

1. **Council Convenes - O Canada** –Warden Hunter called to order the April 18, 2012 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 Kellie Seaman, Department of Finance Administrative Assistant. Councillors in attendance: Warden Keith Hunter, Councillor John Kellegrew, Councillor Allison Gillis, Councillor, Ron MacNutt, Councillor Kathy Redmond, Councillor Phillip Donkin, Councillor Ernest Gilbert, Councillor John Reid, and Councillor Ratchford Merriam.

Regrets: Deputy Warden Gerald Read

3. **Approval of Agenda (Additions/Deletions)** –The Agenda was approved with the following additions and deletions:

Additions: 5.2 Introduction of Senior Safety Coordinator
 11.5 TBR Sunset
 13.2 2012/2013 CAO Organizational Priorities

4. **Approval of Minutes**

4.1 **Minutes from April 4, 2012 Council Session**

The minutes of April 4, 2012 were approved as circulated.

5. **Business Arising from the Minutes**

5.1 **Action List, April 4, 2012** – There was no discussion on this item.

5.2 **Introduction of Senior Safety Coordinator** – Council was introduced to the Senior Safety Coordinator who is Cheryl Laliberte. Her main job will be liaising with the community, as well as:

- Provide safety and security information to seniors in Cumberland County through home visits, community presentations along with written and verbal resources.
- Develop and maintain a wide range of community contacts, partnerships, and funding sources.
- Organize and promote crime prevention as well as health and wellness initiatives aimed at assisting seniors to recognize options and community resources that will allow them to achieve and maintain safe and healthy lifestyles.
- Raise awareness of senior abuse and respond to concerns of senior abuse identified in the community. The Coordinator will work closely with the Partnership, Advisory Group and other community resources to ensure seniors are assisted as much as possible when abuse is identified.
- Attend meetings and provide updates to the Partnership and Advisory Group on program activities and outcomes.
- Conduct in-home assessments with high risk seniors to relay safety and security information and refer seniors to other programs and services where appropriate.
- Represent the Program on community coalitions and committees as appropriate.
- Prepare and maintain program statistics.

6. **Public Hearings**

6.1 **Open Air Burning By-Law-Final Reading**

Warden Hunter called the Public Hearing to Order at 1:52 p.m.

Fire Departments have requested to have the provisions removed from the by-law and add new ones.

There was only one comment: From a fire service member who agreed with the changes

Councillor John Reid asked why the changes were being made.

The Public Hearing was closed at 1:58 p.m.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Reid to approve the final reading of the Open Air Burning By-Law, which is as such:

Open Air Burning By-Law 12-02

General

1. This By-Law is entitled the “Open Air Burning By-Law.”
2. The purpose of this By-Law is to prohibit open air fires which are hazardous or which pose a threat to public safety. The By-Law is also intended to prevent nuisance associated with open air burning in densely populated areas.
3. In this By-Law:
 - a. “fire chief” means a fire chief, fire captain or chief officer of a fire department, brigade or company or other person designated by such person in and for the applicable fire protection district or area;
 - b. “fire department” means a Volunteer Fire Company approved by the Council of the Municipality of Cumberland;
 - c. “open air” means anywhere that is not fully enclosed by a building;
 - d. “open air fire” does not include a fire in an appliance which is designed and being used to burn propane, natural gas, charcoal or wood for the purpose of cooking food; and
 - e. “recreational outdoor wood burning appliance” means an appliance that is designed to contain a small fire for recreation and entertainment purposes and includes an outdoor fireplace, an outdoor dome fireplace, a fire pit, a fire bowl and a chimney, but does not mean an appliance that is designed or used to provide heat to a building.

