

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

COUNCIL MEETING AGENDA

Monday, January 13, 2020, 7:30 pm

Council Chambers

Municipal Administration Building

285 Beech Hill Road

Beech Hill, NS B2G 0B4

1. Call to Order- Chairman, Warden Owen McCarron
2. Approval of Agenda
3. Approval of Municipal Council Minutes
4. Business Arising from Minutes
5. Presentations
 - a. Sonia Smith - Home Warming Support Program
6. Correspondence
 - a. Nova Scotia Department of Fisheries and Aquaculture - Atlantic Fisheries Fund
 - b. KV Electrical - Letter of Concern to Antigonish Farmer's Market Regarding Procurement Process
 - c. Minister of Municipal Affairs via NSFM - 12-month Notice MGA and Police Act
7. Committee Reports
 - a. January 9, 2020 - Joint Police Advisory Board Report
 - b. January 13, 2020 - Committee of the Whole Report
8. Reports from Individual Council Members on Outside Boards, Conferences, and Community Activities
9. Motions
10. Miscellaneous Business
11. Adjournment

MUNICIPALITY OF THE COUNTY OF **ANTIGONISH**

Municipal Council Meeting- Minutes

Tuesday, December 17, 2019

7:30 pm

Councillors Present:

Warden Owen McCarron

Deputy Warden Hugh Stewart

Councillor Mary MacLellan

Councillor Donnie MacDonald

Councillor Vaughan Chisholm

Councillor John Dunbar

Councillor Neil Corbett

Councillor Bill MacFarlane

Regrets:

Councillor Remi Deveau

Councillor Gary Mattie

Staff Present:

Glenn Horne, Clerk-Treasurer

Beth Schumacher, Deputy Clerk

Tammy Feltmate, Director of Sustainable
Communities

Allison Duggan, Director of Finance

Also Present:

Corey LeBlanc, The Casket
Gallery

Matt Draper, 98.9XFM

Greg Morrow, 101.5 The Hawk

Call to Order- Chairman, Warden Owen McCarron

Warden McCarron called the meeting to order at 7:30 pm.

Approval of Agenda

Warden McCarron called for any additions or deletions to the agenda. One addition was made under Business Arising: Discussion about Intersection.

Min # 2019-162

MOVED by Deputy Warden Stewart

SECONDED by Councillor Corbett

That the agenda be approved as amended.

Motion Carried

Approval of Municipal Council Minutes

Warden McCarron called for any errors or omissions in the minutes from the meetings of Municipal Council held on November 19th and December 9th.

Approval of November 19, 2019 Municipal Council Minutes

Min # 2019-163

MOVED by Councillor MacDonald

SECONDED by Councillor MacLellan

That the Municipal Council Minutes of November 19, 2019 be approved.

Motion Carried

Approval of December 9, 2019 Municipal Council Minutes

Min # 2019-164

MOVED by Councillor Corbett

SECONDED by Councillor Chisholm

That the Municipal Council Minutes of December 9, 2019 be approved.

Motion Carried

Business Arising from Minutes

There was no business arising from the minutes.

Update about the Trunk 4 and Beech Hill Road Intersection

Mr. Horne provided members of Council with an update regarding the actions that have taken place since the emergency Council meeting that took place on December 9, 2019. Mr. Horne noted that an accident occurred at the intersection on December 16th.

Staff has been in touch with officials from the DTIR, and provided information from an informal response from DTIR on actions they are looking to take. An opportunity was provided for members of Council to provide their comments and input. Councillors voiced concern that Provincial elected representatives had not attended the meeting, and the reluctance to put interim measures in place until a longer-term solution is in place, and the lack of urgency in acting to make changes at the intersection. Council was pleased to hear that DTIR was looking to reduce the speed limit and install rumble strips, but no timelines were given for that work. It was still hoped that stop lights would be installed.

Staff was asked what the report on the study of the intersection noted; the report done by the Province has not been shared with the Municipality. Members of Council who have heard from those involved

in the recent accidents shared the comments and stories shared by those drivers. Warden McCarron noted that the Municipality would continue to look to meet with the local provincial elected representatives to discuss the intersection and stress the importance of the intersection.

Presentations

Fire Department AED Presentations

Representatives from several local fire departments were on hand to received AEDs, to be installed at local fire halls that are used as community gathering spaces. Members from the departments of North Shore, 4 Valleys, Aulds Cove, Tracadie, and Antigonish County were on hand. Photographs were taken.

