

1. CALL TO ORDER

1.1 O' Canada

Warden Al Gillis called the January 24, 2018 Council session of the Municipality of the County of Cumberland to Order at 6:35 p.m. The meeting was held in the council chambers of the E.D. Fullerton Municipal Building, Upper Nappan. O'Canada was sung.

1.2 Roll Call

Municipal Clerk Brenda Moore, called the roll with the following Councillors present: Councillor Chase Deputy Warden van Vulpen, Warden Gillis, Councillor Welton, Councillor Palmer, Councillor Rector, Councillor Gilbert, Councillor McLellan, Councillor Fletcher, Councillor Williams, Councillor Jackson, and Councillor Rafuse

Councillors Absent: Councillor Porter

Staff present: Rennie Bugley, CAO; Steve Ferguson, Director of Community Development; Justin Waugh-Cress, Director of Engineering and Operations; Andrew MacDonald, Director of Finance; Nelson Bezanson, Municipal Planner; Will Balsler, Planning Engagement Coordinator; Scott Munroe, Manager of Facilities & Parks Facilities; Vicki Weaver, Recreation and Physical Activity Coordinator; Rachael Little, Active Living Coordinator; Stephanie Moreau, Tourism Development Officer; Michelle Byers, Community Economic Development Coordinator; and Brenda Moore, Municipal Clerk, who recorded the meeting.

2. ADMINISTRATIVE AND PROCEDURAL ISSUES

2.1 The agenda was approved with the following additions:

- 4.1 Financial Statements
- 6.13 RCMP Advisory Board report
- 6.14 Single use plastic bags
- 6.15 Rainbow Bridge
- 6.16 Restructuring Support from Council

2.2 Approval of Minutes of December 13, 2017 Council meeting.

IT WAS MOVED by Councillor Fletcher seconded by Councillor Rafuse to approve the minutes of the December 13, 2017 Council meeting

IT WAS MOVED by Councillor Jackson seconded by Councillor Williams to approve the minutes of the December 13, 2017 Council meeting with an amendment to section 6.5 Terms of Reference for the NS Border Committee "Membership - Citizen Representatives" to read : Two citizen representatives appointed by Council. The term for citizen appointments shall be from the date of appointment until the end of the calendar year in which a municipal general election is held.

MOTION CARRIED #18-001

2.3 Action List from the December 13, 2017 council meeting and On-Going Action List

The Action Lists were reviewed and Council was brought up to date on the status of the items.

2.4 Delegations, Presentations, Petitions, Proclamations

i. Nature Conservancy of Canada

Mr. Ron Patterson, Chair of Cumberland Conservancy introduced Mr. Pat Nussey a Conservation Planner with the Nature Conservancy of Canada. Mr. Nussey gave an interesting and informative presentation on the importance of wilderness conservancy in the Cumberland area, especially the wilderness corridor of the Chignecto Isthmus. Mr. Nussey asked that the Municipality take wildlife conservancy into consideration when undertaking municipal planning and in the current update the Land Use By-Law. Warden Gillis thanked the gentlemen for their presentation.

ii. Fundy Connect

Staff members Vicki Weaver, Recreation and Physical Activity Coordinator and Rachael Little, Active Living Coordinator, introduced themselves to Council and went on to do a presentation on Fundy Connect, a free, online searchable website that provides information on community recreational events. Warden Gillis thanked the ladies for their presentation

- iii. Wentworth Valley Tourism Potential
Gregor Wilson – Director of Ski Wentworth introduced himself and proceeded to present an interesting and informative tribute to the many natural features and nature based activities in the Wentworth Valley area. Mr. Wilson was promoting the development of a sustainable nature based four season tourism plan that would develop Wentworth Valley as a tourism destination. Warden Gillis thanked Mr. Wilson for his presentation.

2.5 Public Hearings

Councillor Rafuse declared a conflict of interest and left the meeting at 7:37 p.m.

- i) Development Agreement – 169 Main Street Parrsboro
Warden Gillis called the public hearing to order at 7:38 p.m. Municipal Planner, Nelson Bezanson, reviewed the information provided to Council in the meeting material. This material provided background information as well as outlining options available to Council. Warden Gillis asked if we have received any written comments and the Clerk indicated there were none. Warden Gillis then called for comments from the public, there were none. Warden Gillis asked Mr. Bezanson indicated that there have been no comments received from the public up to this time. Warden Gillis closed the Public hearing at 7:41 p.m.

IT WAS MOVED by Councillor Welton seconded by Councillor Fletcher to approve the development agreement for 169 Main Street Parrsboro, N.S.

