



Town Council Meeting

April 16, 2019

6:30 p.m.

Council Chambers, Town Hall

359 Main Street

Agenda

Call to Order

1. Approval of Agenda

2. Approval of Minutes

- a. Public Hearing, February 19, 2019
- b. Public Hearing, March 18, 2019
- c. Public Hearing, March 19, 2019
- d. Town Council Meeting, March 19, 2019
- e. Special Town Council Meeting, April 2, 2019

3. Comments from the Mayor:

- a. Poem from William Prince, Peguis First Nation by Mayor Cantwell

4. Presentations:

- a. **Dr. Peter Ricketts, President and Vice-Chancellor Acadia & Chris Callbeck, VP Finance and Administration Acadia**
- b. **George Philp, President ASU & Kyle Vandertoorn, VP Student Life ASU**
- c. **Community Development Students –**
 - i. Walking School Bus
 - ii. Environmental Daycamp



5. Public Input / Question Period

Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided if there is time within the thirty-minute Public Input / Question timeframe.

6. Motions/Recommendations from Committee of the Whole, April 2, 2019:

- a. RFD 001-2019: Travel Expense Reimbursement Policy

7. New Business

- a. RFD 024-2019 PCAP Project
- b. RFD 023-2019 FRIIP Project
- c. RFD 021-2019 Gaspereau Ave Project
- d. RFD 022-2019 AVCC Tourism Marketing

8. Correspondence:

- a. Barry Gander – i-Valley Platinum Designation
- b. Parking Petition from Seaview Ave residents
- c. WBDC – 292 Main Street
- d. Judy Rafuse – Valley REN
- e. Wolfville Historical Society – 102 Main Street
- f. David Daniels – MPS and LUB Amendments
- g. Alex Leblanc – Town Cannabis Policy
- h. Karen MacWilliam – Letter to Minister of Municipal Affairs
- i. Joel Stoddart – Redefining Retirement
- j. Jane Lutes – Highland Avenue



9. Public Input / Question Period:

Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided if there is time remaining within the thirty-minute Public Input/Question Period timeframe.

10.Regular Meeting Adjourned



APPROVAL OF AGENDA

Moved

Seconded

That the agenda be approved as circulated and/or amended.

APPROVAL OF MINUTES

a. PUBLIC HEARING, FEBRUARY 19, 2019

Moved

Seconded

That the minutes of the Public Hearing of February 19, 2019 be approved as circulated and/or amended.

b. PUBLIC HEARING, MARCH 18, 2019

Moved

Seconded

That the minutes of the Public Hearing of March 18, 2019 be approved as circulated and/or amended.

c. PUBLIC HEARING, MARCH 19, 2019

Moved

Seconded

That the minutes of the Public Hearing of March 19, 2019 be approved as circulated and/or amended.

d. TOWN COUNCIL MEETING, MARCH 19, 2019

Moved

Seconded

That the minutes of the Town Council meeting of March 19, 2019 be approved as circulated and/or amended.

e. SPECIAL TOWN COUNCIL MEETING, APRIL 2, 2019

Moved

Seconded

That the minutes of the Special Town Council Meeting of April 2, 2019 be approved as circulated and/or amended.

MOTIONS FROM COMMITTEE OF THE WHOLE, APRIL 2, 2019

a. RFD 001-2019: Travel Expense Reimbursement Policy

Moved

Seconded

That Council approve the amended Policy 120-008, attached, and the changes be effective April 1, 2019.

MOTIONS FROM NEW BUSINESS

a. RFD 024-2019: PCAP PROJECT

Moved

Seconded

That Council approve supporting an application to the Provincial Capital Assistance Program for funding assistance to complete the proposed street reconstruction project included in the 2019-2020 capital investment program in the following order of priority:

1. Gaspereau Ave
2. Westwood Ave
3. Seaview Ave

b. RFD 023-2019: FRIIP PROJECT

Moved

Seconded

That Council approve supporting an application to the Flood Risk Infrastructure Investment Program for funding assistance to complete the Flood Risk Mitigation plan included in the 2019-2020 Capital Investment Program (CIP).

c. RFD 021-2019: GASPHEREAU AVE PROJECT

Moved

Seconded

That Council approve the Gaspereau Avenue Street Reconstruction Project at an amended cost of \$775,000 with the additional cost of \$175,000 to be funded by way of

d. RFD 022-2019: AVCC TOURISM MARKETING

Moved

Seconded



That Council approves the request from the Annapolis Valley Chamber of Commerce for Tourism marketing as presented at the April 2 Committee of the Whole Meeting, in the amount of \$4,000, to be utilized for the 2019-20 tourism marketing campaign.

ADJOURNMENT

Moved

Seconded

That the In-Camera and regular meetings be adjourned

ATTENDING

- Mayor Jeff Cantwell
- Deputy Mayor Jodi MacKay
- Councillor Mercedes Brian
- Councillor Wendy Elliott
- Councillor Carl Oldham
- Councillor Wendy Donovan
- Councillor Oonagh Proudfoot
- Chief Administrative Officer Erin Beaudin, and
- Recording Secretary Jean-Luc Prevost

ALSO ATTENDING

- Devin Lake, Director Planning & Development
- Community Planner Jeremy Banks, and
- Interested members of the public

CALL TO ORDER

Chair, Mayor Cantwell, called the [Public Hearing](#) to order at 6:01 pm

Agenda Item

1. **Public Hearing:**
Gaspereau Ave
PID 55274591

Discussion and Decisions

Community Planner, Jeremy Banks gave a presentation of a proposed Development Agreement of five residential buildings containing a mix of three-bedroom, two bedroom, and single bedroom units and a common building for events.

The proposal features 48 dwelling units, 79 vehicle parking spaces, 20 bicycle parking spaces, a small woodland trail, a water feature and detention pond, children's natural playground, raised garden beds, and the opportunity for residential chickens.

Energy efficiency goals for the project are to integrate passive house principles and achieve 90% energy savings over existing building code. The applicant has also expressed interest in using local supplies and manufacturers where possible and minimizing the volume of plastic in the development.

2. **Public Input /**
Question Period

Ted Cross: *Asked how traffic was going to be managed where the proposed development comes on to Gaspereau Road.*

Pauline Murray: *Asked who the developer was.*

Audrey Conroy: *Asked about the lifetime of a Development Agreement.*

Alan MacDonald: *Very happy to see storm water management*

Agenda Item

Discussion and Decisions
included in the project

3. Meeting Closure

Mayor Jeff Cantwell called that the Public Hearing be adjourned at 6:15 pm.

Approved by Council Motion ##-04-19, April 16, 2019

As recorded by Jean-Luc Prevost, Administrative Assistant, Office of the CAO

DRAFT

ATTENDING

- Mayor Jeff Cantwell
- Deputy Mayor Jodi MacKay
- Councillor Mercedes Brian
- Councillor Wendy Elliott
- Councillor Wendy Donovan
- Councillor Oonagh Proudfoot
- Councillor Carl Oldham
- Director of Finance Mike MacLean, and
- Recording Secretary Jean-Luc Prevost

ALSO ATTENDING

- Director Planning & Development Devin Lake,
- Community Planner Jeremy Banks, and
- Interested members of the public

ABSENT WITH REGRETS

- Chief Administrative Officer Erin Beaudin

CALL TO ORDER

Chair, Mayor Cantwell, called the [Public Hearing](#) to order at 6:30 pm

Agenda Item

1. Public Hearing: MPS & LUB Amendments

Discussion and Decisions

Director of Planning and Development, Devin Lake, explained the process to amend the Municipal Planning Strategy and Land Use By-Law and spoke to the various stages the current amendments have gone through.

2. Public Input Period

The following residents stepped to the microphone to speak;

- Karen MacWilliam
- Kathy Woodford
- Glen Howe
- Wes Booth
- David Daniels
- Christine Lynch
- Bruce McGaw
- George Lohnes
- Stephen Drahos
- Janet Mooney
- Jeff Hennessy
- George Townsend
- John Christopher
- Angela Cantwell

Agenda Item

Discussion and Decisions

The public comments were both for and against the proposed amendments. Some general concerns with the Church Brewery related to brewing volumes, contract brewing, noise, odour, waste water, parking, and traffic, while the positive comments were made about the creation of new jobs, the attraction of more tourism, and the inclusion of new business in Town.

3. Meeting Closure

Mayor Jeff Cantwell called that the Public Hearing be adjourned at 7:51 pm.

Approved by Council Motion ##-04-19, April 16, 2019

As recorded by Jean-Luc Prevost, Administrative Assistant, Office of the CAO

DRAFT

ATTENDING

- Mayor Jeff Cantwell
- Deputy Mayor Jodi MacKay
- Councillor Mercedes Brian
- Councillor Wendy Elliott
- Councillor Wendy Donovan
- Councillor Oonagh Proudfoot
- Director of Finance Mike MacLean, and
- Recording Secretary Jean-Luc Prevost

ALSO ATTENDING

- Director Planning & Development Devin Lake,
- Community Planner Jeremy Banks, and
- Interested members of the public

ABSENT WITH REGRETS

- Chief Administrative Officer Erin Beaudin, and
- Councillor Carl Oldham

CALL TO ORDER

Chair, Mayor Cantwell, called the [Public Hearing](#) to order at 6:01 pm

Agenda Item

**1. Public Hearing:
10 Harbourside
(The Anvil)
PID 55278899**

Discussion and Decisions

Community Planner, Jeremy Banks presented the Development Agreement for PID 55278899. The owner of 10 Harbourside Drive, Anvil Beverage Room (1991) Limited, is seeking a development agreement to remove the “non-conforming” status for the existing lounge in anticipation of minor alterations to the exterior and layout which are likely to expand capacity and revitalize the building.

Lounges within the Town of Wolfville are permitted only by development agreement. Lounges existing before this became a requirement are permitted but as “non-conforming”. “Non-conforming” uses are required to become conforming and have a development agreement in place in order to make renovations which alter their capacity.

2. Public Input Period

There was no input from the public.

3. Meeting Closure

Mayor Jeff Cantwell called that the Public Hearing be adjourned at 6:06 pm.

Approved by Council Motion ##-04-19, April 16, 2019

As recorded by Jean-Luc Prevost, Administrative Assistant, Office of the CAO

DRAFT

ATTENDING

- Mayor Jeff Cantwell
- Deputy Mayor Jodi MacKay
- Councillor Mercedes Brian
- Councillor Wendy Elliott
- Councillor Wendy Donovan
- Councillor Carl Oldham
- Councillor Oonagh Proudfoot
- Director of Finance, Mike MacLean, and
- Recording Secretary Jean-Luc Prevost

ALSO ATTENDING

- Director Planning & Development Devin Lake,
- Director of Parks & Recreation, Kelton Thomason,
- Administrative Services Coordinator, Vanessa Pearson,
- Community Planner Jeremy Banks, and
- Interested members of the public

ABSENT WITH REGRETS

- Chief Administrative Officer, Erin Beaudin

CALL TO ORDER

Chair, Mayor Cantwell, called the [Town Council Meeting](#) to order at 6:30 pm

Agenda Item

1. Approval of Agenda

Discussion and Decisions

09-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE AGENDA BE APPROVED AS CIRCULATED

CARRIED

2. Approval of Minutes

a. February 19, 2019

10-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE MINUTES OF THE TOWN COUNCIL MEETING OF FEBRUARY 19, 2019 BE APPROVED AS CIRCULATED

CARRIED

3. Comments from the Mayor

Mayor Cantwell used the moment to formally recognize the tragedy that took place in Christchurch New Zealand this past Friday, March 15, 2019. The Town of Wolfville held a vigil on Sunday afternoon at Clock Park which was very well attended, in honor of the victims.

It was also mentioned that Director of Finance, Mike MacLean, would be acting CAO at this meeting in the absence of Erin Beaudin.