Presentation of Municipal Employee Service Recognition

Warden McCarron presented Deputy Clerk Beth Schumacher with a certificate recognizing five years of service with the Municipality. Photographs were taken.

Correspondence

Mr. Horne reviewed the correspondence received and noted that a thank-you card was also received from Chez Deslauriers.

Committee Reports

December 3, 2019 Asset Management Committee

Min # 2019-165

MOVED by Councillor MacFarlane

SECONDED by Councillor MacDonald

That Municipal Council approve the replacement of two sewer pumps in the lift stations in Mount Cameron.

Motion Carried

Min # 2019-166

MOVED by Councillor MacFarlane

SECONDED by Councillor Dunbar

That Municipal Council award the tender for the Municipal Administrative Officer condenser unit replacement to Carmichael Engineering at a bid price of \$71,693 + HST.

Motion Carried

December 3, 2019 Committee of the Whole

Min # 2019-167

MOVED by Deputy Warden Stewart
SECONDED by Councillor MacFarlane

That Municipal Council appoint Mike Stewart as the representative on the Antigonish Arena Management Board.

Motion Carried

Min # 2019-168

MOVED by Deputy Warden Stewart
SECONDED by Councillor MacLellan

That Municipal Council makes a \$20,000 donation to the St. Joseph's Community Centre to enable them to purchase the land that the community centre sits on.

Motion Carried

Min # 2019-169

MOVED by Councillor MacDonald
SECONDED by Councillor Chisholm

That Municipal Council provide the Antigonish Affordable Housing Society with a contribution of \$100,000 over five (5) years, for the proposed development on Appleseed Drive, contingent on the rest of the funding being secured and construction work being tendered

Motion Carried

Min # 2019-170

MOVED by Councillor Corbett
SECONDED by Councillor MacLellan

That Municipal Council hire Maria Fraser as Physical Activity Coordinator, to be for a term from December 9, 2019 to May 8, 2020

Motion Carried

Min # 2019-171

MOVED by Deputy Warden Stewart
SECONDED by Councillor Dunbar

That Municipal Council support the awarding of the Sport Hub design contract to Laura Duggan, Independent Consultant

Motion Carried

December 4, 2019 Joint Town and County Council Advisory Committee

Min # 2019-172

MOVED by Deputy Warden Stewart
SECONDED by Councillor MacDonald

That the full-time position of Emergency Management Coordinator be created and advertised for a two-year contract.

Motion Carried

December 17, 2019 Committee of the Whole

Min # 2019-173

MOVED by Councillor MacFarlane
SECONDED by Councillor Corbett

That Municipal Council approve budgeting a contribution of \$19,000 towards the production of *Dawn, her Dad and the Tractor* in the 2020/2021 budget, conditional upon the production receiving the funding requested from the Town of Antigonish.

Motion Carried

Min # 2019-174

MOVED by Councillor Corbett
SECONDED by Councillor MacFarlane

That Municipal Council approve changing the regular Council night from the third Tuesday of each month to the second Monday of each month, changing the regular Committee of the Whole meetings from the first and third Tuesday of each month to the second and fourth Monday of each month, and the regular Asset Management meetings from the first Tuesday of each month to the fourth Monday of each month.

The Committee further recommends that Municipal Council approve amending the applicable policies and terms of reference noting these meeting dates to reflect this change.

Motion Carried

Min # 2019-175

MOVED by Deputy Warden Stewart
SECONDED by Councillor Chisholm

That Municipal Council provide a contribution of \$2500 to the Antigonish Food Bank.

Motion Carried

Min # 2019-176

MOVED by Deputy Warden Stewart
SECONDED by Councillor MacDonald

That Municipal Council re-appoint Jim MacIntyre as the rep on the Eastern Mainland Housing Authority.

Motion Carried

Min # 2019-177

MOVED by Councillor MacLellan
SECONDED by Councillor Corbett

That Municipal Council provide Councillor Mattie with an excused absence from the December 2019 regular Council Meeting for medical reasons.

Motion Carried

Min # 2019-178

MOVED by Councillor Corbett
SECONDED by Councillor MacLellan

That Municipal Council award the contract for the Inter-Municipal IT Asset Inventory, Assessment & Action Plan be awarded to IMP solutions at a bid price of \$61,050.

