

**PORT HAWKESBURY TOWN COUNCIL  
PUBLIC MEETING**

**Minutes of Meeting  
October 4, 2016**

**Present**

Mayor, Billy Joe MacLean  
Deputy Mayor, Bert Lewis  
Councilor, Trevor Boudreau  
Councilor, Brenda Chisholm-Beaton  
Councilor, Joe Janega  
Chief Administrative Officer, Maris Freimanis  
Director of Finance, Erin MacEachen  
Director Marketing, Recreation, Tourism & Culture, Paula Davis  
Town Solicitor, Larry Evans

**Guests**

Tom Gunn and Diana Poirier – ROC Society

**1. Call to Order**

A Public Meeting of the Port Hawkesbury Town Council was held in Shannon Studio, PHCC, Tuesday, October 4, 2016 and called to order by Mayor MacLean at 7:00 p.m.

**2. Gallery Presentations**

a) ROC Society – Tom Gunn and Diana Poirier

On behalf of Council, Mayor MacLean thanked Tom Gunn and Diana Poirier for their contributions to the ROC Society. He stated the ROC Society has been a great asset to the Town for almost 75 years. Mr. Gunn and Ms. Poirier's presentation included the ROC Society's promotion of unity and the expansion of vocational services to provide more employment opportunities. There are challenges with the shortage of care givers, and families are left with few options. Currently, there is a waitlist with more than 700 people across Nova Scotia needing assistance.

b) Vending By-Law – Second Reading

i. Council Question Period

Councilor B. Chisholm-Beaton declared a conflict of interest and vacated her seat. Councilor T. Boudreau requested clarification on the purpose of permits noting they are not meant to be considered as a tax or to penalize vendors. Mayor MacLean stated that the increase in fees is to protect the rights of business owners as well as residents. Town Solicitor L. Evans stated that the MGA is the legal authority for the Town. It can prohibit and provide terms of the by-law beyond fees or term lengths. CAO M. Freimanis provided an overview of the proposed by-law which involved a formation of a committee to review the current Licenses and Permits By-Law, those in other municipalities, and to provide clarity on the regulations and processes to operate mobile canteens, stands, peddle carts, flea markets, yard sales, permit fees, and vending in general. Deputy Mayor B. Lewis and Councilor J. Janega indicated that the increase in vendor fees was fair and equitable in consideration of the taxes of Port Hawkesbury business owners.

ii. Call for opposing presentations

The following individuals addressed Council:

- Peter Bushman

Mr. Bushman inquired about the Town's go forward plan with vending and the future young people will have with vending. He appreciated that the Town has to make money but objected to the leap in fees. He would like more events brought into the Town.

- **Jonathon Osmond**  
Mr. Osmond believed the Mayor was in a conflict of interest. He promotes small businesses, supports Capt'n Kenny's Fresh and commended his contributions to the community. The proposed permit fee increase will not protect small business owners. He added that Council does not have the right to tell patrons where to eat. He urged Council to defeat the motion.
  - **Taralee Wood**  
Ms. Wood understood that safety measures must be put in place regarding flea market locations but there should not be fees. She stated vendors like Capt'n Kenny's Fresh only operate one or two days per week and do not require the same services as business owners that operate year round which made the proposed permit fee increase unreasonable.
  - **Ken and Arnaly Shasky (Capt'n Kenny's Fresh)**  
Ken and Arnaly Shasky opposed the proposed increase in fees noting not all municipalities were reevaluating their by-laws as suggested. Should the by-law be approved, he will have to introduce a tax to patrons to offset the increased permit fee. He pays for his membership to Taste of NS, pays \$60 per day to the Holy Trinity Anglican Church for vending on their premises, and sells to many tourists and residents within the community. Mr. Shasky provided nationwide examples of current vending permit fees on a per capita basis noting a conflict when it came to the proposed fees for Port Hawkesbury. Arnaly Shasky noted there are not enough small businesses in the Town. Small business should be encouraged and will create more business, more opportunities and more revenue for the Town.
  - **Anne Rokel**  
Ms. Rokel requested clarification on the Mayor's explanation of percentages for the proposed increase. She stated the Town needs to be more inviting and promote more local small food establishments. The Town is missing out on opportunities for other vendors to operate because of the proposed increase to fees. She suggested having the PHCC parking lot serve as a flea market area.
  - **Ron Train**  
Mr. Train was a supporter of Capt'n Kenny's Fresh and objected to the increase in fees. He believed the Mayor was in a conflict of interest. He inquired how best to control the location and amount of vendors at flea markets. He added that the water front should be promoted.
  - **Danny Pelrine**  
Mr. Pelrine requested clarification on the fees for occasional permits. He was not opposed to a fee but objected to the leap in fees which he saw as hindering new operations of young vendors and new vendors.
  - **Kim MacDonald**  
Ms. MacDonald stated the flea markets at Embree Island posed a serious safety issue. She was in agreement with an increase in fees but saw the proposed increase as pushing out friendly competition. She stated people should have a choice in where they want to eat.
- iii. Call for presentations in favor  
There were no presentations in favor.

CAO M. Freimanis asked Council to deliberate on a) the Second Reading of the Vending By-law as presented; b) the Second Reading of the Vending By-law with modifications; or, c) Tabling the Second Reading of the Vending By-law for further consideration.

