

**MUNICIPAL COUNCIL**

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was conducted virtually via Zoom Webinars, on Thursday, January 27, 2022, at 6:00 pm.

In peace and friendship, and in the spirit of truth and reconciliation, Mayor Blair began by acknowledging that the Municipality of Colchester is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq.

**Roll Call**

The roll was called with the following Council members in attendance:

Mayor Christine Blair, Chair	
Councillor Eric Boutilier	District 1
Councillor Laurie Sandeson	District 2
Deputy Mayor Geoff Stewart	District 3
Councillor Mike Cooper	District 4 (arrived at 6:04 pm)
Councillor Tim Johnson	District 5
Councillor Karen MacKenzie	District 6
Councillor Michael Gregory	District 7
Councillor Lisa Patton	District 8
Councillor Marie Benoit	District 9
Councillor Victoria Lomond	District 10
Councillor Wade Parker	District 11

**Staff Present**

Rob Simonds, Chief Administrative Officer (CAO)  
 Michelle Boudreau, Director of Public Works  
 Paul Smith, Director of Community Development  
 Scott Fraser, Director of Corporate Service/Acting Director of Solid Waste  
 Dennis James, Municipal Solicitor  
 Anna-Marie Manley, Municipal Solicitor  
 Tracey Veno, Recording Secretary  
 Devin Trefry, Research, Policy, and Community Engagement Officer  
 Jenn Mantin, Economic Development Officer  
 Peter McCracken, Manager, Corporate Planning & Strategic Initiatives  
 Mollie MacBurnie-Haas, IT Support Technician  
 Craig Burgess, Recreation Manager  
 Kelly Gratto McCarthy, HR Specialist  
 Hilary Paquet, Parks and Trails Coordinator (for Item No. 12)

**Approval of Agenda**

Moved by Councillor Sandeson and seconded by Councillor Johnson

“That the agenda be approved with the following amendments:

- Item # 10b, Brookfield Sewer;
- Item # 10c, Appointments to Flood Advisory Committees;
- Item # 10d, Wind Turbine By-law; and
- Item # 21, Personnel Matter in Closed Session.” Carried unanimously.

**Approval of Minutes**

Moved by Councillor Boutilier and seconded by Councillor Patton

“That the minutes of the meeting held on November 25, 2021, be approved as presented.” Carried unanimously.

Business Arising from Minutes

None.

Standing Committee Reports and Recommendations

*Deputy Mayor Stewart, Chair of Council Committee, presented the report from the meeting held on December 9, 2021:*

Adoption of Council Strategic Priorities Report

Moved by Deputy Mayor Stewart and seconded by Councillor Sandeson

“That Council adopts the 2020-24 Strategic Priorities Report and that it frequently refers to the Report at future Council meetings, including quarterly updates and during annual strategic priority review; and,

That Council request the CAO to schedule an annual Priority Setting Update Session prior to the start of the annual budget process.” Carried unanimously.

Deputy Mayor Policy Amendments

Moved by Deputy Mayor Stewart and seconded by Councillor Parker

“That Council approves the amendments to the Deputy Mayor Policy as presented.” Carried unanimously.

Negotiations – Event Contribution

It was noted that this event was cancelled due to the Covid Pandemic, however, as a formality, the recommendation must be brought forward as a matter of record.

Moved by Deputy Mayor Stewart and seconded by Councillor Patton

“That Council approves the event contribution as discussed in closed session.” Motion DEFEATED (*all opposed*).

Negotiations – Bridge Funding, Cliffs of Fundy Geopark

Mayor Blair noted that Cumberland County has approved the bridge funding in the amount of \$25,000.

During discussion, concern was raised regarding the opening of a second office given the state of the current financials and that the MLA for Colchester North should be included in meetings and discussions with other provincial representatives.

Moved by Deputy Mayor Stewart and seconded by Councillor Cooper

“That Council approves that \$25,000 from 2022-23 alloted \$75,000, be advanced to the Cliffs of Fundy Geopark in order to carry them over to the next fiscal year.” Carried unanimously.

***Deputy Mayor Stewart, Chair of Council Committee, presented the report from the meeting held on January 13, 2022:***

Small Flood Damage Reduction Policy

Moved by Deputy Mayor Stewart and seconded by Councillor Johnson

“That Council approves the proposed changes to the Small Flood Damage Reduction Projects Policy as presented.” Carried unanimously.

2022-23 Schedule of Meetings

Moved by Deputy Mayor Stewart and seconded by Councillor Benoit

“That Council approves the schedule of meetings for fiscal 2022-23 as presented.” Carried unanimously.