Motion Carried

Reports from Individual Council Members on Outside Boards, Commissions

Councillor Dunbar

- Attended a meeting of the Antigonish Community Transit Society, filling in for Councillor Mattie. They discussed their five-year business plan, ridership is reported to be up, and the book-a-ride program continues to be a success.

Councillor MacFarlane

- Attended meeting with Department and Infrastructure Renewal officials at 11am on December 16th. Councillor MacFarlane wanted to thank Basil Pitts for all of the work that he is doing to help to try to resolve the concern.

Councillor Chisholm

- Attended the TIANS conference in Halifax and was pleased that there were a lot of interesting sessions. He found the Farm Works Investment Co-operative Limited session was interested and provided a summary of the program for Council.

Councillor Corbett

- Attended the TIANS conference in Halifax and provided an overview of the key note speaker's discussion about "cathedral thinking" and thinking about projects that might be started today and continue on for the next generation. Also provided information about the presentation from the Tourism Minister, and other sessions attended.

Motions

There were no motions.

Miscellaneous Business

There was no miscellaneous business.

Adjournment

Warden McCarron thanked the media partners for their faithful attendance at Council sessions, to staff for their work to support the initiatives of Council, and wished everyone a Happy Holiday and New Year.

Min # 2019-179

MOVED by Deputy Warden Stewart

That the Council meeting adjourns at 8:15 pm.

Motion Carried

Warden Owen McCarron

Glenn Horne, Municipal Clerk/Treasurer

December 17, 2019

Glenn Horne
County of Antigonish
285 Beech Hill Road, R.R. #6
Antigonish, Nova Scotia
B2G 0B4

Dear: Glenn Horne

Re: Atlantic Fisheries Fund

I am writing today to bring to your attention the *Atlantic Fisheries Fund (AFF)*. The *AFF* is a significant investment in one of our most important economic sectors – the seafood sector. The *Atlantic Fisheries Fund* is a cost shared partnership between the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) and the federal Department of Fisheries and Oceans Canada (DFO). Provincial and Federal contributions together will provide more than \$125 Million to support industry projects.

The *AFF* focuses on three areas, which are innovation (encouraging the development of new products and technologies in the harvesting, aquaculture and processing sectors), infrastructure (encouraging the use of new technologies or processes to improve sustainability), and science partnerships (industry-based collaborations with academia and other research institutions to improve knowledge and understanding). Eligible applicants to the Atlantic Fisheries Fund include: Commercial Enterprises (Harvesters, Processors, Aquaculturists) and Non-Commercial Organizations.

Municipal governments can be key partners in collaborating on the promotion of the Atlantic Fisheries Fund, and also supporting industry participants in accessing the program. As a Municipality where the seafood sector is of great importance, I would be pleased to arrange a time to present to your Council on this exciting opportunity for the seafood sector in your communities. I can be reached at 902-424-3036 or via email at Brennan.Goreham@novascotia.ca should you wish to discuss scheduling a presentation.

Yours truly,



Brennan Goreham
Director, Atlantic Fisheries Fund
Nova Scotia Department of Fisheries and Aquaculture



December 16, 2019

Antigonish Farmers' Market
188 Main St. Suite 2-6
Antigonish, NS B2G 1R7

Attn: Mike Dickson, Market Manager

RE: Non-Competitive Procurement Process

Please accept this letter as my declaration of disappointment at the non-competitive procurement process that was carried out by the board of the Antigonish Farmers' Market after accepting public funds to build a new home for the market. As posted, the combination of monies from ACOA, the Town of Antigonish, the Municipality of the County of Antigonish, Antigonish Farmers' Mutual Insurance and private donations through the "Help Us Grow the Market" campaign, all represent tax-payer dollars.

It has been stated by members of the board on numerous occasions that they were not obligated to go through the process of tendering the job of building the new market home. However, is this not the responsible approach for any organization? Under Government Contract Regulations (GCRs), the use of Non-Competitive Contracting Process must be fully justified as to not solicit bids for reasons such as a pressing emergency or imminent life-threatening situation or that the nature of the work would not be in the public interest to solicit bids. This was certainly not the case in the construction of a new building to house an existing farmers' market. There is also the Advance Contract Award Notice (ACAN) which is a public notice to the supplier community that a pre-identified supplier is believed to be the "only one capable" of performing the work.

