

1. **Council Convenes - O Canada** – Deputy Warden Smith called to order the April 24th, 2013 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: Deputy Warden Don Smith, Councillor Kellegrew, Councillor Gillis, Councillor Welton, Councillor Baker, Councillor Rector, Councillor Gilbert, Councillor McLellan and Councillor Fletcher. Warden Hunter sent his regrets as he was away. The CAO and many staff were in attendance.
3. **Approval of Agenda (Additions/Deletions)** –The Agenda was approved with the following additions/deletions:

Additions: 13.2 – CAO Performance Development Plan and Compensation Review

Deletions: 7, 10, 12

4. **Approval of Minutes**

4.1 Minutes from April 10, 2013 Council Session

IT WAS MOVED by Councillor Welton, seconded by Councillor Baker to approve the minutes of the April 10, 2013 Council session as presented.

MOTION CARRIED #13-081

5. **Business Arising from the Minutes**

5.1 Action List, April 10, 2013 – There was no discussion on this item.

6. **Delegations and Presentations**

6.1 Volunteer Recognition

The following volunteers were recognized for their tireless efforts:

District #3 - Pauline Verstraten
 District #4 - Margaret Stone
 District #4 - Lindsay Anderson, Youth Volunteer Nominee
 District #5 - John Langille
 District #6 - Ethel Gilroy
 District #8 - Arnold Blenkhorn
 District #9 - Joy Gray
 CANSA

6.2 Amherst Theatre – This presentation was not available.

6.3 NSCC – Strategic Plan - Don McCormack and Helen Schubert were on hand to provide this presentation.

Mr. McCormack advised that NSCC currently has 22 Programs at the Cumberland Campus and 407 Students. From 2008 to 2011 enrollment increased by 55% and by 83% to 2012. Their inception was in 1964 in Springhill with 111 students and 10 programs.

The Campus expanded to Amherst in 2006 and has grown from 2000 sq. feet to 20,000 sq. feet.

Their ability to grow in Springhill is tied in with Springhill's desire to complete Phase III of the Dr. Carson and Marion Murray Centre. They are at a point where they need to grow.

Mr. McCormack explained the four pillars of their programming:

Community Connections
 Program Quality
 Operational Excellence
 Access to Success

Mr. McCormack explained of the potential growth and programming in the near future.

Deputy Warden Smith thanked Mr. McCormack and Mrs. Schubert for their presentation which was very informative.

7. **Public Hearings**

This item was deleted.

8. **Correspondence**

A synopsis was provided for council.

INFORMATION:

Cumberland County Transportation Service – Thanking Council for their grant of \$5,000. Advising that due, in part to our support, they are able to provide accessible and affordable transportation to the rural residents of Cumberland County who are facing transportation barriers.

N.S. Dept of Education – Office of the Minister – Replying to Council's correspondence regarding the renovations of River Hebert District High. Advising that much work has been done by CCRSB to continue this project. Also advising they are communicating with the School Advisory Council regarding the project.

ACTION

Feed Nova Scotia – Request for Council to proclaim May 6-10 as Hunger Awareness Week

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Gilbert to authorize Deputy Warden Smith to proclaim May 6-10 as Hunger Awareness Week.

MOTION CARRIED #13-082

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Fletcher, to forward a request to the Chair of the CCRSB requesting information regarding the stalled renovations at River Hebert District High.

MOTION CARRIED #13-083

9. **Planning Issues:**

9.1 Variance Appeal - Mr. Nelson Bezanson, Planning and Development Officer advised Council that an application to construct a 26' x 34' chalet style cottage was received on February 14, 2013. On March 15th, 2013 a development permit was issued based on the application form and site plan. On April 4, 2013 the development permit was rescinded due to construction plans which indicated that the living area would exceed the maximum 1000 square feet permitted for undersized lots by the Land Use Bylaw. The applicant was contacted and given the choice to either reduce the living area or apply for a v variance to the Land Use Bylaw. On April 7, 2013 the applicant made application for a variance which was granted the following day. As required by the MGA, notification was mailed out to all properties within 30 meters of the applicant's property informing people of the variance and providing an opportunity for them to appeal the variance.

The property is 15,000 in square feet and has been approved for an on-site septic system. The Land Use By-law restricts lots less than 29,000 sq. ft. in an area to a maximum floor area of 1001 sq. ft.

