

1. **Council Convenes - O Canada** - Warden Keith Hunter called to order the September 3, 2008 session of Cumberland Municipal Council at 1:00 p.m. The meeting was held in the Council Chambers of the E. D. Fullerton Municipal Building, Upper Nappan. O Canada was sung.
2. **Roll Call** - The roll call was done by Shelley Hoeg, Executive Assistant to the CAO. All Councillors were in attendance. Also in attendance were Rennie Bugley, CAO, Jim Coughlin, Director of Planning and Development, Andrew MacDonald, Director of Finance, Robert Streach, Director of Public Works, Peter Cottingham, Solid Waste and By-Law Administrator.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions.

Additions: 7.5 Policy Respecting Schedule "A" of the Septage Disposal By-Law; 9.1 - 911 numbering; 9.2 - Cobequid Area Wind Farm; 10.1 - Recreation Grants
4. **Approval of Minutes**
 - 4.1 **July 16, 2008 Council Session** - The Minutes of the July 16, 2008 Council session were approved as circulated.
5. **Business Arising from the Minutes**
 - 5.1 **July 16, 2008 Council Meeting** - there was no business arising.
6. **Delegations and Presentations**
 - 6.1 **Historic Places Initiative** - The presenter was not available, so Mr. Bugley provided the information on this initiative to council.

IT WAS MOVED by Councillor K. Langille, seconded by Councillor Merriam to ratify the Municipality's participation in the historic places initiative and to ratify the Amherst Township Historical Society act as our agent to undertake the work.
MOTION CARRIED #08-109
7. **Public Hearings**

Warden Hunter called the public hearing to Order at 1:16 p.m. and asked Peter Cottingham, Solid Waste And By-Law Administrator to provide information to Council.

 - 7.1 **Dangerous and Unsightly Premise Demolition Order - 51 Lower Cove Road (PID 25055567)** - **No one came to represent themselves.**

IT WAS MOVED by Councillor Read, seconded by Councillor Kellegrew to demolish the premise at 51 Lower Cove Road (PID 25055567) immediately.
MOTION CARRIED #08-110
 - 7.2 **Dangerous and Unsightly Premise Demolition Order - Chignecto, Mines Road (PID 25068370)** - Mr. Cottingham advised Council that he has spoken to the property owner and was advised by the Owner that the gentleman lives abroad and has no interest in the property or the remediation of said property.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Read to demolish the residence and immediately remediate the property located at Chignecto Mines Road and having a PID of 25068370.
MOTION CARRIED #08-111
 - 7.3. **Sewer Assessment Appeal - 143 Prince Albert Street, Pugwash, N.S.** - The daughter of the land owner gave background to their request for appealing the charges on the sewer. The amount of refund will be \$673.60.

IT WAS MOVED by Councillor K. Langille, seconded by Councillor G. Langille to reimburse sewer and residential charges on the 143 Prince Albert Street, Pugwash, N.S. property from time of demolition of building.
MOTION CARRIED #08-112

It was agreed that staff would advise the Pugwash Village Commission of Municipal protocols in regards to demolition of a property.

- 7.4 2nd Reading - Amendment to Tax Reduction and Exemption By-Law – This item will be deferred to the next meeting.

Warden Hunter declared the public Hearing closed at 1:35 p.m.

- 7.5 Policy Respecting Schedule “A” of the Septage Disposal By-Law – Mr. Streach, Director of Public Works informed Council that charges will be based on assessment rather than tipping fees which is a change from the previous policy and that this would be retroactive to April 1, 2008.

IT WAS MOVED by Councillor Kellegrew, seconded by Deputy Warden Welton to approve the Policy Respecting Schedule “A” of the Septage Disposal By-Law which is as follows:

**Policy Respecting Schedule “A” of the Septage Disposal By-Law Schedule
“A” Septage Treatment Facility – Fees and Service Area**

Schedule “A” Septage Treatment Facility – Fees and Service Area

Licensing Fee

- 1 The annual licensing fee for a licensed domestic septage disposer is \$50.