Agenda Item

Discussion and Decisions

- ASSESSMENT APPLIED TO TAXABLE RESIDENTIAL AND RESOURCE ASSESSMENTS;**
- **COMMERCIAL TAX RATE OF \$3.575 PER HUNDRED DOLLARS OF ASSESSMENT APPLIED TO TAXABLE COMMERCIAL ASSESSMENTS;**
- **TAXES TO BE BILLED BY WAY OF INTERIM TAX BILL (ISSUED IN APRIL, DUE JUNE 3, 2019) AND FINAL TAX BILL (ISSUED IN AUGUST, DUE THE SEPTEMBER 30, 2019);**
- **INTEREST ON OVERDUE AMOUNTS TO BE CHARGED AT A RATE OF 1.25% PER MONTH;**

- **TOWN CAPITAL BUDGET WITH YEAR 1 TOTALING \$4,150,000, INCLUDING CAPITAL RESERVE FUNDING OF \$1,638,425, OPERATING RESERVE FUNDING OF \$100,000, GAS TAX RESERVE FUNDING OF \$316,900, LONG TERM DEBT FUNDING OF \$1,573,425, OTHER/EXTERNAL GRANT/CONTRIBUTION FUNDING OF \$40,000, AND \$481,250 FROM THE TOWN'S WATER UTILITY FOR ITS SHARE OF STREET INFRASTRUCTURE.**
- **WATER UTILITY OPERATING BUDGET WITH REVENUES OF \$1,166,100, OPERATING EXPENDITURES OF \$946,500, AND NON-OPERATING EXPENDITURES OF \$243,600.**
- **WATER UTILITY CAPITAL BUDGET TOTALING \$533,300, INCLUDING DEPRECIATION RESERVE FUNDING OF \$63,300, CAPITAL FROM REVENUE FUNDING OF \$70,000, AND CAPITAL FROM ACCUMULATED SURPLUS OF \$400,000.**
- **FIRE PROTECTION AREA RATE (PURSUANT TO SECTION 80 OF THE MUNICIPAL GOVERNMENT ACT) OF \$0.06 PER HUNDRED DOLLARS OF ASSESSMENT**
- **BUSINESS DEVELOPMENT AREA RATE (PURSUANT TO SECTION 56 OF THE MUNICIPAL GOVERNMENT ACT) OF \$0.29 PER HUNDRED DOLLARS OF COMMERCIAL ASSESSMENT**

- **SEWER FEES**
 - **SEWER USAGE RATE OF \$3.59 PER 1,000 GALLONS OF WATER USED BY CUSTOMER;**
 - **FLAT RATE FEE OF \$69.50 PER QUARTER;**



Agenda Item

Discussion and Decisions

- **MINIMUM QUARTERLY CHARGE FOR ANY METERED CUSTOMER \$17.00;**
- **SEWER CONNECTION FEE OF \$3,500, IF ONLY SEWER HOOK UP**
- **SEWER CONNECTION FEE OF \$1,000 IF HOOK UP COMBINED WITH WATER**

- **LOW INCOME PROPERTY TAX EXEMPTION**
 - **INCOME THRESHOLD TO QUALIFY A MAXIMUM OF \$27,413;**
 - **MAXIMUM EXEMPTION OF \$650.**

- **GRANTS TO ORGANIZATIONS UNDER GENERAL GOVERNMENT/COMMUNITY DEVELOPMENT (NOT PART OF COMMUNITY PARTNERSHIP POLICY)**
 - **ACADIA SCHOLAR BURSARIES \$10,500**
 - **WOLFVILLE HISTORICAL SOCIETY \$5,000**
 - **ACADIA UNIVERSITY**
 - **MOU MAIN GRANT ALLOTMENT \$35,000**
 - **MOU EVENTS HOSTING CONTRIBUTION \$10,000**

CARRIED

Councillor Brian asked if any of the \$75,000 for the Skate Park relocation, or the \$100,000 meant for Future Parks Improvement could be used for wayfinding for public washrooms or additional public washrooms.

Director MacLean answered that there was a separate budget for wayfinding and that our Accessibility work may be able to include this.

**b. RFD 014-2019:
 Pre-Approval
 Debenture**

13-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE THE ATTACHED RESOLUTION FOR PRE-APPROVAL OF PARTICIPATION IN THE SPRING DEBENTURE ISSUE, WITH THE FOLLOWING MAXIMUM PARAMETERS:

STREET INFRASTRUCTURE; INCLUDING SIDEWALKS, UNDERGROUND SANITARY, STORM SYSTEMS		
	\$724,400	15-20 YEARS
SIDEWALK – BLOMIDON TERRACE	\$100,000	15 YEARS
WATER UTILITY – DISTRIBUTION LINES	<u>\$151,700</u>	20 YEARS
TOTAL BORROWING	<u>\$976,100</u>	

MAXIMUM AVERAGE INTEREST RATE SET AT 5.5%

Agenda Item	Discussion and Decisions	
		CARRIED
c. RFD 009-2019: 10 Harbourside (The Anvil)	14-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55278899 AS OUTLINED IN RFD 009-2019	CARRIED
	15-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL DISCHARGE THE DEVELOPMENT AGREEMENT FOR PID 55278899 DATED NOVEMBER 29, 1979	CARRIED
7. New Business		
a. KPPT Letter	Councillor Brian said that she is happy with the letter drafted for the multi-year funding initiative and increased partnership between the Town and Kings Point to Point and looks forward to bringing it to the next board meeting.	
b. Fiscal 2018/19 Operating Reserve Transfer	Director MacLean explained to Council that at the 3 rd Quarter Financial update, a projected small surplus had been cautioned as a possibility of becoming a deficit. The current year-end projection is a deficit of \$30,000 to \$40,000. It was confirmed that the Town Finance department has a significant amount of deed transfer tax dated February 2019 that has yet to arrive, and that there are no actions required from Council at this point as it is expected to balance the deficit.	
8. Correspondence	The correspondence was attached as a regular item in the Agenda Package.	
9. Public Input	George Lohnes stated his concerns regarding the triggers needed to require a Development Agreement. He also stated that as of right developments in the Commercial zones present a real issue for the Town and they should be limited.	
10. Adjournment	16-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE TOWN COUNCIL MEETING BE ADJOURNED AT 7:58 PM	CARRIED

Approved by Council Motion ##-04-19, April 16, 2019

As recorded by Jean-Luc Prevost, Administrative Assistant, Office of the CAO

ATTENDING

- Mayor Jeff Cantwell
- Deputy Mayor Jodi MacKay
- Councillor Wendy Elliott
- Councillor Wendy Donovan
- Councillor Carl Oldham
- Councillor Oonagh Proudfoot
- Chief Administrative Officer Erin Beaudin, and
- Recording Secretary Jean-Luc Prevost

ALSO ATTENDING

- Director Planning & Development Devin Lake,
- Director of Finance Mike MacLean,
- Director of Parks & Recreation, Kelton Thomason,
- Administrative Services Coordinator, Vanessa Pearson,
- Community Planner Jeremy Banks, and
- Interested members of the public

ABSENT WITH REGRETS

- Councillor Mercedes Brian

CALL TO ORDER

Chair, Mayor Cantwell, called the [Town Council Meeting](#) to order at 11:02 am

Agenda Item

- | | Discussion and Decisions | |
|---|---|----------------|
| 1. Approval of Agenda | 10-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE AGENDA BE APPROVED AS CIRCULATED | CARRIED |
| 2. Public Input / Question Period | There were no questions. | |
| 3. Motions/ Recommendations from Committee of the Whole, April 2, 2019 | | |
| a. RFD 019-2019 Tower Field Skateboard Park | 11-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE INCREASING THE ALLOCATED CAPITAL SPENDING TO SUPPORT MOVING THE SKATEBOARD PARK FROM THE EAST END GATEWAY TO A NEWLY DEVELOPED RECREATION HUB LOCATED NEXT TO THE TOWER SOCCER FIELDS TO \$125,000. THE INCREASE IN TOWN SPENDING WOULD BE TO A MAXIMUM OF \$90,000. | CARRIED |
| 4. Public Input / Question Period | There were no questions. | |

Agenda Item
5. Adjournment

Discussion and Decisions
**12-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE
TOWN COUNCIL MEETING BE ADJOURNED AT 11:04 AM**

CARRIED

Approved by Council Motion #-04-19, April 16, 2019

As recorded by Jean-Luc Prevost, Administrative Assistant, Office of the CAO

DRAFT

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



SUMMARY

Policy 120-008 - Travel, Meal, and Miscellaneous Allowance Policy

The Town's expense reimbursement policy (Travel, Meal, and Miscellaneous Allowance Policy) was last amended in 2012. Key aspects of the Policy have been the requirement for detailed receipts, use of provincial mileage rate for use of personal vehicles, and the inclusion of an allowance for councillors (and town committee members) to assist with family care expenses.

Since 2012, the provincial government has introduced new legislation to tighten controls around how municipalities manage travel expense reimbursements. The 2017 legislated changes were in response to irregular spending practices in other parts of the province. Key aspects of the new provincial requirements involve making alcoholic beverages ineligible for reimbursement, website posting of council/CAO expense reimbursement summaries, and specific requirements for the annual audit of expenses.

The Town of Wolfville already stipulates that alcohol expenses are ineligible for reimbursement, and the town's requirement for detailed receipts already ensures a higher level of accountability. However, some amendments to the Policy are needed to build in the new reporting and audit requirements (similar to the new Hospitality Policy).

Update Since January 8th COW

During the discussion at the January 8th COW meeting, staff were directed to research the details around the \$70/day per diem noted in the draft changes to the Town's Policy. This updated RFD deals with the results of that additional review.

DRAFT MOTION:

That Council approve the amended Policy 120-008, attached, and the changes be effective ~~January~~ **April** 1, 2019.

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Municipal Government Act (MGA)

3) STAFF RECOMMENDATION

That Council approve the amended Policy and it apply to any expenses incurred from ~~January~~ **April 1st**, 2019 forward. **Further, staff recommend extending the scope to include any family member residing in the Councillor/Committee Member's home who requires care.**

4) REFERENCES AND ATTACHMENTS

1. Town Policy 120-008 with draft revisions (attached)

5) DISCUSSION

Staff contacted the County of Kings to obtain further information on how they selected \$70 as a possible daily limit. Their rationale was related to the rates noted in the Public Service Alliance of Canada (PSAC) Family Care Policy and \$70/day was sufficient to cover approximately 6 hours at \$12/hr.

Note the Policy wording, Clause 5.3, indicates to a "maximum" of \$70. If costs incurred are less, then only the lower amount is reimbursed.

Staff did not carry out any additional research, as the Town already has a Policy covering the concept of child care dating back to 2012.

The one area that the Town's existing Policy did not envision was that of family care, versus the more limited child care. Family care would include instances where councilors or committee members have a family member (parent, grandparent, etc) living with their family.

All other changes in the draft amended Policy are as discussed and tentatively accepted during the January COW meeting. The remainder of this RFD is unchanged from January.

The Town's expense reimbursement policy (Travel, Meal, and Miscellaneous Allowance Policy 120-008) has been in place since 2012 and has helped ensure the Town's expense reimbursements are done so in an accountable manner (receipts required) and limiting reimbursement to "reasonable and appropriate" expenditures (including a clause that explicitly notes alcohol is NOT eligible for reimbursement).

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



Subsequent to the Town's adoption of the 2012 Policy, the provincial government carried out a review of internal controls that could improve how municipalities manage expense reimbursements. The focus was on elected officials and senior administrators and stemmed from irregular expenses reimbursed in a couple of areas of the province. One of the key aspects of the new 2017 legislation was the exclusion of alcohol as a reimbursable expense. It should be noted that the Town of Wolfville already had that exclusion as part of the 2012 Policy.

In addition to the legislated requirements, there have been a couple of issues encountered over the last 7 years in the Town's application of Policy 120-008. The three most common issues/discussions have been around:

- Receipts based meal reimbursement versus per diems
- No allowance for incidentals via a per diem
- Extension of child care expenses to include councilors attending conferences

Other than the three noted areas above, the Town's existing policy has functioned well in ensuring adequate controls and accountability in the use of public funds, in an area that other jurisdictions have encountered difficulties in keeping the public trust. The focus on "reasonable and appropriate" expenses has ensured staff and council consider not only the dollar amount being incurred, but also the nature of the expense. The Director of Finance and CAO have disallowed smaller dollar amounts over the past years simply because the nature of the expense was not reasonable and appropriate. Although this can be a difficult position to be in, i.e. declining to approve selected expenses, it is not an unreasonable responsibility to carry out.