It is disheartening, in a community that has spawn so many successful contracting businesses, both big and small and with 100% public money, that the board of directors of the Antigonish Farmers' Market felt it their right to sole source this project disregarding the very people that support the market.

It is not to say that the awarded company is not an excellent choice capable to complete the project but to eliminate every other possible provider is not only short sighted but grossly unfair. How does the board intend to ensure an efficient, cost effective, transparent process while respecting the principles of government contracting with public funds?

While I choose not to withdraw my donation as Seed Sower I do revoke my personal support and wish that my name and any photos be withheld from any donor recognition or press releases. I have had many conversations with people about this subject and utter shock is the collective reaction. Perhaps in the future, full disclosure of how the monies will be spent should be posted on the pledge sheet.

Sincerely,



Kyle W. Van de Sande, President

cc: Hon. Melanie Joly, Minister, ACOA
Mark VandeWiel, Economic Development Office, ACOA, Antigonish
Mayor Laurie Boucher, Town of Antigonish
Jeff Lawrence, Chief Administrative Officer, Town of Antigonish
Warden Owen McCarron, County of Antigonish
Glenn Horne, Municipal Clerk/Treasurer, County of Antigonish



**Municipal Affairs and Housing
Office of the Minister**

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

DEC 19 2019

Juanita Spencer
Chief Executive Officer
Nova Scotia Federation of Municipalities
Suite 1304, 1809 Barrington Street
Halifax, NS
B3J 3K8

Dear Ms. Spencer:

Re: Notice under Section 519 of the *Municipal Government Act* of Regulations under the *Police Act*

Please accept this letter as official notice to the Nova Scotia Federation of Municipalities under Section 519 of the *Municipal Government Act* of anticipated changes to the *Police Regulations* made under the *Police Act*. These changes were discussed with you at a meeting on October 24, 2019 with representatives from the Departments of Justice and Municipal Affairs and Housing. While the effective date of this regulatory change has yet to be determined, it will be at least one year from the date of this letter to ensure the required notice is provided.

The Minister of Justice has sought an amendment to Section 29 of the *Police Regulations* made under the *Police Act* to extend the timeframe for filing a public complaint against municipal police from 6 months to one year, with the ability for the Police Complaints Commissioner to further extend the timeline where the Commissioner considers there to be good reasons for doing so and it is not contrary to the public interest. This change will align with that for RCMP officers in the *Royal Canadian Mounted Police Act*. This change is prospective in effect and will not permit complaints where the conduct complained of was more than one year before the date the regulatory amendment takes effect.

The change was formally requested by the Halifax Board of Police Commissioners following Dr. Scot Wortley's report on street checks issued earlier this year which stated the 6-month timeframe was identified as a concern during community consultations. The independent Office of the Police Complaints Commissioner has also requested this timeframe be extended. At its core, the current timeframe of 6 months for a public complaint against municipal police is an issue of access to justice for those who wish to file a complaint because of alleged police misconduct, and an amendment is relevant province-wide.

The Office of the Police Complaints Commissioner currently tracks the number of complaints denied for being outside the existing 6-month filing timeframe. For 2016-2018 the following outlines the number of total complaints and the number denied as untimely:

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- 2016 – 121 public complaints filed within the 6-month timeframe; four complaints not processed due to being filed outside of the 6-month timeframe;
- 2017 – 154 public complaints filed within the 6-month timeframe; 10 complaints filed outside of the 6 months were not processed;
- 2018 – 197 public complaints filed within the 6-month timeframe; nine complaints filed outside of the 6 months were not processed.

We understand additional costs are not incurred for most complaints as these are investigated by the Chief or delegate. Costs are primarily incurred when:

- A complaint results in a meeting of the police agency and the member under Section 44(3) of the *Police Regulations* following the police chief's determination that there *may* be some merit to the allegation as a member is entitled to legal representation at this meeting (may be provided by union legal counsel);
- A complaint is advanced to the Review Board and a hearing takes place;
- A complaint is advanced to the Review Board but a settlement is negotiated prior to a hearing taking place;
- A complaint involves a police chief and is investigated by a barrister instead of another police chief.

