

September 8, 2015

The Municipal Council for the Municipality of the County of Pictou met in the Council Chambers of the Municipal Administration Building on Tuesday, September 8, 2015 at 7:00 p.m.

PRESENT

Dist.	1	Clr. Sally Fraser
	2	Clr. Deborah Wadden
	3	Clr. Edward MacMaster
	4	Warden Ronnie Baillie
	5	Clr. Robert Parker
	6	Clr. Jim Turple
	7	Clr. David Parker
	8	Clr. Leonard Fraser
	10	Clr. Jamie Davidson
	11	Deputy Warden Andy Thompson
	12	Clr. Chester Dewar
	13	Clr. Randy Palmer

ABSENT

	9	Clr. Larry Turner
	14	Clr. Scott Johnston

IN ATTENDANCE

Joel Sellers, Solicitor, MacIntosh, MacDonnell & MacDonald
Brian Cullen, CAO/Municipal Clerk-Treasurer
Karen E. Cornish, Deputy Municipal Treasurer
Carolyn MacIntosh, Deputy Municipal Clerk
Anne MacCarthy, By-Law Enforcement/Dog Control Officer
Jane Johnson, Recording Secretary

CALL TO ORDER

Warden Baillie called the meeting to order and requested that Councillors stand and take a moment in silence to pray or simply reflect, as may be their preference, to help Council focus and properly do the work of the County.

MOMENT OF SILENCE

Council observed a moment of silence in memory of the late Donald McInnes, former MLA for Pictou West.

AGENDA

It was moved by Clr. L. Fraser and seconded by Clr. Davidson that the agenda be approved as circulated.
Motion carried.

MINUTES

It was moved by Clr. D. Parker and seconded by Clr. Turple that the minutes of July 27th & August 4, 2015 be approved as presented.
Motion carried.

CORRESPONDENCE REQUIRING ACTION

Correspondence was received and acknowledged from the following:

- (a) Dartmouth Learning Network – Asking that Council proclaim September, 2015 as “Literacy month” in the Municipality.
- (b) Premier of NS – Responding to Council's concerns over the closure of the River John School.
- (c) Correspondence (uncirculated) expressing appreciation for financial support has been received from the Pictou County Seniors' Festival & the Pictou County Sports Heritage Hall of Fame.

MOTION

It was moved by Clr. L. Fraser and seconded by Clr. Palmer that Council Proclaim September, 2015 as “Literacy Month” in the Municipality.

Motion carried.

RECOGNITION OF INDIVIDUALS & GROUPS – BRITTANY FRASER, PANAM GAMES (7:10 P.M.)

Clr. S. Fraser reported that tonight we congratulate Pictou County's Brittany Fraser for her recent success at the Pan Am Games in Toronto where she managed to win silver. Brittany is training in New York and was not able to be here so her mother has agreed to represent her. Brittany's world class performance was highlighted by the strong trot and canter work by her and her 10 year old gelding. She has been at this since she was six year old. Although her award was based on her performance at the Pan Am Games in Toronto this summer we know that she began winning that award 20 years ago. It is a result of a lot of time, a lot of dedication and a whole lot of commitment. Although she makes it look very easy we want her to know that Pictou County is proud not only of her distinguished accomplishment but also of her years of sacrifice and perseverance that are required for a young dressage athlete to win silver at the Pan Am Games.

On behalf of the Municipality Warden Baillie, Deputy Warden Thompson and Clr. S. Fraser presented a certificate of recognition to Brittany Fraser's mother acknowledging Brittany's recent success at the Pan Am Games.

COMMUNITY ANNOUNCEMENTS – PICTOU NORTH COLCHESTER EXHIBITION

Clr. R. Parker informed Council that the Pictou North Colchester Exhibition will be held from Sept. 9th to the 14th, 2015 and encouraged everyone to get out and support the Exhibition. He also advised that the organizing committee is in desperate need of volunteers so if anyone has some spare time they would really appreciate the help.

COMMUNITY ANNOUNCEMENTS – TERRY FOX RUN

Clr. R. Parker reported that on September 20th, 2015 it will be the 35th anniversary of the Terry Fox Run. A lot of money has gone into research and he would like everyone to think of friends and families that have lost their battle with cancer over the years. Clr. R. Parker informed Council that he will be participating in the run again this year and would welcome donations.

COMMUNITY ANNOUNCEMENTS – THE QUEEN'S REIGN

As Chair of the Heritage Advisory Committee Clr. S. Fraser reminded everyone of the ceremony and reception being held tomorrow honoring Queen Elizabeth II as Canada's longest reigning Monarch.

COMMUNITY ANNOUNCEMENTS – FARMER’S MARKET

Clr. S. Fraser reported the weekly farmer’s market in Merigomish is held from 10 a.m. to 1 p.m. every Sunday. This Sunday September 13th there is an additional feature with the annual Celtic summer camp hosting brunch in the café with live music and the start time is 9:45 a.m.

COMMUNITY ANNOUNCEMENTS – WALK FOR END OF LIFE CARE

Clr. Dewar reported that Mr. Ian Bos a resident from Pictou County is raising money for Palliative Care by walking across Canada. This past January, 2015 Ian Bos’s father Ted Bos passed away after a brave fight with cancer. In May, 2015 Ian embarked on a cross-country walk in memory of his father and the excellent care he received at the Aberdeen Palliative Care Unit. Mr. Bos hopes to raise \$25,000 for the Aberdeen Hospital Palliative Care Society and to raise awareness for palliative care societies across Canada. Clr. Dewar reported that he would like to have Council recognize Mr. Ian Bos at a future Council meeting when he returns from his fund raising venture.

FINANCIAL SERVICES COMMITTEE REPORT

Clr. Palmer presented the report of the Financial Services Committee as follows:

FINANCIAL SERVICES COMMITTEE REPORT

For information purposes the Financial Services Committee submits the following report on the activities of the Committee for the month of August:

1. Reviewed the report of the Recreation Coordinator for the month of July.
2. Considered requests for municipal grants. (Resolution to follow)
3. Received and discussed correspondence from the Minister of Municipal Affairs providing 12 month notice on Provincial changes impacting municipal expenditures.
4. Discussed proposed changes to the Liquor Licensing Regulations and the possibility of submitting comments to the Alcohol, Gaming, Fuel & Tobacco Division of Service Nova Scotia prior to the September 30th filing deadline. The Committee is awaiting an imminent review of these proposed changes by the Municipal Alcohol Project Committee and will revisit the matter at its September meeting.
5. Agreed on text to amend the Municipality’s Procurement Policy to address the 80%-20% rule in favor of locally sourced transportation services for construction projects. (Resolution to follow)
6. Received an update on planning for the 55+ Games which are being co-hosted by the Municipality and the Town of New Glasgow.
7. Agreed to amend the Employee Computer Purchase Policy to remove the “one-time-only” clause so as to permit employees to purchase personal computers on more than one occasion through payroll deduction. (Resolution to follow)
8. Agreed to discuss policy around the security of fire scenes at a future meeting of the Committee.
9. Reviewed the lists of Accounts Paid for the months of June and July.

