



AGENDA
Town Council Meeting-Council Chambers
June 19, 2023
6:00 p.m.

Doc Ref:

1) Call to Order

2) Approval of Agenda

3) Approval of Minutes from the Town Council meeting held on May 15th, 2023

4) Proclamations & Announcements:

- a) Volunteers of the Month – Businesses that Employ Volunteer Firefighters
- b) National Indigenous Peoples Day, June 21st
- c) Canadian Multiculturalism Day, June 27th
- d) Canada Day, July 1st

5) Delegations:

None

6) Correspondence:

Action: Western Regional Libraries Summer Reading Club request D23-A148

Information:

- a) Community Garden & Foodshare Assoc. of Shelburne County thank you D23-A149
- b) Black Loyalist Heritage Centre thank you D23-A150
- c) Tri County Regional Centre for Education 2023-24 tax rate D23-A151
- d) Nova Scotia Utility and Review Board, order approval D23-A152
- e) Court Services in Shelburne County letter to Minister Lohr D23-A153

7) Council Items:

- a) *Feeding Waterfowl and Pigeon By-Law*, First Reading, regarding adding Deer
- b) Town of Shelburne Tax Rates and Interest rates for Fiscal Year 2023-24
- c) Grovestine Complex, Councillor Acker
- d) Town Office move discussion, Councillor Acker
- e) Commissary Accessibility Marina & Park – request for letter of support
- f) Beautification Grant project approval

8) Committee Reports:

- a) Source Water Protection Committee Minutes, February 21st. 2023 approval

9) Staff Reports:

- a) *Consultation with MDS for MPS Changes Policy* D23-A154
- b) General Capital Reserve Transfer D23-A155
- c) Permitting OHV on Town Roadways for *Trails Designation By-Law* D23-A156

10) New Business:

11) Upcoming Meetings/Events:

- a) Town Council meeting, **Tuesday** July 4th, 6pm, Council Chambers
- b) Town-Wide Yard Sale, re-scheduled to July 15th

12) In-Camera

MGA 22(2)(c) Personnel Matters

13) Adjournment



Town of Shelburne
Minutes of the Regular Council Meeting
Monday May 15th, 2023

Council Members Present

Mayor Harold Locke
Deputy Mayor Ben Nickerson
Councillor Elizabeth Acker
Councillor Rick Davis
Councillor Sheldon Ringer

Staff Present

Sherry Doane, CAO
Candy Venning, Executive Coordinator
Jane Crowell, Finance Manager

Call to Order

Mayor Harold Locke called the Council meeting to order at 6:08pm.

The Town of Shelburne is located on the ancestral and unceded territory of the Mi'kmaq, (Mi'kma'ki), in the District of Kespukwitk, home to Acadia First Nation. We are all Treaty people.

We also acknowledge the histories, contributions, and legacies of the African Nova Scotian people and communities.

Approval of the Agenda

THAT Council approves the Agenda for May 15th 2023, with the addition of In-Camera item *MGA 22(2)(c) personnel Acker/Nickerson*
CARRIED

Approval of the Minutes

THAT Council approves the Minutes from the Special Town Council Meeting held on April 26th, 2023.
Davis-Nickerson
CARRIED

THAT Council approves the Minutes from the Town Council Meeting held on May 1st, 2023.
Ringer-Davis
CARRIED

Proclamations & Announcements

- a) June, National Indigenous History Month, is commemorated each June to recognize and honour the history, heritage and diversity of First Nations, Inuit and Métis Peoples in Canada, and all of their contributions - past and present.
- b) June, Pride Month takes place every year in June and is a celebration designed to recognise the influence of the LGBTQ+ community. Celebrating diversity and people's right to live how they choose without discrimination.

Pride Month promotes positivity and equal rights for all, helps raise awareness of issues facing the LGBTQ+ community and provides an opportunity to celebrate the culture of inclusivity, with parades, street parties, community events and more. Designed to help educate people, Pride Month events are attended by millions of people worldwide.

Delegations

None

Correspondence

Action:

None

Information

Mixed Curling Provincials Thank you letter from Matthew King

THAT Council accept the letter from the Curling Club

Ringer-Davis

CARRIED

Council Items

a) *Land-Use By-Law* Amendment, Second Reading regarding Pocket Communities

CAO Mentioned that at the Public Hearing it was requested that Council consider adding an affordability requirement. Mayor Locke, Davis & Councillor Acker responded that although affordability is very important, we don't have authority to dictate pricing on private land.

