

COUNCIL MEETING MINUTES

TUESDAY, APRIL 14, 2020 AT 2:00 P.M. – 4:00 P.M.

VIA AUDIO/VIDEO CONFERENCE

PRESENT: Mayor Rachel Bailey
Deputy Mayor John McGee
Councillor Ronnie Bachman
Councillor Peter Mosher
Councillor Matt Risser

ALSO PRESENT: Patrick Burke, Q.C., Town Solicitor
Lisa Dagley, CPA, CGA, Finance Director
Heather McCallum, Assistant Municipal Clerk
Kathleen Rafuse, Accountant
Bea Renton, Chief Administrative Officer
Ian Tillard, Town Engineer Consultant

ABSENT: Councillor Joseph Carnevale
Councillor Danny Croft

The Mayor called the meeting to order at 2:00 p.m. She welcomed all those participating in the Town's first live stream video conference including members of Council, staff and public. The Province has mandated that all municipalities meet by video and/or audio conference call as opposed to meeting in person due to the Provincial state of emergency during the COVID-19 pandemic. Appreciation was expressed for the work of Town Council, staff, community health care and other essential workers to ensure ongoing community operations during this unprecedented time.

Her Worship further noted that unrelated to COVID-19, many valued members of the Town and area have sadly passed in recent days including: former Town Councillor Barbara Zwicker; Harold Pearse, Lunenburg Folk Harbour Festival President; Audrey Covey; Elvin Falkenham; Betty Bush; Joy Tibbo; and others.

1. Agenda

Motion: moved by Councillor Risser, seconded by Deputy Mayor McGee to approve the agenda. Motion carried.

2. March 10 and 31, 2020 Council meeting minutes

Motion: moved by Councillor Mosher, seconded by Councillor Bachman to approve the March 10 and 31, 2020 minutes as circulated. Motion carried.

3. Public Hearings and Presentations

Nil.

4. Correspondence

The following items of correspondence were noted for information.

- a. Accessibility Planning Toolkit for Municipalities – Ministers of Justice and Municipal Affairs
- b. Letter from the Town of Mahone Bay to Mayor Bailey enclosing a copy of their 100th Anniversary memorial book and commemorative stamp

Congratulations were offered to the Town of Mahone Bay for the successful conclusion of their 100th anniversary celebrations and these commemorative projects.

5. Committee Meeting Minutes and Recommendations

The following minutes were previously circulated to Council for information only.

- a. Project Lunenburg Steering Team meeting minutes March 11, 2020 and April 8, 2020
- b. Waste Reduction Strategy Working Group meeting notes March 5, 2020
- c. Joint Occupational Health and Safety meeting minutes of March 5, 2020
- d. Lunenburg War Memorial Community Centre Committee meeting minutes March 11, 2020

It was agreed to defer consideration of the two recommendations regarding proposed 2020/21 recreation fees and budgets in view of revised budget projections due to COVID-19 financial impacts.

- e. Protective Services Committee meeting minutes March 12, 2020

The 2020/21 draft budget approval recommendation was also deferred for the same reasons as noted above.

- f. Lunenburg Academy Foundation meeting minutes 2019/2020

6. Unfinished Business

- a. Corporate Services
 - i. Draft revised Town 2020/21 budget operating and capital budget review

The FD provided Council with an overview of this report (Schedule "A").

Motion: moved by Deputy Mayor McGee, seconded by Councillor Risser that interim property tax bills be issued on and due May 1, 2020 with an interest deferral period to June 30, 2020 for fiscal 2020/21 due to the COVID-19 pandemic. Motion carried.

Motion: moved by Deputy Mayor McGee, seconded by Councillor Bachman that interest on overdue property taxes be changed to 1.5% per month effective June 30, 2020 and henceforth by Policy amendment. Motion carried.

Motion: moved by Councillor Mosher, seconded by Councillor Risser that the Town's Low Income Property Tax Relief Policy #71 regarding property tax relief be revised to annually increase the current income qualification levels by the prior year's annual NS Consumer Price Index percentage effective immediately. Motion carried.

Motion: moved by Councillor Mosher, seconded by Councillor Risser to waive the requirement to file an affidavit in support of a Low Income property Tax Relief application in fiscal 2020/21 only. Motion carried.

Motion: moved by Councillor Risser, seconded by Deputy Mayor McGee that the Water and Electric Utilities waive overdue interest charges for bill payments for the months of April and May 2020 and seek NSUARB approval for same. Motion carried.

Staff were asked to draft notices of motion to effect the two above noted Policy amendments for consideration by Council.

The FD advised that given the current state of financial affairs related to COVID-19 impact Town Managers have been directed to expend budget monies based on essential service delivery only until the Town budget is approved.

Motion: moved by Councillor Bachman, seconded by Councillor Mosher that 2020/21 Water Utility Capital budget items for road improvements to the intake house be approved in the amount of \$10,000. (Schedule "A"). Motion carried.

Motion: moved by Councillor Bachman, seconded by Councillor Risser that 2020/21 Water Utility Capital budget items for pump house repairs in the amount of \$4000 be approved (Schedule "A"). Motion carried.

ii. 2019/20 Town budget variance to February 29, 2020

This document was received for information (Schedule "B") indicating that Town's finances are within budget year to date.

iii. Municipal Election 2020

- Town use of Provincial List of Electors
- Execution of Provincial Information Sharing Agreement
- Appointment of Assistant Returning Officers – Bea Renton, CAO and Heather McCallum, Assistant Municipal Clerk

Motion: moved by Councillor Bachman, seconded by Councillor Mosher that:

BE IT RESOLVED THAT pursuant to section 4 (I) (A) of the Municipal Elections Act that Bea Renton and Heather McCallum be appointed as Assistant Returning Officers for the Town of Lunenburg. Motion carried.

Motion: moved by Councillor Risser, seconded by Councillor Bachman that:

WHEREAS section 30 (I) of the Municipal Elections Act provides that:

"30 (I) By the fifteenth day of April in a regular election year, the council may, by resolution, provide that the returning officer conduct an enumeration;

- (a) use the lists of electors used in the most recent federal or provincial election, or in an election held pursuant to this Act; or
- (b) use any permanent register of electors established and maintained for in a federal or provincial election,

as the basis for the preliminary list of electors for all or part of the municipality."

NOW THEREFORE BE IT RESOLVED THAT the Town of Lunenburg shall use the permanent register of electors established and maintained for use in a federal or provincial election (referred to by the Chief Electoral Officer of Nova Scotia as the Provincial List of Electors) for the purposes of the 2020 Municipal Election. Motion carried.

Motion: moved by Councillor Risser, seconded by Councillor Bachman that:

WHEREAS a municipality choosing to use the Provincial List of Electors for the municipal preliminary List of Electors in any upcoming general or special municipal election must first enter into an agreement with the Chief Electoral Officer that sets out the conditions for sharing information and data with the municipality, maintaining the security and privacy of personal information contained therein, and the methodology and timing for providing back to Elections Nova Scotia (ENS) all changes and additions to the municipal final list of electors.

BE IT RESOLVED that the Town shall enter into the Information Sharing Agreement with Her Majesty The Queen in right of the Province of Nova Scotia as represented by the Chief Electoral Officer of Nova Scotia, a copy of which is attached hereto as "ISA", and Bea Renton, the Chief Administrative Officer, is authorized to execute the document on behalf of the Town. Motion carried

iv. Cermaq salmon farming in Lunenburg and area coastal waters

The Mayor advised that Cermaq recently announced they are no longer pursuing this license application. It was therefore agreed to withdraw this item from the agenda.

3:04 p.m. – Council held a recess and reconvened at 3:10 p.m. Council agreed to proceed to agenda item #6 b. i. next and defer consideration of the agenda items as time permits.

b. Public Works

i. Proposed award of Wastewater Treatment aeration tank upgrades

The Town Engineer presented the report (**Schedule "C"**) to Council. He advised that this project is complimentary to options 1 and 2 in the CBCL Wastewater Treatment Plant upgrades proposals. He will be preparing an additional report regarding these options for consideration at the April 28 Council meeting.

Motion: moved by Deputy Mayor McGee, seconded by Councillor Bachman to approve the award of a construction tender for the replacement of the pipework and the installation of the pre-purchased aerators to Western Plumbing & Heating Limited in the amount of \$237,000 plus HST. And further, approval is given for a budget increase to the WWTP – Aeration Upgrade Project from \$200,000 to \$388,000 including net HST with funding of \$200,000 from Gas Tax and \$188,000 in a capital borrowing (Schedule "C"). Motion carried.

Council agreed to deal with agenda item #7. a. ii. next.

7. New Business

a. Corporate Services

ii. Next public Council meeting dates

Tuesdays at 2:00 p.m. on:

- April 28 to consider the draft 2020/21 Town budget
- May 5 for the ABCO public hearing planning amendment application
- May 12 for Council to consider these submissions and potentially decide
- May 19 for the Amero public hearing planning amendment application
- May 26 for Council to consider these submissions and potentially decide

Council agreed to this meeting schedule.

8. Consideration of any Council in camera meeting recommendation

Proposed award of Town insurance contract tender to Gallagher/Frank Cowan exceeding staff authorization level of \$100,000

Motion: moved by Councillor Mosher, seconded by Councillor Risser that Town Council award the Town insurance contract to Arthur J. Gallagher Canada Limited in the approximate amount of \$149,547 plus HST with the final amount and coverage levels to be finalized by Town staff.

In response to a question it was noted that it is anticipated there will be insurance premium cost savings to be allocated amongst Departments and Utilities. The exact amount will not be known until coverage gaps are identified and coverage put in place as affordable.

The motion was put and passed.

Council agreed deal with agenda item # 7 a. i. next.

7. New Business

a. Corporate Services

i. Planning Advisory Committee resignation of Dr. Will Brooks

Motion: moved by Councillor Risser, seconded by Councillor Mosher to send a letter of appreciation to Dr. Brooks for his PAC service. And further, Council will advertize for a PAC citizen applicant. Motion carried.

Council considered agenda item #6. b. ii. next.

6. Unfinished Business

b. Public Works

ii. Falkland Street/Victoria Road crosswalk information

Motion: moved by Councillor Mosher, seconded by Councillor Risser that no further action be taken at this time regarding the Falkland Street/Victoria Road crosswalk (Schedule "D"). Motion carried.

iii. Tannery Road sidewalk project

Council discussed the staff report (Schedule "E") and expressed concern regarding the recommendation to engage a Traffic Engineer to advise on traffic calming options instead of proceeding with the sidewalk project with the constraints noted.

Motion: moved by Councillor Mosher, seconded by Deputy Mayor McGee to cancel the existing planned project for the Tannery Road sidewalk and instruct Town staff to develop an alternate plan of traffic calming to be presented to Council at a future date (Schedule "E"). Motion unanimously defeated.

It was agreed to defer this agenda item to the next meeting on April 28 for further consideration.

Council addressed agenda item #6. a. v. next.

