

Addition to the Agenda:

THAT the Agenda for the Regular Town Council Meeting of March 2nd, 2020 be approved with the addition of item 8(a) Staff Report – Encroachment 89 King Street.



AGENDA
Town Council Meeting
Monday, March 2nd, 2020
7:00 p.m.

- 1) Call to Order
- 2) Approval of Agenda
- 3) Approval of Minutes from the Council meeting held on February 18th, 2020.
Approval of Minutes from the Special Town Council Meeting held on February 19th, 2020.
- 4) Proclamations
 - a) Epilepsy Awareness Month – March
 - b) International Women’s Day – March 8th
 - c) World Plumbing Day – March 11th
 - d) International Day for Elimination of Racial Discrimination – March 21st
- 5) Delegations: none
- 6) Correspondence:
Action Required:
 - a) Joshua Brown – Letter – Request for Information
 - b) George Harding – Letter – Roseway Manor
For Information:
 - c) Minister Mombourquette – Letter – Hydraulic Fracking
- 7) Council Items:

- 8) Staff Reports:
None

- 9) Committee Reports
 - a) CP & V – did not meet
 - b) Port Authority
 - c) Asset Management

10) New Business:

11) Upcoming Meetings

Wednesday March 4th	Budget Meeting	5pm	Community Centre Rm. A
Thursday March 12th	CP & V	5pm	Council Chambers
Monday March 16th	Town Council	7pm	Council Chambers
Thursday March 19th	Port	7pm	Council Chambers

12) Adjournment



Town of Shelburne
Minutes of the Regular Council Meeting
Tuesday, February 18th, 2020
Council Chambers, 168 Water Street, Shelburne, NS

Council Members Present

Mayor Karen Mattatall
Deputy Mayor Nolan Young
Councillor Rick Davis
Councillor Harold Locke
Councillor Sheldon Ringer

Staff Present

Darren Shupe, CAO
Julie Ferguson, Clerk

Call to Order

Mayor Mattatall called the meeting to order at 7 pm.

Approval of the Agenda

Locke - Young

THAT the Agenda for the Regular Town Council Meeting be approved with the addition of item 6 (a) Mayor Mattatall – Letter - Independent Tax Study

CARRIED

Approval of the Minutes

Davis - Ringer

THAT the Minutes of the Regular Town Council Meeting held on February 3rd, 2020 be approved.

CARRIED

Young – Ringer

THAT the Minutes of the Special Town Council Meeting held on February 10th, 2020 be approved.

CARRIED

Delegations

None

Correspondence

Action Required:

a) John Wonnacott – Letter – Insurance Requirements for Professional Contracts

Davis – Ringer

THAT the CAO write a letter to Mr. Wonnacott explaining why the Town requests a \$2, 000, 000 liability coverage for professional contracts.

CARRIED

For Information:

- a) Minister Chuck Porter – Letter – 911 Cost Recovery Fund**
- b) Minister Iain Rankin – Letter – Forestry**
- c) Letter – Order of Nova Scotia**

Council Items

a) Mayor Mattatall – Letter - Independent Tax Study

Young – Ringer

THAT Council write to the Department of Municipal Affairs asking for them to do an independent tax study regarding consolidation options.

CARRIED

Staff Reports

a) Monthly Report

Young – Davis

THAT Council accept the Monthly Report.

CARRIED

b) Year to Date Financials

Davis – Young

THAT the Year to Date Financials be accepted for information.

CARRIED

c) Monthly Building Report

Young – Locke

THAT the Monthly Building Report be accepted for information.

CARRIED

d) Monthly Dangerous and Unsightly Report

Locke – Davis

THAT the Dangerous and Unsightly Report be accepted for information.

CARRIED

e) End of Month Tickets

Locke – Ringer

THAT the End of Month Tickets be accepted for information.

CARRIED

f) Fire Department Monthly Report

Ringer – Young

THAT Council accept the Fire Department Monthly Report for information.

CARRIED

g) Staff Report – Engineering Study Town Sign

Young – Locke

THAT Council defer further discussion regarding the Town Sign to upcoming budget deliberations.