M23-072 **THAT** Town Council gives second reading of the *Land-Use By-Law* as written, to amend parts 2, 6 and 7, adding the option of allowing Pocket Communities in Residential – General (R-1) and Residential – Mobile (R-M) zones.

Acker-Nickerson

CARRIED

b) Town of Shelburne 2023-24 Operating Budget

Finance Manager spoke on changes to the 2023 / 2024 Operating Budget as follows.

- Budget for 2023/24 is increasing to \$4,463,569 from \$4,354,937
- Page 2- Other Transfers-Transfer from other funds (own reserves) from \$213,209 to \$321,841 for a difference of \$108,632 which represents this years' landfill project (Phase 1) that was approved in 2021/22 to come from Operating Reserve.
- Page 2 – Total revenue from \$4,354,937 to \$4,463,569.
- Page 6, Waste collection, Solid Waste – New Line TCA-Landfill Project from \$0 to \$108,632
- Page 8, Total expense from \$4,354,937 to \$4,463,569.

Councillor Acker asked if there would be a vote specifically on the residential tax rate, with the Mayor responding negatively. CAO stated that based on feedback received from the community, the budget can be tweaked before the motion. Councillor Acker expressed her concerns that she had previously raised at the Apr 26 meeting, repeating that she believed the best interest of the community would not be served and her intention was to reject the decrease to the tax rate. No other Council member spoke.

M23-073 **THAT** Council approves the Fiscal Year 2023-24 General Operating Budget as amended.

Davis-Ringer

Vote For: Davis, Ringer, Locke. Vote Against: Acker, Nickerson.

CARRIED

c) OHV use in Town limits, Councillor Davis

Councillor Davis raise the opportunity regarding use of OHV in Town, on streets/designated routes and had heard zero negative responses to date. The new *Act* has strict rules for riders regarding licensing, speeds etc. Councillor Acker reminded others of the plebiscite and their subsequent vote to keep them off trails. The CAO also reminded Council that they had asked Administration to write the Minister for us to be part of the first then next trial and subsequently the *Road Trails Act* was introduced into the Legislative Assembly. Council asked for a Staff Report.

d) CAO Update

- King St. Centre \$250, 890 project is nearing completion. Front and back door replacement remain the only items outstanding., reminding Council that ACOA contributed \$187,500, ToS contributed \$27,140, MDS contributed \$26,250, and Little Peoples Place \$10,000.
- Commissary Accessibility Marina & Park, (2 Victoria St) is looking for a letter of support from the Town. Their signed lease with the province grants them 72,000 square feet of infill land for 5 years (Until April 30th 2028) plus 48,500 square feet of water lot. They are not asking for any money they are just looking for a letter of support. Council asked for more details.
- A complaint was received from a Town resident regarding an active sawmill in town that they believe do not belong in within Town limits, save for historical demonstrations. They are asking Council to add a by-law prohibiting their use. Discussion arose regarding sawmills, whether they were in residential or commercial areas and was there a problem with continual noise. Council asked for a Staff Report.
- Deer feeding in Town. After multiple complaints from citizens regarding the danger and property damage caused by deer within Town limits, it was noted that at least part of the problem is people feeding them. The CAO again requesting the current *Feeding Waterfowl and Pigeons By-Law* to include deer and Council reminded the CAO that they had agreed there is a problem and had previously asked that it be added to the *By-Law*. CAO will follow up for next council meeting.
- On June 7th, there will be a Region 3 Emergency Management Exercise. This will be a tabletop exercise only, starting at 9am, and wanted to remind all not to be concerned when they see numerous emergency vehicles parked at the Community Centre.
- Mike Rhuland was announced as the new Water Plant Operator, starting May 23rd. Thanks were offered to Trevor Marriott for acting in the interim and for helping to set up Mike Rhuland for success as he moves forward.

Committee Reports

- a) Community Participation & Volunteerism Committee Minutes for March

THAT Council accepts the CP & V Committee minutes as presented.

ACKER-Davis

CARRIED

Staff Reports

- a) SVFD Report, April
b) Building Inspectors Report, April
c) By-Law Officers Report, April

THAT Council accepts the Shelburne Volunteer Fire Department Report, Building Inspectors Report and By-Law Officers report as presented.

Davis-Ringer

CARRIED

New Business

None

Upcoming Meetings

- a) Town Council Meeting, June 6th, 6pm, Council Chambers
- b) Spring Cruise Ships arriving May 27th and June 4th (both at 8am)
- c) Town-Wide Yard Sale, June 10th
- d) SRHS will be hosting a Pride Parade on June 3rd

In-Camera

MGA 22(2)(g) Legal Advice

MGA 22(2)(c) Personnel

THAT we move in Camera under *MGA 22(2)(g) legal advice* and *MGA 22(2)(c) personnel*.

