

1. **Council Convenes - O Canada** – Deputy Warden Ernie Gilbert called to order the February 3, 2010 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 Brenda Moore, Municipal Clerk. All Councillors were in attendance excepting Warden Hunter. Also in attendance were CAO, Rennie Bugley, Andrew MacDonald Director of Finance and Administration.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions and deletions:

Additions:

- 7.5 Demolition order Hearing PID 25060195,
20 Kimberly Branch Road. River Hebert, N.S.
- 11.4 Second Annual Strong Kids Ball Tournament
- 13.2 FORCE – New building for Tidal Power project
- 15.2 letter of support for New England-Yarmouth ferry service

4. **Approval of Minutes**
 - 4.1 Minutes from the January 20, 2010 Council Session – The minutes of the January 20, 2010 Council session were approved with the amendment to correct the numbers on the motions.

5. **Business Arising from the Minutes**

5.1 Action List, January 20, 2010

6. **Delegations and Presentations**

There were no delegations of presentations.

7. **Public Hearings**

7.1 Septage Disposal By-Law – DW Gilbert called the public hearing to order at 1:10 p.m.

Mr. Robert Streach reviewed the Septage By-Law .

The Public Hearing was closed.

Municipality of Cumberland By-Law 10-01
Septage Disposal By-Law

General

1. This By-Law is made pursuant to section 333 of the Municipal Government Act, S.N.S. 1998, c. 18, may be cited as the Septage Disposal By-Law and shall apply to the entire Municipality of the County of Cumberland.
2. This By-Law shall be read and applied in conjunction with all federal and provincial regulations governing the pumping, handling, transportation and treatment of septage.
3. In this By-Law :
 - (a) the words “shall” and “must” are mandatory and not permissive. Words used in the present tense include the future. Words used in the singular include the plural except where otherwise indicated and words used in the plural include the singular.

Definitions

4. In this By-Law, unless the context otherwise requires:
 - (a) “Council” means the Municipal Council of the Municipality of the County of Cumberland.
 - (b) “domestic septage” means the liquid, semi-solid and solid material resulting from the treatment of domestic sewage (as defined herein) by on-site wastewater disposal systems including septic tanks, holding tanks and vault privies.

- (c) "domestic sewage" means the wastewater produced as a result of normal human living activities such as food preparation and consumption, household cleaning, washing and the use of toilet facilities, whether those activities take place in a residential, commercial or institutional setting. Domestic sewage specifically excludes wastewater produced by industrial, processing, manufacturing, mining or agricultural activities.
- (d) "Engineer" means the Director of Public Works of the Municipality and his or her delegate(s).
- (e) "holding tank" means a closed watertight receptacle that is designed and used to receive and store domestic sewage, as defined herein, prior to collection by a domestic septage disposer for disposal;
- (f) "license" means a document issued by the Engineer pursuant to this By-law stating that the person named therein, subject to this By-law and any conditions specified in the license, may dispose of domestic septage at the septage treatment facility, and "licensed" has a similar meaning.
- (g) "licensed domestic septage disposer" and "licensed disposer" mean persons holding a license pursuant to this By-Law to dispose of domestic septage at the septage treatment facility.
- (h) "Municipality" means the Municipality of the County of the Cumberland.
- (i) "NSDEL" means Nova Scotia Department of Environment and Labour.
- (j) "owner" includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building; and in case of the absence or incapacity of the person having title to the land or building a trustee, an executor, an administrator, a guardian, an agent, a mortgagee in possession or any other persons having the care or control of the land or building and in absence of proof to the contrary, the person assessed for the property;
- (k) "person" and "persons" mean an individual, sole proprietorship, partnership, co-operative or corporation;
- (l) "pumper/transport vehicle" means a vehicle operated by a domestic septage disposer and used for the purposes of collecting and/or transporting domestic septage intended for disposal at the septage treatment facility.
- (m) "septage" means the liquid, semi-solid and solid material resulting from the treatment of sewage by individual on-site wastewater disposal systems and includes domestic septage (as defined herein).
- (n) "septage treatment facility" means the centralized treatment facility designed for the storage and de-watering of septage and holding tank material located at Little Forks, Cumberland County and owned and operated by the Municipality.
- (o) "standard methods for the examination of water and wastewater" and "Standard Methods" mean the analytical and examination procedures provided in the edition current at the time of testing, published jointly by the American Public Health Association and the American Water Works Association or any publication by or under the authority of the Canadian Standards Association deemed appropriate by the Municipality;
- (p) "year" means the fiscal year of the Municipality.

