

1. **Council Convenes - O Canada** –Deputy Warden Gilbert called to order the March 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 Shelley Hoeg, Executive Assistant to the CAO. All Councillors were in attendance excepting Warden Hunter. Also in attendance were CAO, Rennie Bugley, Steve Ferguson, Director of Policy and Research, and Penny Henneberry, Director of Planning and Development.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions and deletions:

Additions: 6.2 - ICSP, 12.1 - Exercise Handshake, 14.2 - Environment, 15.2 – UARB Ownership Issue, 16.1 - Red Cross Proclamation.

Deletions: None
4. **Approval of Minutes**
 - 4.1 Minutes from the February 17, 2010 Council Session – IT WAS MOVED by Councillor Reid, seconded by Councillor Read that the minutes of the February 17, 2010_Council session be approved as circulated.

- **MOTION CARRIED #10-035**
5. **Business Arising from the Minutes**
 - 5.1 Action List, February 3, 2010 – There was no discussion on this item.
6. **Delegations and Presentations**
 - 6.1 PVSC – Ms. Debi Karrel and Mr. Dean Hunter were on hand to provide a presentation on the Property Valuation Services Corporation. The PVSC was launched on April 1, 2008. Ms. Karrell gave an overview of the presentation. She discussed the CAP Program and explained that this year the cap has been set at 0%. Cumberland’s increase was 7.6% and with CAP 4.1% for residential. At this point Ms. Carol answered questions from council.

Deputy Warden Gilbert thanked the presenters for their interesting presentation.
 - 6.2 ICSP – Director David Bruce, Mount A. Rural and Small Town Program was on hand to provide information to Council regarding a finalized ICSP for the Municipality. Mr. Bruce advised that the purpose of the ICSP was in order to fulfill the New Deal for Cities and Municipalities and its subsequent Municipal Funding Agreement for Nova Scotia. In turn, the Municipality will access gas tax revenue transferred from the federal to the provincial government for distribution to municipalities for infrastructure investments that reduce environmental impact and contribute to efficiency. The province has set out minimum requirements in terms of process and content. The key component is that the plan must address the broad range of community issues across the spectrum. The key component the province is interested in is the eligible infrastructure related projects.

Council received a draft plan last month and was given the opportunity to provide feedback which has been implemented in the document today.

Council was reminded of the identified eight cross-cutting sustainability priorities:
 1. Creating a year round economy that contributes to sustainable livelihoods
 2. Green energy needs and opportunities
 3. Climate change
 4. Water
 5. Demographic changes
 6. Development patterns
 7. Transportation
 8. Communication
Mr. Bruce advised that the planning document is designed to be all encompassing and provides our Municipality with a tool to work in partnership with other stakeholders to implement some of the 124 action items outlined in the document.

The plan also identifies 11 infrastructure areas and eligible projects to consider using gas tax revenue for which are:

1. Biggs Drive Sewage treatment upgrades
2. Maccan sewage treatment plant
3. Water main extensions
4. Water supply installation, particularly in the Village of Pugwash
5. Sewage main extension, particularly in the Village of Pugwash
6. Sidewalk installation for existing residential clusters
7. LED streetlight replacement for existing structures
8. Geothermal resource and Green Industrial Park development
9. Active Transportation infrastructure in existing residential clusters and along secondary and tertiary highways.
10. Municipal Building Energy Retrofit
11. Community buildings GHG reduction/ retrofit projects

Capacity Building Projects included:

1. County water strategy, including a hydrological assessment that investigates water availability and demand
2. County climate change adaptation strategy
3. Branding, marketing, training and public interpretation and capacity building around renewable/alternative energy and energy self-sufficiency
4. Develop a strategy to promote more active transportation in our county
5. County wide communication strategy

IT WAS MOVED by Councillor Read, seconded by Councillor Gillis to approve/accept the ICSP that was prepared by the Rural and Small Town program of Mount Allison University for the Municipality of Cumberland.

MOTION CARRIED #10-036

7. **Public Hearings**

There were none.

8. **Correspondence**

There was none.

9. **Planning Issues**

There were none.

10. **Strategic Planning -**

There were no items for discussion.

11. **Financial Reports/Issues**

11.1 **Spring Debenture Issue** –

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Reid to approve the Spring Debenture issue.

MOTION CARRIED #10-037

11.2 **CJSMA Budget** – **IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Read to approve the CJSMA 2010/2011 operating and capital budget.**

MOTION CARRIED #10-038

11.3 **Recreation Grant Request(s)** – **IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Read to provide a recreation grant of \$100 from Districts 1, 2 and 3 for a total of \$300 to the Cumberland Jungle Jim Pee Wee AA Ramblers.**

MOTION CARRIED #10-039

12. **Operational Services Reports/Issues**

- 12.1 Exercise Handshake – Council was provide information on Exercise Handshake explaining that to keep Cumberland’s emergency telecommunications group active and up to date, our Emergency Management Coordinator, Jim Hannon, devised Exercise Handshake. This telecommunications exercise is held at 7:00 p.m. the last Tuesday of every month. Emergency Responders and emergency operations centers from around the Atlantic Provinces and the New England States check in to test their equipment, whether it is commercial or amateur.