Acker -Ringer

CARRIED

Adjournment

THAT the Regular Town Council Meeting of May 15th, 2023, be adjourned at 7:29pm.

Davis

CARRIED

Mayor

Executive Coordinator

DRAFT



Town of Shelburne
June 2023
Volunteer of the Month
BUSINESSES THAT EMPLOY VOLUNTEER FIREFIGHTERS
Community Participation & Volunteerism Committee Volunteers of the Month

This Month we are doing something a little different. The CP&V Committee, along with Town Council have decided to recognize Businesses in the Town of Shelburne who employ Volunteer Firefighters as the Volunteers of the Month for June.

We recognize the sacrifices it also takes as business owners and/or managers to be able to let your employees leave at a moment's notice and continue to work (most times) shorthanded while still providing a service to your town and community.

We appreciate the support you provide to your employees and in turn the help you give to your community by allowing them to jump up and respond to the call of duty!

If you are a business owner and/or manager and you employ a Volunteer Firefighter, THANK YOU for all that you do and all that you continue to do for your community, the CP&V Committee and Town Council recognize you all as the Volunteers of the Month for June.

Thank you!



Sherry Doane

Document # D9.3-A148	
Rec'd by C.V.	
Date 13/06/23	
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Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
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From: Jill Webb
Sent: June 13, 2023 11:03 AM
To: Sherry Doane
Subject: FW: Story Walk

From: Mahala Sears (Programs and Services) <programs@westerncounties.ca>
Sent: Tuesday, June 13, 2023 10:58 AM
To: Jill Webb <Jill.Webb@shelburnens.ca>
Subject: Story Walk

CAUTION: This email originated from an external sender.

Good morning,

I am the program and services manager at the Western County Regional libraries and we will be hosting the annual TD Children's Summer Reading Club again this summer. Along with the reading club they supply us with a Story Walk licensed from June 12 to September 4th through the publisher. There are a set of story boards on stakes that can be placed in the ground or zip tied to a fence for easy set up and removal. This year's story is Treasure by Mirielle Messier.

We were hoping that we could get your approval to put up this story walk at Graham's Park splash park for part of the summer and the library branch for the other. I would be more than happy to set up and maintain the story walk ourselves or coordinate with you to have it set up. The time frame would be roughly from the 3rd week in July to Labour day weekend but we can adjust that depending on your needs.

Please let me know if you are interested and thank you for your time,

Mahala

Mahala Sears (she/her)

Manager of Programs and Services

Western Counties Regional Library

405 Main Street

Yarmouth, NS, B5A 1G3

Ph: 902-742-2486 (Ext. 227)

John Davis, President
Community Garden and Foodshare Association of Shelburne County
670 Sandy Point Rd.
Shelburne, NS, B0T1W0
902-499-4421
jbdavis@eco-nova.com

June 08, 2023

Mayor Harold Locke & Members of Council
Town of Shelburne
PO Box 670
Shelburne, NS
B0T 1W0

Dear Mayor Locke & Council,

I am writing to thank you for your recent letter of support. Your effort will add substantial weight to our application to Agriculture Canada's Local Food Infrastructure fund. Instances of food insecurity in Nova Scotia have risen from 18% of our population to 24.5% in just the last two years. Shelburne County is not immune. Shelburne Town and County have a wide base of willing volunteers ready to assist their friends and neighbors. This Community Garden greenhouse project will provide yet another avenue for such valuable community actions.

Thank you again for your support.

Very Best Regards,

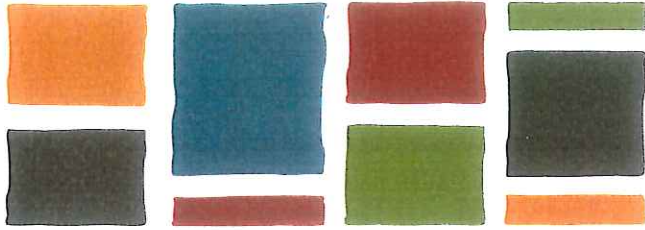


John Davis, President, Community Garden and Food Share Association of Shelburne County

Document # D23-A159	
Rec'd by C.V.	
Date JUNE 14/23	
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Form 100-1	
Date	
Prepared by	
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Black Loyalist HERITAGE CENTRE

