

1. **Council Convenes - O Canada** –Warden Hunter called to order the December 7, 2011 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 Chief Administrative Officer. Councillors in attendance: Warden Keith Hunter, Deputy Warden Gerald Read, Councillor John Kellegrew, Councillor Ron MacNutt, Councillor Kathy Redmond, Councillor Phillip Donkin, Councillor Ernie Gilbert, and Councillor John Reid. There were also a number of staff in attendance.
3. **Approval of Agenda (Additions/Deletions)** –The Agenda was approved with the following additions and deletions:

Additions:	7. – Wilderness Area; 12.4 – Fire Protection Services Coordinator; 16.1 – DOTIR Open House; 16.2 – January Council Meeting Dates; Item 15.1 will be moved to #8.
Deletions:	#’s 9 and 10
4. **Approval of Minutes**
 - 4.1 **Minutes from November 23, 2011 Council Session**
The minutes of the November 23, 2011 Council session were approved as circulated.
5. **Business Arising from the Minutes**
 - 5.1 **Action List, November 23, 2011** –Mr. Bugley, CAO advised of updates to the previously circulated Business arising.
6. **Public Hearings**
 - 6.1 **Dangerous and Unsightly Premise (s) Hearings(s)**
Warden Hunter called the Public Hearing to Order at 1:09 p.m.

There are two properties under consideration today. The first was AAN 0028886, located in Strathcona. Mr. Cottingham, By-Law and Enforcement Administrator advised that the owner has been contacted and resides in the United Kingdom. There are various issues as the second story has collapsed and siding has been falling off the building.

Solicitor for the land owner, Mr. George McNeil was present. He advised that the owner requires some time as they are presently living in the UK. The Solicitor has been authorized by the Owner to rectify the loose siding issue and they are requesting until the end of May, 2012 to hire a private contractor to demolish the residence..

Councillor Reid spoke of the dangerous condition of the property and the concerns of residents in the area. Councillor Reid feels that this situation has been going on for too long and would like to see the condition of this property rectified in the very near future.

IT WAS MOVED by Councillor Reid, seconded by Councillor Kellegrew to Order the demolition of the house at AAN 0028886 located at 2475 Highway 242, River Hebert East, and the filling and leveling of any basement or crawlspace and removal of all debris to an approved facility with all work being completed by December 30, 2011.

MOTION CARRIED #11-176

The second property for consideration today is located at 1954 Highway 204, Salem, Cumberland County with AAN 04893107.

Mr. Cottingham advised that there have been other issues with this property with debris on the property. The Owner has been working on remedying this situation. There is a mobile located on the property that is of main concern. The mobile is deteriorating and considered unsightly.

The Owner was present today and advised Council that a building permit has been applied for the mobile located on the property and would like to use the mobile as a storage building.

Councillor Kellegrew advised that he has received three complaints from neighbouring land owners and would like to see the mobile removed and the property to be cleaned up.

Council was advised by Mr. Cottingham that the issue of the debris on the property is a separate issue from the dangerous/unsightly condition of the mobile.

IT WAS MOVED BY Councillor Kellegrew, seconded by Councillor Reid to Order the demolition of the mobile home and removal of all debris to an approved facility with the work to be completed by December 30, 2011, pending approval of a Building Permit.

MOTION CARRIED #11-177

Warden Hunter closed the Public Hearing at 1:31 p.m.

7. **Delegations and Presentations**

7. Wilderness Area – This item was deferred to the January 18, 2011 Council session.

7.1 Movember – Mr. Bugley, CAO advised that he would like to recognize the efforts of staff in their efforts of fundraising for MOVEMBER. Staff raised \$4,000.

7.2 Police Services Advisory Committee – Sgt. Alan Carroll and Christine Manuge were on hand to provide a presentation to Council. Ms. Manuge is the Municipality's citizen appointment on the Police Services Advisory Committee. Ms. Manuge advised that the Provincial appointee has now been appointed and is attending the quarterly meetings. Ms. Manuge advised of other activities that the PSAC has undertaken, such as the new training for committee members.

Sgt. Carroll advised that he has been working in the District for the last nine months. A copy of RCMP yearly review was circulated for information. Sgt. Carroll went over major priorities of the Department over the next 12 months.

Councillors then asked Sgt. Carroll and Ms. Manuge questions.

