

TOWN OF ANNAPOLIS ROYAL
COMMITTEE OF THE WHOLE
Draft Minutes
December 5, 2006

The monthly session of the Committee of the Whole was held on Tuesday, December 5, 2006 in the Council Chambers at Town Hall. In attendance were Chair Deputy Mayor Jane DeWolfe, Mayor John Kinsella, Councillors Ron Boulding, Phil Roberts, Doug Shaffner and Sherman Hudson, CAO Amery Boyer, Director of Finance Melony Robinson and Administrative Assistant Jackie Longmire as recording secretary.

CALL TO ORDER

Deputy Mayor DeWolfe called the meeting to order at 9:00 a.m.

APPROVAL OF COMMITTEE OF THE WHOLE MINUTES

November 8, 2006

Motion # 1

It was moved by Mayor Kinsella, seconded by Councillor Shaffner, that the minutes dated November 8, 2006 be approved. Motion carried.

ADDITIONS TO AGENDA

Under New Business add:

12. Nova Scotia Utility and Review Board - application to confirm or alter the number of Councillors for the Town of Annapolis Royal.

Under PHAC Business Arising add:

1. Report on Committee Meeting

APPROVAL OF AGENDA

December 5, 2006

Motion # 2

It was moved by Councillor Hudson, seconded by Councillor Shaffner, that the agenda for the Committee of the Whole meeting dated November 8, 2006 be approved as

amended. Motion carried

BUSINESS ARISING

Item	Decision /Action	Responsibility	Target date
1.Dutch Elm Disease Policy	Town Solicitor George Lohnes has reviewed the policy and has suggested that the Town produce pictures and maps of trees that are identified for removal. He also suggests that a written technical report be prepared by the arborist. A meeting will be arranged with the arborist to obtain the technical report.		
2. Incentives to encourage young families	This item is pending a report on the tax burden. The CAO for the Municipality of the County of Annapolis is in the process of preparing the report. This item will be brought forward when the report is complete.		
3. Vacation Policy	This item has been tabled until time allows for a report with recommendations to be prepared.		
4. Building By-law	The Building By-law has been amended as per the suggestions of the Building Inspector and the Solicitor. CAO Boyer explained that the main purpose for the amendments was to separate the fees from the main content of the bylaw. This will allow for the fees to be changed without amending the entire bylaw. The bylaw will be forwarded to the next regular meeting of Council on December 18, 2006 for first reading.		

NEW BUSINESS

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Item	Decision / Action	Responsibility	Target Date
1. Water Tests	Water tests have been reviewed by the CAO and found to be within the required parameters.	CAO	
2. Unsightly Premises	<p>CAO Boyer prepared a report with recommendations that was reviewed by Council. Several options regarding how to proceed with the enforcement process were discussed. CAO Boyer recommends that the Town hire contractors to bring the properties up to standard. The Town would pay the original bill and then bill the property owners. If the bill is not paid by the property owners the Town would then place a lien on their property. The Town would not be able to recover the funds unless the property was sold. It was agreed that the process would be postponed until Spring. At that time a letter will be sent to the property owners informing them of the process and ads that will be placed in the paper for tender work to be completed with civic addresses appearing in the ad. If the property owners have the work completed before the ads are placed then the process will be halted for their property. The general public will also be informed of the process through a media release, web site posting and ad in the local paper.</p> <p>Council expressed their desire to have the unsightly premise issue resolved as soon as possible.</p>		
3. Personal Information International Disclosure Protection Act	For information only.		
4. Surrrette's Island	The Fire Department of Surrrette's Island has been completely destroyed by fire. Departments from other areas are coordinating a fund raising effort to assist in the reconstruction of the department. Council was asked if they wished to make a donation to the effort. The Annapolis Royal Fire Department has sent surplus equipment as a donation. It was agreed that Council would consider a donation after more information from other areas was received.		

	<p><i>Motion #4</i> <i>It was moved by Mayor Kinsella, seconded by Councillor Boulding to recommend to Council a donation in the amount of \$100.00 - \$250.00 to Surrette's Island Fire Department, pending information on donations from other communities.</i></p>		
5. Tax reduction bylaw for day care centres	<p>The Director of Finance suggested that a policy be drafted to eliminate business occupancy tax for day care centres. The policy would also reduce the commercial portion charged on the property tax to residential. The policy would be effective for the next fiscal year. The bylaw will be forwarded to the next regular meeting of Council on December 18, 2006 for first reading.</p>		
6. Policy to charge \$10.00 per mortgage holder to the various banks that we deal with regarding mortgages	<p>The Director of Finance explained that a considerable amount of staff time is used dealing with the finance companies that pay taxes on behalf of mortgage holders. She suggested that a \$10.00 fee be charged per mortgage holder to the financial institutions. It was noted that other municipalities charge between \$6.00 and \$10.00 for the service.</p> <p><i>Motion #5</i> <i>It was moved by Mayor Kinsella, seconded by Councillor Boulding to recommend to Council approval of the Mortgage Fee Holder Policy indicating a \$10.00 charge to banks and financial institutions who pay taxes on behalf of mortgage holders.</i></p>		
7. Tree removal on the Witherley property/Policy on Tree take downs	<p>A tree on the Witherley property had to be removed recently to allow for repairs to the water line. The tree was half on the Witherley property and half on Town property. CAO Boyer said that the Town paid half the bill for this removal. She suggested that a policy be put in place to provide for equitable cost sharing for required removal of trees that straddle private and Town property. A draft policy was introduced and approved.</p>		