6. Unfinished Business

a. Corporate Services

v. Notice of proposed Provincial amendments to the NS Building Code Regulations regarding public accessible washrooms in restaurants

Council discussed the proposed Provincial amendments (Schedule "F").

Motion: moved by Councillor Bachman, seconded by Councillor Mosher that staff provide a report to Council outlining the impact proposed amendments to the NS Building Code

Regulations (Schedule "F") will have on the Town of Lunenburg and where the Town stands in this process. Motion carried.

- vi. LDFD requested expense claim Policies amendments to allow variances from pre-set kilometres limits – LDFD is in agreement with same and at the January 16 Council meeting it was agreed that confirmed Councillor Mosher would give notice of motion of these proposed Policy amendments for approval at the next Council meeting

Deferred by agreement to the April 28 Council meeting due to time constraints.

9. Motion to recess and resume the meeting in camera on April 21 at 2:00 p.m. and rise and report any recommendations at the April 28 public Council meeting – consideration of Town land leases and sales and contract negotiations pursuant to section 22, Municipal Government Act

Motion: moved by Councillor Risser, seconded by Councillor Mosher to recess and resume the meeting in camera on April 21 at 2:00 p.m. and rise and report any recommendations at the April 28 public Council meeting. Motion carried.

Council recessed at 4:03 p.m.

Bea Renton, CAO

Document No:
Meeting:
Circulate: Council, BR, LD, KR
File: Budget 2020/21

MEMORANDUM

TO: TOWN COUNCIL

FROM: LISA DAGLEY, CPA, CGA, FINANCE DIRECTOR

DATE: APRIL 7, 2020

RE: DRAFT 2020/21 BUDGET AND COVID-19 PANDEMIC

1. FACTS

A lot has changed since we last reviewed the Draft 2020/21 Operating and Capital Budgets at Council on March 10, 2020. The COVID-19 crisis has expanded across the country and the Province of Nova Scotia has been under a State of Emergency since March 22nd. As such, all Town Managers are reviewing their Draft 2020/21 Departmental Budgets to determine what impact COVID-19 may have on the 2020/21 Budget. Once this has been completed a revised Draft 2020/21 Budget will be brought forward for Council's review and consideration. Obviously this impacts the 2020/21 Budget schedule and approval together with re-scheduling of the March 24th Public Presentation should Council wish to still proceed with same.

2. ISSUES AND OPTIONS ANALYSIS

Under the MGA municipalities have the authority to set the due date for taxes and establish interest rates to charge on overdue accounts. They also have the authority to establish low-income tax relief programs, including the deferral of taxes for low income individuals. Municipalities do not have the authority to defer taxes for business under the MGA. The NSF/AMANS is looking to develop a province wide tax deferral program that all municipalities would follow to ensure a program that is equitable for all Nova Scotians however details have yet to be released and taxpayers are seeking some immediate relief measures. Locally both MODC and MODL have provided interest free periods and extended due dates.

The Town issues Interim Tax bills under Policy #66 (copy attached). Per Policy #66 the Interim bills for 2020/21 are to be issued and due May 1, interest is applied on May 31 if they remain unpaid.

Options:

1. Issue Interim bills on May 1 and not change the due date.

2. Issue Interim bills on May 1 and either change the due date or interest application. If interest was deferred to June 30th the estimated cost would be approximately \$16,000.
3. Issue Interim bills on May 1 and have an application for interest relief. This option places a high administrative burden on Finance staff and therefore is not recommended.

Recommendation: Issue Interim bills on and due May 1st, approve an interest deferral period to June 30th.

Per Policy #66 the interest on overdue taxes is currently 2% per month. Staff have completed a survey across the province including all neighbouring municipal units (chart attached)

Options:

1. Keep interest rate same.
2. Lower interest rate, either
 - a. permanently (based on previous collection history it is estimated to reduce interest on taxes revenue by \$20,000/yr.), or
 - b. for a limited time frame

Recommendation: Interest on overdue taxes be changed to 1.5% per month, effective June 30, 2020.

Income levels for the Low Income Exemptions included in the Draft 2020/21 budget have CPI adjustments. The Town's Low Income Policy #71 (attached – with changes noted). As per policy applications will be received until September 30, 2020 and the requirement of an affidavit on the application to a Commissioners of Oaths should be waived for fiscal 2020/21 due to physical distancing requirements.

Options:

1. Update Policy #71 to incorporate Draft 2020-21 budget changes and to reflect an annual CPI adjustment. The cost of same should not impact budgeted amounts.
2. Do not make any changes to Policy #71
3. Should Council wish to make additional changes to Policy #71 due to COVID-19 staff would require time to determine the budgetary impact.

Recommendation: Update Policy #71 to increase income levels for Low Income Exemptions by CPI adjustments.

Interest has been waived for the month of April for both the Water and Electric Utility. The impact to the Water Utility is approximately \$500 and the impact to the Electric Utility is approximately \$3,000.

Recommendation: To also waive interest for the month of May and seek NSUARB approval for same.

Until such time as the 2020/21 Budget is approved, staff will be reminded that they are only to expend those funds that are necessary to provide essential municipal services due to the impact of COVID-19.

3. FINANCIAL IMPACT

As noted above.

4. STRATEGIC PLAN RELEVANCE

5) Operate the Town efficiently and effectively by:
C. Developing and updating Town bylaws, policies, procedures and plans.

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

- 1. That Interim bills be issued on and due May 1st and approve an interest deferral period to June 30th. That Interest on overdue taxes be changed to 1.5% per month, effective June 30, 2020.***
- 2. Update Policy #71 to increase income levels for Low Income Exemptions by CPI adjustments.***
- 3. That the Water and Electric Utilities waive over-due interest charges for the month of April and May and seek NSUARB approval for same.***

Acknowledged only by:

Bea Renton
CAO

#66. TOWN OF LUNENBURG PROCEDURAL POLICY:

INTERIM & FINAL TAX BILLING; INTEREST ON ASSESSMENT APPEAL REDUCTIONS; AND TAX COLLECTION/TAX SALE POLICY AS IT RELATES TO REAL PROPERTY

I. PURPOSE

This Policy responds to the requirements of Part VI of the Municipal Government Act as it relates to tax collection. It provides direction for dealing with properties with tax arrears and subject to tax sale proceedings. It sets by policy, interest rates on overdue taxes. It also prescribes dates and methods for interim and final tax billings.

II. POLICY PROCEDURE

1. Interest Rates on Overdue Taxes

The interest rate charged for non-payment of taxes when due is set at 2% per month for each full month that payment is in arrears. Interest is calculated on outstanding principal amounts at the end of each month, not compounded.

2. Interim Tax Billing

Interim tax bills are issued in April of each year. Billings are based on 50% of the current property assessment multiplied by the previous year's tax rate with a due date of May 1. Interest will be charged on the unpaid interim taxes after that date as provided in paragraph 1 hereof.

3. Final Tax Billing

Final tax bills are issued in August of each year with a due date of September 1. Billings are based on the balance of the property taxes owing after the current year's tax rate is set. Interest will be charged on the unpaid final taxes after that date as provided in paragraph 1 hereof.

4. Interest on Assessment Appeal Reductions

If after final tax bills are issued and paid an assessment appeal court reduces the assessment, resulting in a credit on the account, the account shall also be credited with interest at the Town's banker's prime interest rate less 2% calculated daily, not compounded from the latter of the due date or date payment was made. This overpayment, including interest, will be refunded to the customer.

5. Tax Collection and Tax Sale Policy

Tax sale procedures should commence in November of each year. All properties that have taxes outstanding for three years will be subject to tax sale. The following process shall be followed:

- (1) November 1st - letter sent to all accounts outstanding for the prior fiscal year (one and two years in arrears) advising them that tax sale proceedings will be commenced in the future if satisfactory arrangements are not made for the payment of the account;
- (2) December 1st - list prepared in accordance with Section 137 of the Municipal Government Act and certified by the Treasurer;
- (3) Following preparation of the tax sale list (#2 above), a "preliminary notice" is sent to those properties on the list giving them thirty (30) days to make acceptable payment arrangements; and
- (4) Tax sale proceedings will commence on all properties who fail to make payment or acceptable payment arrangements. Tax sale procedures will then continue as required under the Municipal Government Act Section 139 and sections following as they relate to tax sales.

Revised: November 27, 2012

Town of Lunenburg Procedural Policy # 71.
Low Income Property Tax Relief

1. This Policy is established pursuant to Section 69 of the Municipal Government Act and amendments thereto from time to time.
2. In this policy, "income" means a person's total annual income from all sources for the calendar year preceding the fiscal year for which an exemption is sought, and includes the income of all other members of the same family residing in the same household including all other pension or allowances. An allowance paid pursuant to the War Veterans Allowance Act (Canada) or pension paid pursuant to the Pension Act (Canada) is not included in this calculation of income.
3. On application a person whose total annual household income is below the amount set out in the following table is entitled to a partial property tax in the amount set out in the right hand column.

<u>Total Annual Household Income</u>	<u>Annual Property Tax Relief*</u>
\$18,000. \$19,123. or less	\$500.00
\$18,001. to \$19,000. \$19,124. to \$20,185.	\$400.00
\$19,001. to \$20,000. \$20,186. to \$21,247.	\$300.00
\$20,001. to \$21,000. \$21,248. to \$22,310.	\$200.00
over \$21,000. \$22,310.	NIL

The amounts set forth in this table may be amended by motion of Town Council from time to time. (*Revised by motion of Council June 17, 2010.)

4. A person applying for an exemption must file an application, provide proof of income including, but not limited to all applicable current income tax returns and swear an affidavit confirming household income and other relevant information. This application may be amended by Town staff and/or Council as required.
5. Property tax relief applies only to the principal residence of Town of Lunenburg residents. No person may receive property tax relief for more than one property in any fiscal year.
6. Where a property is assessed to more than one person, each assessed owner who qualifies for property tax relief may only receive the portion of the exemption equal to that person's share of the total assessment for the property. Their share will be to be determined from the share shown on the assessment roll. If their share is not shown, it shall be determined by the Treasurer whose determination is final.
7. Applications for property tax relief must be received by September 30 of each year, after which no applications will be considered.

Clerk's Annotation For Official Policy Book

**Date of Notice to Council Members of Intent to Consider
[7 days minimum]:** _____

Date of Passage of Current Policy: January 12, 2010

I certify that this Policy was adopted by Council as indicated
above.

Revised: June 17, 2010, Section #3. Annual Property Tax Relief
by Council motion.

