

1. **Council Convenes - O Canada** - Warden called to order the December 10, 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 was called 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; Stephen Ferguson, Director of Policy and Research; Peter Cottingham, Solid Waste and By-Law Administrator.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions and deletions

<b>Additions:</b>	11.4 – Demolition Order 13.3 Dept. of Transportation 14.4 Nappan Aboiteau	<b>Deletions:</b>	6.2 Cumberland Transportation 11.3 Building Permits Issued
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4. **Approval of Minutes**
  - 4.1 November 26, 2008 Council Session - The Minutes of the November 26, 2008 Council session were approved as presented.
5. **Business Arising from the Minutes**
  - 5.1 November 26, 2008 Council Meeting – There were no items for discussion.
6. **Delegations and Presentations**
  - 6.1 Nature Conservancy of Canada – Representatives were not available and will be contacted to ascertain if they can attend the next Council session.
  - 6.2 Cumberland Transportation Society – This item is being deferred. A joint Council session with the Town of Amherst will be held December 18<sup>th</sup> for this presentation.
7. **Public Hearings**

Warden Hunter called the public hearing to Order at 1:05 p.m. and asked Jim Coughlin, Director of Planning and Development to provide information to Council.

  - 7.1 Adoption of Secondary Planning Strategy and Land Use By-Law for the Village of Pugwash – Mr. Coughlin, Director of Planning and Development gave the background of the initiation of the Secondary Planning Strategy and Land Use By-Law and summarized the SPS/LUB for those present.

**IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Read that Council give second reading to the adoption of the Secondary Planning Strategy (SPS) and Land Use By-Law (LUB) for the Village of Pugwash.**

**MOTION CARRIED #08-131**

8. **Correspondence**

8.1 Action Log

From	Summary	Action
CANSA	Brian Martin, Chair, inviting the Municipality of Cumberland to partner with CANSA in hosting the African Heritage Month launch at the E. D. Fullerton Municipal Building on Monday February 2, 2009 at 11 a.m.	Refer to Council

**IT WAS MOVED by Councillor Reid, seconded by Councillor Gilbert to partner with CANSA in hosting the African Heritage Month kickoff.**

**MOTION CARRIED #08-132**

8.2 Information Log -

From	Summary
Town of Amherst	Greg Herrett, CAO, advising that Mayor Small and Councillors Baker, March and Rhindress have been appointed to the Cooperation Committee for a one year term ending November 30, 2009.
Town of Amherst	Greg Herrett, CAO, advising that Councillor Rhindress has been appointed to the Airport Committee for a one year term ending November 30, 2009.
Town of Amherst	Greg Herrett, CAO, advising that Mayor Small, Deputy Mayor Angel and Councillors Fawthrop and Rhindress have been appointed to the Tyndal Wellfield Committee for a one year term ending November 30, 2009.
House of Assembly	Bill No. 217 – An Act To Amend Chapter 11 of the Acts of 1992, The Utility and Review Board. Advising that the Amendment increases the number of full time members of the NSUARB from 8 to a maximum of 10.
Morneau Sobeco	Cheryl L. Kane. Advising she is the consultant to the UNSM Wellness Committee regarding the Health Risk Assessment Project which has a mandate of implementing wellness efforts throughout the UNSM Benefits Plan Membership. <b>COPY ENCLOSED</b>
Service Nova Scotia and Municipal Relations	Jamie Muir, Minister, Congratulating Councillors on the recent Municipal Election. <b>IN BOXES</b>

9. Planning Issues

- 9.1 First Reading – MPS/LUB Amendments to Permit Environmentally Appropriate Uses in the ML2 Zone – MacAloney Lake Wellfield Area – Mr. Coughlin, Director of Planning and Development explained that the amendments are intended to create the opportunity for the development of some “environmentally appropriate” commercial uses in the ML2 Zone for the Highway 2/Cross Raods area, north of the Town of Parrsboro.