Septage Charges

- 2 All properties within the Municipality of Cumberland County which are not serviced by a municipally owned and operated central sewer system or serviced by a privately owned and operated wastewater collection and treatment system approved by Nova Scotia Environment and underwritten by the Municipality of Cumberland shall pay an annual fee for the disposal/treatment of septage as follows:
 - a) properties assessed as residential shall be charged \$0.009 per \$100 of assessment; and,
 - b) properties assessed as commercial shall be charged \$0.01 per \$100 of assessment.

These charges shall apply to all residential and commercial assessments regardless of the level of development.

Service Area

- 3 The septage treatment facility service area is the Municipality, as defined by its municipal boundaries. The facility does not accept any material from the Towns of Amherst, Springhill, Parrsboro or Oxford, or anywhere else outside the Municipality.

<u>Clerk’s Annotation For Official Policy Book</u>	
Date of Notice to Council Members of Intent to Consider [7 days minimum]: <u>July 16, 2008</u>	
Date of Passage of Current Policy: <u>September 3, 2008</u>	
I certify that this POLICY RESPECTING SCHEDULE “A” OF THE SEPTAGE DISPOSAL BY-LAW was adopted by Council as indicated above.	
Clerk	Date

8. **Correspondence** - Action

8.1 Action

From	Summary	Action
Jim Karygiannis, M.P.	<p>Writing to seek support for a Private Members Bill C-568 <i>An Act to amend the Motor Vehicle Safety Act (speed limiters)</i>.</p> <p>IT WAS MOVED by Councillor Gilbert, seconded by Councillor Redmond to forward correspondence to Jim Karygiannis, M.P., advising that Council does not support Bill C-568.</p> <p>MOTION CARRIED #08-114</p>	Refer to Council
Mun. Of West Hants	<p>Providing copy of correspondence from West Hants to Honourable Minister David Morse, requesting the Province enact legislation that the moratorium on uranium mining not be lifted and that uranium exploration no longer be permitted in the Province.</p> <p>IT WAS MOVED by Councillor Redmond, seconded by Councillor Gilbert to forward correspondence advising that the Municipality of Cumberland is in favor of not lifting the moratorium on uranium mining and that uranium exploration no longer be permitted in the Province.</p> <p>MOTION DEFEATED #08-115</p>	Refer to Council
Office of the Fire Marshall	Robert Cormier, Fire Marshal, advising, that due to increasing complaints regarding "Family Fireworks", the Office of the Fire Marshall is gathering preliminary information to gain a better understanding of the issue. Attaching questionnaire.	Refer to FPS Coordinator
Meredith Smith	<p>Advising that she has been chosen as a representative for Cumberland County at the 2009 Miss Nova Scotia World competition. Requesting financial support for this endeavour.</p> <p><i>It was agreed to forward a letter of congratulations to Miss Smith.</i></p>	Refer to council
CANSA	Brian Martin, Chair, advising of their Annual Meeting for the African Nova Scotian Employment Partnership Committee in Amherst, October 24 and 25 at the Wandlyn. Inviting the Warden and all Councillors to attend.	Refer to Council

8.2 Information

From	Summary
Pugwash Village Commission	Mary Lou Trenholm, a/Chair, providing a copy of a letter to Mark Parent, Minister of Environment regarding fireworks regulations. Advising of a sharp increase in the use of fireworks and complaints and concerns being voiced by the residents of Pugwash.
CCRSB	Valerie Gauthier, CA, Director of Financial Services, providing a copy of the approved financial statements for CCRSB, year ending March 31, 2008.
CCRSB	Valerie Gauthier, CA, Director of Financial Services, providing a copy of the 2008/2009 Budget.
Joggins Fossil Cliffs	Jenna Boon, Director, advising of the Essential Skills Project that

