

**MUNICIPALITY OF THE COUNTY OF**  
**ANTIGONISH**

**COMMITTEE OF THE WHOLE AGENDA**

**Tuesday, December 6<sup>th</sup>, 2016 @ 5:30 pm**

**Municipal Administration Centre**

- 1) Call to Order – Chairman, Warden Russell Boucher
- 2) Approval of Agenda
- 3) Approval of November 15<sup>th</sup>, 2016 Committee of the Whole Minutes
- 4) Business Arising from the Minutes
- 5) Transportation and Infrastructure Renewal Presentation
- 6) Dangerous and Unsightly Premises Report
- 7) Discussion of Capital Investment Plan
- 8) Consideration of Funding Request from St. Martha's Hospital Foundation
- 9) Consideration of a Municipal Audit Committee
- 10) Consideration of Joint Council Committee Terms of Reference
- 11) Staff Reports
- 12) Adjournment

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**TO:** COMMITTEE MEMBERS  
**FROM:** GLENN HORNE, MUNICIPAL CLERK TREASURER  
**SUBJECT:** ***COMMITTEE OF THE WHOLE MEMO***  
**DATE:** DECEMBER 6<sup>TH</sup>, 2016

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**TRANSPORTATION AND INFRASTRUCTURE RENEWAL PRESENTATION**

Jamie Chisholm, Area Manager for TIR Antigonish and Guysborough, will be on hand to provide members of the Committee with a brief overview of plans / changes for winter-works, as well as a re-cap of spring and summer maintenance. Members of the Committee will have a chance to ask questions about the Access Management Strategy for Trunk 4 (Old Hwy 104) between Addington Forks & Lower South River, the intersection of Trunk 4 & Beech Hill Road, and the intersection of Trunk 4 at Trunk 7 / West Street.

**DANGEROUS AND UNSIGHTLY PREMISES REPORT (*For Discussion*)**

Mr. John Bain of the Eastern District Planning Commission has prepared a memo regarding Dangerous & Unsightly provisions, Part XV of the MGA. Specifically, this memo speaks to what authority does the municipality have to enter a structure to inspect its interior to determine if it complies with the Dangerous & Unsightly provisions of the Act, and what further action can be taken. A copy of this memo is attached, and Mr. Adam Rodgers, Municipal Solicitor, will be on hand to answer any legal questions about this matter.

**CAPITAL INVESTMENTS PLAN (*For Discussion*)**

An update is being prepared by staff and materials will be provided prior to the meeting.

**CONSIDERATION OF FUNDING REQUEST FROM ST. MARTHA'S HOSPITAL FOUNDATION (*For Discussion*)**

At the November 15 regular Municipal Council meeting, the St. Martha's Hospital Foundation made a financial request of the Municipality in the amount of \$500,000 over ten years - \$50,000 each year. This would constitute the single largest grant commitment made by the Municipality in the past six years. The total amount of grant funding (omitting Recreation grants) is outlined in this table:

F2011/12	F2012/13	F2013/14	F2014/15	F2015/16	F2016/17
\$309,650	\$382,261	\$435,569	\$371,173	\$336,473	\$398,987

If Municipal Council would like to consider granting this request, staff advises that it ought to be done in context of all grant funding. The Municipality's Community Partnership Grants policy states that:

3.2. *On an annual basis, Municipal Council shall identify an amount to be allocated for community grants & sponsorships.*

3.2.1. *The amount identified by Municipal Council shall not be greater than four percent (4%) of tax revenue for general municipal purpose minus mandatory contributions.*

At Council's direction, and given the growth in grant funding as a percentage of the operating budget and in absolute terms, it is advised that the Municipality make every effort to maintain the stated level of 4% and move toward 3% in coming years.

**CONSIDERATION OF A MUNICIPAL AUDIT COMMITTEE (For Decision)**

Municipalities are obligated to establish an audit committee, as is outlined in Section 44 of the Municipal Government Act (MGA). The Municipality does not have a formally established Audit Committee. The Committee of the Whole, and previously the Finance Committee, has served this role without a formal protocol.

Attached is a Request for Decision from the Municipal Clerk Treasurer and Director of Finance, recommending that Municipal Council direct staff to develop terms of reference for consideration, with the intention of formally establishing an Audit Committee, based on the best practices introduced within that Request for Decision.

**CONSIDERATION OF THE JOINT COUNCIL COMMITTEE TERMS OF REFERENCE (For Decision)**

As previously discussed, a formal structure is required to continue to meet jointly with the Town of Antigonish Council. The attached terms of reference have been drafted to establish that formal structure; it has been reviewed and approved by the Town. Staff are now seeking formal approval of Municipal Council.

**STAFF REPORTS (For Information)**

**Public Works:**

**Mount Cameron & 337 Water System Review RFP**

As part of the most recent Water Rate application and 2016/17 water budget, funds have been allocated to conduct a review of the Municipality's fringe water system, specifically for fire flows. Recently, the Municipality retained Colliers International on a trial basis to manage this review. Due to development pressure, the Mount Cameron and 337 service area was identified as a logical area to begin the review and pilot Colliers services. As such, Colliers has issued an RFP on the Municipality's behalf to begin this review. Please see the attached RFP.

**Plan to Address Nova Scotia Environment C&D Site Inspection**

Please see the attached correspondence from SNC Lavalin to Nova Scotia Environment regarding the plan to address the Nova Scotia Environment C&D Site Inspection. Staff have made arrangements to proceed with the proposed course of action.

**Clerk's Office:**

**Wright's River Aquifer Expropriation**

A UARB Public Hearing is being held on Monday, Dec. 5 to determine compensation, including legal and other costs reasonably incurred, to be paid by the Municipality for the expropriation of land located at 70 Henry Lane, Antigonish, Nova Scotia. The dates of Dec. 6 - 8 have also been reserved for the hearing.

