

**DIGBY TOWN COUNCIL
REGULAR MEETING
August 7, 2007**

MEMBERS PRESENT: Mayor Frank Mackintosh
Councillor Bob Handspiker
Deputy Mayor Sherri Lewis
Councillor Jean Brittain
Councillor Danny Harvieux

STAFF PRESENT: Tom Ossinger, Town Clerk
Bonnie Duncan, Recording Secretary
Matthew Raymond, Deputy Clerk
Andy Montgomery, Legal Council

REGRETS: Councillor Mike Bartlett
Councillor Ben Cleveland

A. CALL TO ORDER

Mayor Mackintosh called the meeting to order at 7:00 PM.

B. AGENDA

B.1 Additions/Deletions

A) Royal Canadian Legion-Beer Garden

B.2 Approval of the agenda

Moved by: Councillor Handspiker
Seconded by: Councillor Brittain

That the agenda of August 7, 2007 be approved with the above addition.

MOTION CARRIED.

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C. DELEGATION

Abe and Shelagh Starr

Abe Starr made a presentation to Council regarding the property on Water Street and town encroachment on the property with lift station and pipeline. Mr. Starr stated that he has done much research regarding land lines, and previous owners. Mr. Starr said that he received the information from Mr. Everett Hall, who was responsible for the survey of the land. Mr. Starr said the deed description does not match the survey information, all land between the eastern line and the western line are different. When Mr. Starr owned the land previously the lift station was not there, and there doesn't seem to be any paper work regarding an encroachment on the property. Mr. Starr stated that his attorney said there was no question that the lift station encroaches on Mr. Starr's land. Mr. Starr did not know the lift station was on the property when he purchased it. When he requested documentation regarding this matter none was provided. Mr. Starr has been paying taxes on this property and feels that they should be compensated. He offered to lease the land to the town for \$200.00 per month. The town offered to buy the property from Mr. & Mrs. Starr but the offer was declined. The property has been appraised by a bank, and Mr. Starr feels that the offer made by the town wasn't worth considering. Mr. Starr produced various copies of surveys and other documents. Legal Counsel for the town, Mr. Montgomery asked Mr. Starr if he could have a copy of a letter from Mr. Starr's lawyer and Mr. Starr told him he could have it for \$1200.00 because that's what he had to pay for it. Mr. Starr feels that it's unfair that he should have to seek and pay for legal help with this matter. He also made statements regarding the marina blocking his access to the back of the land in question. Mayor Mackintosh explained to Mr. Starr that Council is not qualified to argue or dispute the issue so it would be handled through legal Council. He also told Mr. Starr to have his lawyer contact Mr. Montgomery regarding the issue. Mr. Montgomery told Mr. Starr to put his proposal in writing and submit it to the town. Mr. Starr proceeded to explain that he has made the town an offer for \$200.00 a month for the use of the property. He feels that he should be compensated for the use of the land these past few years that he has owned it.

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Mrs. Starr stated that Town Clerk Ossinger has been very patient and helpful throughout this whole matter. There was much more discussion regarding possible solutions that Mr. Starr would be happy with. Mr. Starr would like to see the pipeline relocated and he would like to be compensated for the use of their land. Mayor Mackintosh again explained that the proposal would need to be put in writing and submitted to legal counsel. Mr. Starr again brought up the issue of the marina blocking his access to the back of his property. Mr. Montgomery explained to Mr. Starr that these were two issues and a proposal should be put in writing and submitted explaining exactly what Mr. Starr wants done. List of things required to resolve the issue. Mr. Starr again stated that he has waited two years to be compensated for land use as well as not being paid for all the work and research that has been put into this issue. He also wanted the matter put on record and documented. Mayor Mackintosh ended the presentation at 7:40 by explaining to Mr. Starr that his proposal needs to be put in writing and submitted to legal counsel.

D. MINUTES OF PREVIOUS MEETING

D.1 July 9, 2007

Moved By: Councillor Cleveland
Seconded By: Councillor Bartlett

That the minutes of July 9, 2007 be approved.

MOTION CARRIED

E. BUSINESS ARISING FROM THE MINUTES

NONE

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F. REPORTS

**F.1 FINANCE COMMITTEE/ADMINISTRATION
COMMITTEE**

Moved By: Councillor Handspiker
Seconded By: Councillor Brittain

That the accounts payable in the amount of \$253,950.10 be approved for payment for the month of July, 2007.

MOTION CARRIED

F.2 FIRE, POLICE, AND LICENSE COMMITTEE

Report for July, 2007 was reviewed and excepted as presented.

**F.3 STREETS, SEWER, AND PUBLIC PROPERTY
COMMITTEE**

Report for July, 2007 was reviewed and excepted as presented.

F.4 TOURISM

Report for July 2007 was reviewed and accepted as presented.

F.5 TIDEVIEW TERRACE

Report for July 2007 was reviewed and accepted as presented. Property for the new facility is being looked at.

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F.6 DIGBY AND AREA RECREATION COMMISSION

Report for July 2007 was reviewed and accepted as presented.

F.7 LIBRARY BOARD

No meeting. AGM was held.

F.8 WASTE CHECK

Report for July 2007 was reviewed and accepted as presented. The new building has been started. Just needs to be enclosed.

F.9 PLANNING ADVISORY COMMITTEE

No meeting.

F.10 EMERGENCY MEASURES ORGANIZATION

No Meeting.

F.11 WATER COMMISSION

Report for July 2007 was reviewed and accepted as presented.

F.12 INDUSTRIAL COMMISSION

Report for July 2007 was reviewed and accepted as presented.

F.13 DIGBY AREA LEARNING ASSOCIATION

No Meeting

F.14 SENIOR SAFETY BOARD

No meeting

F.15 PESTICIDE COMMITTEE

Mayor Bob Stead from Wolfville is coming to give a presentation. A notice will be placed in the paper to announce the date and time.

**F.16 ANAPOLIS DIGBY ECONOMIC DEVELOPMENT
AGENCY**

Report reviewed and accepted as presented.
Deputy Mayor Lewis invited Mr. Gushu to attend
Septembers' Council meeting.

F.17 CLERK TREASURERS REPORT

Report reviewed and accepted as presented.
Town Clerk Ossinger has applied for NACLA program. The
First course starts in September.
Deputy Mayor Lewis informed Council that the Fundy
Broadband Committee has started to meet again and will
be expanding to Annapolis.

G. CORRESPONDENCE

G.1 Jaynes Funeral Home- Parking

The parking situation for that area will be discussed at the
next Fire, Police and License Committee meeting.

G.2 Arnold J. McCallum- Digby Area Sports Hall of Fame
Councillor Brittain inquired if the town was liable in any
way for the building at this time. Town Clerk Ossinger said
no. There was discussion regarding the condition of the
building and the facilities. There was discussion regarding
the use of the building and the possibility of moving all
sports related materials to the sports arena and possibly
use the building for other purposes. Deputy Mayor Lewis
said that maybe the Marina group would be interested in
cost sharing to have business open. The matter will be
looked into further before any decisions are made.

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G.3 Tideview Terrace-Land Request

The land owned by the town and located at the beach front at the end of Victoria Street one of the areas being looked at for the new facility. They are requesting confirmation that the land is for sale, purchase price, zoning and size.

Moved By: Deputy Mayor Lewis
Seconded By: Councillor Harvieux

That a letter be sent to the Digby Town & Municipal Housing Corp. stating that the town is interested in selling the property to them for the sole purpose of building the new Tideveiw Terrace Home for Special Care facility only.

MOTION CARRIED

G.4 Legion Request –Beer tent on September 1, 2007.

Moved By: Councillor Handspiker
Seconded By: Councillor Harvieux

That the Royal Canadian Legion be granted permission to have a beer garden on their premises September 1, 2007 Labor Day weekend from 1:00pm until 8pm.

MOTION CARRIED

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H. NEW BUSINESS

H.1 Moved By: Councillor Brittain
Seconded By: Deputy Mayor Lewis

That the Guarantee Resolution with the Digby Area Recreation Committee be approved.

MOTION CARRIED

H.2 Moved By: Councillor Brittain
Seconded By: Councillor Harvieux

That the resolution be accepted.

MOTION CARRIED

I. QUESTION PERIOD

None

J. ADJOURNMENT

There being no further business the meeting adjourned on motion of Deputy Mayor Lewis and seconded by Councillor Harvieux. TIME: 8:45 P.M.

MAYOR

TOWN CLERK

