

1. **Council Convenes - O Canada** –Warden Keith Hunter called to order the May 5, 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. Also in attendance were Rennie Bugley, CAO, Andrew MacDonald, Director of Finance, Stephen Ferguson, Director of Policy and Research, Penny Henneberry, Director of Planning and Development, Emily Frenette, Human Resources Administrator, and Finance and Administration Admin Assistant, Kellie Seaman.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions and deletions:

Additions: 11.2 Budget Update, 15.7 Community Events for Visitors Guide, 16.3 Dr. William Boyle celebration Pugwash High School

Deletions: #’s 7, 8, 9, 10, 12.1, 13, and 14
4. **Approval of Minutes**
 - 4.1 Minutes from April 21, 2010 Council Session – The minutes of the April 21, 2010 council session were approved as circulated
5. **Business Arising from the Minutes**
 - 5.1 Action List, March 17, 2010 – There was no discussion on this item.
6. **Delegations and Presentations**
 - 6.1 Canada Post – This presentation will be re-scheduled for a future meeting.
 - 6.2 Tantramar Community Radio Society – Mr. Geoff DeGannes and Mr. Bruce Burbine were on hand to provide a presentation. Mr. DeGannes provided an overview of the project since its’ inception. Council was advised that TCR has until June, 2011 to be operational. The assigned frequency is 107.9 and the station call letters are CFTA. The majority of programming will be provided by volunteers. The funding request is \$30,000.

Mssrs. DeGannes and Burbine were informed that once a decision has been reached they will be contacted.

Warden Hunter thanked the gentlemen for the informative presentation.
 - 6.3 L.A. Animal Shelter – Ms. Chris Storm, President, and Ms. Kirsteen Thompson, Secretary, were on hand as representatives of the L.A. Animal Albion Shelter to provide a presentation to Council. The overall goals of the shelter are: the protection and humane treatment of animals; the health and well-being of the citizens of Cumberland County; the prevention of the spread of disease from stray and abandoned animals; and the prevention of human distress at seeing animals suffering.

Ms. Thompson informed Council of the services that they are currently providing and the care/costs that would be associated with the Municipality providing the same service. The presentation advised that the Shelter is looking for the following: a minimum of \$15,000 funding; a service contract between the Shelter and County; to develop a partnership; and to assist with the revision of the Municipality’s Canine Control By-Law.

The Warden thanked the ladies for their presentation and advised that they will be notified once Council has reached a decision.
 - 6.4 NSCC Students – Ms. Kellie Seaman, Administrative Assistant to Finance and Administration introduced three NSCC Students who will be performing their 5 week On The Job Training at our offices. They were: Julie Neufeld, Tammy Hurley and Ashley Estabrooks. The Warden extended a warm welcome from the Municipality to our students.
7. **Public Hearings**

This item was deleted.

8. **Correspondence**

This item was deleted.

9. **Planning Issues**

This item was deleted.

10. **Strategic Planning**

Mr. Ferguson, Director of Policy and Research, advised Council that tentative dates for a future Strategic Planning session are June 24th and 25th, 2010. Further information will be provided as it is available.

11. **Financial Reports/Issues**

11.1 **Recreation Grant(s)** –

Cumberland North Academy Home and School – They are requesting \$1,500. It was agreed to provide this money split equally between the Districts of 1, 2, 3, and 7.

Pugwash District High School Home and School Association – They are requesting \$500. It was agreed to provide recreation funds of \$150 from each of the District of 4, 5, 6, and 7

Cross Border 10K Challenge – It was agreed to provide funding in the amount of \$4,000 from districts 1, 2, 3, 4, 5, 7, and 10.

IT WAS MOVED by Councillor Read, seconded by Councillor Gillis to approve the above agreed recreation funds.

MOTION CARRIED #10-072

11.2 **Budget Update** – It is anticipated that final budget recommendations will be presented to Council at the May 12, 2010 budget meeting. Final approval is tentatively scheduled for the May 19th, 2010 Council session.

12. **Operational Services Reports/Issues**

12.1 **Northern Region Agreement** – This item was deleted.

12.2 **UARB Hearing** – Council was advised that this hearing will take place Thursday, August 5, at the E. D. Fullerton Municipal Building.

