

#### **COMMITTEE OF THE WHOLE AGENDA**

Tuesday, October 24, 2023, starting after Asset Management
Council Chambers
Municipal Administration Building
285 Beech Hill Road
Beech Hill, NS B2G 0B4

- 1. Call to Order Chair, Warden Owen McCarron
- 2. Approval of Agenda
- 3. Approval of October 10, 2023 Committee of the Whole Minutes
- 4. Business Arising from the Minutes
- 5. Continuing Business
  - a. Update on Requested Consolidation with the Town of Antigonish
- 6. New Business
  - a. Legislation Affecting Municipal Government
- 7. Community Events

This item provides Councillors with an opportunity to briefly bring to the attention of Council events that are taking place in their communities.

- 8. Reports from Inter-Municipal Boards, Committees and Commissions
  - a. Antigonish Heritage Museum Board
  - b. Antigonish Arena Association
  - c. Eastern District Planning Commission
  - d. Eastern Regional Solid Waste Management Committee
  - e. Pictou Antigonish Regional Library
  - f. RK MacDonald Nursing Home
  - g. County Paqtnkek Joint Steering Committee
  - h. Consolidation Steering Committee
- 9. Additions to the Agenda
- 10. In-Camera Items
- 11. Adjournment



#### STRATEGIC PRIORITIES CHART (amended October 2022)

#### **COUNCIL PRIORITIES**

#### **NOW**

- 1. WATER UTILITY DEVELOPMENT
  - a. Expansion & Renew Aging Infrastructure
  - b. Securing Long-Term Source Water
  - c. Long-Term Financial Plan
- 2. DEVELOP & IMPLEMENT AN EVENTS & TOURISM PLAN
- 3. CONNECTIVITY CELLULAR AND BROADBAND
- 4. RENEWABLE ENERGY
- 5. NEXT GEN SOLID WASTE MANAGEMENT

N	LVI
v	ГЛІ

- ASSET MANAGEMENT PLAN: Update & Implementation
- ACTIVE TRANSPORTATION PLAN: Implementation
- COMMUNITY HUBS: Plan & Implementation

#### ADVOCACY/PARTNERSHIPS

Connectivity Funding (Prov & Feds)
TIR Service Provision (Prov)
Long-Term Care Facility Funding (Prov)
Aging In Place Program (Prov)
Accessible/Affordable Housing

ADMINISTRATION	FINANCE	
1. CELLULAR & BROADBAND CONNECTIVITY	1. INFRASTRUCTURE FUNDING: Plan &	
2. EVENTS & TOURISM	Implementation - Ongoing	
3. ASSET MANAGEMENT		
DUDI 10 WODICO	D-0D-1-101	
PUBLIC WORKS	RECREATION	
1. WATER UTILITY DEVELOPMENT	1. ACTIVE TRANSPORTATION	
2. NEXT GEN SOLID WASTE MANAGEMENT	2. COMMUNITY HUBS	
SUSTAINABILITY	PLANNING	
1. RENEWABLE ENERGY	1. MANDATORY MINIMUM PLANNING: Development	
• LCC	& Implementation	
COMMUNITY SOLAR PROJECT	2. EASTERN ANTIGONISH PLANNING STRATEGY &	
	BYLAW: Complete Review	



#### **Committee of the Whole Meeting Minutes**

Tuesday October 10, 2023, 7:00 pm Council Chambers Municipal Administration Building 285 Beech Hill Road Beech Hill, NS B2G 0B4

Present were: Warden Owen McCarron

Acting Deputy Warden Bill MacFarlane

Councillor Mary MacLellan
Councillor Donnie MacDonald
Councillor Remi Deveau (by Zoom)

Councillor John Dunbar

Councillor Gary Mattie (by Zoom)
Councillor Harris McNamara

Regrets: Deputy Warden Hugh Stewart

Councillor Shawn Brophy

Staff Present: Glenn Horne, CAO

Beth Schumacher, Deputy Clerk

Shirlyn Donovan, Strategic Initiatives Coordinator

Others Present: Gallery

#### Call to Order - Chairman, Warden Owen McCarron

The meeting of the Committee of the Whole was called to order by the Chair, Warden McCarron, at 7:00pm.