Regarding the 3 issues identified on page 2, the following comments are offered:

- **Receipts based versus per diems**
 - Many municipalities use per diem meal allowances rather than require receipts.
 - Per diems are "easy" as a predetermined dollar amount is permitted, which requires no judgement as to appropriateness.
 - Per diems do however still require staff to verify whether a meal has been provided at the function someone is attending. For example, most conferences provide a number of meals during the course of the multi-day event. An appropriate internal control with per diems is to verify how many meals were not provided to ensure participant only receives a per diem for meals purchased.
 - The Town's longstanding exclusion of alcohol expenses, works better under a receipts based system than per diems. With per diems there is nothing to prevent a person from receiving \$60-\$70 per day to cover 3 meals and using a portion of those funds for alcohol.
 - Receipts provide a clear record of what was spent and how tax payer money is being spent.

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



- Receipts, using a “reasonable and appropriate” requirement does put the onus on those approving the expenses to use judgement as to whether the dollars spent should be fully reimbursed. The CAO and Director of Finance have to date, with the support of the Mayor’s review of council expenses, shown a desire to ensure amounts are both reasonable and appropriate. It is not unusual to adjust amounts submitted to a lower dollar amount or disallow altogether.
- **No Allowance for incidentals**
 - Many policies include an allowance for incidentals, expressed in terms of a per diem (\$17 to \$18 per day is common). This specific per diem would apply to every day one is out of Town on business.
 - Similar to meal per diems, there is no requirement to have actually spent any money to receive this daily allowance.
 - The Town Policy does not provide an allowance for incidentals.
 - The Town Policy does allow, as previously noted, reimbursement for “reasonable and appropriate” items. In theory this would allow reimbursement for something that might otherwise be covered under incidentals. In practice, there are rarely any expense claims for items that might otherwise be considered an incidental.
 - Staff have had no issues processing claims with respect to this type of item. It is highlighted in this report, as there have been requests to add a per diem incidental allowance to the Policy. Staff do not recommend this request be considered.
- **Extension of child care expenses to include conference attendance**
 - An often forgotten and rarely noted clause in the Town’s current Policy is the provision to cover child care expenses for councillors (and committee members) while they attend town meetings. This clause was added in 2012 and Wolfville may have been one of the 1st municipal policies in the province to have such a provision.
 - The Policy provision (clause 5.3) currently does not cover costs associated with attendance at conferences. The Policy wording is noted as “per approved meeting” which did not include conferences when the Policy was adopted in 2012.
 - There have been a few times since 2012 that the question has arisen as to whether conference attendance should become part of the allowable rationale for the expense reimbursement.
 - The amount currently noted in the Policy is a maximum reimbursement of \$30, and it excludes use of family members providing the child care service. **IF** council wishes to extend coverage to include conferences, it would be reasonable to set a higher maximum for those occasions, for example \$70/day.

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



- Kings County, for example, added child care (called Family Care) to their Policy in fall 2018 and the coverage is more broad; it is noted as coverage incurred for council duties, which includes conferences.
- Staff believe there is one aspect of the child care reimbursement that has not been discussed here or in other jurisdictions, and that relates to single parent versus dual parent households. Staff see these as requiring different potential dollar reimbursements.
 - In circumstances where there are two parents in the household, then it is not unreasonable to expect the other parent to potentially be available to assist with child care. In those circumstances where both parents are unavailable (for example both out of town on business), then the maximum daily allowance paid by the Town should be half of the \$70 maximum. The rationale is the employer of the non-councilor parent should be equally responsible for child care as the taxpayer is for the member of council.
- Extension of child care to cover conferences would not be expected to be difficult to manage as there have been limited circumstances over the last 7 years where any amount has been reimbursed by the Town under the existing provision.

No changes for the above three items have been made to the draft policy revisions. Staff recommend continuation of the receipts based approach and not adding an incidental per diem. With regard to child care reimbursement, if it is Council's desire to expand the provision to include conferences, then it would be relatively straight forward to add that wording prior to the draft policy going to Council for final approval.

Two clauses have been added to the draft policy, and they relate to the new legislated requirements for reporting and review. These clauses are the same as noted in the new draft Hospitality Policy and staff's proposed wording for Wolfville includes tighter timelines than required by the province.

The only other change incorporated in the draft document is under clause 5.4 covering approvals. Added reference to the CAO and Director of Finance have been included. The rationale for this suggested change is to improve consistency with how all other Town expenditures are approved and processed, recognizing that it is staff responsibility (specifically senior staff) to review/approve all expenditures. Travel expense reimbursements are not unusual transactions and therefore fall within the routine transaction approvals. Having the CAO and Director of Finance sign off helps ensure consistency in applying the Policy direction from Council.

6) FINANCIAL IMPLICATIONS

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



No material impact expected on Town finances. The Town already has a successful process by which level of expenses have remained reasonable.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

This Policy deals specifically with transparency and accountability, which are ongoing commitments by Council to the public.

8) COMMUNICATION REQUIREMENTS

None required.

9) ALTERNATIVES

Generally speaking, alternatives would include:

- Change to per diems. This would require development of dollar maximums.
- Expand child care to include conference attendance by members of Council.



POLICY

TRAVEL, MEAL, AND MISCELLANEOUS ALLOWANCE POLICY

Policy Number: 120-008	Supersedes Policy Number: Human Resource Policy 6-20
Effective Date: 2012-09-17	Approval By Council Motion Number: 07-09-12

1.0 Purpose

It is the policy of the Town of Wolfville to reimburse elected officials, employees, or designated representatives of the Town for travel, meal and other expenses associated with travel when on approved town business. Reimbursement shall be for all reasonable and appropriate expenses.

2.0 Scope

This Policy is applicable to Town Council elected officials and Town of Wolfville employees seeking reimbursement for travel, meal and other expenses.

3.0 References

- 3.1 [Nova Scotia Municipal Government Act](#) (MGA)

4.0 Definitions

- 4.1 **Town of Wolfville Business:** Any legitimate conduct of business for the purposes of the governance and administration of the Town which includes, but is not limited to:
- a. a function, meeting, seminar, or conference associated with any Provincial or Federal Government department or agency,
 - b. a function sponsored by a training or educational institution,
 - c. a function sponsored by the Union of Nova Scotia Municipalities, Towns' Caucus, Federation of Canadian Municipalities, Association of Municipal Administrators, Canadian Association of Municipal Administrators, Recreation Association of Nova Scotia, Tourism Industry Association, a regional development authority or professional association,
 - d. meetings with representatives of other municipal units,
 - e. trips to and from locations outside the Town of Wolfville for securing supplies or services for work-related purposes, or consulting with other groups or individuals,



POLICY

- f. travel by recreation and tourism staff relating to Town of Wolfville produced recreation and tourism programming.

4.2 **Travel Expense:** Includes but is not limited to accommodations, air fare, rail or ferry transport, mileage (kilometers driven), meals, gratuities, taxi, parking, bridge tolls, and work-related phone calls and faxes. Items excluded are vehicle fuels and vehicle operating costs including repairs to personal vehicles.

5.0 Policy

5.1 Receipts are required for reimbursement of all travel expenses unless otherwise stated below.

5.2 Mileage will be reimbursed at the rate used by the Provincial government for its travel reimbursement process (receipts not applicable).

5.3 Councillor and Town committee members can be reimbursed for Child/Family care expenses to a **maximum** of \$70 per day. This allowance covers cost incurred for attendance at approved town meetings, professional development and conferences. In lieu of receipts, the name and address of the individual providing the child care service must be provided. Reimbursement is limited to non-family members.

5.4 Expense reports must be submitted and approved as follows:

- a. Staff expense reports must be approved by their respective Department Head.
- b. Chief Administrative Officer (CAO) expenses must be approved by the Mayor and Director of Finance.
- c. Expense reports for the Mayor will be approved by the CAO and Director of Finance.
- d. Council expense reports will be approved by the CAO and Director of Finance.

5.5 Alcoholic beverages are not eligible for reimbursement.

5.6 **Reporting Requirements** will be in accordance with MGA s. 65A and include the following:

- a. Within 45 days of the end of each fiscal quarter, prepare and post a summary expense report on the Town's website that describes all expense reimbursements incurred during the quarter;
- b. By July 31 of each year, prepare and post a summary expense report on the Town's website that describes all expense reimbursements incurred during the quarter;



POLICY

- c. Annually submit all required documentation to the Minister of Municipal Affairs in accordance with requirements set out in the Financial Reporting and Accounting Manual.

5.7 **Review Requirements** will include the following:

- a. By July 31st of each year, the Audit Committee shall review the annual expense reimbursement summary report.
- b. By the January 31st immediately following a regular election held under the *Municipal Elections Act*, Council shall review this policy and, following a motion by Council, either re-adopt the policy or amend the policy and adopt the policy as amended.

CAO

Date

REQUEST FOR DECISION 024-2019

Title: Provincial Capital Assistance Program

Date: 2019 04 16

Department: Public Works



SUMMARY

PROVINCIAL CAPITAL ASSISTANCE PROGRAM (PCAP)

The Provincial Capital Assistance Program helps cover the cost of high priority municipal infrastructure projects. The amount of funding available is limited. Applications are ranked according to the severity of the problems being addressed. The program typically funds up to 50% of eligible project costs. Municipal applications must include a resolution of Council supporting the submission of the project for funding consideration under FRIIP. Applications close May 6th, 2019 and staff require a resolution of Council supporting the submission of the project for funding consideration under FRIIP.

DRAFT MOTION:

That Council approve supporting an application to the Provincial Capital Assistance Program for funding assistance to complete the proposed street reconstruction project included in the 2019-2020 capital investment program in the following order of priority:

1. Gaspereau Ave
2. Westwood Ave
3. Seaview Ave

REQUEST FOR DECISION 024-2019

Title: Provincial Capital Assistance Program

Date: 2019 04 16

Department: Public Works



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) STAFF RECOMMENDATION

Staff recommend Council approve a motion to support an application to the Provincial Capital Assistance Program for funding assistance to complete the Gaspereau Ave reconstruction as priority one, Westwood Ave project as priority two and Seaview Ave as priority number three. All three projects are included in this fiscal year's capital investment program.

3) REFERENCES AND ATTACHMENTS

1. 2019/20 Operations Plan and Budget

4) DISCUSSION

The Provincial Capital Assistance Program helps cover the cost of high priority municipal infrastructure projects. The amount of funding available is limited. Applications are ranked according to the severity of the problems being addressed. The program typically funds up to 50% of eligible project costs. The following projects are eligible for funding assistance under this program:

- Construction or expansion of facilities for the treatment and disposal of sanitary sewage;
- Construction of sanitary sewage collection systems;
- Construction of storm sewer systems;
- Installation of individual and communal in-ground sewage disposal facilities within a Wastewater Management District;
- Construction of water intake, treatment, pumping and storage facilities;
- Well field exploration and development.
- Installation of water transmission and distribution systems;
- Construction, acquisition, upgrading or expansion of solid waste management facilities and equipment;
- Municipal infrastructure engineering and research studies related to eligible project categories;

Funding is for projects to be completed this fiscal year. Three projects included in this year's capital budget that appear to meet the eligibility requirements are the reconstruction of Gaspereau Ave, Seaview Ave and Westwood Ave. All three projects include construction of sanitary and stormwater collection systems which are identified as eligible for funding consideration under the program.

REQUEST FOR DECISION 024-2019

Title: Provincial Capital Assistance Program
Date: 2019 04 16
Department: Public Works



All three projects are replacing infrastructure that has passed the end of its useful life. The estimated project costs are as follows;

Westwood Ave	\$1,260,000
Gaspereau Ave	\$775,000
Seaview Ave	\$715,000

It should be noted that Westwood Avenue was also submitted as a project for Investing in Canada Infrastructure Program grant funding. Staff will look into the grant fund stacking guidelines as multiple grants for one project can have limitations on amounts received. At this stage, the Town has not received any indication of success in the three project submitted for ICIP.

