations were made

- The Committee recommends that Municipal Council approve the signing of a contribution agreement with Parks Canada's National Cost-Sharing Program for Heritage Places for the funding of a project pertaining to the Antigonish County Court House National Historic Site of Canada.
- The Committee recommends that Municipal Council approve the Special District Grant balance carry-over for priorities as identified by each Councillor.
- The Commission recommends that Municipal Council purchase an advertisement at a cost of \$289 in the 2017 Northumberland and Eastern Shore Area Guide.

EASTERN REGION SOLID WASTE MANAGEMENT COMMITTEE
Thursday, January 26, 2017 9:30 A.M.
GUYSBOROUGH WASTE MANAGEMENT FACILITY

Vice Jackie Dort called the meeting to order at 9:30 am.

ATTENDANCE:

01-26-2248

Vice Chair, Deputy Warden Jackie Dort, St. Mary`s District
Councillor Jack MacPherson, Town of Antigonish
Councillor Sheila Brophy, Town of Mulgrave
Councillor Donnie MacDonald, County of Antigonish

OTHERS PRESENT:

Nicole Haverkort, ERSWM Coordinator
Kevin O`Handley, Compliance Officer

ABSENT WITH REGRETS

Chair, Warden Vernon Pitts, District of Guysborough
Gary Cleary, Guysborough Director of Waste Management

Performance Evaluations

01-26-2249

Nicole Haverkort noted that her performance will be up for review next year. Councilor Dort reminded Nicole that a motion was passed last year that employees with more than 5 years require a performance evaluation every two years. The evaluation for Kevin O`Handley will be completed by Nicole before the next meeting. It was agreed upon by the Committee to follow-up at the next regular meeting scheduled for February 23, 2017.

APPROVAL OF AGENDA:

01-26-2250

MOVED: Councillor Donnie MacDonald

SECONDED: Councillor Jack MacPherson

MOTION: **THAT** the Eastern Region Solid Waste Management Committee approves the agenda for January 26, 2017. **MOTION CARRIED**

ELECTION OF CHAIR AND VICE CHAIR:

01-21-2251

Nicole Haverkort opened the floor for nominations for the position of Chair for ERSWM. Warden Vernon Pitts was nominated. Although Warden Vernon Pitts was not present at the meeting, he expressed his interest to remain as Chair of the Committee if he was

Eastern Region Solid Waste Management Committee

nominated. Nicole called three more times for nominations, Councillor Jack MacPherson called that nomination cease.

MOVED: Councillor Jack MacPherson

SECONDED: Councillor Sheila Brophy

MOTION: **THAT** Vernon Pitts be re-elected for Chair of the Eastern Region Solid Waste Management Committee. **MOTION CARRIED**

Nicole Haverkort opened the floor for nominations for the position of Vice Chair for ERSWM. Deputy Warden Jackie Dort was nominated. Nicole called three more times for nominations from the floor, no more were made. Councillor Sheila Brophy called that nominations cease.

MOVED: Councillor Sheila Brophy

SECONDED: Councillor Donnie MacDonald

MOTION: **THAT** Jackie Dort be re-elected as Vice Chairs of the Eastern Region Solid Waste Management Committee. **MOTION CARRIED**

APPROVAL OF MINUTES:

01-26-2252

MOVED: Councillor Jack MacPherson

SECONDED: Councillor Donnie MacDonald

MOTION: **THAT** the Eastern Region Solid Waste Management Committee approves the minutes of November 24, 2016 as presented with no noted errors or omissions. **MOTION CARRIED**

BUSINESS ARISING FROM MINUTES:

01-26-2253

a. Disposal Review

Nicole Haverkort informed the committee that work was still being done on the Disposal Review. Nicole also shared a power point presentation of the charts completed so far. Councillors agreed that there was some good information in the presentation. Committee members requested a copy of graphs.

NEW BUSINESS

01-26-2254

a. One Time Funding

Nicole Haverkort reviewed some of the work of the Regional Chairs over the last year to bridge funding gaps. Nicole referred to the letter sent to the Regional Chairs and Divert NS from the Minister. NSE will provide \$700,000 to be split evenly between the seven regions. Divert NS will provide these funds from the 2016-17 forecast surplus. Not exactly what was requested but funding to assist with this current year.

