

**REGION OF QUEENS MUNICIPALITY
REGULAR COUNCIL
TUESDAY, SEPTEMBER 27, 2016
9:00 a.m.**

PRESENT: Mayor Christopher Clarke, Chair
Councillor Darlene Norman
Councillor Brian Fralic
Councillor Jack Fancy
Councillor Susan MacLeod
Councillor Raymond Fiske
Councillor Bruce Inglis
Richard MacLellan, Chief Administrative Officer
Jennifer Keating-Hubley, Director of Finance
Christine Watson, Recording / Management Secretary

LEAVE OF ABSENCE: Councillor Peter Waterman

1.0 CALL TO ORDER:

Mayor Clarke called the meeting to order at 9:00 a.m.

2.0 CHANGES / APPROVAL OF AGENDA:

It was moved by Councillor Inglis and seconded by Councillor MacLeod that the Agenda be approved with the following changes:

Remove: 7.1 144 Main Street, Liverpool

MOTION CARRIED unanimously.

3.0 PRESENTATION(S):

There were no presentations to come before this meeting.

4.0 TABLING OF PETITIONS:

There were no petitions to come before this meeting.

5.0 PUBLIC QUESTION / COMMENT SESSION:

Leon Robertson, 45 College Street, Liverpool – Mr. Robertson commented that during a recent Kiwanis meeting that a possible new entrance at Cranberry Hall for Carters Beach was discussed. He suggested that Council investigate this option. Mayor Clarke stated that a committee was appointed by the Ministers of Lands & Forests and Environment and a member from each department sits on the committee. Richard MacLellan, CAO, is also a member. The committee investigated this issue and has made recommendations to the government.

Mr. Robertson enquired if under Item 13.1 Shared Use Trail, if the trail would be considered as a multi-use trail. Mayor Clarke confirmed yes.

He commented on painting at the Courthouse and enquired if there have been any further discussions on the use as a library. Mayor Clarke stated that the Courthouse was undergoing routine maintenance and no further discussions have taken place.

David Dagley, 9 Meadow Pond Lane, Liverpool – Mr. Dagley commented that in April, Council determined that they would proceed with a study on repurposing the Courthouse, perhaps for library usage, floor loading issues, etc. and enquired on the status. Mayor Clarke confirmed that the report has not been received.

Keith Milton, 143 Bog Road, White Point – Mr. Milton voiced his concerns on the use of off road vehicles on Bog Road and enquired who would be responsible for policing it under Item 13.1 Shared Use Trail. Mayor Clarke stated that there are laws in place for off road vehicles. The trail will be operated by the ATV Association, with involvement from Rails to Trails and information will be provided as things progress.

Bill Cox, 121 Bog Road, White Point – Mr. Cox congratulated Staff on the negotiations under Item 13.1 Shared Use Trail. He voiced his concerns on the use of off road vehicles, especially on the abutment to Bog Road and enquired what steps would be taken to prevent this. He stated that Stop signs, etc. erected by the Department of Natural Resources have been removed and enquired if they will be replaced.

Mayor Clarke stated that the motion to come before council is the Trestle Trail Bridge itself. Mr. Brian Hatt, the Rails to Trails group in conjunction with the ATV Association need to work out these things. They are present today to hear concerns and more information will be provided later on the agenda.

6.0 APPROVAL OF MINUTES:

6.1 Council Minutes – September 13, 2016

It was moved by Councillor Fralic and seconded by Councillor Fiske:

THAT the minutes of the Regular Council meeting held September 13, 2016 be approved as circulated.

MOTION CARRIED unanimously.

6.2 Special Council Minutes – September 20, 2016

It was moved by Councillor Fiske and seconded by Councillor MacLeod:

THAT the minutes of the Special Council meeting held September 20, 2016 be approved as circulated.

MOTION CARRIED unanimously.

7.0 DANGEROUS OR UNSIGHTLY PREMISES:

There were no items to come before this meeting.

8.0 ECONOMIC DEVELOPMENT:

Councillor MacLeod asked Mayor Clarke to give an update on recent visit to Port Mersey with R.J. MacIsaac. Tours were taken on the Protecteur and Algonquin.

He stated that R.J. MacIsaac currently employees 37 direct employees, with subcontractors it would be 52. The work is very impressive. There have not been any complaints of noise from the demolition.

9.0 CORPORATE SERVICES:

Councillor Fiske stated that he attended the drag races in Greenfield on Saturday and congratulated the Nova Scotia Drag Racers Association for their operation. They hosted over 180 vehicles from New Brunswick, Prince Edward Island and Nova Scotia. The economic development spinoff from this must be great. He noted that they have recently upgraded part of the pavement, at costs in the range of \$30,000.