DATED at Pictou, N.S. this 8th day of September, 2015.

Sgd.) Randy Palmer
Chester Dewar

MOTION

It was moved by Clr. Palmer and seconded by Clr. Dewar that the report of the Financial Services Committee be received for information purposes.

Motion carried.

PROPERTY SERVICES COMMITTEE REPORT

Clr. D. Parker presented the report of the Property Services Committee as follows:

PROPERTY SERVICES COMMITTEE REPORT

For information purposes the Property Services Committee submits the following report on the activities of the Committee for the month of August:

1. Reviewed the report of the Building Inspector, By-Law/Dog Control Officer and Warden for the month of July.
2. Discussed the status of on-going projects. The River John Wastewater Extension is awaiting the results of a successful pressure test. The Highway 4 Water & Wastewater Project will go to tender on August 19th with an anticipated award in September. The Coalburn Wastewater Extension is still awaiting consultation of the residents, and the LED street lighting contract has been awarded and is expected to proceed as fixtures become available from the supplier. In the interim the installer will be completing the initial GPS coordinates for the lights and identifying anomalies that need to be address by individual Councillors.
3. Discussed recent improvements to the metering service for water provided to Valley View Villa. Consumption data is being compiled and analyzed to determine the requirement for adjustments to prior billings.
4. Considered concerns expressed by the residents of Smith's Lane in Abercrombie on the termination of sewer services in that area and the possibility of continuing the line to service the remaining 12 – 14 homes. The Director of Public Works & Development has agreed to prepare an estimate for this work and administrative staff will do a document review to determine if the Municipality had made a commitment to extend the line at the time the system was originally installed.
5. Discussed concerns around a possible extension of the Hopewell/Eureka Wastewater System beyond the fire hall to service a potential development of 11 housing units in that area.
6. Discussed the impact of the recent decision from the NS Department of Municipal Affairs advising that the Plymouth/McLellan's Brook Wastewater project has not been approved for the Building Canada Fund Small Communities Fund and that the next intake of applications will be in two years' time. The Director of Public Works & Development has been asked to bring back ideas on how to proceed with a phased-in approach to this project to that the Committee can consider possible recommendations on moving the project forward, including financing options.
7. Met in closed session to discuss matters relating to contract negotiations.

DATED at Pictou, N.S. this 8^h day of September, 2015

Sgd.) David Parker
Jim Turple

MOTION

It was moved by Clr. D. Parker and seconded by Clr. Turple that the report of the Property Services Committee be received for information purposes.

Deputy Warden Thompson referred to the discussions held at the Committee level regarding the Plymouth/MacLellan's Brook project delays. The residents in Plymouth/MacLellan's Brook are disappointed because the project is shovel-ready and many of the residents are trying to correct their malfunctioning systems so they would like to see some funding before 2 years' time. Deputy Warden Thompson reported that hopefully after this election we will have some better news.

Motion carried.

MUNICIPAL ALCOHOL PROJECT

Clr. Warden reported that earlier today she forwarded the minutes from the August MAP meeting so rather than trying to include all they are doing or planning to do within the MAP Committee, she thought it was appropriate to forward a copy to each Councillor and any questions you may have can be asked when she does her report.

They had a very busy meeting last month and plans seem underway for another constructive year with our MAP Committee.

She would like to ask Council's support for a letter from opposing a proposed amendment by Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia. One part of the amendment to the liquor licensing requirements that would allow an eating establishment to serve up to two drinks to a customer without requiring them to order food. The second part of the proposal is Removing Dry Areas and Plebiscites, states it "would make the entire province wet and remove the requirement for plebiscites" which are impediments to increasing the number of AGFT Licensees who sell alcohol on premises (bars and restaurants) and NSLC stores that sell alcohol.

Based on the information we are currently gathering, we know we have a unique situation in NS from the harms of alcohol. This information supports the concerns being raised by our MAP Committee and binge drinking especially amongst our youth in NS.

These amendments being put forward by the Alcohol and Gaming Division only serve to increase our concerns. For example,

Two drinks a day is the maximum for women and two-thirds of the maximum a day for men (3 drinks) in Canada's Low-Risk Alcohol Drinking Guidelines promoted by the NS Department of Health and Wellness. These Guidelines were created to help people moderate their alcohol consumption and reduce short and long-term alcohol-related harm. They also state:

- Drink slowly. Have no more than 2 drinks in any 3 hours;
- For every alcoholic drink, have one non-alcoholic drink;
- Eat before and while you are drinking.

Information from two other Nova Scotia government department websites and current research evidence further explain the links between blood alcohol concentrations (BAC) with and without food, the time frames when the drinking occurred and impairment for driving or operating a boat, and the risk of alcohol-related injury and death. With the first amendment concerning serving alcohol without food in a licensed restaurant, one of the examples given by the gaming division, is that a person can drop in for a couple of drinks after work and then proceed home if desired. Based on our evidence, a person could go into a bar after work at 5 and to have these two drinks relatively safe would be encouraged to be there at least 3 hours so it could be after 8pm before this persons proceeds home and given the lack of transit in most of rural NS, he or she would be driving. If they have not eaten since noon it will be well into the evening before heading home. This just seems to increase the risk factors associated with drinking and not eating.

MOTION

It was moved by Clr. Wadden and seconded by Clr. R. Parker that Council send a letter of support to the Alcohol, Gaming, Fuel & Tobacco Division of Service Nova Scotia (with copies to the Minister of Health, Minister of Service Nova Scotia and the 3 local MLA's) voicing our concerns with these proposed amendments.

Clr. D. Parker pointed out that the cost of holding a plebiscite is just a waste of money.

Motion carried.

PRESENTATION – RJ COMMUNITY ACTION SOCIETY – ROBIN CAMPBELL (7:25 P.M.)

Mr. Campbell, Chair of the River John Action Society met with Council and made a brief presentation on the use of the River John School as follows:

"Warden Baillie, Councillors, Staff and guests:

Thank you for this opportunity to appear before you this evening.

As everyone is well aware, for the past 3 years, the community of River John has been fighting to keep its school from closing. Unfortunately, we have not been successful to date, but we are a strong community and will not give up. We will continue to lobby the Premier, Minister of Education and School Board to allow us to establish a HUB School as envisioned in our proposal to the CCRSB.

The River John Consolidated School is now closed and the community's children will not be educated there this year. The Municipality of Pictou County has taken possession of this property and I understand that it will continue to provide heat and electricity so that it will not deteriorate further.

My purpose in appearing before Council this evening is twofold:

First, we want to express our appreciation to Council for its support of our efforts to keep the River John Consolidated School open and to request your continued support as we explore various alternatives for educating River John children in their own community.