Staff considered the condition of the assets, financial benefit to the Town of Wolfville and potential grant funding already applied for in determining the priority of the projects. Staff are recommending the projects considered for funding assistance through the Provincial Capital Assistance Program CAP in the following order of priority;

1. Gaspereau Ave
2. Westwood Ave
3. Seaview Ave

5) FINANCIAL IMPLICATIONS

As indicated above, The CIP includes the reconstruction of a section of Westwood Ave at a budgeted cost of \$1,260,000, Gaspereau Ave at a *revised* budgeted cost of 775,000 and Seaview Ave at a budgeted cost of \$715,000. All projects are scheduled for completion this fiscal year and if successful, this grant could reduce the Town's use of long term debt or reserves.

Depending on the priority of streets approved by Council, and which one might be successful in selection for PCAP funding, the benefit to the Town varies. Part of this relates to which projects have Water Utility infrastructure, as any grant funding going to those projects would require allocation of a portion of the grant to the Water Utility. Currently the Water Utility has a stronger financial position to manage capital projects than does the Town.

REQUEST FOR DECISION 024-2019

Title: Provincial Capital Assistance Program

Date: 2019 04 16

Department: Public Works



The projects and related funding currently are:

<u>Westwood Avenue</u>		
Budgeted Cost		<u>1,260,000</u>
Funding		
Water Utility portion	315,000	
Gas Tax	316,900	
Long term debt/debenture	314,050	
Capital Reserves	<u>314,050</u>	<u>1,260,000</u>

<u>Gaspereau Avenue</u>		
Budgeted Cost	600,000	
adjustment to budget	<u>175,000</u>	pending approval
		<u>775,000</u>
Funding		
Water Utility portion	-	
Gas Tax	-	
Long term debt/debenture	675,000	pending approval
Capital Reserves	<u>100,000</u>	<u>775,000</u>

<u>Seaview Avenue</u>		
Budgeted Cost		<u>715,000</u>
Funding		
Water Utility portion	166,250	
Gas Tax	-	
Long term debt/debenture	274,375	
Capital Reserves	<u>274,375</u>	<u>715,000</u>

Taking into account the Water Utility portion of funding, PCAP grant funding would provide the following funding benefits:

Westwood Ave

- Town \$472,500
- Water Utility \$157,500

Gaspereau Ave

- Town \$387,500
- Water Utility nil

REQUEST FOR DECISION 024-2019

Title: Provincial Capital Assistance Program

Date: 2019 04 16

Department: Public Works



Seaview Ave

- Town \$274,375
- Water Utility \$83,125

6) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

- Maximizing our infrastructure investments – both street projects are replacing infrastructure that has reached its end of useful life.
- Leveraging our economic opportunities – applying for funding assistance reduces the Town's capital cost and enables the completion of other projects with savings realized.

7) COMMUNICATION REQUIREMENTS

If successful will communicate to the public the funding partners that are enabling the completion of the project funded.

8) ALTERNATIVES

REQUEST FOR DECISION 023-2019

Title: Flood Risk Infrastructure Investment Program

Date: 2019-04-16

Department: Public Works



SUMMARY

FLOOD RISK INFRASTRUCTURE INVESTMENT PROGRAM (FRIIP)

The (FRIIP) is a Provincial program which has been developed to encourage municipalities to invest in infrastructure which reduces flood risks and community vulnerability. Typically, the program may fund up to 50% of eligible project costs. Municipal applications must include a resolution of Council supporting the submission of the project for funding consideration under FRIIP. Applications close May 6th, 2019 and staff require a resolution of Council supporting the submission of the project for funding consideration under FRIIP.

DRAFT MOTION:

That Council approve supporting an application to the Flood Risk Infrastructure Investment Program for funding assistance to complete the Flood Risk Mitigation plan included in the 2019-2020 Capital Investment Program (CIP).

REQUEST FOR DECISION 023-2019

Title: Flood Risk Infrastructure Investment Program

Date: 2019-04-16

Department: Public Works



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) STAFF RECOMMENDATION

Staff recommend Council approve a motion to support an application to the Flood Risk Infrastructure Investment Program for funding assistance in completing the Flood Risk Mitigation plan included in this fiscal year's capital investment program.

3) REFERENCES AND ATTACHMENTS

1. Existing and Proposed Municipal Planning Strategy
2. Asset Management Plan
3. Municipal Climate Change Adaptation Plan
4. 2019/20 Operations Plan and Budget

4) DISCUSSION

The (FRIIP) is a Provincial program which has been developed to encourage municipalities to invest in infrastructure which reduces flood risks and community vulnerability. Typically, the program may fund up to 50% of eligible project costs. Eligible projects under this grant program include;

- River Training and Floodway Improvement
- Floodwater Containment and Flood Intensity Mitigation and
- Study work including: mapping to identify flood prone areas; and identification of potential solutions to mitigate flood impacts.

with preference given to projects that have been identified as part of the Municipal Climate Change Action Plan (MCAAP) or other infrastructure risk assessment studies.

The objectives of the Flood Risk Mitigation plan included in this year's capital budget are;

1. To understand and address Flood Risk potential and plan/design options for adapting to potential risks.
2. Based on the planning & design, enable the Town to appropriately prioritize and budget for ongoing Climate Change Adaptation/Flood Risk capital expenditures.

The above objectives of the Flood Risk Mitigation plan make this project eligible under the study work heading of the grant program, and a good fit as it's part of our Municipal Climate Change Action Plan.

The Town has operationalized Climate Change mitigation work in the 2018-2019 budget cycle and have secured FCM funding and hired a staff position to focus exclusively on this work. Climate Mitigation efforts can buy additional time for adaptation measures to be implemented. The current (CIP) has flood risk mitigation included in fiscal year 2027/2028.

REQUEST FOR DECISION 023-2019

Title: Flood Risk Infrastructure Investment Program

Date: 2019-04-16

Department: Public Works



The primary issue with respect to climate change or flood risk management is the lack of a dyke along the southern shore of Wolfville Harbour. The Department of Agriculture maintains dykes up-to this area but the elevation changes and this area is vulnerable to rising sea levels and storm surge.

The Department of Agriculture has been maintaining and raising dyke heights around the Province and recently completed (March 2018) a risk assessment. The Town of Wolfville was highlighted as a gap in the dyke system and Staff would be working with Department of Agriculture as part of this project to coordinate appropriate adaptation measures. The Flood Risk Mitigation Plan will help quantify the flood risk and investigate potential long-term solutions to be considered. Staff are recommending that Council support the application to the FRIIP for funding consideration of the project.

5) FINANCIAL IMPLICATIONS

The CIP includes a Flood Risk mitigation plan in this fiscal year at an estimated cost of \$50,000. The completion of the plan is scheduled for this fiscal year and if successful, this grant could reduce the town's costs by as much as 50%.

The 2019/20 Capital Budget provides funding for the Flood Risk Mitigation Project by way of Operating Reserves (page 73 of Town's 2019-2023 Operations Plan). If grant application successful, this would help reduce strain on Reserve Funds, which will aid in financial viability of the Town's 10 year CIP.

6) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Environmental Sustainability - Climate Change adaptation is critical to the long term viability of the community and will ensure the long-term prosperity of the Town's assets.

7) COMMUNICATION REQUIREMENTS

If successful will communicate to the public the funding partners that are enabling the completion of the Flood Risk Mitigation plan and objectives of the plan.

8) ALTERNATIVES

REQUEST FOR DECISION 021-2019

Title: Gaspereau Ave Reconstruction – Budget Revision

Date: 2019-04-16

Department: Public Works



SUMMARY

Gaspereau Ave Reconstruction

The replacement of sanitary, and storm sewers and reconstruction of a section of Gaspereau Ave is included in this year's capital program. Tenders closed April 2nd with the Town receiving seven bids. The low bid submitted by Howard Little Excavating of \$654,562.85 (HST Extra) together with engineering costs and the Town's portion of HST bring the total project cost to an estimated \$775,000. The Chief Administrative Officer, is authorized to make contracts for the acquisition of goods and services where such expenditure does not exceed budget by more than 10%. The total project cost exceeds the budget by more than 10% and therefore requires Councils approval to proceed.

DRAFT MOTION:

That Council approve the Gaspereau Avenue Street Reconstruction Project at an amended cost of \$775,000 with the additional cost of \$175,000 to be funded by way of long term debt/debenture.

REQUEST FOR DECISION 021-2019

Title: Gaspereau Ave Reconstruction – Budget Revision

Date: 2019-04-16

Department: Public Works



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Municipal Government Act

Policy 140-001 – Procurement

3) STAFF RECOMMENDATION

Staff recommend that Council approve an additional \$175,000 in capital funding to come from Long term Debt required to enter into a contract with Howard Little Excavating for the Infrastructure upgrades on Gaspereau Ave as detailed in contract WOL005-2019, Gaspereau Ave Sanitary and Stormwater Upgrades.

4) REFERENCES AND ATTACHMENTS

1. RFD 2019/20 Operations Plan and Budget
2. WOL005-2019 tender document
- 3.

5) DISCUSSION

The replacement of sanitary sewer, storm sewer and street reconstruction of approximately 200 m on Gaspereau Ave is included in this year's capital program. The storm sewer portion of the work was originally scheduled to be completed in 2018 however the engineer's estimate based on their preliminary design was higher than what was budgeted, and the condition of the sanitary sewer was worse than anticipated. Based on these two factors it was decided to revise the scope of work, increase the budget and retender this fiscal year. The budget of \$600,000 was based on an estimated project cost provided by the design engineer, however during a review of the issued for tender drawings in March, it became apparent that the sidewalk through the construction zone could not be preserved due to its proximity to the excavation and that concrete curbing should be added on both sides of the street. These changes along with a provisional allowance for rock excavation and a few line items over budgeted amounts resulted in a project cost higher than what was budgeted.

There are limited options with respect to reducing construction costs significantly due to the extent of the excavation required to replace the pipes, therefore staff's recommendation is for Council to approve the additional funding required to complete the work as tendered.

REQUEST FOR DECISION 021-2019

Title: Gaspereau Ave Reconstruction – Budget Revision

Date: 2019-04-16

Department: Public Works



6) FINANCIAL IMPLICATIONS

As noted above, The Town's approved Capital Budget included an amount of \$600,000 for the Gaspereau Avenue Project (page 70 of the Town's 2019-2023 Operations Plan).

The revised project cost is now estimated to be \$775,000, requiring an additional \$175,000. In terms of funding sources and breakdown the project looks like this:

Total revised project cost		\$ 775,000
Original approved budget funding		
Long Term Debt (Debenture)	500,000	
Capital Reserves	<u>100,000</u>	<u>600,000</u>
Additional Funding Required		<u>\$175,000</u>

Council has a couple of options available to fund the additional costs;

- Increase use of long term debt
 - The Town's Debt Ratio is still well within the benchmark set by the provincial financial indicators.
 - Twenty year amortization period is an option, which would result in an annual increase in principal repayment of \$8,750 coming from the operating budget in future years.
- Increase transfer from Town Capital Reserve Fund to Capital Fund by \$175,000
 - The Town had in excess of \$1.8 million in Capital Reserves at March 31/18, and it is anticipated that balance will be in excess of \$2 million for March 31/19 year end.
 - Based on current capital budget funding projections (10 year CIP), the additional \$175,000 can be managed from Capital Reserves until Fiscal 2023/24 at which point the reserve fund would be depleted.

The Town's funding current approach to capital project funding, for major street infrastructure, has been to rely more on long term debt than reserves. This approach is related to the continued low interest rates on debt, knowing that if rates continue to move upward that debt financing will be less attractive in future years.

REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

REQUEST FOR DECISION 021-2019

Title: Gaspereau Ave Reconstruction – Budget Revision

Date: 2019-04-16

Department: Public Works



- Maximizing our infrastructure investments – this project is part of the 10-year Capital Improvement Plan and adjustments to the scope of work - adding concrete sidewalk vs repairing the asphalt sidewalk and adding concrete curb make good long-term sense.