CARRIED

New Business

a) Mayor Mattatall – Congratulations to Bill Cox

Mayor Mattatall congratulated Bill Cox on his recognition through the Heritage Contest.

b) CAO – Well Update

The CAO updated Council that he has spoken with Ellen Paige’s assistant about details for an upcoming legal contract for the proposed well.

c) Mayor Mattatall – Capital Budget

Mayor Mattatall announced that the Capital Budget Meeting scheduled for Wednesday February 19th, 2020 would be moved to the Community Centre for public accessibility. Staff will post this update on Facebook and put a sign at Town Hall to inform residents.

Adjournment

Locke

THAT the Regular Town Council Meeting of Monday be adjourned at 7:30 pm.

CARRIED

Mayor

Clerk



Special Town Council Meeting Minutes
Capital Budget Meeting
Wednesday, February 19th, 2020
5 pm
Community Centre, Meeting Room A

Council Members Present

Mayor Karen Mattatall
Deputy Mayor Nolan Young
Councillor Rick Davis
Councillor Harold Locke
Councillor Sheldon Ringer

Staff Present

Darren Shupe, CAO
Julie Ferguson, Town Clerk
Grant Balsdon, Operations Manager
Jane Crowell, Finance Manager
Jennifer Perry, Finance Officer

Call to Order

Mayor Mattatall called the meeting to order at 5:00 p.m.

Approval of the Agenda

Young - Davis

THAT the Agenda for the Special Town Council Meeting of February 19th, 2020 be approved.

CARRIED

Council Items

a) CAO Introduction

The CAO gave an introduction about the budget process and the challenges that the Town of Shelburne is facing this year. (Attached)

b) Review of Preliminary – 5 Year Capital Budget

The Finance Manager reviewed the 5-year Capital proposed Capital Budget with Council and discussion was held regarding priority items, borrowing capacity and potential cuts. Council heard from the Operations Manager regarding Capital items and their significance to Town operations.

c) Review of Reserves

The Finance Manager reviewed the current and projected reserve levels in Gas Tax, Wastewater, Capital General, and Water. Debenture payments were also reviewed.

d) Facilities Review

The CAO discussed that facilities will come under review for maintenance costs, leases, and potential divestment.

Adjournment

Young

THAT the Special Town Council Meeting of February 19th, 2020 be adjourned at 6:28 p.m.

Purple Day Proclamation Template

Whereas Purple Day is a global effort dedicated to promoting epilepsy awareness in countries around the world, and

Whereas epilepsy is one of the most common neurological conditions, estimated to affect over 50 million people worldwide and 42 people in Canada are diagnosed every day, and

Whereas one in ten persons will have at least one seizure during his or her lifetime, and

Whereas the public is often unable to recognize common seizure types, or how to respond with appropriate first aid, and

Whereas Purple Day will be celebrated on March 26 annually to increase understanding, reduce stigma and improve the quality of life for people with epilepsy throughout the country and globally.

Now, therefore, I do hereby proclaim March 26, 2020, “[Purple Day](#)”, in an effort to raise awareness of epilepsy in Canada.

Signed _____

Letter from Mr. Joshua Brown for March 2nd, 2020 Council Meeting

Please accept this letter to Council, for the upcoming March 2 meeting. Please provide details and information on the following questions and inquiries:

1. Council Meeting October 2, 2019

The fuel jetty does not meet code - please confirm what the cost was to fix this, and who paid for it? Further, who will be responsible for this moving forward?

2. Council Meeting October 2, 2019

What resolution was taken to balance that fact that the second company had to do work (\$9000) not completed by the first company during the cleaning and restoration of the SHYC building- now that the bill is in, what action was taken to remedy what appears to be double billing/unfinished work?

3. Council Meeting Dec 18 2019

"the bar, the Yacht Club members have decided to take over so that portion of that item on the list they are going to deal with?" Please explain this action given the responsibilities detailed in the lease.

4. Please provide the dates in which CAO Dylan Heide assumed Traffic Control Authority (some of this is detailed in the council package describing the plan to remove our unsafe entrance sign), including the start date and end date. Further, please confirm or deny that the entrance sign review and installation AND the stop sign study and implementation occurred during the CAO's time as Traffic Control Authority.

5. Can the council explain if the invitation to sit with council for an open discussion was offered to the SEED group (Feb 10,2020) , and if not ,why not, considering the same invitation was made to members of the SHYC conglomerate on two separate occasions? Please explain.

