

**Region of Queens Municipality Regular Council  
Tuesday, September 27, 2022**

**6:00 p.m.**

**Agenda**

**1.0 Call to Order**

**2.0 Changes / Approval of Agenda**

**3.0 Presentations**

**4.0 Tabling of Petitions**

**5.0 Public Question / Comment Session**

**6.0 Approval of Minutes**

6.1 Regular Council – September 13, 2022

**7.0 Recommendations**

7.1 Policy 95 – Maintenance of Trees

7.2 Cost Sharing of J-Class Roads – 2023-2024 Fiscal Year

**8.0 Discussions**

8.1 2024 Municipal Electoral Boundary Public Consultation

**9.0 In-Camera Items**

9.1 Contract Negotiations

9.2 Contract Negotiations

**10.0 Adjournment**

**Region of Queens Municipality Regular Council  
Tuesday, September 13, 2022, 9:00 a.m.**

**6.1**

**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  
Eric Levy, Municipal Clerk  
Christine Watson, Admin. Assistant – Planning & Development

**1.0 Call to Order**

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

70 seconds of silence were held in recognition of the 70 years of service of Queen Elizabeth II.

**2.0 Changes / Approval of Agenda**

Item 7.7 NSFM Conference added to agenda.

**It was moved by Councillor Charlton and seconded by Councillor Brown that the Agenda be approved as amended.**

**MOTION CARRIED unanimously.**

**3.0 Presentations**

3.1 Queens Historical Society – Lost at Sea Memorial

Mayor Norman welcomed David Dagley, Chair, Lost at Sea Committee, and Don Smith, Committee Member and Board of Trustees, to Council.

Mr. Dagley thanked the Mayor and Councillors for the opportunity to present today. He noted that all members of the Committee were present.

Some highlights included:

The list of Committee members were reviewed.

The Terms of Reference were developed in 2011 and updated in 2022.

1. Names to be included in database include sailors and fishermen associated with vessels lost at sea, vessel-related deaths while at dockside, Queens County residents lost as vessel passengers, members of Canada's Armed Forces lost on active service. Fresh-water deaths and deaths at place of residence are excluded.
2. Residents of Queens County are those born in Queens County, those who moved here and became residents, those lost at sea while away working, Privateer Crew Members from Queens County, residents lost at sea in foreign ports due to illness and members of all armed forces lost at sea while on active duty.
3. Project will cover period 1759 to present.
4. Interpretive Panel with QR Code will contain a QR code which will allow visitors to access the Lost at Sea database that will contain the accepted names. The Committee felt it was needed rather than just an image.
5. The Lost at Sea Database will include, depending on availability of information, name of individuals in alphabetical order, date of birth, community of residence, name of vessel, date lost at sea, location of loss, names of parents, name of spouse, place and date of marriage, and children.
6. Master List of Names is a computerized master list of all names. The headings will include Accepted, Unqualified or Not Determined. The Museum website and Facebook page will be created to assist and will determine qualification for updated or additional information.

Project Overview:

- In 2009 local researches along with staff of Queens County Museum and members of the Queens County Historical Society agreed a proper tribute was a priority to those lost at sea.
- In 2022 the Committee moved towards developing a concept.
- Approximately 1,700 names have been identified and will be available through a digital QR code which will allow for ease of changes.

The Recommended Site:

- Fort Point Waterfront Park was selected for reasons including the location, existing parkland attraction site, high visibility, existing support staff, parking, washroom facilities, gift shop, etc.

The Proposed Concept:

- Will consist of four bronze figures; a fisherman, his wife, their daughter and son. They will be forged in bronze to full human scale. The mood will be evident through detailed facial expressions and positioning of the bronze figures.

Proposed Base Fabrication:

- Width is 8 feet, length is 16 feet and height is 8 feet.
- Bronze sculpted figures installed to base.
- Hard surface to match the existing walkways.
- Landscape around base of monument.
- Reviewed the Conceptual image.

Similar projects completed by our design consultant and sculptor/fabricator:

- Similar projects have been completed: the Canadian Merchant Navy Mariners Memorial located on the waterfront boardwalk in Sydney, Nova Scotia and the Sealers' Memorial in Elliston, Newfoundland.

Conclusion:

- Budget of approximately \$500,000.
- Fundraising, including submission of grant applications, will commence upon receipt of formal approval for the proposed site at Fort Point.

Mr. Dagley stated a formal letter of request for their request will be submitted.

Mayor Norman stated the process for their formal request is that it will be discussed at the next Council meeting and a recommendation will be brought forward at the first meeting in October.

Mr. Smith stated costing work has begun and the decision to go with a foundry in Newfoundland has been made.

Mayor Norman stated she saw this project as a partnership with the Region becoming the owner. Mr. Dagley stated yes that would be the intent. The Historical Society will be responsible for updating the QR code with any undated material.

Councillor Brown enquired to the timeframe of when the Committee anticipated completion of the project. Mr. Smith indicated the project would probably take 12 months.

Mayor Norman thanked the Society for their presentation.

### 3.2 South Shore Public Libraries

Mayor Norman welcomed Ashley Nunn-Smith, CEO & Chief Librarian, South Shore Public Libraries, to Council.

Some highlights included:

Reviewed Weekly Open Hours per Location (2021-2022); with the South Shore coming in second to Halifax.

Reviewed Annual In-Person Visits per Capita (2021-2022); South Shore coming in third of the 8 locations.

Library offers:

- Supports family literacy
- Imagination & play; includes books, toys and crafts
- Study & work space; much needed and provides free WIFI

#### Core and Innovative Library Services

- Bookmobile – Newly launched in August 2021 with four Queens County stops; Caledonia, Pleasant River, Mill Village, and Port Mouton. In person visits remain high.
- Same Page – Launched in January 2022 and is a Consortia catalogue of 8 regional NS library systems with a million plus items to borrow.
- Reviewed Physical & Digital Borrowing 5-year trend; had a dip during the pandemic.
- Reviewed per Capita Expenditure (2020-2021); South Shore was \$27.84.
- Reviewed Collection Spending per Capita (2020-2021); South Shore was second to Halifax at \$3.74.