Eastern Region Solid Waste Management Committee

Options need to be discussed for distribution. As part of this conversation for consideration. Nicole also brought forth for discussion, that the Compliance position is in need of a truck to safely and effectively carry out duties. Acting Chair Jackie Dort suggested that a five-year plan be put together to provide Committee with an estimate of the cost of having a vehicle over that time period. This and options for payment to be brought to the next meeting for further consideration.

b. Divert NS Champion of the Environment Scholarship

Nicole Haverkort noted that changes have been made to the annual Nova Scotia Recycles contest for students. Divert NS has decided to focus on school classroom resources for P-6 but will continue with the Grade 12 research essay contest. The process will be the same for the research essay but there is another added component to the contest. The grade 12 students will also have to give examples of how they are champions of the environment day-to-day besides just providing the research for their paper. The banquets will not be held in each Region but where possible someone will attend the graduation ceremonies to provide the scholarship to the winning students. Students will also be highlighted through social media and the provincial winner will likely be asked to share their research at the Divert NS AGM.

REGIONAL CHAIRS UPDATE

01-26-2255

a. Compost Maturity Guidelines

Nicole Haverkort informed the Committee that a letter was sent to the Minister by the Regional Chairs concerning Compost Facility guidelines. In the reply it was noted that if any existing facility makes a change to their operation that requires a change to the approval it will trigger the requirement to follow new (2010) guidelines. Guysborough facility is looking at making significant changes and will have to follow the 2010 guidelines.

b. Budget Process

Nicole Haverkort referred to the letter that was sent to the Minister through the Regional Chairs. Currently there is no requirement for regions to be notified or communicated with during the budget process when changes are planned for funding programs that impact municipal/regional budgets. Changes only become known at the June AGM. The reply from Andrew Murphy directed that the Regional Coordinators continue to work with DIVERT NS staff.

c. Efficiency Study

Nicole Haverkort stated that the Minister recommended the efficiency study. The Regional Chairs instructed the Priorities Group to be the lead group on the study and to move ahead with it. Stephen Rayworth is the project lead. Priorities will report to the Regional Chairs. The terms of reference for the request for proposals was developed by the group. They want to get started in February. It is important that the contractor also identify how we are already efficient plus suggestions for

Eastern Region Solid Waste Management Committee

improvement. This could include suggestions for change to operations, possibly combining collection contracts, etc. Then if EPR for packaging and paper is regulated in this province we'll be better prepared to meet with industry to negotiate. Ideally the study and regulation for EPR would happen concurrently since it'll take at least 3 years after the regulation for the program to come into full effect with funds to the municipalities. However, it still appears to be stalled, maybe the study will cause some momentum.

d. Communication

Nicole Haverkort shared a draft power point presentation that the Regional Coordinators are working on to share with the Regional Chairs Committee that will also be available to Councils. It reviews some of the history and where we are today. The presentation is almost complete and will be presented to the Regional Chairs. The presentation was well received by the committee members which covered topics such as the Successes through Partnership, Recycling, Regional Experience, Regional Coordinators, NS Solid Waste Communication Framework, Solid Waste Stakeholders in NS, Part of the Bigger Picture and Challenges.

ERSWM Program Funding Updates

01-26-2256

a. Litter Incentive Funding

Nicole Haverkort noted that she is working to finalize the list from Antigonish County.

b. Community Bin Funding

Nicole Haverkort noted that there were no changes or any new requests for Community Bin Funding.

c. MAP

Nicole Haverkort noted that there were no new requests for MAP Funding.

REGIONAL COMPLIANCE

01-26-2257

a. Compliance Update

Compliance officer Kevin O`Handley updated the Committee on activities that he conducted within the municipal units. Curbside Audits focusing on green carts are almost complete in the Town of Antigonish. There is an active Illegal Dumpsite in Guysborough. Landfill inspections are showing good results of compliance. A total of 21 warning letters sent out and 3 business visits will take place in the near future.

MOVED: Councillor Jack MacPherson
SECONDED: Councillor Sheila Brophy
MOTION **THAT** the Eastern Region Solid Waste Management Committee accept the Compliance Report as presented by Kevin O`Handley. **MOTION CARRIED**

Eastern Region Solid Waste Management Committee

b. Camera Opportunity

Nicole Haverkort noted that through a program sponsored by Divert NS, a security camera may be available to our region for a period of two months. The location for this camera will have to determine at a later date. If anyone has suggestions of an active illegal dump site please let us know.