Administration and Authority

5. The Engineer may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law without prior notice to a licensed domestic septage disposer.
6. Council may by Policy set and from time to time, revise the fees, limits and the service area set out in Schedules "A", "B" and "C", attached hereto.

Disposal

7. All domestic septage originating within the service area and collected by a licensed domestic septage disposer may be disposed of at the septage treatment facility provided this By-law is complied with.

Licensing

8. The following applies to licensing of domestic septage disposers.
 - (a) Only licensed domestic septage disposers may use the septage treatment facility.

- (b) A license shall only be issued to a sole proprietorship, partnership, cooperative or corporation duly registered with the Registry of Joint Stock Companies for the Province of Nova Scotia, or to an individual doing business under his or her own name.
- (c) A license shall only be issued to a person who holds a valid permit or registration to pump and transport septage, as required or issued by the Nova Scotia Department of the Environment and Labour.
- (d) Any person wishing to obtain a domestic septage disposer's license must make application to the Municipality as set out in Schedule "C" herein and, on an annual basis pay the appropriate fee listed in Schedule "A" herein.
- (e) The Engineer shall issue a license to a person who has submitted all information required by, and who is in compliance with, this By-law and the Schedules to this By-law.
- (f) The license shall specify the particular vehicle(s), by description and vehicle license plate particulars, that a licensed disposer shall use when pumping, transporting or disposing of septage in the Municipality together with such other conditions as the Engineer may reasonably impose.

Testing

9. The contents of all pumper and transport vehicles disposing of domestic septage at the septage treatment facility are subject to sampling, monitoring and analysis by the Municipality, at the direction of the Engineer, at any time and without notice.

Prohibitions

10. Any person discharging or causing to be discharged domestic septage into the septage treatment facility must comply with the following:
- (a) only domestic septage may be discharged to the facility;
 - (b) all domestic septage must comply with all limits specified in this By-law and all the Schedules attached herein; and,
 - (c) the domestic septage vehicle operator shall ensure no material of any description is spilled or deposited at the septage treatment facility except in compliance with this By-law and any directions posted at the facility or provided by the Engineer.
11. No person shall deposit, or cause or permit to be deposited, any material in the septage treatment facility that they know or should reasonably know:
- (a) is not domestic septage;
 - (b) has a temperature excess of sixty (60) degrees Celsius.
 - (c) is flammable or explosive;
 - (d) is capable of obstructing the flow in, or interfering with the proper operation of, the facility;
 - (e) has a corrosive property that could be hazardous to the facility;
 - (f) could cause the facility to generate foam in such a quantity that it creates a nuisance;
 - (g) contains fish or animal offal or pathological or medical wastes;
 - (h) contains animal fats, wax, grease or vegetable oil in liquid or solid form in concentrations exceeding those levels set out in Schedule "B";
 - (i) contains herbicides, pesticides, xenobiotics, polychlorinated biphenols or radioactive materials;
 - (j) contains any substance that destroys, prohibits or inhibits the growth of micro-organisms or cultures;
 - (k) has concentrations of suspended solids that exceed the limit specified in Schedule "B" herein;
 - (l) contains toxic substances in excess of the concentrations set out in Schedule "B" herein;
 - (m) contains substances for which special treatment or disposal practices are required by any applicable enactments of Canada or the Province of Nova Scotia; or
 - (n) contains ashes, cinders, garbage, sand, potters clay, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, cellulose or other solid or viscous substances capable of causing obstruction or other interference with the proper operation of the septage treatment facility.

12. No person shall deposit, or cause to be deposited, septage in a storm sewer.
13. No person shall deposit, or cause or permit to be deposited, septage into a sanitary sewer, manhole or wastewater treatment facility or collection system operated by the Municipality without written authorization from the Municipality.
14. Violation of sections 10, 11, 12, or 13 of this By-Law is a "license offense" with the consequences set out in sections 26 and 27 of this By-law.

Volume

15. All domestic septage discharged at the septage treatment facility shall be measured for volume and/or weight by such methods as the Municipality or the Engineer may direct.

Vehicle Signage

16. The Engineer shall assign a license number to each licensed pumper and shall provide signage indicating that number and the existence of the license for each vehicle identified in a license. Failure to install the signage as directed by the engineer or to maintain its visibility will result in license suspensions as set out in section 25 of this By-law.