- Reviewed Annual Borrowing per Capita (2021-2022); South Shore residents is 4 items per year.
- Covid-19 Rapid test distribution; also assisted with booking vaccine appointments, printing off vaccination records, and handing out 220,000 test kits.
- Seed Library – Offers free seeds to anyone who is interested.

#### Engaging Programs

- Reviewed Total in-person programs (2021-2022)
- Reviewed In-person program attendance (2021-2022)
- East Coast Kitchen Party & Trulove Ways were held in March and August 2022 and were well attended.
- Dalhousie SuperNova Camp – A week-long summer camp offered for free with Dalhousie camp instructors offering (STEM); Science, Technology, Engineering and Math activities.
- Paddling, hiking, and local history.
- Babies & Books – Offered to babies up to 18 months and provides a social setting for parents.
- Garden Club
- Drag Queen Storytime
- Mi'kmaq Moons – Facilitated by Cathy Leblanc and teaching about Truth and Reconciliation.
- Teen Summer Book Club
- Lunenburg Light Festival – The 7<sup>th</sup> annual Lunenburg Literature Festival takes place on September 22 – 24.
- Big 50 Picnic – South Shore Public Libraries celebrates its 50<sup>th</sup> anniversary this year.

Ms. Nunn-Smith played a short video titled “Turning Pages Since 1972” which celebrates 50 years in service.

Councillor Brown stated the library was more than just books, they offer computers for any residents wanting to use them or to look for jobs. The bookmobile has 11 charging ports.

Councillor Charlton enquired if there was a breakdown specifically for the Liverpool Library. Ms. Nunn-Smith stated there is and she will provide her with the information,

Councillor Fancy enquired if the number of books lessened now that digital is available. Ms. Nunn-Smith stated the physical books far outweighs digital and they provide what the public want. Should circumstances change, they will adapt.

Mayor Norman thanked her for the presentation.

#### **4.0 Tabling of Petitions**

There were no petitions to come before this meeting.

#### **5.0 Public Question / Comment Session**

Leon Robertson, College Street – Mr. Robertson asked if the selection for the location for the new library has been decided. Mayor Norman stated no.

He stated under 7.6 Rezoning – Highway 8 in Milton sounds like a good project.

#### **6.0 Approval of Minutes**

6.1 Regular Council – August 9, 2022

**It was moved by Councillor Charlton and seconded by Councillor Amirault:**

**THAT the minutes of the Regular Council meeting held August 9, 2022 be approved as circulated.**

**MOTION CARRIED unanimously.**

#### **7.0 Recommendations**

7.1 Road Naming – Cahoon Lane

**It was moved by Councillor Charlton and seconded by Councillor Amirault:**

**THAT Council of Region of Queens Municipality approve the naming of an existing right of way off Highway 331 in East Port Medway as Cahoon Lane.**

Mike MacLeod, Director of Planning & Development, stated the request is in compliance with Policy and Cahoon Lane is acceptable as no same or similarly named road exists in Queens County.

**MOTION CARRIED unanimously.**

## 7.2 Fees for Planning Services

**It was moved by Councillor Amirault and seconded by Councillor Charlton:**

**THAT Council of Region of Queens Municipality approve Operational Policy Number 7 – Fees for Planning Services.**

Mr. MacLeod stated the current policy was adopted by Council on November 21, 2011 and has been some time since it has been reviewed. The costs have increased over the years, particularly in the areas of Bylaw amendments and Development Agreements. It is not a money generating policy, but is to offset some of the costs of providing these services.

**MOTION CARRIED unanimously.**

## 7.3 Pool Committee

Mayor Norman stated at last Council it was recommended that the makeup of the pool committee be Councillor Amirault and Councillor Fancy, two members from the Queens Community Aquatic Society as they selected, and two members of the public.

The Queens Community Aquatic Society have recommended Deborah Spartinelli and Sandi Muisse.

The names of the public who are interested in sitting on the Committee were submitted and listed on the report.

Councillor Amirault suggested Lezlie Armstrong as she would be an excellent candidate.



Deputy Mayor Muise suggested Ann Doggett as she worked at the Milton Pool and the City of Toronto Aquatics.

Councillor Brown suggested Ann Doggett as she is very passionate about life guarding and the pool and would be a strong candidate.

Councillor Charlton noted there were a lot of residents who would like to take part on the Committee especially some younger people. She suggested Caitlin Nickerson and Ashley Saulnier.

Councillor Fancy stated it was hard to make a decision and suggested Councillors submit three names and make the selection from them, and not to make anyone feel slighted if they were not selected. Mayor Norman stated that is not the way that we conduct things and stated that we simply require someone to make a motion. Several names have been brought forward.

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

**THAT Council of Region of Queens Municipality appoint Deborah Spartinelli and Sandi Muise to the Pool Committee effective October 1, 2022.**

**AND THAT Ann Doggett and Lezlie Armstrong from the public be appointed to the Pool Committee effective October 1, 2022.**

Mayor Norman stated the options going forward is to approve or make a motion to amend.

Councillor Charlton enquired in regards to the pool process if the Director of Recreation would be speaking to the representatives of the Dambusters. Chris McNeill, CAO, stated yes.

**MOTION CARRIED unanimously.**

7.4 Human Resource Policy Employee Handbook

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

**THAT Council of Region of Queens Municipality adopt the policies set out in the Region of Queens Municipality Human Resource Policy Employee Handbook dated August 10, 2022.**

Mayor Norman stated at our last Council meeting there was discussion and several points were made for changes. Eric Levy, Municipal Clerk, has made the changes to the new document.

