

1. **Council Convenes - O Canada** –Warden Keith Hunter called to order the October 13, 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, Stephen Ferguson, Director of Policy and Research, Penny Henneberry, Director of Planning and Development, Peter Cottingham, Solid Waste and By-Law Administrator, and Brenda Moore, Municipal Clerk/Records Manager
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions and deletions:
 

**Additions:** 11.8 – Brookside Curling Club; 11.9 – Genealogical Society; 15.3 – N.S. Department of Housing; 16.2 – Baseball; 16.3 – Comfort Station

**Deletions:** #10.
4. **Approval of Minutes**
  - 4.1 Minutes from September 29, 2010 Council Session – **IT WAS MOVED by Deputy Warden Gilbert, seconded by Councillor Reid that the minutes of the September 29, 2010 Council session were approved with the rewording of the Wind Energy Development Plan presentation to reflect that this is an ongoing project and to notate the seconder for motion 10-155 was Councillor Kellegrew.**

**MOTION CARRIED #10-158**
5. **Business Arising from the Minutes**
  - 5.1 Action List, September 29, 2010 – Councillor Redmond asked if there has been a reply from the School Board re: bussing. The response was no, but that we have been invited to one of their school board sessions. Staff were directed to find out if a meeting is coming up on the bussing issue on October 17<sup>th</sup>, 2010. Staff are to determine how to get on agenda and if the Board wants details in advance and if members of the public are able to speak. Also, Council was advised that we have had no reply from Canada Post. Ms. Hoeg will invite the N.S. Dept. of Transportation and Infrastructure Renewal and the Cumberland North MLA to a Council session in November.
6. **Delegations and Presentations**
  - 6.1 Planning Consultants – Kate Greene, Project Manager, Stantech, was on hand to provide a presentation to Council. Ms. Greene went over project overview, project schedule, the technical expertise and project team and then requested information from Council.
 

**Overview**  
Environmental Master Plan – focus on identifying and analyzing environmental features and will update our MPS, LUB

**Purpose**

    - Build on the established priorities
    - Help reinforce understanding of environmental features and management of these features
    - Identify realistic opportunities to improve community land use, infrastructure and services;
    - Integrate and apply current GIS technology to facilitate planning analysis of environmental features
    - Create a framework for evaluation of plans and policies based on their impact on community sustainability and resiliency and
    - Provide a framework that reflects the strength of the landscape and communicates comprising MOCC.

**Project Schedule**  
Phase 1 – Beginning the project  
Phase 2 – Environmental features analysis  
Phase 3 – Planning Analysis  
Phase 4 – Finalizing Land Use Framework

Ms. Greene advised Council that Stantec is the product of Neil and Gunter and Jacques Whitford and that its areas of practice are Planning, Design, Construction, Maintenance and Decommissioning.

Council Involvement will consist of an initial presentation, Strategic Interviews and a Final Council Presentation. Councillors were advised they must sign up for the Strategic Interviews.

Ms. Greene then paused for replies to the following questions:

- a. Of the following coastal management issues, which do you think are the most critical for the County?
- b. Where are some of the most vulnerable areas?
- c. Are there other environmental issues or features you feel we should be considering in the Plan process?

Warden Hunter thanked Ms. Greene for her presentation.

## 7. **Public Hearings**

Amendment to the Central Planning Area LUB – Final Approval  
Warden Hunter called the Public Hearing to order at 1:45 p.m.

Ms. Heneberry advised that Council had approved an amendment in July 2010 that allowed for the construction of an accessory structure in the Central Planning Area. The accessory building amendment utilized for the Central Planning Area was one already in existence in the Joggins Plan and Pugwash Secondary Plans therefore it was deemed to be reasonable to apply the same language rather “recreating the wheel”. However, what was overlooked was the height restriction of 4 metres. The issue before us today is an amendment to the Central Plan based upon requests from people wishing to construct accessory structures that do not meet the restrictive height requirement of 4 meters. Because Joggins and Pugwash are separate plans it is recommended that each of those districts be contacted to consider an amendment to the height of accessory structures and potential the creation of a viewplane height some as the height restriction is unique to those secondary planning Districts.