Open Air Fires

4. No person shall light, ignite or start or allow or cause to be lighted, ignited or started, or add fuel to, or otherwise permit or encourage to burn a fire of any kind whatsoever in the open air except as permitted under section 5.
5. Except as may be otherwise prohibited by law, provided all necessary provincial permits are obtained, the Nova Scotia Department of Natural Resources has not issued a ban on open air burning and some method of fire suppression is directly accessible, an open air fire is permitted:
 - a. if the burning is carried out pursuant to and in strict compliance with a current, valid Burning Permit issued by the Nova Scotia Department of Natural Resources provided:
 - i. the fire is located at least 30 meters from all adjacent properties;
 - ii. the fire is authorized by the owner of the property where the fire is situated;
 - iii. the fire is not started or permitted to continue when the wind is blowing with sufficient velocity to jeopardize the ability of the person responsible to control the fire;
 - iv. the fire is not left unattended;
 - v. the fire is not fueled by, or allowed to burn anything except wood, brush and vegetation or byproducts thereof;
 - vi. any smoldering embers from the fire are extinguished after the burning is complete; and
 - vii. the fire does not appear to be getting out of control and has not gotten out of control.
 - b. for training purposes, or as a preventative measure intended to reduce the risk or spreading of a more serious fire, if the burning is carried out or directly supervised by a fire department;
 - c. for agricultural purposes, provided all provincial requirements are met;
 - d. by a person lost or in distress in a wooded area, if reasonable precautions are taken against the spreading of the fire;
 - e. in a recreational outdoor wood burning appliance, provided the manufacturer’s instructions for installation and use are followed;

- f. for a campfire not exceeding 75 centimeters in width at the largest point, and not piled higher than 45 centimeters, provided:
 - i. the fire is located at least 9 meters from a dwelling located on another property,
 - ii. the fire is not within 6 meters of another property, unless the fire was started with the express written consent of the owner and occupant of such other property;
 - iii. the fire is authorized by the owner of the property where the fire is situated;
 - iv. the fire is not started or permitted to continue when the wind is blowing with sufficient velocity to jeopardize the ability of the person responsible to control the fire;
 - v. the fire is not left unattended;
 - vi. the fire is not fueled by, or allowed to burn anything except wood, brush and vegetation or byproducts thereof;
 - vii. any smoldering embers from the fire are extinguished after the burning is complete; and
 - viii. the fire does not appear to be getting out of control and has not gotten out of control; and
 - g. for a campfire not exceeding 120 centimeters in width at the largest point, and not piled higher than 60 centimeters, provided:
 - i. the fire is located at least 30 meters from all adjacent properties;
 - ii. the fire is authorized by the owner of the property where the fire is situated;
 - iii. the fire is not started or permitted to continue when the wind is blowing with sufficient velocity to jeopardize the ability of the person responsible to control the fire;
 - iv. the fire is not left unattended;
 - v. the fire is not fueled by, or allowed to burn anything except wood, brush and vegetation or byproducts thereof;
 - vi. any smoldering embers from the fire are extinguished after the burning is complete; and
 - vii. the fire does not appear to be getting out of control and has not gotten out of control.
6. A fire chief may extinguish or order to be extinguished any open air fire, if in the opinion of the fire chief the fire is not in compliance with any requirement set out in section 5 of this By-Law.

Penalties

7. Any person who contravenes section 4 of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$200 and not more than \$10,000.
8. Any person who contravenes section 4 of this By-Law and who is given a Notice of the By-Law violation by the Municipality's By-Law Enforcement Officer in accordance with the Municipality's Payment in Lieu of Prosecution Policy may pay to the Municipality, at the place specified in the Notice, the sum of \$100 within 14 days of the date of Notice and shall thereby avoid prosecution for that contravention.
9. Any person who contravenes section 4 of this By-Law and thereby causes a fire department to be dispatched shall upon conviction pursuant to section 7 of this By-Law be subject to a penalty of \$500 in addition to any fine imposed to defer the cost associated with dispatching a fire department.
10. On the effective date of this By-Law any previous Open Air Burning By-Laws of the Municipality are repealed.

<u>Clerk's Annotation For Official By-Law Book</u>	
	Date of first reading: <u>March 21, 20</u>
	Date of advertisement of Notice of Intent to Consider: <u>Wednesday March 28, 20</u>
	Date of final reading: <u>April 18, 2012</u>
	*Date of advertisement of Passage of By-Law: _____
	Date of mailing to Minister a certified copy of By-Law: <u>April 20, 2012</u>
I certify that this OPEN AIR BURNING BY-LAW was adopted by Council and published as indicated above.	
Municipal Clerk	Date
*Effective Date of the By-Law unless otherwise specified in the text of the By-Law	

MOTION CARRIED #2012-53

7. **Delegations and Presentations**

- 7.1 Volunteer Recognition: Council presented the volunteer nominees with certificates and awards.
 - District 2: Cumberland North Academy School Community
 - District 3: Diana MacIsaac, Bill Fairbanks
 - District 6: Marion Duffy
 - District 7: Serena Matheson, Jo-Ann Livingstone
 - District 8: George Pugsley
 - District 9: Susan Murphy

8. **Correspondence:** Councillor Kathy Redmond discussed the letter sent to Bill Estabrooks about Collingwood Rd. She asked if a response has been received yet.