**MOTION CARRIED unanimously.**

7.5 Automobile Repair Shop by Development Agreement – 16 Edward Street, Milton

**It was moved by Councillor Fancy and seconded by Councillor Gidney:**

**THAT Council of Region of Queens Municipality give notice of its intention to enter into a development agreement with Samantha Corner and Robie Leigh Murphy to allow for an automobile repair shop on properties identified as PID# 70071782, 70261383 and 70071816 and located at 16 Edward Street in Milton;**

**AND THAT a Public Hearing be held on October 11, 2022 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.**

Mike MacLeod, Director of Planning & Development, stated an application to enter into a development agreement that would allow for an automobile repair shop located at 16 Edward Street in Milton has been received.

The property is zoned as General Residential (RG) under the Land Use Bylaw which does not include an automobile repair shop as a permitted use; however, Council can consider such uses through provision within the Land Use Bylaw through a development agreement process.

Policy 6-21 of the Municipal Planning Strategy (MPS) sets out a number of evaluation criteria which Council can take into consideration in looking at development agreements which is included on page 3 of the Staff Report.

Policy 6-16 of the MPS includes the criteria that Council may include in a development agreement.

The property is three parcels of land that is owned by the applicant which is approximately 2 ½ acres of land with approximately 215 feet of frontage on Edward Street. Edward Street is predominantly a low density residential neighbourhood.

A letter from the previous owners has been included that indicates that the properties were previously used for an auto body repair / auto body business for a number of years. There is an existing personal storage building which is intended to be used for his operation.

The proposed operation is approximately 150 feet to the north from the closest residential dwelling. The main parcel of land that surrounds the accessory building is wooded and provides a reasonable buffer to the surrounding properties to the south east.

Edward Street is a provincially owned and maintained public road and provides existing access to the property. There are not wetlands or watercourses in the vicinity of the property.

Included in Appendix C of the Staff Report are letters of support.

There are two options to consider:

1. Maintain status quo or

2. Enter into a development agreement with the property owners.

In looking at the use that is being proposed, it is Staff's opinion that sufficient provisions be put into the development agreement that mitigate potential issues that the operation may have to the surrounding residents. Staff recommend it include provisions respecting off street parking, maintain a vegetative buffer, outdoor storage and lighting, and hours of operation. The Staff Report includes a draft copy of a development agreement should Council decide to move forward with this request.

The Planning Advisory Committee met on September 6, 2022 to discuss this proposal and most were in favour in moving forward; however, it was suggested that the hours of operation be limited to Monday to Saturday and were in agreement to enter into a development agreement.

Councillor Charlton stated in discussions with the applicants they had no issues with the proposed hours of operation and had no intention of operating on Sunday.

**MOTION CARRIED unanimously.**

#### 7.6 Rezoning – Highway 8 in Milton

**It was moved by Deputy Mayor Muise and seconded by Councillor Fancy:**

**THAT Council of Region of Queens Municipality give notice of its intention to amend the Planning Strategy and Land Use Bylaw to change the future land use designation of PID #70077698, 70077722 and 70077680 to Serviced Residential (RES) and the zoning of PID #'s 70077698, 70077722 and 70077680 to Multiple Unit Residential (RM);**

**AND THAT a public hearing be scheduled for Tuesday, October 11, 2022 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 am.**

Mr. MacLeod stated as was approved at the August 9, 2022 Council meeting, Council approved entering into a Purchase & Sale Agreement to sell the three parcels of land commonly known as the Garika property on Highway 8 in Milton. The purchaser proposes to build a multiple unit residential housing project.

The properties are zoned as Recreational and Open Space (P) under the Land Use Bylaw and have a future land use designation as Serviced Commercial (COM) under the Municipal Planning Strategy. The use being proposed is not permitted in the (P) zone. The only opportunity for consideration of the proposed use would be through amendments to the Municipal Planning Strategy and Land Use Bylaw.

As stated in Policy 6-21, the Land Use Bylaw sets out criteria Council takes into consideration when looking at amendments to the planning document, which is included in the Staff Report. Municipal Planning Strategy also establishes policy respecting the preferred general locations for particular densities of residential development under Policy 4-42 – urban serviced areas shall be the focus of higher densities of residential development.

Policy 5-10, the planning strategy highlights that in areas where they're not already zoned as Multiple Unit Residential Housing, Council will continue to consider proposals for multi-unit residential development through the zoning map amendment process.

Considerations for Council, three parcels of land approximately 35,000 square feet for a proposed 15 unit residential development, which are in significant demand in Queens. The area is a mix of residential, commercial and institutional uses. Access to Municipal sewer services is available. The property abuts Trunk 8 and Bridge Street and is close in proximity to recreational facilities. Existing sidewalks are on the east side of Highway 8.

The Planning Advisory Committee met on September 6, 2022 to review the application and the proposed uses. While all Committee members recognize the importance and need of residential housing units, a number of concerns were raised; loss of potential parkland, loss of the public's access to the shoreline and give consideration to retaining a portion or retain an easement for public use, there are

more appropriate locations for development and a loss of view of the river for property owners on the eastern side of Highway 8. A majority voted to move forward.

Councillor Fancy enquired the distance the proposed development is from the bridge and voiced his concerns over parking and access to the dry hydrant, which in discussions with Fire Chiefs, there may not be enough room for their truck, and the boat launch. Mr. MacLeod explained that the province retained a portion of the property for themselves (Appendix B) for potential right of way. Under the Land Use Bylaw there is a requirement to conform to the parking rules and can be changed as development plans progress. As part of the Purchase and Sale Agreement, the easement will be maintained.

Councillor Fancy suggested moving the dry hydrant to Tupper Park, and stated the Fire Chiefs were in agreement to that. Councillor Charlton agreed that there should be protection for the dry hydrant and to ensure that trucks can have access and to perhaps include the Fire Chiefs in the decision-making process.

