

1. **Council Convenes - O Canada** –Warden Hunter called to order the September 12, 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 Shelley Hoeg, Executive Assistant to the CAO. Councillors in attendance were: Warden Keith Hunter, Councillor Kellegrew, Councillor Gillis, Councillor MacNutt, Councillor Redmond, Councillor Donkin, Councillor Gilbert, Councillor Reid, and Councillor Merriam. Deputy Warden Read was absent due to illness. The CAO and many staff were in attendance.
3. **Approval of Agenda (Additions/Deletions)** –The Agenda was approved with the following additions and deletions:

Additions:	11.7 - Financial Statements; 12.3 - Building Official Classification System; 14.3 – RHDH Renovations
Deletions:	7.1 - Public Hearings, 9 - Planning Issues, 10 - Strategic Planning, 12.1 - Leicester Tanker Truck
4. **Approval of Minutes**
 - 4.1 **Minutes from July 18, 2012 Council Session**
The minutes of the July 18, 2012 Council session were approved as circulated.
5. **Business Arising from the Minutes**
 - 5.1 **Action List, July 18, 2012** – Councillor Gilbert asked about the status of the community benches and was advised by our Recreation and Physical Activities Coordinator that we are following up on quotes for the benches and information will be brought back to Council as soon as it is received. Councillor Gilbert also asked about Municipal Day and Mr. Ferguson advised that this issue will be addressed via the Citizen Engagement Committee as well as other staff will.
6. **Delegations and Presentations**
 - 6.1 **Years' of Service Recognition** – Warden Hunter presented Nelson Bezanson with a certificate and token of our appreciation for his 15 years of dedicated service to the Municipality of Cumberland.
 - 6.2 **Introduction of New Staff** – Warden Hunter introduced Ergin Nemburt, Building Official Technician, David Buell, Building Inspector and Emily Burke, Recreation and Physical Activities Coordinator.
 - 6.3 **Water Procurement for Residents of Fenwick** – Councillor Kellegrew presented a petition on behalf of the residents of Fenwick, requesting Town Water services.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Reid to forward the petition of the residents of Fenwick to our CIP Steering Committee for inclusion in the plan.

MOTION CARRIED #12-142

- 6.4 **Proclamation – FOIPOP, Right to Know Week** – Warden Hunter endorsed the following \ proclamation:

WHEREAS the Municipality of Cumberland has adopted the principles of openness, transparency and accountability; and

WHEREAS part XX of the *Municipal Government Act* gives citizens a right of access to information in the custody or under the control of the Municipality of Cumberland; and

WHEREAS access to information ensures citizens of Nova Scotia have the opportunity for meaningful participation in the democratic process; and

WHEREAS a celebration of the right of citizens to access information will facilitate informed public participation in policy formulation, ensure fairness in government decision-making and permit the airing and reconciliation of divergent views; and

WHEREAS the Municipality of Cumberland joins all other Canadian jurisdictions and democracies world-wide in acknowledging Right to Know Week;

THEREFORE be it resolved that I, Warden Keith Hunter, Municipality of Cumberland, do hereby proclaim September 24 to September 28, 2012 to be Right to Know Week in the Municipality of Cumberland.

7. **Public Hearings**
This item was deleted.
8. **Correspondence**
Correspondence provided require no actions.
9. **Planning Issues:**
This item was deleted.
10. **Strategic Planning**
This item was deleted.
11. **Financial Reports/Issues**
- 11.1 **Debenture Issue** – Resolution of Pre-Approval Debenture Issuance – Mr. MacDonald, Director of Finance advised Council of this issue.

IT WAS MOVED by Councillor MacNutt, seconded by Councillor Gillis to authorize the following resolution:

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 resolution of council to borrow for **Sunset Adult Residential Centre** was approved by the Minister of Service Nova Scotia & Municipal Relations on **May 31, 2012**;

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 the County of Cumberland*** borrow by the issue and sale of debentures a sum or sums not exceeding **\$4,600,000** for a period not to exceed twenty 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 the County of Cumberland*** in the amount that the 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 **5.5%**;

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.

