

**MINUTES
TOWN COUNCIL
October 24, 2011**

Minutes of a meeting of Town Council for the Town of Bridgewater, held in the Council Chambers of Town Hall, 60 Pleasant Street, Bridgewater, Nova Scotia on Tuesday, October 24, 2011, commencing at 6:00 p.m., with Mayor Carroll Publicover presiding. Those in attendance: Deputy Mayor David Walker; Councillors Jim Bell, Patrick Hirtle, Bill McInnis, David Mitchell, and Greg Ritcey. Also in attendance were Ken Smith, Chief Administrative Officer; Harland Wyand, Town Engineer; Dawn Keizer, Director of Finance; Eric Shaw; Director of Planning; Nick Brown, Development Officer; and Sandra Porter-Lowe, Executive Assistant.

ADDITIONS / DELETIONS TO AGENDA

11-203 Moved by Councillor Ritcey, seconded by Councillor Mitchell that Town Council for the Town of Bridgewater accept the October 24, 2011 Town Council meeting agenda as circulated. Motion Carried.

ANNOUNCEMENTS

Council and the public were reminded of the Generations Active Park Master Plan session being held on November 10th at Bridgewater Fire Hall. It is an opportunity for residents to see the draft plan for Generations Active Park.

Mayor Carroll Publicover gave an overview of some of the events in which he and other members of Council had participated since the last public meeting of Council.

Mayor Publicover, along with many members of Council and the public, attended the Portraits of Honour event on October 14th. Mayor Publicover commended Brian and Carol Cooper and the local Legion members for their hard work in bringing this tribute to fallen soldiers to the Town of Bridgewater.

On October 15th, the Mayor attended the annual Fire Department Banquet and Awards night, and was pleased to present Anita Arenburg with an acknowledgment of 25 years of fire service. On October 17th, the Mayor was a guest speaker at Bridgewater High School's O2 program.

Mayor Publicover congratulated finalists and winners from the Town of Bridgewater for accomplishments recognized during the Lunenburg Queens Business Excellence Awards held on October 18th. The Mayor and the rest of Council spoke highly of the event recognizing the leaders in business in the area.

On October 19th, several members of Council attended the Jenna Martin fundraiser. Councillor Mitchell advised that, to date, \$67,000 had been raised for Jenna's "Run for London 2012". He noted that there was still opportunity to support Jenna, and stated that people could visit www.jennamartin.ca for additional information.

Deputy Mayor David Walker attended the Lunenburg-Queens Regional Development Agency's mid-year review presentation and received an informative report on the Agency's work. Deputy

Mayor Walker also attended the South Shore Safe Communities' Annual General Meeting. On October 15th, the Deputy Mayor assisted with the Jeans & Gems fundraising event, which raised about \$19,000 for the South Shore Regional Hospital.

Councillor Greg Ritcey took the opportunity to advise residents that the DesBrisay Museum was looking for original artwork depicting Bridgewater, specifically paintings and drawings. He noted the Exhibit should be up in time for Christmas.

DELEGATIONS

ROBERTA JOUDREY - SOUTH SHORE IN MOTION

Roberta Joudrey of South Shore in Motion appeared before Council to thank the Town for its support of the 2011 South Shore in Motion event. Ms. Joudrey noted that each year the Committee strives to better the show by adjusting the types of events presented, which has resulted in increased attendance and business support each year. Plans are underway for the 2012 event to be held on August 10 - 12. An application for funding from Heritage Canada thru Local Festivals and Events has been made and a copy of this application has been forwarded to Town staff to complete upon Council's approval.

Ms. Joudrey noted that in 2011, approval had been granted to close Exhibition Drive northbound on Sunday morning and was a great asset to control traffic, both local and show bound. Plans are also underway to host a community wide Yard Sale this same weekend. A similar event was hosted by the Bridgewater Fire Department in the past, and was well received by the residents. This event is seen to be a great promotional event for both the Town and the organizers, as opposed to a fundraiser.

Mayor Publicover thanked Ms. Joudrey for the presentation, and noted the matter would be considered later in the meeting.