— PRESENTED *by* EMERA —
A PART *of* THE NOVA SCOTIA MUSEUM

119 Birchtown Road, Birchtown, Nova Scotia, Canada BOT 1W0
Phone: 902-875-1310 Fax: 902-875-1352 Toll Free: 888-354-0772
blackloyalist@blackloyalist.com www.blackloyalist.com

MAY 25, 2023

TOWN OF SHELburnE
P.O. Box 670
SHELburnE, NS
BOT 1W0



TO WHOM IT MAY CONCERN,

ON BEHALF OF THE BLACK LOYALIST HERITAGE SOCIETY, I WANT TO THANK YOU FOR THE GRANT IN THE AMOUNT OF \$550.00 TOWARDS OUR 2023 JOURNEY BACK TO BIRCHTOWN EVENT.

THE GENEROSITY AND SUPPORT THAT YOU HAVE PROVIDED US TODAY AND, IN THE PAST, HAS BEEN MORE THAN APPRECIATED, AND FOR THAT WE ARE FOREVER GRATEFUL.

SINCERELY,

ANDREA DAVIS
EXECUTIVE DIRECTOR

Document # D23-A150	
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Date	JUN 05/23
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Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
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Tri-County
Regional Centre for Education

Tiffany Joudrey, CPA, CA
Director of Finance
Phone: (902) 527-7893
Fax: (902) 541-3060
Email: tjoudrey@ssrce.ca

June 9, 2023

Ms. Sherry Doane
Chief Administrative Officer
Town of Shelburne
168 Water Street, PO Box 670
Shelburne, NS B0T 1W0

Dear Ms. Doane:

RE: 2023-2024 MUNICIPAL EDUCATION TAX RATE

The Minister of Education has recently advised the Tri-County Regional Centre for Education of the mandatory Municipal Education Tax Rate for 2023-2024. The Education Tax Rate for 2023-2024 is \$0.3048 per \$100 of uniform assessment. Your contribution is based on a uniform assessment of \$100,478,409 is \$306,258.19.

Effective April 1, 2023 your monthly contribution for the 2023-2024 fiscal year is \$25,521.52. Please update your monthly funding cheque amount and remit by the 1st of each month.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Tiffany Joudrey, CPA, CA
Director of Finance

/kt

c: Genna LeBlanc, Coordinator of Finance
Nicole Nowe, Accounting Clerk

Document # D23-A151	
Rec'd by C.V.	
Date 13/06/2023	
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Council	✓
Agenda	✓
Committee	

ORDER

M10797

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPLICATION by the TOWN OF SHELBURNE to confirm the number of councillors

BEFORE:

Richard J. Melanson, LL. B., Member

Document #	D23-A152
Rec'd by	C.V.
Date	JUN 14/23
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Committee	<input type="checkbox"/>
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ORDER

The Town of Shelburne made an application under s. 369 of the *Municipal Government Act* and the Board issued its written Decision on May 24, 2023.

The Board approves the application and orders that the number of councillors for the Town is confirmed at four (4), to be elected at-large.

DATED at Halifax, Nova Scotia this 24th day of May, 2023.

Chief Clerk of the Board

Document # D28-A153	
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Date JUNE 14/23	
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Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
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June 6, 2023

The Honourable Brad Johns
 Minister of the Department of Justice
 1690 Hollis Street
 P.O. Box 7
 Halifax, NS
 B3J 2L6

Minister Johns,

Re: Court Services in Shelburne County

We are writing to you today to express our concern relating to the future of court services in Shelburne County.

For centuries, court services have been provided in our County through the current Shelburne Courthouse and the former Barrington Courthouse. That said, over the last few years we have seen a decline in the level of service in our County that has had a negative impact on our resident's ability to access these services and has created a financial and operational burden on our policing service which, in turn, directly impacts safety in our municipalities.

First, the Barrington Courthouse was closed in 2017 after a consolidation of justice centres in an effort to save costs. This may have had created operational efficiencies, but it resulted in residents of the western side of the Municipality having to travel to Shelburne or worse, Yarmouth, to access court services. Second, the condition of the Shelburne Courthouse is deteriorating, recently resulting in the lockups being condemned. This has forced our police force to transport prisoners to Yarmouth, Saulnierville or Bridgewater—resulting in 1-2 members being away from the County for 4-8 hours in any given day.

People who use your courts, whether they are attending a hearing, paying a fine or accessing Legal Aid, want to know they have access to a safe and secure justice system. The consolidation in 2017 was intended to improve safety while ensuring timely access to court services and lowering costs. We believe it did just the opposite and we are concerned that the condition of the Shelburne Courthouse will persuade you to further consolidate court services which could see us lose the service completely.