6. Was the Town of Shelburne financially able to act on the Capital budgets of the past (30 plus projects 4 million 2018/19). Please show how the \$300,000 extra bill for the sewage treatment plant upgrade necessitated a 4 million drop in capital spending in two years. Further, during the council budget meeting on February 19th, 2020, it was stated that the money that should have been put away for future asset needs was not saved, but instead, was spent on other projects. Please explain in detail, including how these decisions impacted our current financial state (back hoe costs for example).

7. Please update on the request by the Shelburne Fire Department for \$7000 to help in the creation of their first Occupational Health and Safety Committee?

8. Was the Town of Shelburne invited to the OHV meeting on Feb. 6 (snow dates Feb. 13 and 20th) to speak on future connectivity of current trails, as the MODS was?

9. A request: please ask that the Public Works Manager stop clicking his pen during recorded meetings, especially when on top of the microphone.

Thanks for your time today,

Josh

ROSEWAY MANOR INCORPORATED



George R. Harding, Board Chair

Box 189

Lockeport, NS

B0T 1L0

Phone: (902) 656-2209

Cell: (902) 319-0073

mayoroflockeport@gmail.com

February 27, 2020

Mayor and Council, Town of Shelburne

Warden and Council, Municipality of the District of Shelburne

Mayor and Council, Town of Lockeport

Re: Resolution to Wind-Up Roseway Manor Incorporated

The Board of Directors of the Roseway Manor Incorporated passed a motion on January 21, 2020 to remove the three Municipalities from the Incorporation and create a new Organization.

Please see the enclosed copy of the Resolution passed by the Roseway Board of Directors.

The individual Municipalities now need to pass your motion to Wind-Up Roseway Manor Incorporated.

Once passed and signed, please deliver the original document to the law office of Don Harding, Shelburne, NS.

Yours truly,


George R. Harding, Board Chair

TOWN OF SHELBURNE
(the "Town")

MOTION TO WIND-UP ROSEWAY MANOR INCORPORATED

IT IS MOVED by the Municipal Council of the Town that:

1. It approves the transfer by Roseway Manor Incorporated (the "Corporation") of all of the Corporation's assets to an independent and newly incorporated not-for-profit organization, not to be owned or controlled by the Town or the Corporation, at such date and time as to be determined (the "Transfer");
2. Upon completion of the Transfer, it approves the wind-up of Roseway Manor Incorporated;
3. The Chief Administrative Officer of the Town, or such other person as may be designed by the Town, is hereby authorized and directed to do, execute, and deliver such things or documents as may be necessary in order to carry out such Transfer and subsequent wind up of Roseway Manor Incorporated.

DATED the ___ day of _____, 2020.

THIS IS TO CERTIFY that the foregoing is a true copy of the motion passed at a duly called meeting of the Town of Shelburne, held on the ___ day of _____, 2020, in _____, Nova Scotia.

Name:
Position:

COPY

ROSEWAY MANOR INCORPORATED
(the "Corporation")

MEMBERS' RESOLUTION

The undersigned, being the members of the Corporation, by their signatures hereby pass the following resolution:

WHEREAS:

1. The Corporation was incorporated pursuant to the *Municipal Housing Corporations Act*, RSNS 1989, c 304 ("*MHCA*") by the Town of Shelburne, the Town of Lockeport and the Municipality of the District of Shelburne (collectively, the "**Municipalities**") on October 10th, 1974;
2. The Corporation operates a nursing home and is licensed by the Department of Health pursuant to the *Homes for Special Care Act* and its regulations;
3. The Corporation has nine (9) members which consist of two (2) council members and an appointed representative from each of the Municipalities;
4. The Corporation seeks independence from the Municipalities and as such, is seeking to reorganize its corporate structure so that a new organization will continue the operations of the Corporation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Corporation wishes to be eventually independent from the Municipalities which will allow it to operate without the restrictions or limitations associated with being incorporated pursuant to the *MHCA*. In order to do so, the Corporation will complete a reorganization (the "**Reorganization**") which will involve the following general steps and any such other steps as may be required from time to time:
 - (a) A new organization (the "**New Organization**") will be created which will continue the operations of the Corporation after the reorganization occurs. The New Organization may be a not-for-profit society incorporated pursuant to the *Societies Act*, RSNS 1989, c 435, or such other organization or corporation as may be determined by the Corporation. The New Organization will also be a registered charity;
 - (b) The Corporation will transfer all of its existing assets and liabilities to the New Organization;
 - (c) Upon the transfer of all of its existing assets and liabilities, the Corporation will be wound up pursuant to procedure outlined in the *Companies Winding Up Act*, RSNS