### Corporate Plan RFP Update

The deadline to submit proposals was Friday, Nov. 25; 21 proposals were received. A committee of three staff and three councillors has been struck (Mary MacLellan, Vaughan Chisholm, Russell Boucher, Tammy Feltmate, Marlene Melanson & Glenn Horne). Staff has completed an initial review and are recommending a top four to the whole committee. The committee will review these four and determine one to recommend to Municipal Council.

The following timeline is being followed:

- Friday, Nov. 25 – RFP Deadline
- Monday, November 28 – Proposals circulated to staff
- Tuesday, December 6 – Staff meets to determine top 4-5 & circulate to all committee members
- Thursday, Dec. 15 – Committee provides recommendation to Municipal Council
- Tuesday, Dec. 20 – Municipal Council considers recommendation.

We anticipate commencement of the project early in the New Year and a completed plan delivered for Council approval by April, 2017. Shortly after the initiation of this process, a "Council Retreat" will be scheduled.

### Staff Training – Customer Service in Difficult Situations and De-escalation

Public service is our first priority. Hand in hand with providing quality service is support for staff providing that service and your comfort, confidence and safety in dealing with a variety of situations. In cooperation with the Town of Antigonish, we will be providing training for all staff concerning customer service in difficult situation and de-escalation. A brief description is provided below.

**This will be an all-day session take place on Tuesday, December 20. The municipal office will be closed for the day and all staff is expected to attend.**

#### *Description of Training*

*For those who work in an environment where there is potential for violence, it is important to develop the skills needed to defuse dangerous situations. This workshop is designed to teach people to de-escalate potentially violent situations through assertiveness and interpersonal communication. The training will explore how anger and violence interplay, including opportunities for self-assessment of personal styles. Participants will develop a clear understanding of how to assess the potential for violence and respond with a diverse set of interpersonal tools and strategies designed to defuse potentially violent situations.*

*At the end of this workshop, participants should be able to:*

- *Understand the role of anger in violent incidents.*
- *Identify their own styles of interaction.*
- *Describe a framework for defusing potentially violent situations.*
- *Identify potential risk factors.*
- *Apply principles learned to their own environment.*

Municipal Energy Learning Group (MELG)

The Municipal Energy Learning Group (MELG) met in Antigonish on Monday November 28<sup>th</sup> for their quarterly check in, County hosted this meeting. In attendance we had representatives from Bridgewater, CBRM, Lunenburg, Yarmouth, Cumberland Energy Authority, UNSM, QUEST NS, and guests from Town of Antigonish, ACE and ACE coop. An area of concentration at this meeting included Community Solar Program.

Community Solar Program with Province of NS

The Province of Nova Scotia will launch a Community Solar Program in 2017. Eligible community organizations including Mi'kmaw Bands, municipalities and non-profit organizations will have an opportunity to install a solar PV system up to 50 kW in capacity and sell solar power to NSPI at an agreed price for a 20-year contract. Additional details of the program are as follows:

- No minimum size, maximum size is 50 kW (double what we have on Admin building so about 200 panels)
- Call for applicants will be early 2017 and call will be open for about 30 days.
- Province will be accepting 30-40 projects.
- 1 building = 1 project=1 bid; building cannot be built for the project, must have electrical service and the PV panel system must be within 25m of building.
- Geographical distribution will be a component in how projects are awarded.
- Solar electricity will be sold to NSPI with a 20 yr contract price range is estimated to be between \$0.20-0.40 per kWh. This allows some flexibility in determining ROI. Part of the project proposal will include the bid for power rate.
- There is an opportunity to work with other units.

Staff will continue to monitor and gather information for the purpose of bringing forward any opportunity for Council's consideration. By way of estimates, a 50 kW system would cost approximately \$140,000 - \$160,000. Staff is also investigating any opportunity to have our existing system be considered as part of this program.

MUNICIPALITY OF THE COUNTY OF  
**ANTIGONISH**

**COMMITTEE OF THE WHOLE MEETING MINUTES**

A Committee of the Whole Meeting was held Tuesday, November 15th, 2016 at 5:30pm in the Council Chambers of the Municipal Administrative Centre, 285 Beech Hill Road, Antigonish NS.

Present were:           Warden Russell Boucher, Chair  
                              Deputy Warden Owen McCarron  
                              Councillor Donnie MacDonald  
                              Councillor Hughie Stewart  
                              Councillor Vaughan Chisholm  
                              Councillor Rémi Deveau  
                              Councillor John Dunbar  
                              Councillor Gary Mattie  
                              Councillor Bill MacFarlane  
                              Glenn Horne, Municipal Clerk/Treasurer  
                              Beth Schumacher, Deputy Municipal Clerk  
                              Allison Duggan, Director of Finance

Regrets:                 Councillor Mary MacLellan

The meeting of the Committee of the Whole was called to order by the Chair, Warden Boucher, at 5:53pm.

**APPROVAL OF AGENDA**

The following modifications were made to the agenda:

Removal of item 6 – Williams Point Memorial Park water bill

Addition of item – New Year’s Levy

*Moved by Councillor MacDonald and seconded by Deputy Warden McCarron that the agenda be approved as amended. Motion carried.*

**APPROVAL OF MINUTES**

*Moved by Councillor Deveau and seconded by Councillor Dunbar that the Committee of the Whole minutes of November 1, 2016 be approved as presented. Motion carried.*

**BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

**CAPITAL INVESTMENTS**

Mr. Horne introduced his presentation, noting that it was to “set the table” for the process of kicking off the development of a three-year capital plan. The presentation provided a brief summary of some of the capital assets that the Municipality holds, and gave an overview of the current process of planning for capital spending. Mrs. Duggan spoke to the slides in the presentation addressing liabilities and depreciation, giving members of the Committee a brief explanation of depreciation and how it is represented and accommodated for in the budgeting process.