If lowering costs is a driving factor, we want to make you aware that the former satellite location in the Municipality of Barrington's Administrative Centre is readily available, and the Municipality is willing to accommodate your use of the facility. If a new development is considered, all five units are open to discussing ways in which it could facilitate such a project.



Municipality of the District of
 Shelburne
 Warden@municipalityofshelburne.ca



Town of Lockeport
 cory@lockeport.ns.ca



Town of Shelburne
 harold.locke@shelburnens.ca



Town of Clark's Harbour
 mayor@clarksharbour.com



Municipality of Barrington
 enickerson@barringtonmunicipality.com



Municipality of Shelburne
warden@
municipalityofshelburne.ca



Town of Lockeport
cory@lockeport.ns.ca



Town of Shelburne
harold.locke@
shelburnens.ca



Town of Clark's Harbour
mayor@clarksharbour.com



Municipality of Barrington
enickerson@
barringtonmunicipality.com

Due to the above-mentioned concerns, we are respectfully requesting an update from your Department on the current operations of the services and a commitment that the services will remain in Shelburne County for the foreseeable future. We also invite you to join us at one of our Shelburne County Mayors/Wardens meeting, held on the third Wednesday of each month to further discuss this matter.

We thank you in advance for your attention and consideration of this matter and we look forward to hearing from you in the coming days.

Yours sincerely,

Mayor Cory Nickerson

Warden Lindsey (Eddie) Nickerson

Mayor Rex Stoddard

Mayor Harold Locke

Warden Penny Smith

Proposed Amendments to the Town of Shelburne *Feeding Waterfowl and Pigeons By-Law*

Change the By-Law name to: *Feeding Deer, Waterfowl and Pigeons By-Law*

Change the short title in Part 1 to “This By-Law shall be cited as “**Feeding Deer, Waterfowl and Pigeons By-Law**”.

Add the following interpretation in Part 2 to include:

(f) “**Deer**” means any species of Cervidae, hoofed ruminant mammals such as white tail, mule and any other deer.

Change the following regulation in Part 3 to say:

(a) “Feed deer, waterfowl or pigeons anywhere within Town limits. Exceptions will be specifically exempted by motion of Council.”

TOWN OF SHELBURNE

FEEDING WATERFOWL
AND PIGEONS BY-LAW

THIS BY-LAW SHALL REPEAL AND SUPERCEDE ANY AND ALL PREVIOUS REGULATIONS AND/OR BY-LAWS HELD BY THE TOWN OF SHELBURNE REGARDING THE FEEDING OF WATERFOWL AND PIGEONS.

Short Title

1. This By-Law shall be cited as "**Feeding Waterfowl and Pigeons By-Law**".

Interpretation

2. In this By-Law unless the context otherwise indicates:
 - (a) "**Waterfowl**" means any species of Anatidae, birds that are adapted through evolution for swimming and/or floating on the water surface, and diving, including ducks, geese and swan.
 - (b) "**Pigeons**" means any bird of the species Columbidae, which includes all pigeon and dove species.
 - (c) "**Feed**" means the provision of any edible item(s) to waterfowl or pigeon. This includes feeding which induces waterfowl or pigeon to return, stay, relocate or group in above average numbers to a location, or causes delay or interruption to migration by providing nourishment.
 - (d) "**Town Staff**" means the CAO, By-Law Enforcement Officer, Special Constable or any person appointed by the CAO to act on behalf of the Town for the purposes of this By-Law;
 - (e) "**Town**" means the Town of Shelburne, Nova Scotia.

Regulations

3. It will be an offence against this By-Law to:
 - a) Feed waterfowl or pigeons at any public location located within the Town of Shelburne; including waterfront, park, pond and rivers, brooks and lake areas. Excepting such locations as specifically exempted by motion of Council (shown on attached Schedule).

Sherry Doane

From: Eric MacIntosh <commarina22@gmail.com>
Sent: May 8, 2023 12:50 PM
To: Sherry Doane
Subject: Fwd: letter of support from the Town of Shelburne for the Commissary Accessibility Marina Park
Attachments: commissary proposal doc Aug-30-22.pdf; signed Lease M2328186 - Commissary Accessibility Marina Park (1).pdf; cruise ship proposal.pdf; commissary society certificate.pdf

CAUTION: This email originated from an external sender.