Negotiations – Biosolids Contract

Moved by Deputy Mayor Stewart and seconded by Councillor Sandeson

“That Council approves that staff be authorized to enter into an agreement with Envirem Organics Inc. for the hauling and disposal of biosolids for the 2022 calendar year.” Carried unanimously.

***Executive Committee - Minutes of Meeting Held on January 6, 2022***

Moved by Councillor Gregory and seconded by Councillor Benoit

“That the Executive Committee minutes of the meeting of January 6, 2022, be received.” Carried unanimously.

**ACTION ITEMS**

**Covid-19 Mandatory Vaccination Policy**

Devin Trefry, Research, Policy and Community Engagement Officer, provided an introduction of this item which included background information and past directives of Council regarding Vaccination Policies; and, unpaid leave being the most common option amongst other municipalities and federal/provincial government in addressing non-compliance. Council was previously informed of the need to separate policies for members of Council from employees as they are not employees, rather they are elected officials governed under the Municipal Government Act. A Policy for employees has been drafted, as presented, however, staff is seeking further direction relative to a policy for Council members. The key reason for considering policy is for employee and public safety and the obligation for providing a safe work environment.

Dennis James, Municipal Solicitor, advised Council from a legal perspective on obligations regarding safety in the workplace and the safety of the public who interact within the workplace. Section 13 of Nova Scotia Occupational

Health Safety Legislation as it relates to Covid-19, speaks to the duty of Council as the employer as well as the responsibilities of employees in ensuring a safe and healthy workplace. When looking at health and safety policies Council must inform themselves of what the experts are saying. As such, an overview of recommendations of the National Council on Immunization as well as advice of Nova Scotia Public Health was provided. Currently there is no legal mandate from the federal or provincial governments indicating everyone in Canada must be vaccinated, only mandates in their governed workplace, with exemptions for medical and other reasons as recognized under the Human Rights Act. Personal belief is not a foundation for exemption. The Policy as drafted by the HR Specialist provides a balance of a mandate and allows for accommodations. The consequences as identified in the Policy are in line with the vast majority of both public and private entities. During deliberation, it is being encouraged to not view this as a matter of personal choice, rather as a matter of workplace safety, and information as being provided by the experts.

Considerable debate was held with many points and concerns being raised as part of the discussion including safety of staff and public being the basis of the Policy; everchanging information and guidelines as directed by the experts; both vaccinated and unvaccinated can get and transmit the virus; low percentage of unvaccinated staff; operational impacts of mandatory vaccination; morale; potential liability both with mandating and not; rapid test accuracies; taking a blended approach; potential accommodations; confidentiality of vaccine status; hospital stats; policy having to be reasonable; alternatives to unpaid leave; body temperature monitoring; consequences of unpaid leave for non-compliance; and timelines for compliance.

Staff indicated that further direction is required relative to Council's expectations for a Policy for members of Council. The general consensus was that members of Council be treated no differently than employees and that a similar Policy be implemented for members of Council and citizen appointees to Committees of Council. Brief discussion was also held on providing proof of vaccination to HR.

Moved by Councillor Boutilier and seconded by Councillor Johnson

"That Council directs staff to develop a separate Mandatory Vaccination Policy to apply to members of Council and citizen appointees to Committees of Council; and,

That both policies be presented to February Committee, for approval at February Council." Carried unanimously.

#### **Voting Procedure for Virtual Meetings Policy**

Mr. Trefry provided a brief overview of this item indicating that it was put in place in an effort to speed up the voting process for virtual meetings. The trial period for the Policy was to the end of January.

Discussion was held regarding this Policy being opposite of normal voting procedures; having cameras on during voting; and whether it should be

indicated that Council would revert back to normal voting procedures for in-person meetings. The Municipal Solicitor advised that it is not necessary as this Policy only applies to virtual meetings.

Moved by Councillor Parker and seconded by Councillor Cooper

“That Council extend the trial of the Voting Procedure for Virtual Meetings Policy to the August 2022 Council Committee meeting and that authority be granted to Council Committee in August to make a decision on possible further extensions at that time.” Carried unanimously.

### **Temporary Borrowing Resolution**

Scott Fraser, Director of Corporate Services, advised that this item is for a debenture renewal for the RECC.

Brief discussion was held on total borrowing for the RECC construction. Mr. Fraser indicated that this debenture is one of four for the RECC, and the debentures are 50% paid off.

Moved by Councillor Sandeson and seconded by Councillor Boutilier

“That Council approves that the Municipality of Colchester request a Temporary Borrowing Resolution in the amount of \$1,733,033; and,

That the Pre-Approval Debenture Issuance, as presented, be approved, and that staff be authorized to proceed with a debenture borrowing, subject to the terms within the Pre-approval Debenture Issuance; and,

That the Mayor and CAO be authorized to sign the Temporary Borrowing Resolution and Pre-Approval Debenture, as presented.” Carried unanimously.