Further explanation and discussion took place regarding liabilities; what they entail, and how they are funded. Mrs. Duggan noted that this year, the Municipality is retiring over \$300,000 of internal debt and over \$400,000 in Municipal Finance Corporation (MFC) debt. The current practice of the Municipality is to apply any budget surpluses that may be realized against its internal debt in order to pay that down faster.

The discussion then turned to the capital indicators, provided by the Province, to review trends within our organization, and when we are compared to other similar-sized rural units. The indicators show that we are doing well, considering that while we are a rural municipality, we operate with town-like expenses due to the capital assets that we have.

Councillor MacFarlane asked whether any capital projects had been funded by the process outlined in the Local Improvements By-law. Mr. Horne noted that of the three projects that had been proposed to do so, only one (the repaving of Alex Terrace) had successfully garnered the support needed by the impacted residents. Staff is looking to change the approach to Local Improvements, by soliciting the required resident support for a project before budgeting for the expense, so as not to budget and “not spend” the funds for these types of projects.

Councillor MacFarlane expressed a concern with the local improvements process, feeling that it hinders development in that it can exceed affordability for some residents, and the improvements made are raising assessments anyways. Staff was asked to determine the average increase in a property’s assessed value if water service was provided. Mr. Horne noted that staff can do some background work on options regarding local improvements, and bring that information back to the Committee for further discussion.

Mr. Horne reviewed the proposed timeline for the project, and the stages when information is expected to come back to the Committee for their information and consideration.

### **NEW YEAR’S LEVY**

Mr. Horne read aloud a message received from St. Ninian’s inviting Council to consider holding the New Year’s Levy at their meeting hall this year. Councillor MacFarlane noted that it was the Legion that started the annual levy, and that he wouldn’t want to see us change the location to move that away from them. Deputy Warden McCarron asked whether the invitation was to source a potential rental income, or if it was a goodwill gesture. Mr. Horne re-read the correspondence but an answer was not explicitly clear in the wording used in the letter and follow-up would be required. Warden Boucher noted that the Town had received the same invitation, but was thinking of staying with the Legion. Councillor Chisholm suggested that someone touch base with the Legion to check on their plans. The Committee indicated a preference to remain at the Legion location. A response would need to be sent to St. Ninian’s.

### **STREET LIGHT REQUESTS**

Streetlights have been requested for installation at three (3) intersections in the County, and the Councillors requesting the lights feel that they meet the criteria for installation. The intersections in question are:

- a. Hwy 4 & Melong Road
- b. Fairmont Road & D. Cameron Road
- c. Hwy 337 & Jimtown Road

*Moved by Councillor Deveau and seconded by Councillor MacFarlane that the Committee recommends that Municipal Council approve the installation of streetlights at the intersections of: Highway 4 and Melong Road; Fairmont Road and D. Cameron Road; and, Highway 337 and Jimtown Road. Motion carried.*

### **CONSIDERATION OF COUNCIL APPOINTMENTS TO COMMITTEES AND BOARDS**

Mr. Horne provided a summary of the remaining boards and committees that require representation from members of the Committee. The remaining openings were filled following some discussion and encouragement.

*Moved by Deputy Warden McCarron and seconded by Councillor Chisholm that the Committee recommends that Municipal Council approve the Committee and Board Appointments for members of Council, as amended. Motion carried.*

### **CLERK'S MEMO**

Mr. Horne provided a brief overview of the items listed in the Clerk's memo section found in the agenda package.

### **ACQUISITION, SALE, LEASE AND SECURITY OF MUNICIPAL PROPERTY (IN-CAMERA)**

This subject matter falls within Section 22(2) of the Municipal Government Act as a matter that a committee may discuss in a closed session. It is recommended a motion be made to initiate an in-camera session.

*Moved by Councillor MacFarlane and seconded by Councillor Deveau that the Committee of the Whole Meeting be adjourned to an In-Camera Session to discuss the acquisition, sale, lease and security of municipal property at 7:18pm. Motion carried.*

*Moved by Councillor Deveau and seconded by Councillor MacDonald that the Committee recommends that Municipal Council approve a purchase and sale agreement for Lot 5A in the Municipal Industrial Park. Motion carried.*

*Moved by Deputy Warden McCarron and seconded by Councillor MacFarlane that the In-Camera session be adjourned at 7:23pm. Motion carried.*

### **ADJOURNMENT**

*Moved by Councillor Dunbar and seconded by Councillor Deveau that the Committee of the Whole meeting be adjourned at 7:24pm. Motion carried.*

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Warden Russell Boucher

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Glenn Horne, Municipal Clerk/Treasurer

To: **Glenn Horne, Municipal Clerk Treasurer  
Antigonish County Committee of the Whole**

From: **John Bain, Director of Planning (EDPC)**

Date: **December 6, 2016**

Reference: **Property of Dianne Leblanc, 5417 Highway 7, West River, Antigonish County,  
PID 01211952, AAN 00295825**

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**Background:**

Staff have received numerous complaints regarding the above referenced property dating back as far as December 2008. At the time the concerns related to both the exterior and the interior of the residence. Outside the building there were significant piles of undelivered bundled newspapers and fliers (See Picture #1) and the front step to the building was rotted and falling away from the residence (See Picture #2). In the spring of 2009 staff were able to get the property owner's voluntary compliance to remove the bundled newspapers and the front step. Staff however made no orders or requests with respect to the interior of the residence and have at no point entered the dwelling.



Picture #1



Picture #2

Almost on an annual basis since 2008 staff have visited the property in response to dangerous and unsightly premises complaints primarily related to the interior of the building but have found the building secured and the grounds well-kept such that it has been staff's opinion that the property did not meet the threshold of being considered dangerous and unsightly under the provisions of the *Municipal Government Act*.

