

**Region of Queens Municipality Regular Council
Tuesday, December 14, 2021, 9:00 a.m.**

Minutes

Present: Mayor Darlene Norman, Chair
Deputy Mayor Kevin Muise
Councillor David Brown
Councillor Maddie Charlton
Councillor Ralph Gidney
Councillor Vicki Amirault
Councillor Jack Fancy
Councillor Carl Hawkes
Chris McNeill, CAO
Christine Watson, Admin. Assistant – Planning & Development

1.0 Call to Order

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

2.0 Changes / Approval of Agenda

It was moved by Councillor Gidney and seconded by Councillor Brown that the Agenda be approved as circulated.

MOTION CARRIED unanimously.

Years of Service Awards

16 employees were recognized for their years of service:

5-Year Service Award

Lawrence Cunningham
Dalton Freeman
Larry W. Whynot
T.J. Warrington-Joudrey
Kevin Henderson

10-Year Service Award

Penny Benedict
Roslyn Rowter
Jo-Anne Lenethen

15-Year Service Award

Dana Henley
Colin Hartlen
David Benedict
Chris Wamboldt

20-Year Service Award

Wendy Connors

25-Year Service Award

Kevin Weagle
Terri Munroe
Jamie BeLong

3.0 Tabling of Petitions

There were no petitions to come before this meeting.

4.0 Public Question / Comment Session

Leon Robertson, 45 College Street, Liverpool – Mr. Robertson stated under Item 6.1 Ad Hoc Noise Bylaw Committee Recommendation that there doesn't seem to be much difference from the original Bylaw other than providing information on the responsibilities of other layers of government.

He wished everyone a Merry Christmas and a Happy New Year.

Anne Laws, 19 Old Meeting House Road, Beach Meadows and 39 Rock Island Lane, Labelle – Mrs. Laws thanked the Committee for reviewing the Noise Bylaw. She stated that she has reviewed the Municipal Government Act, as she feels all citizens should, so she is well aware of the Act.

One of the purposes of the Municipality is to develop and maintain safe and viable communities. The MGA states that Council may make bylaws for municipal purposes respecting health, well-being, safety and protection of persons. The RQM has had complaints and it is their responsibility to address and see that they're dealt with. Section 185 states a municipality and its officers and employees are not liable for damages caused by a remedy or attempting to remedy a contravention unless the municipality was grossly negligent.

Mrs. Laws further stated it was good to see a change in the quiet hours to 11 p.m. to 6 a.m. from 12 p.m. to 6 a.m. but a cause of concern is that it does not pass Health Canada's Standards of 7 – 9 hours daily. Is this Municipality addressing what Health Canada is talking about when you're talking about health and wellness for children and families?

There has been no change at all with those experiencing unreasonable noise between the hours of the proposed 6 a.m. to 11 p.m.

She stated she does not agree with a discount in the fine if paid early, out of court as it's not done with other fines.

If there is a problem in one part of our municipality, it's not good enough for the Region and Council to say it's just happening there.

Mayor Norman thanks Mrs. Laws for her comments.

5.0 Approval of Minutes

5.1 Regular Council – November 23, 2021

It was moved by Councillor Gidney and seconded by Councillor Hawkes:

THAT the minutes of the Regular Council meeting held November 23, 2021 be approved as circulated.

MOTION CARRIED unanimously.

5.2 Special Council – December 1, 2021

It was moved by Councillor Amirault and seconded by Councillor Brown:

THAT the minutes of the Special Council meeting held December 1, 2021 be approved as circulated.

MOTION CARRIED unanimously.

6.0 Recommendations

6.1 Ad Hoc Noise Bylaw Committee Recommendation

It was moved by Councillor Brown and seconded by Councillor Charlton:

THAT Council of Region of Queens Municipality give first reading to a Bylaw Respecting Noise.

Councillor Fancy indicated he would like to see the changes made highlighted. Councillor Charlton stated when the Committee met, several Acts were reviewed including the Municipal Government Act. Much of the concern from the Committee Members was the potential to make more problems.

She further stated some concerns she received were noises outside the quiet time hours and how it would affect young families, and cause more neighbour disputes, so the consensus of the Committee was to enhance the quiet time to allow for the sleep that Councillor Brown had brought forward previously without imposing hardships to farming, etc., recognizing this will not solve all problems. Consensus of the Committee by 100% was to also remove Schedule A.