#### **Approval of Agenda**

Warden McCarron called for any additions or deletions to the agenda.

Moved and Seconded

That the agenda be approved.

**Motion Carried** 



#### Approval of September 26, 2023 Committee of the Whole Minutes

Warden McCarron called for any errors or omissions in the Committee of the Whole minutes of September 26, 2023.

Moved and Seconded

That the minutes of September 26, 2023 be approved as presented.

**Motion Carried** 

#### **Business Arising from the Minutes**

Councillor Dunbar asked for an update on commissioning an engineering review of the stormwater systems in the Pine Ridge subdivision. Mr. Horne noted that staff have contacted the engineer and arrangements are being made for that work.

#### **Delegations**

There were no delegations.

#### **Continuing Business**

#### New Rules for Off-Highway Vehicles in Effect

Mr. Horne noted that this was an update to the information received by the committee back in the spring regarding a pilot program regarding off-highway vehicles and the Road Trails Act. Mr. Horne noted that the Road Trails Act is now in effect. Councillor McNamara shared a question asked by a resident regarding what the Municipality would be able to do to designate roads as road trails. Mr. Horne clarified that the Municipality could only designate municipal roads as road trails but could request that the Province consider provincial roads as road trails. Warden McCarron noted that he has also fielded a lot of questions about the Road Trails Act and suggested inviting a representative from the Department of Public Works to speak about the Act and provide further information.

#### Discussion about Bell Fibre Internet

Councillor McNamara raised a concern with the timelines being provided by Build Nova Scotia for the upgrades to broadband services in the County, in light of repeated delays to the project over the last several years. Mrs. Donovan provided clarification based on the latest timelines provided to her in regular project updates. The Committee agreed to send a letter to Build Nova Scotia to request clarity on the timeline and consistency in communicated timelines for residents.

Councillor Dunbar expressed his appreciation for the work done to get residents connected to Fibre over the last few weeks, and thanked staff for their help with advocacy and providing updates over the past several years.



#### **New Business**

#### Provincial Comprehensive Policing Review

Mr. Horne provided the committee with an update on the provincial policing services review that was recently announced. This review comes from a recommendation from the Mass Casualty Report released earlier in the year. Mr. Horne noted that if there are any questions or concerns from Council now or as the review progresses, to please let him know.

#### **Community Events**

- Councillor Dunbar shared that on Friday, December 1<sup>st</sup> is the Heatherton Group Home Concert.
- Deputy Warden MacFarlane noted how much progress has been made in the construction of the Active Transportation Trail.
- Councillor McNamara had twenty residents come to the fire hall and apply to the Senior Care Grant. The Over-50s Club is holding a dinner and dance. Plans are underway for the Havre Boucher Christmas Parade.
- Councillor Deveau reported that on October 21<sup>st</sup> Pomquet students travelling to Europe are holding a fundraiser in St. Andrews, which includes a dinner and silent auction.
- Councillor Mattie shared that the Rock-a-thon event is coming up in his district, and details will be in the County Connect
- Warden McCarron shared that the Naomi Society will be holding a 40<sup>th</sup>
   Anniversary Dinner, the Chamber Gala Dinner is upcoming, and that Chase the
   Ace has started up again in St. Andrews. He also noted that the ice is being
   installed at the Curling Club in St. Andrews.

#### Staff Reports

Mr. Horne noted that the staff reports are in the agenda package.

#### Additions to the Agenda

There were no additions to the agenda.

#### **In-Camera Items**

There are no in-camera items.



Ad	IOI	irn	m	₽nt
ΛЧ	-	4111		viit

Warden Owen McCarron

<u>ajournment</u>	
Moved	
That the Committee of the Whole meeting be adjourned at 7:24pr	n.
	<b>Motion Carried</b>

Glenn Horne, CAO



#### **MEMO FOR INFORMATION**

**TO:** Committee of the Whole

FROM: GLENN HORNE, CAO

SUBJECT: STATUS OF PROVINCIAL LEGISLATION

**DATE:** 18/10/2023

#### Bill 340 - Municipal Reform (2023) Act

The provincial government has introduced legislation enabling changes to the 1995 Provincial-Municipal Service Exchange Agreement through amendments to several pieces of existing legislation. All municipalities except Halifax Regional Municipality are included in the Act, which will see the following changes:

- removing the requirement under the Corrections Act for municipalities to make an annual contribution towards corrections.
- removing the requirement under the Housing Supply and Services Act for municipalities to pay a portion of the net operating losses for public housing.
- changing the Education Act so that, in the future, ownership of schools built prior to 1981 would transfer back to the Province when they are deemed obsolete, with municipalities given the first right of offer to purchase the building at a negotiated price.
- updating the Municipal Grants Act and moving elements of the Municipal Financial Capacity Grant formula into regulation so it is more flexible and easier to adapt to the changing needs of municipalities, and enabling government to implement the new formula agreed to by municipalities.

There is no specific reference to the roads programs proposed by the province during the consultation period. However, those programs would not require legislative change. The attached correspondence between the NSFM and Minister Lohr is the latest information we have related to service exchange proposals. Consultation material is also attached for your reference.

**Status:** First reading given on October 17. If approved, the new legislation would take effect April 1, 2024.

A copy of the bill in its various forms, the proclaimed statute and submissions to the Law Amendments Committee can be found here: <a href="https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-340">https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-340</a>.



### Bill 329 - Halifax Regional Municipality Charter (amended) and Housing in the Halifax Regional Municipality Act (amended)

Bill 329 makes the following notable amendments to the Halifax Charter and the Housing in HRM Acts:

- Authority provided to the Minister of Municipal Affairs & Housing:
  - The Minister may exclude healthcare facilities from the Parts of the HRM Charter related to planning and development and subdivision and from municipal planning strategies, land-use by-laws, development agreements, policies and subdivision by-laws.
  - The Minister may make site plan and variance regulations listing nonsubstantive matters that may not be appealed.
  - The Minister may exercise the Minister's powers without consultation or a recommendation or request.
  - The Minister may make an order designating any or all of the Municipality as a special planning area.
  - The Minister may amend or repeal land-use by-laws, subdivision by-laws and municipal planning strategies in special planning areas without the recommendation of the Executive Panel on Housing in the Halifax Regional Municipality.
  - The Minister may approve development agreements or amendments to development agreements in special planning areas without the recommendation of the Panel.
  - The Minister may approve development permits and subdivision approvals in special planning areas.
  - The Minister may make regulations prescribing timelines for the issuance or approval of development permits, agreements and related documents and set penalties for missing the timelines.
- Authority provided to / restrictions placed on HRM:
  - HRM must create a trusted-partner program that allows for expedited development approvals.
  - HRM is prohibited from changing, without the approval of the Minister, fees, certain charges and incentive or bonus zoning agreements that would increase the cost of applicants for approvals for a period of two years.
  - HRM is allowed to agree to development agreements in principle prior to finalizing small administrative amendments. The CAO is given the authority to finalize those outstanding administrative amendments without returning to the Council.
  - HRMs CAO is allowed to discharge development agreements that are more restrictive in terms of height or density than the relevant land-use by-law.



 HRM is required to grant a variance respecting a setback unless the variance would materially conflict with the municipal planning strategy. A decision to reject the variance may be appealed to the Utility and Review Board, with the onus on the development officer to demonstrate the conflict.

#### • The Act further:

- Deems any action taken under the Act or the regulations to address a housing supply crisis to not be injurious affection.
- Deems property to not be injuriously affected by any action taken under the Act or the regulations.
- Excludes the Act and actions done under it from requirements to consult with the Municipality.
- Excludes the Act from the requirement to consult with the Municipality before making amendments to the HRM Charter.

**Status:** Submissions to the Law Amendments Committee were made on Monday, October 16, 2023. Third reading is anticipated before the end of the session.