Warden Hunter thanked Sgt. Carroll and Ms. Manuge for their informative presentation.

7.3 Stantec

Representatives of Stantec were present to provide the Report findings to Council.

Purpose

The purpose of this report is to build on the established priorities reflected in current municipal and strategic plans.

Project overview

The Project provides an environmental framework – focus on identifying and analyzing environmental features

Update to MPS LUB secondary plans

And provides a long term view.

They have provided a background report for the following: Groundwater, GIS Resources/Mapping and Environmental Planning Framework.

The report is divided into 6 chapters

Introduction

Land

Water

Air

Natural Resources, and

Governance

Each chapter has topic areas ; research discussion and recommendations such as: short term, long term, policy and public engagement.

Ms. Greene then went over the Short Term Actions, Long Term Direction, Policy Recommendation and Engagement Recommendations for each of the following: Ecological Landscape Classification; Restricted Land Use; Species at Risk; Wetlands; Watercourse Buffers; Stormwater; Blair and Half Moon Lakes; Dickey Brook; Brookdale Dam; Groundwater Resources; Coastal Elevation Requirements; Shoreline Stabilization; Flooding; Coastal Vulnerability; Climate Change Mitigation; Agricultural Protection; Mining Subsidence; Integrated Watershed Management; Public Engagement; Wastewater Management Districts, and Inter-Jurisdictional Cooperation.

8. **Correspondence**

Correspondence was received by the Pugwash and Area Chamber of Commerce. This correspondence was advising Council of inadequate signage in the Pugwash area. Requesting any advice or action that Council may offer. **This item was referred to the Pugwash Action Team responsible for Signage.**

A petition was received from the residents of District 10 regarding solid waste delivery in the Advocate area (District 10). Mr. Cottingham, Solid Waste and By-Law Administrator was requested to reply to the Author of the petition to answer questions contained in the petition document.

IT WAS MOVED by Deputy Warden Read, seconded by Councillor Kellegrew to accept the petition of residents of the Advocate Area regarding solid waste concerns.

MOTION CARRIED #11-178

Warden Hunter also read aloud a thank you from the 272 NSH Army Cadet Corps, to our REMO Coordinator thanking him for his time in working with the Corps with Ham Radios.

9. **Planning Issues**

This item was deleted.

10. **Strategic Planning**

This item was deleted.

11. **Financial Reports/Issues**

11.1 Revenue Collection Policy – Director of Finance, Andrew MacDonald went over the proposed Revenue Collection Policy and answered questions of Council.

IT WAS MOVED by Deputy Warden Read, seconded by Councillor Gilbert to approve the Revenue Collection Policy with the amendment of the Collection Limit from \$500 to \$100.

Municipality of Cumberland Policy 11-XX

Revenue Collections Policy

1. This Policy may be cited as Revenue Collections Policy.
2. The purpose of this policy is to provide and articulate equitable, supportable, and legal guidelines to staff and the public which are designed to ensure that all taxpayers are well served.
3. In this Policy:
 - (1) “Non-liable charges” means charges that under law cannot be affixed to a property and, therefore, cannot form an encumbrance against the value of that property. One example is Business Occupancy Taxes.
 - (2) “Liable charges” means charges that are or can be attached to ad encumber the title to a property and can result in the property being sold so the Municipality can collect the money it is owed. These charges can arise pursuant to legislation (e.g the Municipal Government Act) or a municipal by-law (e.g. Public Sewer By-Law).
4. Non-liable charges other than Business Occupancy shall be collected as follows:
 - (a) Monthly reminders will be sent to all overdue accounts less than 90 days in arrears
 - (b) It shall be the responsibility of the Municipal Accountant to take the following steps regarding accounts over 90 days in arrears:
 - i demand a payment arrangement
 - ii where applicable, ensure that no further business is conducted on a billed basis;
 - iii determine which of the following would be most appropriate: Small Claims Court Action, Supreme Court Action, or collection Agency and advise the debtor accordingly; and
 - iv if legal action is chosen, follow up to ensure all steps up to and including an order or warrant are completed in a timely fashion.
5. Liable Charges shall be as follows:
 - (a) Past Due Reminder Notices will be sent to all accounts with amounts \$10 and greater that are in excess of one month overdue. Past Due Reminder Notices will be sent out quarterly in the first week of the months of July, October, January and April.
 - (b) Subject to provision (i) of this section, a property one year in arrears shall be placed on the tax sale list (see 134 (1) of the MGA).
 - (c) Advance Notice of Tax Sale Proceedings will be sent to each assessed owner of property on the tax sale list as per Section 138 of the MGA, advising that the property is liable to be sold for the arrears, with interest and expenses, and that tax sale procedures may be commenced and costs expended, which will also be liened against the property, unless the arrears are paid or a satisfactory written payment arrangement is struck within 14 days of the date of the preliminary notice.