10.0 ENGINEERING AND WORKS:

10.1 2017, 4 x 4 ¾ Ton Pickup Trucks, PW07-2016/2017

It was moved by Councillor Fancy and seconded by Councillor Fiske:

THAT the Council of the Region of Queens Municipality approve the purchase of two 2017, 4x4, ¾ Ton pickup trucks from GW Mosher Motors Ltd. at a price of \$80,712.81 + HST.

Brad Rowter, Director of Engineering & Works, stated that the tender closed September 13, 2016 with one submission from GW Mosher Motors Ltd. This is a budgeted item and the price received was within budget. These vehicles will replace a 2001 and 2003.

Mr. Rowter explained vehicle usage within the Works Department is cycled from the least demanding use to the greatest as the vehicle ages, therefore yielding several more years out of the life of the vehicle.

Deputy Mayor Norman enquired if there was any use for the vehicles being replaced. Mr. Rowter stated that the 2001 vehicle has already been taken out of service, usable parts saved with the balance to be sold for salvage. The same will happen to the 2003 at the end of the year.

MOTION CARRIED unanimously.

11.0 FINANCE

11.1 Cost of Living Increase

It was moved by Councillor Inglis and seconded by Councillor Fiske:

THAT the Council of the Region of Queens Municipality approve a cost of living increase of 1.3% effective the fourteenth pay period of the year, to all non-unionized, full time and part time employees (except Hillview Acres as they are directed by DOH).

Jennifer Keating-Hubley, Director of Finance, stated this is an annual budgeted item, and the budget allowed for up to 2.0% increase. The CPI for Canada was only 1.3% and is therefore being recommended.

MOTION CARRIED unanimously.

12.0 RECREATION AND COMMUNITY FACILITIES:

Councillor MacLeod commented on the successful launch of the Queens Crown Passport Geocaching, which was established by the Region of Queens with the assistance of various geocachers in the area. This is an ongoing event and was very well attended with 41 participants registering.

She thanked Dana Hanley, Recreation Secretary, for her help and assistance with the brochure setup and organizing the event.

Councillor Inglis thanked Staff for their participation, in particular, Shelley Connolly, Executive Secretary, who took the lead this year, for the float in the Queen County Exhibition, Caledonia.

13.0 PLANNING:

13.1 Shared Use Trail

It was moved by Councillor MacLeod and seconded by Councillor Fralic:

THAT the Council of the Region of Queens Municipality approve a letter of authority with the Queens Rails to Trails Association for the establishment of a shared use trail on the abandoned rail corridor in Liverpool.

Mayor Clarke welcomed Brian Hatt, member of Rails to Trails Association, to council.

Mike MacLeod, Planner, stated in November 2014, following an inspection of the Trestle Trail Bridge and the engineering firm's recommendations, the bridge was closed due to safety concerns.

It was recommended Staff undertake efforts to identify potential options and funding solutions.

Since the closure of the bridge there has been much discussion, both in Council and in the public, respecting the future of the bridge and the potential to have it reopened. The primary challenge has been the significant cost to evaluate the repairs necessary to make the bridge safe for public use.

Staff has had a number of discussions with representatives of the Queens Rails to Trails Association. This group has expressed a willingness to partner with the Municipality in a project that would lead to reopening the bridge, and allow access of off highway vehicles on the trail.

The responsibility for the construction, maintenance and ongoing operation of a shared use trail, on specific segments of the rail corridor in Liverpool, including the Trestle Trail Bridge, would be transferred to the Queens Rails to Trails Association. This would allow the Association to expend some of its own resources on trail infrastructure improvements, and improve their opportunity to seek additional funding from other sources.

Both groups identified a number of terms and conditions that must be met for a successful shared use trail project. Staff prepared a draft letter of authority (attached to original set of Minutes).

The Letter of Authority is the first step in the process.

Mr. Hatt stated that he feels that a suitable agreement had been reached and is ready to move forward. He noted that the Association has been involved in repairs to the bridge on the Medway.

He stated that presently there are 41 active members.

In response to Council discussions, Mayor Clarke stated that the desire within the province is to have a trail that allows for ATVs to translocate Nova Scotia and the Trestle Trail Bridge is vital in achieving this. It is not just a Liverpool thing, but a Nova Scotia objective.

Councillors congratulated Mr. Hatt on this undertaking and wished him well.

MOTION CARRIED unanimously.

14.0 QUEENS PLACE EMERA CENTRE:

Mayor Clarke commented on the successful opening Privateers game, with approximately 560 people in attendance.

The AUS game held previously was also well attended.

15.0 REPORTS

Items 15.1, 15.2, and 15.3 were included in the agenda package as information:

- 15.1 Bylaw Enforcement Officer's Monthly Report – August 2016
- 15.2 Building Inspector's Monthly Report – August 2016

- 15.3 Town Hall Arts & Cultural Centre Monthly Report – August 2016
- 15.4 RCMP Monthly Report – August 2016

MAYOR CLARKE TURNED THE CHAIR OVER TO DEPUTY MAYOR NORMAN.