Peter J. Haughn
Deputy Clerk

January 15, 2010
Date

Water Utility - 2020-21 Draft Capital Budget Funding

Project	Budget Cost	Funding	Source
New Services	\$7,000	\$7,000	Depreciation Funds
Replacement Hydrants	\$10,000	\$10,000	Depreciation Funds
Replacement Meters	\$5,000	\$5,000	Depreciation Funds
Cost Share on Water System Survey & GIS Development (includes all underground infrastructure)	\$40,000	\$40,000	Reduced roll out, \$40,000 budgeted for fiscal 20-21 with 100% funding from the Water Utility Depreciation Funds.
Chlorinator	\$70,000	\$70,000	Depreciation Funds
Road Improvement - Intake House ** Requesting pre-approval April 14, 2020	\$10,000	\$10,000	Depreciation Funds
Pump House - Dares Lake Interior Steel Repair/Gutters ** Requesting pre-approval April 14, 2020	\$4,000	\$4,000	Depreciation Funds
WTP - Paint and Reseal 2 Roof Vents	\$5,000	\$5,000	Depreciation Funds
Geotechnical Investigation (Dam/Spillway)	\$15,000	\$15,000	Depreciation Funds
Downstream channel assessment, hydrologic/hydraulic modelling, field surveys	\$17,500	\$17,500	Depreciation Funds
Design of Dam and downstream channel rehabilitation, approvals	\$30,000	\$30,000	Depreciation Funds
Half Ton Trucks (2)	\$50,000	\$50,000	Depreciation Funds
	\$263,500	\$263,500	
Water Utility Capital Funding Summary			
Depreciation Funds	\$263,500		
	\$263,500		

TOWN OF LUNENBURG 10 YEAR CAPITAL BUDGET - WATER UTILITY											
DESCRIPTION	Priority	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30
LAND PURCHASE		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GENERAL											
New Services	1	\$7,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Replacement Hydrants	1	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Replacement Meters	1	\$5,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
		\$22,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
DISTRIBUTION MAINS											
Cost Share on Water System Survey & GIS Development (includes all underground infrastructure)		\$40,000									
Broad-Falkland to MacDonald									\$420,000		
Cumberland-Kempt to Blockhouse Hill					\$180,000						
Kaulbach-Bluenose to Lawrence											
McDonald-Green to Brook			\$255,000								
Kempt-Lincoln to Lawrence				\$400,000							
Kempt-Lincoln to Lawrence (design & tender documents)			\$50,000								
Masons Beach (Topmast to 1000' west)								\$480,000			
Montague-Rum Row to Shipyard							\$630,000				
Pelham-Kaulbach to Duke						\$330,000					
		\$40,000	\$305,000	\$400,000	\$180,000	\$330,000	\$630,000	\$480,000	\$420,000	\$0	\$0
BUILDING IMPROVEMENTS											
Chlorinator	1	\$70,000									
Road Improvement -Intake House ** <i>Requesting pre-approval April 14, 2020</i>	1	\$10,000									
Pump House - Dares Lake-Interior Steel Repair/Gutters ** <i>Requesting pre-approval April 14, 2020</i>	1	\$4,000	\$18,000								
WTP -Paint and Reseal 2 Roof Vents	1	\$5,000									
Dam Safety Inspection	1	\$12,000							\$12,000		
Geotechnical Investigation (Dam/Spillway)		\$15,000									
Downstream channel assessment, hydrologic/hydraulic modelling, field surveys		\$17,500									
Design of Dam and downstream channel rehabilitation, approvals		\$30,000									
Repair Spillway Dares Lake	1	\$150,000	\$275,000								
		\$151,500	\$293,000	\$0	\$0	\$0	\$0	\$0	\$12,000	\$0	\$0
FURNITURE AND EQUIPMENT											
Chlorine Detectors				\$6,000							
Diesel Fuel Tank											
Half Ton Trucks (2) - used	1	\$50,000									
Membrane Replacement			\$154,300	\$154,300							
Pump #1 (small)			\$10,000								
Pump #2 (medium)				\$12,000							
Pump #3 (large)					\$14,000						
Pneumatic Cleaning System on Intake Screen				\$35,000							
		\$50,000	\$164,300	\$207,300	\$14,000	\$0	\$0	\$0	\$0	\$0	\$0
TOTALS		\$263,500	\$792,300	\$637,300	\$224,000	\$360,000	\$660,000	\$510,000	\$462,000	\$30,000	\$30,000

WATER UTILITY

CAPITAL BUDGET DESCRIPTIONS

General

New Services

If a new water service is required, the cost of the service installation is allocated to this account. This item is placed in the budget yearly in the event that a new installation is required.

Hydrants

New hydrants are installed as required and funds placed in the budget yearly in the event a new hydrant is required.

Meters

If a new water meter is required, the cost of the meter is allocated to this account. This item is placed in the budget yearly in the event that a new meter is required for a new water service. Also, meters can slow down or stop working. This is identified during the billing cycle when consumption variances are monitored.

Building/Infrastructure Improvements

Chlorinator

This project will disconnect pressurized lines that are no longer required for transmission from the main water transmission line. This project will eliminate the possibility of a major leak from the water system.

Road Improvement to Intake House Road ** Requesting pre-approval April 14, 2020

Improvements are required to the access road to the Water Intake House. These repairs will include a new cross culvert and ditching on both sides of the road. The work will be done by PW forces and is high on their priority list. The purpose of the work is to prevent water ingress into the pump house.

Pump House Dares Lake-Steel Beam Repair and Gutter Installation

**** Requesting pre-approval April 14, 2020**

The steel columns at the pump house require repairs due to water infiltration, this project will make the building water tight. There will also be gutters installed on this building in order to direct water disbursement. This project and the Road Improvement project are related, PW to complete the road work first to get water diverted and then fix the building.

Water Treatment Plant

The air intakes at the Water Treatment Plant require painting and flashing repairs.

Dam and Spillway

Staff are seeking pre-approval of the following projects for investigations, survey, modelling design, construction and administration as part of the 2020/21 and 2021/22 budgets.

2020

Geotechnical Investigation - \$15,000

Downstream channel assessment, hydrologic/hydraulic modelling, field surveys - \$17,500

Design of Dam and downstream channel rehabilitation, approvals - \$30,000

2021

Repairs to Dam and Spillway - \$250,000

Construction Administration - \$25,000

Project timeline:

2020

February 13th – Council pre-approves project to move forward.

February to June – Design development, geotechnical investigation, survey, detailed hydrologic modelling.

June to July – Consult with NSE to confirm requirements for future water withdrawal permit, construction permit, and flora and fauna assessments.

July to September - Modelling and document preparation for water withdrawal permit.

August to October – Detailed design for spillway, dam, downstream channel, site grading at pumphouse, tender documentation preparation with Class A estimate.

November to December – Issue for tender, review submissions, make recommendation

2021

January - Award construction project, execute contract with contractor

March to October – site preparation, contract mobilization, materials stockpile, complete in channel works, complete dam works, downstream channel improvements

June to October – complete water withdrawal documentation, consolidate, submit application, obtain permit

November– Town receives dam, operates and monitors

Furniture and Equipment

Half Ton Truck

This will replace the Chev 2005 Truck which is utilized by department staff.

Future Capital

Distribution Mains

Kempt – Lincoln to Lawrence (design & tender documents)

The 6 inch waterline that services Kempt Street is an old cast iron line that has had issues in the past and should be replaced

Circulated: _____

Document No:
Meeting: April 14, 2020 Council
Circulate To: Council, BR, DH's, KR,
Dist's 1&2, LFD, JG-Audit Committee
File: Budget 2019/20

MEMORANDUM

TO: TOWN COUNCIL

FROM: LISA DAGLEY, CPA, CGA - FINANCE DIRECTOR

DATE: APRIL 7, 2020

**RE: 2019/20 CAPITAL AND OPERATING VARIANCE REPORT –
TO FEBRUARY 29, 2020**

Please find enclosed the variance report to **February 29, 2020**. The period ending February 29th represents 91.66% (11 months) of the fiscal year. Town General expenditures are currently on budget at 91.2%.

Index to Reports

Capital Budget Status Report	Page 1
Operating Financial Statements Summary	Page 7
Deed Transfer Tax, Tax & Sewer Report, Parking Meter Revenue and Snow Control	Page 8
Grants to Organizations Information Update	Page 9

Acknowledged only by:

Bea Renton
Town Manager/Clerk

Encls.

Capital Status Report to February 29, 2020

Any comments in BOLD are changes from the previous report

TOWN	Project	Budget	YTD Actual	Under/(Over) Budget	DH
Buildings & Structures					
Town Hall	Town Hall - Snow Load Assessment	\$15,000	\$12,941	\$2,059	PW
<i>Comment:</i> Project is complete with final report being received on March 31					
Lunenburg Academy	Lunenburg Academy Interpretive Panels	\$6,000	\$4,333	\$1,667	AM
<i>Comment:</i> Carry-forward project from 17-18. Completed in early spring.					
Lunenburg Academy	Lunenburg Academy Beautification Project	\$40,000	\$32,107	\$7,893	AM
<i>Comment:</i> Carry-forward project from 18-19. Completed in early spring.					
Lunenburg Academy	Lunenburg Academy Exterior Capital Repairs Phase II	\$1,500,000	\$263,786	\$1,236,214	AM
<i>Comment:</i> The project is progressing with approximately 30% of the roof shingles replaced and approximately 50% of the window sash rehabilitation work completed. The watertable board along the Easte Façade has been replaced. The widening of the accessible lobby area and entrance way is progressing.					
Captain Angus Walters House	Capital Maintenance Repairs	\$11,000	\$0	\$11,000	PW
<i>Comment:</i> Staff re-evaluated the project, work is going to be carried out under operating repairs and maintenance.					
Environmental Development					
	Comprehensive Community Plan	\$229,300	\$152,825	\$76,475	DS
<i>Comment:</i> Project began in fiscal 18-19. Total budget of \$229,300 approved Dec. 11, 2018.					
Equipment					
	Parking Meters	\$14,100	\$14,075	\$25	BR
<i>Comment:</i> Order received and installed by PW staff in September. Budget was increased from \$5,000 to \$14,100 at the Aug.27/19 Council Meeting					
	Coin Roller	\$5,000	\$4,599	\$401	BR
<i>Comment:</i> New roller received and in use. Complete.					
Public Works Infrastructure					
Wastewater Treatment	Brook Street Storm/Sanitary separation infrastructure finalization	\$150,000	\$20,499	\$129,501	PW
<i>Comment:</i> Council Motion: Dec.19/19 for project to move forward with over flow.					
Wastewater Treatment	Brook Street Overflow prevention equipment	\$119,000	\$31,420	\$87,580	PW
<i>Comment:</i> Pump purchased in spring.					