- (d) 14 days after the issuance of the Advance Notice, if the taxes have not been paid or arrangements made, staff will arrange for a title search and, if deemed necessary, undertake a survey of the property.
 - (e) Upon completion of the title search and possible survey, Notice of Intention to Sell will then be sent by registered mail to all registered owners, their spouses (if known) any mortgage company and any person with a lienholder interest in the property.
 - (f) If the registered Notice is returned unopened to the Municipal Office, Notice of Intention to Sell will be posted in a conspicuous place on the property.
 - (g) All properties with taxes, or charges which are in arrears for the preceding three fiscal years SHALL be put up for tax sale (see 134 (2) of the MGA) subject to provisions (h) and (i) of this section.
 - (h) Tax Sale proceedings may be deferred by Council for a property for up to two years (section 134 (3) of the MGA). Council will only defer proceedings under what is deemed to be, by Council, an exceptional circumstance and only after the review of a written request of the property owner for the deferral and a recommendation report prepared by the Treasurer. The decision to defer proceedings under this provision of the policy shall further require that an acceptable payment agreement be executed in writing between the Municipality and the property owner that brings the account into current status within the same two year timeframe. Compliance with the payment agreement will be strictly enforced by staff. There will be allowance for two payments to be deferred either by request or by default. On the third instance of non-payment as per the agreement, notice will be given and the tax sale process will recommence with no recourse other than full payment.
 - (i) Pursuant to section 134(4) of the MGA the Municipality may decide not to put a property up for tax sale where:
 - (a) the Municipality Solicitor advises there is high risk of litigation.
 - (b) the amount is below the collection limit established by Council. The Municipality's collection limit is hereby set at \$500.00, or
 - (c) the property has been put up for tax sale three times in the past with no satisfactory offer, in which case Staff will then proceed, without further notice to the owner and encumbrances, to advertise the property and sell it at auction. A minimum acceptable bid may be set by Council to reflect the Municipality's expenses and the estimated value of the property, or
 - (d) if the taxpayer is compliant with a payment arrangement
6. Once a property has been advertised for tax sale, the process can only be stopped by full payment of all arrears in excess of one year and all tax sale expenses. Payments will be received up to the beginning of the tax sale auction.
 7. Any surplus funds from the tax sale may be applied to reduce any non-lienable charges owed by the owner of the land to the Municipality. These outstanding amounts do not need to have a direct relationship to the property sold. The withdrawal of any surplus cannot be completed until after the redemption period (within six months after the sale date) where applicable. Properties are not redeemable if there are taxes owing that are greater than six years in arrears (see provision 152 of the MGA).
 8. A successful bidder shall pay at the time of the tax sale, the Tax Deed Fee and the fee for the **Certificate of Sale**, in addition to the amount of their bid.
 9. Business Occupancy Taxes shall be collected as follows:
 - (a) The collection process for Business Occupancy accounts shall commence when the taxes are 90 days overdue
 - (b) The account owner shall be sent a reminder indicating they have 15 days to settle.
 - (c) If there is no response a collection letter explaining further steps that will be taken will be sent by regular mail.
 - (d) If the collection letter does not result in full payment or an arrangement for payment, the Treasurer shall determine whether to take legal action or employ a collection agency, and shall take all necessary steps to ensure the timely completion of that action or process.
 - (e) Payments made by a person to any associated real property accounts may be transferred to relieve related outstanding business occupancy accounts. Lienholders on the associated real property accounts may be notified of the overdue business occupancy amounts. See section 131 of the MGA)
 - (f) If it appears the person owing taxes to the Municipality is about to leave the Municipality the Warrant process set out in sections 120 to 125 of the MGA shall be followed.
 10. Other Collection Policies
 - (a) Principal or interest for less than \$10 can be written off for accounts in arrears at staff's discretion.
 - (b) Interest charges on an account may be relieved by staff when it is determined that the account has been in dispute and the taxpayer is not at fault.