Prohibiting Discharge

Any employee of the Municipality present at the septage treatment facility has the authority to order any domestic septage disposer and any other person not to dispose of, or to stop disposing, septage, or any other material, at the septage treatment facility. Such order shall be based on the employee's reasonable belief that the disposal is or would be in violation of this By-law or would interfere with the normal operation of the facility. This authority may also be exercised by any employee of the CJSMA specifically authorized in writing, which may be conveyed by facsimile, by the Engineer.

17. Failure to comply with an order made pursuant to section 17 of this By-Law is a "license offense" with consequences as set out in section 26 and 27 of this By-law.

Septic Waste Disposal Fees

18. Council shall by Policy adopt a schedule of fees to be paid for use of the septage treatment facility, which Policy shall be annexed hereto as Schedule "A".
19. A domestic septage disposer using the treatment facility shall pay the fees set out in Schedule "A", within 30 days of the invoiced date.
20. Failure to pay the fees prescribed in Schedule "A" within 30 days of the invoiced date will result in a license suspension with consequences as set out in section 25 herein.
21. Fees owing to the Municipality pursuant to this By-Law and the Schedules to this By-law are collectable as ordinary debt pursuant to the laws of Nova Scotia.

Business Hours

22. The days and hours during which domestic septage may be disposed of at the septage treatment facility shall be determined by the Engineer and posted at the facility.

Notification

23. Notification and invoicing will be deemed as received five business days after the date of mailing by regular mail to the mailing address listed on the licensing form; or the following calendar day if hand delivered to the street address listed on the licensing form.

License Suspension

24. Any licensed disposer who contravenes or fails to comply with the provisions of sections 16 or 21 of this By-law shall:
 - (a) on a first contravention or failure to comply, receive a temporary license suspension which shall last until 5 days after the infraction for which the suspension had been given is corrected;

- (b) on a second contravention or failure to comply, receive a temporary license suspension which shall last until 30 days after the infraction for which the suspension had been given is corrected; and
- (c) on a third or any subsequent contravention or failure to comply, receive a temporary license suspension which shall last until 90 days after the infraction for which the suspension had been given is corrected.

License Offenses

25. Any licensed disposer who contravenes or fails to comply with the provisions of sections 14 or 18 of this By-law has committed a license offense and shall:

- (a) on a first contravention or failure to comply, receive a temporary license suspension of 5 days and must pay to the Municipality a reinstatement fee of \$250.00 before the license is reinstated;
- (b) on a second contravention or failure to comply, receive a temporary license suspension of 30 days and must pay to the Municipality a reinstatement fee of \$1000.00 before the license is reinstated;
- (c) on a third contravention or failure to comply, receive a temporary license suspension of 90 days and must pay to the Municipality a reinstatement fee of \$2500.00 before the license is reinstated; and
- (d) on a fourth or any subsequent contravention or failure to comply, receive an indeterminate license suspension, shall be prohibited from applying for reinstatement for 12 months, must obtain Council approval for the reinstatement and must pay a reinstatement fee of \$5000.00.

26. If a license offense continues for more than one day, each day may be dealt with as a separate violation.

Accountability

27. The actions of any persons in the employ or acting on behalf of a domestic septage disposer while performing activities governed by this by-law are deemed, for the purpose of this bylaw, to be conducted by the licensed disposer.

Previous By-Law

28. This By-Law replaces the previous Septage Disposal By-Law which was adopted by Council on July 19, 2006 (By-Law 06-04).

IT WAS MOVED by Councillor Kellegrew and seconded by Councillor John Reid to approve the Septage Disposal By-Law

MOTION CARRIED #10-016

**Municipality of the County of Cumberland Policy 10-01
Schedule "A" of the Septage Disposal By-Law
Septage Treatment Facility – Fees and Service Area**

Licensing Fee

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

Septic Waste Disposal Fees

2. Septage (as defined) collected from properties within the Service Area may be disposed of at the Little Forks Septage Treatment Facility at no cost by a licensed septic disposer.

Service Area

3. Little Forks septage treatment facility will receive domestic septage collected within the area contained within the municipal boundaries of the Municipality of Cumberland County, which excludes the Towns of Amherst, Oxford, Springhill and Parrsboro.

**Municipality of the County of Cumberland Policy 10-02
Schedule "B" of the Septage Disposal By-Law
Septage Treatment Facility Additional Disposal Limits and Parameters**

Weekly Limits

- 1. No volume limit as of the effective date of the Septage Disposal By-Law.

Solids Content

- 2. The solid content of septage cannot exceed 4% regardless of the volume to be dumped at the Plant.

Fats, Oil and Grease

- 3. There are no limits on fats, oil and grease, as of the effective date of the Septage Disposal By-Law.