	<p><i>Motion #6</i> <i>It was moved by Councillor Shaffner, seconded by Mayor Kinsella to recommend to Council approval of the Policy on Tree Take downs.</i></p>		
8. Th_r_se Casgrain Volunteer Award nomination brochure	Council was asked to consider if they would like to make a nomination for the award. All nomination suggestions will be addressed at the next meeting of Council on December 18, 2006.		
9. Meeting with ADBOT to discuss current issues (10:00 a.m.)	This meeting actually took place on December 4, 2006. CAO Boyer said that it went very well and several issues were discussed. Beth Farin has volunteered to be the new liaison between the Board and Town staff. Council was positive about the meeting and are committed to keeping communications open.		
10. Strategic Planning comments from meeting on November 2 & 16, 2006	The comments were organized for review and posted on the website. All comments will be considered as the strategy for the Town is developed.		
11. Application for an Encroachment Permit - 6 Drury Lane	<p>The purpose of the encroachment application is to document that the wheelchair ramp at the location is on Town property.</p> <p><i>Motion #7</i> <i>It was moved by Councillor Roberts, seconded by Councillor Shaffner to recommend to Council approval of the encroachment permit application for the wheel chair ramp located at 6 Drury Lane.</i></p>		
12. Nova Scotia Utility and Review Board - application to confirm or alter the number of Councillors for the Town of Annapolis Royal	A public meeting was held with a facilitator to address the issue of the number of Councillors. The consensus was for the Town of Annapolis Royal Council to remain the same with a Mayor and 5 Councillors. CAO Boyer will complete the application for Council to remain at status quo. She also said that she must provide reasons for the recommendations. Members of Council provided reasons such as: quorum concerns, numbers of committees, boards and commission that each Councillor serves on would increase if the number of Councillors was decreased and the Town has significant assets to manage and oversee, despite its size.		

PLANNING AND HERITAGE ADVISORY COMMITTEE 10:00 a.m.

Members of the Planning and Heritage Advisory Committee were not present as there were no items on the agenda for the committee to address.

BUSINESS ARISING

Item	Decision/Action	Responsibility	Target Date
1. Heritage Building Awards	Deputy Mayor Dewolfe explained that the sub-committee is in the process of reviewing all the forms for heritage designation. Deputy Mayor DeWolfe said that the County of Annapolis is also reviewing its process for designation and she plans to attend an upcoming meeting on the issue. She suggested that the Town move forward with heritage designation using the current forms. CAO Boyer said that honorariums should be paid to individuals who work on the designation process. Staff does not have the knowledge that is required to complete the forms and others have been asked to assist in the process. CAO Boyer said she will discuss the issue with Ryan Scranton of the Annapolis Heritage Society but she recommended an honorarium in the amount of \$300.00 per file not including research, subject to further discussion with the Annapolis Heritage Society.		

	<p>CAO Boyer said that there are approximately 40 properties waiting to be designated. Three of those are ready to undergo the process but research is required. Several other issues such as cost, responsibilities, and priorities were discussed. It was agreed that a decision would be postponed until the next meeting of the Planning and Heritage Advisory Committee in January, 2007.</p> <p>Deputy Mayor DeWolfe also suggested that the recommended changes to the Heritage Building Award brochure be approved in time for the brochure to be amended for the 2007 launch of the program. The changes were the recommendation of PHAC member Elizabeth Ross and were introduced at a previous meeting of Council.</p>		
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NEW BUSINESS

Item	Decision/Action	Responsibility	Action
1. None			

GENERAL / CORRESPONDENCE

1. Development/Building Permit Report - For information only.
2. Note from Ron Kinghorn Re: boat on Town property - Mr. Kinghorn indicates that the boat will be removed in the Spring of 2007.
3. Thank you notes to the Town - For information only.
4. Letter from Peter Wyman Re: Strategic Planning - Mr. Wyman's comments will be posted to the website with all other comments.
5. Letter from Gordon Totten Re: Strategic Planning - Mr. Totten's comments were reviewed and will also be posted to the website.
6. Letter from Michael Susnick Re: Dutch Elm Disease - Mr. Susnick asked that his letter be added to the minutes and, therefore, can be found attached. It was noted that there is some confusion in the dates. Mr. Susnick actually attended the October 4, 2006 Committee of the Whole meeting rather than the September 18, 2006 Council meeting. His presentation was recorded in the minutes of October 4, 2006. CAO Boyer will draft a letter in response to Mr. Susnick's comments.