The proposed revision also addresses previous concerns of Council regarding the matter of restrictions that apply to developing Accessory Buildings on corner lots. New language is being proposed that will allow the Development Officer to consider allowing an Accessory Structure in the front or flanking yard provided that the house is located such that the accessory structure cannot be placed in any other of the permitted yards and that the proposed structure can be set back from the road so as to still maintain a reasonable streetscape

The public hearing was closed at 1:55 p.m.

**IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Read to approve Second Reading to the following proposed amendments:**

### **SCHEDULE “A”**

#### **BYLAW 10-06**

#### **AMENDMENT TO THE CENTRAL PLANNING AREA LAND USE BYLAW**

”Be it Resolved that Council give Second Reading to Bylaw 10-06 to amend the Central Planning Area Land Use Bylaw by amending the text as follows:”

#### **Delete Section 4.1.2 & 4.1.3**

~~4.1.2—Accessory buildings shall not:~~

- ~~a) be located in the front yard or flanking yard on a corner lot;~~
- ~~b) be more than 4 meters in height;~~

e) ~~be built closer than 2 meters of other structures; and,~~

d) ~~exceed 10 percent of the lot area.~~

4.1.3 ~~Accessory uses and buildings for agricultural, forestry, commercial and light industrial uses are not subject to 4.1.2 (b), (c) and (d), but must abide by all other requirements of the Land Use Bylaw regarding appropriate lot coverage and setback requirements for lot development for these uses.~~

**And replace it with**

4.1.2 *Accessory buildings* shall not:

a) be built closer than 2 meters of other *structures*; and,

b) exceed 10 percent of the *lot area*.

4.1.3 Accessory uses and buildings for agricultural, forestry, commercial and light industrial uses are not subject to 4.1.2 (b) but must abide by all other requirements of the Building Code/Bylaw and Land Use By-Law regarding appropriate lot coverage, separation distances and setback requirements for lot development for these uses.

**MOTION CARRIED #10-159**

8. **Correspondence**

CANSA – This item was circulated as information. The Deputy Warden will be attending in the Warden's stead.

Cumberland Regional Library – **IT WAS MOVED by Councillor Reid seconded by Councillor Read that Council give permission to enter into a rental agreement with the Library Board and the D. M. Cochrane Medical Centre Board if agreement cannot be reached with the Village Commission in the next 30 days.**

**MOTION WITHDRAWN #10-160**

**Staff were directed to come to an agreement and have something formal drawn up and signed.**

Cumberland County 4H Awards Banquet – Deputy Warden Gilbert will be attending  
Amherst Fire Fighters' Association – A representative of the Municipality will be attending.  
Chignecto Central Regional School Board – This was dealt with  
Department of Justice – Mayor Dill will be in contact to let us know if they will hold a meeting in our area.

9. **Planning Issues**

9.1 Application to enter into a Development Agreement at 1068 Highway 6 in Warren – Ms. Henneberry, Director of Planning and Development advised that an application has been made to enter into a Development Agreement at 1068 Highway 6, Warren. Ms. Henneberry advised that to date neighbouring land owners within 30 meters have received notice of this application as per the terms of the Land Use By-Law, the Municipal Solicitor has received a copy of the draft for review and comment and that the Departments of Environment and Transportation have been contacted for input and comment.

**IT WAS MOVED by Councillor Kellegrew seconded by Councillor Read that the Municipality of the County of Cumberland take the issue of a Development Agreement with Gary Porter, in order to permit the development of a Small Engine Repair Facility at 1068 Highway 6, Warren, pursuant to Policy 1.2.2.6 of the Cumberland County Secondary Planning Strategy for the Central Planning Area to a Public Hearing at the November 3, 2010 Council session.**

**MOTION CARRIED #10-161**

10. **Strategic Planning**

This item was deleted

11. **Financial Reports/Issues**

11.1 Aid for Pakistan Grant –

**IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Redmond to forward a grant of \$1,000 towards aid relief efforts in Pakistan.**

**MOTION CARRIED #10-162**

11.2 River Hebert Medical Centre Generator – Mr. Ferguson advised that during budget deliberations this year Council approved funding for generators for Comfort Stations as part of our EMO expenditures. In particular, \$5,000 was ear marked towards the permanent installation of a propane generator at the Cochrane Medical Centre in River Hebert.