Secondly, the River John Action Society is requesting that the Municipality enter into a user agreement with the RJCAS for the school building/property. The River John Consolidated School has always been the focal point in the community. It is the place where countless activities have taken place: from various group meetings, to fitness classes, to 4-H activities, to ball hockey, to flea markets, and everything in between. With the school closure, there is a sense of loss. We no longer have a facility to conduct our meetings, to learn, to exercise or hold community events.

A user agreement with the RJCAS would again make this facility available for the community thereby enhancing our recreational, cultural and social opportunities.

The RJCAS is prepared to accept responsibility for the management of operation of this municipal facility, to coordinate its use by the various organizations, groups and individuals and to meet any requirements imposed by the Municipality.

I have provided for your information a list of operating costs incurred by the School Board in 2013. With proper monitoring, and a lot of volunteer effort the total costs to operate this facility will be considerably less.

Also attached is a list of activities that were held in the school between September 2014 and June 2015. If Council agrees to our request we anticipate a much longer list of activities during the coming months.

In addition, you will find in your package, a "draft" document which could with some possible modifications become the "User Agreement" between the County and our organization.

On behalf of the River John Community Action Society I thank you for your time and trust that Council will give favorable consideration to this request and look forward to an early response.”

Clr. R. Parker reported that Council strongly supports the River John School and the efforts to try and keep it operating. He asked is the agreement for 1 year only and Mr. Campbell replied that the request at present is until the end of August, 2016 but the Committee will look at using the school on an ongoing basis.

Clr. R. Parker asked if there is a proposal or plan on how that might be funded and Mr. Campbell replied that is something they have to work on over the next 10 to 12 months.

Clr. R. Parker pointed out the school is a fairly large facility to heat and maintain so he was concerned with the funding and where it would come from if the Committee wanted to continue using the school. Clr. R. Parker reported that the main effort is to try and convince the School Board to put students back in the school. He asked if there were discussions to look at the community and rural economic development rather than just concentrating on the School Board. Mr. Campbell replied there has been no discussion on that aspect as yet but that is something they are going to discuss.

Clr. D. Parker referred to item #12 of the proposed lease and asked if the Committee is successful in sub-leasing are we to assume that money would flow to help the community run the facility and Mr. Campbell replied that it would be used to help the community.

Clr D. Parker referred to item #4 of the proposed lease and asked if there was a requirement of \$1 change hands to make an agreement legal.

The Solicitor responded that a nominal amount of consideration is important to have a binding contract.

Clr. Wadden referred to the building maintenance and operating costs and asked where there would be savings because that is a huge bill.

Mr. Campbell responded the janitorial services will be handled by the groups using the school on a volunteer basis and they could monitor the use of heat and lights when the school is not in use so those bills would be greatly reduced.

Clr. Wadden asked if a cost analysis was done on where there could be savings and Mr. Campbell responded that the heat and electricity could be reduced by at least 1/3 as well as other items such as the PA systems that will not be used.

Deputy Warden Thompson reported the HUB model is very innovative but it is unfortunate that small communities have to try so hard to keep their communities vibrant. He then expressed his preference to see activity at the school to keep it going.

Clr. Turple reported that he had a concern with the closing of the River John School by the School Board and following the media in New Brunswick where the court overruled 2 schools to be opened this year that the School Board actually closed. Clr. Turple asked if the River John Committee has thought about following the procedure that was used in New Brunswick.

Mr. Campbell replied the Committee had given some thought to pursuing legal action but based on the advice they received they did not feel it would be appropriate to do so, nor does the Committee have the funds for legal expenses of that nature.

Clr. Dewar asked if the document should be given to the Solicitor for review and the CAO replied the Solicitor has to review and make changes if necessary.

The Solicitor reported that he briefly reviewed the document this evening and asked if an electronic copy of the document could be provided so changes may be made.

MOTION

It was moved by Deputy Warden Thompson seconded by Clr. Palmer that Council direct staff to draw up an agreement between the River John Action Society and the Municipality and to bring the document back for Council's approval as soon as possible.

Motion carried.

Warden Baillie thanked Mr. Campbell for the presentation and excused him from the balance of the meeting. (7:40 p.m.)

RESOLUTION – MUNICIPAL GRANTS

Deputy Warden Thompson presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the payment of the following Municipal Grants:

Council

Pictou Co. Military Heritage Museum	\$ <u>50.00</u>	Military Awareness Day Expenses
TOTAL:	\$ 50.00	

Municipal Services:

D 3 Caribou Dist. Fire Dept.	\$ 6,027.84	Computer, Equipment, & Repairs
D 9 Abercrombie Fire Dept.	\$ 3,463.00	Door Step, Door & Windows
D 9 Mt. William Cemetery	2,385.00	Annual Mtnce. Contract & Top Soil
D 9 Abercrombie Cemetery Corp,	4,578.00	Mtnce., Stone Repairs & Groundskeeping
D 9 Abercrombie Community Ctr.	6,126.00	Interior Repairs, Groundskeeping, Skirting & Door
D11 Plymouth Fire Dept. Lad. Aux.	1,750.00	Equipment Purchases
D14 MacLennan's Mtn. Cemetery	<u>500.00</u>	Lawn Care & Groundskeeping
TOTAL:	\$24,829.84	
GRANT TOTAL:	<u>\$24,879.84</u>	

DATED at Pictou, N.S. this 8th day of September, 2015.

Sgd.) Andy Thompson
Sally Fraser

MOTION

It was moved by Deputy Warden Thompson and seconded by Clr. S. Fraser that the preceding resolution be adopted as presented.

Motion carried.

RESOLUTION – PROCUREMENT POLICY

Deputy Warden Thompson presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council adopt the following policy with respect to the procurement of goods, services, construction and facilities:



POLICY #2015-09-37

MUNICIPALITY OF THE COUNTY OF PICTOU PROCUREMENT POLICY

Purpose and Objectives

1. To provide guidelines for the procurement of all goods, services, construction and facilities for the Municipality of the County of Pictou based on sound management and public procurement practices. Procurement methods shall be open, fair, transparent and consistent, while being both efficient and effective; procurement methods should reflect the need to make timely decisions and make best use of staff time to reach defensible procurement decisions.
2. The Municipality of the County of Pictou ("Municipality") is committed to:
 - a. Providing for the procurement of goods, services, construction and facilities in a fair, open, consistent, and transparent manner resulting in best value
 - b. Encouraging competition, innovative ideas and solutions, while respecting all Legislative and trade agreement obligations
 - c. Promoting sustainable procurement in procurement decisions, including identifying and exploring opportunities to work with and support social enterprises and businesses that are owned by and who employ under-represented populations
 - d. Ensuring that qualified suppliers have equal opportunity to bid on the Municipality's procurement activity
 - e. Being accountable for procurement decisions.