This Agreement made this ____ Day of _____, 2018.
Between

3308185 Nova Scotia Limited. Owner of
Property located at 169 Main Street (PID
25216425). Hereinafter Called the “Owner”.
OF THE FIRST PART

-and-
The Municipality of the County of Cumberland,
A body corporate
Hereinafter called the “Municipality”.
OF THE SECOND PART.

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP-3 of the MPS for the Town of Parrsboro Municipal Planning Strategy, to construct a new building, this would house both dual-purpose commercial and residential units.

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an agreement with the Municipality;

AND WHEREAS the Council of the Municipality at its meeting on the ____ day of _____, 2018 approved the said development agreement subject to the registered Owner of the property described herein entering into this agreement:

- (a) Schedule ‘A’- Terms and Conditions
- (b) Schedule ‘B’- Site Plan and Property Survey Map
- (c) Schedule ‘C’ – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Municipality of the development agreement requested by the Owner, the Owner agrees as follows:

1. That the Owner is registered Owner of the aforesaid lands in Parrsboro, hereinafter called the “lands”. The aforesaid lands are the only lands in Parrsboro to which this agreement applies and which lands are illustrated on Schedule B of this agreement.
2. Notwithstanding the general intent of this Agreement the following elements of the Development may be varied without being considered a substantive change to this Agreement:
 - a. Architectural features of the building, including location of windows entrances;
 - b. Location of site features including but not limited to landscaping, hard surfaces, and parking facilities;
 - c. The size and dimensions of the lands;
3. Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any statute or regulation of the Province Of Nova Scotia.
4. Any failure of the Municipality to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5. Should the Owner fail to act in accordance with any aspect of this Agreement, the Municipality shall retain the right to discharge the Agreement upon 30 days notification and/or enter the property and conduct the required work. The cost of said work will become a lien on the property tax bill.
6. The Municipality shall Issue the necessary Development Permit for the development upon the expiration of the appeal period specified for the Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
7. The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the Municipal Government Act.
8. Council shall discharge this development agreement, in whole upon the request of the property owner upon confirmation by a development officer that one of the following conditions have been met:
 - a. A development permit has been issued and, an occupancy permit for the completed construction has been issued and there are no outstanding development issues.
 - b. A development permit has not been issued and, the Land Use bylaw has been amended or replaced and the development agreement is no longer necessary for the issuance of a development permit.

IN WITNESS WHEREOF this Agreement, was properly executed by the respective Parties hereto on this _____ day of _____ A.D., 2018.

SIGNED AND SEALED

In the presence of	)	3308185 Nova Scotia Limited
	)	Per: _____
	)	Norman Rafuse
	)	Per: _____
	)	David Beattie
	)	Per: _____
	)	Wendell Gallagher
	)	Per: _____
	)	Thomas MacLaren
	)	The Municipality of the County of Cumberland
	))	Per: _____
	)	Allison Gillis, Warden
	)	Per: _____
	)	Rennie Bugley, CAO