9. **Planning Issues:**
There was no discussion on this item.

10. **Strategic Planning**
There was no discussion on this item.

11. **Financial Reports/Issues**

11.1 **Budget** – Andrew MacDonald, Director of Finance discussed the status of the budget to Council. The next Budget meeting will be April 25, 2012.

11.2 **Community Development Grant-NS 55+ Seniors Games** – Vicki discussed the NS Seniors Games Community Development grant application. Councillor Gerald Read agreed to fund from his district.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Gillis to provide \$253 to the NS Seniors Games application from District 1 Community Development Funds.

MOTION CARRIED #2012-54

11.3 **Tax Reduction and Exemption Policy** – A document was provide to Council from the Revenue Officer. Staff recommends that the River Hebert Athletic Association property be provided a full exemption under the Tax Reduction and Exemption Policy.

IT WAS MOVED by Councillor Reid and seconded by Councillor Gilbert to give notice to amend the Tax Reduction and Exemption Policy.

MOTION CARRIED #2012-55

11.4 **Remittal-** This remittal is because of address change problems. Staff suggested that the interest be written off for the resident. Council asked Andrew MacDonald to bring more information about this issue to the next Public Council meeting.

11.5 **TBR Sunset-** Will be placed on the next Council agenda.

12. **Operational Services/Reports Issues**

13. **Committee/Other Reports**

13.1 **Cumberland Public Libraries:** This is an informational item only.

13.2 **2012-2013 CAO Organizational Priorities:** CAO, Rennie Bugley discussed the priorities that the

organization has achieved in the past year and thanked those departments that have been helpful in doing so. He discussed the priorities he has for the upcoming year with Council.

14. **Old Business**

- 14.1 L.A. Animal Shelter Board Appointment – There are no Councillors available to be on the board so Steve Ferguson, Director of Policy and Research suggested appointing a staff person to be on this board. Names will be brought back to the next Council meeting to discuss.
- 14.2 Pugwash Sewer Extension - One Councillor is to be appointed to this committee along with a citizen representative.

IT WAS MOVED by Councillor Gilbert, seconded by Councillor Kellegrew to appoint Councillor Gillis to the Pugwash Sewer Extension committee.

MOTION CARRIED #2012-56

15. **New Business**

- 15.1 Appointment of Fire Inspector – There was no discussion on this item.
- 15.2 Solar Power Legislation- HRM has been providing solar panels to heat domestic hot water for their residents. Provincial legislator recently passed that all Municipalities can do this project. This topic will be discussed at the energy committee.
- 15.3 School Librarians- Councillor Reid spoke to the issue of cutting libraries in the community and losing people in the school board.
- 15.4 CAP Sites- Councillor Redmond discussed the decision to cut the CAP sites. She discussed how important these sites are to the community. She would like a letter written Paradee and Scott Armstrong for support for the CAP sites.

IT WAS MOVED by Councillor Redmond and seconded by Councillor Gillis to send a letter to Minister Paradee and Scott Armstrong supporting CAP Sites.

MOTION CARRIED #2012-57

- 15.5 Streetlights- Councillor Kellegrew asked why streetlights in Brookdale have not been fixed yet. He would like the money that has been paid be deducted as they do not work. This issue will be placed on the next Council agenda.

16. **Information Items**

- 16.1 Election Polling Districts and Divisions: Rennie asked Council to review the districts and divisions to ensure the information is right.

IT WAS MOVED by Councillor Kellegrew seconded by Councillor Donkin to approve the Election Polling Districts and Divisions for the 2012 Municipal Elections.

MOTION CARRIED #2012-58

17. **Adjournment** : On motion the meeting was adjourned at 2:39 p.m.

18. **God Save the Queen**

Warden Keith Hunter

Municipal Clerk Brenda Moore