COUNCILLOR INGLIS DECLARED A CONFLICT OF INTEREST AND LEFT COUNCIL CHAMBERS AT 9:55 A.M.

16.0 NOMINATING COMMITTEE:

- 16.1 Queens Place Advisory Committee

It was moved by Mayor Clarke and seconded by Councillor MacLeod:

THAT the Council of the Region of Queens Municipality appoint the following applicants to the Queens Place Advisory Committee as per the approved terms of reference:

- **Michael Anthony**
- **Bruce Inglis**
- **Greg Thorbourne**
- **Liz Boland**
- **Celeste Johnston**
- **Stew Horton**
- **Rick Conrad**
- **P. Ruth Smith**
- **Rev. Dr. Steven Hopper**
- **Toni Benedict**

Mayor Clarke stated that there were ten positions available and ten applications were received. The committee will also include two members of council plus the Mayor, ex-officio. It was the opinion of the Nominating Committee that the appointment of the council members be selected after the election.

MOTION CARRIED unanimously.

THE CHAIR WAS RETURNED TO MAYOR CLARKE.

COUNCILLOR INGLIS RETURNED TO COUNCIL CHAMBERS AT 9:58 A.M.

17.0 OTHER:

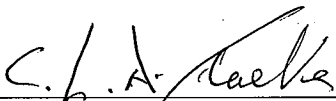
There were no items to come before this meeting.

18.0 IN-CAMERA ITEMS

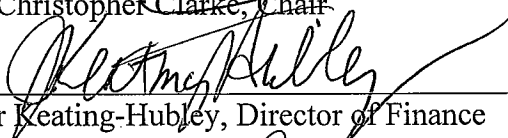
There were no items to come before this meeting.

19.0 ADJOURNMENT

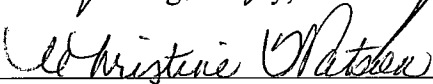
There being no further business, the meeting adjourned at 10:00 a.m.



Mayor Christopher Clarke, Chair



Jennifer Keating-Hubley, Director of Finance



Christine Watson, Recording / Management Secretary

Date Approved: October 11, 2016

Region of Queens Municipality

249 White Point Road P.O. Box 1264 Liverpool, NS B0T 1K0 Phone (902) 354-3455 Fax (902) 354-7473



Region of Queens Municipality

_____, 2016

Mr. Brian Hatt
Queens Rails to Trails Association
P.O. Box 466
44 Milford Street
Milton, NS
B0T 1P0

**RE: Letter of Authority - Shared Use Trail on Abandoned Rail Corridor in
Liverpool, Queens County, Nova Scotia.**

Dear Mr. Hatt,

The Purpose of this letter is to provide the Queens Rails to Trails Association, (hereinafter called the "Association") its agents and independent contractors, authority to construct, maintain and operate a shared-use trail and related facilities on the segment of the abandoned rail corridor owned by the Region of Queens Municipality (hereinafter called the "Municipality") at the approximate locations shown marked in red on the attached map (hereinafter called the "Trail"). Construction, maintenance and operation of the Trail must be carried out in accordance with the following terms and conditions:

1. This letter of authority permits entry on Municipal land referred to herein for the construction, maintenance and operation of a Shared Use Trail and related facilities. Shared Use Trail is defined as a trail that permit more than one type of trail user either at the same time or during different seasons and shall include pedestrians, hikers, cyclists, horseback riders and off highway vehicle riders;
2. Unless terminated or suspended, this letter of authority is valid for one year and shall be automatically renewed annually;
3. The Municipality or the Association may terminate or suspend this letter of authority at any time for any reason whatsoever following thirty (30) days written notice to the other party. Both parties agree; however, that prior to terminating or suspending this letter of authority, mutual consultation and concerted effort will be made to seek alternative resolution to termination or suspension;
4. The Municipality agrees that should it terminate this letter of authority within ten (10) years of the date above it will reimburse the Association for their share of the repair costs to the Trestle Bridge.