Capital Status Report to February 29, 2020

Any comments in BOLD are changes from the previous report

TOWN	Project	Budget	YTD Actual	Under/(Over) Budget	DH
<i>Wastewater Treatment</i>	Improve Treatment Process-Pre-Design <i>Comment:</i> PCAP Funding approval received in September 2019, approval has been received from the Province to carry project forward to the 2020/21 fiscal year.	\$270,000	\$0	\$270,000	PW
<i>Wastewater Treatment</i>	Spare Ultra Violet Bank <i>Comment:</i> Received and installed, as part of the Dorian plant repairs. Currently no spare on hand. Had been awaiting insurance approval to re-purchase this item. Insurance approval has been received and item is being purchased.	\$18,000	\$0	\$18,000	PW
<i>Wastewater Treatment</i>	Additional UV Bank (Jan. 15/19) <i>Comment:</i> As noted at the Oct.22/19 Council meeting we have advised by Municipal Affairs that we were not successful in our funding application.	\$250,000	\$0	\$250,000	PW
<i>Wastewater Treatment</i>	Variable Frequency Drive <i>Comment:</i> Complete.	\$8,000	\$8,614	(\$614)	PW
<i>Wastewater Treatment</i>	New Complete Recycling Pump <i>Comment:</i> Received and installed, as part of the Dorian plant repairs. Currently no spare on hand. Had been awaiting insurance approval to re-purchase this item. Insurance approval has been received and item is being purchased.	\$31,500	\$0	\$31,500	PW
<i>Wastewater Treatment</i>	Voltage Reading Monitor at Pumping Station <i>Comment:</i> Deferred while other Pump Station repairs were carried out.	\$6,500	\$0	\$6,500	PW
<i>Wastewater Treatment</i>	Upgrade to SCADA System-Biofilter/Micro-cool <i>Comment:</i> Projected completed in October.	\$5,500	\$3,621	\$1,879	PW
<i>Wastewater Treatment</i>	Cell Enhancement Booster <i>Comment:</i> Projected completed in October.	\$3,600	\$3,635	(\$35)	PW
<i>Wastewater Treatment</i>	Upgrade Rails and Catwalks in Aeration Building <i>Comment:</i> On-going capital maintenance program of aeration building rails and catwalks. Remaining fiscal 2019/20 work carried out in late March.	\$10,000	\$2,086	\$7,914	PW
<i>Wastewater Treatment</i>	Macerator <i>Comment:</i> Relocation installation had to be deferred due to Hurricane Dorian repairs, however work was completed in December.	\$17,500	\$18,043	(\$543)	PW

Capital Status Report to February 29, 2020

Any comments in BOLD are changes from the previous report

TOWN	Project	Budget	YTD Actual	Under/(Over) Budget	DH
	Wastewater Treatment Replace Lines and Diffusers in Aeration Tanks <i>Comment:</i> Approved an increase to the budget of \$80,000 to \$200,000 and that the total capital project will be financed with Gas Tax funding, at the August 27, 2019 Council meeting. Equipment PO issued in December. Project is ongoing and will carry forward to fiscal 20/21. Memo regarding the award construction tender to be considered at April 14, 2020 Council meeting.	\$200,000	\$16,712	\$183,288	PW
	Wastewater Treatment Biofilter <i>Comment:</i> Carry forward project from 18/19. Original total budget \$1,147,000. Project costs in 18/19 = \$753,815. Finalizing outstanding deficiencies and fencing. Project is complete, final invoicing is being verified.	\$393,185	\$265,164	\$128,021	PW
	Wastewater Treatment Scada Packs <i>Comment:</i> Project is complete.	\$5,000	\$5,358	(\$358)	PW
	Wastewater Treatment WWTP and Collection System Study <i>Comment:</i> Carry forward of 2018-19. Peer review received in December, awaiting CBCL response. Project is complete.	\$75,000	\$72,284	\$2,716	PW
	Renewals - Sidewalks/Curbs Tannery Road Seawall <i>Comment:</i> Federal and Provincial Permits have been obtained to proceed with this project and the remaining work will be undertaken in the 2020/21 fiscal year.	\$50,000	\$11,999	\$38,001	PW
	New Sidewalks/Curbing Tannery Road-Knickle Rd. to 97 Tannery Road (E) - (Legal & Prep work carry forward from 17/18 & 18/19) <i>Comment:</i> Council has requested a progress report.	\$115,000	\$0	\$115,000	PW
	Chip sealing Kissing Bridge 332 to 332 N/Bypass <i>Comment:</i> Completed in late September.	\$81,000	\$72,583	\$8,417	PW
	Recreation Infrastructure Boat Launch Site <i>Comment:</i> Beautification grant received. Work completed.	\$12,300	\$11,281	\$1,019	PW
	Splash Pad (Detailed Design - Tender) <i>Comment:</i> Council approved location at Jan.14/20. RFP issued in March.	\$20,000	\$0	\$20,000	PW
	Equipment Public Works - Equipment Asphalt Roller (Ride-on) <i>Comment:</i> Received. Complete.	\$40,000	\$40,288	(\$288)	PW

Capital Status Report to February 29, 2020

Any comments in BOLD are changes from the previous report

TOWN	Project	Budget	YTD Actual	Under/(Over) Budget	DH
	<i>Public Works - Equipment</i> Sewer Camera <i>Comment:</i> Complete.	\$18,000	\$9,716	\$8,284	PW
	<i>Public Works - Equipment</i> Chev Truck (93) & Plow <i>Comment:</i> Tender awarded Nov.12/19 Council meeting. Delivery is anticipated in May 2020.	\$183,000	\$0	\$183,000	PW
	<i>Public Works - Parks/Playgrounds</i> Welcome Signs <i>Comment:</i> Signs have been received, installation is currently taking place.	\$20,000	\$3,754	\$16,246	BR
	<i>Fire Department</i> Turnout Gear <i>Comment:</i> Complete.	\$120,000	\$120,205	(\$205)	GM
	<i>Community Centre/Arena</i> Bathroom Renovations at Community Centre <i>Comment:</i> The project is 85% complete, floor refinishing is ongonig and some minor work has to be completed in the female washroom. The anticipated completion date is April 30, 2020, some delays due to Covid 19.	\$55,000	\$0	\$55,000	KC/PBR
	<i>Community Centre/Arena</i> Gym Floor Refinish <i>Comment:</i> Project Deferred to another year, funding used for Brine Repairs.	\$0	\$0	\$0	KC
	<i>Community Centre/Arena</i> Roof Structural Repairs <i>Comment:</i> Carry forward from 18/19. Completed in early spring.	\$130,000	\$121,325	\$8,675	KC
	<i>Community Centre/Arena</i> Arena Brine Repairs <i>Comment:</i> These repairs are complete.	\$15,000	\$14,432	\$568	KC

Capital Status Report to February 29, 2020

Any comments in **BOLD are changes from the previous report**

WATER UTILITY	Project	Budget	YTD Actual	Under/(Over) Budget	DH
General					
	New Services <i>Comment:</i> As required.	\$5,000	\$4,903	\$97	PW
	Armouries-Replace Oil Tank <i>Comment:</i> Project is complete.	\$10,650	\$11,283	-\$633	PW
	Replacement Hydrants <i>Comment:</i> As required.	\$10,000	\$0	\$10,000	PW
	Replacement Meters <i>Comment:</i> As required.	\$30,000	\$0	\$30,000	PW
Building Improvements & Construction					
	Prepare and Paint Water Storage Tank-Garden Lots <i>Comment:</i> Project is complete.	\$145,000	\$124,424	\$20,576	PW
	Repair Spillway Dares Lake <i>Comment:</i> This was the background study for the larger project, the background study has now been completed. Capital repair work to be carried out in 2020/21.	\$12,600	\$11,037	\$1,563	PW

Capital Status Report to February 29, 2020

Any comments in **BOLD are changes from the previous report**

ELECTRIC UTILITY	Project	Budget	YTD Actual	Under/(Over) Budget	DH
Structures	Feeder Transfer Bus	\$82,000	\$0	\$82,000	LD
<i>Comment:</i>	Project did not move forward as planned due to Hurricane Dorian in the fall, to be carried forward to 2020/21.				
	Capacitor Bank at Substation	\$480,000	\$0	\$480,000	LD
<i>Comment:</i>	Engineering Consultant has been engaged to prepare the RFP for this project. Kick off meeting scheduled for early April.				
Utility Line Work	Meters	\$25,000	\$2,504	\$22,496	LD
<i>Comment:</i>	As required.				
	Overhead Conductors	\$75,000	\$70,689	\$4,311	LD
<i>Comment:</i>	As required.				
	Poles & Fixtures	\$50,000	\$30,389	\$19,611	LD
<i>Comment:</i>	As required.				
	Services	\$10,000	\$24,538	(\$14,538)	LD
<i>Comment:</i>	As required. Higher need than anticipated. Cost overages to be offset by savings on meters and street lighting.				
	Street Lighting	\$30,000	\$5,375	\$24,625	LD
<i>Comment:</i>	As required.				
	Transformers - Line	\$70,000	\$70,561	(\$561)	LD
<i>Comment:</i>	As required. Higher need than anticipated.				
	Sectionalizing Circuits to Improve Reliability (pre-approved Mar. 12/19)	\$120,000	\$0	\$120,000	LD
<i>Comment:</i>	Work began in late summer, was then delayed because of Hurricane Dorian. Approximately 25% has been completed to date, to be carried forward to 2020/21.				
	Spare Reclosure and Reclosure Control	\$38,000		\$38,000	LD
<i>Comment:</i>	Reviewing project with NSP.				
	Pothead Replacement at Substation	\$22,000	\$0	\$22,000	LD
<i>Comment:</i>	Majority of work has been completed, an outage needs to be scheduled for final installation.				
	Substation - Switch Replacements	\$10,000	\$0	\$10,000	LD
<i>Comment:</i>	Reviewing project with NSP.				

Town of Lunenburg Operating Financial Statements
February 29, 2020
Summary Information
(YTD Pro-rated Budget = 91.67%)

TOWN GENERAL

	YTD Actual	Budget	%	Balance	Year End Projection	% of Budget
Revenue						
Taxes	\$5,704,791	\$5,642,300	101.1%	1. (\$62,491)	\$5,700,100	101.02%
Grants In Lieu Of Taxes	237,200	237,300	100.0%	2. 100	237,300	100.00%
Sale of Services	161,991	228,500	70.9%	66,509	187,400	82.01%
Sale of Service Arena/Community Centre	248,475	314,900	78.9%	3. 66,425	263,300	83.61%
Other Revenue/Own Sources	359,699	354,600	101.4%	(5,099)	399,900	112.77%
Unconditional Transfers/Other Gov'ts	37,613	50,100	75.1%	12,487	50,100	100.00%
Conditional Transfers/Fed or Prov Gov'ts	1,000	1,500	66.7%	500	1,000	66.67%
Conditional Transfers/Other Local Gov'ts	175,725	176,000	99.8%	275	159,100	90.40%
	<u>\$6,926,494</u>	<u>\$7,005,200</u>	<u>98.9%</u>	<u>\$78,706</u>	<u>\$6,998,200</u>	<u>99.90%</u>
Expenditures						
General Government Services	\$435,187	\$454,400	95.8%	4. \$19,213	\$455,700	100.29%
Protective Services	1,396,715	1,576,300	88.6%	179,585	1,540,400	97.72%
Transportation Services	905,594	972,300	93.1%	5. 66,706	920,600	94.68%
Environmental Health Services	1,244,141	1,193,800	104.2%	6. (50,341)	1,289,800	108.04%
Public Health Services - Cemetery	41,234	43,300	95.2%	7. 2,066	45,800	105.77%
Environmental Development	355,983	433,500	82.1%	8. 77,517	437,400	100.90%
Recreation & Cultural Services	239,743	301,100	79.6%	61,357	273,000	90.67%
Arena/Community Centre	438,310	506,900	86.5%	68,590	503,400	99.31%
Fiscal Services	1,329,705	1,523,600	87.3%	193,895	1,532,100	100.56%
	<u>\$6,386,612</u>	<u>\$7,005,200</u>	<u>91.2%</u>	<u>\$618,588</u>	<u>\$6,998,200</u>	<u>99.90%</u>
TOWN SURPLUS (DEFICIT) **	<u>\$539,882</u>	<u>\$ -</u>			<u>\$ -</u>	

****Please note expenditures occur over a 12 month period however the majority of revenue is received in two semi-annual tax billings. Revenue billed is at 98.9% and 91.2% of expenditures have occurred as of February 28, 2020.**

Legend:

- Both the interim and final property and sewer tax bills have been issued.
- Received from Province in January 2020.
- Arena revenues are seasonal, to February 29th is 91.6% of the Arena season, heavily impacted by COVID-19 in March.
- Insurance and Section 71 Tax Exemptions paid for the year.
- Dorian expenses for Storm OT & General Town storm clean-up = \$29,661, an application for Provincial Disaster Assistance will be submitted.