IN CAMERA

Motion #8

It was moved by Councillor Boulding, seconded by Mayor Kinsella to move in camera to discuss the Legion lease and other issues.

Motion #9

It was moved by Councillor Boulding, seconded by Mayor Kinsella to move out of camera.

NEXT MEETING January 4, 2006 at 9:00 a.m.

ADJOURNMENT

It was moved by Councillor Boulding that the meeting adjourn.

<u><i>Action:</i></u>	<u><i>Date</i></u>	<u><i>Signature</i></u>
Reviewed by Deputy Mayor DeWolfe		
Changes made by Administrative Assistant Jackie Longmire		
Approved for website by Mayor or CAO		

Letter For Attachment

**Michael Susnick
364 St. George Street
Annapolis Royal, NS
B0S 1A0**

November 28, 2006

Mayor John Kinsella, Dep. Mayor Jane DeWolfe, Members of Council, Amery Boyer, CAO
Annapolis Royal Town Hall
St. George Street
Annapolis Royal, NS B0S 1A0

Dear Mayor Kinsella, Deputy Mayor DeWolfe, Councillors, and CAO Boyer:

I hereby request that this letter be introduced, in its entirety, at the December Council meeting and, furthermore, that it be entered into the Minutes as public record.

Council will recall my presentation at the September 18th meeting, during which I suggested that the Town of Annapolis Royal might reevaluate its Dutch Elm Disease (DED) policy which has raised some concerns amongst town residents. With the thought of enacting a moratorium on the premature destruction of DED infected trees, I offered an alternative approach to existing DED policy. At the conclusion, I was greatly encouraged by what appeared to be an enlightened and empathetic response expressed by several Council members.

In recent days, I've had occasion to consult the Town website in order to review Minutes of the September 18th Council session. I was dismayed to discover that they contained absolutely no reference whatsoever either to my presence at that meeting or my somewhat lengthy presentation. In view of this glaring omission, I find it is incomprehensible that the incomplete September Minutes were approved as a legal document at October's Meeting.

On November 23rd, I had a telephone conversation with CAO Boyer regarding this discrepancy. Initially, she claimed to be unaware of the omission. However, in a subsequent phone call later that day, she acknowledged that the nature of my presentation was viewed as a "complaint". As such, Council deemed it to be in Town's best interest to deliberately exclude it from the Minutes.

Two questions come to mind. Why would my presentation be perceived as a complaint rather than a constructive alternative approach offered in good faith? Is it the policy of Council to print only compliments in the Minutes? Rather than allowing free and fair public access to my presentation, Council elected to deal with it in a closed and secretive manner, thus excluding the public, the most prominent stakeholders, from being informed. By suppressing my presentation town residents were not informed concerning the points I had made, particularly concerning an alternative approach to the Dutch Elm Disease problem. They were accordingly limited in the information available for discussion with Mr. Lee at the October meeting.

David Lee, Town Arborist and owner of Atlantic Arborists, was invited to speak at the October Council meeting to explain the current DED policy. Unfortunately, none of the questions directed to Mr. Lee by Mayor Kinsella addressed the inconsistencies and selective enforcement practices put forth in my presentation. Apparently, no questions from Councilors came forth. His comments, in marked contrast to mine, were fully documented in the October Minutes and made available to the public. It's clear that the vote taken at the conclusion of his presentation was called without benefit of either public knowledge or input. The manner of this exercise represents a disturbing departure from normal

Council procedures.

It is my intention that town residents, who were not privy to my presentation at the September 18th meeting, now be accorded full disclosure of what transpired at that session. Following is a summation of the points covered:

- 1) I spoke of an **alternate approach** to current DED policy, which is by no means unique. It essentially calls for halting the premature destruction of elm trees and allowing nature to take its course. A pruning program has been practiced by a number of Valley towns, including Digby, and they have managed to preserve stately elms that might have been destroyed years ago. It's been shown that attentive pruning may actually delay the progression of the disease in some affected trees, while alleviating liability concerns that had previously been raised by Mayor Kinsella. I spoke of the advantages of adopting this policy that would include sustaining the integrity of the town streetscape with its lovely shade canopy, while continuing to maintain a habitat for animal and bird life. It would also allow residents and visitors alike to continue to enjoy the beauty of these stately trees for as long as possible. The life span of a newly affected tree will vary according to general health and size, but can be as lengthy as three to five years. Given that the Town Arborist acknowledges that every elm tree in Annapolis Royal will eventually succumb to DED, it is simply a matter of choice as to whether Council wishes to prematurely eliminate infected trees, or rather to allow them stand for as long as nature permits.
- 2) The **condemnation of trees** infected with DED in Annapolis Royal is not always made in a consistent and equitable manner. There are several trees within town limits currently exhibiting suspicious initial signs of DED, and which may in fact be infected. Why weren't all of these suspect trees identified and samples sent off to the laboratory this year in order to obtain a definitive diagnosis? Singling out specific trees and their owners, while failing to test all suspicious trees for DED, is clearly discriminatory. This policy of "selective enforcement" of the tree bylaw, directed at some and not at others (including the Town), is totally unacceptable. Kindly consider the following:
 - a) The Town has demonstrated a double standard. For at least a couple of years, a stand of elms located on town property fronting 261 Prince Albert Road, exhibited symptoms of flagging, while displaying other signs of DED including crown yellowing and considerable leaf loss. A similarly affected tree near the train station that I believe to be on town property exhibited similar symptoms, and had already lost 50% of its leaves. Why was there an inordinate delay in the condemnation of these town trees? Conversely, last year a tree on my property located at 364 St. George St. was immediately killed by girdling after displaying only minimal initial signs of crown yellowing that had become apparent just one week prior to the condemnation order. The tree was then removed at my expense. Likewise, another tree of mine was condemned this year and ordered to be removed, this one again displaying only minimal signs of yellowing. I recognize that the Town must bear the cost of removal of trees on town property, but not on private property. However, does this justify why town trees were given a reprieve of condemnation while mine were not?
 - b) An infected elm in front of CAO Boyer's house, despite exhibiting apparent signs of DED as early as last year, was not initially slated for removal this year. When I pointed this out to Mr. Lee, he indicated that this was a "stand alone tree" and would not pose a danger to other elms. After I suggested that the elms fronting the Historic Gardens were in close proximity to CAO Boyer's tree, he reluctantly marked her tree for removal. Immediately, thereafter, he condemned, without benefit of lab testing, two additional trees all, curiously enough, on properties owned by me at 499 St. George and 89 Victoria Street. For the record, I mentioned CAO Boyer's tree in order to illustrate the inconsistency of identifying some trees and not others. I was not pleased with the decision to have her tree condemned. On the contrary, I was saddened that hers, or any elm tree in Annapolis Royal, be prematurely destroyed.
- 3) The Town Arborist's preferred method of on-sight field inspection and sampling cannot provide a **scientifically definitive diagnosis** of DED. According to Rick Delbridge, P.Ag., Plant Pathologist of Delbridge Disease Management, the sole method is by means of microscopic examination and culturing in a laboratory at

nominal cost. Laboratory analysis is essential since there are several non-lethal diseases affecting elms that precisely mimic, and can often be confused with, the symptoms of DED.

- 4) The onset of DED infestation in Annapolis Royal began approximately five years ago. Why at that time weren't all elm tree owners informed of the **option of annual injections**, which have demonstrated some success in preventing the onset of DED? To my knowledge, the only trees currently being injected are located at the Historic Gardens. At this point in time, since DED is so well entrenched in the Town, the injection option is far less effective. Had this information been provided in timely fashion, the current situation might be somewhat different.
- 5) There was an apparent **conflict of interest** on the part of Atlantic Arborist. It is significant to note that Mr. Lee has now elected to distance himself from identifying infected elms in favour of passing that responsibility on to a volunteer citizens' committee.

My foregoing concerns are based upon observation, research, documentation, and personal discussions with certified arborists and plant pathologists within the province and as far afield as Saskatchewan and Massachusetts.

In conclusion, I would respectfully urge that Council thoughtfully reexamine the issues in an effort toward modifying current policy, or formulating one that provides for a more realistic and enlightened approach to a difficult problem. Doing so would halt the premature death sentences imposed upon these stately trees, thereby allowing us all to derive enjoyment from them for at least the next several years.

Please understand that I would much prefer not being placed in an adversarial position with the Town. However, in light of present circumstances, I seem to have been given little choice. As a result of so many disturbing and unresolved issues, I must now hereby give notice to Town Council of the following:

Please be advised that under no circumstances do I give permission to either Town staff, its representatives including but not necessarily limited to Atlantic Arborists, to trespass on my properties located at 364 St. George St., 499 St. George St., or 89 Victoria Street, with the expressed intention of girdling or prematurely felling my elm trees.

Thanking you in advance for your thoughtful consideration of the above, I am

Very truly yours,
Michael Susnic