SHELLEY MORAN - REFRIGERATION TRUCKS (NO FRILLS)

Shelley Moran appeared before Council representing residents of Forest Hill Road. Ms. Moran advised that residents had concerns regarding a refrigeration trailer being used at the No Frills store. She advised that the trailer sometimes ran 24 hours a day, seven days a week, for periods of two weeks to two months at a time. Noise from the trailer has been disturbing sleep and impacting the residents' ability to enjoy their properties.

Ms. Moran said she and her neighbours had contacted the Planning Department, the Town's By-law Enforcement Officer, the Department of Agriculture's Food Inspector, several Town Councillors, and Sam Bates, the owner of the No Frills store.

A brief history from the residents' perspective was given. The refrigeration trailer was put in place initially as a temporary measure when the No Frills store was renovated in August 2010, and residents expected it to be in use for only about six weeks. In mid-January 2011, it was put into use again, continuing intermittently through Spring 2011. More continuous use has been experienced since August 2011.

Ms. Moran presented possible solutions such as moving the trailer to the other side of the building (away from the residential properties), strengthening the Town's Noise By-law, using a quieter motor, or installation of permanent freezer storage. In closing, the speaker requested that Council review the Town's Noise By-law in order to remedy this situation and prevent future occurrences; and to restore peace to the Forest Hill Road neighbourhood.

Tommy Mailman spoke briefly, noting he and his wife had lived in the area for 33 years, and had found the use of the refrigeration trailer to be intrusive and disruptive. Although he has lived there for many years, and always been close to a commercial area, he had never experienced an issue prior to the use of the trailers by No Frills.

Members expressed empathy and a will to work with the residents to find a solution for the problems outlined.

11-204 Moved by Councillor Mitchell, seconded by Councillor Hirtle that Town Council for the Town of Bridgewater direct staff to convene a meeting with all residents, Sam Bates, Gateway Realty and Town Council at the earliest convenience. Motion Carried.

SCOTT PATTERSON - JO-LO DEVELOPMENT

Scott Patterson appeared before Council to present concerns regarding the JoLo Development. He outlined several times throughout the process of developing the property where Town Council could have intervened to 'do the right thing' for the existing residents in the area.

Most recently, he said Council's extension of the deadline for the erection of a fence had been ignored by the developer. Despite Council's good intentions, he said that the existing taxpayers of the Town had been subjected to many disappointments. He gave examples such as clearcutting done without a deed, the lowering of property values, no fence, and many extensions for the project. Mr. Patterson said the existing residents of Hollingsworth Drive deserved more, and requested that Council discharge the agreement immediately and revert back to single-family dwellings on the property in question.

In response to a query from Council, the Director of Planning stated that single-family dwellings were permitted as-of-right; whereas higher density development was allowed by development agreement.

JACK LOGAN, JO-LO DEVELOPMENT - FENCE, VILLAGE AT GLEN ALLAN PROJECT

Jack Logan, Developer of the Jo-Lo project on Roundhouse Drive, appeared before Council and gave a brief history. He said the project did start five years ago but the first two years were before Roundhouse Drive was finished, so legally they were unable to do anything except clear the land. The first building was started in the fall of 2008 and finished the next fall. The townhouse was started in 2009 and finished last year. He noted that the agreement regarding fencing was reached, the paperwork was signed in July, and received back on Labour Day, at which time he began to get prices. He acknowledged that he left the fence project too long, and as a result it had not yet been built.

Mayor Publicover thanked Mr. Logan for attending Council to answer questions regarding the project.

PLANNING ITEMS

UPDATE - VILLAGE AT GLEN ALLAN PROJECT - 45 ROUNDHOUSE DRIVE - JO-LO DEVELOPMENT LTD.

Director of Planning presented the options before Council regarding the Jo-Lo project on Roundhouse Drive. He noted that Council could provide an extension to complete the required fencing and landscaping; consider discharging the development agreement (either immediately or after a given period of time); or provide direction to staff to arrange for the completion of the required fencing and landscaping with the cost being borne by the developer.