**IT WAS MOVED by Councillor Read, seconded by Councillor Merriam to approve a grant in the amount of \$2,000 to go towards the purchase of a propane generator for permanent installation at the D. M. Cochrane Medical Centre in River Hebert.**

**MOTION CARRIED #10-163**

11.3 4 H Royal Beef Show – **IT WAS MOVED by Councillor Reid, seconded by Gillis to approved a recreation grant in the amount of \$1,500 with \$150 coming from each District for the 4 H Royal Beef Show.**

**MOTION CARRIED #10-164**

11.4 Spook O Rama (Parrsboro, River Hebert, Oxford) – **IT WAS MOVED by Councillor Redmond, seconded by Gilbert that \$400 be provided to the Spook O Rama being held in Parrsboro, \$700 be provided to the Spook O Rama being held in Oxford and \$600 be provided to the Spook O Rama in River Hebert.**

**MOTION CARRIED #10-165**

11.5 August 31, 2010 Financial Reports – Director of Finance, Mr. Andrew MacDonald went over these documents with Council.

11.6 Fall Debenture – Mr. MacDonald, Director of Finance advised that for long term capital financing of ten years or more, municipalities are legislated to borrow through the Municipal Finance Corporation. In order for the municipality to borrow funds Council must first approval a temporary borrowing resolution, which is then submitted to the Minister for Approval.

**IT WAS MOVED by Councillor Gilbert seconded by Councillor Reid to approve the following temporary borrowing resolution:**

**MUNICIPALITY OF THE COUNTY OF CUMBERLAND**

**TEMPORARY BORROWING RESOLUTION**

\$82,900

File No. 10/11-03  
Joggins Sewer System Extension

**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 WHEREAS** clause 65(x) of the Municipal Government Act authorizes the Municipality of the County of Cumberland to borrow funds for the purpose of wastewater facilities and stormwater systems;

**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 Eighty-Two Thousand Nine Hundred Dollars (\$82,900) 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 that the Municipality borrow from time to time a sum or sums not exceeding Eighty-Two Thousand Nine Hundred Dollars (\$82,900) 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 (12) 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; and

**THAT** the amount borrowed be 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 meeting of the Council of the Municipality of the County of Cumberland held on the day of \_\_\_\_\_ 2010.

**GIVEN** under the hands of the Warden and the Clerk and under the seal of the Municipality this \_\_\_\_\_ day of 2010. -

\_\_\_\_\_  
Warden

\_\_\_\_\_  
Clerk

**MOTION CARRIED #10-166**

**IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Read to approve the following Temporary Borrowing Resolution:**

**MUNICIPALITY OF THE COUNTY OF CUMBERLAND**

**TEMPORARY BORROWING RESOLUTION**

\$91,800

File No. 10/11-02  
Refinancing  
(Water)

**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 WHEREAS** clause 66(4)(b) of the Municipal Government Act authorizes the Municipality of the County of Cumberland to borrow funds to pay and retire debentures;

**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 Ninety-One Thousand Eight Hundred Dollars (\$91,800) 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 that the Municipality borrow from time to time a sum or sums not exceeding Ninety-One Thousand Eight Hundred Dollars (\$91,800) in total from any chartered bank, trust company doing business in Nova Scotia or the Municipal Finance Corporation;

**THAT** the sum be borrowed for a period not exceeding Twelve (12) 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; and

**THAT** the amount borrowed be 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 meeting of the Council of the Municipality of the County of Cumberland held on the \_\_\_\_\_ day of \_\_\_\_\_ 2010.

**GIVEN** under the hands of the Warden the Clerk and \_\_\_\_\_ under the seal of the Municipality this day of \_\_\_\_\_ 2010.