Equipment maintenance for Trackless, '93 & '02 GMC Topkicks, '02 F150 1/2 ton, Loader and backhoe have been higher than anticipated for repairs to be offset by other departmental savings.

- Expenses for WWTP restoration due to Dorian damage = \$150,700. was submitted and payment has been received.
- Cemetery operational expenditures are seasonal.
- Insurances paid on all buildings for the year.

	YTD Actual	Budget	%	Balance	Year End Projection	% of Budget
WATER UTILITY						
Revenue	\$1,216,531	\$1,512,000	80.5%	1. \$295,469	\$ 1,545,800.00	102.24%
Expenditures	\$1,159,428	\$1,512,000	76.7%	\$352,572	\$ 1,545,800.00	102.24%
WATER SURPLUS (DEFICIT)	<u>\$57,103</u>	<u>\$ -</u>			<u>\$ -</u>	

Legend:

- Three quarterly billings issued. Next billing at March 31, 2020.

	YTD Actual	Budget	%	Balance	Year End Projection	% of Budget
ELECTRIC UTILITY						
Revenue	\$6,006,460	\$6,533,200	91.9%	1. \$526,740	\$ 6,627,900.00	101.45%
Expenditures	\$5,895,633	\$6,585,700	89.5%	\$690,067	\$ 6,627,900.00	100.64%
ELECTRIC SURPLUS (DEFICIT)	<u>\$110,827</u>	<u>\$ (52,500)</u>			<u>\$ -</u>	

Legend:

- Electric consumption billings are seasonal in nature.

TOWN OF LUNENBURG ADDITIONAL FINANCIAL INFORMATION
February 29, 2020

DEED TRANSFER TAX REPORT

	Budget	This Month		Year to Date		Variance to Budget
		(#)	Amount	(#)	Amount	
Revenue this year	\$150,000	(1)	\$4,200	(53)	\$180,906	(\$30,906)
2018/19 Reserve Fund (Balance Carried Forward)	\$387,395				\$387,395	
Reserve Fund Balance	<u>\$537,395</u>				<u>\$568,301</u>	<u>120.60%</u>

TAX AND SEWER CHARGES REPORT

OUTSTANDING PROPERTY & SEWER TAXES

	Balance 31-Mar-19	2019/20 Tax Billings	Collected To Date	Balance
2018/19 Taxes & Sewer and Prior	270,367	-	187,221	83,146
2019/20 Tax & Sewer billings	(117,971)	5,477,976	5,162,073	197,932
	152,396	5,477,976	5,349,294	281,078
Interest				34,805
Total Outstanding				<u>315,883</u>

Prepayments for 2020/21 Tax & Sewer \$ 110,887

PARKING METER REVENUE AND FINES

	Budget 2019/20	Actual to 29-Feb-20	Variance to Budget	% of Budget
Parking Meter Revenue	\$179,000	\$134,333	\$44,667	75.05%
Parking Meter Fines	6,500	6,895	(395)	106.08%
Court Fines	7,000	7,438	(438)	106.26%
Total	<u>\$192,500</u>	<u>\$148,666</u>	<u>\$43,834</u>	<u>77.23%</u>

SNOW AND ICE CONTROL

Public Works Labour & Salt Purchases

	Actual 2014/15	Actual 2015/16	Actual 2016/17	Actual 2017/18	Actual 2018/19	Budget 2019/20	Actual to 31-Mar-20
April to October	1,130	2,091	1,132	724	1,858		3,085
November					1,050		27
December	1,382	409	6,793	3,418	3,789		4,212
January	4,568	13,062	6,613	6,215	4,359		9,224
February	31,837	12,005	17,514	7,410	15,631		8,854
March	32,011	4,132	11,383	7,430	15,217		1,415
Labour Cost	70,928	31,699	43,435	25,197	41,904	53,500	26,817
Salt Purchases	98,879	60,173	81,815	59,886	101,187	83,000	71,083
Contractors/Rentals/ Electric (Salt Shed)	1,784	1,707	223	204	233	500	230
	<u>171,591</u>	<u>93,579</u>	<u>125,473</u>	<u>85,287</u>	<u>143,324</u>	<u>137,000</u>	<u>98,130</u>
% Budget Used							71.63%
BUDGET VARIANCE UNDER (OVER)							\$38,870

Town of Lunenburg		
Grants to Organizations Information Updated February 29, 2020		
Account #01-2-19-5100	2019/20	
	Approved Grants	2019/20 Request Notes
Boxwood Festival Society	\$500	Funds Support Boxwood's Big Ceilidh Dance and Bar-B-Que to be held at the Lunenburg Waterfront on July 26, 2019, free event in cooperation with Fisheries Museum and in-kind request for use of bleachers, including movement and set up at Fisheries Museum.
Bridgewater Baseball Association	\$190	In-kind request to utilize the baseball field for up to 2 teams for the upcoming season.
Burg Classic	\$250	For 2020 Event - annual local community-based recreation hockey tournament and dance fundraising event
Canadian Dory Racing Association	\$750	Grant will be used to host the elimination and International Dory Race Events.
Curl for a Cause	\$125	Annual events (20th year) which supports Fishermen's Memorial Hospital
Fishermen's Memorial Hospital - Golf Tournament	\$100	Annual events which supports Fishermen's Memorial Hospital
Lunenburg & District Fire Dept.-Rusty Blades Event	\$336	Free rental of the arena for this event, approx. 2hrs
Lunenburg & District Music Festival	\$100	Funds will be used to offset hotel expenses to accommodate Festival Adjudicators.
Lunenburg & District Swimming Pool Society	\$1,500	Operate and maintain the outdoor pool, which offers, instructional, recreational & competitive swimming for the residents of the Town of Lunenburg and surrounding areas.
Lunenburg Art Gallery	\$736	Defer costs of Paint Sea on Site - to be applied to the community Centre 2 day rental & set up fee (2 hours) which equals \$736
Lunenburg Board of Trade	\$3,000	For LBOT initiatives such as: Lunenburg Map, Digital Map, Kiosk Panels, Waterfront VIC, RV Route Signs, Tourism Website, Event Support (Street Fest & Yuletide).
Lunenburg Community Christmas Dinner	\$115	The funds requested will cover the rental of the auditorium at the Town Fire Hall. (\$100 + HST)
Lunenburg Doc Fest	\$1,000	The financial contribution will provide assistance in running the 6th annual festival (Sept.19-22, 2019). In-kind request hanging of street banner - <i>no banner hanging support available from TOL.</i>
Lunenburg Dog Park	\$1,000	The funds requested will be used to pay insurance costs and other yearly expenses. In-kind garbage collection.
Lunenburg Folk Harbour Society-2018 Festival Sponsorship	\$1,000	Sponsorship of 2019 Festival & In-kind for preparation of main stage tent grounds , placement of road barriers (parking control).
Lunenburg Folk Harbour Society-Summer Concert Series	\$2,500	This grant will assist in providing funding for the bandstand concerts that are held on 13 Sundays, starting on June 15th and ending on September 15th.
Lunenburg Foundation for the Arts	\$100	In-kind request for the use of one classroom at the Lunenburg Academy for up to 10 days during the fiscal year. The purpose of the use will be that the community will be invited to attend various consultation meetings held as part of the development of the Lunenburg Cultural Plan. TOL to work with group to try to accommodate space for their meetings but not necessarily at the Lunenburg Academy.
Lunenburg Grad Bursary	\$500	Bursary will be issued to a graduating high school student.
Lunenburg Lyme Group	\$500	Grant will be used to offset costs of a national expert on Lyme Disease who will be presenting at the South Shore Lyme Conference being held October 26, 2019 and November 19,2019. In-kind request promote the event in Town Publications, attend the event and photocopying.
Now Lunenburg County	\$500	Funds will be utilized for the development of Doctor Attraction and Retention Strategy.
Safe Communities Lunenburg County	\$1,275	To help fund their program through the next year. There has been a growing need for this program.
Second Story Women's Centre	\$250	Funds will be utilized in the provision of the "Girl Talk" Summer Day Camp Series.
Society of St. Vincent de Paul	\$750	Funds will be utilized for any individual of the Town of Lunenburg who demonstrates genuine need. The society assists individuals who need temporary help with basic needs.
South Shore Theatrical Players	\$750	To offset a portion of the rental costs for their Christmas Production. Requesting 50% discount for the cost using the Community Centre and use of the wheeled scaffolding.
South Shore Tourism Co-operative Ltd.	\$500	The funding will support the tourism sector and incremental small business operators by increasing visitors of our region year-round. Currently this organization is developing a 3 year winter tourism plan to grow off season regional tourism experiences.
Special Olympics Lunenburg Queens	\$300	The funding will support the development of a golf program in Bridgewater and White Point, and a Boccee Program and in Queens. This funding will be utilized to offset transportation costs and coach training.
	\$18,627	
Summary of Additional Grant Approvals/Changes since 19-20 Budget approved		
Bridgewater Baseball Association	(\$190)	Did not have program.
Lunenburg Foundation for the Arts	(\$100)	Did not use classrooms.
Lunenburg Art Gallery Grant	\$1,000	approved January 14, 2020
Budget for Additional Grant Requests if Required	\$663	
	\$20,000	

Document No:
Meeting: April 14, 2020 Council
Circulate: Council, LD, PB, IT SE, JL
File: Wastewater Treatment

MEMORANDUM

TO: TOWN COUNCIL

**FROM: IAN TILLARD, ENGINEERING CONSULTANT AND
LISA DAGLEY, CPA, CGA, FINANCE DIRECTOR**

DATE: APRIL 9, 2020

**RE: PROPOSED BUDGET INCREASE TO WASTEWATER TREATMENT
PLANT AERATION UPGRADES PROJECT**

1. FACTS

On August 27, 2019 Town Council approved a budget of \$200,000 for this project with funding for the entire project from Gas Tax Funds. At the close of tenders, the revised project budget is now \$388,000 including net HST costs. Further Council approval is required to exceed the original project budget, approve a \$188,000 capital borrowing and award the project tender because it is over the \$100,000 plus HST limit staff are permitted to award in the Town's Purchasing Policy.