**MOTION CARRIED unanimously.**

7.7 NSFM Conference

Mayor Norman stated the dates for the Nova Scotia Federation of Municipalities (NSFM) Conference is being held November 1 - 4, 2022 at the Westin in Halifax. A block of rooms has been set aside.

Councillors Charlton, Fancy, and Brown expressed their interest to attend along with Mayor Norman. Councillors Gidney and Amirault expressed a potential interest and will confirm by days end.

Councillor Charlton commented that her attendance at the Spring Conference allowed her the opportunity to meet and talk to other Councillors in other districts.

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

**THAT Mayor Norman, Councillor Fancy, Councillor Brown and Councillor Charlton attend the Nova Scotia Federation of Municipalities Conference from November 1 – 4, 2022,**

**AND THAT Councillor Gidney and Councillor Amirault will attend subject to their availability.**

**MOTION CARRIED unanimously.**

## **8.0 Discussions**

### 8.1 Cost Sharing of J-Class Roads – 2023-2024 Fiscal Year

Mayor Norman stated that we have received a list of roads that the Province charges us to help maintain. If we wish to have any work done, we cost share 50/50 for paving, and 100% for anything in addition to the paving.

Councillor Charlton enquired if we budget now for J-Class roads. Mr. McNeill stated the approval asked for today will be for next year; what Council approves, we'd budget for next year.

Councillor Charlton stated we need to consider fixing some of our roads as they are in terrible condition and that moving forward we should allocate a certain amount of money in the budget and have a policy to support that. There are other municipalities that have policies in place to prioritize these specific roads and some of them are based on if they're near schools or services.

She further indicated she had previously asked to have the road on the corner of Mount Pleasant and Shore Road, number one on the list, redone whereas it is close to the High School and the Queens County Day Care, and is requesting that it be added to the list again this year. This equates to .3 km.

She further enquired if the decision was made to go ahead with sidewalks, how that would happen. Mr. McNeill stated it would be 100% at our cost and could be a budget discussion.

Councillor Fancy requested to have Oliver Street, which he has requested previously, and is .14 km. He further requested Morley Street which is .24 km.

He feels that road repairs need to be a budget item in order to start doing repairs.

Councillor Brown requested Roxbury Road and Fostertown Road, both of which are in hard shape and hard to plow. They are both gravel roads and do not need to be paved, so maybe the cost will be lower.

Mr. McNeill stated the Province will ask for the roads we request to be prioritized, so we will need to decide which road is our first priority and put them in order. If approved, it could be a 1 – 1 ½ cent increase on the tax rate.

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

**THAT this issue be referred to the next Council meeting for a recommendation.**

**MOTION CARRIED unanimously.**

## 8.2 Policy 95 – Maintenance of Trees

Adam Grant, Director of Engineering and Public Works, stated their department is looking for a mechanism to respond to the increasing number of complaints. In recent years they have experienced a lack of compliance or agreement from property owners to maintain what is already on their property. We would like to maintain a safe access to the sidewalks and streets and provide visual access of stop signs at intersections.



**It was moved by Councillor Charlton and seconded by Deputy Mayor Muise:**

**THAT this issue be referred to the next Council meeting for a recommendation.**

**MOTION CARRIED unanimously.**

8.3 Council Implementation Report

Councillor Charlton enquired to the public attendance numbers at the public consultations held on the boundaries for the 2024 municipal election. Mr. McNeill stated the report will be on the next Council meeting agenda.

8.4 Region-owned Land – Councillor Fancy

Councillor Fancy stated he has received a lot of feedback from residents who were not aware of property for sale or didn't have the opportunity to purchase it. The Region follows the guidelines of the Municipal Government Act in which anyone can come forward with an unsolicited proposal. Residents can ask for PID numbers to research on line, and enquired if it is possible to have something on our website, a list of available property or perhaps a booklet, for better access than what we now have. He suggested if we do not have the staff to complete this, then perhaps an outside source could be hired. He stated that lack of transparency comments have been made and this would help with these issues and believes that it should be made a priority.

Councillor Charlton enquired of Mr. MacLeod where the list of identifying surplus property stood.

Mr. MacLeod stated the Region does have a list of Region owned property compiled and are in the process of weeding out the properties for potential sale and Council approved a list this past winter of surplus properties. We have not had the time to move forward with this, and some of the properties are of the size that would only be of interest to the abutting property owners.

There have been several others parcels that have been identified and will be advertised for sale. We have to determine our clear title, some have been granted through former township lands, and will continue to work on them.

As per Councillor Fancy's discussion, the Planning Department has been working with our Economic Development department and have prepared maps of lands the Municipality has that could potentially be used for development purposes, which is a fairly small number. Our department could compile something to put on line of potential lands.

Mayor Norman enquired to the land the Region owns that is forested, and feels that Council needs to have a discussion of what types of lands to sell and for what purposes we want to make surplus lands available and if it is for forestry practices, believes more discussion is needed. Mr. MacLeod stated we have parcels and they have to go through the same process of Council declaring them as surplus. Of the list of properties the Region owns, a significant portion of them have structures on them.

Councillor Brown offered his concerns that if we advertise every parcel of land owned by the Region, you end up with the potential to have them all appraised to put a value on it, and will put a lot on staff.

Mr. McNeill stated there are approximately 300 parcels of land, we would need to determine legal ownership, determine surveys, etc. and would need to hire a lawyer. It is an expensive process and is why we have been doing it slowly. We have not determined all the surplus lands, but we have determined what we have and are going through them to determine what we need to keep. As per the Implementation Report item in question, some have been determined to offer to abutting landowners, and some are larger parcels of land which takes time to go through and we are trying to avoid spending large sums of money on legal fees. There is a misconception of the amount of prime real estate the Region has and there are very few.