Costs associated with Review Board hearings can vary considerably based on the complexity and length of the hearings and what, if any, settlement discussions take place. Other costs relate to the provision of legal representation to members at disciplinary meetings; this expense is often limited as members are frequently represented by legal counsel for their union. Of the total number of public complaints filed each year, few proceed to a Review Board hearing. Between 2016 and 2018, 472 public complaints were filed but only three Review Board hearings were held. There were two hearings in 2016, one hearing in 2017, none in 2018, and five heard or pending for 2019.

It is possible that increasing the time frame for filing a public complaint will result in increased expenditures to municipalities, but the extent of increase may be difficult to predict. Representatives of the Department of Justice discussed this regulatory change with members of the Association of Municipal Administrators during a call on July 18, 2019. Following the call, municipal CAO's provided the following breakdown of costs by municipality as provided by the CAO's for 2016-2018. Several municipalities did not provide any costing to support the number of complaints listed and the costs provided included both public and internal complaints, however, the proposed amendment will only apply to public complaints.

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Municipality	# Public Complaints	# Internal Complaints	Total Complaints (2016-18)	Cost
Cape Breton	58	20	78	\$156,493
Halifax	340	78	418	
Amherst	13	9	22	
Annapolis Royal*	0	0	0	
Bridgewater**	1	2	3	\$65,000
Kentville	8	0	8	
New Glasgow	8	18	26	
Stellarton	17	1	18	
Truro	21	13	34	
Westville	4	0	4	
Total	470	141	611	

* No hearings in 2016-18 but paid \$150,000 over 5 years ago (\$30,000 paid by municipality, \$120,000 under insurance policy). ** Covers costs from 2014-2018.

In addition, HRM and CBRM have collective agreements (CA) addressing costs paid by the municipalities toward public complaints. Section 30.01 of the CBRM CA requires the employer to provide a solicitor at no cost to the employee where a public complaint has been filed under the *Police Act*. Article 23, section 10 of the HRM CA requires the municipality to pay a maximum of \$75,000 per fiscal year, cumulatively, for legal representation on all public complaints under the *Police Act* for which the complaint is not sustained.

I trust this information sufficiently identifies the anticipated changes to the *Police Regulations* and the potential associated costs. I ask that you please bring this letter to the attention of the Board of Directors of the Nova Scotia Federation of Municipalities at your earliest opportunity.

Should you require further information please do not hesitate to contact Wanda Fletcher, Department of Justice at 424-3178 regarding this important issue.

Yours truly,



Chuck Porter
Minister

- c. Honourable Mark Furey, Attorney General and Minister of Justice
Mark Peck, Executive Director, Municipal Affairs and Housing
Wanda Fletcher, A/Executive Director, Department of Justice

TO: MUNICIPAL COUNCIL
FROM: DEPUTY WARDEN HUGHIE STEWART, CO-CHAIR
SUBJECT: **JOINT POLICE ADVISORY BOARD REPORT**
DATE: January 13, 2020

The Joint Police Advisory Board was convened at 5:15pm on Thursday, January 9, 2020. The following members were present:

Co-Chair Deputy Warden Hughie Stewart (Meeting Chair)
Co-Chair Councillor Jack MacPherson
Municipal Councillor Vaughan Chisholm
Town Councillor Diane Roberts
Fred Bell
Matt Whitehead
Vern Barnett
S/Sgt. Bill Mooney, RCMP
Sgt. Warren McBeath, RCMP
Cst. Morgan MacPherson, RCMP

Municipal Clerk Treasurer Glenn Horne, Councillor Donnie MacDonald, Paul Landry & Kevin Pearce, SRCE were also present.

No recommendations were made

The following items were discussed:

- Cpl. Morgan MacPherson provided an overview of community policing activities, which take place in every school in the County and Town. Programs range from cyber-security to bullying and substance abuse. The RCMP and SRCE have received significant positive feedback on these programs and Cst. MacPherson's activities.
- The Board discussed the recent closure of Trunk 4, east of Beech Hill Road, and expressed a desire to see added traffic enforcement on South River Road as additional traffic uses that roadway as a result of the closure.
- S/Sgt. Mooney provided a quarterly policing report from the Antigonish Detachment; Sgt. MacBeath provided the 2019 traffic safety report for the County and Town.
- Concerns regarding red-light violations (passing school buses while the flashing stop-sign is on) were raised. Paul Landry and Kevin Pearce from the Strait Regional Centre for Education attended the meeting and shared efforts to curb, report and prosecute red-light violations.
- The next meeting is scheduled for Thursday, March 5, at 5:15pm at the Town Office.