MOTION CARRIED #12-143

- 11.2 **Temporary Borrowing Resolution** – Council was advised that Sunset is requesting a guarantee of an additional 5million. It was agreed to defer this item to the next council session for a presentation by sunset representatives and staff will work on the proper documentation.
- 11.3 **Tariff of Fees and Expenses, October 2012 Municipal and School Board Elections** – **IT WAS MOVED by Councillor Kellegrew, seconded by Councillor MacNutt to approve the Tariff of Fees and Expenses for the October 2012 Municipal and School Board Elections.**

MOTION CARRIED #12-144

- 11.4 **Grant(s) to Organizations** – Brookside Curling Club
IT WAS MOVED by Councillor Reid, seconded by Councillor Kellegrew to allow the funds left over from a previous grant to the Brookside Curling Club to go towards a new project.

MOTION CARRIED #12-145

11.5 Community Development Grants – The following applications have been received by staff:

Amherst Little League – this is the 58th year of continuous operation. They provide baseball to all boys and girls between the ages of 5 and 12 without any charge whatsoever to the individual ball player. One third of this year’s players were county residents. Last year we granted \$40/child. If Council agrees to the same formula this year, the costs would be as follows:

District 1	13	\$520
District 2	10	\$400
District 3	2	\$80
District 6	1	\$40
District 9	9	\$360

IT WAS MOVED by Councillor Reid, seconded by Councillor Kellegrew to provide community development funds in the following amounts to Amherst LittleLeague:

District 1	13	\$520
District 2	10	\$400
District 3	2	\$80
District 6	1	\$40
District 9	9	\$360

MOTION CARRIED #12-146

Meadow Park Recreation Society – This is a volunteer community-based society whose main responsibility is the maintenance and upkeep of the Meadow Park Drive Playground and Recreation Park. The project they are requesting assistance for is slated for the Spring of 2013, and involves the installation of new playground equipment. They are requesting **\$15,000** to purchase Phase 1 of a new play structure. Substructure for the playground equipment is already in place and installation will be carried out by community volunteers under the direction of the Manufacturer’s local representative.

Councillor Gerald Read recommends that \$8,750 be debited from District 1 Sub-division funds, and \$6,250 be debited from District 1 Community Development funds (total of \$15,000)

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Gillis to debit \$8,750 from District 1 Sub-division funds, and to debit \$6,250 from District 1 Community Development funds (total of \$15,000), and provide this funding to the Meadow Park Recreation Society for Phase 1 of a new play structure.

MOTION CARRIED #12-147

Maccan Youth Recreation Fund – Earlier this summer we funded this group to erect two gooseneck style basketball nets on their multi-purpose court. We failed to include the costs associated with installing them. The total cost came to \$946.37.

Councillor John Kellegrew recommends that \$946.37 be debited from District 2 Sub-division funds.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Gilbert, to approve \$946.37 from District 2 Subdivision funds to the Maccan Youth Recreation Fund for the cost of installation of two basketball nets.

MOTION CARRIED #12-148

Heritage Models Museum –This group requested \$5,500 for a water system upgrade at the last Council session in July and was conditionally approved by Councillor John Reid. They have since discussed the issues facing the museum and will hold off on the funding until next spring. They are now looking for a \$2,000 operational Grant to cover an operating shortfall.

IT WAS MOVED by Councillor Reid, seconded by Councillor MacNutt to provide \$2,000 to Heritage Models Museum from District 9 Community Development Funds to assist with an operational shortfall.

MOTION CARRIED #12-149

Pythian Castle Ltd. – This group is in need of a new heating system, two windows and a door. They donate some of their funds raised to charities – all local (Heart & Stroke, Cancer, Cerebral Palsy, Special Olympics, Christmas for Kids, Poppy Fund, LA Animal Shelter and Highland Fling). They have not applied for funding from any other sources. They are asking for the total

cost of the repairs needed, which is \$10,910.25. Presently, 38 of their 91 members are County residents – the breakdown is as follows:

District 1	5
District 2	8
District 3	14
District 7	9
District 8	2

IT WAS MOVED by Councillor Redmond, seconded by Councillor Donkin to deny the request for funding of Pythian Castle.

MOTION CARRIED #12-150

Fundy Youth Soccer – IT WAS MOVED by Councillor Reid, seconded by Councillor Kellegrew to provide funding to Fundy Youth Soccer at \$25 per County Child.