11-205 Moved by Councillor Mitchell, seconded by Councillor McInnis that Town Council for the Town of Bridgewater discharge the Development Agreement with Jo-Lo Development Limited, approved by Council on June 11, 2007, and amended by Council on June 13, 2011, in accordance with Sections 227(3)(b) and 229(2) of the Municipal Government Act, by approving and executing the Discharging Document provided as Appendix E of Document #10-218L. Those in Favour: Councillors McInnis, Mitchell and Hirtle. Against: Mayor Publicover; Deputy Mayor Walker; Councillors Ritcey and Bell. Motion Defeated.

11-206 Moved by Deputy Mayor Walker, seconded by Councillor Ritcey that Town Council for the Town of Bridgewater consider discharging the Development Agreement with Jo-Lo Development Limited, approved by Council on June 11, 2007, and amended by Council on June 13, 2011, in accordance with Sections 227(3)(b) and 229(2) of the Municipal Government Act, by inviting the developer to attend the next regular meeting of Council on November 14, 2011, prior to making a decision. Those in Favour: Mayor Publicover; Deputy Mayor Walker; Councillors Ritcey and Bell. Against: Councillors McInnis, Mitchell and Hirtle. Motion Carried.

CORRESPONDENCE - ACTION

SOUTH SHORE IN MOTION - REQUEST FOR GRANT

A letter was received by Council from South Shore in Motion Society requesting Council's consideration in providing a grant for the 2012 event. Further to the presentation made earlier in the meeting, it was confirmed that the organization was also seeking a letter in support of the Society's application to Heritage Canada for a grant.

11-207 Moved by Councillor Mitchell, seconded by Councillor Hirtle that Town Council for the Town of Bridgewater refer the request for a grant of \$2,000 for the 2012 South Shore in Motion event, as contained in Document 11-222, to the 2012/2013 budget deliberations, and that we offer a letter of support for the Heritage Canada Grant. Motion Carried.

REPORT OF THE TOWN ENGINEER

BUILDING PERMIT REPORT - SEPTEMBER 2011

Building permits valued at \$4.4 million were issued for the month of September. Year-to-date, compared to 2010, shows a significant increase of over 400%. It was noted that the LCLC would be included in these numbers.

REPORTS AND RECOMMENDATIONS

RECOMMENDATION OF THE DIRECTOR OF FINANCE - NON SUFFICIENT FUNDS FEE

A memo dated October 6, 2011 was received by Council from Dawn Keizer, Director of Finance, advising that the Town did not currently charge customers a Non-Sufficient Funds (NSF) fee for payments returned from the bank due to insufficient funds. When a customer payment is returned for insufficient funds, the bank charges the Town \$7 and Town staff time is required to process the transaction. The PSC charges \$25 as per the Schedule of Rates approved by the Utility and Review Board. Staff checked with several other Towns whose fees ranged from \$0 to \$25.

It was recommended that the Town charge a fee of \$25 as an NSF fee.

11-208 Moved by Councillor McInnis, seconded by Deputy Mayor Walker that Town Council for the Town of Bridgewater endorse the recommendation of the Director of Finance and direct staff to implement a \$25 charge to the customer when a payment is returned by the bank for insufficient funds. Motion Carried.

RECOMMENDATION OF THE DIRECTOR OF FINANCE - DONATIONS - LUNENBURG COUNTY MULTI PURPOSE CENTRE

A memo dated October 12, 2011 was received by Council from Dawn Keizer, Director of Finance. It was noted that the Lunenburg County Lifestyle Centre Society was fundraising for the construction of the Lunenburg County Multi Purpose Centre. Donations received are turned over to the Town of Bridgewater and the Municipality of the District of Lunenburg. The Town has placed the funds received in a reserve account. The current balance in the Reserve account is \$47,962.13. In order for these funds to be disbursed, Council must approve a grant.

Therefore, it was recommended that Council approve a grant in the amount of \$47,900 to the Lunenburg County Multi Purpose Centre Corporation for the construction of the Lunenburg County Multi Purpose Centre.