Additional Prohibited Toxic Parameters

- 4. There are no additional prohibited toxic parameters, as of the effective date of the Septage Disposal By-Law.

**Municipality of the County of Cumberland Policy 10-03
Schedule "C" of the Septage Disposal By-Law
Septage Treatment Facility – Licensing Application**

General Information - (Please print clearly and legibly)

Name of Applicant (if a company, corporate name) _____

Mailing Address _____

Street Address _____

Community _____ Postal Code _____

Work Phone _____ Home Phone _____

Cellular Phone _____ Facsimile _____

HST # _____ # of Pumper/Transport Vehicles _____

Pumper/Transport Vehicle Information

Plate# (Truck #1) _____ Plate#(Truck#2) _____

Make (Truck #1) _____ Make (Truck#2) _____

Model (Truck #1) _____ Model (Truck #2) _____

VIN # (Truck #1) _____ VIN# (Truck #2) _____

Signing Authority:

First Name _____ Last Name _____

Position _____ Date _____

Signature _____

Information

- 1. The application fee of \$50.00 must accompany this application form.

Please make cheques payable to "Municipality of the County of Cumberland"

- 2. The completed form and payment can be returned by mail or dropped off at the Municipal office.

3. Include proof of registration with Nova Scotia Department of the Environment and Labour as a septic tank cleaner as per section 37(1) of the Nova Scotia On-site Sewage Disposal Systems must be included with the application.

Regulations

4. All licenses expire on March 31st each year.
5. Annual renewal requires a completed application and the licensing fee.

IT WAS MOVED by Councillor Gerald Read and seconded by Councilor Al Gillis to approve Policy 10-01 Schedule A; Policy 10-02 Schedule B; and Policy 10-03 Schedule C of the Septage Disposal By-Law 10-01.

MOTION CARRIED #10-017

7.2 Demolition Order Hearing

Peter Cottingham, Administrator of Dangerous and Unightly Premises provided a digital presentation and explanation of the conditions of the properties to Council.

Demolition Order Hearing – PID 25060864, AAN 04518985
71 Pearl Street, River Hebert, N.S.

The Public Hearing was called by Deputy Warden Ernie Gilbert.
There were no submissions from the public. Deputy Warden Gilbert closed the public hearing.

IT WAS MOVED by Councillor John Reid and seconded by Councilor Ron McNutt that the owner of the property identified as 71 Pearl Street, River Hebert, NS, PID25060864, AAN 04518985 is hereby ordered to demolish the abandoned house, remove all debris to an approved disposal site and fill in or level any basement or crawlspace. Furthermore, this work is to be completed by March 31, 2010.

MOTION CARRIED #10-018

7.3 Demolition Order Hearing – PID 25060021, AAN 04762983
Richard Street, River Hebert, N.S.

The Public Hearing was called by Deputy Warden Ernie Gilbert.
There were no submissions from the public. Deputy Warden Gilbert closed the public hearing.

IT WAS MOVED by Councillor Gerald Read and seconded by Councilor John Kellegrew that the owner of the property identified as PID 25060021, AAN 04762983, Richard Street, River Hebert, N.S. is hereby ordered to demolish the abandoned house, remove all debris to an approved disposal site and fill in or level any basement or crawlspace. Furthermore, this work is to be completed by March 31, 2010.

MOTION CARRIED #10-019

7.4 Demolition Order Hearing – PID 25058777, AAN 02051265
Highway 242, River Hebert, N.S.

The Public Hearing was called by Deputy Warden Ernie Gilbert.
There were no submissions from the public. Deputy Warden Gilbert closed the public hearing

IT WAS MOVED by Councillor John Reid and seconded by Councilor Al Gillis that the owner of the property identified as PID 25058777, AAN 02051265, Highway 242, River Hebert, N.S. is hereby ordered to demolish the abandoned house, remove all debris to an approved disposal site and fill in or level any basement or crawlspace. Furthermore, this work is to be completed by March 31, 2010.

MOTION CARRIED #10-020

- 7.5 Demolition Order Hearing – PID 25060195, AAN 00546232,
20 Kimberly Road, River Hebert, N.S.

The Public Hearing was called by Deputy Warden Ernie Gilbert.

There were no submissions from the public. Deputy Warden Gilbert closed the public hearing

IT WAS MOVED by Councillor Gerald Read and seconded by Councilor John Kellegrew that the owner of the property identified as PID 25060195, AAN 00546232, 20 Kimberly Road, River Hebert, N.S., is hereby ordered to demolish the abandoned house, remove all debris to an approved disposal site and fill in or level any basement or crawlspace. Furthermore, this work is to be completed by March 31, 2010

MOTION CARRIED #10-021

8. Correspondence

- 8.1 Info Correspondence – There was no summary included in the package. On request by individual Councillors, details of the correspondence will be provided.