Nevertheless the property has continued to deteriorate and most recently the shed in the back of the property and the vehicle located on the property have deteriorated to the point that they were both ordered removed. On July 11, 2016 the Administrator again re-visited the property after receiving a new complaint. This was followed up with correspondence July 14, 2016 recommending demolition of the shed and removal of the derelict vehicle. This letter was sent to Mr. Glenn Horne, Municipal Clerk, as well as sent registered mail to the property owner and posted at the property. July 22, 2016 the

Administrator visited the property to see if any progress or compliance was made before the July 26, 2016 Council Meeting. Then August 23, 2016 the Administrator visited the property and posted the Demolition and Removal Order issued from Council. This Order was posted at the property and sent to the property owner via registered mail. September 28, 2016 we re-visited the property after the Order had expired and noted that there was no compliance made with regards to the Order issued. The Administrator then issued a request for quotes from local contractors to complete the work. October 13, 2016 the tender was awarded to a local contractor to complete the work described in the Order and a final follow up visit was completed November 1, 2016 to confirm that the work ordered to be completed was as per the order and tender.

Staff have continued to visit the property in response to complaints but have restricted their inspections to the exterior of the residence. We only examine the building to determine if the building is “open and accessible”. Most recently, Sean Donovan our Administrator of Dangerous and Unsightly Premises visited the property on November 10, 2016 and noted that a single family dwelling unit is located on the property which although it appears not to be currently occupied, is neither open nor accessible and the landscape is being maintained (See Picture #3). He also noted that from the exterior there seems to be no indication of structural flaws to the dwelling. There is however a large blue garbage container located on the property (See Picture #4).



**Analysis:**

The most recent complaint regarding this residence, which initiated the November 10, 2016 inspection, notes the following:

- house has been vacant for well over a decade;
- water pipes broke several years ago and flooded house and never cleaned up;
- no electricity for over a decade;
- house is full of refuse from top to bottom;
- fridge and freezer are still in the house, anyone opening them will be in severe peril;
- condition of the house is dangerous;
- house has to be considered an allurement to children; if they happen to enter this abandoned house on a dare or whatever reason, they will be in severe peril;
- rats coming from the house are affecting neighboring residents;

- Residents are very concerned with the close proximity to this time bomb;
- Various Construction professionals have given opinions that the house should be demolished; only enter with full mask and Haz-Mat suit, unsafe for anyone to enter; and
- Dumpster has been in the yard for several months, only a few packages of flyers in it.

Apart from the commercial garbage container located on the property all of the complaints relate directly to the inside of a locked and secured residential dwelling. The complaint also noted that the property and the dwelling could be considered as “an allurement to children who may play there to their danger”. It has been the position of staff that “Allurement to children” typically goes hand in hand with “Open and Accessible”. In our opinion the residence would be no more an allurement to children than would be any other residence in the area.

In 2011 the Province passed the *Dangerous and Unsightly Premises Amendment (2011) Act, An Act to Strengthen Municipal Restrictions on Dangerous and Unsightly Premises* which in part added the following to the definition of dangerous and unsightly premises in both the Halifax Charter and the *Municipal Government Act*: “*dangerous or unsightly*” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes **property** containing... (iia) an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or...” (Emphasis added.) It should be noted that this addition to the definition was added to the “property” section of the definition and not added to the “building or structure with or without structural deficiencies” section of the definition. The complete definition is included as Appendix “A” to this memo.

Finally there has been another recent addition to the *Municipal Government Act* definition in the “building or structure with or without structural deficiencies” section of the definition relative to conditions of buildings which are in “...a poor state of hygiene or cleanliness...”. While this does give us a possible avenue for addressing this issue the legal issues which are raised relate to access to a locked and secure building. District Planning staff have used these definitions to our advantage in the past when the building was “open and accessible” but this residence is neither open nor accessible.

Section 352(2) of Part XV “Dangerous or Unsightly Premises” of the *Municipal Government Act* states the following with respect to gaining entry to a building: “...*except in an emergency, the administrator shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four hours in advance;*”

If we were to give such notice to the owner and they refused us entry regardless, the *Act* then states in 353(3) that we can: “*If a person refuses to allow the administrator to exercise, or attempts to interfere or interferes with the administrator in the exercise of a power pursuant to this Act, the administrator may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the administrator entry to the building and an order restraining a person from further interference.*”

It would be Staff’s understanding that in order to get such a Court Order we would need to present viable, persuasive evidence for our case in order for a Judge to grant us the authority to enter the building.

## **Conclusion:**

Staff have discussed this issue with Adam Rodgers, the Municipality's solicitor and it is his opinion that Section 352(2) of the *Municipal Government Act* would allow for a forced entry into a building that has been abandoned for as long as this residence has. It would however be important to give the owner proper notice that the Municipality would be taking this action and a forced entry assumes that the owner would not refuse to allow the administrator entry to the building. The presently locked door would not be considered refusal to enter the property but rather, following the notice being provided to the owner (by registered mail and/or posted conspicuously on the property) a new independent act of refusal would need to be apparent in order to trigger the requirement for a court application in accordance with Section 353(3) of the *Act*. Also if the building is forcefully entered, the administrator should re-secure the property after inspecting it to ensure that it does not become a possible allurements for children.

Finally Mr. Rodgers suggested that after the notice is given it may not actually be necessary to enter the building but the administrator may be able to simply look in windows to get a good sense of the condition of the property. Such a view may itself be sufficient to inform what is inside. Also, if a court order was needed, photos through the windows or reports of what is seen through the windows would be valuable evidence to have.