\_\_\_\_\_ Warden

\_\_\_\_\_ Clerk

**MOTION CARRIED #10-177**

**IT WAS MOVED by Councillor Read, seconded by Councillor Gillis to approve the following Pre-Approval Resolution of Debenture Issuance subject to Interest Rate:**

**Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate**

**WHEREAS** Section 91 of the *Municipal Government Act* provides that a municipality is authorized to borrow money, subject to the approval of the Minister of Service Nova Scotia & Municipal Relations;

**AND WHEREAS** the resolutions of council to borrow for the Joggins Sewer Extension and Refinancing for Upper Nappan Water were submitted to the Minister of Service Nova Scotia & Municipal Relations on October 13, 2010;

**AND WHEREAS** clause 91(1) (b) of the *Municipal Government Act* authorizes the council to determine the amount and term of, and the rate of interest, on each debenture, when the interest on a debenture is to be paid, and where the principal and interest on a debenture are to be paid;

**AND WHEREAS** clause 91(2) of the *Municipal Government Act* states, that in accordance with the *Municipal Finance Corporation Act*, the mayor or warden and clerk or the person designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner deemed proper;

**BE IT THEREFORE RESOLVED**

**THAT** under the authority of Section 91 of the *Municipal Government Act*, the

Municipality of Cumberland  
(Name of Unit)

borrow by the issue and sale of debentures a sum or sums not exceeding **\$174,700**, for a period not to exceed 20 years, subject to the approval of the Minister of Service Nova Scotia & Municipal Relations;

**THAT** the sum be borrowed by the issue and sale of debentures of the

Municipality of Cumberland  
(Name of Unit)

in the amount that the mayor or warden and clerk or the person designated by the council deems proper, provided the average interest rate of the debenture does not exceed the rate of **6.5%**;

**THAT** the debenture be arranged with the Nova Scotia Municipal Finance Corporation with interest to be paid semi-annually and principal payments made annually;

**THAT** this resolution remains in force for a period not exceeding twelve months from the passing of this resolution.

**THIS IS TO CERTIFY** that the foregoing is a true copy of a resolution duly passed at a meeting of the Council of the

Municipality of Cumberland

held on the 13<sup>th</sup> day of October, 2010

**GIVEN** under the hands of the Mayor/Warden and the Clerk and under the seal of the

Municipality of Cumberland

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This 13<sup>th</sup> day of October, 2010

Warden \_\_\_\_\_  
yor/Warden

Clerk \_\_\_\_\_

**MOTION CARRIED #10-178**

- 11.7 Adoption of Amendment to Tax Exemption Policy – **IT WAS MOVED by Councillor MacNutt seconded by Councillor Read to approve the following amendment to the Tax Reduction and Exemption Policy which is addition of the following Tax Accounts to Schedule A (full tax exemption):**

**02246309 Malagash Area Heritage Association**  
**02698293 Malagash Area Heritage Association**

**MOTION CARRIED 10-179**

- 11.8 Brookside Curling Club – Councillor Reid advised Council that the Brookside Curling Club became contaminated with mould over the summer months due to the unusually high levels of humidity and they have had to strip all of the drywall from the ceiling and community hall area. The cost is \$9,500 and they are requesting \$7,000 from the Municipality.

**IT WAS MOVED by Councillor Reid, seconded by Deputy Warden Gilbert to approve a grant to the Brookside Curling Club in the amount of \$7,000.**

**MOTION CARRIED #10-180**

- 11.9 Genealogical Society – **IT WAS MOVED by Councillor Reid, seconded by Councillor Read to forward a letter of support for the Municipality providing \$2,500 to the Cumberland County Genealogical Society in summer, 2011.**

**MOTION CARRIED #10-181**

12. **Operational Services Reports/Issues**

- 12.1 Provincial Education and Awareness Waste Diversion Campaign – This was provided as information.

13. **Committee/Other Reports**

- 13.1 CJSMA Recommendation – Clear Bag Program – Mr. Steven Rayworth, Solid Waste Manager of the CJSMA advised that the Cumberland Joint Services Management Advisory Board is requesting implementation of a consistent clear bag program.