He further commented that the Queens Care Housing group are looking for land and, they are struggling to find locations as there is very little property for housing projects.

No further action on this matter was decided.

## **9.0 In-Camera Items**

**It was moved by Councillor Gidney and seconded by Councillor Amirault that the proceedings go In-Camera at 11:20 a.m. to discuss the following:**

- 9.1 Contract Negotiations
- 9.2 Contract Negotiations
- 9.3 Sale of Municipal Properties
- 9.4 Personnel

**MOTION CARRIED unanimously.**

**Mayor Norman announced a 10 minute break at 11:20 a.m.**

**It was moved by Councillor Charlton and seconded by Councillor Brown that the proceedings exit In-Camera at 12:40 p.m.**

**MOTION CARRIED unanimously.**

## **10.0 Adjournment**

The meeting adjourned at 12:40 p.m.

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Mayor Darlene Norman, Chair

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Eric Levy, Municipal Clerk

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Christine Watson, Administrative Assistant – Planning & Development

Date Approved: \_\_\_\_\_

## **Region of Queens Municipality Staff Report**

**7.1**

**To:** Council

**From:** Adam Grant, Director of Engineering and Public Works

**Date:** September 27, 2022

**Re:** **Policy 95 - MAINTENANCE OF TREES**

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### **Background**


Region of Queens Municipality's Engineering and Public Works Department is regularly requested to assess trees and their structure for health and potential damage to property. Likewise, the Traffic Authority is called upon often to ensure the provision of unobstructed roadways and streets.

### **Details**

Safety must always be the main priority of the Municipality as it relates to a safe community with a network of streets and sidewalks for the use of pedestrians, cyclists, motorists and alike without risk from unnecessary hazards.

The purpose of this policy is to establish a standard method and clear process for ensuring that trees on private property do not create a safety problem for vehicles or members of the public using or accessing municipal property or infrastructure.

The Traffic Authority has a duty to ensure adequate visibility of regulatory signs, proper sight lines and such. Unmaintained growth along street right-of-ways from private property regularly creates a problem by reducing travelling widths of



sidewalks or reducing the visibility of regulatory signs such as stop, crosswalk, speed, etc.

### **Applicable Legislation**

Section 47 (1) of the Municipal Government act (MGA) authorizes Council to make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

### **Budget Impacts**

It is not expected that this recommendation will have any budget impacts.

### **Recommendation**

THAT Council of Region of Queens Municipality approve Policy 95 Maintenance of Trees.

### **Communications**

Communication will take place according to the policy when required.



## **POLICY NO. 95**

### **MAINTENANCE OF TREES**

**BE IT ENACTED** by the Council of Region of Queens Municipality, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

1. This policy shall be known as Policy Number 95 and may be cited as the “Maintenance of Trees Policy”.

#### **POLICY PURPOSE**

2. The purpose of this policy is to establish a standard method and clear process for ensuring that trees on private property do not create a safety problem for vehicles or members of the public using or accessing municipal property or infrastructure.

#### **AUTHORITY**

3. Section 63 of the *Municipal Government Act* provides that
  - (1) A municipality may
    - (a) remove dead, dying or diseased trees on public and private property;
    - (b) recommend and encourage
      - (i) the proper pruning, protection and repair of privately owned trees in the municipality,
      - (ii) the planting of trees of suitable species at desirable sites within the municipality.
  - (2) A municipality shall not remove trees from private property unless the owner has granted written permission or an order requiring the removal of the tree has been issued.

(3) The council may, by policy, authorize its employees to enter upon land within the municipality to

(a) treat the trees on the land as approved and recommended by Forestry Canada;

(b) inspect the trees to determine whether they are in a diseased condition or damaged to the extent that they constitute a hazard to the safety of persons or property.

(4) The council may, by policy, authorize an employee to order an owner of land, within thirty days of service of a copy of the order, to remove a tree or limb that is, in the opinion of the employee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity.

(5) An order to remove a tree or limb shall contain a description of the location of the tree or limb directed to be removed and a copy of the order shall be served upon the owner of the land.

(6) Where the owner fails to remove the tree or limb described in the order within thirty days of service of a copy of the order, a person authorized by the employee may enter upon the land upon which the tree or limb is situate, without warrant or other legal process, and remove the tree or limb.

(7) The actual cost of removal of the tree or limb pursuant to subsection (6) may be recovered as a debt from the owner of the land upon which it was located and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.

(8) An owner may appeal an order requiring the removal of a tree or limb to the Supreme Court of Nova Scotia within seven days of service of the order on the owner and the giving of a notice of appeal acts as a stay of proceedings until the appeal has been determined.

(9) Upon an appeal pursuant to subsection (8), the Supreme Court of Nova Scotia may confirm, modify or set aside the order.

(10) A municipality is not liable for failure to remove a diseased or dangerous tree or limb from property, whether publicly or privately owned.

(11) A person who defaces, mutilates or cuts a tree upon property of a municipality without the written consent of the municipality is guilty of an offence, and is guilty of a separate offence for each tree defaced, mutilated or cut.

## **SCOPE**

4. This policy shall apply to all streets within Liverpool and municipal infrastructure within Queens County which are under the care and control of Region of Queens Municipality. This policy does not apply to tree maintenance issues between adjacent or neighbourhood properties of which municipal property and municipal trees are not impacted.

## **DEFINITIONS**

5. Words in this policy shall have their normal Canadian dictionary meaning, except as follows:

“abutter” shall mean any person including an owner, lessee, or occupier of any premises or property that abuts a municipal street.

“Engineer” means Region of Queens Municipality’s Director of Engineering and Public Works or Assistant Director of Engineering and Public Works.