Given the above legal advice and our own interpretation of the *Act* staff plan to take steps to determine if the residence meets the definition of dangerous or unsightly in that it has *"...deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy... and includes... a building or structure with or without structural deficiencies... that is in a poor state of hygiene or cleanliness."* Once that determination is made staff will be in a position, in accordance with Section 346(1) of the *Municipal Government Act*, to *"...order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done."*

If the owner fails to comply with the Order the Municipality can complete the required work and recover the cost of the work as a lien against the property.

## Appendix “A”

### Definition

The *Municipal Government Act* defines “**dangerous or unsightly**” as follows:

- s.3(r) “**dangerous or unsightly**” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
  - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
  - (iia) an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
  - (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies
  - (iv) that is in a ruinous or dilapidated condition,
  - (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,
  - (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
  - (vii) that is an allurements to children who may play there to their danger,
  - (viii) constituting a hazard to the health or safety of the public,
  - (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,
  - (x) that is a fire hazard to itself or to surrounding lands or buildings, or
  - (xi) that has been excavated or had fill placed on it in a manner that results in a hazard;
  - (xii) that is in a poor state of hygiene or cleanliness;

MUNICIPALITY OF THE COUNTY OF  
**ANTIGONISH**

**REQUEST FOR DECISION**

**TO:** Municipal Council  
**FROM:** Glenn Horne, Municipal Clerk Treasurer & Allison Duggan, Director of Finance  
**SUBJECT:** *Establishment of a Municipal Audit Committee*  
**DATE:** OCTOBER 31, 2016

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**RECOMMENDATION**

**It is recommended that Municipal Council direct staff to develop terms of reference for consideration, with the intention of formally establishing an Audit Committee, based on the best practices introduced herein.**

**BACKGROUND**

Municipalities are obligated to establish an audit committee, as is outlined in Section 44 of the Municipal Government Act (MGA):

(44) Audit Committee

- (1) The council shall annually appoint an audit committee
- (2) The responsibilities of the audit committee include
  - a. a detailed review of the financial statements of the municipality with the auditor;
  - b. an evaluation of internal control systems and any management letter with the auditor;
  - c. a review of the conduct and adequacy of the audit;
  - d. such matters arising out of the audit as may appear to the audit committee to require investigation;
  - e. such other matters as may be determined by the council to be the duties of an audit committee
  - f. any other matters as may be determined by the council.

The Municipality does not have a formally established Audit Committee. The Committee of the Whole, and previously the Finance Committee, has served this role without a formal protocol.

**CONSIDERATIONS**

The Government Finance Officers Association, Municipal Finance Corporation (MFC), Association of Municipal Administrators and the Union of Nova Scotia Municipalities all consider the formal establishment of an *Audit Committee* as a financial best practice. The best practice document developed by the MFC is attached.

Primary purpose of an audit committee is to procure, liaise and oversee the work of the external auditor. An audit committee enhances the credibility and reliability of financial reporting. By establishing an audit committee, the independence of an external auditor is also enhanced because there is a direct link between the auditor and Council. Furthermore, the audit committee acts as an

advisory role to Council because the committee is extensively informed on various matters relating to the financial statement audit.

In establishing an Audit Committee, it is important to develop a formal terms of reference outlining the committee's mandate and scope of responsibilities. The terms of reference should include a full description of the roles and responsibilities of the committee. For example:

- (a) The relationship with and expectation of the external auditor;
- (b) Its oversight of internal control;
- (c) Disclosure of financial and related information;
- (d) Influencing quality financial reporting, risk controls and ethical behaviour;
- (e) Assessment of audit plans, process and performance;
- (f) Evaluation of the auditor and the committee's performance related to its mandate; and
- (g) Any other matters that the audit committee feels are important to the terms of reference or that the Councillors choose to delegate.

It is equally important to select, orient and empower appropriate and knowledgeable committee members. Some municipalities include external members on the audit committee (which is a best practice); others limit it to a sub-set of councillors. Council must appoint audit committee members and the audit committee chairperson(s).

Audit committee members should possess accounting, auditing, financial reporting, and finance skills or expertise. It is important for the committee to have an understanding of the auditing procedure and the components associated with auditing in order to resolve the issues brought forth by the external auditor. In addition, members of the audit committee should be educated regarding their role and personal responsibility as a member.

An audit committee should consist of approximately five members, at least two of which should be non-elected, so there are enough members to possess the required skills, while remaining efficient. Staff should provide support to the audit committee, but should not be voting members.

Finally, with the increased scrutiny placed on municipal governments and the appropriateness of expenditure, it is important to demonstrate beyond any doubt that the Municipality's financial policies, processes and personnel maintain the utmost integrity.

## **STRATEGIC PLAN**

Financial planning, capital planning, multi-year budgeting and mature financial processes are each featured in Municipal Council's 2014 Strategic Priorities. Financial auditing and the formal establishment of an Audit Committee is considered a financial best practice.

## **WORK PLAN IMPLICATIONS**

Coordination of a new committee will place an added workload on the Finance Department. It will also augment the audit process as it is currently structured to include committee interaction and feedback. As financial analysis and processes become more mature, there will be a need to review the ongoing capacity of the Finance Department.

## **BUDGET IMPLICATIONS**

NA

## **ALTERNATIVES**

- 1) Municipal Council direct staff to develop terms of reference for consideration prior to the formal establishment of an *Audit Committee*, based on the best practices introduced herein.
- 2) Municipal Council establish the Committee of the Whole as the *Audit Committee* and direct staff to draft amendments to the Committee of the Whole policy reflective of best practices introduced herein.

## **NEXT STEPS**

Staff will proceed with the option selected by Municipal Council.

**MUNICIPALITY OF THE COUNTY OF**  
**ANTIGONISH**

**Topic: Joint Council Committee**

**Item: Terms of Reference**

**Date Approved: December 2016**

**Amendments:**

## **Introduction**

The Municipality of the County of Antigonish (hereafter “the Municipality”) and the Town of Antigonish (hereafter “the Town”) wish to establish a committee through which issues of mutual interest may be discussed at the council level. To this end, the Joint Council Committee has been established.