	the Joggins Fossil Institute and CREDA participated in 2007. Also advising that as a result of this project three Interpreters have been hired to work at the Joggins Fossil Institute. Also advising they would be fully supportive of considering another offering in the future.
The Sunset Community	Annual Report 2007/2008
NS Tourism, Culture and Heritage	Kevin Barrett, Coordinator, Heritage Property Program, advising that Conservation Work Grants have been increased from \$500 to \$1000 for municipal heritage properties.
CCRSB	Scott Milner, Supervisor, thanking us for our correspondence requesting a copy of the CCRSB capital projects priority list and advising the list was collected and presented by Director of Operations, Herb Steeves, so our request has been forwarded directly to Herb Steeves.
Labour and Workforce Development	Mark Parent, Minister, providing copy of correspondence to Pugwash Village Commission, in relation to the use of fireworks in the Pugwash Area. Advising that this has been brought to the attention of the Fire Marshall.

Planning Issues

- 9.1 911 – Residents have advised staff of concerns that private lanes are numbered and do not have road names posted. The resident’s are requesting 911 to use the numbers at the end of the lane rather than the local lane names to assist emergency responders in reaching their destination. Director of Planning and Development, Jim Coughlin will follow up and bring further information back to Council.
- 9.2 Cobequid Area Wind Farm – Mr. Coughlin, Director of Planning and Development advised Council of an update on the Cobequid Area Wind Farm development. Mr. Coughlin also advised that from a municipal perspective, as long as they comply with the bylaw, there is nothing for us to do.

10. **Financial Reports/Issues**

- 10.1 Recreation Grants
The following recreation grants were approved:
CCEIP - Special Needs, requesting \$1000 \$100 per district
CC4 H Tours Committee - \$100 per district

11. **Operational Services Reports/Issues**

- 11.1 Solid Waste Management - Special Collection Update - Mr. Cottingham, Solid Waste and By-Law Administrator advised that the special collection finished up last week and that numbers were up in all areas. Also, a large volume of positive responses were received.

Mr. Peter Cottingham, Solid Waste and By-Law Administrator also updated Council on two further issues. The first being the Municipality v. Alissa Stiles. Advising that Ms. Stiles attended court on August 11, 2008 and plead guilty to violating the Solid Waste By-Law and was fined \$488.20. Also advising re: Cumberland v. Virginia Brown and Jeremy Briggs. Ms. Brown attended Court on August 25, 2008 and plead guilty to violating the Solid Waste By-Law and was fined \$250.00.

- 11.2 Dangerous and Unsightly Report -

The following was the reported to Council:

- 1. Falling down house at 144 Highway 2, Southampton.
Issue with property ownership, found owner, letter sent and waiting for response.
- 2. Unsightly property at 154 Back Street Advocate, (derelict vehicles) letter sent, owner will clean up.

3. Unsightly property at 111 Back Street Advocate, (derelict vehicles, pile of metal) letter sent, owner will clean up.
 4. Unsightly property at 603 Fenwick Road, (C&D piled in yard) owner took advantage of County Clean up and disposed of their debris.
 5. Unsightly property at 18348 Highway 2, Nappan, (derelict vehicles, assorted garbage stored around property) owner has cleaned up.
 6. Unsightly property at 3619 Highway 209, Advocate, (derelict vehicles) owner has cleaned up.
 7. Unsightly property in Maccan, Highway 302, (falling down garage) owner is in the process of cleaning up.
 8. Unsightly property on Highway 302, Prospect, (large amount of vehicles in the field), letter sent.
 9. Unsightly property at 58 Lower Cove Road, Joggins, letter sent.
 10. Unsightly property at 48 Lower Cove Road, Joggins, letter sent.
 11. Unsightly property at 52 Lower Cove Road, Joggins, letter sent.
 12. Unsightly property at 51, Lower Cove Road, Joggins, Notice of Hearing posted July 8, 2008, property in tax sale August 5, 2008, no sale.
 13. Unsightly property on Highway 6, old vehicles parked on property. Owner says he will erect a higher fence around the cars.
 14. Dangerous property on the Fort Lawrence Road (section of barn roof dislodged) letter sent, Order posted August 20, 2008 requiring action by August 29.
 15. Dangerous property on Mines Road, Chignecto (house roof has collapsed) letter sent, Order posted July 30, 2008.
- 11.3 FPS - FPW Facility Upgrades - John Fredericks, FPSC, advised Council that he is anticipating the final set of drawings to be completed by week end. A demolition permit has been issued and D.O.T. has approved the reuse of the existing driveway. Quotes for the demolition and concrete work have already gone out to contractors with a return date of September 2, 2008. Mr. Fredericks will be meeting with the FPW Department to finalize a funding agreement next week, and a project schedule should be completed at that time.