Council may uphold the decision to grant the variance or rescind the variance.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Welton to approve the granting of the variance for the property of Carl MacDonald, Gulf Lane, Pugwash.

MOTION CARRIED #13-084

10. **Strategic Planning**

This item was deleted.

11. **Financial Reports/Issues**

11.1 Community Development Grants – Emily Burke, Recreation and Physical Activities Coordinator advised of the following applications:

Millvale Community Hall

This group is requesting funding to help with the costs associated with running the hall for the year, in addition to repairs that are required, including new siding or paint for two sides of the building. This is the only community hall in the community. There are many functions held in the building, including musical nights, birthday and anniversary parties, coffee houses and more. They are requesting **\$800.00** in assistance. We have given this group funding in the past, \$800.00/year since 2008.

***Councillor Baker recommends \$800.00 be debited from District 6 Community Development Funds.**

IT WAS MOVED by Councillor Baker, seconded by Councillor Rector to provide a Community Development Grant from District 6 Community Development Funds to the Millvale Community hall to assist with costs associated with running the hall.

MOTION RESCINDED

It was agreed to rescind the motion pending information (gathered by Councillor Baker) to determine if they would like to side the hall and what the cost would be.

Ducks Unlimited Canada, Amherst Chapter

This group is requesting the County become a sponsor for their 30th Anniversary dinner and auction on May 10th, 2013 at the Amherst Stadium. This is also their 75th Anniversary of conservation. Ducks Unlimited is dedicated to increasing and perpetuating the North American waterfowl populations through the conservation of wetland ecosystems and associated habitats, as well as the promotion of a healthy, sustainable environment for people and wildlife. Cumberland County has a significant amount of wetlands, making it one of the main corridors and nesting areas for migratory birds. Many of the funds raised by Ducks Unlimited are spent to preserve and restore these wetlands. In the last few years, Ducks Unlimited has spent \$200,000.00/year in Cumberland County. Sponsorship options are listed below.

Type of Sponsor	Amount	Benefits
Gold	\$1,000-\$9,999	<ul style="list-style-type: none"> • Tax receipt • Annual subscription to Conservator: the DUC magazine for outdoor enthusiast and conservationists • Gift option – either a framed gold sponsor certificate or one of two framed art prints • Other exclusive DUC supporter benefits
Silver	\$500-\$999	<ul style="list-style-type: none"> • Tax receipt • Annual subscription to Conservator: the DUC magazine for outdoor enthusiast and conservationists • Gift option – either a framed gold sponsor certificate or one of two framed art prints • Other exclusive DUC supporter benefits
Bronze	\$250-\$499	<ul style="list-style-type: none"> • Tax receipt • Annual subscription to Conservator: the DUC magazine for outdoor enthusiast and conservationists • Gift option – either a framed bronze sponsor certificate or one of two framed art prints or an unframed shrink wrapped art print (Bronze sponsors must pay an additional \$50.00 for sponsor certificate or \$100.00 for framed art print) • Other exclusive DUC supporter benefits

IT WAS MOVED by Deputy Warden Smith, seconded by Councillor Gillis to fund Ducks Unlimited Canada Dinner and Auction as a Gold Sponsor (\$1000 - \$100/District) from Community Development Funds.

MOTION CARRIED #13-085

Parrsboro and Area Canada Day Fireworks

This group is requesting funding to help with the costs associated with their Canada Day fireworks celebration. They are estimating the total cost of the event to be \$5,750.00. They are asking for **\$500.00** in assistance. They are also seeking support for other businesses, as well as the Town of Parrsboro (\$500.00) and the Department of Canadian Heritage (\$1,500.00). We have given this group assistance in the past (2011 and 2012) in the amount of \$500.00.

IT WAS MOVED by Councillor Gilbert, seconded by Councillor Fletcher to provide a Community Development Grant in the amount of \$500 (\$300 from District 8 and \$200 from District 10) to the Parrsboro and Area Canada Day Fireworks.

MOTION CARRIED #13-086

Harbour Authority of Wallace

The Harbour Authority is looking for funding to help with the costs associated with maintaining the slipway and providing ease of use to the recreational boaters, free of charge. The Harbour Authority is responsible for the operation of the wharf, which includes the slipway. This allows boaters to launch their boats into the water and is used by fisherman and recreational boaters. Currently, some recreational boaters will pay to use the slipway (payment received on the honour system) and others will not. By making the slipway free of charge they hope to eliminate this area of friction in the community. They are seeking **\$1,500.00** in assistance.