MOTION CARRIED #12-151

11.6 Remittals –

AAN – 01268716 and 03308405 – **IT WAS MOVED by Councillor Merriam, seconded by Councillor Gilbert to approve a remittal for AAN 01268716 in the amount of \$132.05 and for AAN 03308405 for \$10.66.**

MOTION CARRIED #12-152

AAN 00032492 – **IT WAS MOVED by Councillor Gillis, seconded by Councillor Redmond to approve a remittal in the amount of \$2,015.38 for AAN 00039492.**

MOTION CARRIED #12-153

AAN 09459170 – **IT WAS MOVED by Councillor Gillis seconded by Councillor Donkin to approve a remittal for AAN 09459170 in the amount of \$1,504.47.**

MOTION CARRIED #12-154

AAN’s 09369384, 07391102, 09369473, 09369449, 03457869, 07391099, 09369341 – **IT WAS MOVED by Councillor Donkin, seconded by Councillor MacNutt to provide a remittal in the amount of \$1,789.20 for AAN’S 09369384, 07391102, 09369473, 09369449, 03457869, 07391099, 09369341.**

MOTION CARRIED #12-155

AAN 04260015 – **IT WAS MOVED by Councillor Merriam, seconded by Councillor Gilbert to approve a remittal in the amount of \$150.86 for AAN 04260015.**

MOTION CARRIED #12-156

11.7 Financial Statements – Mr. George Jorgenson of Jorgenson, Bickerton Chartered Accountants was on hand to provide the Audited Financial Statements and Management Report.

IT WAS MOVED by Councillor MacNutt, seconded by Councillor Gilbert to accept the audited financial statements and the Management Letter presented today.

MOTION CARRIED #12-157

At this point in the meeting, Mr. Jorgensen presented a letter to Council advising of the resignation of Jorgensen and Bickerton as our Municipal Auditors, which Warden Hunter read aloud.

12. Operational Services/Reports Issues

12.1 Leicester Tanker Truck – Removed from the agenda

12.2 Appointment of Fire Inspector – Ms. Henneberry, Director of Planning and Development advised that the recently hired Building Official, David Buell, had begun his training as a Fire Inspector prior to his employment with the Municipality. Also advising, that at the moment we have a contract with the Town of Amherst for Fire Inspection services and prior to the end of its term she will have Mr. Buell gain experience as a Fire Inspector by mentoring with the Amherst Inspectors. His full training will not be complete for almost a year, but he will still be able to legally carry out formal fire inspections.

There is a requirement for the Municipality to formally appoint, through a motion of Council, the position of Municipal Fire Inspector.

IT WAS MOVED by Councillor Reid, seconded by Councillor MacNutt that: **BE IT RESOLVED** that pursuant to Section 19(1) (b) of the Province of Nova Scotia *Fire Safety Act*, that David Buell be formally appointed as a Municipal Fire Inspector for the Municipality of the County of Cumberland in order to conduct fire inspections and to educate and encourage persons and communities to apply the principles of fire safety so as to prevent fires, preserve human life and avoid unwarranted property loss due to the destructive forces of fire by administering the National Fire Code of Canada, the National Building Code of Canada and any legislation pertaining thereto.