13. **Committee/Other Reports**

This item was deleted.

14. **Old Business**

14.1 **Wind Energy Project** - This item was deleted pending further information.

15. **New Business**

15.1 **Jackson's Point Private Road Maintenance Charge** – Mr. Ferguson, Director of Policy and Research advised that a request was received from the Jackson's Point Road Association for the Municipality to create a new charge on the properties that use the private road system at Jackson's Point. This would be added to this year's tax bill as a separate line for the affected properties. The "Association" would be solely responsible for all aspect of the work and the Municipality would simply collect the money and hand it over to the "Association". The Association forwarded a Petition and a draft Agreement between the Municipality and the Association.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Donkin to accept the Petition of The Jackson's Point Road Association and authorize the Warden and CAO to execute the Agreement between the "Association" and the Municipality.

MOTION CARRIED #10-073

15.2 Tax Reduction and Exemption Policy – This Policy had been reviewed at the previous Council meeting.

IT WAS MOVED by Councillor Gillis, seconded by Deputy Warden Gilbert, to accept the tax Reduction and Exemption Policy which is as follows (with the inclusion of the Northumberland Community Curling Club in the Schedule):

Municipality of Cumberland Policy 10-04

Tax Reduction and Exemption Policy

1. This Policy is entitled the “Tax Reduction and Exemption Policy”.
2. This Policy shall apply to the properties listed in Schedules “A” and “B” commencing April 1, 201.
3. Pursuant to section 71(1) of the *Municipal Government Act*, the properties listed in Schedule “A” to this Policy shall be, subject to sections 4 and 7 of this Policy, exempt from real property taxation.
4. The tax exemption provided in section 3 shall apply to general tax only, shall not apply to any fire, sewer, street light, village or area rates or charges and shall only apply to the portion of the property specified in Schedule “A”.
5. Pursuant to section 71(2) of the *Municipal Government Act*, the real property tax payable with respect to the properties listed in Schedule “B” to this Policy shall be, subject to sections 6 and 7 of this Policy, reduced to the tax that would otherwise be payable if the property were residential property, inclusive of area rates.
6. The tax reduction provided in Section 5 shall apply only to that portion of the property specified in Schedule “B”.
7. When a property listed in Schedule “A” or “B” ceases to be owned or occupied by the owner indicated in the schedule, or if the property ceases to be occupied for the purpose, which pursuant to section 71(1) and 71(2) of the *Municipal Government Act* enabled the Municipality of Cumberland to include the property in this Policy, the tax exemption or reduction shall cease and the owner(s) of the property shall immediately be liable for the normal real property tax on such property for the portion of the taxation year then unexpired.
8. All previous Tax Reduction and Exemption Policies for the Municipality are hereby repealed.
9. This Policy comes into force upon adoption.

<u>Clerk’s Annotation For Official Policy Book</u>	
Date of Notice to Council Members of Intent to Consider [7 days minimum]: <u>April 14 , 2010</u>	
Date of Passage of Current Policy: <u>May 5 , 2010.</u>	
I certify that this POLICY 10-01 Tax Reduction and Exemption Policy was adopted by Council as indicated above.	
_____	_____
Municipal, Clerk	Date

Tax Reduction and Exemption Policy 10-04

SCHEDULE A

PROPERTY	OWNER	EXTENT OF APPLICATION OF EXEMPTION
Account #889032 Community Hall Upper Linden	Upper Linden Community Hall Association	Whole
Account #4479807 Community Hall Northport	Northport Community Organization	Whole
Account #4716329 Community Hall Tidnish	Tidnish Crossroads Community Association	Whole
Account #7516215 Building & Land Tidnish	Tidnish Crossroads Community Association	Whole
Account #889156 Hall Wallace	Wallace Community Association	Whole
Account #889164 Hall Wallace Station	Wallace Station Community Association	Whole
Account #2999633 Hall & Lot Malagash Mines	Trustees of the Malagash Mine Community Club	Whole
Account # 5673119 Monument Lot North Wallace	North Cumberland Historical Society	Whole
Account #889113 Old School Streets Ridge	Streets Ridge Community Hall Association	Whole
Account #889628 Community Hall Wentworth	Wentworth Community Hall Association	Whole
Account #889725 Community Hall Collingwood	Collingwood Community Hall Association	Whole
Account #889733 Community Hall (old school) Millvale	Trustees of the Millvale Community Hall	Whole