7) COMMUNICATION REQUIREMENTS

Use the Communications Checklist and provide a summary of the communication requirements. If the decision warrants attach the Communications Checklist.

8) ALTERNATIVES

Not approve the additional funding and reduce the scope of work or increase the budget and retender next fiscal year.

Neither option is recommended. The storm sewer in particular is at the end of its life cycle and needs to be replaced. Replacing the sanitary sewer which is near the end of its life cycle while the street is open is cost effective and recommended. The possible changes to the scope of work are not sufficient enough to reduce the total project cost to within the budgeted amount.

Recommend that Council approve the additional funding required to complete the work as tendered.

REQUEST FOR DECISION 022-2019

Title: Annapolis Valley Chamber of Commerce-Tourism Marketing

Date: 2019-04-16

Department: ED



SUMMARY

The Annapolis Valley Chamber of Commerce (AVCC) has completed tourism marketing campaigns since 2014. They request the Town of Wolfville make a contribution of \$4000 for 2019-20.

DRAFT MOTION:

That Council approves the request from the Annapolis Valley Chamber of Commerce for Tourism marketing as presented at the April 2 Committee of the Whole Meeting, in the amount of \$4,000, to be utilized for the 2019-20 tourism marketing campaign.

REQUEST FOR DECISION 022-2019

Title: Annapolis Valley Chamber of Commerce-Tourism Marketing

Date: 2019-04-16

Department: ED



1) CAO COMMENTS

The CAO supports the recommendations of staff. This allows Council to participate on a regional initiative related to tourism in our area. Council should continue to annually evaluate the effectiveness of this contribution.

2) LEGISLATIVE AUTHORITY

The Municipal Government Act, in Section 65(m) states that municipalities may spend money on the “promotion and attraction of institutions, industries and businesses, the stabilization and expansion of employment opportunities and the economic development of the municipality.”

3) STAFF RECOMMENDATION

That Council provide \$4000 to the AVCC for the 2019-20 tourism campaign.

4) REFERENCES AND ATTACHMENTS

N/A

5) DISCUSSION

Following the termination of Destination Southwest Nova in 2014, the AVCC has promoted the Annapolis Valley with a goal to bring new visitors to the area. Through a strong multimedia campaign with coverage throughout the Maritime Provinces, visitor numbers have increased. AVCC receives support from most municipalities in the region to complete this annual campaign.

6) FINANCIAL IMPLICATIONS

There is no immediate to the Town’s 2019/20 budget approved by Council in March. Staff included an amount of \$4,000 in the General Government section of the 2019/20 Budget (page 59 of the 2019-2023 Operations Plan) under the Grants to Organization line. The \$4,000 allowance was left in the budget in anticipation of the AVCC presentation, which in past years has occurred prior to the budget approval date.

If Council does not approve a grant of \$4,000 to the AVCC as requested, then this amount will not be spent by the Town in fiscal 2019/20 unless otherwise directed by Council.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

This decision relates to the 2017-2021 Strategic plan goal:

REQUEST FOR DECISION 022-2019

Title: Annapolis Valley Chamber of Commerce-Tourism Marketing

Date: 2019-04-16

Department: ED



- Leveraging our economic opportunities

Council Strategic Principles:

1. **Affordability:** This amount is included in the 2019-20 operating budget.
2. **Transparency:** Council will review at a public Council meeting.
3. **Community Capacity Building:** N/A
4. **Discipline to Stay the Course:** N/A
5. **United Front:** N/A
6. **Environmental Sustainability:** N/A

8) COMMUNICATION REQUIREMENTS

The AVCC will be notified of Council's decision.

9) ALTERNATIVES

- a. That Council not contribute to the AVCC 2019-20 tourism marketing campaign.

From: Barry Gander
Sent: March 15, 2019 8:49 AM
To: Jeff Cantwell
Cc: Terry Dalton; Town Council; Erin Beaudin; Mike MacLean
Subject: Re: Mayor Cantwell: Platinum for Wolfville in June?

Thank you very much, Jeff, for passing this thought along, I am happy to go to any meetings that may be helpful to promote understanding.

Cheers

Barry

Barry Gander
Co-Founder, i-Valley
VP, i-Canada; EVP, Canadian Advanced Technology Alliance
Recipient, Queen Elizabeth II Diamond Jubilee Medal



From: Jeff Cantwell <JCantwell@wolfville.ca>
Sent: March 15, 2019 8:47:07 AM
To: Barry Gander
Cc: Terry Dalton; Town Council; ebeaudin@wolfville.ca; Mike MacLean
Subject: Re: Mayor Cantwell: Platinum for Wolfville in June?
Hi Barry,

Thank you for your letter re: WCCD and the Platinum designation.

Being recognised as a “leader” among your peers is, more often than not, a time when one enjoys a little bit of that spotlight being shone on them. However, having to shell out \$10K for that “acknowledgement” is a matter for consideration by our full Council as it has significant budget impact for our relatively small community.

As you can see, I have copied to Town Council and senior administration for their reference and consideration.

Again, many thanks and I will follow up shortly.

Sincerely,

Jeff Cantwell
Mayor
Town of Wolfville

Sent from my iPhone

On Mar 14, 2019, at 3:16 PM, Barry Gander <barry.gander@i-valley.ca> wrote:

Hello Jeff:

As you know, because you kindly supported us, we are working on a World Council on City Data (WCCD) award for the Annapolis Valley - a certification as the world's first "smart rural region". We are almost finished our submission.

I have just learned that there is a chance that we can also obtain a stand-alone Platinum Certification for Wolfville from the WCCD!

Windsor and Wolfville would also be eligible, and perhaps Berwick, and I will be asking them as well.

The WCCD is willing to do the certification for you at no charge for this year, on the understanding that next year, Wolfville would invest \$10k in another certification round. It would be common practice, because the best value is to get a multi-year trend-line for analysis.

What we would have, is an ISO certification for the entire Valley, with the gleam of Platinum shining on Wolfville and the other towns.

This kind of regional coordination has never been done before. It's global news.

The Launch event will be a big conference on June 12th, when Patricia McCarney comes from Toronto to be **keynote luncheon speaker at a conference of Municipal Ministers from the provinces, federal government and municipalities**. She will give out all the awards at that time.

It would be great to have you and Wolfville on that podium!

This is a globally-watched event. I've attached a ppt with a few relevant slides, as background.

Would Wolfville be interested in getting Platinum certification?!

Cheers!

Barry

Barry Gander
Co-Founder, i-Valley
VP, i-Canada; EVP, Canadian Advanced Technology Alliance
Recipient, Queen Elizabeth II Diamond Jubilee Medal

We, the undersigned, residents of Seaview Avenue in the Town of Wolfville, hereby request that the Town of Wolfville designate Seaview Avenue as a "No Parking" zone such that no public parking will be allowed on Seaview Avenue at anytime.

1. Cameron Scott
Signature
Cameron Scott
Print Name
5 Seaview Ave.
Civic Address
2. Catherine (Cale) Archibald
Signature
Catherine (Cale) Archibald
Print Name
5 Seaview Ave., Wolfville, NS
Civic Address
3. _____
Signature

Print Name

Civic Address
4. _____
Signature

Print Name

Civic Address
5. _____
Signature

Print Name

Civic Address
6. _____
Signature

Print Name

Civic Address

We, the undersigned, residents of Seaview Avenue in the Town of Wolfville, hereby request that the Town of Wolfville designate Seaview Avenue as a "No Parking" zone such that no public parking will be allowed on Seaview Avenue at anytime.

1. V Stodda + a Kyle Enelme
Signature
Vanessa Stoddar
Print Name
8 Seaview Ave.
Civic Address

2. Steph J Doh
Signature
Stephen Draho
Print Name
311 Main
Civic Address

3. MT Doh
Signature
TERRY DRAHO
Print Name
311 Main St
Civic Address

4. _____
Signature

Print Name

Civic Address

5. _____
Signature

Print Name

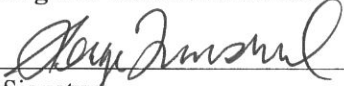
Civic Address


6. _____
Signature

Print Name

Civic Address

We, the undersigned, residents of Seaview Avenue in the Town of Wolfville, hereby request that the Town of Wolfville designate Seaview Avenue as a "No Parking" zone such that no public parking will be allowed on Seaview Avenue at anytime.

1. 
Signature
George Townsend
Print Name
3 Seaview Ave, Wolfville, N.S.
Civic Address

2. 
Signature
Patricia Townsend
Print Name
3 Seaview Ave. Wolfville NS
Civic Address

3. _____
Signature

Print Name

Civic Address

4. _____
Signature

Print Name

Civic Address

5. _____
Signature

Print Name

Civic Address

6. _____
Signature

Print Name

Civic Address

We, the undersigned, residents of Seaview Avenue in the Town of Wolfville, hereby request that the Town of Wolfville designate Seaview Avenue as a "No Parking" zone such that no public parking will be allowed on Seaview Avenue at anytime.

1. L. Spackman
Signature
LYNNE SPACKMAN
Print Name
9 SEAVIEW AVENUE
Civic Address

2. _____
Signature

Print Name

Civic Address

3. _____
Signature

Print Name

Civic Address

4. _____
Signature

Print Name

Civic Address

5. _____
Signature

Print Name

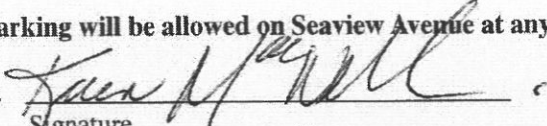
Civic Address

6. _____
Signature

Print Name

Civic Address

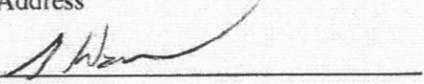
We, the undersigned, residents of Seaview Avenue in the Town of Wolfville, hereby request that the Town of Wolfville designate Seaview Avenue as a "No Parking" zone such that no public parking will be allowed on Seaview Avenue at anytime.

1. 

Signature
KAREN MACWILLIAM

Print Name
6 SEAVIEW AVENUE

Civic Address

2. 

Signature
GLENN HOWE

Print Name
6 SEAVIEW AVENUE

Civic Address

3. _____

Signature

Print Name

Civic Address

4. _____

Signature

Print Name

Civic Address

5. _____

Signature

Print Name

Civic Address

6. _____

Signature

Print Name

Civic Address



Dear Wolfville Town Council,

The Wolfville Business Development Corporation would like to voice our support for the development at 292 Main St. Wolfville. The WBDC is always in favour in development of our downtown core within the Town of Wolfville bylaws and development regulations set fourth by the Town. Additions to our commercial space and residential spaces are pertinent to the growth of Wolfville Business.

The #1 concern the WBDC membership has with this development is a parking plan for new residents to the downtown core. The WBDC has fought hard in the last year to grow the available parking for our downtown guests to have a pleasant downtown shopping experience and our business employees to have access to all day parking. We would like the Developer of 292 Main St. to address these concerns prior to starting construction.

Best regards,

A handwritten signature in dark ink, appearing to read 'June Pardy', is written over a faint, circular stamp or watermark.

June Pardy
President
Wolfville Business Development Corporation

From: Judy Rafuse
Sent: March 19, 2019 10:52 AM
To:
Subject: See attached
Attachments: Letter to Valley REN partners.pdf

Good morning,

Please forward this email, along with the attachment to Mayor Cantwell and Council members.

Thank you!

Mayor Cantwell and Council members. Please see the attached letter that was sent to the partners of the Valley Regional Enterprise Network for your information.

**Thank you,
Judy**

Judy Rafuse
Executive Director
www.annapolisvalleychamber.ca





March 14, 2019

Dear Valley REN Partners,

The Annapolis Valley Chamber of Commerce (AVCC) represents nearly 400 individual businesses and their employees between Hantsport and Lawrencetown. Each year we reach out to our members and ask for feedback regarding local business concerns. For many years local economic development has been in the top 5 issues expressed.