As well, there was discussion on funding ownership. Mr. Streach informed Council that the Volunteer Fire Department owns the property and the County should register a mortgage against the property as a first priority. The mortgage would linearly decline in value over its term and at the end of its term would be released. The term would be the anticipated life expectancy of the building – 40 years. The value would be the Municipality’s commitment to the project. The mortgage would have one stipulation regarding disbandment or failure to continue to function as a fire department; this would be considered a “default” under the mortgage.

IT WAS MOVED by Councillor Merriam, seconded by Councillor Read to authorize the Warden and CAO to execute the funding agreement between the Municipality and the FPW Fire Department for construction of their hall.

MOTION CARRIED #08-116

There was then discussion on construction protocol.

Following said discussion **IT WAS MOVED by Councillor G. Langille, seconded by Councillor Reid to approve the construction protocol which is set out as follows:**

- **Safety is of the utmost importance. Everyone involved in this project has an obligation to protect the health and safety of all persons involved with this project.**
- **The Fire Service Protection Coordinator will have design drawings and specifications developed for this project by an architect/engineering firm. The design will form the benchmark for each trade while completing the project. The Fire Service Protection Coordinator in consultation with the FPW Fire Chief shall confirm on an ongoing basis that work performed is consistent with the design and specifications.**
- **The Fire Service Protection Coordinator shall obtain from the consultant prior to the start of construction a completed A-1 and will obtain an A-9 upon completion. The Fire Service Protection Coordinator shall also obtain from each sub-consultant the associated “Field Review and Construction Commitment Certificate” as may be required by the building inspection authority.**
- **The project managers will file applications for all required permits for this project and ensure that no aspect of the project proceeds without the required permits which include but are not limited to: building/development, on-site sewage, access to highway, demolition, electrical, etc.**
- **A public tender process or a minimum of three quotations will be utilized to determine the successful candidates. Governing procurement thresholds will determine the requirement for public tender. A quotation process will be initially developed. If quotations received for any trade exceeds the procurement threshold for tendering the quotation process will be terminated immediately and a tender process will be developed which fulfills the legislated requirements.**
- **A form will be developed by the project managers for tender/quote submissions by each trade. Each package will require full contact information, safety information, WCB letter, proof of insurance, references, previous experience, anticipated weeks of work to fulfill the contractual commitment, the progress claim process as well as a full set of drawings and specifications (a tender/quote version of drawings will be a reduced scale printed on 11 x 17 for ease of reproduction – two full size construction sets will be issued to each the successful trade contractors).**
- **Tenders/quotes will be completed on the form provided and shall clearly indicate an all inclusive lump sum price, duration of work, special conditions, warranties, previous experience, three references, current Letter of Good Standing issued by the Nova Scotia Worker Compensation Board and proof of current contractors liability insurance in the amount of one million dollars.**
- **Each trade will be contracted separately. Overall responsibility for coordination, management and conflict resolution will reside with the project managers.**
- **Successful contractors must sign a letter of undertaking which will be a written commitment for each contractor associated with maintaining safe working practices during the term of the contract. This document will set out the corrective measures that will be implemented for non-compliance. Where the company employees five or more employees the contractor shall submit a copy of their health and safety policy and will in writing identify their company’s safety representative; where the company employees twenty or more employees the contractor shall submit a copy of their health and safety policy, health and safety program and will in writing identify their appointed site safety supervisor as well as the names of the co-chairmen of their company’s JOHS committee.**