11-209 Moved by Councillor Ritcey, seconded by Councillor Mitchell that Town Council for the Town of Bridgewater endorse the recommendation of the Director of Finance and approve a grant in the amount of \$47,900 to the Lunenburg County Multi-Purpose Centre Corporation for the construction of the Lunenburg County Lifestyle Centre, as outlined in Document 11-218. Motion Carried.

CANADA DAY ON THE LAHAVE - UPDATE / REPORT

Councillor Ritcey, representing the Canada Day on the LaHave Committee, advised that the Committee had outstanding bills of \$1,700.25 with a bank balance of \$642.07, representing a deficit of \$1,058.18. It was noted that there was an outstanding account owed to the Committee in the amount of \$500, but it was not evident as to if that amount would be received or not.

The Committee requested that the Town provide a grant of \$1,058.18.

Further, it was noted that the Committee's Annual General Meeting would be held on November 15th. Deputy Mayor David Walker urged residents of the area to attend and express their opinions about Canada Day activities in Bridgewater. Noting the meeting would be 'more than an AGM', he noted that the Committee was looking for input as to the direction that Canada Day festivities should take.

11-210 Moved by Councillor Ritcey, seconded by Deputy Mayor Walker that Town Council for the Town of Bridgewater grant a special grant of \$1,058.18 to allow the Canada Day on the LaHave Committee to liquidate its liabilities; and further that, if the Accounts Receivable outstanding amount of \$500 is received, that the Canada Day on the LaHave Committee use it to put towards the next Canada Day event. Motion Carried.

BUSINESS ARISING & UNFINISHED BUSINESS

EXTENSION OF LEASE FOR VISITOR INFORMATION CENTRE

Councillor Patrick Hirtle stated that a recommendation had been brought forward to extend the lease at the Exit 12 location. He noted that the VIC had 5000 visitors last year which meant lots of traffic was being directed down into the LaHave River Valley. To clarify the request, he said \$2000 was to cover off the last two months of the year, and then the lease was proposed to be extended for an additional year. The VIC is open from May to September.

11-211 Moved by Councillor Hirtle, seconded by Councillor Mitchell that Town Council for the Town of Bridgewater approve the extension of the lease for the temporary Visitor Information Centre at Exit 12 to allow the operation of the VIC for the 2012 season; and that a non-budgeted expense of \$2000 be approved from the 2011/2012 budget; and, further, that \$12,000 be pre-approved from the 2012/2013 budget. Motion Carried.

LEASE AGREEMENT - SKATEBOARD PARK

It was noted that there was conflicting legal advice regarding the proposed lease agreement for a skateboard park; however, CAO Ken Smith recommended that Council acknowledge the legal advice of the Town's lawyer, but approve the lease which has been an outstanding issue for some time.

By consensus, Council requested that the matter be deferred to the next Council meeting.

NEW BUSINESS

RESIGNATION OF CHIEF OF POLICE

Mayor Carroll Publicover announced that Chief Brent Crowhurst has resigned, and commended his performance over the years.

The Chief's retirement was scheduled for 2012; however, the Town has been asked to accommodate a secondment to the Criminal Intelligence Service of Nova Scotia as Bureau Director. Deputy Mayor Walker, also the Chair of the Police Commission, noted that such an appointment recognized the Chief's accomplishments. Bridgewater Police Service is performing well, and the credit goes to Chief Crowhurst.

11-212 Moved by Deputy Mayor Walker, seconded by Councillor Ritcey that Town Council for the Town of Bridgewater accept, with regret, the resignation of Brent Crowhurst as Chief of Police effective November 3, 2011, and authorize his secondment to the RCMP as the Bureau Director of CISNS, for a three-year term effective November 3, 2011 to and including November 3, 2014. Against: Councillor Bell. Motion Carried.

11-213 Moved by Deputy Mayor Walker, seconded by Councillor Mitchell that Town Council for the Town of Bridgewater authorize the appointment of John Collyer as Acting Chief of Police effective November 3, 2011. Motion Carried.

ADJOURNMENT

11-214 Moved by Councillor, seconded by Councillor that the October 24, 2011 Town Council meeting hereby be adjourned. (Time: 8:00 p.m.)

Sandra Porter-Lowe, Executive Assistant

Carroll W. Publicover, Mayor