PROPERTY	OWNER	EXTENT OF APPLICATION OF EXEMPTION
Account #3402916 Old School Westchester Station	Westchester Community Hall Association	Whole
Account #4864859 Recreation Centre Wentworth	Wentworth Recreation Hall Association	Whole
Account #889083 Community Hall (old school) Mt Pleasant	Mt Pleasant Community Hall Association	Whole
Account #3403092 Recreation Centre Springhill Jct	Springhill Junction Community Recreation Centre	Whole
Account #28851 Fossil Display & Information Centre Joggins	Municipality of Cumberland c/o Fossil & Display Centre	Whole
Account #889091 Hall Minudie	Minudie Community Hall Association	Whole
Account #2298198 Recreation Hall & Lot River Hebert	River Hebert Citizens Association	Whole
Account #2650991 Old School, Maccan	Maccan Community Centre Society	Whole
Account # 100749 Hall & Lot Apple River	Apple River Community Association	Whole
Account #889202 Hall & Lot Spencer's Island	Spencer's Island Community Hall Association	Whole
Account #889237 Community Hall Fraserville	Fraserville Community Hall Association	Whole
Account #889253 Community Hall Greenhill	Greenhill Community Hall Association	Whole

PROPERTY	OWNER	EXTENT OF APPLICATION OF EXEMPTION
Account #1231456 Building & Lot Diligent River	Diligent River Recreation Committee	Whole
Account #5388082 Building & Land Advocate	Advocate District Development Association	Whole
Account #2582694 Hall Wallace	Wallace Masonic Lodge	Whole
Account #3075885 Masonic Lodge & Community Hall River Philip	River Phillip Masonic Lodge Hall - and Community Hall Association	Whole
Account #687561 Building and Lands Smith Road	Springhill & District LA Animal Shelter Society Registered Charity	Whole
Account # 3187616 Recreation Park Meadow Park	Meadow Park Recreation Society	Whole
Account # 889016 Community Hall & Lot Fenwick	Fenwick Community Hall Association	Whole
Account #889652 Community Hall & Lot Brookdale	Brookdale Community Hall Association	Whole
Account #889024 Community Hall Lower Shinimicas	Sunrise Citizens Club of Northport	Whole
Account #73962 Lot & Building King St., Pugwash	Pugwash Ground Search & Rescue Inc.	Whole
Account #889121 Community Hall (Old School) Conn's Mills	Conns Mills Community Hall Association	Whole
Account #2582635 Hall & Land Water St., Pugwash	Silver Spray Rebecca Lodge No. 1	Whole

PROPERTY	OWNER	EXTENT OF APPLICATION OF EXEMPTION
Account #2582686 Hall & Lot Victoria St., Pugwash	Masonic Lodge (Acadia #13)	Whole
Account #2999617 House, Buildings & Land Malagash Mines	Malagash Christian Fellowship Registered Charity	Whole
Account #4394526 Building Land Miller Road	Sport Pugwash	Whole
Account #4796543 Land Wallace	Wallace Recreation Committee -	Whole
Account #889059 Lot Oxford Junction	Oxford Junction Community Hall Association	Whole
Account #889067 Community Hall Leicester	Leicester Community Hall Association	Whole
Account #889075 Lot Little River	Little River Community Hall Association	Whole
Account #2582589 Masonic Hall River Hebert	A F & A M Lodge No. 86	Whole
Account #2582643 IOOF Hall Main Street, Joggins	I.O.O.F. LODGE	Whole
Account #3210677 Medical Centre River Hebert	The Dr. D.M. Cochrane Memorial Medical Centre	Whole
Account #3263754 Museum Minudie	Minudie Tourist Association	Whole
Account #3403068 Display Centre & Land River Hebert	Municipality of Cumberland Heritage Models Association	Whole