IT WAS MOVED by Councillor Welton, seconded by Councillor Baker to provide a Community Development Grant to the Harbour Authority of Wallace in the amount of \$1,500 from District 5 funds, for assistance with the costs of maintaining the slipway.

MOTION CARRIED #13-087

- 11.2 Remittal – AAN 05113253 – Council was advised that the 2012 tax bill was sent to the Owner's old address. We have record of a request for an address change in October, 2012, but the Owner says they changed the address in the summer. They received their notice in January 2013. Interest accumulated from June to January was \$504.35.

Staff are recommending that council provide a remittal in the amount of \$235.05 for interest charged since October, since we cannot verify that a request for an address change was received before that date. The Owner's are requesting a remittal of the full amount of \$504.35.

IT WAS MOVED by Councillor Fletcher, seconded by Councillor Gilbert to follow the staff recommendation on this remittal and provide a remittal to AAN 05113253 in the amount of \$235.05.

MOTION CARRIED #13-088

- 11.3 Tax Reduction and Exemption Policy – Mr. MacDonald provided information on this item to Council. Councillors provided information regarding some of the applicants who will be applying and won't be applying.

Three new applications were provided:

Camp Pagweak
Brookside Curling Club – Ask them to come in to May Council session.
Between the Hearts Renewal Centre

This item is deferred to the May 15th, 2013 Council session.

- 11.4 2013/2014 Budget Update – Mr. MacDonald advised we are on schedule and on target to have the budget approved at the May 15, 2013 Council session.

12. **Operational Services/Reports Issues**

This item was deleted.

13. **Committee/Other Reports**

- 13.1 Cumberland Regional Library - Provided as Information.

- 13.2 CAO Performance Development Plan and Compensation Review –

IT WAS MOVED BY Councillor Gilbert, seconded by Councillor Kellegrew, that Council adopt the report and recommendations of the CAO Performance Development Plan as reviewed and recommended by the Warden and Deputies Committee (CAO Review).

MOTION CARRIED #13-089

14. **Old Business**

- 14.1 Lighthouse Preservation – Ms. Henneberry, Director of Planning and Development advised Council that the recently introduced *Heritage Lighthouse Protection Act* (HLPA) 2010 allows for the designation of lighthouses as heritage properties. The Act also facilitates the sale or transfer of heritage lighthouses.

It was recommended that Business Plans be provided to Fisheries and Oceans Canada by November 1, 2012. There has been a large volume of such submissions made from across Canada and that if business cases are not receive by June 1, 2013 there is a potential that a written transfer agreement will not be developed in time to have the lighthouse designated as a heritage lighthouse under the *Act*.

The Minister responsible for Parks Canada will consider all lighthouses for which a valid petition was received and determine which should be designated as heritage lighthouses on or before 29 May 2015.

The Federal Government has not placed a blanket heritage status on lighthouses as this will only be completed for those that have been specifically petitioned. The letter recently sent

out by the Preservation Society to all municipal units states “Failure to take action will result in a lighthouse losing its heritage designation and being listed for sale to the public after May 29 2015.” This is not necessarily the case as not all lights have a current designation and even those applied for designation have no guarantee of such if the terms and conditions are not met.

Also, an important component to federal transfer of any lands and buildings is as follows “As key conditions of the sale or transfer, provisions are included in most cases to ensure access to remaining operational areas. Provisions are also included to ensure that the heritage character of the lighthouse is retained (if so designated).”

There are 488 active lighthouses across Canada and 488 inactive lighthouses were declared surplus on May 29, 2010 when the new Heritage Lighthouse Protection Act came into force.

It is now up to individuals, municipalities and community or not for profit groups to try to take over the surplus lighthouses. Under the act, they can seek heritage designations for the lighthouses through a petition to Parks Canada.

The designation won't be granted without a written commitment from someone willing to own the lighthouse.

In Nova Scotia 92 Petitions for Heritage Designation were submitted

70 or more of these submissions were made by the Lighthouse Preservation Society (source Chronicle Herald May 2012) “*Twenty-one petitions to save Nova Scotia lighthouses deemed surplus had already been prepared. The society completed the remainder.*”

Thus far only one light in Nova Scotia has been declared heritage under the new Act – St. Paul Island Southwest, Victoria County.