Definitions

3. *Alternative Procurement Circumstances* means "the circumstances detailed in Appendix 1 where procurement activity may be carried on, absent a public tender".
4. *Alternative Procurement Practice* means "procurement activity conducted without a public tender process in a situation where Alternative Procurement Circumstances exist."
5. *Atlantic Standard Terms & Conditions* means "Standard instructions that support public tenders issued by the four Atlantic Provinces for goods and services. Supplements may be added if and when required".
6. *Best Value* means "Evaluating bids not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social considerations, delivery, servicing, and the capacity of the supplier to meet other criteria as stated in the tender documents."
7. *Bid* means "A supplier response to a public tender notice to provide goods, services, construction or facilities."

8. *Construction means* “The construction, reconstruction, demolition, repair, or renovation of a building, structure, road or other engineering or architectural work, excluding the professional consulting services related to the construction contract unless they are included in the procurement.”
9. *Construction Contract Guidelines means* “Standard instructions developed in consultation with the Construction Association of Nova Scotia that support construction tenders.”
10. *Goods means* “Materials, furniture, merchandise, equipment, stationery, and other supplies required by the Municipality for the transaction of its business and affairs and includes services that are incidental to the provision of such supplies.”
11. *Facilities (also referred to as Building Leases) means* “All building lease requirements covering the conveyance of the right to use tangible building property for a specified period of time in return for rent.”
12. *Procurement Activity means* “The acquisition of all goods, services, construction, or facilities procured by purchase, contract, lease, or long-term rental.”
13. *Procurement Value means* “The value of the total contract excluding taxes but including all options whether exercised or not. For Facilities this value is determined by the monthly lease/rent times the term of the contract.”
14. *Procurement Web Portal means* “The public website maintained by the Province of Nova Scotia where all public tender notices are posted.”
15. *Public Advertisement means* “Advertising a public tender notice on the procurement web portal.”
16. *Public Procurement Act (PPA) means* the *Public Procurement Act*, S.N.S. 2011, c.12, as amended from time to time.
17. *Public Tender means* “Procurement for goods, services, construction, or facilities obtained through public advertisement. (See appendix 2 for an outline of the various tools that can be used for public tender.)”
18. *Public Tender Notice means* “Notice of intended procurement for goods, services, construction, or facilities obtained through public advertisement.”
19. *Services means* “services required by the Municipality for the transaction of its business and affairs, excluding services provided by an employee through a personal services contract.”
20. *Standing Offer means* “A standing offer is a contractual arrangement with a supplier to provide certain goods or services on an ‘as required’ basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.”
21. *Supplier means* “a person carrying on the business of providing goods, services, construction and facilities.”
22. *Sustainable Procurement means* “Sustainable Procurement involves taking a holistic approach to obtain best value. This will be done by integrating the following considerations in the procurement process:
 - a. Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction
 - b. Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy

- c. Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.

Application

- 23. This policy applies to all procurement activity of the Municipality.
- 24. The Chief Administrative Officer is responsible for ensuring compliance with this policy.
- 25. All Municipality personnel who have responsibility for the procurement of goods, services, construction, or facilities must adhere to this policy.

Directives

- 26. *Low Value Procurement* means procurement for:
 - a. Goods valued up to \$25,000
 - b. Services valued up to \$50,000
 - c. Facilities valued up to \$50,000
 - d. Construction valued up \$100,000
- 27. Except when using an alternative procurement practice, accessing a publicly tendered standing offer, or as otherwise provided below, for all low value procurement activity, with a procurement value as outlined above (excluding taxes), the Municipality's personnel are expected to, as far as practicable, attempt to obtain at least three quotes and award to the supplier offering best value.
 - a. Purchases of goods and services under \$1000 do not require three quotes. They should be purchased under a standing offer if:
 - i. one exists; and
 - ii. it provides best value.

Department heads must approve such purchases and appropriate documentation (e.g. receipts, invoices) must be kept.

- 28. When selecting the list of suppliers to be provided the opportunity to quote, the Municipality's personnel will make every effort to ensure a fair and open process is followed. While the Municipality's personnel are expected to invite only qualified suppliers, they are not to consistently invite bids from only one or a select group of suppliers. Invitations and bidding opportunities are to be equitably distributed among all potential bidders in an area, and all interested and qualified suppliers are to be evaluated on a consistent and equitable basis. Where increased competition is appropriate, the Municipality's personnel may choose to publicly tender for goods, services, construction or facilities that fall within the above thresholds.
- 29. *High Value Procurement* means procurement of:
 - a. Goods valued at \$ 25,000 or greater
 - b. Services valued at \$ 50,000 or greater
 - c. Facilities valued at \$ 50,000 or greater
 - d. Construction valued at \$100,000 or greater

30. All procurement activity with a procurement value over the high value thresholds (excluding taxes) outlined above must be obtained through a public tender. See appendix 2 of this Policy for an outline of some of the various tools that can be used for public tender.
- a. The only exception to this would be when the Municipality's personnel are using alternative procurement practice, or are accessing a publicly tendered standing offer.
 - b. All public tender opportunities must be posted on the Province of Nova Scotia Procurement Web Portal.
 - c. The Municipality's personnel may wish, where appropriate, to also advertise in local, provincial, or national media; however, there is no obligation to do so.
 - d. In addition, a notice of tender opportunity may be sent to selected suppliers where required to ensure an adequate degree of competition.

Alternative Procurement Practices

31. In order to balance the need for open, competitive process with the demands of urgent or specialized circumstances, alternative procurement circumstances have been developed. Where alternative procurement circumstances exist, alternative procurement activities may be used. Alternative procurement practices must be used only for the purposes intended and not to avoid competition or used to discriminate against specific suppliers. To ensure appropriate use, each circumstance must be documented by The Municipality personnel stating the rationale permitting the alternative procurement practice, and signed by the Chief Administrative Officer, or as otherwise indicated in Appendix 1. All documents must be filed and maintained for audit purposes. See Appendix 1 for a list of the alternative procurement circumstances, as well as further requirements on documentation.

Bid Opening, Evaluation, and Award

32. *Bid Opening*

- a. Bids are accepted in accordance with the closing time, date, and place stipulated in the bid request documents. Members of the public may receive the list of bidders electronically after bid opening.

33. Bid Evaluation

- a. All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.