PROPERTY	OWNER	EXTENT OF APPLICATION OF EXEMPTION
Account #3383121 Light House No. 186 Spencer's Island	Spencer's Island Community Association	Whole
Account #5377269 Building & Lot Port Greville	Greville Bay Shipbuilding Museum Society	Whole
Account # 4429516 Land Pugwash River	The Nature Conservancy of Canada Registered Charity	Whole
Account # 4436881 Land Pugwash River	The Nature Conservancy of Canada Registered Charity	Whole
Account # 4210824 Land Crowley Road	The Nature Conservancy of Canada Registered Charity	Whole
Account # 7459025 Land Spencer's Island	The Nature Conservancy of Canada Registered Charity	Whole
Account #03970949 Land	Trustees of Masonic Lodge c/o Bruce Stewart	Whole
Account #02647443 Land	Pugwash Fire Department	Whole
Account #0486883 Land	Wentworth Voluntary Fire Brigade	Whole
Account #04796543 Land	Wallace Recreation Committee	Whole
Account #09687351 Land	Wallace & Area Recreation Committee	Whole
Account #02613875 Land	Tidnish Crossroads Community Association	Whole
Account # 10007526 Land (Lot 2007-3) Pugwash	Northumberland Community Curling Club	Whole

Tax Reduction and Exemption Policy 10-04

SCHEDULE B

PROPERTY	OWNER	EXTENT OF APPLICATION OF REDUCTION
Account #9361944 Building & Land Sutherland's Lake	Bragg Lumber Company Ltd. c/o Sutherland's Lake Trail Groomers Association (leased)	Whole
Account #2152592 Building & Lot Southampton	Irving Oil Ltd. - c/o Glooscap Trail Snowmobile Club (Leased)	Whole
Account #04530365 Building & Land	Between the Hearts Renewal Centre	Whole
Account #00759147 Buildings & Land	Church of the Nazarene Big Lake Camp	Whole

IT WAS MOVED by Councillor Merriam, seconded by Councillor Redmond to make an amendment to Motion #10-074 to include the deletion of AAN: 889229 in the Motion.

AMENDMENT CARRIED #10-075

MOTION CARRIED #10-074

- 15.3 Service Recognition Policy – **IT WAS MOVED** by Councillor MacNutt, seconded by Councillor Gillis to approve the Service Recognition Policy which is as follows:

Municipality of Cumberland Policy 10-05

Service Recognition Policy

1. Purpose

The purpose of this policy is to provide for appropriate recognition of employee service to the Municipality during employment, upon retirement or upon resignation.

2. Service Recognition

Employees will be entitled to a service Recognition Award in accordance with the following schedule of service milestones:

10 years	\$300
15 years	\$400
20 years	\$500
25 years	\$600
30 years	\$700

An employee may elect to receive cash or a gift, including HST, that does not exceed the amounts on the foregoing schedule. In addition, at each milestone employees shall be awarded a County Pin indicating their years of service

3. Recognition Upon Retirement

In addition to any Service Recognition Awards, an employee retiring at or after their 65th birthday shall be entitled to a Retirement Award of the same value, and on the same terms, as their next Service Recognition Award would have been, if they had remained employed with the Municipality to their next milestone.

4. Procedure

Payroll staff shall advise Human Resources Administrator in November of each year of the last active day or retirement date of employees scheduled to retire, and the anniversary dates of those employees observing service milestones, during the upcoming calendar year. The HR Administrator shall then cause a memo to be sent to each affected employee setting out the date, the approved amount of the pending award, and providing a copy of this Policy.

5. Resigning Employee Recognition

In the event of an employee with 5 or more years of service resigning their position with the Municipality prior to their 65th birthday, they shall be entitled to a service award on the same terms as Service Recognition Awards, except the maximum amount of the award shall be 1/2 the amount of the next service award they would be entitled to if they continued their employment. An employee who is dismissed for cause or who is a party to litigation brought by or against the Municipality with regard to that person's employment with the Municipality is not eligible for a Service Recognition Award in connection with the termination of their employment..