2. ISSUES AND OPTIONS ANALYSIS

As Council will recall, the Wastewater Treatment Plant's aeration system is original to the facility's construction in 2003. Typically, the aerators in an aeration system require replacing every 7-10 years. The original aerators are now well beyond their design life and are in need of urgent replacement. Replacement aerators were purchased by the Town this winter, and arrived the week of April 6, 2020.

The condition of the aeration pipework was assessed and found to be in poor condition. The materials chosen have not kept up well, and the pipework has leaks in it which waste the air and decrease the effectiveness of the aeration system. The pipework requires replacement with corrosion resistant materials, and the new aerators require installation.

Plastic media are located in many of the tanks to provide a surface for the microorganisms to grow on in order to carry out biological treatment. The microorganisms are indispensable to one of the main treatment processes in the WWTP. These media are original to the plant as well, and have worn down significantly over the years. Additional media are required to top up the supply.

The tender for the replacement of the pipework and the installation of the pre-purchased aerators closed on March 26, 2020. The low bid exceeded the identified project budget,

so possible cost reduction measures were discussed with the low bidder. Reductions were selected that did not affect the quality of the work to be installed. A summary of the tender bids is attached for reference. CBCL has reviewed the bids and they see no reason not to award to the low bidder.

Changed conditions can occur on construction sites. A contingency budget of approximately 15% of the awarded price is recommended as industry good practice, in order to cover changes should they arise during the construction period.

Approximately 2,800 m² (surface area) of additional media is required to top up the existing supply. This will provide more area for treatment-critical microorganisms to grow on and remove pollutants, and so improve the effluent quality to more often meet the Regulatory standards in the summer, which have been periodically exceeded in the last two years. This additional media would have a volume of 4.4 m³ in Cell 1A, compared to the original volume of 24.5 m³. The required amount is an estimate based on an assessment of the existing media condition without being able to drain down the tank and measure the remaining volume.

Federal and Provincial approvals have been granted to divert sewage which will only be screened and partially disinfected to the Inshore Fishermen Wharf location for a period of approximately 8 days while this work is being done. The overall project will take two months to complete and recommission the aeration tanks. It is important to do this work by the end of June 2020 in preparation for warmer months with no sewage diversions in May.

3. FINANCIAL IMPACT

The additional construction costs has a significant impact on the original budget estimate for this project. On August 27, 2019 Council approved a budget of \$200,000 with funding for the entire project from Gas Tax Funds. The revised project budget is now \$388,000, including net HST costs. To fund the additional project costs of \$188,000, a capital borrowing will have to be secured as there is no additional Gas Tax Funds available. Deferral of the project is not recommended.

An updated cost breakdown for the project follows.

- a. Installation of aeration equipment
 - i. Tendered installation cost for the aeration equipment minus confirmed deductions: \$237,000 plus net HST (\$247,158).
- b. Contingency budget for installation tender
 - i. Allowance for contingency budget: \$35,550 plus net HST (\$37,074).
- c. Purchase of additional media
 - i. Quote for the purchase of the media: \$24,000 plus net HST (\$25,029). It is anticipated that the installation of media will be completed by Public Works staff, however before this work is undertaken a review of the specific protocol/safety procedures will be undertaken.

4. STRATEGIC PLAN RELEVANCE

- 5) Operate the Town efficiently and effectively by:
B. Continually and strategically maintaining and upgrading community infrastructure

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

Approval of the award of a construction tender for the replacement of the pipework and the installation of the pre-purchased aerators to Western Plumbing & Heating Limited in the amount of \$237,000 plus HST. And further, approve a budget increase for the WWTP – Aeration Upgrade Project from \$200,000 to \$388,000 including net HST with funding of \$200,000 from Gas Tax and \$188,000 in a Capital Borrowing.

Attachments:

- tender submission price comparisons
- project budget summary

Town of Lunenburg
Upgrade to Aeration System TOL2020003
Tender Submissions

Company	Price	HST	Total
Black & MacDonald Limited	\$ 277,200.00	\$ 41,580.00	\$ 318,780.00
Gil-Son Construction Limited	\$ 399,960.00	\$ 59,995.00	\$ 459,955.00
Mid Valley Construction (1997) Limited	\$ 283,800.00	\$ 42,570.00	\$ 326,370.00
Western Plumbing & Heating Limited	\$ 248,238.00	\$ 37,235.70	\$ 285,473.70
Western Plumbing & Heating Limited - Revised	\$ 237,000.00	\$ 35,550.00	\$ 272,550.00

TOWN OF LUNENBURG
LUNENBURG WWTP
UPGRADE TO AERATION SYSTEM
CONTRACT NO. 190805.03
POST TENDER ADDENDUM NO 1

April 7, 2020

(To be added to and made part of the Tender Documents)

The following changes or modifications shall be made to the Tender Documents:

TO THE SPECIFICATIONS

SECTION 01 00 00 – GENERAL REQUIREMENTS

Page 3, delete subsection 1.8.2.3 and replace with the following:

- .3 Train "A" and Train "B" may be taken out of service for no longer than 240 hours each. The Equalization Tank may be taken out of service for not longer than 120 hours. The plant will be in partial bypass during these times and is regulated by Fisheries and Oceans Canada and Environment Canada; installation time is critical to minimize partially treated discharges.

Provide the following by 3pm on Monday April 13, 2020:

Provide revised contract price (excluding HST) based on the changes above: \$ 237,000.00

Provide a revised completion time based on the changes above. If there is no change to the time to complete provided with the original tender, put "No Change":

COMPLETION TIME

1. Tenderer agrees to complete Substantial Performance of the Work within No Change weeks from written notification of Award.

CBCL Limited
April 7, 2020

WWTP - Aeration Replacement Project

Date: April 9, 2020

	Price before		
	HST	Net HST	Total
<i>Engineering</i>			
Design	\$ 7,900.00	\$ 338.59	\$ 8,238.59
Tender	\$ 4,100.00	\$ 175.73	\$ 4,275.73
Construction admin	\$ 4,300.00	\$ 184.30	\$ 4,484.30
	<u>\$ 16,300.00</u>	<u>\$ 698.62</u>	<u>\$ 16,998.62</u>

<i>Equipment</i>			
Fine Bubble Aeration	\$ 46,644.00	\$ 1,999.16	\$ 48,643.16
Coarse Bubble Aeration	\$ 12,576.00	\$ 539.01	\$ 13,115.01
	<u>\$ 59,220.00</u>	<u>\$ 2,538.17</u>	<u>\$ 61,758.17</u>

Construction	\$ 237,000.00	\$ 10,157.82	\$ 247,157.82
Construction Contingency 15%	\$ 35,550.00	\$ 1,523.67	\$ 37,073.67
	<u>\$ 272,550.00</u>	<u>\$ 11,681.49</u>	<u>\$ 284,231.49</u>

Media	<u>\$ 24,000.00</u>	<u>\$ 1,028.64</u>	<u>\$ 25,028.64</u>
-------	---------------------	--------------------	---------------------

Total Revised Project Budget	<u>\$ 372,070.00</u>	<u>\$ 15,946.92</u>	<u>\$ 388,016.92</u>
-------------------------------------	-----------------------------	----------------------------	-----------------------------

Budget approved by Council Aug.27/19 \$ 200,000.00

Additional Budget requirement **\$ 188,000.00**

Document No: 6
Meeting: April 14/20 Council
Circulate To: Council, PB,
PB, IT
File: Crosswalks

MEMORANDUM

TO: TOWN COUNCIL

**FROM: PAUL BRACKEN, FACILITIES SUPERINTENDENT AND IAN TILLARD,
TOWN ENGINEER CONSULTANT**

DATE: MARCH 25, 2020

RE: FALKLAND STREET/VICTORIA ROAD CROSSWALK QUESTION

1. FACTS

At the June 25, 2019 Council meeting the following motion was approved

Motion: moved by Councillor Bachman, seconded by Councillor Mosher that a staff report on pedestrian access along Falkland Street (Lunenburg industrial Foundry and Engineering side) with options for public safety and connectivity be prepared by the Town Engineer. Motion carried.

2. ISSUES AND OPTIONS

The pedestrian travel on the east side of Falkland Street was suggested to be a safety concern by a Town citizen. While there is no complete sidewalk on the east side of the street pedestrians still use this as a travel path.

Consultation has taken place with the Lunenburg Daycare, and Lunenburg Foundry. The Lunenburg Daycare does not see this as a safety concern and has tried using both sides of Falkland Street for travel to Bluenose Academy and back and finds the east side of the street much better so they can avoid the wider and more heavily trafficked Victoria Road intersection. They have staff who guide the children across the sidewalk with signs and safety vests. They did note that long term a sidewalk on the east side of the street would be ideal.

The Lunenburg Foundry was consulted and did not see this as a safety concern and also noted that long term a sidewalk on the east side of Falkland street would benefit tourism and the local business in this area.

3. **FINANCIAL IMPACT**

No financial impact at this time if status quo remains.

4. **STRATEGIC PLAN RELEVANCE**

The review of crosswalk safety addresses the following Town Strategic Plan Goals:

#3. C. Maintaining and enhancing our status as a safe community.

#5. B. Continually and strategically maintaining and upgrading community infrastructure.

5. **RECOMMENDATION AND DRAFT MOTION**

It is staff's recommendation that council take the following steps:

Short term – no change. We do not see this as an immediate safety concern and would recommend that no steps be taken at this time other than the long term recommendation.

Long term – possible budgeting for implementation of improved sidewalks and potential bike lane on Falkland Street as suggested by Bicycle Nova Scotia. (See attachment “C” concept drawing).

Long term / Ongoing – continue to follow guidelines set out by the “Pedestrian Crossing Control Guide” produced by the Transportation Association of Canada. Continue to review our sidewalks and crosswalks to ensure that they are safe and up to current standards.

Draft motion: moved and seconded that no further action be taken at this time regarding the Falkland Street/Victoria Road crosswalk.

Attachments

Bea Renton
Town Manager/Clerk

Attachment "A"

Pedestrian Safety Concern / Parking at 35 Falkland Street

Aug. 16, 2017

Hi Bea,

The owners are re-developing this property and it looks like multiple businesses will be utilizing the space. Along with the existing upholstery business, two new businesses have moved in and the remaining half of the space is still under construction. My reason for writing is that the front of the building is now used for vehicle parking which is creating a dangerous situation for pedestrians. Cars are parked in front of the building which makes pedestrians walk out literally next to the road. In particular, the daycare walks their kids to Academy along this side of the street as it's the best route.

It would seem this land in front of the building is town land - unfortunately no defined sidewalk is in place. It would seem best to advise the owners that parking will not be permitted in front of the building and town signage installed {there is a vacant lot next door with ample parking spaces available for their customers}. Ideally a sidewalk would be best but at least a defined one, with say painted lines, would identify the pedestrian space. Better it's dealt with now before the "habit" is difficult to correct.

Any questions let me know.