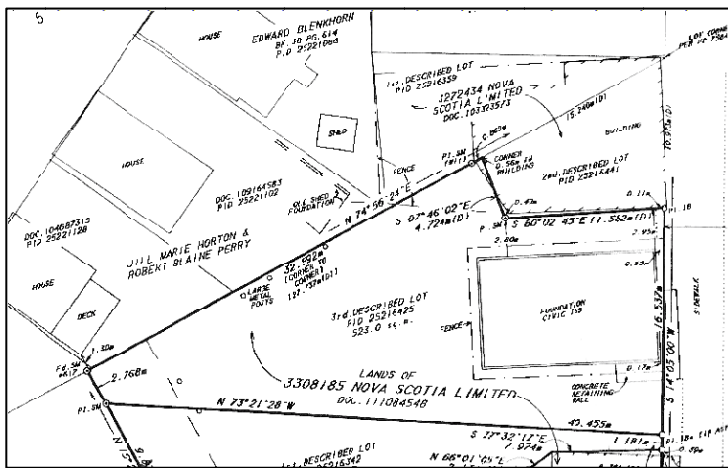
Schedule A Terms and Conditions

1. Use of Lands shall be an Artisan Bakery, Micro Brewery, and two second storey Apartments as seen in schedule "C". Other uses that comply with the Land Use Bylaw are also permitted.
 2. Facade of building will be constructed to match existing architecture of Main Street as per CP-3 of MPS: *"It shall be the intention of Council to include in the Land Use Bylaw a downtown commercial zone. This zone shall be applied to the downtown commercial core and permit a range of use commercial uses appropriate to the unique character of the area. The Land Use Bylaw will contain provisions to regulate signage, setbacks, building height and bulk, parking within the Downtown Commercial zone.*
- It shall further be the intention of Council to require that all development within the Downtown Commercial zone to be developed by Development Agreement. The development agreement shall ensure that the proposed development is compatible with the surrounding built infrastructure and is complimentary to the existing built character and heritage of the Town. The development agreement may consider such as location of parking, building setbacks and streetscapes, architecture, cladding, impact on adjacent properties, scale, vegetation, hours of operation, pedestrian convenience and interest, and other related land use planning matters as permitted in the Municipal Government Act."*
3. The location of the dwellings shall be in general conformance with Schedule "B".
 4. The Owner shall keep the property and buildings and any portion thereof clean and in good repair. Any driveways, walkways, fences and landscaping elements shall be regularly maintained and kept in a tidy state.
 5. Signage shall not exceed that which is permitted by the Land Use Bylaw.
 6. Solid waste management shall be in conformance with the Municipality of Cumberland Solid Waste Bylaw. No outdoor storage shall be permitted on the property, except where solid waste facilities are required.
 7. Any outdoor lighting shall be positioned so as to not negatively impact neighbouring residences.

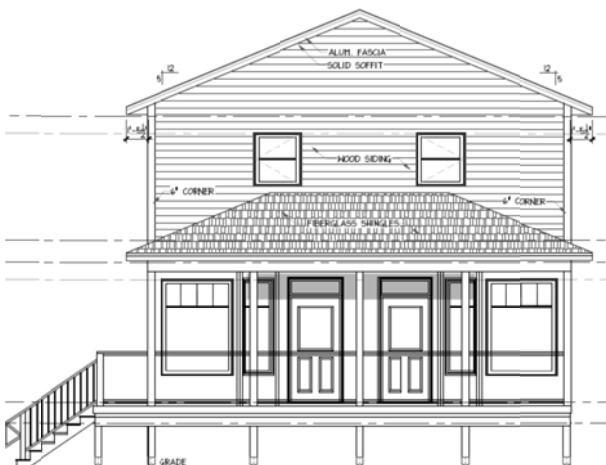
Schedule B Site Plan and Property Survey Map



Site Plan



Portion of Survey Plan Schedule C Building Elevation and Rendering



MOTION CARRIED #18-002

Councillor Rafuse returned to the meeting at 7: 42 p.m.

3. STRATEGIC PRIORITIES ISSUES**3.1 Tourism Development Strategy**

A memo from Stephanie Moreau, Tourism Development Officer, containing an update regarding the work being done to create planning process for Tourism development in Cumberland was included in the meeting material. Stephanie spoke to Council about the process and asked Council to review the inventory list and provide feedback.

4. MAJOR ORGANIZATIONAL ISSUES**4.1 Financial Statements**

Director of Finance, Andrew MacDonald circulated and reviewed the Revenue and Expenditure General Operating Year to Date Report.

5. ORGANIZATIONAL POLICY/BY-LAW ISSUES**5.1 Local Improvement Bylaw**

Warden Gillis opened the Public Hearing at 7:53 p.m. Warden Gillis asked if there were any comments from the Gallery or Council. Hearing none, the Public Hearing was closed at 7:56 p.m.

IT WAS MOVED by Councillor Palmer seconded by Councillor Chase to adopt the Local Improvement By-Law.

**Municipality of Cumberland By-Law 18-XX
Local Improvement By-Law**

WHEREAS section 81(1) of the Municipal Government Act provides that a municipality may make by-laws imposing, fixing and providing methods of enforcing payment for charge for local improvements, and

WHEREAS it is deemed expedient that such a by-law now be enacted:

TITLE AND APPLICATION

1. The By-Law is entitled the "Local Improvement By-Law", and shall apply to the local improvements identified in Schedule "A" of this By-Law, notwithstanding any other by-law of the Municipality that relates to local improvements.

PURPOSE

2. The Purpose of this By-Law is to establish the manner in which the Municipality shall impose, fix, and enforce payment of charges for local improvements. The local portion of capital costs associated with improvements will be funded through area rates or charges to be applied to defined properties that benefit from those improvements. The properties to be rated or charged shall be determined on a project by project basis and be included in, or added to, Schedule "A" of this By-law. The determination of the amount of the local portion of the capital costs, and the method of apportioning those costs between the properties affected, shall remain flexible to reflect the broader community interest in the projects.

DEFINITIONS

3. In this By-Law:
 - (a) "Council" means the Council of the Municipality;
 - (b) "Engineer" means the Municipal employee designated as Municipal Engineer pursuant to the Municipal Government Act;
 - (c) "Local Improvement" means and includes wastewater collection and treatment facilities, water systems, and roads and sidewalks and associated infrastructure installed, improved, constructed or extended by, or on behalf of, the Municipality;
 - (d) "Municipality" means the Municipality of the County of Cumberland
 - (e) "Owner" has the same meaning as in the Municipal Government Act, except where the context requires otherwise;
 - (f) "Property" means a parcel or lot of property or land;

CHARGE IMPOSED

4. Where a local improvement has been carried out by or on behalf of the Municipality in an area identified in Schedule "A" as amended from time to time, a tax is hereby levied upon every owner of real property situated in whole or in part within the identified area, except to the extent that any lot or the owner thereof is totally or partially exempt from tax by the provisions in this By-Law, or the provisions of Schedule "A" of this By-Law.