**IT WAS MOVED by Councillor Gillis, seconded by Councillor Kellegrew to implement a clear bag program for residual garbage that allows residents to be able to use one opaque bag, no larger than a kitchen catcher, per clear bag, to address any privacy concerns and a four bag limit per household.**

**MOTION CARRIED #10-182**

- 13.2 CJSMA Recommendation – Inter Municipal Committee – Mr. Rayworth advised that the CJSMA is recommending a committee be formed that would be comprised of one staff member per municipal unit and CJSMA Staff to address the recommendations of the Regional Solid Waste Study that will require action from the individual municipal units such as changes to solid waste program delivery and/or changes in the existing Inter-Municipal Services Agreement, and recommend an implementation plan to both the CJSMA Board and the individual units;

**IT WAS MOVED by Councillor MacNutt, seconded by Deputy Warden Gilbert to form a committee that would be comprised of one staff member per municipal unit and CJSMA Staff to address the recommendations of the Regional Solid Waste Study**

that will require action from the individual municipal units such as changes to solid waste program delivery and/or changes in the existing Inter-Municipal Services Agreement, and recommend an implementation plan to both the CJSMA Board and the individual units; further that Council appoint Peter Cottingham, Municipal Solid Waste and By-Law Administrator, as the Municipality of Cumberland's representative.

**MOTION CARRIED #10-183**

- 13.3 CJSMA Recommendation – By Law Review Committee – **IT WAS MOVED** by Councillor Kellegrew seconded by Councillor Redmond to approve of a Committee to look at the five existing Solid Waste By-Laws of our member units, and make recommendation to improve these by-laws. The focus of these “improvements” will be centered on outlining the requirements of the commercial sector to properly source separate their waste, but may also include changes for the residential sector and to appoint Peter Cottingham as our staff representative to this Committee.

**MOTION CARRIED #10-184**

- 13.4 FPS Strategic Plan Update – Councillor MacNutt updated Council on this item.

14. **Old Business**

- 14.1 Canada Post Rural Mailbox Assessment Program – Councillor Gerald Read advised that he has been presented by a petition from residents of his District and read that petition to Council.

**IT WAS MOVED** by Councillor Read, seconded by Councillor Kellegrew to forward a petition of residents from District 1 regarding the Canada Post Rural Mailbox Assessment Program to Canada Post and to the Federal MP.

**MOTION CARRIED #10-185**

Mr. Bugley advised of a “Hard Ship” Program whereby a mailperson will open a resident(s) mailbox once a week and deliver the mail to the house of a resident who is unable to get to their mail box.

15. **New Business**

- 15.1 Provincial Land Purchase – Councillor Redmond advised that the Provincial Government has purchased various parcels of land throughout Nova Scotia. In the Wentworth area they have purchased a parcel of land from the Ski Hill to Sutherlands Lake. This area is wooded and the Development Committee is concerned that it may be clear cut.

**IT WAS MOVED** by Councillor Redmond, seconded by Councillor Merriam to forward correspondence to the Minister of Economic and Rural Development for a break down of the lands purchased in, by the Province, in Cumberland County and the proposed uses of the purchased lands.

**MOTION CARRIED #10-186**

- 15.2 Halloween Night – It was agreed that Halloween would be observed on Sunday, October 31, 2010.

- 15.3 N. S. Housing – Councillor Kellegrew advised that a resident in his area, who is a Senior Citizen, approached a level of Government requesting a stair lift for his home and was turned down due to the large parcel of land that he owned.

**IT WAS MOVED** by Councillor Kellegrew, seconded by Councillor Merriam to forward correspondence to the Province of Nova Scotia (Department of Housing) to request details of Provincial Assistance Programs eg. stair lifts, that will assist seniors to continue to reside in their own homes.

**MOTION CARRIED #10-187**

Councillor Redmond and Councillor MacNutt provided contact information to Councillor Kellegrew for grants that are available to enable Seniors to stay in their own home.



16. **Information Items**

16.1 **Cumberland Transit** – This item was confused with the Cumberland County Accessible Transportation Society and as such was not discussed. Cumberland Transit is a privately owned business venture.

16.2 **Amherst Intermediate Baseball** – A thank you note was received from the Amherst Intermediate Baseball Team for funding that was provided that enabled them to participate in Provincials.

16.3 **Rest Station** – Councillor Redmond advised that the Gas Station in Wentworth has been purchased and will re-open.

17. **Adjournment**

The meeting adjourned at 3:42 p.m.

18. **God Save the Queen**

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Warden Keith Hunter

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- Municipal Clerk Brenda Moore