COPY

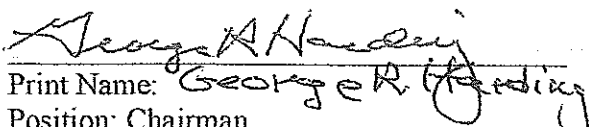
1989, c 82, subject to such variations to the procedure as may be required given that the Corporation is incorporated pursuant to the *MHCA*.


2. The Reorganization is subject to the approval of the Municipalities, the Department of Municipal Affairs and the Department of Health.
3. This resolution may be signed in any number of counterparts, including facsimile and PDF by email transmission and each such counterpart when so executed and delivered shall be deemed to constitute an original, with the same effect as if all parties hereto had all signed the same document, and all such counterparts when taken together shall constitute one and the same resolution.

CERTIFICATE

We, the Chairman and Secretary, hereby certify that the foregoing is a copy of a Resolution enacted by the members of the Corporation at a meeting held on the 21st day of January, 2020, whereby all members attended and notice of such meeting was duly given in accordance with the Corporation's bylaws, and such Resolution is now in full force and effect.

DATED as of the 21st day of January, 2020


Print Name: George R. Harding
Position: Chairman


Print Name:
Position: Secretary
WIT ME INTY E



Joseph Howe Building, 1690 Hollis Street
PO Box 2664, Halifax, Nova Scotia, Canada B3J 3P7

Tel 902-424-7793
Fax 902-424-3265
energyminister@novascotia.ca
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Édifice Joseph Howe, 1690, rue Hollis
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Télécopieur : 902-424-3265
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FEB 12 2020

Log# 8066

Karen Mattatall, Mayor
Town of Shelburne
PO Box 670, 168 Water Street
Shelburne, NS B0T 1W0

Dear Mayor:

Thank you for your September 6, 2019 letter outlining the Town of Shelburne Council's concern regarding hydraulic fracturing.

Foremost, I would like to say that community engagement is at the forefront of any new development as it relates to exploiting our natural resources in Nova Scotia. We work to develop some of the most stringent regulation procedures in the world, in regard to drilling and production of oil or gas in Nova Scotia. We are continually growing our knowledge base to stay informed on best practices through our interactions across jurisdictions, nationally and internationally.

With respect to hydraulic fracturing, our government's position has not changed. We have a moratorium in place in Nova Scotia for high volume hydraulic fracturing in shale formations. It is also my understanding that the geology in the Shelburne area is not prospective for oil and gas exploration and as such we don't expect any activity in your area.

At the same time, it is our responsibility to ensure that the economic opportunity presented by developing our own resources, is realized in a safe, clean and sustainable manner. Over 20 years the Sable Offshore Energy Project provided nearly \$4 billion to the Province while safely producing cleaner natural gas. That same gas has contributed to the growth and development of hospitals, public services, industry and universities across Nova Scotia.

We welcome new investment in the Province across the energy spectrum and are confident that any new development of fossil fuels in Nova Scotia will be done safely. We strive to continue reducing our overall emissions as we transition into a more sustainable energy economy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek Mombourquette'.

Derek Mombourquette
Minister



Town of Shelburne Asset Management Committee
Meeting Minutes
February 10, 2020

Present: Karen Mattatall, Darren Shupe, Jay Pilzer, Grant Balsdon, Chris Sharpe, Andrew Jones, Nolan Young, Fire Chief Darrell Locke

Regrets: Matt MacInnis, Jane Crowell, Elizabeth Acker

1. **Meeting called to order:** 5:02 pm
2. **Approval of Agenda:** *Motion to approve agenda made by Young, seconded by Pilzer. Motion carried.*
3. **Minutes of Previous Meeting:** *Motion to approve meeting minutes from January 23, 2020 made by Sharpe, seconded by Pilzer. Motion carried.*
4. **Old Business:**

- a. **Communications – Public Engagement**

Discussion was held on the recent public engagement efforts which provided information to the public on Town services and facilities as part of our lead into the budget process.