### **1. Goals**

To assist the Municipality and the Town in an effort to:

- Identify opportunities for and encourage coordination, cooperation or amalgamation of services and/or programs between the municipal units.
- Promote the Antigonish area as a vibrant and healthy community with a rich heritage and future.

### **2. Purpose**

The purpose of Committee is to:

- Facilitate communication between and among elected officials and provide a forum for the exchange of information on issues of mutual interest;
- Provide guidance to councils when required or requested;
- Review studies, plans and proposals related to the approved committee goals and provide comments to staff and recommendations Councils.
- Propose policy changes that would encourage or enable the Committee’s approved goals.
- Act as a single forum for presentations or report to both municipalities when appropriate.

### **4. Membership**

- All elected officials of both the Municipality and the Town are voting members of this committee.
- The Municipal Clerk Treasurer and the Town CAO are non-voting members of the Committee.
- The Warden and the Mayor shall act as the chair on a rotating basis.

### **6. Meetings**

- The Committee will meet on a quarterly basis, on the third Wednesday of November, February, June and September.

- Together, the Warden and Mayor may convene additional meetings as deemed necessary in consultation with the Municipal Clerk Treasurer and Town CAO.
- A quorum will consist of fifty percent plus one of the members from each municipal unit counted independently.
- Meeting location and coordination shall rotate between the Municipality and the Town on a one-for-one basis.
- Minutes shall be kept and the municipality coordinating the meeting will provide secretarial support.
- Agenda items will be compiled by the Municipal Clerk Treasurer and/or the Town CAO. Any agenda items must be forwarded to staff at least two weeks in advance of meetings.
- Agendas and staff reports shall be made available to the Committee one week prior to the scheduled meeting. Agendas and staff reports shall also be posted to each Municipality's website prior to the meeting.
- No additions to the agenda will be permitted at the beginning of a meeting unless unanimously accepted.

### **7. Role and Responsibility of Municipal & Town Staff**

Staff representatives from the Municipality of the County of Antigonish and the Town of Antigonish shall provide administrative and research support to the Committee. This includes, but is not limited to the preparation and distribution of agendas and staff reports. Staff of each municipal unit will maintain a copy of all official records pertaining to the committee within their organization in accordance with their records management policy.

### **8. Reporting and Communication**

Meetings of the Committee are open to the public unless deemed to fall within section 22 of the Municipal Government Act.

A meeting report including the meeting agenda and any forthcoming recommendations shall be presented to both councils at their next regular meeting.

Approved motions of the committee shall constitute recommendations to both the Councils of the Municipality of the County of Antigonish and the Town of Antigonish.

### **9. Conflict of Interest**

Members shall declare possible conflicts of interest before agenda items are presented and leave the meeting or part of the meeting during which the matter is under consideration.

### **10. Amendments**

The Committee may recommend amendments to these terms of reference to each of the participating councils. Municipal and Town councils must both approve of any amendment.

November 10, 2016

**Nova Scotia Environment**

Attention: Devin Austen  
155 Main Street, Suite 205  
Antigonish, NS  
B2G 2B6

Dear Mr. Austen:

**RE: Contingency Plan to Address Nova Scotia Environment Inspection Report**

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**Background**

As a result of an inspection of the Antigonish Solid Waste Handling Facility carried out by Nova Scotia Environment (NSE) staff on April 13, 2016, a Directive was issued to the Municipality of the County of Antigonish (MOCA). The Directive included the requirement to address nine items from the inspection report, with the associated timeframes. A contingency plan, identifying how MOCA would address the required items within the specified timelines, was provided to NSE on May 30, 2016. On June 8, 2016, a meeting was held with NSE officials (Kathleen Johnson, P. Eng. and Devin Austen), MOCA officials (Glenn Horne and Daryl Myers) and SNC Lavalin Inc. staff Hilda Dunnewold, P. Eng.. The purpose of the meeting was to discuss the submitted contingency plan, to review the landfill operation and for NSE to provide preliminary comments on the contingency plan and upcoming Approval renewals. NSE prepared a revised inspection report with a new Directive for MOCA to prepare and submit a revised contingency plan.

**Revised Contingency Plan Item 9741787-008**

As previously stated, MOCA is proposing to:

- a) eliminate the existing C&D receipt, storage, processing and transfer areas; and,
- b) develop a method to accept and dispose of C&D materials on a going forward basis.

SNCL was engaged by MOCA to assess options for the elimination of existing C&D material and handling and final disposal of projected C&D materials. The following is a summary of the findings of that assessment.

The potential options considered for a) include:

- 1. Cap existing C&D material in-situ;
- 2. Construct new cell at MOCA site for final disposal of C&D material;
- 3. Use existing decommissioned onsite settling pond for final disposal of C&D material, and
- 4. Transport C&D material offsite to approved facility for final disposal.

Findings and Recommendation

In order to quantify the amount of existing C&D material requiring disposal, SNCL conducted a topographic survey of the active C&D waste pile and developed a 3D model of that pile using the top of the previous underlying cap as the bottom face. The estimated volume of C&D material requiring final disposal is 5,210 m<sup>3</sup>.

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**SNC • LAVALIN**

The estimated volume capacity of each existing settling pond cells is 4,313 m<sup>3</sup> and 3,492 m<sup>3</sup>. The existing ponds were constructed to mitigate surface water runoff during construction of the landfill cells. Both are constructed with clay liners and could be used to dispose of the existing C&D material with little modification. For example, the existing pond drain would need to be capped with concrete grout. The volume capacity of each settling pond was determined assuming that the cap would be built up approximately 1 m above the existing berm height. The most economical solution would be to increase the capacity of the closest pond to accommodate the total amount of C&D material rather than splitting the material between the two ponds. Doing so would address all material but increase the amount of cap required.