A copy of the bill in its various forms, the proclaimed statute and submissions to the Law Amendments Committee can be found here: <a href="https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-329">https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-329</a>.

# Service Exchange Agreement: MOU

# **OVERVIEW**

- The purpose of today's meeting is to:
  - communicate the proposed content to be included in the Service Exchange Agreement (MOU)
  - give municipalities an opportunity to provide their feedback on the proposed content; and
  - provide municipalities with an opportunity to discuss the financial impact the MOU may have on their municipal unit



### BACKGROUND

- In 2021 the Department of Municipal Affairs and Housing (DMAH) received direction to renegotiate the MOU with municipalities
  - The Municipal Financial Capacity Grant (MFCG) and Roads were to be included in the MOU
- An Advisory Group was created with representatives from DMAH, the Nova Scotia Federation of Municipalities (NSFM), and the Association of Municipal Administrators, Nova Scotia (AMANS).
- A survey was conducted by NSFM and identified issues of concern which helped guide the MOU negotiations.



# MOU TOPICS AT A GLANCE

- MFCG
- Mandatory correction payments
- Housing handover agreements
- Infrastructure program
- Roads
- Obsolete schools



# MFCG

- Formula will be unfrozen and modernized
- Updated elements include:
  - expanding definition of standard expenditures; and
  - subdividing the Residential and Commercial components of Uniform Assessment (UA) to derive a standard residential rate and a standard commercial rate
- Will result in a redistribution of funding to municipalities within the current envelope of \$30.4M
- The 17 municipalities with a MFCG funding reduction from this update will be held at their previous funding amount for 5 years (\$3.1M). Top up amounts will end after 5 years.
- The \$1.5M Town Foundation Grant will continue for the next five (5) years and then be eliminated



# MANDATORY CORRECTION PAYMENTS

- Corrections is a provincial responsibility
- The Province will remove the requirement for municipalities to contribute annually towards corrections
  - All amounts owing from previous years must be paid to the Province, by March 31, 2024
- Total annual corrections payments equal to \$7.1M that will stay with municipalities
- Estimated average savings:
  - Towns: \$50,000
  - Rurals: \$218,000
  - Regionals: \$494,000



# HOUSING HANDOVER AGREEMENTS

- Municipalities contribute annually towards the net operating loss (NOL) of public housing
- The Province will remove the requirement for municipalities to contribute annually towards the NOL of public housing
  - All amounts owing from previous years must be paid to the Province, by March 31, 2024
- Total annual NOL public housing payments equal to \$9.6M that will stay with municipalities
- Estimated average savings:
  - Towns: \$112,000
  - Rurals: \$148,000
  - Regionals: \$1.28M



# INFRASTRUCTURE PROGRAM

- A new \$15M application-based infrastructure program will be created
- Funding could be leveraged by municipalities as the municipal portion of any cost shared infrastructure program
- Details regarding the program are still being finalized but will be focused on provincial priorities



# ROADS

 The NSFM Roads Working Group worked extensively with Department of Public Works (PW) to address concerns from municipalities around roads. These discussions framed the content in the MOU

- Two programs will be created:
  - A. For trunks and routes owned by municipalities; and
  - B. For G, H, J and I Class roads that are provincially owned
- Total estimated funding to support programs \$16.1M annually
- The existing J-class road program will be terminated



# ROADS – PROGRAM A

Applies to all trunks and routes owned by municipalities

50-50 cost share program for repaying

- Municipalities would submit roads to PW. PW would develop a prioritized list using a scoring system which includes:
  - Condition, traffic volume, and how it supports provincial network
- Municipalities could not be approved for more than one project per fiscal, unless there was an insufficient number of submissions



### ROADS – PROGRAM B

- Applies to G, H, J and I class roads that are provincially owned
- There are 3 options available to municipalities under this program
  - 1. Municipalities can pave/repave on a 50-50 cost shared basis. Following pave/repave, ownership would transfer from the Province to the municipality. Municipalities could get 2-1 credit for the kms for the fees paid.
  - 2. Roads that fall below the safety standard to maintain would be returned to gravel, unless Municipality wants to request repaving at 50/50 cost share. Ownership of the road would stay with the Province, unless municipality has interest in owning it.
  - Provincial local roads that are currently gravel could be considered for paving with costs covered in full by the Province on the provision that ownership of the road would transfer to the municipality. No provincial funding would be available once road has been transferred