- b. **Fire Services Review**

A lengthy discussion was held on the Shelburne Volunteer Fire Department's 20-year capital budget. Fire Chief Darrell Locke presented information on all of the Fire Departments primary assets including how they are utilized, the age and relative life span for each. Next steps for the completion of the 20-year budget and replacement schedule were reviewed.

5. **New Business:**

- a. **Shelburne Marine Terminal**

Due to the length of discussion held on Fire Services, the Shelburne Marine Terminal review will be held at the next meeting in March.

- c. **Committee Membership Update**

Interest in Committee membership has been indicated by Ken Baker. CAO will invite Ken to next meeting to observe.

6. **Next Meeting:** March 2, 2020, 5:00pm in Council Chambers. Marine Terminal to be reviewed.
7. **Adjournment:** Sharpe moved for adjournment at 6:35pm.



Meeting Minutes
Shelburne Port Committee
Thursday, January 16, 2020
7:00 PM

Committee Members Present

Councillor Harold Locke, Council Member / Committee Chair
Councillor Rick Davis, Council Member
Wayne Langthorne, Interim Port Manager
Darren Shupe, CAO / Committee Secretary
John Garland, Public Member
Herb Locke, Public Member
Percy Cox, Public Member
Trudy Payne, CAO District of Shelburne

Regrets:

Deputy Warden David Levy, MDS Council Member
Karl White, Public Member
Charlie Arcon, Public Member

1) Call to Order

Chair Harold Locke called the meeting to order at 7:00 PM.

2) Approval of Agenda

Davis – Herb Locke

THAT the Agenda of the Regular Meeting of the Shelburne Port Committee for January 16th, 2020 be approved as presented.

CARRIED

3) Approval of Minutes

a. Approval of the Minutes of the Regular Meeting of the Shelburne Port Committee held November 27th, 2019.

Davis – Garland

THAT the Minutes of the Regular Meeting of the Shelburne Port Committee for November 27th, 2019 be approved as presented.

CARRIED

4) Delegations: None

5) Correspondence: None

6) Reports

a. Financial Report

Discussion was held regarding the aged receivables section of the financial report. CAO to review Fundy Spray with Finance Manager.

Herb Locke – Davis

THAT the Financial Report for the Shelburne Port Committee for November 27th, 2019 be accepted as presented.

CARRIED

b. Port Manager's Report

The Port Manager delivered his monthly report, Committee members discussed highlights including the marine terminal upgrades, collaboration opportunities with Develop Nova Scotia, potential for new lease development, and revision of port fees structure.

Herb Locke - Garland

THAT the Port Manager's Report for the Shelburne Port Committee for January 16th, 2020 be accepted as presented.

CARRIED

7) Old Business

a. Update on Port Operational Planning

The CAO and Interim Port Manager updated the Committee on the long-term planning and business efforts.

8) New Business

a) Update on Marine Terminal Upgrades Program

The CAO provided an update on the progress of the Marine Terminal Upgrades project.

9) Adjournment

The meeting was adjourned on motion at 7:30 PM.

Next Meeting: February 20, 2020



Town of Shelburne
Staff Report to Council
Encroachment Request
Dexter's Service Centre – 89 King Street
March 2, 2020

General Overview:

The purpose of this staff report is to request that Council provide direction on the encroachment request submitted by John Dexter regarding the Dexter's Service Centre located at 89 King Street.

Background:

On February 6, 2020, John Dexter delivered a letter (Appendix A) requesting a development permit to allow for expansion of the Dexter's Service Centre onto a portion of unopened Rodney Street directly adjacent to their property at 89 King Street. The area of the encroachment is depicted in Appendix B.

The Town's Encroachment Bylaw gives the CAO authority to permit encroachments under the following circumstances:

(a) For a period of 1 year for the temporary installation of beautification elements by a Business.