The AVCC believes that for any region to consider itself a strong thriving business community, a professional economic development organization is essential. Community Economic Development involves projects and activities such as business retention & expansion, investment attraction, connecting people/businesses/government, sector specific projects etc. These projects and programs do not typically follow any specific municipal boundary for the simple fact that our businesses and our economy do not follow these arbitrary boundaries. A strong economic development organization can quickly navigate throughout the region to take advantage of any opportunities and work on challenges that may exist. This was in part, the rationale behind the team lead by Ray Ivany when they made the recommendation to create the REN.

In recent months, the Valley REN has made significant progress in raising the professionalism of their organization. With guidance from a new board of directors comprised of business leaders, the REN staff has taken great strides to focus limited resources in a strategic manner that will maximize the return on investment for our community.

As the leading voice for businesses in the Annapolis Valley we encourage all current and potential partners to continue supporting the Valley REN by providing funding, guidance and in-kind services. We encourage all community leaders to be involved to ensure the REN is successful and the economic future of the Valley is one of growth and prosperity.

Sincerely,

A handwritten signature in black ink, appearing to read "Darryl Pike", is written over a horizontal line.

Darryl Pike

1st Vice President,

Annapolis Valley Chamber of Commerce

The Mayor and Councillors
Town of Wolfville
359 Main Street
Wolfville, NS
B4P 1A1

Dear Mayor Cantwell and Councillors,

On behalf of the Board of Directors of the Society, I am writing to you to express our concern at the major renovations presently occurring at 102 Main Street (the Wickwire house). It is our understanding that this is a protected heritage property and is listed as such:

Architecturally, Wickwire House has retained its New England colonial character. It showcases many elements of the Neo-Classical style with its symmetrical, simplistic appearance as well as its delicate window mouldings, pronounced corner pilasters, returning eaves with cornice and its pedimented front gable porch on Doric columns.

Source: Town of Wolfville Heritage Property Program files, Wickwire House file.

In light of this designation, we have several questions:

Did the Council receive a formal request from the new owners to undertake such a radical transformation of the building?

If so, on what grounds was permission granted?

It is our understanding that the new owner intends to turn a Neo-Classical style into what is termed a Planter style. How can this be permitted, given that its heritage designation is based on a wholly different architectural style?

In the 1990's, concern about the loss of valuable built heritage led to the town asking a notable architect to create Architectural Control Guidelines that are relevant to all of Main Street. Furthermore, since the Town has for over 25 years had both a Planning Advisory Committee and a separate Built Heritage Advisory Committee, we assume that heritage issues are still given careful consideration. (In that regard, we would propose that the current Design Review Committee be equally weighted between architecture and built heritage expertise.)

We appreciate that in a thriving community such as ours, the preservation of our built heritage will often involve checks and balances; however, if we permit the rules governing the protection of our heritage to be flouted, then that aspect of Wolfville's attraction to residents and visitors alike is under serious threat.

Sincerely,

Martin Hallett
President

From: David Daniels
Sent: March 30, 2019 3:20 PM
To: Town Council
Cc: Erin Beaudin
Subject: Amendments to the MPS and LUB concerning off-site sales

March 30, 2019

Dear Council Members:

I have just listened to the recording of the Council meeting where the proposed amendments were, I believe, adopted.

I say "believe" because there was no audio after Dep. Mayor McKay amended the proposal. That is approximately 49:40. The recording begins again after the vote and when Karen MacWilliam is heard on the recording asking the Council to do a voice vote.

I have at this time two questions:

Did the Town (Council or staff) receive a legal opinion regarding the proposed amendment to the LUB prohibiting contract brewing?

If the Town did receive such an opinion, whether in writing or orally, when was that opinion received?

If possible, I would like to receive answers to my question within the week.

Thank you.

Sincerely,

David A. Daniels

From: Alex LeBlanc
Sent: March 21, 2019 8:52 AM
To: Town Council
Subject: Town of Wolfville Cannabis Policy

Good morning

My name is Alex Leblanc.

You may remember me from the townhall meetings.

I have been trying to get the town of wolfville to host a public meeting to discuss the future of the town cannabis policy.

There are many areas that having a policy in effect will avoid problems later.

Cannabis businesses are popping up all over the country and province unregulated. This is largely due to the lack of clarity in the cannabis act and the lack of clarity of medical cannabis patients rights after federal court cases in 2015 and 2016.

Please let me sit down with a town planner to discuss this event, then we can move forward in the traditional peaceful manner that the town know for.

Thank you

-Alex Leblanc

March 22, 2019

Via Electronic Mail

The Honourable Chuck Porter
Minister of Municipal Affairs
Province of Nova Scotia
14th Floor North, 1505 Barrington Street
Halifax, NS B3J 2M4

Dear Minister:

Re: Town of Wolfville – Non-Compliance with Municipal Government Act

I am a resident of the Town of Wolfville. I am writing because of concerns regarding repeated disregard of specific provisions of the *Municipal Government Act* by the Town of Wolfville elected officials and staff related to amendments to the Land Use By-Law and Municipal Strategy respecting a development at 329 Main Street, Wolfville.

On March 19, 2019, the Town of Wolfville Council passed amendments to the Land Use Bylaw and Municipal Planning Strategy (RFD 010-2019) and in doing so, contravened the *Municipal Government Act* and its underlying intent in many stages of the process. I have made the Mayor, Council and the Chief Administrative Officer aware of my concerns on numerous occasions and those concerns have been disregarded and dismissed.

The amendments by Council are intended to reverse in part, a decision of the Nova Scotia Supreme Court, in a Judicial Review respecting the same property. Such matters have an appeal process, and are not appropriately handled through the Municipal Planning Strategy and Land Use By-law amendment process. I also suspect that the changes to the MPS and LUB were largely to avoid litigation from the proponents of the development.

I am uncertain if there is a specific circumstance which would lead to a valid appeal to the Utility and Review Board, so I am writing to your office to make you aware of my concerns, and respectfully ask that your office investigate them. I am also requesting that your office withhold approval of any changes to the Land Use By-Law and/or Municipal Planning Strategy until an investigation has been completed.

I am attaching an overview as well as a detailed outline of the non-compliance with the *Municipal Government Act* for your information.

The supporting documentation is rather voluminous, so it has not been included. Should you wish copies of any documentation substantiating the concerns I have outlined, I would be happy to provide it to your office. Thank you in advance for your attention.

Yours truly,

Karen MacWilliam

Karen MacWilliam

c.c.: Mr. Gordon Smith, Provincial Director of Planning, Ministry of Municipal Affairs
The Honourable Keith Irving, MLA, Kings South
Ms. Erin Beaudin, Chief Administrative Officer, Town of Wolfville
Mayor and Council, Town of Wolfville
Office of the Ombudsman, Province of Nova Scotia

Summary of Actions

Town of Wolfville

Re: 329 Main Street and Changes to the Land Use By-Law and Municipal Planning Strategy

November, 2017 – Proponents deliver letter to residents advising of their plans to re-develop 329 Main Street, Wolfville.

November, 2017 – MacWilliam and others respond with copies to Council, outlining concerns.

November 24, 2017 – Council votes to reverse its earlier decision not to allow changes to MPS. Council allows re-zoning process to proceed.

December, 2017 – residents meet with Councillor Donovan present

January 6, 2018 – FOIPOP request from G. Howe.

January 17, 2018 – Letter to Planning Advisory Committee on behalf of local residents outlining concerns.

January 30, 2018 – Planning Advisory Committee Public Participation Meeting – rezoning boundaries are revised at the meeting without proper notice to residents.

February 27, 2018 – demolition permit issued prior to re-zoning approval of site – commercial operations occurring in R1-A zone

March 16, 2018 – FOIPOP response received from Town of Wolfville, 40 days late.

March 20, 2018 – Town Council Meeting. Residents request more time to study FOIPOP response. Request denied. Re-zoning approved.

April 12, 2018 – permits for renovations issued

May 1, 2018 – Development permit application received by Town

May 30, 2018 – Development permit issued (DP04-2018), permitting 15,000 HI of beer as an “Accessory Use” to a restaurant and retail space.

June 12, 2018 – Application for Judicial Review by Karen MacWilliam & Glenn Howe

September 5, 2018 – Mr. Justice Warner rules that the Development Permit was validly issued, however, decision requires that all beer produced must be sold on site, as per definition of “Accessory Use”.

November, 2018 – Committee of the Whole and Town Council consider changes to the MPS/LUB amending the definition of “Accessory Use, permitting craft beverage production in C-1 zone, and permitting unlimited offsite sales

November 23, 2018 – MacWilliam requests meeting with CAO and staff and asks that further action be deferred until after meeting. Meeting scheduled for January 10, 2019. Mayor and Deputy Mayor refuse any deferral of further action on the file.

December 7, 2018 – PAC meeting agenda distributed 1 business day prior to meeting.

December 12, 2018 – Planning Advisory Committee tables vote on changes to MPS/LUB – asks staff for more information regarding noise, odours, lights, traffic, etc. Mayor denies meeting privately with proponents. Minutes from meeting contain numerous erroneous statements.

December 14, 2018 – G. Howe issues FOIPOP request seeking details regarding private meetings with proponents.

January 8, 2019 – Committee of the Whole considers proposed changes to MPS/LUB despite no response to request for more information from PAC. Resident questions not answered.

January 9, 2019 – Town of Wolfville unilaterally cancels meeting scheduled by MacWilliam 6 weeks earlier. No reasons are provided.

January 15, 2019 – FOIPOP response received, indicating that the Mayor communicated with and met privately with proponents on November 17 and 20.

February 4, 2019 – Town Council meeting. Mayor slams gavel down 8 minutes into meeting and angrily tells residents that “Council decides who speaks”. Town enforces 2 minute limit per speaker, despite requests from residents to speak for longer.

February 11, 2019 – Town issues Public Statement, effectively refusing to answer questions from residents, despite earlier assurances that questions would be answered.

March 18, 2019 – Second reading of RFP 010-2019 and Public Hearing. Relative of Mayor speaks in favour of project; not identified as a relative of the mayor until AFTER she finishes speaking.

March 19, 2019 – Vote on a motion which was amended substantially from documents circulated on March 5, 2019. No public hearing notice given for substantial amendments to motion approved by Council.

Summary of Facts

In November 2017, the owners of a property located at 329 Main Street, Wolfville, advised adjacent residents that they would be constructing and operating a fine dining restaurant and brewery operation. The property is the former St. Andrew's United Church, a circa 1914 church building and manse, which is adjacent to my home.

Within several weeks of receiving the letter, I responded, with copies to Town Council, outlining my concerns. Chief among them was that the Planning Department had recommended to Council that portions of the site be re-zoned from R1-A to C-1. This was for the exclusive benefit of the property owners, but was characterized as a "housekeeping issue" by the Town of Wolfville.

At its November 2017 Council meeting, Council voted to rescind a prior adopted motion, to not allow further changes to the MPS and LUB prior to larger revisions to the MPS and LUB intended to be enacted in 2019. The rescission of the previously adopted motion made way for a development specifically for the benefit of this property owner, to the detriment of other applicants, and to adjacent property owners.

The Town of Wolfville advertised a Public Participation Meeting to be held on January 30, 2018. 1 day prior to the meeting, after the materials had been sent to residents within 100 metres of the subject property, the boundaries of the area to be re-zoned were changed at the meeting, without notification as specified in the *Municipal Government Act*.

At the meeting, residents were advised that the proposed development was "as of right", despite the fact that breweries were not listed as developments acceptable in the C-1 zone. On February 27, 2018, a demolition permit was issued, and the demolition of portions of the church began, without any public consultation and without approval of the re-zoning of the site.

The re-zoning of the site was approved at a Council meeting on March 20, 2018. Those in attendance were advised that the proposed development was "as of right" and the development could proceed. We were not provided with any plans, maps, or a description of the intended development, nor information regarding the size and capacity of the brewery operation.