Five lighthouses are under consideration in Cumberland County

- Cape Sharp
- Coldspring Head
- Parrsboro
- Pugwash
- Wallace Harbour Sector

Two community groups have been in touch with the Municipality (Wallace in 2012 and Coldspring Head in 2013) and it is not known if the other lights were petitioned by a group, individual or the Society.

Ms. Henneberry recommends that local area Councillors get in touch with anyone they know that may be involved with the other lights and offer a letter of support from the Municipality and also direct them to her as she has the Business Plan DVD.

Ms. Henneberry also provided few facts about the program from the Fisheries and Oceans website as well as a few facts about current lighthouses in Nova Scotia from the Lighthouse Preservation Society website.

- 14.2 New Salem Streetlights – A report was provided by Nelson Bezanson, Planning and Development Officer advising of the background of our streetlighting systems and charges.

Our Policy has the following core values:

Streetlight costs are paid by area rates

Costs of a streetlight system are recovered from properties on that system

System rates are the costs from NSPC divided equally amongst properties with frontage on that system.

The municipality's role is largely to collect money and report outages.

Mr. Bezanson advised that streetlight rates vary throughout the county from as low as \$35 to as high as \$99 with an average around \$62 per account. Each of the two systems in New Salem has a different number of lights and taxpayers sharing the cost of those lights. This is no different than streetlight systems on Dorsay Rd, and Biggs Drive, both in East Amherst or Fox River and Cochrane Road, both in the community of Fox River. The systems in new Salem are separated by

approximately 1200 feet. By policy, these must be treated separately.

Staff will contact the concerned resident for follow up.

15. **New Business**

15.1 **May Council Meetings** - It was agreed that there would only be one Council session in May and that it will be held on May 15th, 2013. A budget meeting will be held May 1, 2013 at 10 a.m.

15.2 **UNSM Conference Resolutions** - This item will be discussed at the May 15th, Council session.

15.3 **Maccan Waste Water Treatment Plant Tender Award** – A report prepared by Ron Patterson, P. Eng, Contract Engineer advised of the following:
Tenders closed at 3pm on April 9 with the following bids Received-

Modern Construction- Moncton	\$1,248,885
Dexter Construction	\$1,421,160
Amber Contracting	\$1,488,486
Bryson Construction	\$1,732,000
Weeks Construction	\$2,061,214
Midvalley Construction	\$2,480,400
Zutphen Contractors	\$2,744,400

The project engineers, ABL Environment Ltd. of Dartmouth were asked to review the two lowest tenders to ensure both were complete and met all tendering requests.

Mr. Patterson's report recommends that Council accept the tender submitted by the lowest bidder, Modern Construction limited, of Moncton, in the amount of \$1,248,885 plus HST with funding to come from this years capital budget which includes a contribution of \$463200 from the Canada-Nova Scotia Building Canada Fund.

IT WAS MOVED by Councillor Kellegrew seconded by Deputy Warden Smith to accept the Tender of the lowest bidder for the Maccan Waste Water Treatment Plant construction, Modern Construction Limited, of Moncton, in the amount of \$1,248,885 plus HST with funding to come from this years capital budget which includes a contribution of \$463,200 from the Canada-Nova Scotia Building Canada Fund.

MOTION CARRIED #13-090

15.4 **Cumberland Regional Library Security** –

IT WAS MOVED by Councillor Gillis, seconded by councillor Rector to install the “Linear 4200 Emergency System at the River Hebert Branch of the library at a cost of \$3120 plus HST (plus a monthly monitoring fee of \$20) and that the same system should be installed at the Advocate Branch at a cost of \$410.00 plus HST (monthly monitoring fee of \$20).

MOTION CARRIED #13-091

16. **Information Items**

16.1 **Planning Directors Conference** – Interested Councillors were requested to advise the Executive Assistant to register them.

16.2 **CAO/CEO Forum** – Deputy Warden Smith felt this was a very well done and informative session. He feels that the Deputy Warden should attend this in addition to the Warden and CAO as it was very worthwhile.

16.3 **Municipal Law Workshop** – If Councillors are interested they are requested to advise staff so that registrations can be made.

16.4 **Municipal Finance Workshop** – If Councillors are interested they are requested to advise staff so that registrations can be made.

17. **Adjournment:**

On motion the meeting adjourned at 3:27 p.m.

18. **God Save the Queen**

Warden Keith Hunter

Municipal Clerk Brenda Moore