5. Upon termination of this letter of authority, the Municipality may request that the Association remove any or all of the fixtures, buildings, signage, structures, facilities and works which have been installed by the Association on the subject lands. Any such fixtures, buildings, signage, structures facilities or works which are not removed within the specified time period for removal shall become the property of the Municipality and no compensation shall be payable to the Association;
6. The Municipality or the Association, following notification and mutual agreement, may close the Trail, or any specific portion of the Trail or related site or facility within the Trail, for a period which may be specified or indefinite, for any reason whatsoever. The Municipality or the Association shall promptly cooperate in the closure and the Municipality shall not be liable for any damage, expense or loss the Association may incur as a result of the closure;
7. Prior to commencing any construction of the Trail or related facilities, the Association and the Municipality must review and finalize the construction schedule, design and construction standards, with respect to the Trail or any structure or facility to be established thereon. Please contact Mr. Richard MacLellan, Chief Administrative Officer, P.O. Box 1264, 249 White Point Road, Liverpool, NS B0T 1K0, Telephone (902) 354-3453, for further intonation in this regard;
8. Prior to opening any portion of the Trail for public shared use, the Trail and related facilities must be inspected and approved by the Municipality. In addition, the Association must erect signs to indicate that the lands are a shared use trail and advising of any restrictions or permitted and prohibited activities. Please contact Mr. Richard MacLellan, Chief Administrative Officer, P.O. Box 1264, 249 White Point Road, Liverpool, NS B0T 1K0, Telephone (902) 354-3453, to arrange for this inspection and approval;
9. All signs and notices must be approved by the Municipality. The Association is responsible for posting signs at the usual points of access to the Trail, and at all road crossings, and at any other hazards to warn trail users and users of the road crossings;
10. The Municipality shall not be responsible for the cost of constructing, maintaining or operating any Trails or related facilities within the subject lands;
11. Construction, maintenance and operation of the Trail and related facilities as authorized herein must not interfere with or impede others who have existing rights with respect to the subject lands;
12. The Association shall ensure the trail and any related structures, facilities and like works forming part of the Trail are properly maintained to ensure

proper and safe use of the Trail and related facilities. The Municipality reserves the right to inspect the Trail and related facilities for hazardous conditions at any time. The Association shall, at its own expense, perform such repairs or do such work as may be requested by the Municipality to correct such conditions;

13. The Municipality and the Association will determine any conditions necessary for the safe use and operation of the Trail and related facilities, and shall take all reasonable measures required to ensure safe use and operation, including signage, warnings, identification of dangerous areas, obstructions (whether on the Trail or overhead), marking the boundaries of the Trail, determining rules and determining and carrying out a regular schedule of inspections;
14. The Association, its agents and independent contractors, must at all times comply with any applicable federal, provincial and municipal laws and regulations related to the activities authorized by this letter of authority. It is the sole responsibility of the Association to obtain any other permits which may be required for its proposed activities;
15. The Association agrees that it is responsible for ensuring that the Trail and related facilities authorized by this letter of authority are constructed and maintained in a manner suitable for the uses authorized pursuant to this letter of authority and as such is considered to be an 'occupier for the purposes of the Occupiers' Liability Act;
16. The Association shall ensure the Trail and related facilities are kept free from litter arising from its use of the lands;
17. The Association shall not cause any nuisance or damage to adjacent lands, whether Municipally or privately owned;
18. Only off highway vehicle operators who are valid members of an approved Provincial Association shall be authorized to operate off highway vehicles on the Trail;
19. Operation of an off highway vehicles on the Trail shall be limited to the hours between 7:00 am and 9:00 pm;
20. The Region of Queens Municipality shall not be liable for any injury or damage (including death) to the person or for the loss of or damage to the property of the Association attributable in any way to the performance of any act under this letter of authority;
21. The Association shall at all times indemnify and save harmless the Region of Queens Municipality, its officers, employees or agents, from and against all claims, demands, losses, costs, debts, damages, actions, suits or other proceedings by whomsoever made, sustained, brought or prosecuted, or from anything done or omitted by the Association, in any

manner based upon, occasioned by or attributable to the execution of this letter of authority, unless such claims, etc., result from the negligence of any officer, employee or agent of the Region of Queens Municipality while acting within the scope of his or her duty or employment;

22. The Association agrees to provide and maintain, at its own expense, during the term of this letter of authority, General Liability insurance covering bodily injury, personal injury or death to any person, and property damage, with the Region of Queens Municipality named as an Insured party. The minimum limit of coverage shall be not less than \$2,000,000 with respect to each occurrence or accident, \$2,000,000 annual aggregate on an occurrence (not claims made) basis;
23. All such insurance policies shall be endorsed to provide a minimum advance written notice to the Municipality of not less than 30 days in the event of cancellation, termination, or reduction in coverage or its, such notice to be made to the Municipality by the insurer;
24. The Association shall not do or omit to do or suffer anything to be done or omitted to be done which will in any way impair or invalidate such policy or policies;
25. Details of claims or other proceedings brought against the Association with respect to the Trail or related facilities are to be immediately reported to the Municipality.

To signify acceptance of the terms and conditions contained herein, please have the attached duplicate of this letter countersigned by the authorized signing officers of the Association and returned to the attention of Mr. Richard MacLellan, Chief Administrative Officer, P. O. Box 1264, 249 White Point Road, Liverpool, NS B0T 1K0. Work on the Trail and related facilities is not to commence until the attached duplicate of this letter has been signed and returned to this office.

Yours truly,

Mike MacLeod
Planner

CC: