



**Subject:** *Long Lake Access*  
**To:** Parks, Recreation and Culture Committee  
**Date Prepared:** October 31, 2024  
**Related Motions:** C24(307), C24(308)  
**Prepared by:** Alana Tapper, Director, Parks, Recreation and Culture  
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**Approved by:** Kim Ramsay, CAO

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### Summary

From the September 25, 2024 Council meeting staff were asked to investigate the possibility of accepting a waiver of liability or coming to a mutually satisfactory agreement that would allow residents to continue to use an access point off of Long Lake during the fall/winter months once the lake access was closed for the season.

Also, from that discussion it was requested that staff bring back information on improving the road at this water access point as part of 2025/26 budget discussions.

### Financial Impact Statement

There are no financial impacts associated with this report.

### Recommendation

The recommended approach is to avoid providing keys to residents.

### Recommended Motion

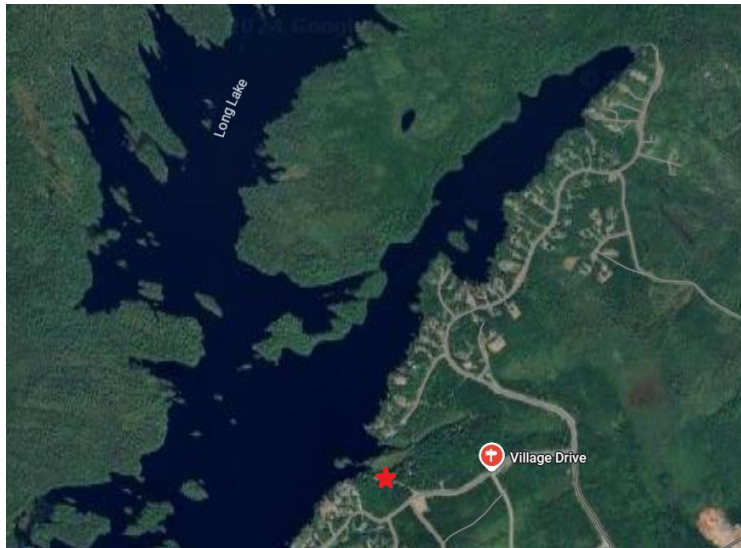
***Move that the Parks, Recreation and Culture Committee recommend that Council do not move forward with providing residents keys to gated park sites and to maintain the current level of service in parks in East Hants.***

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### Background

The Long Lake water access point at 138 Village Drive in East Uniacke is a seasonally operated site that was established as part of a development agreement, the construction was completed in 2023 and transferred to the Municipality in the spring of 2024. Similar to all other park sites throughout the municipality, this location is not winter maintained and, like Wickwire and Brickyard parks, has a gate restricting access following dock removal at the end of the season. A decision on the Long Lake water access could set a precedent for other users at the other park sites.

A number of residents use the access point to launch small watercraft to go to private property on the opposite side of Long Lake. Prior to the water access points being established, residents used trucks and ATVs on a woods road to go around the lake and to get to their properties, some choose to access their properties via boat because it is faster. There has been a request by one family to have gate access at the Long Lake water access point resulting in the Council motion C24(307) directing staff to explore a waiver of liability or coming to a mutually satisfactory agreement that will allow the residents continued use. Staff have been in frequent communication with the family and have committed to keeping the gate open as long as weather permits. A second motion C24(308) requesting staff bring forward the possibility of improving the access road as part of 2025/2026 budget discussions was also brought forward at the meeting



Long Lake Water Access, 138 Village Drive, East Uniacke

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## Discussion

### OFF SEASON PARK ACCESS LIABILITY CONSIDERATIONS

Throughout the late fall, winter, and early spring, the Municipality does not actively maintain park locations. This includes no snow or ice clearing, salting, sanding, or regular garbage collection, as well as limited inspections outside of necessary playground operations and maintenance. During these months, parks staff are also reduced since most maintenance activities occur from April to October.

Key park sites, such as Long Lake water access, Brickyard, Wickwire, and Shubenacadie River Parks, have floating docks at water access points that are removed during the off-season. This helps reduce liability by preventing damage from freeze/thaw cycles and limiting potential hazards. Gates installed at three of these locations restrict access during colder months, ensuring vehicles are not at risk on icy slopes and limiting slip-and-fall risks.

Granting access during off-season months introduces liability risks for the Municipality, particularly if access is uncontrolled or irregularly inspected. As a general principle, closed access should apply universally, as selective exceptions can create legal exposure. Despite clear signage indicating no winter maintenance, providing key access will increase liability. For instance, an unlocked gate could be perceived as an invitation, leading to potential incidents, such as slips, falls, or even vehicles sliding into the lake.



Long Lake Water Access Driveway

### INSURANCE CONSIDERATIONS

It would be challenging to get a clear answer from our insurer on coverage for all possible scenarios, as each claim is assessed based on its unique details. Insurers are also hesitant to confirm coverage when we move away from standard practices. While we could request a review, insurers typically prefer to examine one specific scenario at a time. For more complex situations like this one, we may need input from a third-party risk advisor.

### OPTIONS FOR RISK & LIABILITY REDUCTION

Balancing access to municipal services with risk management is essential. Here are three potential measures to mitigate liability while still considering community needs:

Waiver Requirement - Requiring users to sign a waiver may reduce liability, but it does not guarantee immunity, as waivers can fail in court. Additionally, a waiver covers only the person who signed it, not third parties injured as a result of a left-open gate or other hazards. Guests, contractors or other family members would not be covered under the singular waiver and enforcement would be very difficult. It is important to note that waivers are not iron-clad and may be found to be unenforceable by the courts.

Hold-Harmless and Indemnification Agreements - Agreements that require individuals to hold the Municipality harmless and provide indemnity would necessitate their ability to cover potential claims (e.g., through insurance). While feasible for contractors with insurance, it's more challenging for individuals. Homeowners' insurance might provide coverage, but this would need to be verified each time a key is issued. Managing who has key access is another control concern. Similar to waivers, indemnities are also not iron-clad and would require the Municipality to sue to enforce.

Group-Based Insurance Requirement - Requiring users to form an organized group and secure liability and environmental insurance would add another layer of protection. This could include coverage for accidental pollution, which is particularly relevant in water-access parks. Under this option, it may not be practical for residents to form a group in order to access group-based insurance.

### CAPITAL IMPROVEMENTS & LEVEL OF SERVICE

Council, through motion C24(308), directed staff to provide information as part of the 2025/2026 budget discussions on improving the access road to reduce liability. The access was built under a development agreement and while steep, it is not the most compelling issue for off-season use. The key consideration is the level of winter maintenance, as East Hants parks are currently not serviced with snow clearing, sanding, or salting. Upgrading to this level of service would represent a significant shift from our seasonal operations and would require additional contractors, contract management, or increased internal staffing and equipment. If Council wanted staff to continue to explore changing the level of service to year-round operations, staff would come with a report outlining these costs.

### STRATEGIC ALIGNMENT

This contributes to the East Hants 2021-2024 Strategic Plan by promoting safe, sustainable communities, encouraging responsible stewardship, and ensuring that residents have access to safe recreational opportunities.

### FINANCIAL CONSIDERATIONS

This report does not have any financial impacts.

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## Alternatives

Council may choose to accept once of the options for risk and liability reduction as outlined in the discussion.

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