34. Award

- a. The winning bidder and contract award amount for all high value procurement activity must be posted on the Province of Nova Scotia's Procurement Web Portal.
- b. After contracts have been awarded, routine access to information at the vendors' request shall be provided in the following areas:
 - i. Bidders list
 - ii. Name of winning bidder

- iii. Award price excluding taxes of the winning bidder
 - c. Access to tender documents or other proprietary information is subject to the provisions of the *Municipal Government Act*, S.N.S. 1998, c.18, as amended, Part XX Freedom of Information and Protection of Privacy.
- 35. Supplier Debriefing
 - a. At the request of a supplier who submitted a bid, The Municipality's personnel will conduct a supplier debriefing session to provide feedback on the evaluation of the public tender. At this session:
 - i. Suppliers can find out how their proposal scored against published criteria
 - ii. obtain comments on their bid, and
 - iii. gather information on how future bids may be improved
 - iv. Bids are not compared to others, nor will information on other bids be provided.
- 36. Supplier Complaint Process (SCP)
 - a. When a supplier is not satisfied with the information provided in a supplier debriefing, the supplier may file a complaint in accordance with the Supplier Complaint Process as set out in the *Public Procurement Act*. The SCP is not a dispute resolution process, but rather is intended to handle supplier complaints and to improve faulty or misleading procurement processes. The SCP is an integral part of a fair and open procurement policy.

Fair Treatment for Nova Scotia Suppliers

- 37. Based on the principle of best value for the Municipality and when deemed to be in the Municipality's best interest, the Municipality's personnel may apply a preference for goods valued up to \$25,000 that are manufactured or produced in Nova Scotia.
- 38. The final decision to apply a preference to a Nova Scotia supplier shall be approved by the Chief Administrative Officer.
- 39. Municipality personnel may also choose to apply a Nova Scotia preference or restrict the receipt of quotations at or below the low value procurement thresholds to Nova Scotia suppliers.
- 40. Any decision made by The Municipality personnel should be based on budget considerations, and shall be approved by the Chief Administrative Officer.
- 41. At or below the low value procurement thresholds, the Municipality's personnel may give preference to purchasing goods, services, construction and facilities from local businesses in accordance with the following:
 - a. In evaluating which goods or services offer best value to the Municipality, the Municipality may apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods or services offer best value.
 - b. All requests for quotations and notices of public tender for these low value procurements must state that a local preference applies to the procurement.

Other Considerations

42. Cooperative Procurement

- a. The Municipality's personnel are encouraged to look for opportunities to collaborate with government agencies when the arrangement may result in overall cost savings or other substantial advantages. For example, joint procurement may be appropriate to procure commonly used goods, services, fuel oil, natural gas, telecommunications, etc.

43. Standing Offers

- b. The Municipality personnel may access all Province of Nova Scotia standing offers, as well as any standing offer established through the Procurement Advisory Group for the Province should the Municipality's personnel wish to make use of the savings opportunities.

Obligations under the *Public Procurement Act*

44. In addition to the areas already covered by this Policy, the following are additional obligations of the *Public Procurement Act* that the Municipality personnel are required to adhere to with their Procurement practices:

a. Terms and Conditions

- i. Every public tender notice must include or have attached the terms and conditions that govern the purchase of goods, services, construction, or facilities. The terms and conditions of every public tender notice must be consistent with the Atlantic Standard Terms and Conditions for the procurement of goods, services, or facilities and the Construction Contract Guidelines developed in collaboration with the Construction Association of Nova Scotia for the procurement of construction.

b. Posting Tender Notices and Awards

- ii. All opportunities subject to a public tender must be advertised on the Province of Nova Scotia Procurement Web Portal. The Municipality personnel must also post on the Procurement Web Portal the name of the successful bidder for the public tender and the contract amount awarded.

c. Code of Ethics

- iii. The Municipality personnel and Council must ensure their conduct in relation to procurement activity is consistent with the "duties of public sector entity employees" in the *Public Procurement Act*. This includes a request for removal from a procurement activity when a personal conflict of interest is perceived.

d. Other

iv. Policy Posting

1. The Municipality's personnel will ensure this policy is posted on the Municipality's web site.

v. Supplier Development Activities

1. The Municipality personnel will make every attempt where appropriate to participate in vendor outreach activities as requested by the Procurement Governance Secretariat.

vii Regulations

1. The Municipality personnel will make sure that procurement practices remain consistent with any regulations that are adopted under the *Public Procurement Act*.

APPENDIX 1

1. Alternative Procurement Approval, Consultation, and Reporting Process

- a. Only those holding the appropriate role/position within the Municipality may delegate signing authority.
- b. *Low Value:*
 - i. The Chief Administrative Officer may delegate signing authority for low value alternative procurement practice transactions to the head of a given business area. No further approvals will be necessary.
 - ii. The Chief Administrative Officer will ensure persons with delegated signing authority will be held accountable for their actions and that all procurement activities by the Municipality's personnel are properly documented and filed for follow up and audit.
 - iii. The Chief Administrative Officer shall remain accountable for the proper use of alternative procurement practices.
- c. *High Value:*
 - i. The Municipality personnel wishing to make use of a high value alternative procurement practice (with the exception of an emergency) must consult with the Chief Administrative Officer to obtain his or her approval and identify the most appropriate means by which to proceed.
 - ii. If in agreement, the Chief Administrative Officer may direct the Municipality's personnel to proceed with the procurement.
 - iii. The Chief Administrative Officer may wish to confer with provincial government procurement officials for discussion, validation, and/or alternative options.
 - iv. The Chief Administrative Officer may delegate signing authority for high value alternative procurement transactions to an Acting Chief Administrative Officer in his or her absence. All appropriate documentation will be maintained on file for audit purposes.
 - v. The Chief Administrative Officer will ensure persons with delegated signing authority will be held accountable for their actions. The Chief Administrative Officer shall remain accountable for the proper use of alternative procurement practices.

Alternative Procurement Circumstances

2. No Threshold Restrictions

- a. The Municipality's personnel may use alternative procurement practices for the procurement of goods, services, construction or facilities, with no threshold restrictions in the following circumstances:
- i. Where an unforeseeable situation of urgency exists and the goods, services, or construction cannot be obtained in time by means of open procurement procedures. The Municipality's personnel must ensure inadequate planning does not lead to inappropriate use of this exemption.
 - ii. Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption, or otherwise be contrary to the public interest.
 - iii. Where compliance with the open tendering provisions set out in this Policy would interfere with the Municipality's ability to maintain security or order, or to protect human, animal, or plant life or health.
 - iv. In the absence of compliant tenders in response to an open or selective tender.
 - v. For the procurement of goods intended for resale to the public.
 - vi. For the procurement from philanthropic institutions, prison labour, persons with disabilities, sheltered workshop programs, or through employment equity programs.
 - vii. For the procurement from a public body or a non-profit organization.
 - viii. For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.
 - ix. Procurement of services that in the Province of Nova Scotia may, by legislation or regulation, be provided only by any of the following licenses professional: medical doctors, dentists, nurses, pharmacists, veterinarians, engineers, land surveyors, architects, accountants, lawyers and notaries.
 - x. Where construction materials are to be purchased and it can be demonstrated that transportation costs or technical considerations impose geographic limits on the available supply base, specifically in the case of sand, stone, gravel, asphalt, compound and pre-mixed concrete for use in the construction or repair of roads.