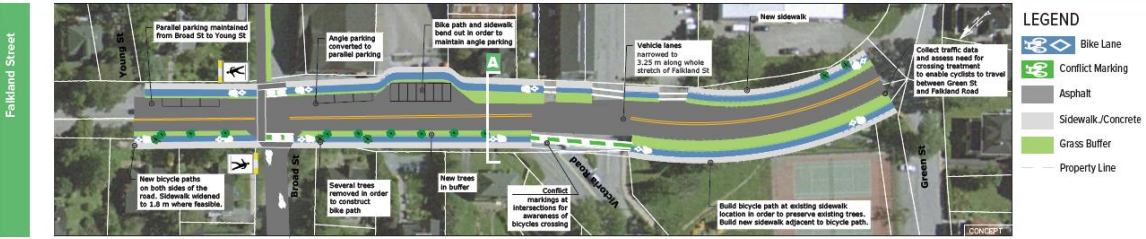
Allan Richards

Attachment "B"



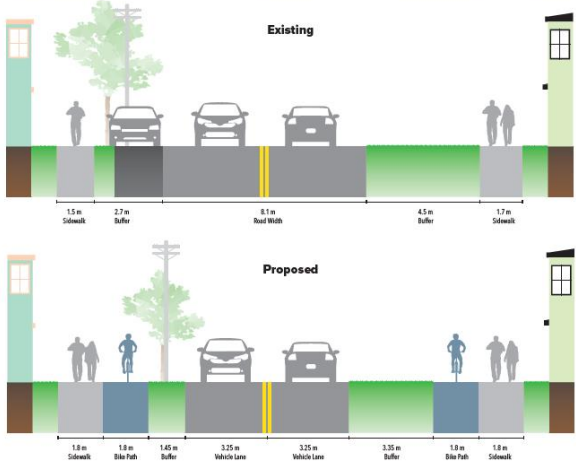
Attachment "C"

Cross-Town Connector / North - South Link Concept: Long-Term



- LEGEND**
- Bike Lane
 - Conflict Marking
 - Asphalt
 - Sidewalk/Concrete
 - Grass Buffer
 - Property Line

Section A | Looking North: Typical Cross Section



Document No:
Meeting: February 14/20 Council
Circulate: Council, LD, PB, IT
File: Sidewalks & Budget 20/21

MEMORANDUM

TO: TOWN COUNCIL

FROM: IAN TILLARD, P. ENG., TOWN ENGINEER CONSULTANT

DATE: APRIL 9, 2020

RE: PROPOSED NEW SIDEWALK ALONG NORTH SIDE TANNERY ROAD

1. FACTS

The proposed sidewalk for the north side of Tannery Road has been in the planning stage for a number of years. In 2018 ABLE Engineering created a survey, layout sketch and costs estimates for this project. The sidewalk would require new easements from the properties as well as a revised power pole layout for the three power poles. There are additional project logistics which are addressed in this report for Council's consideration.

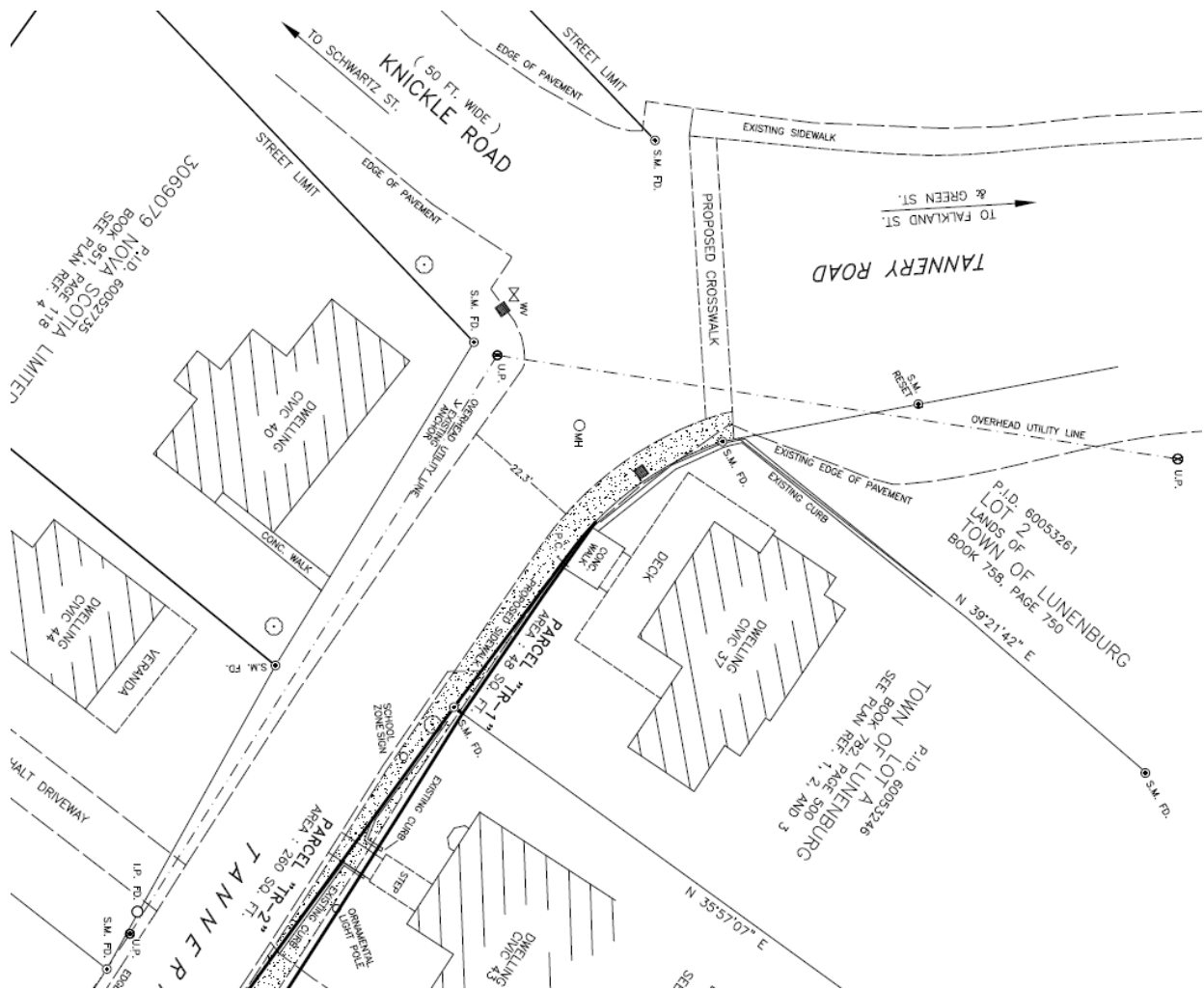
2. ISSUES AND OPTIONS ANALYSIS

The sidewalk design runs along the north side of Tannery Road from the parking lot on the north side of the Captain Angus Walters house at #37 Tannery Road to the park area by the seawall. Access to the sidewalk from the south side of Tannery Road would require a new crosswalk from the south west corner of the intersection of Tannery Road and Knickle Road. Access from the north side is across the parking lot in front of the old School Annex. Revised costs are estimated at \$255,000 for this project.

Aside from the high costs there are some logistical concerns with this project:

- The proposed sidewalk in front of the Walters house and house beside it actually has to be laid directly into what is now the street, thereby reducing the street width at this point for a length across both properties and a bit beyond.
- The proposed sidewalk in front of these two houses will butt directly up to their front exit stairs and requires a retaining wall in front of one of the houses.
- To keep the intrusion into the street to a minimum, the sidewalk width must also be kept to a minimum, so along this constricted section there is traffic immediately against it on one side and stairs and a short retaining wall on the other side. The width has not been finalized, but it would be six feet or less and the street width at this pinch point with house on the opposite side will be reduced by this amount. The minimum width for a sidewalk in Lunenburg is 5 feet to accommodate the sidewalk plow. There is no option in terms of alternate

location of a sidewalk because there is even less space on the north side of the street to place a sidewalk. So while technically feasible, it is not a very elegant solution and it is costly. See below for an excerpt from the engineering layout showing the pinch point.



For the case of moving the project forward as originally planned the steps are:

- (1) Negotiate and sign new land agreements.
- (2) Do the detailed design.
- (3) Tender the construction.
- (4) Contract with NSPI to have poles moved.
- (5) Contract to have trees removed.
- (6) Sidewalk construction.
- (7) Landscape re-instatement construction.

Due to the traffic engineering and cost concerns, consideration of an alternative less expensive approach is warranted that would allow for shared use of the existing roadway through traffic calming and awareness/safety measures. To pursue this option, staff could propose acceptable and affordable measures that would be installed by Town forces. These type of measures were generally discussed in the Bicycle Nova

Scotia report issued to Lunenburg in Fall 2019 so this report is a good overview of this approach. As an example, some of the techniques that could be considered are:

- Gateway treatment.
- Introduce pinch points.
- Lane shifts.
- Speed humps.
- Speed tables.
- Materials and appearance.
- Shared streets.
- Speed reduction.

FINANCIAL IMPACT

For the original plan the 2018 estimates provided by ABLE Engineering are:

Final plan and layout plan	\$3,500
Engineering	\$7,500 (updated in 2020)
Construction	\$125,000
Power poles x 5 relocate	\$20,000
Construction contingency of 15%	\$23,000
Tree removals and various property restitutions	\$26,000
Private property land purchase costs	\$30,000
Town legal costs for property purchases and street realignment	\$15,000
Legal cost reimbursement for private property owners	\$5,000
Total Project Budget	\$255,000

Note that this is not based on detail design, but in preliminary layouts only.

For the proposed alternate, costs would be determined only when calming measures have been assessed and preferred options chosen. Regardless, the measures will be considerably cheaper than the current plan. Potential that Town staff could execute most of the work.

Council approval is required to continue with this project and there are two options:

- (1) Continue with the existing plan at an estimated cost of \$255,000.
- (2) Cancel the original planned project and direct Town staff to pursue an alternate plan of designing and installing traffic calming measures. Reduce the current budget request amount to \$7,500 to engage a consultant to assist staff in developing a detailed plan. Construction costs TBA, but they will be substantially less than for the current plan.

Staff are recommending option #2.

3. STRATEGIC PLAN RELEVANCE

- 1) Promote High Quality of Life by: A. Beautifying the community.
- 2) Celebrate our Community by: B. Cultivating a positive visitor experience.
- 3) Champion opportunities for our community's health and well-being by: B. Facilitating and encouraging healthy lifestyles; and C. Maintaining and enhancing our status as a safe community.

4. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

Draft Motion:

To cancel the existing planned project for the Tannery Road sidewalk and instruct Town staff to develop an alternate plan of traffic calming, to be presented to Council at a future date. Reduce the current budget request for 2020/21 to \$7,500 to engage a traffic designer to assist staff in developing the traffic calming plan.

Reed
 March 9
 20

Attention: Chief Administrative Officers

March 9, 2020

Re: Proposed Amendments to the *Nova Scotia Building Code Regulations*

I am writing to give you formal notice of proposed amendments to the *Nova Scotia Building Code Regulations* pursuant to the *Building Code Act*, R.S. N.S. 1989, Chapter 46.