Shortly before the Council meeting on March 20, 2018, the Town of Wolfville's response to a Freedom of Information request indicated that the proponents of the development in question intended to product 2,000,000 litres of beer annually, (more than 11,000 bottles PER DAY) thereby making it the largest independent brewing operation in Atlantic Canada, immediately adjacent to a residential neighbourhood.

At that meeting, residents asked for additional time to consider the information gleaned through the response to the Freedom of Information Request, issued on January 6, 2018, by my spouse, Glenn Howe. The Town of Wolfville took 70 days to respond to the FOIPOP request, in contravention of the *Municipal Government Act*. The request from residents that the item be delayed by one meeting cycle to allow us to review the FOIPOP documents, which turned out to be key to understanding the size and scope of the development, was turned down by Town Council.

We were advised by the Town of Wolfville that an appeal to the Utility and Review Board related to the re-zoning was not permitted.

On May 1, 2018 the developers applied for a Development Permit for a restaurant and retail area with Accessory Microbrewery. On May 30, 2018 permit DP-024-2018 was granted, with 2 conditions:

The microbrewery is considered accessory under the Land Use Bylaw and expansion of this accessory use beyond that of the main restaurant and retail use is not permitted.

The volume of beer produced in the microbrewery shall not exceed 15,000 hectolitres per year. The property owner is required to provide an annual volume report to the Development Officer to confirm compliance.

On June 12, my spouse and I applied for a Judicial Review of the issuance of the Development Permit. On September 5, Mr. Justice Warner of the Supreme Court of Nova Scotia, ruled that while the Development Permit was validly issued, all production up to the permitted limit could only be sold at the restaurant and retail site, in other words, as per the Town of Wolfville's definition of "Accessory Use", the beer produced had to be "exclusively devoted to" the main use of the site. Mr. Justice Warner also interpreted the intention of the Town of Wolfville's Land Use By-Law and stated in his ruling:

"Obviously the Court hopes that whoever does a business enterprise is successful -- and I hope they are -- but within the parameters of what the land-use bylaw of the Town of Wolfville wanted in its downtown C1 zone, which were small enterprises that would make it a tourist and other destination, not the equivalent of an industrial park."

Despite success in the Judicial Review, and despite their own evidence at the Judicial Review hearing that the Development Officer understood that all beer produced had to be "exclusively devoted to" the main use of the site, the Town of Wolfville has now amended the definition of "Accessory Use" and amended the Municipal Planning Strategy and Land Use By-law on an expedited basis for the specific purpose of accommodating this property owner, in contravention of its own LUB and MPS.

Having been aware of our concerns for 1 year, and having been the respondent in a Judicial Review regarding this matter, Council failed to inform impacted residents in advance that this item was on the agenda of the Committee of the Whole Meeting and the subsequent Council meetings in November 2018. We were out of the country, and were denied an opportunity to participate.

On or about November 20, 2018, the Mayor communicated with the proponents using his personal mobile phone and met privately with them.

On November 23, 2018 I advised the CAO of the Town in writing of my concerns and desire to participate in the consultation process. Given the Christmas season, I requested a meeting with Town staff and elected officials for January 10. I provided a proposed agenda, and respectfully asked that action on the file be delayed for one meeting cycle, to allow impacted residents to have questions addressed. The CAO, after waiting one week to respond, unilaterally denied the request for a time extension.

A Public Participation meeting in conjunction with the Town's Planning Advisory Committee was held on December 12, 2018. The Committee was unwilling to approve a recommendation to proceed with changes to the MPS and LUB, and approved a motion for Council to ask staff for more information regarding the impacts of the proposed development. Despite the failure of the motion, the Town of Wolfville proceeded with amendments, disregarding its own Planning Advisory Committee.

On January 4, 2019 I received an e-mail from the Town of Wolfville, advising that this matter would be considered at the January 8, Committee of the Whole meeting, despite the fact that the Planning Advisory Committee requested additional information from Town of Wolfville Staff. As I work full time, I was unable to attend this meeting with only one day's notice. My respectful request for a deferral of this agenda item was refused.

The meeting that was scheduled for January 10, more than 6 weeks in advance and agreed to by the Town of Wolfville was cancelled on January 9, late in the day without explanation.

On February 4, 2019, Wolfville Town Council had First Reading of proposed changes to the MPS and LUB that change the definition of "Accessory Use" to allow offsite sales (contrary to the ruling in the Judicial Review) and allowing craft beverage manufacturers to operate in the C-1 zone. A 30 minute period was provided at the beginning and end of the meeting for questions from residents. Shortly after the meeting began, after the proponents spoke, a resident asked for more time to allow impacted residents to speak. The Mayor angrily slammed his gavel on the table, and shouted "Council decides who speaks". It was so exceptional and shocking that it was reported by media present at the meeting.

The Mayor's conduct was intimidating and completely lacking in appropriate decorum. It dissuaded many people from speaking. A strict 2 minute limit was imposed upon anyone who wished to speak, negating residents' opportunity to be heard.

On February 4, 2019, the Mayor indicated that he had met with the proponents for the purpose of purchasing tickets to an event they were hosting. This event occurred during a time period in which a matter which had the potential to benefit the proponents was under consideration by Council.

On February 11, 2019, the Town of Wolfville, despite having committed to answering questions posed by residents at the February 4 Town Council meeting, issued a Public Statement indicating that they would not be "answering any further questions... for 329 Main Street".

On March 18, 2019, a Public Hearing to discuss the proposed changes to the LUB and MPS included revisions to the amendments that were not part of the documents sent out in advance as per the *Municipal Government Act*.

On March 18, 2019, a relative of the Mayor spoke in favour of the changes. Her identity was not revealed until after she spoke.

On March 19, 2019 during second reading and the decision on RFD 010-2019, the motion voted upon by Council was substantially different from the language included in the materials sent out in advance of the Public Hearing.

Non-Compliance with the Municipal Government Act

I believe that the following sections of the *Municipal Government Act* have been breached or actively disregarded:

A) Section 190 (c) that the Town “...*establish a consultative process to ensure the right of the public to have access to information and to participate in the formulation of planning strategies and by-laws, including the right to be notified and heard before decisions are made pursuant to this Part.*”

Because I was unable to attend several meetings, and had questions that would exceed the allotted time for speaking, I requested a meeting with representatives from staff and Town Council. The meeting was unilaterally cancelled by the Town of Wolfville.

At numerous public meetings, (and specifically most recently, December 12, 2018 PAC meeting, the January 8, 2019 Committee of the Whole meeting, and the February 4, 2019 Council meeting) a question period has been indicated as an agenda item. When questions are asked at the meeting, answers are not provided. Follow-up requests to staff receive no response, and the Town appears to have no policy which outlines a mechanism or process for responding to resident questions in a timely manner.

The rights of the public to have access to information and to be heard appear to have been actively disregarded by the Town of Wolfville, contrary to Section 190 of the *Municipal Government Act*.

B) Section 200 (4) “... *the purpose of a planning advisory committee or joint planning advisory committee is to advise respecting the preparation of amending of planning documents and respecting matters generally.*”

The Town of Wolfville sets out the role of its PAC as follows:

“5.2 Mandate and Responsibilities:

5.2.1 The Committee has the following responsibilities:

- a. Upon request of Council, provide recommendations on planning and heritage issues.*
- b. To consider the four pillars of sustainability as espoused in the Municipal Planning Strategy in all recommendations and advice provided by the Committee.*
- c. To act as, and carry out the purposes of a Planning Advisory Committee as prescribed under the Municipal Government Act.*
- d. To act as, and carry out the duties of, the Heritage Advisory Committee as prescribed in Heritage Property Act.*
- e. To follow the Town’s Public Participation Program.”*

The Mayor, in an e-mail to a resident, stated “... *with respect to Council and its role vis à vis Planning, Council may choose to accept or reject or even move in an entirely different direction than what PAC recommends. Planning is appointed by Council and serves at Council’s pleasure. The elected body of council determines the outcome.*”

It appears that the Town of Wolfville is actively and selectively disregarding the *Municipal Government Act* and its own policy in failing to consider the advice of its own PAC. Council moved forward to First Reading of changes to the LUB and MPS despite a request for additional information from its own PAC.

C) Section 204 (3) of the Act states: *“The content of a public participation program is at the discretion of council, but it shall identify opportunities and establish ways and means of seeking the opinions of the public, concerning the proposed planning documents.”*

At the December 12, 2018 Planning Advisory Committee meeting, written submissions from residents were hand-delivered. These submissions were not considered by the Committee prior to discussing the issue or voting upon it.

At the January 8, 2019 Committee of the Whole Meeting, a request for a deferral because certain residents could not attend this meeting scheduled on a weekday morning due to work obligations was voted down and a scheduled meeting on January 10, 2019 for the purpose of asking questions and providing opinions to Council was cancelled by the Town of Wolfville on extremely short notice, without reasons provided.

At the February 4, 2019 Town Council Meeting, the Mayor loudly and angrily banged his gavel on the table and shouted “Council decides who speaks” when residents requested longer than 2 minutes to speak. This intimidated residents from speaking. The strict 2 minute time limit did not allow residents to voice their views.

These incidents show an active disregard for Section 204 (3) of the Act, since in at least three separate incidences, Council actively disregarded an expressed desire for residents to seek information and express opinions.

D) Section 467 of the Act requires a municipal government to respond to a Freedom of Information request within 30 days, unless an extension is requested and granted.

A request issued on January 6, 2018 did not receive a response until March 16, 2018, 40 days later than the time frame stipulated in the Act. A request for a delay of a Council meeting to review the late FOIPOP response was unilaterally denied by the Town, despite it being advised of the reason for the requested deferral. This is contrary to the *Municipal Government Act*.

E) Section 219 (3) of the *Municipal Government Act* states that *“...the Council shall not adopt or amend a land-use by-law except to carry out the intent of a Municipal Planning Strategy.”*

The Town of Wolfville Council has amended the LUB and MPS in an attempt to overturn a Judicial Review where they were successful in upholding the issuance of a Development Permit. The amendments to the Land Use By-law are completely inconsistent with the Municipal Planning Strategy and contrary to the *Municipal Government Act*. The Nova Scotia Supreme Court has interpreted the LUB and MPS in this matter and indicated that off-site sales for an accessory use are not the intent.

F) The Notice of Public Participation Meeting for the January 30, 2018 Planning Advisory Committee was sent out and the re-zoning boundaries were changed the day of the meeting without advance notice to residents living within 100 metres of the subject development. This is contrary to the *Municipal Government Act*.

G) Section 18.6.1(b) of the Town of Wolfville’s Criteria for Development Agreements and Criteria for Land Use by By-Law Amendments states that it *“...shall be the policy of Council to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods through:*

- i. the type and intensity of use*
- ii. the height, mass or architectural design of proposed buildings*
- iii. hours of operation of the use*
- iv. outdoor lighting*
- v. noise, vibration or odour*
- vi. vehicle and pedestrian traffic*
- vii alteration of land levels and/or drainage patterns; and*
- viii. deprivation of natural light.”*

This development has caused conflict with adjacent uses, disturbed our quiet enjoyment and has altered the character of our neighbourhood.

We have had 12 months of active construction resulting in extended periods of noise. Bright lights have been on late at night. The operators of the facility have stated that production of beer will result in noise, vibration and odour. The construction and operation of the restaurant have resulted in significantly increased vehicle and pedestrian traffic and the construction of the brewery building blocks the natural light to the rear of my property.

The Town of Wolfville is disregarding its own Municipal Planning Strategy development criteria and is disregarding the interpretation of its own Land Use By-Law by the Supreme Court of Nova Scotia.

(H) Proposed amendments to the LUB and MPS that were the subject of a Public Hearing on March 18, 2019 were changed at the meeting without prior notice to residents, contrary to the *Municipal Government Act*. The vote which passed on March 19, 2019 was with respect to altered amendments, and residents did not have the benefit of a Public Hearing on those alterations.