MOTION CARRIED #12-158

12.3 Building Official Classification System –

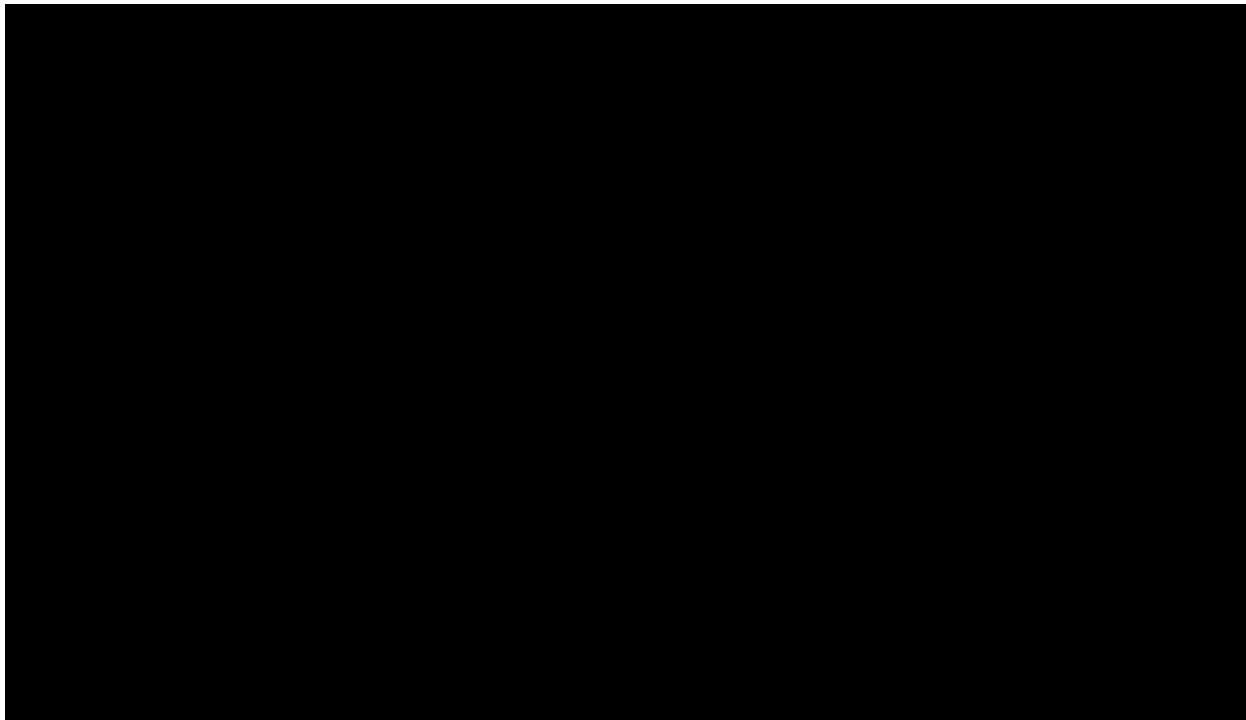
IT WAS MOVED by Councillor Gilbert, seconded by Councillor Donkin that Council approve a change in the Employee Classification to delete the Senior Building Official position and replace that position title with Building Official 2 at the same salary scale; Further, to delete the Building Official position and replace that position title with Building Official 1 at the same salary scale; Further that Monty Maddison be classified as a Building Official 2 position.

MOTION CARRIED #12-159

13. Committee/Other Reports

13.1 Capital Investment Plan

The following was a summary of the Capital Investment Plan as presented by the Director of Finance and Administration, Mr. Andrew MacDonald:



IT WAS MOVED by Councillor Gilbert, seconded by Councillor Reid to adopt the 2012/2013 Capital Investment Plan as presented.

MOTION CARRIED #12-160

13.2 Capital Projects Update – Mr. Patterson, Contract Engineer provided a report to Council regarding the following:

Pugwash Water- On August 21&22, 2012, CBCL Ltd collected raw water samples from 137 locations in the village of Pugwash. Subsequent laboratory sampling verified that levels of arsenic and uranium exceeded the Canadian Drinking Water Quality Guidelines at 22 locations. Letters confirming the samples results have been sent to owners of all properties sampled. Those property owners whose water exceeded the guidelines of arsenic and/or uranium were told not to drink their water and were also given a copy of the Nova Scotia Department of Environment Fact Sheet which explains what to do when arsenic/uranium in drinking water exceeds the guidelines.

A request for proposals from Hydro geological Consultants to develop a pump testing program to define a new water supply for Pugwash is the next step on this project. It is planned to drill test wells and carry out pump testing this winter.

Maccan Sewer- Our Consultants, ABL Environmental Ltd, have confirmed that the tender packages should be completed within the next 2 weeks with a projected early October tender closing. Nova Scotia Department of Environment is currently reviewing the approval submission. We are in the process of setting up a steering committee meeting for this project.

Maccan Water- . In March we delivered our business case for the extension at the Amherst Water Supply to service the residents of Maccan to Town Officials. In April, staff met with Town Officials who explained they would have their Consultants verify the adequacy of the North Tyndal water supply and the impact the addition of Maccan water customers would have on the water rates of the Amherst Water Utility. We are still waiting for a response from the Town water utility. We are also in the process of setting up a steering committee meeting for this project.

E.D. Fullerton Roof- The contract for replacement of the high roof and the shingled fascia has been awarded to Atlantic Roofers of Cocagne N.B. with work set to commence the week of September 17th.

Spencer's Island Boat Launch Extension- Application has been made to Nova Scotia Department of Natural Resources for permission to extend the ramp and for permission to encroach upon crown lands near the end of the proposed 150 foot extension. The development of a Request for Proposals from contractors is currently underway. This project will only proceed if funding from senior levels of Government is approved.