----- Forwarded message -----

From: Eric MacIntosh <commarina22@gmail.com>
Date: Mon, May 8, 2023 at 12:44 PM
Subject: letter of support from the Town of Shelburne for the Commissary Accessibility Marina Park
To: <sherry.doane@shelburnes.ca>

Hello, my name is Eric Macintosh; I live at 250 Mowatt Street, Shelburne, Nova Scotia. I am the President of the Not for profit Commissary Accessibility Marina Park Society (CAMPS). Our society has applied for Charitable organization status with CRA and expects acceptance shortly.

Our society has acquired a lease for the property located at #2 Victoria Street, commonly known as the north-facing half of Commissary Island and the waters to the north of this land.

We intend to build a non-profit public marina with 100% accessibility. We want to establish a publicly accessible picnic-style park along the north face of said lands. The marina will be attached to the shore near the existing gravel boat ramp and be accessible at between 5 and 10-degree angles from the road surface. All areas will be 100% accessible by all means of personal mobility.

We are in the early stages of acquiring funding for this and would like the towns blessing on this effort. We would like to have a letter of support from the town for grant purposes.

Please see attached proposals and lease.



Meeting Minutes
Town of Shelburne Source Water Protection Committee
Tuesday February 21st, 2023
10am -Town Hall, 168 Water St., Shelburne

Present

Elizabeth Acker, Councillor, Town of Shelburne, Chair
Heather Cunningham, Customer of the Water Utility
Thomas Traplin, Customer of the Water Utility
Andrew Goreham, Manager of Inspection services (acting in the role of Municipal Planner)
Mike Race, Water Treatment Supervisor
Candy Venning, Secretary, Executive Coordinator for the Town of Shelburne
Michael Allen, Watershed Planner, Sustainability & Applied Science Division, Nova Scotia Environment & Climate Change
Marcia D'Eon, Director of Operations & Protective Services, MDS (acting on behalf of CAO)
Sherry Doane, CAO, Town of Shelburne

Regrets

Doris Townsend, Councillor, MDS
Mike Shand, SCEEMO Coordinator
Kevin Turner, Enforcement Officer, Nova Scotia Environment and Climate Change
Darrell Locke, Municipal By-Law Enforcement Officer / Town Fire Chief

Call to Order

Chair called the meeting to order @ 10:03am. Welcome and introductions were made.

Approval of Agenda

Approval of the Agenda as presented.

Race-Goreham
CARRIED

Approval of the Minutes

Approval of the Minutes of the Water Source Protection Advisory Committee Meeting held November 21st, 2019.

Goreham-Race
CARRIED

Old Business:

- a) **Discussion of Agenda items from January 23rd 2019, scheduled meeting**
Regarding source water maps, ToS CAO had a hard copy plus they are available on-line. Hard copies will be available at the next meeting. A list of residents with properties in the Watershed area was given to Municipal Planner to update for potential future use. Discussion on communications determined it was best to have relevant information to share before reaching out in future.

- b) **Culvert Assessment**
Water Plant Supervisor stated that entire Lake Road was re-built and all new culverts, as of 6 months ago. Item closed.

c) **Availability of containment booms in the area**

Regarding the need to contain spills, the ACAO for MDS and the Municipal Planner stated the EMO unit had containment booms but will gain confirmation.

New Business:

a) **Review and amend the Terms of Reference**

Motion to accept the updated Terms of Reference with minor changes to the following: under *Membership*, the Committee shall be comprised of the following voting members (corrected from 5 to 7) and also under *Membership*, the Committee will strive to the following non-voting technical representation (corrected from 4 to 8).

Goreham / Traplin

CARRIED

b) **Election of the Vice-Chair**

Deferred to next meeting.

c) **Other**

The Chair reminded the Committee that the ToS Source Water Protection Plans requires an annual review, and the Department of Environment (now Nova Scotia Environment and Climate Change) prescribes the use of an Advisory Committee for this purpose, and this is that committee.

The Committee agreed an actionable item was for members to review the risk assessment to see if they remain relevant as well as potentially adding to the list, followed by applying a risk management strategy. It was recommended that Committee members take some time to review the MDS Land-Use By-Law and raise any concerns at the next meeting.

To aid the new members, the Water Plant Supervisor summarized the water testing process for the new Committee members: Lake Rodney is tested 2x per day for turbidity, colour, PH & temperature with samples sent to lab in Dartmouth. Further, treated drinking water is tested 2x per day for chlorine residuals – in-house. Also, once week samples are taken from the system and sent to the lab in Yarmouth.

It was suggested a tour of the Water Plant for anyone interested would be a good orientation opportunity, possibly on the morning of the day of the next meeting.