The proposed amendments will require all new restaurants and spaces within existing buildings that are converted to restaurants (as defined within the Food Safety Regulations made under Section 105 of the *Health Protection Act*) to be constructed completely barrier-free in accordance with the *Nova Scotia Building Code Regulations*, including an accessible path of entry from the street level into and throughout the restaurant, and accessible washroom facilities. This change would align the *Nova Scotia Building Code Regulations* with the September 6, 2018 decision by the Nova Scotia Human Rights Tribunal requiring washrooms located within restaurants to be accessible to persons in wheelchairs.

The Office of the Fire Marshal is engaging in a 46-day public notice period beginning March 9, 2020 and finishing on April 24, 2020.

Please find enclosed three copies of the proposed amendments to the Regulations, a questions and answers information document, and a copy of the notice to be published in newspapers within Nova Scotia.

The *Building Code Act* requires that the proposed amendments be circulated to each municipality and be made available to the public. You are being asked to make a copy of the attached documents available at your offices during the public notice period.

Written comments on the proposed amendments to the regulations are welcome and should be forwarded on or before April 24, 2020 to:

Joe Rogers
 Building Code Coordinator
 Office of the Fire Marshal
 P.O. Box 231
 Halifax Central,
 Halifax, Nova Scotia B3J 2M4

Questions or comments may also be sent via e-mail to ofm@novascotia.ca or by phone at 902 424 5721.

Sincerely,

Joe Rogers
Building Code Coordinator

Schedule "A"

**Amendment to the *Nova Scotia Building Code Regulations*
made by the Minister of Municipal Affairs and Housing under Section 4
of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act***

- 1 The *Nova Scotia Building Code Regulations*, N.S. Reg. 26/2017, made by the Minister of Municipal Affairs and Housing by Order dated February 28, 2017, is amended by adding immediately after Sentence 1.2.1.1.(10) the following sentences:
 - (11) Except as provided in Sentences (8), (9), and (10), if a *building* or part thereof has a change of the *occupancy* classification in Sentence (1) or under Sentence 1.2.1.4.(2), the accessibility requirements in Section 3.8. of Schedule "C" of the regulations, including for *barrier-free* entrances, apply to the construction of the *building* or part thereof undergoing the change.
 - (12) Where a Group A Division 2 *assembly occupancy building* or part thereof is constructed or altered for use as a restaurant, as defined in Sentence 1.2.1.4.(1), the exemptions in Sentences 3.8.2.3.(1), 3.8.2.7.(2) and 3.8.2.7.(3) under Schedule "C" of the regulations do not apply to the construction of the restaurant part of the *building*.

- 2 The regulations are amended by adding immediately after Article 1.2.1.3. the following article:

1.2.1.4. Restaurants

 - (1) For the purposes of this Article and Sentence 1.2.1.1.(12), a restaurant means a restaurant as defined in the *Food Safety Regulations* made under Section 105 of the *Health Protection Act*.
 - (2) If a Group A Division 2 *assembly occupancy building* or part thereof changes from a non-restaurant use to a restaurant use, the change shall be considered equivalent to a change of *occupancy* classification for the purpose of Sentences (3), or 1.2.1.1.(11).

- (3) The exemptions set out in Sentences 3.8.2.3.(1), 3.8.2.7.(2), and 3.8.2.7.(3) under Schedule “C” of the regulations, do not apply to a *building* or part thereof with a change of *occupancy* classification under Sentence (2).

Schedule "A"

**Amendment to the *Nova Scotia Building Code Regulations*
made by the Minister of Municipal Affairs and Housing under Section 4
of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act***

- 1 The *Nova Scotia Building Code Regulations*, N.S. Reg. 26/2017, made by the Minister of Municipal Affairs and Housing by Order dated February 28, 2017, is amended by adding immediately after Sentence 1.2.1.1.(10) the following sentences:
- (11) Except as provided in Sentences (8), (9), and (10), if a *building* or part thereof has a change of the *occupancy* classification in Sentence (1) or under Sentence 1.2.1.4.(2), the accessibility requirements in Section 3.8. of Schedule "C" of the regulations, including for *barrier-free* entrances, apply to the construction of the *building* or part thereof undergoing the change.
 - (12) Where a Group A Division 2 *assembly occupancy building* or part thereof is constructed or altered for use as a restaurant, as defined in Sentence 1.2.1.4.(1), the exemptions in Sentences 3.8.2.3.(1), 3.8.2.7.(2) and 3.8.2.7.(3) under Schedule "C" of the regulations do not apply to the construction of the restaurant part of the *building*.
- 2 The regulations are amended by adding immediately after Article 1.2.1.3. the following article:
- 1.2.1.4. Restaurants**
- (1) For the purposes of this Article and Sentence 1.2.1.1.(12), a restaurant means a restaurant as defined in the *Food Safety Regulations* made under Section 105 of the *Health Protection Act*.
 - (2) If a Group A Division 2 *assembly occupancy building* or part thereof changes from a non-restaurant use to a restaurant use, the change shall be considered equivalent to a change of *occupancy* classification for the purpose of Sentences (3), or 1.2.1.1.(11).

- (3) The exemptions set out in Sentences 3.8.2.3.(1), 3.8.2.7.(2), and 3.8.2.7.(3) under Schedule “C” of the regulations, do not apply to a *building* or part thereof with a change of *occupancy* classification under Sentence (2).

Schedule "A"

**Amendment to the *Nova Scotia Building Code Regulations*
made by the Minister of Municipal Affairs and Housing under Section 4
of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act***

- 1 The *Nova Scotia Building Code Regulations*, N.S. Reg. 26/2017, made by the Minister of Municipal Affairs and Housing by Order dated February 28, 2017, is amended by adding immediately after Sentence 1.2.1.1.(10) the following sentences:
 - (11) Except as provided in Sentences (8), (9), and (10), if a *building* or part thereof has a change of the *occupancy* classification in Sentence (1) or under Sentence 1.2.1.4.(2), the accessibility requirements in Section 3.8. of Schedule "C" of the regulations, including for *barrier-free* entrances, apply to the construction of the *building* or part thereof undergoing the change.
 - (12) Where a Group A Division 2 *assembly occupancy building* or part thereof is constructed or altered for use as a restaurant, as defined in Sentence 1.2.1.4.(1), the exemptions in Sentences 3.8.2.3.(1), 3.8.2.7.(2) and 3.8.2.7.(3) under Schedule "C" of the regulations do not apply to the construction of the restaurant part of the *building*.

- 2 The regulations are amended by adding immediately after Article 1.2.1.3. the following article:

1.2.1.4. Restaurants

 - (1) For the purposes of this Article and Sentence 1.2.1.1.(12), a restaurant means a restaurant as defined in the *Food Safety Regulations* made under Section 105 of the *Health Protection Act*.
 - (2) If a Group A Division 2 *assembly occupancy building* or part thereof changes from a non-restaurant use to a restaurant use, the change shall be considered equivalent to a change of *occupancy* classification for the purpose of Sentences (3), or 1.2.1.1.(11).

- (3) The exemptions set out in Sentences 3.8.2.3.(1), 3.8.2.7.(2), and 3.8.2.7.(3) under Schedule “C” of the regulations, do not apply to a *building* or part thereof with a change of *occupancy* classification under Sentence (2).

Restaurants and proposed changes to the Building Code

Questions and Answers Guide

Why is the Building Code changing?

The Building Code is changing to align with the Human Rights Tribunal decision that interpreted Section 20 of the Food Safety Regulations to include that washrooms within restaurants are to be accessible to persons in wheelchairs. As the Building Code deals with construction of buildings, including spaces used as restaurants, it is important that all newly constructed spaces that include restaurants comply with this decision.

What is considered a restaurant?

In this context, a restaurant is not currently defined within either the Food Safety Regulations or the Building Code. Amendments to the Food Safety Regulations are required to define restaurant. The Building Code Regulations will use that definition as well. The definition will reference any establishment that serves food to customers and offers space (i.e. seating and tables/counters) for the food to be eaten onsite.

The definition will apply to any traditional restaurants, fast food restaurants, cafe, deli, lunch counter, grocery store, sports facility (such as hockey rinks and bowling alleys), that serve food and seating on site to eat. Establishments that do not offer space for food to be eaten on the premises will not be captured by the definition. Using the same definition is important to ensure that a restaurant under the Food Safety Regulations, and subject to the Human Rights Tribunal decision, is captured in the Building Code.

What about take-out restaurants?

If there is no seating on the premises to eat and the expectation is to pay, pick up your food and take it with you to eat at another location, it would not be considered a restaurant under the proposed definition.

If I want to build a new restaurant what would I need to do?

The new restaurant would be required to comply with the current Nova Scotia Building Code. This would include providing a barrier-free path of travel from the exterior of the building, into the building and through the public portion of the restaurant to a washroom facility. This would apply to new construction or a renovated portion of an existing building where the use is a restaurant.

When do these requirements start?

The expected in-effect date for these requirements is on or after September 30, 2020.

What about existing restaurants?

These Building Code changes apply to the design, construction, and occupancy of new buildings, and the alteration, reconstruction, removal, relocation, occupancy and change of occupancy classification of existing buildings. As explained above, where a space within an existing building is converted for use as a restaurant, the new requirements within the Building Code would be applicable to the construction of that restaurant.

A process is currently underway to develop a plan to help existing restaurants comply with the Human Rights Tribunal decision – more information on that process will be shared in the next few months.

Office of the Fire Marshal March 9, 2020

Building Code Regulations

NOTICE is hereby given that amendments to the *Nova Scotia Building Code Regulations* (the Building Code) made pursuant to the *Building Code Act*, Chapter 46, of the Acts of 1989 are anticipated to be prescribed by the Minister of Municipal Affairs and Housing to come into effect throughout the Province of Nova Scotia on or after September 30, 2020.

The proposed amendments will require any new restaurants (as defined within the *Food Safety Regulations* made under Section 105 of the *Health Protection Act*), including spaces within existing buildings, to be completely constructed in accordance with the barrier-free requirements contained in the *Nova Scotia Building Code*, including an accessible path of entry into the restaurant from the exterior of the building and access to barrier-free washroom facilities. This will align the *Nova Scotia Building Code Regulations* with the decision by the Nova Scotia Human Rights Tribunal regarding accessibility within restaurants.

Written comments on the proposed amendments to the Regulations are welcome on or before April 24, 2020 and should be forwarded to:

Joe Rogers,
Building Code Coordinator
Office of the Fire Marshal
P.O. Box 231
Halifax Central
Halifax, Nova Scotia B3J 2M4

Copies of the proposed amendments to the *regulations* are available for inspection at offices of Municipal Clerks or Building Officials. Copies are available from the Department of Municipal Affairs and Housing by writing to the above address, emailing OFM@novascotia.ca or by phoning (902) 424-5721.

Honourable Chuck Porter
Minister of Municipal Affairs
and Housing