(b) For a permanent encroachment for:

i. for a permanent encroachment for a canopy for a commercial, industrial or institutional building, restricted in width to not more than the width of the entrance plus six feet;

ii. for an awning or sign attached to a commercial, industrial or institutional building, restricted to not more than the width of the building, or in the case of a corner installation, not more than the width of the building plus the width of the awning;

iii. for steps, a foundation or other structure of a building where the steps, the foundation or other building structure must encroach, or where an encroachment already exists, encroachment may be permitted, or the area of encroachment may be increased, to facilitate access to the structure;

iv. subject to permission granted by the owner of the pole, for infrastructure mounted on a pole located in the right of way for the installation of elements including banners, planters, and wreaths;

v. for the installation of building mechanical equipment including HVAC and exhaust fans;

vi. an underground communications conduit, and manholes to service the conduit, provided the installation and use of the telecommunications cable will not interfere with the proper operation and maintenance of existing underground utilities, nor interfere with planned street works;

vii. the installation of facilities, owned by a party other than a utility;

viii. the installation of infrastructure to facilitate the construction of a building, where the infrastructure is deemed by the Engineer/ CAO:

a. to be required for the construction of the building;

b. in the opinion of the Engineer/CAO would cause excessive disruption to remove;

ix. the installation of a decorative building feature required by a by-law, including a land-use by-law;

Where the proposed encroachment is for a substantial permanent addition, authorization from Council is required. A draft copy of the Encroachment License and Indemnity Agreement is provided in Appendix C. Council has the ability to attach additional terms, conditions, and/or restrictions as they deem appropriate.

Financial Analysis:

Staff time is factored into the \$100 encroachment license fee. No additional financial burden to the Town for permitting the encroachment. Permission would allow a local business to expand and improve their operations.

Recommendation:

THAT Council approve the encroachment request for Dexter's Service Centre at 89 King Street.

Respectfully submitted,



Darren Shupe, Chief Administrative Officer

Appendix A: Encroachment Request Letter

Appendix B: Encroachment Plan

Appendix C: Encroachment License

Dexter's Service Centre Limited
89 King St. Shelburne, NS
902-875-2259



February 6, 2020

ATTN: Town of Shelburne CAO Darren Shupe

REQUEST FOR A DEVELOPMENT PERMIT

Dexter's Service Centre Limited is looking at expanding our existing structure at 89 King St. for the year 2020.

The expansion consists of two parts: Part one is the extension of the west side of our building. This would expand our office and customer waiting area by approximately 14 ft. by 16 ft. with an entrance facing King St. The foundation would be a concrete slab. This would annex to the add on we did a few years back.

Part two is the addition of another service bay on the east side on Rodney Street. This also would be built on a concrete slab. The size of the service bay would be approximately 16 ft. by 31 ft. long with the service bay door facing King St. as the other two service bays presently are. This would require an easement on that part of Rodney St. which is not used.

If further information is required, I can be reached at 902-874-1261.

Thank-you for all considerations in this matter.

John Dexter, Secretary
Dexter's Service Centre Limited

Encroachment Request – 89 King Street – PID 80146236



Legend



Building Footprint



Parcels



Proposed Extension



0 10 20 40 Feet

0 2.5 5 10 Metres



Encroachment License

This Grant of Encroachment License made this the _____ day of _____, 20____.

BETWEEN:

THE TOWN OF SHELBURNE, a municipal body corporate, Hereinafter called the "Licensor" OF THE FIRST PART

-AND-

Dexter's Service Centre Ltd. of Shelburne, in the County of Shelburne, Province of Nova Scotia, Hereinafter called the "Licensee" OF THE SECOND PART

WHEREAS the Licensor is the owner of a public street in the Town of Shelburne, known as Rodney Street;

AND WHEREAS the Licensee is the owner of property located at: Civic Address and PID 89 King Street – PID 80146236

AND WHEREAS the Licensee wishes to construct and/or maintain a building extension

which encroaches on Rodney Street in accordance with the following specifications:

+/- 8' x 31' encroachment on the northwest portion of Rodney Street at King, adjacent to the existing structure

hereinafter referred to herein as "the encroachment", all of which is shown on the sketch attached hereto and dated _____;

The Licensor hereby grants to the Licensee a License to construct and/or maintain the Encroachment.

The License shall expire on the N/A day of N/A, 20 N/A and shall not be subject to renewal. The Licensee may make application for a new License upon expiry of this License.

The Licensee shall pay the Licensor the sum of \$100 for the License fee.

ENCROACHMENT BYLAW

It is agreed that the Licensee has no claim to the street or other Town lands and may only maintain the encroachment in accordance with the terms of this License.

