

Minutes of a **Public Hearing** conducted by the Municipal Council for the Municipality of the County of Annapolis on **December 15, 2015**, at the Municipal Administration Building, Annapolis Royal, N.S. at 11:00 a.m.

Present: Warden Reg Ritchie, Deputy Warden Timothy Habinski; Councillors Marilyn Wilkins; Brian ‘Fuzzy’ Connell, Wayne Fowler, Paul McDonald, Gregory Heming, Frank Chipman, Martha Roberts, Diane LeBlanc, and Horace Hurlburt.

Absent: Councillor Alex Morrison

Also

Present: CAO John Ferguson, Manager of Economic Development Cody Joudry, Municipal Clerk Carolyn Young, other staff, and approximately 5 members of the public.

Format, Purpose and Procedure

Warden Ritchie welcomed all, and noted that Council is holding a public hearing in accordance with Section 51 of the *Municipal Government Act*. At the end of the public hearing the public hearing would be closed and Council would return to its regular session of Council.

A municipality may sell property at market value when the property is no longer required for the purposes of the municipality. A municipality may sell property at a price less than market value to a not-for-profit organization that council considers to be carrying on an activity that is beneficial to the municipality. Municipal council is considering selling PID 05197777 to The Bear River Board of Trade (BRBoT) for less than market value. The Purpose of this public hearing is to gather public input on selling this property at less than market value.

He added that all questions and comments throughout the public hearing are required to be addressed to the chair. The chair will afford an opportunity for public input and will ask that persons speaking identify themselves and their community each time so that their comments may be recorded in the minutes of these proceedings and that the person speaking identify if they are speaking in favour or against the application. Written presentations are acknowledged first, followed by public oral presentations. Questions and comments from Council members are asked to be held until all public comment is heard.

Re: Sale of Municipal Land to a Non-profit Organisation for Less Than Fair Market Value

• Staff Report

- The Municipality of the County of Annapolis decommissioned the Bear River Sewage Treatment Plant in the Fall of 2012. After the closure public meetings were held to update the public as well as discuss the future of the property. Notices about these meetings were distributed to addresses within the Bear River postal code delivery area. No future Municipal use of the property has been identified.
- It was thought at the time that the Municipality had a requirement to return the property to BRBoT once no longer required by the Municipality. The Board reviewed the matter and provided Council with a proposal. The proposal assumed the glass structure was demolished and centered on the Municipality continuing to own and maintain the property while the Board promoted its use, assisted with maintenance, and organized community events onsite. Council declined and the glass structure was scheduled for demolition as it posed a future liability.
- Prior to a demolition contract being awarded, a project was identified by Kai Woolner-Pratt to repurpose the glass structure to a community greenhouse and an education hub. The Board endorsed the project and the matter was brought to Council. In the proposal the Municipality would continue to own and possibly maintain the property. As some of the details including financial considerations were unanswered Council asked staff to work with Mr. Woolner-Pratt

to develop a more comprehensive proposal.

- Staff worked with Mr. Woolner-Pratt but the project never moved past the concept stage, mainly due to financial challenges. Mr. Woolner-Pratt subsequently moved away and was unavailable for employment reasons. Eventually Kris Murdoch and Carol Dibble (former treatment plant operator) from the Board approached County staff, with Mr. Woolner-Pratt's support, in hopes of carrying the project forward.
 - Murdoch and Dibble, on behalf of the Board and in consultation with staff, submitted a proposal. A subsequent Request for Decision was prepared and the matter was discussed at the July 2015 Committee of the Whole session. The matter was tabled until further information could be brought back to Council.
 - There has been a long time assumption that the Municipality would transfer the property to the Board if no longer required by the Municipality. We do not have documentation to support this assumption.
 - The Director of Municipal Operations estimates between \$30,000 and \$40,000 would be required to demolish the structure. Sections 50, 51, and 52 of the *Municipal Government Act* outline the Municipality's authority in regards to the sale of land. See *Attachment A* for the excerpt from the Act.
 - The BRBoT has provided Municipal Council a proposal that aligns with Council's Economic Development targets and repurposes the property for a positive community purpose.
 - Municipal Council may consider the Board's proposal, which would require the sale of land at less than market value. Section 51 of the *Municipal Government Act* would permit this sale. Prior to any decision of Council a publically advertised public hearing is required. This public hearing is the final step in that process that would allow Council, if it wishes, to approve such an agreement.
- ***Presentation by Purchaser***

Bear River Board of Trade (BRBoT) - Kris Murdoch and Carol Dibble

Carol Dibble – noted she had helped Woolner-Pratt develop his project to keep it realistic as she knows the property and is a good location to grow plants. Would be good place to start plants, locate a community garden, and have ongoing community education (i.e. heritage cooking, gardening). She noted there is lots of commitment for the project and people are eager to participate. The Board of Trade membership has committed individuals. Certain amount of time needs to be spent on the waterfront to keep the area as a welcoming area. Food safety and health are very important. Plans are to involve seniors, go slow to be viable, provide in-kind support, move at an economically viable pace, and sell plants from the greenhouse.

Kris Murdoch – added that the intent is to provide a three-season greenhouse, in addition to what is on personal properties. Hopes are for seed exchange, farmers markets, etc. They are aware that they are expected to maintain the property, and expect self-sustaining membership to cover cost of power or other needed items. There is lots of excitement already and the community is eager to get going.

Acknowledgement of Written Submissions

The Municipal Clerk reported that the following written submissions had been received on this matter, and were read to those present and area attached to the minutes: Angela McMullen, bob Benson, Jeff Knorek, Teresa Henshaw, and Zoe O.

• ***Call for Oral Presentations***

Larry Knox, Chair BRBoT, speaking in favour and responded to the comments as read, noting this is a group who has an ongoing mission of denigration to the current BRBoT. He noted they write the Bear River Tides online blog which was taken to the cyber-bullying people who asked them to take it down. As Chair, he noted the BRBoT has worked with both municipalities to upgrade the village. Regular meetings are posted. Open website to the public. Arts in Action – posted regularly about events in the community. The greenhouse project is about neighbours working together to make the community more viable, and the BRBoT is upfront an honest about what they do.

Carol Dibble, Bear River – speaking in favour, noted that all the written submissions (one is American) are co-owners of the mill yard and may have a vested interest in the property. She herself has been on the board since 1980's, leaving for the period when she worked for the county to avoid any conflict of interest, and has been back on the board since her retirement.

Duff Wilson, Bear River – used to sit on the board. He noted the Peace Garden has deteriorated. Once permission was received to use the property for the garden, he was asked to step down. He added that this is a community with problems (i.e. noting the website that has recently been taken down). He has resigned from the BRBoT, the Legion, and BREDS as a result. He wanted to address the fact that there is an agenda by these people directly against the BRBoT. Members are openly ridiculed and embarrassed. Volunteers should not be subject to this type of action. Hope that it initiates a project that would take over the whole waterfront. Hard to move forward against this type of feeling.

Comments by councillors

- The BRBoT needs to embrace this opposition by being successful with this application to be an anchor for the village. The project ties our agriculture, community energy, and is education – all part of our Economic Development strategy. Visionary projects always draw the ire, and the community needs to work through that. BRBoT does not have to represent all business, only those who wish to join it. A community that has the landscape, climate, and social structure to grow own gardens is the type of place to have a successful community garden. He encouraged them to be bold, because only in the boldness does the magic happen. Fully supports.
- Nothing will ever be accomplished until all objections have been overcome. Supports this effort.
- Thanks community volunteers. The electricity was removed and would be addressed as part of the agreement for the county to hook it up.
- Thanked those present today. Working in community, small groups get a lot done, even with opposition. Always someone who will oppose rather than help. Glad to see those who want to move forward.
- This has the potential to be of great value. It takes energy and resources and time and creative thinking to create something of lasting value. Tearing it down can be done swiftly. Builders are to be commended.
- Nourish your Roots – connecting children and families to local food.
- Fully supports. Involved at one time in England with allotments to grow gardens. Likeminded individuals of young and senior provided an atmosphere of neighbourliness. This is an opportunity for a community to work towards something,
- Gardening is the most common thing we do. Common ground erases barriers. A worthwhile project. Gardening is important.
- Supports. No doubt that local opportunities are viable. Cost effective with regard to rising cost of food.

- Commends those who are behind this project. Volunteers. This can be a great project for Bear River and Annapolis County. It is the way of the future.

Closing Comments and Adjournment

The Warden thanked everyone for attending today and called for a motion to adjourn the public hearing and to return to the regular session.

Adjournment

It was moved by Councillor McDonald, seconded by Councillor Roberts, to adjourn the Public Hearing at 11:53 a.m. and to return to the regular session of Municipal Council. Motion carried unanimously.

Warden

Municipal Clerk

To Whom It May Concern,

I am writing about the pending decision to put the Greenhouse and lands surrounding, in the hands in the Board of Trade.

The current leadership is and has been negligent in promoting the interests of residents. The organization is exclusive to the artisan community and restricts memberships and involvement based on a change in the bylaws.

The properties owned by the Board are not maintained; the waterfront being the focal point of the village has been in a state of neglect since the present leadership took responsibility. The BOT has been responsible for the needless demolition of the iconic windmill.

These are but a few examples of how the Bear River Board of Trade has not fairly represented the community,. The lack of funds do not put them in a position to take responsibility for additional assets.

I have been an active part of the community of Bear River for many years, and feel that the land and greenhouse should be purposed to an individual or organization who has developed a sustainable strategy for ongoing operations.

Sincerely,
Angela McMullen

Attention
Carolyn Young
Municipal Clerk

In regard of Sale of Municipal Land, Bear River .

As a lifelong resident of our village I have serious concerns regarding the possibility of Annapolis Municipality making these two properties available to the Bear River Board Of Trade.

The present board is certainly not representative of our community, membership is restricted to those that agree to not disagree with the board of directors and show very little support to local and or long time business (negative support in my case) other than selected artisans Their board of directors has no representation of anyone born in Bear River therefore little knowledge of past endeavors, accomplishments or failures.

Our village is currently at an all time low in regard to the downtown area and consideration should be given to the fact our main street is sinking and tidal water is rising. In the interest of the continece of a downtown identity for Bear River, Annapolis County it could be beneficial to utilize the one piece of solid land (not filled with rotten cribwork) that being behind the school, for community development.

I would challenge the Municipality to have consultation with the development officer of the area to initiate an action to seek out an entrepreneur that would be interested in developing the entire area including the present Board of Trade property. In due time review the submissions and act accordingly on the merits and sustainability.

The concept of Bear River being developed as a model eco village still has merit ; this will happen somewhere in Nova Scotia .

I feel it is the responsibility of the Municipality to support our long time families and those sincere newcomers that truly wish to become active members of our community.

Please do not sell us short on the possibility of what could become a sustainable addition with community support.

Sincerely
Robert Benson

Owner of Bear River Millyard Cottages and Campsites
Active in the Board of Trade and business community for many years.

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To whom it concerns,

I am writing to express my concerns regarding the proposed acquisition of Municipal land by the Bear River Board of Trade (BOT) for use as a community garden and community greenhouse. The village of Bear River has no need for either. The majority of homes in Bear River are single-family dwellings, most of which sit on land large enough to accommodate a private garden. The very few multi-family dwellings in the village do not attract a demographic that would be interested in using a community garden or community greenhouse. In short, almost everybody in Bear River who wants to dig a garden already has the ability to do so.

It should be mentioned that Bear River enjoying a community garden is not without precedent. After the 9/11 attacks the United Church of Canada established a floral garden in the BOT's Waterfront Park called the Peace Garden, which is now simply a patch of weeds that merely differs in variety from the weeds now found growing in the rest of the park. Establishing community spaces for gardening or nurturing seedlings is therefore folly even if operated by a respectable, well-run organization. That the BOT seeks to acquire property from the Municipality of Annapolis to build and manage such an operation is patently absurd. The BOT is not a grassroots organization which enjoys support from (and interaction with) the local community. Rather, it is a top-down organization that solicits no input from the community which it claims to represent. It does not publicize its quarterly meetings or annual general meeting in advance, nor does it make its books available for inspection by interested parties. While remaining many thousands of dollars in debt, it has just one fundraising event, which is an annual plant sale, to generate revenue. There remains no mechanism in place to raise funds by way of bake sales, yard sales, talent shows, concerts, or other measures to develop community support which are normally exercised by many other societies in rural Nova Scotia. The absence of fundraising efforts and community support is clearly in evidence by observing two of the BOT's properties; the Green Lantern Building and the Waterfront Park. The Green Lantern is in an obvious state of disrepair and the Waterfront Park, once the crown jewel of Bear River, is now a useless weed-choked field. This dream of planning to build a community garden and greenhouse is evidence of the top-down style of "governance" that is a hallmark of the BOT: no village-wide market study was performed and nobody outside of the BOT's small clique of friends were consulted. The BOT cannot properly maintain its existing properties yet it seeks to acquire still more properties and initiate more projects that it can neither afford to own, maintain, or operate. While I appreciate the Municipality's desire to divest itself of abandoned properties, especially the former wastewater treatment plant, involving the BOT in any way is a very bad idea.

Respectfully submitted,
Jeff Knorek
BOT Director 2006-2010

Thursday December 10/15

Re: Bear River Sewage Treatment Plant and the ball field in back Oakdene.

Dear Annapolis County Council,

It has been brought to my attention that there is a Council meeting pertaining to the above property, on Tuesday December 15, 2015. I have concerns about the Bear River Board of Trade wanting to own the greenhouse and the ballfield behind Oakdene.

Their reputation as property owners is an embarrassment. The properties owned by them, such as the Bear River Waterfront Park and the Green Lantern building, are a disgrace to our community.

I am afraid if the above mentioned properties were obtained by the present members of the Bear River Board of Trade it could be a repeat performance of the other properties they own or have owned.

It is my understanding that Boards of Trade must represent the interests of all businesses in the community *i.e. not solely the interests of a particular sector or cultural group* that operate within its community. They have not included or informed the community willingly of any project they have been involved in. Their Board has no Bear River natives (old families) and very few business owners, it consists only of artists and people who have no invested interest and history in Bear River.

The Bear River Board of Trade has three meetings a year with no accountability to the community. Their rigid membership criteria is ridiculous, picking and choosing only a handful of narrow minded dictators like themselves, these are not who I wish to care for my community. All members are expected to sign a Membership Agreement, allowing for NO disagreement with the board. Therefore we have no one who will defend us.

As a past and very active member for 25 years of the Bear River Board of Trade and presently very active in the B.R. Legion Auxiliary and B.R. New Horizon's Club, as well being

the B.R. Canada Day Coordinator. I am saddened by their treatment of our community as a whole, by not representing our business and commerce sector effectively.

In 2009 my BoT membership was revoked, with no explanation or chance for me to ask why. Is this an acceptable way for a community organization to treat a dedicated volunteer?

I ask my Council members to consider other alternatives before acting on the Board of Trade proposal. There are ours interested in developing this property, with the blessing of the community. As you know the B.R. BoT has no finances to back up any plans they may put forward.

Sincerely,
Teresa Henshaw
Teresa's His & Hers Hairstyling for 32 years
19 Chute Road, Bear River

To Whom it May Concern

I am writing to state my opposition to the transfer of the property known as the Solar Aquatics, and the land behind the Oakdene Center, to the Bear River Board of Trade.

The current Board of Trade is not an organization that represents the community. Since the current directorship took over control in 2010, they have worked assiduously to exempt anyone who disagrees with their actions from belonging to the Society. They have no public meetings to determine what the residents of Bear River want, and do not offer to the public any information as to what they are planning or doing .

Once an organization that cared about the needs of the village, the current Board of Trade has failed to perform even the basic duties of the organization. The properties that they currently own are completely derelict. The waterfront park is an eyesore and dangerous, with broken picnic tables and feces filled sandboxes. The Green Lantern Building is in serious need of repair.