Potential options considered for b) include:

1. Construct new cell at MOCA site for final disposal of C&D material;
2. Use existing decommissioned onsite settling pond for final disposal of C&D material, and
3. Transport C&D material offsite to approved facility for final disposal.

Findings and Recommendation

Based on the expected annual tonnages of C&D material (estimated at 1,200 to 1,500 tonnes), the cost of constructing a new cell at the MOCA site is not financially feasible. MOCA will be able transport the C&D material offsite to an approved facility for final disposal once an arrangement has been made.

Timeline for Implementation

The timeline for the disposal of existing material is expected during Fall of 2016. Material in the meantime and from this point on would be accepted at the site but transported offsite periodically for final disposal to an approved local facility to be determined.

If you have any questions or require clarification or more information on any of the items, please contact the undersigned at (902) 863-1220.

Yours Truly,

**Roger LeBlanc, M.Env.S., P.Eng.**

Senior Civil Engineer

*Infrastructure Engineering – Eastern Canada*

**Infrastructure**

638292-0002-SLI-C-LET-000-0001

CC: Glenn Horne, Municipality of the County of Antigonish  
Daryl Myers, Municipality of the County of Antigonish



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MUNICIPALITY OF THE COUNTY OF

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# ANTIGONISH

**Request for Proposal  
Engineering Consultant  
for  
*Mount Cameron & 337 Service Areas  
Phase 1 – Water System  
Review***

Issued: December 2016

# REQUEST FOR PROPOSALS

## Mount Cameron & 337 Service Areas – Water System Review

December, 2016

### **INTRODUCTION:**

This RFP is to procure an engineering consultant to assist Colliers Project Leaders with the Mount Cameron and 337 Service Areas, Water System Review for the Municipality of the County of Antigonish.

### **BACKGROUND:**

The scope described in this RFP is the first phase in a multi-phased water system review development program.

The Municipality of the County of Antigonish (Municipality) requires an analysis and review of the water system infrastructure that serves Mount Cameron Estates and other developments along the Route 337 service area.

The Municipality of the County of Antigonish is seeking proposals for consulting engineering services related to hydraulic modelling of the existing water distribution system at Mount Cameron, route 337 and associated supply systems.

The Consultant is to assist in creating a base line, against which the water infrastructure needs of the Municipality of Antigonish can be measured.

Reference to Three existing Municipalities within Nova Scotia that have similar land use, populations, water distribution, and zoning and appropriate water systems are to be considered.

The Consultant will ensure that baseline conditions are established; gaps are identified when compared with a Benchmark analysis; and Options are modelled for the Level of Service identified.

The Consultant is to be familiar with the governing entities that regulate the requirements of municipal fire protection across Canada and apply the varying standards and levels of fire protection service (e.g. Fire Underwriters Survey {FUS}, National Fire Protection Association {NFPA}, and National Building Code of Canada {NBCC}) to this analysis.

**SCOPE OF SERVICES:**

Delivery of the service as detailed in this RFP shall be through the engineering Consultant which shall enter into a contract with the Municipality of the County of Antigonish for the delivery of municipal engineering services as indicated in the Request for Proposal documents.

The Engineering Consultant shall name a single point of contact for the duration of the project. The single point of contact shall not be changed without the prior written approval and authorization of Colliers Project Leaders Inc.

The Engineering Consultant shall develop and provide an options analysis and report. The services to achieve the deliverable will include:

- Participate in a kick-off meeting to confirm objectives and deliverables.
- Review existing documentation, reports, drawings and development proposals to establish existing conditions.
- Develop a computer based hydraulic model that represents the existing water distribution network.
- Liaise with Colliers Project Leaders and the Town of Antigonish to confirm flows to existing meter chambers at the boundary between the Town and the County.
- Analyse existing system capacities to confirm base flows to and within the Mount Cameron and Route 337 service areas.
- Provide input and comment on fire flow protection requirements for Mount Cameron and Route 337 service area developments as established through the review of proposed development density, building types and applicable codes.
- Identify potential opportunities to supplement existing flow rates within the service area.
- Develop engineering based solutions/options and analyses using the hydraulic model to confirm required flow availability.
- Evaluate options based on feasibility, costs, operations and sustainability.
- Identify a preferred option that meets the level of service required.
- Identify an implementation strategy and associated infrastructure for the preferred option.
- Meet with the Municipality to present findings of modelling analyses and detail of options considered
- Project deliverables shall be received by the Municipality no later than February 24, 2017.

For an overview of the service area, see **Appendix 'A'** for details.

## **INSTRUCTIONS TO PROPONENTS**

### **Deadline for Proposal:**

Proposals are due to the Municipality of the County of Antigonish by **Wednesday, December 14, 2016 at 3:00 pm Atlantic Time.**

### **Submission:**

Proposals may be submitted electronically. They should be clearly labelled as **Mount Cameron & Route 337 Service Areas – Water System Review**, and submitted to [glenn.horne@antigonishcounty.ns.ca](mailto:glenn.horne@antigonishcounty.ns.ca).

The individual assumes the burden of delivery.

The Municipality of the County of Antigonish reserves the right to reject any and all of the proposals received.

The proponent may withdraw their proposal at any time prior to the closing time by submitting a written letter to Glenn Horne. This written request must be received prior to Friday, December 16, 2016, at 3:00pm.

### **Enquiries**

The Proponent is responsible to clarify any queries prior to submitting its Proposal. All enquiries related to this RFP should be directed in writing or e-mail to the person named below (the "Contact Person") at least 72 hours before Closing Date and Time.