It is agreed by the Licensee that the encroachment will be maintained by the Licensee in a clean, safe and tidy condition.

The Licensee shall comply with all of the provisions of the bylaws of the Town of Shelburne as well as all applicable Federal and Provincial legislation and regulations including:

- a) The Building Code Bylaw
- b) The Commercial Development District Improvement Bylaw
- c) The Heritage Property Bylaw
- d) The Land Use Bylaw
- e) The Noise Bylaw
- f) The Seasonal Sales Area Bylaw
- g) The Subdivision Bylaw

The following terms, conditions and restrictions are applicable to this license:

N/A

The Town shall not be liable for any damage to the encroachment (whether caused by the Town, its agents, servants, employees, workmen or otherwise), including without limiting the foregoing, damage caused by sidewalk snow removal equipment.

Any one or more of the Chief Administrative Officer, Development Officer and Engineer may revoke a License for breach of any Town Bylaw or for not meeting the terms of eligibility for the License upon written notice to the Licensee mailed to the address of record of the Licensee and no compensation shall be paid in relation thereto.

The mailing address of the Licensee for the purposes of this notice is:

*Dexter's Service Centre Ltd.
89 King Street, PO Box 430
Shelburne, Nova Scotia, B0T 1W0*

ENCROACHMENT BYLAW

In addition, the Council of the Town of Shelburne may at any time revoke any Encroachment License or any renewal thereof by giving 120 days notice, if in its sole discretion, Council determines that it has need of any portion of the street which is the subject of the License, and no compensation shall be paid in relation thereto.

Note: Section 3 of the Encroachment By -Law states:

"The License may be assigned by the Licensee to a new purchaser or owner of the abutting property referred to in the License. A new purchaser or owner of the abutting property shall, within 120 days of the change in ownership, notify the Chief Administrative Officer, Development Officer or Engineer of the name and postal address of the new purchasers or owners, and provide to the Town a copy of the assignment and an executed indemnity in the form. If the new purchaser or owner fails to do so, the License shall be void."

DATED at Shelburne, Nova Scotia, this the _____ day of _____, 20_____.

TOWN OF SHELBURNE - per:

Witness

Witness

LICENSEE

(Affix Town Seal)



INDEMNITY AGREEMENT

THIS INDEMNITY AGREEMENT BETWEEN:

THE TOWN OF SHELBURNE, a municipal body corporate,
Herein referred to as the Town,

-AND-

_____ Dexter's Service Centre Ltd.

of Shelburne, in the County of Shelburne, Province of Nova Scotia,
Herein referred to as the Owner or Licensee,

WHEREAS the undersigned is the owner of a structure located at 89 King Street,
in the Town of Shelburne and, subject to the execution of this Indemnity and the Encroachment License, has
received permission to place or retain an encroachment within the street right-of-way adjacent to this
structure as follows:

*The construction of a new service bay is approximately 16' wide by 31' long. Approximately 8' of the new
structure is to be located within the Rodney Street roadway as per the attached drawing.*

Herein, referred to as "the encroachment";

AND WHEREAS an Encroachment license may not be issued without the execution of an indemnity
pursuant to the provisions of the Encroachment Bylaw;

Encroachment BYLAW

NOW THIS INDEMNITY WITNESSETH that in consideration of the Town allowing the Encroachment, subject to the provisions of the Encroachment ByLaw and the terms of the Encroachment License, and this indemnity being under seal, the Undersigned hereby for themselves, their heirs, executors, administrators, successors and assigns agrees to indemnify (and does hereby indemnify) the Town, its agents, servants, workers, councillors, mayor and employees, and each of their heirs, executors, administrators, successors, and assigns from and against all claims, suits, demands, causes of action, losses, costs (including legal costs) and damages resulting from or in any way related to the Encroachment.

The Undersigned acknowledges that the Town may require the removal of the Encroachment pursuant to the enabling provisions of the Encroachment By-Law and no compensation shall be paid.

This Indemnity shall be read with all changes of number and gender required of the context.

IN WITNESS WHEREOF the Undersigned has hereunto set their hand,

SIGNED, SEALED AND DELIVERED in the presence of:

Witness (Print)

Owner (Print)

Witness (Signature)

Owner (Sign)

Witness (Signature)

Town Representative (CAO)

Date

Affix Town Seal