6. All previous Service Recognition Policies of the Municipality are hereby repealed.

Clerk's Annotation for Official Policy Book	
Date of Notice to Council Members of Intent to Consider (7 days minimum): <u>April 14, 2010</u>	
Date of Passage of Current Policy: <u>May 5, 2010</u>	
I certify that this Policy was adopted by Council as indicated above.	
_____	_____
Clerk	Date

MOTION CARRIED #10-076

- 15.4 Tax Deed Fee Policy – **IT WAS MOVED** by Deputy Warden Gilbert, seconded by Councillor Redmond to approve the Tax Deed Fee Policy which is as follows:

Municipality of Cumberland Policy 10-06

Tax Deed Fee Policy

- 1. The fee to be charged by the Municipality of the County of Cumberland for each deed of land sold at tax sale shall be the amount charged by the Land Registry Office to register that Tax Deed.

<u>Clerk's Annotation For Official Policy Book</u>	
Date of Notice to Council Members of Intent to Consider [7 days minimum]: <u>April 14, 2010</u>	
Date of Passage of Current Policy: <u>May 5, 2010.</u>	
I certify that this POLICY 10-06 Tax Deed Fee Policy was adopted by Council as indicated above.	
_____	_____
Municipal, Clerk	Date

MOTION CARRIED #10-077

- 15.5 Travel Policy Repeal Policy – **IT WAS MOVED** by Councillor Reid, seconded by Councillor Read to approve the Travel Policy Repeal Policy.

Municipality of the Cumberland Policy 10-07

Travel Policy Repeal Policy

- 1. The Travel Policy, Policy 93-27, is hereby repealed.

<u>Clerk's Annotation For Official Policy Book</u>	
Date of Notice to Council Members of Intent to Consider [7 days minimum]: <u>April 14, 2010</u>	
Date of Passage of Current Policy: <u>May 5, 2010.</u>	
I certify that this POLICY 10-07 Travel Policy Repeal Policy was adopted by Council as indicated above.	
_____	_____
Municipal, Clerk	Date

MOTION CARRIED #10-078

- 15.6 Payment in Lieu Prosecution Policy - **IT WAS MOVED** by Councillor Gillis seconded by Councillor Redmond to approve the Payment in Lieu Prosecution Policy.

Municipality of Cumberland Policy 10-08

Payment in Lieu of Prosecution Policy

1. This Policy is entitled "Payment in Lieu of Prosecution Policy".
2. In this Policy:
 - (1) "applicable offence" means an offence to which this Policy applies;
 - (2) "enforcement officer" means any *officer of the Royal Canadian Mounted Police on duty within the Municipality*, the Municipality's By-Law Enforcement Officer, other employees of the Municipality identified as the enforcement officer in respect of this Policy in the applicable By-Law, and in the case of the Dog By-Law, includes the Municipality's Dog Control Officer, the Pound Keeper and any other person appointed pursuant to that By-Law for the purposes of that By-Law;
 - (3) "*Municipality*" means *the Municipality of the County of Cumberland*; and
 - (4) "to lay a charge" means to issue a Summary Offence Ticket or to swear an information pursuant to the Summary Proceedings Act.
3. This Policy applies to those offences involving a breach of a By-Law which expressly authorizes a payment in lieu of prosecution to be made in accordance with this Policy.
4. The investigation of alleged violations of applicable offences is the responsibility of the enforcement officer.
5. When the enforcement officer, on reasonable grounds, believes that an applicable offence has been committed, the officer, in lieu of or in addition to providing a warning and in lieu of laying a charge may issue a Notice of By-Law Violation, generally in the form of the draft Notice appended to this Policy.
6. The exercise of the enforcement officer's discretion pursuant to Section 5 shall conform with the following principles:

The decision shall be made in a non-discriminatory, fair manner, affording to all persons the equal protection and benefit of the law, and to the extent reasonably possible, alleged violators shall be treated similarly in similar circumstances.

Subject to any lawful resolution of Council of general application regarding enforcement practices, the decision shall not be influenced by members of Council or by political factors. The decision shall not be influenced by personal relationships involving the enforcement officer. The decision shall not be inconsistent with the principles of fundamental justice.