Peter Blight, P. Eng., Project Manager  
Collier Project Leaders  
Suite 501, 1559 Brunswick Street  
Halifax, NS. B3J 2G1  
Tel: 902 225-4398  
Email: [peter.blight@colliersprojectleaders.com](mailto:peter.blight@colliersprojectleaders.com)

**SUBMISSION REQUIREMENTS**

**Mandatory Requirements**

Proponents must satisfy the following mandatory requirements in their Proposal in accordance with the requirements of this RFP. Proponents shall submit the following:

**Project Team and Qualifications**

Provide a max one page resume for each of the proposed team members outlining their qualifications and relevant experience with projects of a similar scope, size and complexity.

**Project Methodology and Work Plan**

Describe proposed methodology to deliver the analysis including strategy to meet the completion date with the assigned time frames and a proposed schedule which shows the project milestones. In the work plan, include a statement of intended service levels including a commitment to the Proponent’s schedule, the approach to get back on schedule in the event of delays.

**Financial**

Submit a properly executed and unqualified Fixed Fee Proposal. The fixed price shall include all reimbursable expenses.

All Hourly / Per Diem Fees submitted will be open for negotiation.

**EVALUATION CRITERIA**

The successful firm or individual will possess the requisite skills to address the deliverables outlined, as well as the facilitative skills to engage with municipal council, staff and the community to draw out the valuable knowledge, experience and vision.

Each proposal received will be reviewed and scored based on overall presentation, value and by using the following points system.

<b>Experience &amp; qualifications of consultant / team</b>	<b>30%</b>
<b>Appropriateness of approach and proposed methodology including analyses, design, and implementation</b>	<b>30%</b>
<b>Work plan, schedule, cost &amp; level of effort</b>	<b>20%</b>
<b>Understanding of objectives</b>	<b>10%</b>
<b>Innovation in approach, methodology or techniques</b>	<b>10%</b>
	<b>100%</b>

## **GENERAL TERMS AND CONDITIONS**

### **Confidentiality**

Material and information provided to the consultant by the Municipality must be kept confidential. This includes reports as well as information collected during facilitated sessions and interviews. All information and documentation are to be treated as confidential and not to be released unless permission is granted by the Municipality; unless they are identified as public documents.

### **Costs incurred by the Proponents**

All costs and expenses incurred in the preparation and submission of a proposal shall be borne by the consultant. There shall be no direct or indirect payment for the preparation of a submission or to attend interviews in response to this Request for Proposal.

### **Owner's Rights**

The Owner reserves the right to:

- reject any and all Proposals;
- accept any Proposal in whole or in part, including the lowest priced or any Proposal;
- waive any minor irregularities in any Proposal;
- cancel this Request for Proposal either before or after submission deadline;
- negotiate for the modification of any single Proposal; and
- re-advertise for Proposals if desired.

### **No Contract**

By submitting a Proposal and participating in the process as outlined in this Request for Proposal, Proponents expressly agree that no contract of any kind is formed under, or arises from, this Request for Proposal, prior to the signing of a formal written contract.

### **No Claims**

The Owner and its representatives, agents, consultants and advisors will not be liable to any Proponent for any claims, whether for costs, expenses, losses or damages, or loss of anticipated profits, or for any other matter whatsoever, incurred by the Proponent in preparing and submitting a Proposal, or participating in negotiations for a contract, or other activity related to or arising out of this Request for Proposal.

### **No Collusion**

By submitting a Proposal the Proponent, and each firm, corporation or individual member associated with the Proponent's Proposal submission, represents and confirms to the Owner, with the knowledge and intention that the Owner may rely on such representation and confirmation, that its Proposal has been prepared without collusion or fraud, and in fair competition with Proposals from other Proponents.

### **Conflict of Interest**

Proponents shall disclose any potential conflicts of interest and existing business relationships they may have with the Colliers Project Leaders Inc., the Municipality, the Client or any known participants in the project.

### **Accuracy of Information**

While Colliers Project Leaders Inc. has used considerable efforts to ensure an accurate representation of information in the Request for Proposal, the information contained in this Request for Proposal is supplied solely as a guideline for Proponents. Colliers Project Leaders Inc. gives no representation whatsoever as to the accuracy or completeness of any of the information set out in this Request for Proposal, or any other background or reference information or documents prepared by third parties and made available to Proponents. Proponents will make an independent assessment of the accuracy and completeness of such information and will have no claim whatsoever against Colliers Project Leaders Inc. or its representatives, agents, consultants and advisors, with respect to such information.

### **Freedom of Information**

All documents, including submissions of proposals to the Municipality, become the property and a record of the Municipality; as such are subject to the Nova Scotia's Freedom of Information and Protection of Privacy Act and the Nova Scotia Municipal Government Act. By submitting a proposal the proponent is agreeing to public disclosure of its contents as required under these Acts.

### **Working Language**

All Proposals must be written in English.

### **Intellectual Property**

Any intellectual property developed by or on behalf of the Consultant in connection with the provision of services under this agreement shall vest in and be the property of the Owner. The Consultant will provide the Owner with an express waiver and release of all moral rights in any surveys, drawings, plans, specifications, models, photos and other written or graphic materials produced under the Contract.

The Consultant shall ensure that the Owner is properly licensed on a perpetual and royalty-free basis to use for the purposes of the project any intellectual property developed by the Consultant or sub-consultant prior to the term of this Contract.

### **No Public Communication**

Any publicity or press release with respect to this agreement shall be within the sole discretion of the Municipality. The Consultant shall obtain written approval of Colliers Project Leaders Inc. before making any information public with regard to this agreement, both before and after the expiry or termination of this agreement.

**Request for Proposal  
Engineering Consultant**

**APPENDIX 'A'**



APPENDIX 'A' – Map of Mount Cameron and 337 Service Areas