IT WAS MOVED by Councillor MacNutt, seconded by Councillor Redmond that a letter of commendation be forwarded to REMO Coordinator Jim Hannon for his ingenuity and dedication.

MOTION CARRIED #10-040

13. **Committee/Other Reports**

- 13.1 National Flag Day Celebration – Council was requested for their comments on our Flag Day celebration. Some Councillors felt that the ceremony may be too short.
- 13.2 Airport Committee – The following is the report and recommendations of the Airport Committee to Council from their February meeting:

**CUMBERLAND INTER-MUNICIPAL AIRPORT COMMITTEE
MEETING REPORT AND RECOMMENDATION
Meeting of February 18, 2010**

TO: Amherst Town Council, Springhill Town Council, Municipality of Cumberland Council
SUBJECT: Use of Airport Lands for Community Radio Transmitter

1. INTRODUCTION AND RECOMMENDATIONS

The Airport Committee met on February 18, 2010 in response to a request from the Tantramar Community Radio Society (the “Society”) for formal permission to place their tower and transmitter on land (the “airport lands”) that were acquired by our three municipalities for the purpose of a community airport. For the reasons set out in this Report the Committee agreed with the request and passed the following motion:

“The Airport Committee recommends to the Town Councils of Amherst and Springhill, and to the Council of the Municipality of Cumberland, that they enter into the attached License Agreement with the Tantramar Community Radio Society, that they authorize their proper officers to execute the Agreement, and that the Municipality of Cumberland be authorized to grant Nova Scotia Power a license to maintain and modify the power supply to the transmitter site.”

In addition to the Agreement, a cover letter from the Municipality of Cumberland’s solicitor and a memo from the Municipality’s Director of Policy and Research, as received by the Committee at the meeting, are attached.

2. BACKGROUND ON THE AIRPORT

During the 1980’s a number of our municipal political leaders and community and business leaders believed that an approved municipal airport could, at some point in the future, be essential to development in the area. It was also known that finding an appropriate location for an airport can be very difficult due to the size and characteristics of a suitable parcel of land and existing development patterns.

It was believed that by acquiring suitable land and having the preliminary design work done in advance, an airport could be constructed in a much less time and probably at less cost, than if we waited for the need to materialize.

In addition to the acquisition of land and required easements, a preliminary design, geotechnical

investigation and bird strike analysis were completed and submitted to Transport Canada in 1993. If developed to its full design, the airport would include a paved code 3C non-precision instrument runway 1520 meters (5,000 feet) in length and related air and groundside facilities.

The lands are held by the Municipality of Cumberland, In Trust, and are located on the south side of the Fenwick Road. The elevation, about 160 meters, makes it a good location for a radio transmitter (as well as an airport).

3. BACKGROUND ON THE RADIO SOCIETY

A couple of years ago our municipalities received a request from the Tantramar Community Radio Society, which was preparing its application to the CRTC for a broadcasting license, for permission to propose a location on the airport lands as the site for its transmitter, and it is our understanding this was agreed to by all three units, in one fashion or another.

As you are no doubt aware, the Community Radio project was delayed by an initial negative decision of the CRTC, but the Society reapplied and was granted its license to operate an FM station with its transmitter on the airport lands last spring. The initial refusal by the CRTC set the Society back a long way, both in terms of funding and organization, but things are back on the rails now and the Society hopes to erect its transmitter in the spring. They also anticipate that once the site of the transmitter is finalized and the exact capital and start-up costs for the transmitter are known their financial and fund raising plans will fall into place in short order.

Formal approval to locate and operate the transmitter is required before the Society can finalize plans and resume fundraising. The Society would very much appreciate your early attention to their request.

4. EFFECT OF THE TRANSMITTER ON THE AIRPORT

The Municipality's Director of Policy and Research agreed to review the particulars of the Society's request as they would relate to the Airport design to identify/eliminate potential conflicts. Other staff of the Municipality were requested to pinpoint a location for the transmitter which would not interfere with the Airport design, but which would also be favourable to the Radio Society. He then met with Transport Canada to obtain their input, and prepared a Memorandum (attached) for the Committee. The Memorandum indicates the transmitter and tower would not pose a significant or unacceptable risk to the airport project as long as permission to the Society is given by way of a License Agreement with appropriate conditions.