**IT WAS MOVED by Councillor Merriam, seconded Gillis to approve first reading of MPS/LUB in order to permit environmentally appropriate business uses along the Highway 2 west-side frontage of the MacAloney Lake Water Protection Area and that a public hearing be scheduled and advertised for the January 7, 2009 Council meeting prior to Council giving second reading and approval of these amendments.**

**MOTION CARRIED #08-133**

- 9.2 First Reading – Development Agreement 145 Hastings Branch Road – Mr. Bezanson, Planning and Development Officer had previously circulated information to Council advising that a written request for a development agreement regarding the sale of used automobiles from the property of Fred Gagnon at 145 Hastings Branch Road, Brookdale PID 25364183 was received. The Director of Planning and Development further informed Council that the property is, at present, designated Residential in the Central Planning Area Municipal Planning Strategy and zoned Country Residential in the Land Use By-Law. A development agreement may be permitted by Council so long as such use does not pose a negative impact on surrounding residential uses, or the long term potential for residential uses in the area. The applicant has confirmed that these policy requirements will be met.

**IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Read that a public hearing be schedule and advertised for Wednesday, January 7, 2009 prior to Council’s approval of a development agreement for 145 Hastings branch Road, Brookdale.**

**MOTION CARRIED #08-134**

10. Financial Reports/Issues

- 10.1 TBR Renewal – Leachate/Septage Facility - In June of 2006 Council approved a borrowing resolution which was valid for 12 months and this is a renewal of this borrowing resolution.

**IT WAS MOVED by Councillor Reid, seconded by Councillor Gilbert to approve the**

following temporary borrowing resolution:

**MUNICIPALITY OF THE COUNTY OF CUMBERLAND**

**TEMPORARY BORROWING RESOLUTION**

\$777,000

File No. 06/07-01  
Leachate and Septage  
Treatment Facilities

WHEREAS Section 66 of the Municipal Government Act provides that the Municipality of the County of Cumberland, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations, may borrow to expend funds for a capital purpose authorized by statute; and under Section 65 (ak) the municipality has the authority to expend funds for wastewater facilities and stormwater systems;

AND WHEREAS pursuant to a resolution passed by the Municipal Council on the 14th day of June, 2006, the Council postponed the issue of debentures and with the approval of the Minister of Service Nova Scotia and Municipal Relations dated the 13<sup>th</sup> day of July, 2006 borrowed from a chartered bank or trust company doing business in Nova Scotia a sum not exceeding Seven Hundred Seventy-Seven Thousand Dollars (\$777,000) for the purpose set out above for a period not exceeding twelve months;

AND WHEREAS the twelve month period has expired since the date of the last approval of the Minister of Service Nova Scotia and Municipal Relations of this borrowing;

AND WHEREAS it is deemed expedient that the period of borrowing be further extended;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Municipality borrow a sum or sums not exceeding Seven Hundred Seventy-Seven Thousand Dollars (\$777,000) in total for the purpose set out above, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations;

THAT the sum be borrowed by the issue and sale of debentures of the Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and the Municipality borrow from time to time a sum or sums not exceeding Seven Hundred Seventy-Seven Thousand Dollars (\$777,000) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding twelve months from the date of the approval of the Minister of Service Nova Scotia and Municipal Relations of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon;

THAT the amount borrowed by repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a duly called meeting of the Council of the Municipality of the County of Cumberland held on the 14<sup>th</sup> day of June, 2006.

GIVEN under the hands of the Warden and Clerk and under the seal of the Municipality this 10<sup>th</sup> day of December 2008.

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Warden

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Clerk

**IT WAS MOVED by Deputy Warden Ralph Welton and seconded by Councillor Ernest Gilbert that the Temporary Borrowing Resolution be approved.**

**MOTION CARRIED #08-135**

**11. Operational Services Reports/Issues**

11.1 Building Inspection Services – Reciprocal Agreement – Council was informed by the Director of Planning and Development, Jim Coughlin of the long standing arrangement with the Towns of Springhill and Amherst to provide building inspection services for each other on an “as needed” basis (e.g holidays and absences due to training). As the Town of Amherst has recently employed a new inspector, he should be named as a Cumberland Inspector.

**IT WAS MOVED by Councillor Gilbert, seconded by Councillor Gillis that, as per Section 5(2) of the Nova Scotia Building Code Act, Tim Peters of the Town of Amherst, be named as a Building Official for the Municipality of the County of Cumberland.**

**MOTION CARRIED #08-136**

11.2 Dangerous/Unsightly Premises – This item was provided as information.

11.3 Building Permits Issued – This item was previously distributed as information.

11.4 Demolition Order – Mr. Coughlin, Director of Planning advised Council of this matter during an in-camera session as it involves a legal matter.