“municipal infrastructure” means any infrastructure that supports any municipal services including, but not limited to, public trees, street lights, traffic lights, traffic signs and other municipal signs, municipally owned or operated buildings, sidewalks, and public streets.

“owner” means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building; and in the absence of proof to the contrary, the person or persons assessed for the property.

“person” means a natural person, corporation, partnership, association, society, firm, agent, trustee, or registered Canadian charitable organization, and includes the heirs, executors, and other legal representatives of a person, or owner.

“public tree” means a tree where the majority of the trunk is located within a street, street right-of-way, or on municipal property.



“street” means all municipally-owned public streets, roads, lanes, sidewalks, thoroughfares, bridges and squares, curbs, gutters, culverts, and retaining wall in connection therewith and without restricting the generality of the foregoing includes the full right-of-way width.

## **POLICY DETAILS**

6. No person shall place, or permit the placing of, any bushes, shrubs, plants, trees, signs, lights, walkways, retaining walls, or other obstacles within a street or municipal infrastructure without the written authorization of the Engineer, and then only according to such terms and conditions noted in the authorization.
7. Where the Engineer believes that an abutting person or owner has a potentially dead or dying tree on public or private property that may constitute a hazard to the safety of persons or property, the Engineer is authorized to enter upon the private or public property to inspect such tree or trees to determine whether they are in a diseased or damaged condition.
8. When such an inspection is deemed required under Section 7, the Engineer will endeavour to notify the abutter prior to entering upon their property based on the level of risk to persons or property.
9. Where a tree or trees are believed by the Engineer to constitute a hazard to the safety of persons or property, the Engineer may issue an Order to the owner requiring that a tree or limb be removed, requiring that the order be complied with within 30 days. Should the owner fail to remove the tree or limb within 30 days, the Engineer or any person authorized by them may enter upon the land upon which the tree or limb is situate, without warrant or other legal process, and remove the tree or limb.
10. The actual cost of removal of any tree or limb carried out pursuant to Section 9 may be recovered as a debt from the owner of the land upon

which it was located and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.

11. Notwithstanding Section 3(11), Utility contractors with aerial infrastructure and their agents and contractors are authorized to carry out its own required overhead infrastructure tree maintenance along streets at any time, without the prior written consent of the Engineer.

### **ACCOUNTABILITY**

12. Responsibility for the oversight and implementation of this policy shall lie with the Municipality's Director of Engineering and Public Works.

### **EFFECTIVE DATE**

13. This policy shall take effect from the date of approval by Council.

Approved by Council:

**Region of Queens Municipality  
Staff Report**

**7.2**

To: Council

From: Chris McNeill, Chief Administrative Officer

Date: September 27, 2022

**Re: COST SHARING OF J-CLASS ROADS - 2023-2024 FISCAL YEAR**

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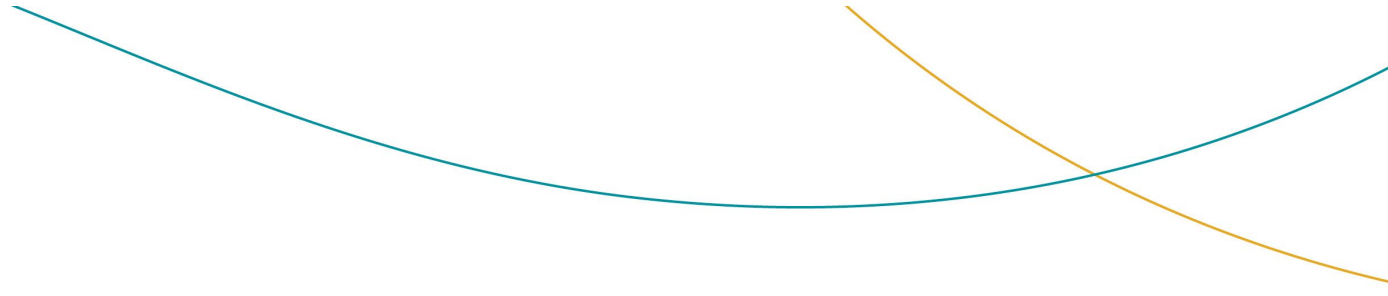
**Background**

Each year, Nova Scotia Public Works (NSPW) asks rural municipalities across the province if they wish to cost-share in capital upgrades to any roads within their municipal jurisdiction that are owned and maintained by the Province that are included on the municipally cost-shared J-class road list. Previously, the Municipality has requested to cost share in two roads adjacent to schools: Pleasant Avenue in Mount Pleasant next to Liverpool Regional High School and Old Port Mouton Road in White Point adjacent to Dr. John C. Wickwire Academy. Each of these road re-paving projects cost the Municipality about \$40,000 which was 50% of the re-pave cost. Ironworks like lifting manhole covers, catch basins, et cetera where they existed were at 100% cost to the Municipality.

We have received a request from NSTIR to determine our interest in cost-sharing on other roads in 2023-2024. A copy of eligible roads is attached. The annual provincial budget is only \$1 million to be matched by the eligible rural and regional municipalities so funding available for Queens County in the past has been minimal.

**Details**

Roads within Queens County are costed and paid for according to two different methods.



Roads within Liverpool are paid for 75% by all assessment accounts in Liverpool while the remaining 25% is paid for from the general tax rate of all accounts within Queens including Liverpool.

Costs for roads outside Liverpool (specifically J-class roads) that are owned by the Province and billed to the Region are paid for 75% by all assessment accounts outside Liverpool, while the remaining 25% is paid from the general tax rate on all accounts within Queens County.

As residents of Liverpool use rural roads and residents outside Liverpool use Liverpool roads, this funding formula was developed at the formation of Region of Queens Municipality and continues today.