- **Any trade failing to maintain safe working practices will have their contract terminated. In the event that a contract is terminated the Municipality will determine the level of work completed to date and pay the proportionate amount. As joint project managers the FPW Fire Chief and the Fire Protection Services Coordinator will have primary responsibility for review, monitoring and auditing of safety programs/practices for each of the trades/contractors/employees and the project as a whole. Any safety infraction will be addressed expediently with a zero tolerance for non-compliance. All work must be completed following provincial safety regulations.**
- **The Fire Service protection Coordinator will be responsible to review tender/quotes in consultation with the FPW Fire Chief. This review will include compliance with the tender/quote document submission, reference check and price. The Fire Services Protection Coordinator will award the tender/quote for each trade provided the project as a whole is within the approved budget.**
- **Each successful contractor will attend a preconstruction meeting coordinated by the project managers. This meeting will discuss project schedule, progress payments, safety requirements, exchange of contact information, and an opportunity for each trade to discuss concerns, coordinate inter-related project components and avoid inconsistency. The project managers may, at their discretion, request three further project meetings with all or select trades, during various stages of construction in an effort to avoid conflicts.**
- **Each contractor may submit monthly progress claims in the form of an invoice. These claims/invoices will be based on the percent complete and the lump sum bid price. Upon submission of a claim the Fire Services Protection Coordinator will review and verify the percent complete and approve/amend or deny the payment based on the site evaluation. The payment will be equivalent to the percent complete times the lump sum bid price, subtracting previous payments. All invoicing will be directed to the Fire Services Protection Coordinator. The Municipality will pay all invoices directly.**
- **10% of each progress claim will be retained for all services provided as per the Mechanics Lien Act of Nova Scotia. The lien holdback will be released 60 days after the project as a whole is substantially complete and our solicitor has determined the property to be free of mechanics liens.**
- **In the event of errors or omissions in the design or specification and/or provisional changes to the design, the cost for the associated work shall be determined and approved in writing prior to completion; this correspondence will form a portion of the parties' contractual agreement. The Fire Services Protection Coordinator will approve or deny these claims.**
- **The FPW Fire Chief will liaise between the Fire Service Protection Coordinator and the contractors. The FPW Fire Chief will also perform routine investigations of the site and address safety and performance issues immediately with the contractor and/or the Fire Service Protection Coordinator as is required. The FPW Fire Chief will develop a project schedule in conjunction with the various trades. A copy of this will be provided to the Fire Services Protection Coordinator. The FPW Fire Chief will be responsible to ensure work progresses on schedule and will notify the Fire Services Protection Coordinator of any changes in the schedule including providing a revised schedule if requested.**
- **Each trade will be provided two sets of "Issued for Construction" drawings; one working set and one set to mark up to reflect changes made during the construction. These markups will be returned to the Fire Services Protection Coordinator post construction for the development of as-built drawings. The fire Services Protection Coordinator shall ensure the prime architect/engineering firm is provided these drawings and prepares a set or record drawings. The architect/engineering firm shall provide 2 sets of**

hardcopy record drawings and one copy of .pdf digital drawings. Two sets of record drawings will be provided to the FPS fire department; the municipality will retain one set of digital drawings for future reproduction.

- **Upon substantial completion (97.5% or fully functional for the use intended) the project managers in conjunction with the consultant shall perform a thorough review of the site and develop a deficiency list appointing specific trades to specific deficiencies. The cost to correct the deficiencies utilizing a third party will be developed for each deficiency. A deficiency holdback amount will be calculated for each trade and be withheld from the final progress claim. Final payment will be made upon resolution of all deficiencies.**
- **In the event that a dispute cannot be resolved to the satisfaction of either party, the issue will be referred to binding arbitration. Each party will pay 50% of the common costs associated with the arbitrator however each party will be independently responsible for the cost associated with preparing their individual cases.**