Next Meeting:

Booked for May 16th 2023.

Proposed Agenda Items for the next meeting to include the following:

- a) Annual Review
- b) Review of MDS Land-Use By-Law, looking for feedback
- d) Election of a Vice-Chair

Adjournment:

The meeting of the Source Water Protection Committee adjourned at 10:37am

Acker

CARRIED



TOWN OF SHELBURNE

Consultation with MDS for
Municipal Planning Strategy Changes
Policy

1. Intent

The Town of Shelburne’s *Municipal Planning Strategy* (MPS) and its associated *Land-Use By-Law* (LUB), apply only to lands within the Town of Shelburne limits however, activities that occur within the Town, especially on its borders, have the potential to affect the Municipality of the District of Shelburne (MDS).

This affect may be direct (such as the generation of traffic or trespass of noise across borders) or indirect (effects on the market for new types of development in neighbouring areas). The Town of Shelburne Council believes that it is important to consider the input of the Municipality of the District of Shelburne’s Council when considering amendments to this MPS.

2. Objective

As required by *MGA section 204A*, it is the objective of the Town of Shelburne Council to seek feedback and/or concerns from MDS Council in a timely manner when considering changes to the Town of Shelburne’s MPS for bordering lands.

3. Guideline

As is the case with an external application made to the Chief Administrative Officer (CAO) or an internal request by administration or Council, standardly a public participation session is to occur prior to first reading of the proposed amendment in order to get ideas, issues and concerns raised by constituents of the Town of Shelburne and potentially reflected them into the draft. After first reading, a public hearing will then be held whereby the draft version of the amendment will be considered.

Where the Town of Shelburne Council is considering amendments to the MPS that would affect lands along the border with the Municipality of the District of Shelburne, said Council will provide notification at least 5 business days prior to the first reading, to MDS’s Council through their CAO (via regular or electronic mail) for the purpose of early notification and in providing an opportunity for MDS Council to submit comments or concerns if any, up to noon AT the business day before said first reading.

The notification and opportunity to submit comments prior to the date of the first reading shall be deemed as having solicited comments, regardless of whether a written response is received.

Approved By Council at the Council Meeting of: xx June 2023

Candy Venning, Executive Coordinator

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Town of Shelburne
Staff Report to Council
19 June 2023

General Special Capital Reserve Transfer

Document #	DS-A55
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General Overview:

To receive approval from Council to transfer an amount from General Special Capital Reserve to General Operating Reserve for returning funds for Prince Street property sales that will not be completed due to issues.

Background:

The Town of Shelburne sold portions of Prince Street in 2022 and received \$67,101.00 for the purchase of properties but due to issues with migration and the length of time to complete the sale, the investors are no longer interested in purchasing the land and are requesting their money be returned. To refund the purchase price of lands, Council will need to transfer the purchase price which has been held in General Special Capital Reserve to General Operating.

Financial:

The properties located on Prince Street were purchased for \$67,101 and those funds deposited to account #91-03015 at the time.

Town Council needs to approve the transfer from General Special Capital Reserve #91-03015 to General Operating #91-00512.

Recommendation:

THAT Council approve the transfer of \$67,101 from General Special Capital Reserve to General Operating to complete the refund for the non-sale of Prince Street properties.

Respectfully Submitted,
Jane Crowell, Finance Manager



Town of Shelburne
Staff Report to Town Council
Permitting OHV on Town Roadways
19 June 2023

Document # M23-A156	
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BACKGROUND

In October of 2018, the Province of Nova Scotia launched a pilot project in 7 communities in Nova Scotia. The Town of Shelburne Council did 'put their hand up' to be part of project but a complication in phase 1 was the requirement for the province to own the road they piloted. Council learned of the benefits and successes of other communities and agreed that they would like to be considered in the next phase. Council's previous motion M23-058 asked that a letter was sent to the Honorable Kim Masland encouraging the province of Nova Scotia consider the recommendations as summarized the Group ATN Consulting Inc's report (*Nova Scotia Off-Highway Vehicle Pilot Project Evaluation Executive Summary*).

On 12 April 2023, the *Road Trails Act* received Royal Assent allowing municipalities to permit off-highway vehicle use in locations they choose as long as they follow the safety criteria developed by the province. The new legislation established a set of rules around off-highway vehicle operations and allows riders better trail connections. It relates to all-terrain vehicles, multipurpose off-highway utility vehicles and recreational off-highway vehicles.