3. *One Supplier*

- a. Where only one supplier is able to meet the requirements of a procurement, the Municipality's personnel may use alternative procurement practices for the procurement of goods, services, construction or as follows:
- i. To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright, and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative.
 - ii. Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists.
 - iii. For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly.
 - iv. For the purchase of goods on a commodity market.
 - v. For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor.

- vi. For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work.
- vii. For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases.
- viii. For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases.
- ix. For the procurement of original works of art.
- x. For the procurement of subscriptions to newspapers, magazines, or other periodicals.
- xi. For the procurement of real property.

Threshold Restrictions

- 4. The Municipality's personnel may use alternative procurement practices up to the high value thresholds of this Policy in the following circumstances:
 - a. For the procurement of goods or services for the purpose of evaluating or piloting new or innovative technology with demonstrated environmental, economic, or social benefits when compared to conventional technology, but not for any subsequent purchases.
 - b. For procurement that fosters the development of minority businesses.

APPENDIX 2

- 1. Below is an outline of some of the various tools available for use when issuing a public tender:
 - a. *Request for Proposal (RFP)*
 - i. Used when a supplier is invited to propose a solution to a problem, requirement, or objective.
 - ii. Suppliers are requested to submit detailed proposals (bids) in accordance with predefined evaluation criteria.
 - iii. The selection of the successful proposal is based on the effectiveness, value, and price of the proposed solution.
 - iv. Negotiations with suppliers may be required to finalize any aspect of the requirement.
 - b. *Request for Construction (RFC)*
 - i. Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work.
 - ii. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project.

- iii. Suppliers are requested to submit a response (bid) in accordance with predefined criteria.
 - iv. The selection of the successful proposal is based on a number of factors as described in the tender documents.
 - v. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
- c. *Request for Quotation (RFQ)*
- i. A request for quotation on goods or products with a minimum specification. Award is usually made based on the lowest price meeting the specification. An RFQ does not normally, but may sometimes, include evaluation criteria.
- d. *Request for Standing Offer (RSO)*
- i. A public tender to provide commonly used goods or services. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. RSO's may include evaluation criteria depending on the requirement.
- e. *Request for Expression of Interest (REI)*
- i. The Request for the Expression of Interest is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem.
 - ii. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process.
 - iii. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.

DATED at Pictou, NS this 8th day of September, 2015.

(Sgd.) Andy Thompson
Sally Fraser

MOTION

It was moved by Deputy Warden Thompson and seconded by Clr. S. Fraser that the preceding resolution be adopted as presented.

Motion carried.

RESOLUTION – EMPLOYEE COMPUTER PURCHASE POLICY

Clr. Wadden presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council adopt the following policy with respect to employee computer purchases:



**MUNICIPALITY OF THE COUNTY OF PICTOU
EMPLOYEE COMPUTER PURCHASE POLICY**

PURPOSE

To establish a uniform policy for the purchase of personal computers by the employees of the Municipality for home use.

POLICY

The Municipality will provide a program to enable its employees to purchase a personal computer for home use under the following criteria:

- The Program will be in the form of an interest-free loan;
- The maximum amount available for an individual employee will be \$2,500;
- The repayment will be through payroll deduction;
- The time period for repayment will not exceed 36 months;
- Eligibility will be limited to full-time employees who have successfully completed their probationary period;
- The arrangements for purchase, delivery and installation of equipment will be the responsibility of the employee;
- The Employee will be responsible to arrange for the Municipality to be direct invoiced for the total purchase price;
- The Municipality will not be held responsible for failure of the product purchased or vendor service;
- In the event the employee ceases to be employed by the Municipality, all monies owed under this program will become payable immediately. Failure to pay outstanding balances may result in the Municipality taking legal action to recover the amount owing;
- The total amount allocated to the program, by Council, will not exceed \$15,000 annually;
- The program will be administered on a first come, first serve basis.
- Employees participating in this program must enter into a written agreement with the Municipality stating their acceptance of the aforementioned terms and confirming their repayment schedule.

DATED at Pictou, NS this 8th day of September, 2015.

(Sgd.) Deborah Wadden
Sally Fraser

MOTION

It was moved by Clr. Wadden and seconded by Clr. S. Fraser that the preceding resolution be adopted as presented.

Motion carried.

RESOLUTION – GREENHILL WATER & WASTEWATER EXT. TENDERS

Clr. D. Parker presented a resolution to Council as follows:

RESOLUTION

WHEREAS public tenders were called for the installation of 2,250m of watermain and 2,160m of gravity wastewater main and associated services and appurtenances as an extension to the Greenhill Water & Wastewater System;

WHEREAS five tenders were received and considered as follows:

	<u>TENDER AMOUNT (Excluding HST)</u>
Dexter Construction	\$1,621,678.00
Ian Sinclair	1,753,505.00
Brycon	1,563,359.00
CF Construction	1,609,873.00
SW Weeks	1,189,927.50

WHEREAS all tenders have been reviewed by the Director of Public Works & Development to determine compliance with tender specifications;

WHEREAS the Director of Public Works & Development has found no discrepancies or reasons to advise against possible award, and recommends acceptance of the lowest tender;

THEREFORE BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council accept the recommendation of the Director of Public Works & Development and award the construction contract for the Greenhill Water & Wastewater Extension Project to S W Weeks Construction Limited in the amount of \$1,189,927.50 (exclusive of HST).

DATED at Pictou, N.S. this 8th day of September, 2015.

(Sgd.) David Parker
Jim Turple

MOTION

It was moved by Clr. D. Parker and seconded by Clr. Turple that the preceding resolution be adopted as presented.

Clr. Palmer asked the completion date for this project and the CAO replied it is not a long project to install so it should be completed this year.

Motion carried.

DANGEROUS & UNSIGHTLY HEARING – PETER S. FRASER (7:45 P.M.)

At 7:45 p.m. Warden Baillie convened a hearing with respect to a dangerous and unsightly premises assessed to Peter S. Fraser, 7694 Highway 4 Sutherland's River, Pictou County (AAN01581767). Mr. Peter S. Fraser was present in the Chambers.

Warden Baillie reported that he had a request from the complainant, Ms. Faye Visser who would like to speak at the hearing. Warden Baillie explained there is no requirement under the Act to allow any persons to speak except the owner of the property. There has not been a practice established by Council to allow this and this request requires unanimous consent to allow someone to address Council that is not on the agenda.

Clr. D. Parker asked if Council be setting a precedent if Ms. Visser is granted permission to speak, and asked when it becomes a neighborhood dispute rather than a formal legal process.

Warden Baillie replied those questions will have to be addressed in closed session with legal advice from our solicitor.

CLOSED SESSION

Council met in closed session at 7:50 p.m. to discuss matters relating to legal advice eligible for solicitor-client privilege.

OPEN SESSION

Council resumed in open session at 8:00 p.m.