### **RCMP Back Pay and Municipal Costs**

Deputy Mayor Stewart advised that this item is concerning the retroactive pay and costing for RCMP. It is a municipal priority to maintain a level of Police service. The retroactive pay was estimated at 2.5%/year for six years. The actual increase totals 23.7%. Municipalities are not allowed to run deficits and with this huge sum of retro pay, Council will be forced to make some difficult decisions such as cutting services, and increasing property taxes. Pressure is being put on the Federal Government through the Federation of Canadian Municipality (FCM) to cover the costs of the retro pay.

Moved Deputy Mayor Stewart and seconded by Councillor Boutilier

“That Council approves the following resolution regarding RCMP Contract Policing and Municipal Costs:

WHEREAS the recent collective agreement between the RCMP and the National Police Federation includes significant retro pay going back to 2017, as well as pay increases going forward; and

WHEREAS our Municipality and others that depend on RCMP Contract Policing are facing significant, unbudgeted costs that may force us to make

very difficult choices at a time when our primary focus needs to be on economic recovery from the Covid-19 Pandemic; and

WHEREAS municipalities were not consulted at any stage of the negotiations process despite the outcome of these negotiations having a direct and significant impact on municipal operations; and,

WHEREAS RCMP costs will disproportionately impact rural communities; and

WHEREAS municipalities are eager to work more closely with other orders of government and the RCMP on contract policing issues to ensure the financial sustainability of contract policing and to maintain the service levels necessary for community safety; therefore,

BE IT RESOLVED that the Municipality of the County of Colchester joins the Federation of Canadian Municipalities in calling on the Federal Government to absorb all retroactive costs associated with the implementation of the new RCMP Labour Relations Regime; and

BE IT FURTHER RESOLVED that the Federal Government should commit to ensuring municipalities are properly consulted prior to implementation of measures that impact local fiscal sustainability and ability to maintain effective levels of police services in communities.” Carried unanimously.

**Congratulatory Letter – Liam Moffatt**

Deputy Mayor Stewart indicated that Liam Moffatt has been selected to represent Nova Scotia at the Winter Olympics and thought it would be appropriate that a congratulatory letter be sent.

Moved by Deputy Mayor Stewart and seconded by Councillor Patton

“That Council approves a letter be sent to Liam Moffatt congratulating him on his accomplishments.” Carried unanimously.

**Sewer Upgrades**

The Deputy Mayor advised of a sewer capacity issue of a resident and developer purchasing a 42-acre property with plans to develop a number of housing units. The existing sewer capacity would not allow for the 76 people that would live in the development project. It was also noted that this may be an issue with a number of other properties that are being looked at for development.

Moved by Deputy Mayor Stewart and seconded by Councillor Patton

“That staff investigate the issue of sewer capacity and bring back an Action Item to Council on how to correct the situation.” Carried unanimously.

**Committee Appointments – Flood Committees**

Councillor Patton indicated that with Council’s approval, she and Councillor MacKenzie would like to switch their appointments to the Joint Flood Advisory and Flood Advisory Committees respectively.

Moved by Councillor Parker and seconded by Council Benoit

“That Council approves that Councillors Patton and MacKenzie exchange their appointments on Flood Committees with Councillor Patton to serve on the Flood Advisory Committee and Councillor MacKenzie to serve on the Joint Flood Advisory Committee.” Carried Unanimously.

## Wind Turbine By-law

Councillor Johnson requested this item be brought forward following several Council members being contacted with numerous emails and/or telephone calls concerning the wind turbine project in Wentworth. He suggested that the existing Wind Turbine Development By-law be referred to staff for review. A lot has changed since the last review in 2013, especially when you consider the size of the windmills as well as the size of the proposed project in Wentworth.

During debate, a number of points were raised including decommissioning and decommission bonds; Cumberland County’s recent decision concerning wind turbines; the Municipality having no authority under the MGA to totally prohibit wind turbines; exploring standards on heights, setbacks and noise; pausing new applications until a review is carried out; the proposed projects also being in part of Colchester’s District 10; and requirements of any applications to meet By-law specifications. Paul Smith, Director of Community Development, indicated that following any review, the matter should be referred to the Planning Advisory Committee as they were instrumental in the development of the By-law.

It was noted for the record that Colchester absolutely supports green energy, however, developments have to be in the right place.

Moved by Councillor Johnson and seconded by Councillor Benoit

“That Council directs staff to undertake a review of the Wind Turbine Development By-law.” Carried unanimously.

Moved by Councillor Johnson and seconded by Councillor Cooper

“That Council approves, by way of First Reading, an amendment to the Wind Turbine Development By-law to include a new section 7.2, which shall be read as follows:

7.2 For a period of six months commencing January 27, 2022, no development permit applications will be received for small- or large-scale wind turbines while the Municipality reviews the requirements for small- and large-scale wind development permits.