**MOVED by Deputy Mayor B. Lewis and SECONDED by Councilor J. Janega “to approve the Second Reading of the Vending By-Law”.**

Councilor T. Boudreau saw merit in discussing and reevaluating this issue and was open to tabling the Second Reading. Councilor J. Janega saw this matter as a Town issue that was not meant to penalize small businesses and wanted to hear from more business owners.

**Motion to Table by Councilor T. Boudreau. Two nays were recorded from Deputy Mayor B. Lewis and Councilor J. Janega. MOTION DEFEATED.**

Council returned to the main motion.

**MOVED by Deputy Mayor B. Lewis and SECONDED by Councilor J. Janega “to approve the Second Reading of the Vending By-Law”. MOTION CARRIED. One nay was recorded from Councilor T. Boudreau.**

**3. Additions to / Approval of Agenda**

There were no additions to the agenda.

**4. Minutes**

Public Meeting, June 7, 2016

There were no errors or omissions.

**5. Business Arising from the Minutes**

There was no business arising from the minutes.

**6. Proclamations**

National Teen Driver Safety Week – October 16-22, 2016

**MOVED by Councilor J. Janega and SECONDED by Councilor T. Boudreau “to proclaim October 16-22, 2016 National Teen Driver Safety Week in Port Hawkesbury”. MOTION CARRIED.**

**7. Correspondence**

There was no correspondence.

**8. Resolutions**

There were no resolutions.

**9. Other Business**

a) Ratification – 2015-2016 Financial Statements

E. MacEachen stated that there was an increase to the Town’s reserve levels allowing for the rehabilitation to underground infrastructure to Napean St. and Pitt St. Debt levels are expected to continue to decline with no expectation to take on any new debt. Mayor MacLean commended E. MacEachen and thanked Council and Staff for their work on the 2015-2016 financials.

**MOVED by Deputy Mayor B. Lewis and SECONDED by Councilor T. Boudreau “to approve the 2015-2016 Financial Statements as presented to Council at the Audit Committee Meeting, October 4, 2016”. MOTION CARRIED.**

b) Sewer Odour – Embree Island

Deputy Mayor B. Lewis received calls from residents again this year regarding a sewer odour emanating from near the Treatment Plant. CAO M. Freimanis stated a low flow was observed sitting in a wet well. A procedure will be instituted during times of low flow and the box screen will be monitored. A last resort would be the injection of water. Councilor J. Janega believed it was a venting issue and suggested contacting CBCL, the original designers.

c) Low Income Tax Exemption Policy

**MOVED by Councilor T. Boudreau and SECONDED by Councilor J. Janega “to approve an amendment to the current Low Income Tax Exemption to increase the threshold from \$23,000 to \$24,000”. MOTION CARRIED.**

d) Mayor and Council Stipends – Payment Schedule

The current practice is to pay the annual Council stipends in advance. Mayor MacLean asked Council to consider stipend payment on a monthly basis. Councilor T. Boudreau suggested it would be more appropriate for the incoming Council to discuss this item. Councilor J. Janega had no objection to monthly payments. E. MacEachen stated the practice of a monthly payment is more acceptable.

**MOVED by Councilor J. Janega and SECONDED by Deputy Mayor B. Lewis “to approve monthly payments of Council stipends”. MOTION CARRIED.**

e) Swearing In Ceremony – Tuesday, November 1, 2016

The Swearing In of the 2016-2020 Port Hawkesbury Town Council will take place Tuesday, November 1 at 7:00 p.m. in Shannon Studio. An agenda will be provided in the coming weeks.

f) Expense Reports – Mayor and CAO (August and September)

The total expenses incurred by the Town for the Mayor and CAO for the month of August were \$1,707.36. The total expenses incurred by the Town for the Mayor and CAO for the month of September were \$1,223.05. Details of these expenses can be found on the Town website.

**10. Approved Additions**

There were no approved additions.

Mayor MacLean, and on behalf of his family, thanked Council, Staff and L. Evans for their contributions and efforts these past four years.

**The Public Meeting recessed In Camera at 9:00 p.m. to discuss Provincial Lands – Site of the Former Canso Regional Vocational School.**

The Public Meeting reconvened at 9:20 p.m.

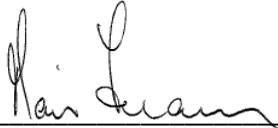
**MOVED** by Councilor B. Chisholm-Beaton and **SECONDED** by Councilor J. Janega “to approve the agreement with the Province as outlined in the September 29, 2016 memo from CAO M. Freimanis”.  
**MOTION CARRIED.**

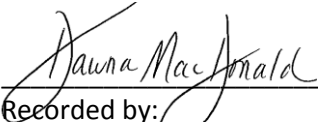
**11. Adjournment**

**MOVED** by Councilor T. Boudreau and **SECONDED** by Councilor J. Janega “to adjourn the Public Meeting at 9:20 p.m.” **MOTION CARRIED.**

October 24, 2016

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Date

  
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Approved by:  
Maris Freimanis, P.Eng.  
Chief Administrative Officer

  
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Recorded by:  
Dawna MacDonald