Warden Baillie asked Council if there was unanimous agreement for Mrs. Visser to address Council. Hearing no agreeance, he informed Mrs. Visser that she would not be permitted to address Council this evening.

Warden Baillie reconvened the hearing with respect to a dangerous and unsightly premises assessed to Peter S. Fraser, 7694 Highway 4, Sutherland's River.

Council viewed an electronic presentation of pictures taken earlier today by the By-Law Enforcement Officer showing the garage and other building in question where both roofs are compromised. There has been a slight clean up done but there are still several issues of concern that includes debris on the property as well as a pallet covering a drain hole. Ms. MacCarthy informed Council that a trailer located on an adjacent field was torn apart and burned and then bulldozed into the ground. There is debris on the property that includes C & D materials, broken glass, barrels and tires but part of this property belongs to Mrs. Visser. Ms. MacCarthy informed Council that on May 1, 2015 she received a complaint about the property being dangerous and unsightly. On May 27, 2015 she attended at the site to perform an inspection, took pictures and drafted her notice to the property owner outlining the progress regarding dangerous and unsightly premises. In the initial notice Ms. MacCarthy gave Mr. Fraser until June 16, 2015 to address the concerns outlined. On June 10th Ms. MacCarthy informed Council she met with Mr. Fraser at the site and listened to his concerns and granted him an extension both verbally and in writing until June 30, 2015 to undertake cleanup. At this time Mr. Fraser wanted to save the garage structure and Ms. MacCarthy informed him he would need a building permit to save the garage. On June 17, 2015 Ms. MacCarthy reported that she requested the Building Inspector for the Municipality inspect the garage. She received an e-mail from the Building Inspector on June 18, 2015 in which he stated the roof system shows substantial signs of structural failure. Mr. Fraser applied for and received a building permit around the end of June, 2015. On July 9, 2015 Ms. MacCarthy received a call from Mr. Tim Houston's office regarding her actions and time frames on this property. On July 15, 2015 she received information that everything in the adjacent field was set on fire and pushed into a small swamp then covered with gravel. Ms. McCarthy reported she advised the Department of Environment and she understands the Department of Environment issued a Litter Order stating all items are to be removed from the ground and swamp with weight receipts that must be submitted to the Inspector by October 12, 2015. On August 31, 2015 the property was posted with a notice of opportunity to attend this Council meeting and pictures were taken as of today's date to show Council that nothing has been done to the site.

Clr. D. Parker asked if part of the debris was on Mrs. Visser's property and Ms. MacCarthy replied it was her understanding of how the property line runs that part of the upper corner of that adjacent field is in the name of Mrs. Visser that also has debris on it.

Mr. Fraser asked why there were no pictures of the front of the building and Ms. MacCarthy responded there are pictures of the building taken on another date. Ms. MacCarthy pointed out the pictures were taken before some of the cleanup was done at the front of the building. Mr. Fraser informed Council that he took pictures today of the front of the building that has been cleaned up.

AGREED

It was agreed that Mr. Fraser distribute the pictures of today's date where it shows the front of the building that has been cleaned up.

Mr. Fraser reported that everything Ms. MacCarthy has said was true and he started cleaning up the property in 2011. Mr. Fraser informed Council that his father purchased the property in 1962 and at that time there was a house and shop located on the property. The property was split and Doug Rector bought the house behind the shop and he then sold it to the Vissers. The only problem with the shop was a result of the heavy snow when the roof caved in and broke the trusses in the back. Mr. Fraser reported that he was asked to get a proposal to repair the roof by July 2015 and he asked his contractor who is in the process of doing renovations all summer so he could not look at the property until November. Mr. Fraser reported that he was told to get a building permit or the Municipality would do a title search and take the property in question to Council so he was given an extension to July 17, 2015. He reported that he received a building permit on July 16, 2015 but he has since received a letter to attend the hearing this evening and it stated a title search would be applied to his tax bill. Mr. Fraser informed Council that he was told there would not be a title search if he followed all the request which he did. Mr. Fraser pointed out that the tires between the buildings are his tires, a gym set that is covered with a tarp and an unsightly trailer that he was tearing apart to make a utility trailer. This is commercial property and he has been paying commercial taxes on it since 1997 when he bought the property from his father. On the Visser's property behind his property is a pile of shingles that have come off their roof and they put them on his property. There is a hole on his property that he dug approximately 6 years ago where he buried some old steel cylinders but the Department of Environment informed him they have to be removed. He has made arrangements and those cylinders will be removed within the next 3 to 4 weeks. At the front of the shop there was an overhang and that has been removed and no children are allowed in his shop. Mr. Fraser informed Council that he had a stroke in July 2012 and went back to work in November 2012. He is the Chief of the Thorburn Fire Department and on May 18, 2013 he was hurt in a motor vehicle accident during a fire call and was off work for almost 2 years with a concussion so he has been trying to catch up ever since. He was getting insurance through the Municipality for his injuries and he has been trying to clean up the property. Mr. Fraser informed Council this is his shop and he will do what he has to so it will be cleaned up but there are a lot of properties that look a lot worse than this property. Mr. Fraser asked for a 60 day extension to clean up his property.

Clr. L. Fraser pointed out there was a lot of stuff on the property that could go for salvage but he had a concern with all the debris on the ground.

Mr. Fraser reported all the aluminum has gone for scrap and he pointed out the cylinders are steel but steel is not worth much.

Ms. MacCarthy informed Council that as far as she was aware nothing has been applied to Mr. Fraser's tax account for the title search but there was a possibility the title search could be applied if Council decided to move ahead on this matter.

MOTION

It was moved by Clr. Dewar and seconded by Clr. Palmer that Mr. Peter Fraser be given 90 days to clean up the property.

Warden Baillie pointed out that Council has to wait for the resolution to be presented before making this type of motion.

WITHDRAWN

On the agreement of the mover and seconder the motion was withdrawn.

Clr. D. Parker asked Mr. Fraser if he owned the nice looking home on the property and Mr. Fraser replied he does not own that house.

Clr. D. Parker commented that there is evidence that the property is unsightly and with the condition of the roof on the building it could be considered dangerous. He informed Mr. Fraser that Council needs a particular list of what he is going to do by particular dates and it is not good enough to wait until his contractor shows up to repair the roof. He asked Mr. Fraser if he was willing to work with the By-Law Officer to develop a list of cleanup activities and time-lines to show his sincerity in having the property cleaned up.

Deputy Warden Thompson reported he had a concern with all the glass and structures laying in the tall grass so that needs to be cleaned up before the snow arrives.

Clr. Davidson asked Mr. Fraser if he could contact the contractor to see if he could come sooner because it will not be long before we will be getting into the winter months. He also asked if we could split the cleanup so the building is repaired by a certain timeline and the garbage can be removed sooner.

The CAO explained that if Council so wishes it can put different conditions with different time-frames within the order.