Councillor Brown stated the biggest change is there was no quiet hours in the old bylaw; the new one prohibits noise for 7 hours. In addition, the Committee had representation of residents from each district.

Councillor Gidney enquired if there is unreasonable noise during the proposed quiet time between 11 p.m. and 6 a.m., what do residents do? Councillor Brown stated the RCMP can lay disturbing the peace charges which is an Act under the Criminal Code.

Chris McNeill, CAO, stated today is the first reading of the Bylaw. It will be publically advertised in the newspaper, and will then come back to Council, so there is opportunity for residents to read through and bring forth any questions. If adopted at the second meeting of Council in January, it needs to be advertised again. Before we can issue SOT (Summary Offence Tickets), it has to go through the province for approval which typically takes 12 – 15 months. We can still issue tickets but they become long form summons which means the person has to go directly to court.

Mayor Norman asked Mr. McNeill to address the comment made during the public comment section about a reduction in fine payment if paid early. Mr. McNeill stated if RQM goes to court over a noise bylaw fine and do not offer an out of court settlement initially, the judge typically does not look favourably and would typically find the ticket holder not guilty as we're taking up court time with what they feel is not important or they'll issue a minimum fine. In order for RQM to go to court, in this case, the fine is usually no more than \$500 and would cost roughly \$7,000-8,000 to prosecute; therefore, it does not make sense to go to court initially.

Councillor Fancy enquired about the RCMP not wanting to issue tickets. Mr. McNeill explained that the RCMP will enforce as deemed necessary, and that it is the Crown Prosecutor who decides to proceed, and in the past the Crown Prosecutor has refused to bring forward these cases because they didn't want to tie up the courts time for what they see as non-substantial issues. If they take someone to court for disturbing the peace, etc., which is a federal offense, they would get a criminal record.

MOTION CARRIED unanimously.

6.2 Naming of Universally-Designed Playpark

It was moved by Councillor Amirault and seconded by Councillor Gidney:

THAT Council of Region of Queens Municipality name the universally designed playpark to be constructed adjacent to Queens Place Emera Centre on Old Cobb's Barn Road "Eli Militamk" Queens Universally-Designed Playpark.

Dana Henley, Community Development Coordinator, stated the Playpark Committee, in consultation with Acadia First Nations, provided a recommendation to staff that the playground be named "Eli Militamk" Queens Universally Designed Playpark. Eli Militamk is Mi'kmaq and the pronunciation is (ed a lee Milly Dumk) and translates to English as "we are playing here".

Councillor Charlton enquired if translation on signage will be included as per Deputy Mayor Muise's comment at last council. Mayor Norman stated the translation of Etli Militamk as "we are playing here" will be included on the sign.

MOTION CARRIED unanimously.

6.3 Dangerous or Unsightly Premises Report

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

THAT Region of Queens Municipal Council declare the property located at 536 West Street, Milton, Queens County, Nova Scotia and identified as PID#70074323 as dangerous or unsightly as defined in the Municipal Government Act of Nova Scotia.

AND THAT Region of Queens Municipal Council cause an Order to be served upon the deceased owner and parties of interest of the property located at 536 West Street, Milton, Queens County, Nova Scotia requiring that, within thirty (30) days of the date of the service of the Order, the following work be carried out:

- 1. Removal of derelict RV;**
- 2. Removal of derelict vehicle;**
- 3. Removal of derelict sailboat and trailer;**
- 4. Removal of derelict speed boat, trailer and motor;**
- 5. Clean-up and removal of construction and demolition debris from two, collapsed outbuildings; and**
- 6. Removal of miscellaneous items strewn about such as scrap metals, household garbage, plastics, propane tanks, vinyl siding, oil barrels, piles of lumber, etc.**

AND THAT, if the parties of interest fail to comply with the Order, the Administrator may cause the requirements of the Order to be carried out and all expenses incurred by the Region of Queens Municipality become the responsibility of the parties of interest.

Kelley-Anne Hurley, Bylaw Officer, stated many formal complaints of dangerous and unsightly conditions on this property have been received. There have been several site inspections and meetings

with family, financial institutions, RQM Building officials, and neighbouring residents and it has been concluded that action must be taken to remedy the conditions.