There was a request from International Women's Day Committee for Amherst, Cumberland County and Area for a contribution of \$100.00 to support their annual Women's Day Luncheon.

IT WAS MOVED by Councillor Redmond and seconded by Councillor Read to donate \$100.00 to the International Women's Day Committee annual luncheon

MOTION CARRIED #10-022

9. Planning Issues

There were none.

10. Strategic Planning -

- 10.1 Strategic Planning - Information item - A memo and strategic Planning Workshop Summary were included in the package for Council. If a Councillor has any comments or questions please contact Stephen Ferguson. The final draft should be ready for Council by February 17, 2010

11. Financial Reports/Issues

- 11.1 Remittal Requests

IT WAS MOVED by Councillor John Reid and seconded by Councilor Kathy Redmond to approve the remittal in the amount of \$271.44 for account # 01884026.

MOTION CARRIED #10-023

IT WAS MOVED by Councillor Kathy Redmond and seconded by Councilor Gerald Read to approve the remittal in the amount of \$72.86, for account #03246701

MOTION CARRIED #10-024

- 11.2 Spring Debenture- This was an information item Andrew MacDonald informing Council he will bring a report to next council meeting regarding the spring 2010 Debenture issue.

- 11.3 ATV Grant Request -This will considered under the Grants to Organizations 2010-2011 budget deliberations.

- 11.4 Second Annual Strong Kids Ball -

IT WAS MOVED by Councillor John Reid and seconded by Councilor Kellegrew to provide \$200 for sponsorship of the Strong Kids Ball Hockey Tournament from the recreation funds.

MOTION CARRIED #10-025

12. **Operational Services Reports/Issues**

12.1 **N.S. Fire Service Officers Qualifications**

IT WAS MOVED by Councillor Al Gillis and Seconded by Councillor John Reid that Council adopt the Fire Association of Nova Scotia Fire Officer Guidelines for the Cumberland County Fire Service.

MOTION CARRIED #10-026

13. **Committee/Other Reports**

13.1 **Meetings with M.P. and SNSMR** – Rennie gave an update on the meeting that took place last week with Honourable Scott Armstrong, Member of Parliament for the Cumberland-Colchester-Musquodoboit Valley and MLA the Honourable Ramona Jennex, Minister SNSMR.

13.2 **FORCE- Fundy Ocean Research Centre for Energy** – Information Item. Rennie and some Councillors attended a meeting in Parrsboro where Honourable Scott Armstrong, Member of Parliament for the Cumberland-Colchester-Musquodoboit Valley announced \$850,00.00 in federal funding for an interpretive and research centre which will house an operations and visitors centre for research into tidal energy featuring labs, interpretive exhibits, a community room and several tidal-energy related components aimed towards educational tours.

14. **Old Business**

14.1 **Workplace Wellness Policy** -

IT WAS MOVED by Councillor Kathy Redmond and Seconded by Councillor Ron McNutt that Council adopt the Workplace Wellness Policy for the Municipality of the County of Cumberland.

MOTION CARRIED #10-027

14.2 **Streetlights** – Information Item-Update from Planner Penny Henneberry regarding the installation of streetlights in District 3 and District 4 advising the regular lighting had been installed due to the fact NSPI is not installing LED lights at this time because it is waiting for the results of its pilot projects now underway.

15. **New Business**

15.1 **CNIB Right to Read Program**

IT WAS MOVED by Councillor John Kellegrew seconded by Councillor Kathy Redmond requesting correspondence be sent to the Premier of Nova Scotia and the Prime Minister of Canada requesting they include funding for the CNIB audio library in their next budgets.

MOTION CARRIED #10-028

15.2 **Yarmouth Ferry Service**

IT WAS MOVED by Councillor Kathy Redmond and seconded by Councillor Al Gillis that correspondence be sent to the Premier of Nova Scotia requesting support for the continuance of the New England Yarmouth ferry service in business.

MOTION CARRIED #10-029

16. **Information Items**

Councillor Redmond informed those present that the Cumberland Singers are presenting a Musical Variety Show fund raiser, for the Haitian earthquake victims, at the Wentworth Recreation Centre Friday, February 12, 2010 at 7:30 p.m.

17. **Adjournment**

The meeting adjourned at 2:10 p.m.

18. **God Save the Queen**