Clr. Davidson asked Mr. Fraser if he would have any problem cleaning up the property by October and Mr. Fraser replied if he can stack the items in an area for recyclable aluminum he would have no problem but he does not see the point of making a trip every time he has a piece of aluminum as that does not make any sense.

Ms. MacCarthy informed Council that she received an estimate from Pronto Construction Ltd. that was dropped off at her office by Mr. Fraser. The starting date of construction would be mid-October and the total price of repairs to the building will be \$19,435. An estimate for cleanup was given to the complainant by Verhagens Construction in the amount of \$1,200.

Clr. Palmer pointed out there are a lot of commercial properties in worse condition than this property and we have to allow time for cleanup.

RESOLUTION – DEMOLITION ORDER

Clr. Davidson presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council finds that the property located at 7694 Highway 4, Sutherland's River (Tax Account #01581767), and further described in the attached Order is dangerous and unsightly;

AND BE IT RESOLVED that Council, pursuant to Section 346 of Part 15 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, make an Order in the form attached hereto and forming part of this resolution, the said Order to be signed and issued forthwith on behalf of the Council by the Chief Administrative Officer of the Municipality or his designate.

DATED at Pictou, N. S. this 8th day of September, 2015.

(Sgd.) Jamie Davidson
Chester Dewar

DRAFT ORDER MUNICIPAL GOVERNMENT ACT, STATUTES OF NOVA SCOTIA, 1998, CHAPTER 18 ORDER REQUIRING DEMOLITION

TO: Peter S Fraser
R.R. # 1 Thorburn
Pictou County, NS B0K 1W0

TAKE NOTICE that pursuant to Section 346 of *The Municipal Government Act*, The Council of the Municipality of the County of Pictou (“the Council” and “the County”) has determined that the property located at 7694 Highway 4, Sutherland’s River, Pictou County, Nova Scotia, associated with AAN 01581767, and PID #00886564, which lands are included in those more particularly described in Schedule “A” hereto attached and forming a part hereof (“the Property”) is dangerous or unsightly.

AND FURTHER TAKE NOTICE that the Council orders you to remedy these conditions by doing all of the following work, acts or things (“the work”) on the property, that is to say:

Complete all required work to the property as listed below:

- (1) Demolish or repair all sheds and structures which are in a ruinous or dilapidated condition, leaving the site in a safe condition.
- (2) Remove all debris on the property, including but not limited to, barrels, tires, construction and demolition materials, car wash equipment, household items and all materials that were burnt and then buried.

THE WORK IS TO BE COMPLETED AND DONE WITHIN NINETY (30) DAYS OF THE DATE OF SERVICE OF THIS ORDER.

AND FURTHER TAKE NOTICE

THAT in the event of failure by you to comply with the requirements of this Order within Thirty (30) days after its date of service, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in this Order;

THAT the cost of the work, with interest at the rate determined by the Council, from the date of the completion of the work until the date of payment:

- (a) Is the first lien on the property upon which the work was done and that the property is liable to be sold in a tax sale in accordance with *The Municipal Government Act*, and;
- (b) May at any time be sued for and recovered in an action in the name of the County.

THAT after this Order is served; any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or fails to comply with the terms of the Order is liable, on summary conviction, to a penalty of not less than One Hundred (\$100.00) Dollars, and not more than Five Thousand (\$5000.00) Dollars, and, in default of payment, to imprisonment for not more than three (3) months;

THAT every day during which the condition is not remedied is a separate offence.

MOTION

It was moved by Clr. Davidson and seconded by Clr. Dewar that the preceding resolution be adopted as presented.

Warden Baillie informed Council that Section 346, Part 15, Chapter 18 of the Municipal Government Act of 1998 would allow 30 days as stated in the draft order.

AMENDMENT

It was moved by Clr. Dewar and seconded by Clr Palmer that the preceding motion be amended to change 30 days to 90 days in the draft order.

Clr. D. Parker reported that he would like to see certain things done by a certain time frame and he was a little concerned if we just say 90 days the cleanup may get delayed.

Clr. L. Fraser pointed out you should have a plan in place and the recyclables should be organized because the cleanup will work a lot better.

Clr. Dewar reported the Department of Environment wants a part of the property cleaned up by October 12, 2015 so that should be done before construction starts on the building. Clr. Dewar reported that he was surprised that Council was doing so much over such a small cleanup when he has such large unsightly properties in his area.

Clr. Palmer pointed out that we had other properties at Council hearings that never had these conditions and he did not understand why conditions were put on this property.

Clr. Palmer pointed out that the car wash equipment was part of Mr. Fraser's business so anything that was his business should not be part of the order.

Warden Baillie pointed out the property as seen in the pictures is a question not so much as is it his business but is the equipment sitting in the tall grass making the property unsightly.

Mr. Fraser reported he should be able to have his business equipment on his property.

The motion to amend carried. (Nay Vote: Warden Baillie)

The motion, as amended, carried. (Nay Vote: Warden Baillie)

EMERGENCY RESOLUTIONS

There were no emergency resolutions.

REFERRALS TO COMMITTEES & NOTICES OF MOTION

Clr. R. Parker reported at the next Property Services Committee meeting he would like to have a discussion on the procedures for re-naming roads.

Clr. R. Parker reported that he would like to add a report from the Municipal Economic Development Working Group placed on future Council agendas.

Clr. Turple reported that he would like to see Unsightly Properties put on the agenda of a future Property Services Committee for further discussion.

Warden Baillie pointed out unsightly properties are dealt with on a complaint basis and that is what drives the process. When the By-Law Enforcement Officer receives a complaint she goes out and checks the property as part of the process. Warden Baillie reported that he will leave that request with staff to add as an agenda item at a future meeting.

Clr. D. Parker reported in light of the events regarding petroleum fuels last week-end there was a lot of discussion on just how vulnerable we can be. Clr. D. Parker asked if it would be a good time to review the mandate and procedures of our EMO to see if there is anything we can do within that to ensure that our vital emergency services are able to be maintained in the event of a significant disruption to our petroleum supplies.

The CAO replied he will look at the hazard assessment but it thinks was identified as a potential risk.

Clr. L. Fraser reported if a person is going for an operation at the Aberdeen Hospital the pre-op has to be done at home because it is no longer done at the hospital. Some seniors are having problems with this and it is putting added stress on them so he would like to add this topic to a future agenda.

Clr. Davidson asked that the By-Law Enforcement Officer be invited to a Committee of Council meeting to discuss the process regarding unsightly properties.

Clr. Wadden reminded everyone that the MOU open houses are being held in Pictou and the Wellness Centre this week

ADJOURN

It was moved by Clr. Davidson and seconded by Clr. D. Parker that the meeting adjourn.
Motion carried. (8:40 p.m.)

Ronald Baillie
Warden

Brian Cullen
Municipal Council