Inappropriate Actions by the Town

While not specifically a non-compliance with legislation, the following actions have also occurred:

- 1) A staff report prepared following the December 12, 2018 Planning Advisory Committee meeting contained numerous inaccuracies. When brought to the attention of staff and council, the report was not corrected. This inaccurate information was used to inform Council.
- 2) At the November, 2018 Council meeting, the Mayor commented on the “intent” of a proposed motion – prior to its adoption, indicating that he pre-supposed the outcome of the Council vote. When this was brought to his attention on December 12, 2018, and it was suggested that he recuse himself from the matter, he vehemently denied that he had bias or conflict in favour of the developers in question. Subsequent information gained through a Freedom of Information Request indicated that the Mayor has had ongoing private communication with the developers of this project while matters that could serve to place them in an advantageous situation were before Council. This would appear to conflict with the spirit of the *Municipal Conflict of Interest Act*.
- 3) The Mayor disparaged residents in e-mails to the developer of the property in question, stating that we were “afraid of change”. Despite residents advising the Mayor of the offense caused by his remarks and requesting an apology, none has been forthcoming.

4) At the December 12, 2018 Planning Advisory Committee meeting, when asked whether private meetings had occurred between the Town and the property owners, the Mayor stated *"The conspiracy theories of the private meetings and the hidden meetings and all that stuff, I'll leave to the David Baldacci's of the world to create. No, that was never the intent. There's nothing secret going on here."*

A response to a Freedom of Information Request received on January 15, 2019 indicated that on November 20, 2018, the Mayor met privately with one of the property owners, contrary to the Mayor's statement 3 weeks later at a Planning Advisory Committee meeting. The nature of the communication was such that it was clear it is not the first time that the Mayor has met with these property owners privately.

The Mayor attended a social event hosted by the proponents on December 31, 2018, despite the fact that an issue which had the potential to benefit the proponents was currently under discussion and subject to vote by council. When asked to recuse himself twice because of the appearance of a conflict of interest, the Mayor refused.

During the months of November and December 2018, and January 2019 while continuing to meet with the proponents, the Mayor refused to meet with affected residents during the same time period. This demonstrates bias and a lack of impartiality, required from elected officials while considering matters before Council. This would appear to conflict with the intent of the *Municipal Conflict of Interest Act*.

5) A response to a Freedom of Information Request indicated that in late November of 2018, the Mayor communicated with the property owners using an alternate e-mail account despite a Town of Wolfville policy that states in part *"...electronic mail accounts are provided for the express purpose of communicating business related information..."* This appears to contravene Town of Wolfville policies and procedures.

6) The Mayor publicly stated at the Committee of the Whole meeting on January 8, 2019 that a particular resident who was articulating a view contrary to the Mayor's position that the resident *"...made up the truth."* This remark is highly offensive and disparaging and is inappropriate language to be used in a public meeting by an elected official.

7) The Mayor and Deputy Mayor unilaterally refused to delay consideration of the proposed changes despite a respectful request from residents that they be allowed to meet with Town representatives first. This would appear to conflict with the provisions of the *Municipal Government Act* and Town of Wolfville policies.

8) The Mayor actively sought to deny Councillor Donovan's attendance at meeting scheduled with local residents because Councillor Donovan has an opposing view to the Mayor on this issue.

9) The Mayor shouted at residents and brandished his gavel in a threatening manner at a Town Council meeting on February 4, 2019. This had the effect of intimidating residents and dissuading them from speaking against the Mayor's position.

10) The Town of Wolfville committed at the February 4, 2019 Council meeting and in writing to answer questions from residents. On February 11, 2019, they issued a Public Statement, effectively refusing to answer the questions, which were essential to residents' understanding of the issues.

11) At a Public Hearing on March 18, 2019, a relative of the Mayor spoke in favour of the changes to the LUB and MPS. The identity of this individual was made known AFTER she spoke, not prior, possibly in contravention of the *Municipal Conflict of Interest Act*.

12) A polite request was made at the Council meeting on March 19, 2019 to have councillors vote individually on a motion, with results recorded. The Mayor refused the request.

Summary and Action Requested

I have used all reasonable means to have my concerns addressed with the Town of Wolfville, and have received no response. I incurred significant costs in proceeding with a Judicial Review in this matter, only to have Council ignore the appeal process of the Nova Scotia Supreme Court and use amendments to the Municipal Planning Strategy and Land Use by-Law to overturn the Court's decision.

With respect to this particular matter, I do fall within the definition of "aggrieved person", because the changes to the MPS and LUB will "adversely affect the value or reasonable enjoyment of property occupied by the person."

While no one action or event may, in itself, justify intervention by the Province of Nova Scotia, over the past sixteen months with this particular issue, there has been a systemic pattern of the Town of Wolfville disregarding legislation and policies, showing bias toward one property owner over others, attempting to minimize public participation and comment, failing to rectify omissions and inaccuracies in reports used by Council to make decisions, failing to consider the ruling of the Supreme Court of Nova Scotia by way of Judicial Review in enforcing the land use by-law and abuse of established processes, and the Mayor acting in a manner that appears to demonstrate a conflict of interest.

In re-drafting the LUB and MPS to circumvent the results of the Judicial Review in this matter, the Town of Wolfville is effectively re-zoning a C-1 zoned site (with portions originally zoned R1-A) to a C-3 site which permits light manufacturing – adjacent to an established residential neighbourhood. This is completely contrary to the Town's Municipal Planning Strategy and has been a concerted attempt to reverse an interpretation of the Nova Scotia Supreme Court, which provides for its own appeal process. The amendments to the LUB and MPS passed on March 19, 2019 which allow accessory use production to be sold anywhere, will effectively permit manufacturing throughout the C-1 zone.

It also appears that the Town of Wolfville is using amendments to the MPS and LUB as a strategy to avoid litigation from the proponents of this specific development. Enacting amendments that have the potential to change the character of the town forever as a legal defense strategy is entirely inappropriate and a misuse of municipal authority.

I am seeking a review of the Town's actions, some of which I believe violate the *Municipal Government Act*, or, in the alternative, violate the spirit of the intent of the legislation.

I am asking that your office withhold approval of changes to the MPS and LUB on the grounds that the *Municipal Government Act* has been contravened and that the changes to the Land Use by-law are inconsistent with the Municipal Planning Strategy.

From: Joel Stoddart
Sent: April 1, 2019 1:42 PM
To: Town Council
Subject: Redefining Retirement program in the Annapolis Valley
Attachments: Redefining Retirement Webinar.png

Good afternoon Mayor Cantwell and Council,

My name is Joel Stoddart, and I am a facilitator and advisor at the Acadia Entrepreneurship Centre here on campus. I am reaching out to you to share some information about an exciting project I'm involved in called Redefining Retirement (www.redefiningretirement.ca), which is kicking off in the Annapolis Valley (Berwick) on Wednesday, May 1. Given the leadership role you all play here in Kings County, I am hoping you might consider sharing this information with the Town's contacts and constituents (via social media, email, newsletters, etc.)

In Brief: Redefining Retirement is a free, 5-part workshop series that helps older adults (typically 55+) answer the question: *what am I going to do when I retire?* In contrast to the many retirement programs that focus solely on finances, this program is about enabling older adults to determine how they will engage with their communities, deploy their skills, and connect with like-minded people once they 'retire'. The program originated from the observation that even though many people in their 60s, 70s, and 80s (and even 90s) are 'retired' in the traditional sense, they still have important social and economic contributions to make. This program helps participants live fully and purposefully in their later years, to the benefit of all.

The program is sponsored by the Nova Scotia Department of Seniors, and addresses key priorities set forth in the 2017 SHIFT report. It is facilitated by the Acadia Entrepreneurship Centre (www.acadiaecentre.com) and Third Sector Enhancement (www.thirdsectorenancement.com). This program was successfully piloted in 2018 in Yarmouth, Windsor, and St. Margaret's Bay, and is slowly helping us with our goal of re-shaping how society thinks about seniors and older adults (as a tremendous community asset, not a costly burden).

There is much more I would like to share, but I will end here. The attached file describes a 30-minute webinar on April 9, 10, 12 (which you can also register for here: <https://interceptum.com/s/en/RRWebinarRegistry>). The webinar will provide an overview of the program. I invite you to participate and share with people you believe may be interested.

Thank you in advance for your time and consideration. We have several other ready-made digital images and posters that can be shared via email and social media; please let me know if you would like me to send them along.

Sincerely,
Joel

Joel Stoddart

Business Counsellor, Consultant, and Trainer
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April 10, 2019

Letter to Mayor of Wolfville, Town Counsellors, Town of Wolfville, Keith Irving,
MLA Kings South

Highland Avenue

As of August, 2019, we will have lived at 73 (formerly 63) Highland Avenue for 40, yes, 40 years. In all that time the street has never been fully paved. Three years ago, when the paving was done up to Prospect, we were told the following year it would be paved as high up as Crowell Tower, the next year up to where the Town joins the Ridge Road just above the 101 overpass. Still waiting...now we are told it will be 2020. Gosh, but we do have some nice signage now, although you don't dare take your eye off the road to admire such said signs.

Representative of the RCMP, CJ's Taxi, EHS, Maritime Acadia Bus Line, people visiting from out of town, are often heard to say that Highland Avenue is a "third world" street. We would like to propose a name change for Highland, to Mogul Avenue. As well, we would like to suggest that the folks organizing Mud Creek Days consider this: have bikers, skateboarders, people in the back of trucks, drive up Highland Avenue, then back down again and see who can stay on longest. We will willingly offering a trophy. In the projected two years' time we could also envisage Highland being a huge tourist attraction for those wishing to dive into a cenote...And don't even think about the lawns that are dug up from the sidewalk snow cleaner. Just adds to the general ambiance of the street.

Speaking of streets, what a joke to see an orange pylon on Main Street where a dusting of gravel was on the road! Child's play. If pylons were put on Highland Avenue for every pot hole, every catch basin which has sunk to oblivion, it would require a herculean effort to drive up the street!

Ah, what's in a torn up street anyway when there are derelict houses there? Three, or is it four now? Rat infested, germ ridden, worn torn, desolate, abandoned, sad houses of little hope whose only reprieve would be total demolition.

And, speaking of houses, anyone interested in attending a party with two or three hundred raucous, disrespectful students who think your lawn is their urinal, your property is a collection basin for empty beer cans, and your personal property is

simply a throughway to the best event in town? If I were to rent the Market for an evening, it would be, according to Town regulations, imperative that I have suitable port-a-potties, a liquor license, security, and a time line on the evening's events. Why waste your money when you can easily charge to have underage folks pay coverage for kegs of beer, glasses of wine, use the neighbor's lots as urinals, and simply leave all your garbage behind for someone else to collect on the very sorry street the following day. Yes, you say, but think of the revenue you can collect from all those throwaways!

Oh, and what fun for the partygoers to walk/stagger/crawl down that same street and utter profanities at the private property owners who are out trying to protect what they so generously pay taxes to the town for! Bring in the RCMP, who in their wisdom, simply say, "It's only a party..." Meanwhile a video is being taped of someone urinating behind said RCMP vehicle, and yes, there is proof of that.

The wonderful display of intellectual prowess that Acadia seems to draw has now led to two families moving away from Highland Avenue and two more families strongly considering it. But, I ask you, who wouldn't want their child to learn at very early age how to hurl obscenities at older people, litter lawns, and be able to form their first words with the "f" bomb.

Apple Blossom is quickly coming along and it will once again be an opportunity for throngs of folks to come to Wolfville, decorate the roofs of houses with people, litter lawns, block roads, and hurl profanities up and down Highland Avenue. But, surely the new pub will be open on Main Street, only one more of nine, or is it ten now, places to consume liquor meanwhile if you want to buy needle and thread you have to go to New Minas.

Counsellors: we need to be more proactive! Let us share your street address with the party revelers so these can be evenly spread throughout town. Let us have the names and phone numbers of the landlords so we can invite them to part of the events their tenants' host. Who doesn't love being invited to a party? And think of all the new friends you/they will meet! Now, mind you, a "Social Planning Guide" has to be fully completed, or not. But, here's the upside: for those who fail to comply with the guidelines in the said brochure, wouldn't that be an opportunity to use the fines incurred to repave Highland Avenue?

Jane Lutes