- (c) Interest charges on an account may be relieved by staff if it is determined that insufficient support for the billing or insufficient follow up by staff has resulted in undue interest charges.
- (d) Where staff determine that both the taxpayer and staff may have been jointly responsible for delays in billing, or in providing appropriate details to support or refute the billing or for lack of timely follow up, staff may grant partial interest relief on an account up to their applicable spending authorization limits.
- (e) No adjustment to billings can be made, except as outlined above, by any staff members, unless where there was an error in the original billing and corresponding back up by the Municipal Accountant and/or the Director of Finance is provided.
- (f) No account will be sent to write off unless all efforts have been exhausted in its collection and will only be so sent after recommendation of the Municipal Accountant and the Municipal Treasurer (provision 38 of the MGA).
- (g) Only Council can approve final write off of any revenue accounts. Such write off reports will be provided not less than once per year.
- (h) After an assessment appeal is determined and any appeal from that decision is decided, any taxes that were overpaid shall be refunded to the applicant, together with interest at a rate equal to the rate actually earned by the Municipality of the County of Cumberland on its short term investments. The interest rate shall be determined and the interest calculated monthly but shall not be compounded (provision 114 (2) of the MGA).

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

MOTION CARRIED #11-179

- 11.2 Grant to Organization – Autumn House - Autumn House is requesting a grant to assist with their programming.

IT WAS MOVED by Councillor Kellegrew seconded by Councillor Gilbert to provide a GTO Grant to Autumn House in the amount of \$5,000.

MOTION CARRIED #11-180

- 11.3 Community Development Grant(s) – River Hebert District High School - The school is interested in buying 2 tables for table tennis to benefit the youth in the community. They are requesting **\$500**.

Councillor John Reid recommends that \$500 be debited from District 9 funds.

IT WAS MOVED by Councillor Reid, seconded by Councillor Gilbert to approve a Community Economic Development Grant in the amount of \$500 to the River Hebert District High School for the purchase of two table tennis tables.

MOTION CARRIED #11-181

- 11.4 Capital Investment Plan - Mr. MacDonald advised that the Committee has had several meetings and are recommending the following:

The recommended changes are summarized as follows:

- Addition of the following note to precede the evaluation criteria:
The annual ranking of any project pursuant to the following criteria shall not prevent the Municipality from undertaking feasibility studies, pre design work, or similar investigations in an effort to help determine how any project should be evaluated.
- “Fiscal and budget impacts” The committee is recommending that this criteria be split into two; “Affordability” and “Third Party Funding” with a weighting of 5% each. It was felt that additional weighting was required to considered the overall affordability of a project on the end user and the municipality and also take into

- consideration the availability of outside funding.
- “Impact of Deferral” weighting not changed. Definition changed to remove reference to other projects, which is dealt with in a separate criteria.
- “Legal Mandates” Weighting dropped from 10% to 9%. Still the highest weighting of all the criteria. The definition was expanded to better explain the difference between “required” versus “authorized or permissive”.
- “Relationship to other projects” Weighting dropped from 5% to 4%. Wording in definition changed to consider the importance/urgency of related projects. The rationale was to avoid scoring a project higher when a related project is deemed to be a low priority.
- “Social Impacts” Weighting left the same. Definition changed to remove reference to environment and health which are both considered under other criteria.
- “Sustainability” weighting increased from 5% to 6% to increase emphasis on long term affordability.
- “Safety Impacts” has been removed and rolled into the “risk/liability” criteria.
- “Risk/Liability” change to “Risk/Liability and Safety Impacts” wording in definition updated to incorporate public safety. Weighting remains unchanged.
- “State of Readiness” Weighting increased from 2% to 4%. Definition expanded to provide examples.
- All other criteria have been left the same as last year.