MOTION CARRIED #08-117

- 11.4 FPS - Junior Fire Chief Contest - John Fredericks, FPSC, advised that the Canadian Association of Fire Chiefs, in recognition of their 100th anniversary, hosted a contest open to all Municipalities across Canada to help select a Junior Fire Chief from their respective Municipalities. Our Municipality has been selected as one of the Municipalities for the contest. Mr. Fredericks provided the items in the prize package and advised the contest will be held in conjunction with Fire Prevention Week (October 5 - 11) and is for children ages 7 - 12.
- 11.5 FPS - Superior Water Shuttle - River Hebert Volunteer Fire Department hosted a Superior Water Shuttle accreditation testing. Departments that participated in the test were Joggins, Southampton, Truemanville, the Town of Springhill and the Town of Amherst. The testing was successful. Mr. Fredericks also advised that Pugwash and Collingwood Fire Departments are planning Superior Shuttle practices for this summer. The CCFFA hopes to organize a practice that will include the Town of Parrsboro, Southampton, Town of Springhill, FPW, and Advocate later this fall. A letter of congratulations will be sent to the participants of the Superior Water Shuttle.
- 11.6 FPS - Dispatch Update - Council was advised that as of August 1, 2008 the County fire departments moved their dispatch service from the Amherst Police Department to Valley Communications Ltd. in Kentville, N.S. It has been reported that the move went significantly well with only a few minor problems due to aging equipment in a few halls.

12. Committee/Other Reports

- 12.1 Nominations Committee - This report was provided for Council.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Read to approve the nominations committee report as presented to council

MOTION CARRIED #08-118

- 12.2 LRP - Fire Protection Services – Mr. Fredericks, Fire Protection Services Coordinator presented this information to council regarding a survey which is being circulated and was commended on the information by Council.
- 12.3 Fire Protection Services Negotiations – CAO, Rennie Bugley informed Council that a joint council meeting was held and as a result of that, a request was made to Minister Murray Scott and Minister Jamie Muir to assist with facilitation of this issue. Mr. Bugley also informed that an individual has been appointed by SNSMR to assist with the resolution of this issue and that a meeting has been scheduled with the SNSMR representative and the CAO'S of Parrsboro and the County.
- 12.4 Wellness Committee - Provided as information.
- 12.5 UNSM Rural Caucus - Minutes of the last meeting were provided as information.

13. **Old Business**

13.1 **Large Scale Mapping Program** - Council was advised that staff attended a meeting in August, 2008 to learn about the type of mapping that could be provided through this program. Staff concluded that the costs versus benefits of this program would not justify the municipality's participation at this time.

14. **New Business**

14.1 **Motions re: 2008 Elections** -

Following discussion:

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor G. Langille to ratify the use of the Provincial Voters List as the preliminary voters list for the 2008 elections; and

IT WAS FURTHER MOVED by Councillor Kellegrew, seconded by Councillor G. Langille that Friday, August 29, 2008 be the date for completion of the final voters list for the 2008 elections; and

IT WAS FURTHER MOVED by Councillor Kellegrew, seconded by Councillor G. Langille to ratify that the Polling Divisions be as presented in the attached map for the 2008 elections;

IT WAS FURTHER MOVED by Councillor Kellegrew, seconded by Councillor G. Langille to approve the tariff of fees and expenses for the 2008 elections; and

IT WAS FURTHER MOVED by Councillor Kellegrew, seconded by Councillor G. Langille to appoint Shelley Hoeg as Assistant Returning Officer for the 2008 elections; and

IT WAS FURTHER MOVED by Councillor Kellegrew, seconded by Councillor G. Langille to approve that Thursday, October 9, 2008 be set as the optional advance polling day for the 2008 elections.

MOTION CARRIED #08-119

15. **Information Items**

15.1 **Privacy Presentation** - Council was advised of the date of a privacy legislation presentation on Monday, September 8, 2008. A date for a second session will be scheduled after the elections.

15.2 **Old Amherst Parade Grounds** - This item will be updated at a future Council session.

The date of the next Council session will be Wednesday, October 1, 2008.

16. **Adjournment**

The meeting adjourned at 2:28 p.m.

17. **God Save the Queen**

Warden

Chief Administrative Officer

Recording Secretary