5. THE LICENSE AGREEMENT

The Municipality instructed its solicitors to draft a proposed License Agreement that would allow the Society to go ahead with installation and operation of the transmitter, and that would, at the same, impose no obligation on the three municipalities other than to give one year's notice of termination. The draft License Agreement is attached along with a cover letter from the Municipality's solicitor.

During the preparation of these documents the solicitor found that the final consolidation of the airport lands had not been completed, and it appears the formal Agreement between the three units setting out their rights and obligations relative to the project and the airport lands, and providing for the Municipality to formally hold title to the lands "In Trust" was never executed. The Committee requested that the three units' CAO's cause a report to be prepared confirming the project's current legal and financial status and proposing a course of action that would result in the conclusion of these unfinished matters.

Notwithstanding the foregoing, the Committee agreed the three units should enter into the proposed License Agreement now, as the unfinished matters are in the nature of formalities and do not affect the essence of the three municipalities rights and obligations in relation to the lands and the project.

6. ELECTRICAL POWER SUPPLY

The Society proposes to use the existing four poles along the existing driveway to bring power to

the transmitter. NSPI will require a license agreement with the Municipality to allow them to maintain and if necessary modify the poles and service and the connection to the transmitter building. Although the wording for this license is still being developed with NSPI, it will be a standard agreement giving the Municipality the right to have the power supply and poles removed at any time.

7. DISCUSSION AND RECOMMENDATION

Although it does not appear there will be any need or business case for an airport in this area in the foreseeable future, the Committee is not prepared to recommend anything that would take away from the potential or value of what has been done previously to pave the way for an airport at some point in the future.

Based on the foregoing and attached, the Committee is of the opinion that the proposed License Agreement would not pose any significant or unacceptable risk to the airport project. Based on the Committee's understanding that the two Towns and the Municipality have all expressed support for the community radio project, the motion set out in the first part of this report was passed.

IT WAS MOVED by Councillor Read, seconded by Councillor Kellegrew that the Municipality enter into a License Agreement with the Tantramar Community Radio Society, and authorize their proper officers to execute the Agreement, and that the Municipality of Cumberland be authorized to grant Nova Scotia Power a license to maintain and modify the power supply to the transmitter site.

MOTION CARRIED #10-041

14. Old Business

14.1 Cumberland Correction Facility – Mr. Bugley, CAO, advised that the Town of Springhill is doing leadership on this issue with assistance of CREDA. Council will be updated as information is received.

14.2 Environment – **IT WAS MOVED by Councillor Merriam, seconded by Councillor Kellegrew that correspondence be forwarded to MLA Murray Scott, and the Ministers of the N.S. Department of the Environment and the N.S. Department of Natural Resources regarding the destruction of our infrastructure (roadways) and our wilderness area; i.e., those areas recently purchased by the Provincial Government between Apple River and Sand River in South Cumberland and for which harvesting and the use of heavy equipment has been approved by Provincial Government Departments.**

MOTION CARRIED #10-042

IT WAS MOVED by Councillor Redmond, seconded by Councillor Merriam to invite the Ministers (and/or alternates) of the N.S. Department of Environment and the N.S. Department of Natural Resources to a future Council session to discuss the destruction of wilderness areas due to harvesting/clearcutting.

MOTION CARRIED #10-043

15. New Business

15.1 Council Professional Development – Mr. Bugley, CAO, explained that a professional development program for councillors will be included in the 2010-2011 budget process. The program will be brought back for Council's deliberations.

15.2 UARB Ownership Issue – Council is requesting staff to make application to the NSUARB regarding outstanding ownership issues of two different watermain extensions.

IT WAS MOVED by Councillor Read, seconded by Councillor Merriam that Council direct the CAO to make an application to the Nova Scotia Utility and Review Board requesting a hearing to resolve the outstanding ownership matter with Upper Nappan Watermain Extension Phase 2 (Smith Road Extension) and Upper Nappan Watermain Extension Phase 3A and 3B (Experimental Farm Extension).

MOTION CARRIED #10-044

16. **Information Items**

16.1 **Red Cross Month**

Deputy Warden Gilbert provided the following:

Whereas, the Canadian Red Cross Society has been engaged in preventing and alleviating human suffering across Canada and around the world, and

Whereas, the Canadian Red Cross Society has helped thousands of Canadians through its Disaster Management and Community Service programs, including our own citizens of Cumberland County, and

Whereas, the Canadian Red Cross Society is a reflection of the Canadian spirit of generosity, caring and selflessness,

Therefore, I Ernie Gilbert, Deputy Warden of the Municipality of the County of Cumberland hereby proclaim March 2010 as Red Cross Month. I also urge all residents of Cumberland County to support the Canadian Red Cross Society and our community by regularly volunteering their time or by financially supporting Red Cross programs.

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17. **Adjournment**

The meeting adjourned at 2:41 p.m.

18. **God Save the Queen**