IT WAS MOVED by Councillor Reid, seconded by Councillor Redmond to approve the recommendations of the CIP Committee which are as follows:

- **Addition of the following note to precede the evaluation criteria:
The annual ranking of any project pursuant to the following criteria shall not prevent the Municipality from undertaking feasibility studies, pre design work, or similar investigations in an effort to help determine how any project should be evaluated.**
- **“Fiscal and budget impacts” The committee is recommending that this criteria be split into two; “Affordability” and “Third Party Funding” with a weighting of 5% each. It was felt that additional weighting was required to considered the overall affordability of a project on the end user and the municipality and also take into consideration the availability of outside funding.**
- **“Impact of Deferral” weighting not changed. Definition changed to remove reference to other projects, which is dealt with in a separate criteria.**
- **“Legal Mandates” Weighting dropped from 10% to 9%. Still the highest weighting of all the criteria. The definition was expanded to better explain the difference between “required” versus “authorized or permissive”.**
- **“Relationship to other projects” Weighting dropped from 5% to 4%. Wording in definition changed to consider the importance/urgency of related projects. The rationale was to avoid scoring a project higher when a related project is deemed to be a low priority.**
- **“Social Impacts” Weighting left the same. Definition changed to remove reference to environment and health which are both considered under other criteria.**
- **“Sustainability” weighting increased from 5% to 6% to increase emphasis on long term affordability.**
- **“Safety Impacts” has been removed and rolled into the “risk/liability” criteria.**
- **“Risk/Liability” change to “Risk/Liability and Safety Impacts” wording in definition updated to incorporate public safety. Weighting remains unchanged.**
- **“State of Readiness” Weighting increased from 2% to 4%. Definition expanded to provide examples.**

MOTIONC ARRIED #11-182

Mr. MacDonald also reviewed the Capital Investment Plan with Council at a later point in the meeting.

IT WAS MOVED by Councillor Donkin, seconded by Councillor Redmond to approve the Capital investment plan and 5 year capital budget and to forward same to the Province of N.S.

MOTION CARRIED #11-183

12. **Operational Services/Reports Issues**

12.1 **Solid Waste Tender** – Mr. Cottingham advised that the results of the Tender are in.

IT WAS MOVED by Deputy Warden Read, seconded by Councillor Kellegrew to accept the Tender of PBS in the amount of \$13,394,566.41 for solid waste services.

MOTION CARRIED #11-184

12.2 Dangerous and Unsightly Premise Procedure – This item is deferred to the January Council session.

12.3 Fire Truck RFP – Ms. Henneberry advised that there were 7 submissions for tanker replacement.

IT WAS MOVED by Councillor Reid, seconded by Councillor MacNutt to approve Fort Gary Trucks to provide the Municipality with our new fire trucks.

MOTION CARRIED #11-185

12.4 FPS Coordinator - Staff are recommending salary scale classification of this position as Level 4.

IT WAS MOVED Councillor Redmond, seconded by Councillor MacNutt to approve a salary scale classification of level 4 and the immediate advertisement of the position of FPS Coordinator.

MOTION CARRIED #11-186

13. **Committee/Other Reports**

13.1 Nominations Committee – Councillor Kellegrew advised that the Nominating Committee met today and went over Committee appointments for the upcoming year. Council was provided with selection sheets and Committee listings and requested to provide these to the Executive Assistant, with their individual selections. This listing will be ratified at the January Council session. Also, all citizen appointments will be advertised before the Christmas break and dealt with at the January session.

IT WAS MOVED by Councillor Kellegrew, seconded by Deputy Warden Read to accept the nominations committee report.

MOTION CARRIED #11-187

14. **Old Business**

14.1 Bussing Issue – Council was provided with the reply from the Chignecto Central Regional School Board in regards to a bussing issue of a Ms. Joanne MacPherson. Advising the current route is the best application in meeting Board procedures and that the routes will be routinely reviewed.

Councillor Gillis will be contacting the concerned citizen and advising they may want to contact the Ombudsman's office regarding this matter.

14.2 CAO Performance Plan - Mr. Bugley requested input into the CAO Performance Development Plan for the next Council session.

15. **New Business**

15.1 Moved to item #8

15.2 Pugwash and Area Chamber of Commerce – This item was dealt with under correspondence.

16. **Information Items**

16.1 DOTIR Open House – Council was reminded of the Open House taking place on today's date from 4:30 to 7:30 p.m.

16.2 January Council Sessions – **IT WAS MOVED by Councillor Reid, seconded by Councillor Gilbert to have Council session in January on the 18th.**

MOTION CARRIED #11-188

17. **Adjournment**

On motion the meeting adjourned at 3:33 p.m.

18. **God Save the Queen**