14. **Old Business**

- 14.1 **School Review Process – Wentworth** – Councillor Redmond has been talking to the Principal and the CAO will be providing a response to the CCRSB. Councillor MacNutt asked how costs are portioned since our Municipal level of contribution has not dropped even though funding from the Province and Federal Government has declined. Mr. MacDonald advised we pay based on uniform assessment.

IT WAS MOVED by Councillor MacNutt, seconded by Councillor Redmond to forward correspondence to UNSM requesting they lobby to have our criteria for funding of Education the same as the Provincial and Federal Governments.

MOTION CARRIED #12-161

- 14.2 **Municipal WoodFirst Resolution** – **IT WAS MOVED by Warden Hunter, seconded by Councillor Kellegrew to approve the following resolution:**

WHEREAS The Municipality of Cumberland recognizes the historic, present and future value of the wood culture in Nova Scotia;

AND WHEREAS Nova Scotia's forest industry, as an integral part of the Municipality's economy, is developing new markets and new opportunities for wood products as part of a long-term strategy toward a healthy wood industry;

AND WHEREAS the Municipality of Cumberland recognizes that wood is sustainable, and renewable, and that wood structures minimize or eliminate the carbon footprint of a building;

AND WHEREAS the Municipality of Cumberland recognizes that wood meets building code requirements as permitted in the Canadian Building Code (2010 edition);

THEREFORE BE IT RESOLVED that the Municipality of Cumberland will continue to support the development of its wood culture by:

- **when building new structures, renovating or adding on to existing buildings, the government shall employ the material that has the lowest environmental impact, within building code requirement;**
- **using building materials with the lowest carbon footprint (where technical standards permit), when considering new construction, retrofit and refurbishment projects;**

- using building materials and systems with the lowest embodied energy – wood-frame solutions – (where technical standards permit), when considering new construction, retrofit, and refurbishment projects;
- always including a wood structure/material option when considering new structures, or performing renovations or additions to existing buildings;
- ensuring that all municipal infrastructure projects receiving Provincial or wood industry financial support employ the appropriate structural or architectural use of wood;
- ensuring that the performance of wood systems and products are considered whenever appropriate throughout all phases of infrastructure procurement and ownership.

MOTION CARRIED #12-163

- 14.3 RHDH School Renovations – Councillor Reid would like to see a representative of the Province come to the Community of River Hebert or the School and explain the process and delays to allay the fears of the citizens and students. He advised the residents feel the school board is allowing the school to sit in this state of disrepair until it is viable to close it.

IT WAS MOVED by Councillor Reid, seconded by Councillor Gilbert to forward correspondence to the Province and CCRSB expressing concerns of the residents on the state of River Hebert District High and the length of delay for the rebuilding of the school.

MOTION CARRIED #12-162

15. **New Business**

- 15.1 RV Park Concerns - Correspondence received by Warden Hunter, from concerned residents of Tidnish, were circulated to Council.

IT WAS MOVED by Warden Hunter, seconded by Councillor Gillis to request that a land Use Bylaw (with zoning) be a priority for the entirety of the Municipality of Cumberland.

MOTION DEFEATED#12-163

- 15.2 Returning Officer's Report – Mr. Bugley, CAO, who is also the Returning Officer for the Municipality advised of the results of nominations. Polling stations and DRO'S and Poll Clerks will be solidified within the next two days.

- 15.3 Outgoing Councillors – Council and CAO Bugley took this opportunity to wish our two Councillors who are not reoffering all the best in their future endeavours. Councillor Donkin thanked the Council, Administration and Staff for making his term here so enjoyable. He also expressed congratulations to the candidates who are successful via acclimation and good luck to those who will be campaigning. Councillor MacNutt expressed his appreciation for the experience he has had for the last four years and his appreciation of people who choose to work in Municipal politics.

- 15.4 September, October, and November Council Meeting Dates – September 26 was booked as a tentative date for Council, only if the workload calls for it. October Council will be the 10th.

16. **Information Items**

- 16.1 Signed Procurement Agreement – Council was advised that a Procurement agreement between ourselves and the Town of Amherst has been signed and executed.

- 16.2 RDA Audit – Council was advised that it is being widely reported that the Auditor General will not be doing an audit of the local RDA. Council was advised an audit will be undertaken, just not by the Auditor General's office.

17. **Adjournment:** On motion the meeting was adjourned at 3:11 p.m.

18. **God Save the Queen**