# **OBSOLETE SCHOOLS**

- The Province will absorb all costs associated with all obsolete schools
- Municipalities would be given the first right of offer at a negotiated price
- Costs of the schools are unknown at this time



# FINANCIAL IMPACT TO MUNICIPALITIES

 The below provides an overview of the total funding that will be available to municipalities annually

**MFCG:** +3.1M for the next 5 years

Corrections: +7.1M

Housing Handover Agreements: +9.6M

Infrastructure Program: +15.0M

Roads: +16.1M



# SCHEDULE A

- The Province commits to reviewing and modernizing the below listed items:
  - Policing governance and structures and impacts on municipalities
  - Fire and emergency services governance and structure
  - Municipal contributions
  - Grants in lieu
  - Increased tax tools
  - Creation of program for municipal regionalization
  - Exploration of classes under the MFCG formula to determine if updated definitions capture impacts of municipal modernization
  - Municipal speed limits
  - Public transit
  - Community transit boundaries
  - Municipal education tax rate collection mechanism



# Questions?



PRESIDENT:

VICE-PRESIDENT:

September 14, 2023

Mayor Brenda Chisholm-Beaton Town of Port Hawkesbury

**Department of Municipal Affairs** 14<sup>th</sup> Floor North, Maritime Centre 1505 Barrington Street

PO Box #216

Mayor Carolyn Bolivar-Getson Municipality of the District of Lunenburg

Halifax NS B3J 2M4

IMMEDIATE PAST-PRESIDENT:

Mayor Amanda McDougall Cape Breton Regional Municipality

Attention: Hon. John Lohr, Minister of Municipal Affairs and Housing

**REGIONAL CAUCUS CHAIR:** 

Dear Minister Lohr,

Councillor Paul Russell Halifax Regional Municipality

**RURAL CAUCUS CHAIR:** 

**Re: Service Exchange** 

Warden Bruce Morrison Victoria County

TOWN CAUCUS CHAIR:

Mayor Lennie White Town of Westville On behalf of the NSFM Board of Directors, thank you for the opportunity to meet with representatives of the Department of Municipal Affairs and Housing regarding the Service Exchange discussion and proposal. We acknowledge the efforts of department staff to engage our members through 13 consultation sessions and the subsequent "What We Heard" document, which outlines the key findings of the consultations.

Delivered via email

The Board of Directors discussed the matter of Service Exchange at a Special Meeting of the Board, held on September 6. Based on the recommendations of the Service Exchange Renegotiation and Municipal Government Act Review Committee (SERMGAR), the following motion was accepted at the meeting:

Recommendation that NSFM write a letter to the Province accepting the Province's proposal for capacity grant, housing, corrections, obsolete schools, and infrastructure; and further that CBRM be dealt with separately from other municipalities with no impact on the proposed MOU agreement; and further, with respect to roads, that NSFM accepts Part A, and recommends that Part B be placed in Schedule "A" for future discussion, while the current "J Class" roads program is continued. Further that NSFM and the Province continue discussions immediately on Schedule "A", and that a 5-year review be written into the MOU.

To summarize, the Board accepts the SERMGAR Committee recommendations as follows:

- The proposal for capacity grant, corrections, housing, infrastructure, and obsolete schools is accepted, as presented in consultations
- The proposal for Part A of the Roads Proposal is accepted, as presented in consultations
- Based on feedback from several municipalities, the proposal for Part B of the Roads Proposal should be moved to Schedule "A" for more thorough analysis, discussion, and consultation; however, the current \$2 million allocation in funding for "J Class" roads remains in place in the interim
- Discussions on the various items contained in Schedule "A" should commence as soon as possible with NSFM, in it's entirety, which includes all stakeholders and members, including the NSFM Board, SERMGAR Committee, and participating Nova Scotia municipalities, as well as the Association of Municipal Administrators Nova Scotia (AMANS)
- The MOU should contain a review mechanism in five-year intervals
- The Province should negotiate a separate service exchange agreement directly with Cape Breton Regional Municipality (CBRM), as they themselves have advised during the consultations