OTHER ITEMS

01-26-2258

a. School of the Month

Nicole Haverkort noted that Divert NS have started a new program called School of the Month and it will run for 9 months. Nicole also noted that Chedabucto School in Guysborough agreed to participate in the program in November. Nicole showed pictures of the students participating in different events such as recycling and helping with the harvest of the garden at the Guysborough Waste Facility. The write up and pictures were shared through facebook.

b. School Resources

Nicole Haverkort noted that Divert NS is creating school resources. The first is a school waste audit form. The form is available online from their website. They are encouraging students to participate within their schools and to be involved with such things as Waste Audits, recycling and helping students identify whether key areas have proper sorting bins. They are also working on curriculum based classroom resources. These will also be posted to their website for teachers to use themselves or request the assistance of their local educator. One example includes an interactive game. The committee thought this was a great idea.

c. Pharmacy Letter

Nicole Haverkort mentioned that there have been two recent incidents with workers involving sharps within the regions. The committee agreed that Nicole send a letter following the draft from Colchester that she referenced to be sent to all pharmacies concerning the safe handling of sharps.

Budget

01-26-2259

a. 2016-2017 Update

Nicole Haverkort circulated a copy of the 2016-2017 Budget and spoke on topics. Nicole also explained the Financial Liabilities portion of the budget. There were no questions from committee members.

b. 2017-2018 Budget Review

Nicole Haverkort circulated a copy of the 2017-2018 Budget and explained the budget in detail to the committee. Nicole also explained each municipal units

Eastern Region Solid Waste Management Committee

contributions based on the shortfall with the enforcement funding. Nicole will also send out a final draft to each municipality.

c. Diversion Credits

Nicole Haverkort noted that she is still has not received all the information needed to complete the Diversion Credits final draft.

MUNICIPAL UPDATES

01-26-2260

Guysborough

Director of Waste Management Gary Cleary attached a copy of his report to the meeting package.

Antigonish Town

Councillor Jack MacPherson reported the Christmas Tree Mulching Project was a great success. Jack also noted that he was asked by ST FX student Mikala Henderson if Antigonish Waste Management Committee were interested in being involved with the "Trading Treasures Project" this year. Jack will speak to Mikala concerning the project.

St. Mary`s District

Deputy Warden Jackie Dort had nothing to report.

Town of Mulgrave

Councillor Sheila Brophy had nothing to report.

Antigonish County

Councillor Donnie MacDonald had nothing to report.

MOVED: Councillor Sheila Brophy

SECONDED: Councillor Donnie MacDonald

MOTION: THAT the Eastern Region Solid Waste Management Committee accept the municipal updates as presented by the councillors. **MOTION CARRIED.**

CORRESPONDANCE

01-26-2261

The Eastern Region Solid Waste Management Committee have agreed that Nicole Haverkort write a letter of thanks to the Kinsmen Club of Antigonish for their participating in the Christmas Tree Mulching Project.

SCHEDULE NEXT MEETING DATE

01-26-2262

The next meeting is scheduled for Thursday, February 23, 2017 at 10:00 am. This meeting will take place at the Guysborough Waste Management Facility.

Eastern Region Solid Waste Management Committee

ADJOURNMENT:

MOVED : Councillor Sheila Brophy

MOTION: **THAT** The Eastern Region Solid Waste Management Committee stand adjourned. **MOTION CARRIED. (11: 55 am)**

Approved March 16, 2017.

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

PROCLAMATION

Access Awareness Week

WHEREAS, **Access Awareness Week** came out of the Rick Hansen “Man In Motion Tour” from 1985-1987; and,

WHEREAS, **Access Awareness Week** is celebrated in town and cities across Canada each year during the last week of May; and,

WHEREAS, **Access Awareness Week** aims to celebrate the achievements made both by and for people with disabilities in the areas of accessibility, transportation, housing, employment, recreation, education, communication, and so forth.

Therefore, be it resolved that I, Russell Boucher, Warden of the Municipality of Antigonish County, do hereby proclaim the week of May 28th, 2017 to June 3rd, 2017 as

“Access Awareness Week”

in the County of Antigonish, Nova Scotia.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the Municipality of the County of Antigonish to be affixed this 18th day of April, 2017.

Russell Boucher

Warden of the Municipality of the
County of Antigonish