CONSIDERATIONS

Staff have identified the following advantages and disadvantages to allowing off road vehicles access to public streets in the Town of Shelburne.

Advantages

- Off-Highway Vehicle riding has seen a huge increase in vehicle sales, and it is expected the Canadian market will grow by 8.21% during the 2021-26 period. It is a growing sector of outdoor tourism with organizations arranging rides and events, which offer social and recreational opportunities for their members.
- According to a study published by the American College of Sports Medicine, OHV/ATV riding is a moderate intensity recreational activity, particularly for the upper body. The report suggests that driving an ATV is like many other recreational activities, such as golf, rock climbing and skiing.
- Allowing OHV/ATV riders access to gas stations, grocery stores and restaurants will enable our commercial businesses to take advantage of the economic benefits that come with this outdoor tourism. A Canadian economic impact study reported that in Ontario, residents spent as much as \$975 million on activities related to the ownership and operation of ATVs in 2015.

Disadvantages

- By-Law Enforcement Officers cannot enforce moving violations of all-terrain vehicles. They have no authority under either the *Motor Vehicle Act* or the *Off-Road Vehicle Act* to enforce registration, use of helmets, insurance requirements, mechanical fitness of the vehicle, speeding and impaired driving. RCMP or Off-Road Vehicle Enforcement officers would be required to enforce these laws. The RCMP and Department of Natural Resources and Renewables (DNRR) have confirmed with us that it would be their responsibility to enforce any moving violations, as they currently do. Our concern is the

difficulty they will have in patrolling and catching any of these violations, especially with priority issues that already demand a great deal of their time.

- The only violation the By-law Enforcement Officer will be able to enforce is staying on the designated trails within the community.
- There will be concerns with noise, safety and the environment from some residents, especially those who live along the designated routes.
- Associated costs for a public education.
- There may be liability issues for the Town as well. Do we have the resources to manage any extra maintenance the roads would need? What would our liability be if there were any obstructions that forced a rider into the path of a regular vehicle?

When taking into consideration these advantages and disadvantages, it should be noted that the existing OHV/ATV riders who currently break the law and ride on public streets, after hours, speed, drive impaired, etc. will continue to exhibit this behaviour whether a by-law is enacted or not. If Council should decide to go ahead with the First Reading of the by-law, staff should work with the Shelburne County ATV Association to create and promote a Public Education program to ensure residents are aware of the *Road Trails Act*.

FINANCIAL IMPLICATIONS

The cost of a public campaign to ensure all residents are aware of the by-law. In addition, if Council does not rescind this by-law after a one-year "trail" period, in future years they could see an increase in road maintenance to keep these designated OHV/ATV lanes in good condition.

OPTIONS

Council has two options before them:

- 1) Review the proposed Town of Shelburne *Road Trails Designation By-Law* (appendix A), that establishes ATV routes along specific public roads within town limits and applies the provincial *Road Trail Act's* restrictions such as a reduced speed limit, driving on the extreme right of the roadway, helmets, etc.
- 2) Keep the current trail/road access as is and prohibit the use of Off Highway Vehicles on public roadways.

RECOMMENDATION FROM STAFF

Staff recommends that Council allows First Reading of the proposed *Road Trails Designation By-Law* as the increased traffic would be a benefit to the local economy and increases recreational options for Town citizens as well. Please be sure to review the designated streets in section 3 that allows all three entry-exit points of Town. Should Council wish to proceed with the by-law, Staff would recommend that Council reconsiders it at the end of a one-year period to determine if the merits outweigh the issues. If the latter, Council can rescind the by-law.

Respectfully Submitted,

Lewis Chetwynd
Special Constable,
By-Law Enforcement

Appendix A
Proposed Town of Shelburne *Road Trails Designation By-Law*

WHEREAS the *Road Trails Act, SNS 2023, c.4* permits the Town of Shelburne by By-Law to designate a highway or part of a highway as a road trail.

Short Title

1. This By-Law shall be cited as the "*Road Trails Designation By-Law*".

Definition

2. In this By-Law:
 - (a) "**Highway**" means a public highway, street, lane, road, alley, park, beach, or place, including the bridges thereon and private property that is designated to be and is accessible to the general public for the operation of a motor vehicle; and
 - (b) "**Road Trail**" means the shoulder and travelled portion of a highway designated under this By-Law, but does not include a ditch.

Designation

3. The Town hereby designates all of Ohio Road, Falls Lane, Water Street (south from Falls Lane to King Street), Hammond Street (from King Street south), and all of King Street, as a Road Trail within the meaning of Section 5 of the *Road Trails Act*.