Upon a motion by Council, where additional time is deemed necessary to complete the review, this review period may be extended one time by a further period of up to six months.

Any applications received following the expiry of the review period shall be processed in accordance with the requirements in force at that time.” Carried unanimously.

**Correspondence - ACTION**

Tom Savary, President, Rotary Club of Truro Email to Mayor dated January 25<sup>th</sup> concerning a proclamation for Rotary Week.

Moved by Councillor Parker and seconded by Councillor Benoit

“That Council proclaims April 24 to 30, 2022, as Rotary Week.” Carried unanimously.

Brief discussion was held on African NS Month in February which was discussed at the Equity, Diversity and Inclusion Committee meeting. Nothing formal has been received as yet but it is hoped that something will be received for consideration at February Committee.

**Correspondence - INFORMATION**

**Development Officer** A copy of the Development Activity Report received from the Development Officer for the months of November and December 2021. Council agreed to receive the reports for information purposes.

**Building Inspector** A copy of Building Permit Statistics received from the Building Inspector for the months of November and December 2021. Council agreed to receive the reports for information purposes.

**INFORMATION ITEMS**

**Heart's Haven Memorial Park, Debert – Update** This item provides Council with an update on the planning and design of a memorial park in Debert. Hilary Paquet, Parks and Trails Coordinator, provided a brief introduction of the item which included background information; highlights of the park concept; vision for the park; proposed layout and amenities; and estimated project costs and timelines.

During discussion, community fund raising efforts to date were noted as well as continued plans, and it was confirmed there has been no ask made to the Municipality for funding. Additionally, a funding application is being submitted to the Province. The Recreation Department will assist with maintenance and it is anticipated that the community will be stewards and provide some assistance.

**Covid-19 Update** As per the request of Council at the March 26, 2020, meeting, this item serves to provide Council with ongoing operational and administrative updates and implications relative to the COVID-19 Pandemic.

**Reports from Councillors Appointed to Outside Boards and Agencies** Copies of reports from the Mayor and Councillors were circulated in the package and/or as a separate attachment prior to this evening's meeting.

Mayor Blair advised that the Debert Business Park Community Consultation on January 26<sup>th</sup> was missing from her report.

In addition to his report included in the Council package, Councillor Parker provided a brief update on stats from the Police Advisory Board, including deaths related to mental health, increased time spent on mental health calls at the hospital, and impaired driving. It was also reported that RCMP staffing levels in Bible Hill are full currently.

At this point in the meeting, approximately 9:45 pm, Council reviewed the remaining items on the agenda and agreed to proceed with the meeting until 10:15 pm dealing with the more time sensitive items.

### **CLOSED SESSION**

Moved by Councillor Gregory and seconded by Councillor Lomond

“That the meeting go into closed session at 9:48 pm.” Carried unanimously.

Moved by Councillor Johnson and seconded by Councillor Gregory

“That the meeting reconvene in open session at 10:16 pm.” Carried unanimously.

### **Executive Minutes (closed session portion of January 6<sup>th</sup> meeting)**

Due to time of meeting, this item was deferred to the next Council meeting.

### **Sale of Lots 219, 20 and 21, Lancaster Crescent, Debert**

Moved by Councillor Benoit and seconded by Councillor Johnson

“That Council approves entering into a sales and purchase agreement for the sale of Lot 219, 20 & 21 Lancaster Crescent for \$275,000 to West Nova Fuels Ltd. with authority for the Mayor and CAO to execute the purchase and sale agreement prepared by Legal Counsel.” Carried unanimously.

### **Negotiations – Funding Request, Truro and Colchester Partnership for Economic Prosperity**

Moved by Councillor Parker and seconded by Deputy Mayor Stewart

“That Council approves a funding contribution to the Truro and Colchester Partnership for Economic Prosperity in the amount of \$64,350 per year for three years.” Carried unanimously.

### **Negotiations**

Due to time of meeting, Council agreed to defer this matter to February Committee.

Moved by Councillor Johnson and seconded by Councillor Sandeson

“That Council grant authority to February Council Committee to make final decision on the deferred negotiation matter.” Carried unanimously.

### **Personnel**

Due to time of meeting, Council agreed to defer this matter to February Committee.

Moved by Councillor Gregory and seconded by Councillor Benoit

“That Council grant authority to February Council Committee to make final decision on the deferred personnel matter.” Carried unanimously.

**ADJOURNMENT**

Moved by Councillor Patton and seconded by Councillor Gregory

“That the meeting adjourn at 10:21 pm.” Carried unanimously.

Tracey Veno  
Recording Secretary