### **Applicable Legislation**

Section 65(aa) of the *Municipal Government Act (MGA)* authorizes a council to expend money required by the municipality for streets, culverts, retaining walls, sidewalks, curbs and gutters;

Section 65(av) of the *Municipal Government Act (MGA)* authorizes a council to expend money on all other expenditures authorized by this Act or another Act of the Legislature, that are required to be made under a contract lawfully made by, or on behalf of, the municipality, or incurred in the due execution of the duties, powers and responsibilities by law vested in, or imposed upon, the municipality, its mayor or warden, council or officers.

### **Budget Impacts**

If Council was to select a road or roads to cost-share in re-paving the costs were estimated by NSPW in 2022-2023 at \$300,000 per kilometer which includes ditching, pipes, and asphalt. Our cost would be 50% of the final cost, excluding ironworks which would be 100% municipal cost.



## **Recommendation**

**THAT** Council of Region of Queens Municipality submit the following J-class roads to Nova Scotia Public Works for consideration of cost sharing in 2023-2024:

- College Street from Shore Road to Pleasant Avenue
- Roxbury Road
- Oliver Street; and
- Fostertown Road

**AND THAT** the roads be submitted in the following priority order:

- 1.
- 2.
- 3.
- 4.

## **Region of Queens Municipality Staff Report**

**8.1**

**To:** Council

**From:** Chris McNeill, Chief Administrative Officer

**Date:** September 27, 2022

**Re:** 2024 Municipal Electoral Boundary Public Consultation


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### **Background**

On December 10, 2021, Council was advised by the Nova Scotia Utility and Review Board (NSUARB) that it is required to carry out a review of its electoral boundaries in 2022 according to the Municipal Government Act and submit the application to the NSUARB for review, adjudication, and a decision.

At the Council meeting on February 22, 2022, Council authorized staff to prepare three preliminary options for consideration: a six member councillor option, a seven member councillor option, and an eight member councillor option. The issue of the Mayor is mandatory and therefore excluded from the process.

To comply with the requirements of the NSUARB procedures, Council must initially hold public consultations regarding the proposed options under council's consideration. Part of the consideration for each voting option is the relative parity of each voter for each option with the goal being no more than a 10% variance from the average number of voters per polling district. Once this has been determined and agreed to by Council, staff are then required to supply descriptions for each existing and proposed new polling district.



Staff reviewed the current municipal electoral boundaries and prepared three preliminary new options for six, seven, and eight council districts recognizing the NSUARB rules during the timeframe of March to June 2022. The number of electors used in the modelling is the most recent number of electors from the 2021 provincial election.

At the June 14, 2022 Council meeting, Council recommended that staff consult with the public on three different municipal electoral boundary options for 2024. These options were for six councillors, seven councillors and eight councillors. Council's preferred option was to maintain the status quo with seven councillors, but adjust the boundaries to more fairly distribute the voters.

## **Details**

Two meetings were duly advertised in the South Shore Breaker, on our website and on social media. Additionally, the three options were posted on the Municipality's website and shared directly with those residents registered for our EngageQueens.ca public engagement site. The on-line portion of the public survey ran for about five weeks.

The two in-person public meetings received feedback from three members of the public, of which the notes from the two meeting are attached to this report. The on-line survey tool received 26 unique responses with those responses also attached this report.

Upon the completion of the formal public consultation and description compilation, a formal application must then be submitted to the NSUARB. Upon receipt, the NSUARB will require certain newspaper ads to be published inviting formal comments from the public during the formal hearing before the NSUARB, usually held in the Council Chambers. At the formal hearing, staff will present the application and be subject to cross examination by the NSUARB or formal intervenors.

At the conclusion of the public hearing into this matter, the NSUARB will render its decision within 60 days. A complete set of the rules and procedures used by the NSUARB are located on their website.



## Option 1 - Six Electoral Districts (average 1471)

District 1 - East Port l'Hebert, Port Joli, South West Port Mouton, Port Mouton, Summerville Centre, Hunts Point, Beech Hill Farms, White Point, and 10% of Liverpool

Voters 1415      Variance from Average -3.8%

District 2 - Western Head, Moose Harbour, Mersey Point, Mount Pleasant, and 40% of Liverpool

Voters 1416      Variance from Average -3.74%

District 3 - Liverpool 50%, and Brooklyn (Sandy Cove)

Voters 1339      Variance from Average -8.97%

District 4 - Brooklyn (downtown), Beach Meadows, Eagle Head, West Berlin, East Berlin, Port Medway, East Port Medway, Danesville, and Mill Village

Voters 1560      Variance from Average +6.05%

District 5 - Charleston, Riversdale, Bangs Falls, Greenfield, Buckfield, Middlefield, Medway River 11, Pleasantfield, Ponhook Lake 10, and Milton

Voters 1627      Variance from Average +10.6%

District 6 - Labelle, Wildcat 12, Molega, Molega North, Whiteburne Mines, Westfield, South Brookfield, Pleasant River, Northfield, West Caledonia, Tobetic Wilderness Area, North Brookfield, New Grafton, Lake Rossignol, Kempt, Kejimikujik National Park of Canada, Hibernia, Harmony Mills, Caledonia, and Albany New

Voters 1459      Variance from Average -0.82%





## Option 2 - Seven Electoral Districts (average 1261)

District 1 - East Port l'Hebert, Port Joli, South West Port Mouton, Port Mouton, Summerville Centre, Hunts Point, Beech Hill Farms, and White Point

Voters 1201      Variance from Average -4.76%

District 2 - Western Head, Moose Harbour, Mersey Point, Mount Pleasant, and 35% of Liverpool (South)

Voters 1309      Variance from Average +3.81%

District 3 - 50% of Liverpool, and Brooklyn (Sandy Cove)

Voters 1339      Variance from Average +6.19%

District 4 - Brooklyn (downtown), Beach Meadows, Eagle Head, West Berlin, East Berlin, Port Medway, Danesville, and East Port Medway