This property has been on the roster for several years and the property is falling into disrepair. Two outbuildings have collapsed and many items of rot require removal, including various items strewn about.

In order to remedy the current dangerous and unsightly conditions, the recommendations as listed in the motion need to be completed.

She noted that no property representation was present.

It was moved by Councillor Brown and seconded by Councillor Charlton:

THAT the wording “deceased owner and parties of interest of the property” in the first paragraph be changed to “Estate of David C. Winters”.

AND THAT in the last paragraph that the wording “parties of interest” be changed to “Estate of David C. Winters”.

AMENDMENT CARRIED unanimously.

AMENDED MOTION CARRIED unanimously and reads as follows:

THAT Region of Queens Municipal Council declare the property located at 536 West Street, Milton, Queens County, Nova Scotia and identified as PID#70074323 as dangerous or unsightly as defined in the Municipal Government Act of Nova Scotia.

AND THAT Region of Queens Municipal Council cause an Order to be served upon the Estate of David C. Winters located at 536 West Street, Milton, Queens County, Nova Scotia requiring that, within thirty (30) days of the date of the service of the Order, the following work be carried out:

- 1. Removal of derelict RV;**
- 2. Removal of derelict vehicle;**
- 3. Removal of derelict sailboat and trailer;**

4. Removal of derelict speed boat, trailer and motor;
5. Clean-up and removal of construction and demolition debris from two, collapsed outbuildings; and
6. Removal of miscellaneous items strewn about such as scrap metals, household garbage, plastics, propane tanks, vinyl siding, oil barrels, piles of lumber, etc.

AND THAT, if the Estate of David C. Winters fail to comply with the Order, the Administrator may cause the requirements of the Order to be carried out and all expenses incurred by the Region of Queens Municipality become the responsibility of the parties of interest.

6.4 Solid Waste Post Closure Liability RFP

It was moved by Councillor Brown and seconded by Councillor Charlton:

THAT Council of Region of Queens Municipality approve the appointment of AECOM Canada to complete a Solid Waste Post Closure Liability report, with the cost to be funded from the Post Closure Reserve fund.

Joanne Veinotte, Director of Corporate Services, stated RQM is required under Public Sector Accounting to comply with a new regulation coming in next year through Asset Retirement Obligations to complete a new post closure liability calculation.

There is a \$2 Million discrepancy in the financial statements between the liability as it is calculated and the amount of money we have in the reserve to pay for it. There is more in the reserve than is being calculated in the liability. The report we are asking for is very comprehensive and detailed and will look at all aspects of the landfill, how much it will cost to close, now or 10 years from now. We will use this as our baseline and adjust our figures accordingly.

The cost is \$150,000 but is necessary and is a very good investment. We currently have \$5.2 Million in the reserve and the liability was calculated at \$3.3 Million, so there is money to fund it.

Going forward we will have the environmental and engineering expertise to be able to give us numbers to rely on to base our calculations.

MOTION CARRIED unanimously.

7.0 Discussions

There were no discussion items to come before this meeting.

8.0 In-Camera Items

It was moved by Councillor Gidney and seconded by Councillor Brown that the proceedings go In-Camera at 9:50 a.m. to discuss the following:

- 8.1 Contract Negotiations
- 8.2 Contract Negotiations
- 8.3 Personnel

MOTION CARRIED unanimously.

Mayor Norman announced a 5 minute break at 9:50 a.m.

Council recessed at 11:07 a.m. until 12:15 p.m.

It was moved by Councillor Gidney and seconded by Councillor Brown that the proceedings exit In-Camera at 1:28 p.m.

MOTION CARRIED unanimously.

- 8.2 Contract Negotiations

It was moved by Deputy Mayor Muise and seconded by Councillor Gidney:

THAT Council of Region of Queens Municipality enter into a lease with Global Empire Corporation for space at Liverpool Business Development Centre.

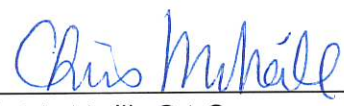
MOTION CARRIED unanimously.

9.0 Adjournment

The meeting adjourned at 1:30 p.m.



Mayor Darlene Norman, Chair



Chris McNeill, CAO



Christine Watson, Administrative Assistant – Planning & Development

Date Approved: 