The enforcement officer's knowledge of a history of prior violations by the alleged offender, including violations which were the subject of warnings or previous Notice of By-Law Violations, the seriousness or willfulness of the violation, and the consequences of the violation or of a continued or repeated violation are factors properly considered by the enforcement officer in making the decision.
7. When issuing a Notice of By-Law Violation, the enforcement officer shall fill in the blanks on the Notice to the best of the officer's ability.
8. Upon issuance, or shortly thereafter, the enforcement officer shall attempt to deliver the Notice of By-Law Violation to the alleged offender, or post it upon any real or personal property involved in the violation, or shall otherwise attempt to bring it to the attention of the alleged offender.
9. The alleged offender shall have 14 days from the date of issuance of the Notice of By-Law Violation in which to pay the payment in lieu of prosecution authorized by By-Law and identified in the Notice.
10. Payments in lieu of prosecution shall be made by mail to E.D. Fullerton Municipal Building, 1395 Blair Lake Rd. Upper Nappan, RR 6 Amherst, NS B4H 3Y4.; or in person at the E.D. Fullerton Municipal Building, 1395 Blair Lake Rd., Upper Nappan, NS.
11. A receipt for such payments shall be provided by municipal staff to the payer, identifying the number of the Notice of Violation, and whether the payment has been made by cash, cheque or otherwise.

12. Notwithstanding the issuance of a receipt, the payment shall not be deemed to have been received for purposes of section 13 until cheques or credit card payments have irrevocably cleared the banking system.
13. Upon receipt of a timely payment in lieu of prosecution in respect of a violation for which a Notice of By-Law Violation has been issued, the alleged offender shall not be prosecuted by the Municipality for that violation and the payment shall operate as a Release by the Municipality of any charge that it might otherwise lay in respect of the violation.
14. In the event an alleged offender does not make timely payment in lieu of prosecution, the Municipality may lay a charge pursuant to the *Summary Proceedings Act*.
15. Subject only to section 13, non-compliance by the Municipality with this Policy shall not constitute a defense to a charge for breach of a By-Law.
16. All previous Payment in Lieu of Prosecution Policies of the Municipality are hereby repealed.
17. This Policy comes into force upon adoption.

Clerk's Annotation For Official Policy Book

Date if Notice to Council Members of Intent to Consider [7 days minimum]: April,14 2010

Date if Passage of Current Policy: May 5, 2010

I certify that this Policy was adopted by Council as indicated above.

Clerk

Date

MUNICIPALITY OF THE COUNTY OF CUMBERLAND

Notice of By-Law Violation

TAKE NOTICE THAT the Enforcement Officer has determined that _____ [name] _____ [vehicle licence plate # if applicable] of _____ [address] _____ [vehicle make, model and year if applicable] _____ [City, Town or Village] did on _____ at _____ [date of offence] _____ [time of offence] commit a violation of a By-Law of the Municipality, namely _____ [insert description of the offence] contrary to section _____ of the _____ By-Law. [section #] [insert By-Law Title] - YOU MAY MAKE A PAYMENT OF \$ _____ WITHIN 14 DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE IN LIEU OF BEING PROSECUTED FOR THIS INFRACTION. IF YOU DO NOT MAKE THIS PAYMENT YOU ARE SUBJECT TO PROSECUTION AND THE PENALTIES IN THE EVENT OF CONVICTION RANGE FROM A MINIMUM OF \$ _____ TO A MAXIMUM OF \$ _____.

PAYMENT MUST BE RECEIVED WITHIN 14 DAYS AT THE E.D. FULLERTON MUNICIPAL BUILDING, 1395 BLAIR LAKE ROAD, UPPER NAPPAN, RR 6 AMHERST, NS, B4H 3Y4.

Enforcement Officer (Print Clearly)

Date of Issuance

Enforcement Officer (SIGNATURE)

MOTION CARRIED #10-079

15.7 Community Events for Visitor(s) Guide - Councillors were reminded to submit any events to Kellie Seaman, Administrative Assistant to Finance, by end of day today.

16. **Information Items**

16.1 Chignecto Crown Lands Evaluation – Invitation – This was provided as an information item for our Council.

16.2 Administrative Professional Day – Mr. Bugley advised Council of the appreciation bestowed to its' Administrative Assistants on Wednesday, April 21, 2010.

16.3 Dr. William Boyle Celebration - Council was advised that a celebration honouring Dr. Boyle will take place in the Pugwash High School on May 13th, beginning at 1:30 p.m. All are welcome to attend.

17. **Adjournment**
The meeting adjourned at 2:29 p.m.
18. **God Save the Queen**