Voters 1342      Variance from Average +6.42%

District 5 - Milton and 15% of Liverpool (West)

Voters 1367      Variance from Average +8.41%

District 6 - Mill Village, Charleston, Riversdale, Labelle, Wildcat 12, Medway 10, Molega, Molega North, Greenfield, Buckfield, Bangs Falls, Middlefield and Pleasantfield

Voters 1119      Variance from Average -11.3%

District 7 - Whiteburne Mines, Westfield, South Brookfield, Pleasant River, Northfield, West Caledonia, Tobetic Wilderness Area, North Brookfield, New Grafton, Lake Rossignol, Kempt, Kejimikujik National Park of Canada, Hibernia, Harmony Mills, Caledonia, and Albany New

Voters 1139      Variance from Average -9.67%



### **Option 3 - Eight Electoral Districts (average 1104)**

District 1 - East Port l'Hebert, Port Joli, South West Port Mouton, Port Mouton, Summerville Centre, Hunts Point, Beech Hill Farms, and White Point

Voters 1201      Variance from Average +8.79

District 2 - 55% of Liverpool

Voters 1176      Variance from Average +6.51%

District 3 - Western Head, Moose Harbour, Mersey Pont, Mount Pleasant, and 30% of Liverpool

Voters 1202      Variance from Average +9.06%

District 4 - Milton and Ponhook 10

Voters 1046      Variance from Average -5.25%

District 5 - 15% of Liverpool and Brooklyn

Voters 1165      Variance from Average +5.53%

District 6 - Beach Meadows, Eagle Head, West Berlin, East Berlin, Port Medway, Danesville, East Port Medway and Mill Village

Voters 986      Variance from Average -10.69%

District 7 - Charleston, Riversdale, Labelle, Wildcat 12, Middlefield, Pleasantfield, Medway River 11, Molega, Molega North, Pleasant River, Greenfield, Buckfield and Bangs Falls

Voters 1008      Variance from Average -8.7%

District 8 - Whiteburne Mines, Westfield, South Brookfield, Northfield, West Caledonia, Tobatic Wilderness Area, North Brookfield, New Grafton, Lake Rossignol, Kempt, Kejimikujik National Park of Canada, Hibernia, Harmony Mills, Caledonia, and Albany New

Voters 1032      Variance from Average -6.52%



## **Applicable Legislation**

Section 369 and 370 of the *Municipal Government Act* states that:

369(1) In the year 1999, and in the years 2006 and every eighth year thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.

(2) After the study is completed, and before the end of the year in which the study was conducted, the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors. Councillor continues to hold office

370 Unless the Board otherwise orders, where boundaries of polling districts are revised, any councillor holding office at the time of the revision continues to hold office until the next regular municipal election.

## **Budget Impacts**

The total process which is mandatory is expected to cost approximately \$2000.



Region of Queens Municipality  
**MUNICIPAL ELECTORAL BOUNDARIES PUBLIC MEETING**  
**Tuesday, August 30, 2022 6:00 p.m.**  
**Greenfield Fire Hall, 4960 Medway River Road, Greenfield**

**PRESENT**

David Brown, Councillor District 6

Chris McNeill, Chief Administrative Officer



Region of Queens Municipality  
**MUNICIPAL ELECTORAL BOUNDARIES PUBLIC MEETING**  
**Wednesday, August 31, 2022 6:00 p.m.**  
**Queens Place Emera Centre, 56 Queens Place Drive, Brooklyn**

**PRESENT**

Ted Bulley, 92 Union Street, Liverpool

Marilyn Langevin, 108 Broad River Road, Summerville Centre

Leo Langevin, 108 Broad River Road, Summerville Centre

Chris McNeill, Chief Administrative Officer

Chris McNeill reviewed the process for the mandatory electoral boundary review in 2022. He noted that all 49 municipalities in Nova Scotia are required to complete a similar review in 2022.

As part of the process, Council is required to consider its current governance system and recommend to the Nova Scotia Utility and Review Board (NSUARB) its preferred structure of the number of councillors beginning in 2024 and the geographic boundaries for each. Each electoral district is expected to be within a 10% variance of the average and provide relative parity in voting power for all electors. When determining the proposed boundaries, consideration must be given to geographic community boundaries, school districts, traffic and road networks, communities of interest like where community halls are located, et cetera.

Council has reviewed three options including keeping the current 7-member councillor system with some minor boundary changes, reducing to 6-member councillors, or increasing to an 8-councillor governance model. Council is proposing to its residents that the current 7-member councillor model works best and should be retained with some minor boundary changes.

During the past month, a similar consultation has been taking place on-line with residents able to make comments through our website with descriptions of the three models and maps. To date, there have been about two dozen comments made through the website. Once all the feedback has been received, Council will make its final recommendation to the NSUARB for consideration.

A review of the most recent electoral boundary approvals since 2014 for all rural municipalities in Nova Scotia was reviewed which showed Queens is 11th out of 21, or in the middle when considering the average number of electors per councillor.

It was questioned how Council came to the conclusion of considering 6, 7, and 8 councillors, and why not 5?

It was discussed that the current electoral boundaries for Queens County end in Kempt and do not extend into Maitland Bridge.

A review took place of the current roles and responsibilities of council members, their appointments to committees, and time commitments required to be a councillor.

Currently, each councillor in Queens represents about 1100 electors. Electoral boundaries are decided based on electors, not residents.

A detailed review of the boundaries and communities to be included in each of the three options was completed with clarifications provided when requested.

It was thought that Council is doing all right now with spending the residents' money and therefore seven councillors is still fine.

Six or seven councillors was also mentioned as the preferred option as long as some areas like Bristol Avenue and Old Port Mouton Road are fixed with the changes.

Also noted was that many years ago people that lived outside of Liverpool had to pay to attend school in Liverpool.

The meeting adjourned at 6:54 p.m.