Further to the last point, the NSFM Board recognizes the unique circumstances faced by CBRM due to their size, population, and distinct challenges, as has been expressed by the CBRM Council members and staff at several of the consultations hosted by the Province this past August. The Board is also deeply concerned with CBRM's indication that their future financial sustainability is untenable. The Board supports CBRM's request for a separate service exchange agreement to determine their best path forward. Furthermore, the NSFM Board supports this direction provided that this separate agreement does not alter what has been proposed to the other 47 municipalities during the aforementioned consultations.

The Board has heard clearly from many municipal leaders that the Province's proposed Service Exchange Agreement is an important first step in modernizing a decades-old arrangement that no longer meets the current realities of our municipalities. Many municipal leaders also recognize the need for phases, in order to provide full consideration to each item from the lens of diverse perspectives, needs, and realities. Furthermore, the Board appreciates the municipal leaders who provided constructive feedback, such as those summarized in the Province's "What

We Heard" document prepared post-consultations. We trust that the Province will give this feedback full consideration, both in this phase and in future phases of the negotiations.

Finally, thank you to all members of the SERMGAR Committee, including Department of Municipal Affairs and Housing staff, as well as the municipal leaders and staff who served as advisory members during these first-phase negotiations. We, as a Board, acknowledge and appreciate that more collaborative work will be necessary to modernize the items identified in Schedule "A" in a way that will best serve our communities in a fair and inclusive manner.

We look forward to an equitable partnership with the Province of Nova Scotia as discussions continue on a path toward a balanced, complete, and modernized Service Exchange Agreement. We appreciate your time, efforts, and partnership in this important and historic undertaking.

Yours sincerely,

Brenda Chisholm-Beaton

President

Nova Scotia Federation of Municipalities

Branda Chisholm-B

cc: Paul LaFleche, Deputy Minister of Municipal Affairs and Housing

cc: Murray Scott, Mayor, Municipality of Cumberland, Chair SERMGAR Committee

cc: Board of Directors, NSFM



### 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

September 28, 2023

Her Worship Brenda Chisholm-Beaton President Nova Scotia Federation of Municipalities

VIA EMAIL: info@nsfm.ca

Dear Mayor Chisholm-Beaton:

Thank you for your letter of September 14, 2023, regarding NSFM's position on the ongoing negotiations around Service Exchange. I truly appreciate your input and perspective on the situation and the support you have provided the Department and the SERMGAR Committee throughout the process.

We have heard clearly through the consultation process, and from various Municipalities since, that Part B of the roads program is not something Municipalities can support at this time. I have ensured that staff in the Department understand your position on this part of the proposal and that your opinion is considered as we move forward with a new Service Exchange Agreement.

With respect to Schedule A, rest assured the Department will continue discussions on these topics once this process is completed.

As you reference in your letter, the Department undertook 13 consultation sessions with municipalities throughout the summer, including four regional meetings. One of the regional meetings was held solely with CBRM and was extended by an hour to ensure all voices had an opportunity to be heard. Department staff also visited CBRM staff in September to undertake further conversations. In addition, the Department has provided two letters to CBRM's Mayor requesting clarification of their position on service exchange. I attach both letters for your reference. At the time of writing this letter, the Department has not received the requested motion of council.

The Department is willing to consider a separate agreement with CBRM but it is not yet clear that they are interested in forgoing the current savings available under this proposal and I need to know their position before I recommend a separate agreement.

I look forward to continuing our partnership with the Federation and our ongoing collaboration.

Sincerely.

Honourable John A. Lohr

Minister of Municipal Affairs and Housing

Attachment

Juanita Spencer, CEO, NSFM
 Paul LaFleche, Deputy Minister, Municipal Affairs & Housing
 Murray Scott, Mayor, Municipality of Cumberland, Chair SERMGAR Committee