The Board of Trade has no financial resources and I believe that they are in debt by a substantial amount. At the last meeting in September, they failed to offer a treasurer's report, even though the meetings are only held quarterly giving lots of preparation time.. President Larry Knox's comment about the financial situation was "it's about the same as last time".

With no financial means of its own, the Board of Trade will only have government agencies and the Municipalities to turn to. Is this the way we want to spend our ever decreasing tax dollars?

The Bear River Board of Trade has no apparatus in place to raise money. Once a vital organization with an active fundraising committee, the BOT no longer makes a pretext to that end, other than a small plant sale in the spring.

If the Board of Trade is unable to maintain the properties it has, and has no money or volunteers to sustain those properties, how will it be able to maintain a new property and enterprise?

As the municipality is aware, the electrical source to the greenhouse has been removed. According to the NSPC, the cost to replace the entrance will be at least 3,000 dollars. How will the Board of Trade pay for that? How will the Board of Trade fund the ongoing heating of the structure? Who will pay for the removal of the contents of the building?

As the Municipality knows, the Solar Aquatic system is not double glazed and the heating costs are significant.

It is my opinion that it is unlikely or impossible that the BOT has the wherewithal to develop these properties in any way.

The other question to be considered is the need for a community garden in the village. The majority of the residents of Bear River have single family dwellings and enough land to plant a garden. There is only one multi-unit rental property with 4 apartments. Even the Seniors Apartments have dedicated areas for any residents who would like to dig in the dirt. Therefore, it is difficult to imagine anyone actually having a need for access to a community garden.

The concept of the community garden was developed in Bear River in 2003, in the guise of a Peace Garden. The vice-president of the current Board of Trade, Duff Wilson, was in charge of that garden but did not fulfill any of his plans or promises, and after the turnover of the Board of Trade to the current membership in 2010, all maintenance on the gardens in the park was abandoned.

There are serious logistical problems with the development of a community garden in the Solar Aquatic system.

Who will be in charge and how does one get a key? How would people be chosen to participate if the demand is actually there? Recently, the BOT got public funding to put together an advertising campaign for the artist community of Bear River, and deliberately left out a long time artist because she was critical of their behaviour.

While the BOT does not have the right to pick and choose who in the community benefits from their programs, that does not stop them from curtailing people's rights, and favouring their friends.

Unfortunately, the current BOT does not have the support of the average Bear River Resident. They have no ability to attract volunteers, other than their own inner circle, most of whom are unwilling to participate in a physical way. The decrepit condition of their present properties is proof of this. The core membership of the group is no more than ten: hardly a representation of the community at large. No representatives from other organizations will attend the meetings.

If the BOT has done a study and can prove the demand for the community garden, if they are willing to show their books to the public, and prove that they can afford to take on a project of this magnitude, if they can put together a roster of signatures of people willing to volunteer to make the idea of a community garden a reality, then by all means, I would certainly support the transfer of the property from the Municipality, with the proviso that they clean up their own mess first. I believe that the BOT is unable to prove any of these criteria.

Bear River does not need another public enterprise that is doomed to fail. I encourage the Municipality to look to other possible development solutions, especially in the private sector, which would bring revenue to the Municipality, and actually entail the creation of a business that would have a chance of success due to the expenditures of private money.

In short, the Bear River Board of Trade has none of the resources or good will to conduct a project of this kind and I strongly urge the members of council to seriously consider the poor reputation of the B of T and the folly of the enterprise before making a decision in favour of the land transfer.

Unfortunately, very few people know about this latest plan of the BOT. The only information to appear about it is the notice in the Annapolis Spectator which few people in Bear River, including myself, read. So if there is little input from the public regarding this matter, it could well be from lack of knowledge. There is no mention of it on the Bof T website.

I suggest before anything is done, it is important to consult the residents of Bear River with a public and well publicized meeting. It would be nice to see democracy at work.

Respectfully submitted,

Zoe Onysko
B of T director, 2002 to 2012