**IT WAS MOVED BY Councillor Read, seconded by Councillor Kellegrew that WHEREAS Mr. Mouhammad and Ms. Arbid have constructed an addition to their existing building located at 10252 Highway Number 6, Pugwash, Cumberland County, Nova Scotia (PID 25157488) without a building permit in contravention of s.8 of the *Building Code Act* R.S.N.S. 1989, C.46;**

**AND WHEREAS the addition to Mr. Mouhammad and Ms. Arbid’s building is in contravention of various provisions of the National Building Code of Canada (2005), specifically due to the use of combustible materials in the construction of the addition;**

**AND WHEREAS Mr. Mouhammad and Ms. Arbid have not taken the necessary steps to remove the addition;**

**Council hereby authorizes its legal counsel to commence an action against Mr. Mouhammad and Ms. Arbid in the Supreme Court of Nova Scotia pursuant to section 20 of the *Building Code Act* R.S.N.S. 1989, C.46, seeking a Demolition Order from the Supreme Court of Nova Scotia or such other Order that the Supreme Court deems proper in the circumstances.**

**MOTION CARRIED #08-137**

**12. Committee/Other Reports**

12.1 UNSM Board Meeting Outcomes – Warden Hunter advised that Councillor Kellegrew has been selected as a representative on the Water-Wastewater Committee and congratulations were extended to Councillor Kellegrew by his peers. Warden Hunter also advised of a Strategic Planning Session to be held in April and requested Councillors interested in attending to contact Shelley.

12.2 Orientation for Newly Elected Municipal Officials – Our three new Councillors provided input on the training session for newly elected municipal officials.

12.3 CREDA Mid Term Review – Council was informed that the review went extremely well. It was a very good presentation, very well attended, and well received.

12.4 Nominations Committee – Warden Hunter called for nominations for a Chair of the

Nominations Committee.

Deputy Warden Redmond nominated Councillor Kellegrew, whom accepted the nomination.

Warden Hunter thrice called for nominations and upon hearing no others appointed Councillor Kellegrew as chairman of the Nominations Committee.

**IT WAS MOVED by Councillor Merriam, seconded by Councillor MacNutt to accept the report of the Nomination Committee.**

**MOTION CARRIED #08-138**

13. **Old Business**

13.1 UNSM Code of Conduct – **IT WAS MOVED by Councillor Read, seconded by Councillor Donkin to accept the UNSM Code of Conduct as our Council’s Code of Conduct and that correspondence be forwarded informing UNSM of our adoption of this and the concerns we have regarding enforcement.**

**MOTION CARRIED #08-139**

13.2 Tantramar Radio Society – Council was informed that a second letter of support had been forwarded.

13.3 Department of Transportation and Infrastructure Renewal – **IT WAS MOVED by Councillor Reid, seconded by Councillor Gilbert to forward correspondence to the N. S. Department of Transportation and Infrastructure Renewal reiterating our request for a cross walk on Highway 242 in River Hebert between the Co-op and the Post Office.**

**MOTION CARRIED #08-140**

14. **New Business**

14.1 Strategic Plan – Recreation – Mr. Ferguson, Director Policy and Research advised that the Coordinator has been working on the strategic plan by gathering information and has done a general survey and a specific mailout survey. A report of the results will be provided in January.

14.2 Employee Retirement – The Director of Finance provided formal notice of the retirement of our Manager of Information Systems as of October 31, 2008.

14.3 Fire Inspector Certification – Council extended congratulations to Mr. John Fredericks, Fire Protection Services Coordinator on receiving his Fire Inspector Certification after obtaining the necessary training.

14.4 Nappan Aboiteau – Council received correspondence from residents of the Nappan area who are affected by flooding.

**IT WAS MOVED by Councillor Read, seconded by Councillor Kellegrew to send correspondence to MLA Scott supporting the concern of the residents of the Nappan area and to request a review or inspection of the general Nappan area to see what can be done to rectify the flooding.**

**MOTION CARRIED #08-141**

15. **Information Items**

15.1 Action List – 2008 Elections – This was provided for Council’s information.

15.2 Order of Confirmation of Results – Provided as information only.

15.3 Statutes - These were provided as information.

16. **Adjournment**

The meeting adjourned at 1:58 p.m. on motion by Councillor Gilbert.

17. **God Save the Queen**

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