AMOUNT OF CHARGE

5. The amount of tax levied pursuant to section 4 shall be determined in accordance with the provisions of this By-Law and of Schedule "A" of this By-Law and may be calculated based on:
 - (a) a uniform amount for each lot or parcel of land in existence or subsequently created by subdivision;
 - (b) the frontage of the lot on any street;
 - (c) the use of the lot;
 - (d) the area of the lot;
 - (e) the assessed value of property;

- (f) any combination of two or more such methods outlined above or
- (g) such other method as Council deems fit.

VARIATIONS IN CHARGES

6. The tax levied pursuant to this By-Law may be fixed at different rates for different classes or uses of properties and may be fixed at different rates for different areas or zones.

EXEMPTIONS FROM CHARGES

7. An owner of a property subject to a charge pursuant to Schedule "A" of this By-Law may request that Council grant an exemption from the charge on the grounds the property will not benefit from the Improvement. The only factor that Council may consider with regard to such a request is whether there are physical or legal impediments that will, now and in the future, prevent the improvement from benefitting the property in question. Even if the current owner does not intend to use the Improvement, if it can be used by a future owner, it shall be deemed to benefit the property. A request for an exemption shall be made by filing a written request with the Clerk of the Municipality. The request must include the reasons why the Improvement will not benefit the property. The Clerk shall inform the property owner of the date and approximate time Council will consider the request. The owner or their representative shall be given an opportunity to speak before Council decides whether to grant an exemption. The decision of Council shall be final.

APPROVAL OF PROJECTS

8. Council may proceed with a Local Improvement at its own discretion or in response to a petition that receives majority approval. Unless Council provides otherwise in Schedule "A" to this By-Law, majority approval means a positive response from the owners of more than 50% of the lots that would be subject to a charge pursuant to this By-Law, as identified by Municipal staff at the time the petition is being prepared.
9. Council may direct Municipal staff to initiate the petition process with or without a request from property owners that would be affected by a proposed local improvement. Municipal staff are responsible for preparing petition documents which will include a description of the Local Improvement, map of the proposed charge area, the estimated cost assigned to each property, and financing options, if any. The actual petition will be conducted by Municipal Staff who will send this information to owners representing each property by mail. The documents will include a letter explaining the process and will give owners an opportunity to vote YES or NO for the Local Improvement. The package will warn property owners that the figures provided are estimates only, and that the actual amount of the charge may vary from the figures provided. The package will also include a stamped return envelope and shall give owners at least 30 days to respond. In the event information relied upon by Council or staff when preparing or assessing a petition later proves to be wrong, the decision based on such information shall be as valid as if the information were correct.

LIEN and COLLECTION OF CHARGES

10.
 - (a) A charge imposed pursuant to this By-Law constitutes a first lien on the subject real property in the same manner and with the same effect as rates and taxes under the Assessment Act.
 - (b) A charge imposed pursuant to this By-Law is collectable in the same manner as rates and taxes and, at the option of the Treasurer, collectable at the same time and by the same proceedings, as rates and taxes.
 - (c) The liens against the real property become effective on the earliest of the date on which the interim charges are imposed or the Engineer files with the Treasurer a certificate that the cost of the improvement has been paid in full.
 - (d) Where a property subject to a lien is subdivided, the amount of the charge plus interest then unpaid shall be apportioned among the new lots according to the method set out for the relevant project in Schedule "A" to this By-Law.

INTEREST

11. Interest shall accrue on charges outstanding from the due date forward, at the same rate as for outstanding taxes.

INSTALLMENTS

12. If so provided in the relevant portion of Schedule "A" to this By-Law, the amount owing may be paid in equal annual installments, including interest, and the whole balance becomes due and payable without notice or demand in the event of default of payment of an installment.
13. The property owner shall have 30 days from the date their initial notice of amounts owing was mailed, to notify the Treasurer, in writing, whether or not an option to pay by installments has been selected. If the Treasurer does not receive written notification within the time allocated, the owner shall be deemed to have selected the annual installment payment option.

REPEAL OF PREVIOUS BY-LAWS

14. The "Local Improvement By-Law" adopted by Council on June 19, 2013 (By-Law 13-01) and the "By-Law to amend schedule A of the Local Improvement By-law adopted by Council on September 3, 2014 (By-law 14.01) are hereby repealed.

EFFECTIVE DATE

15. This By-Law shall come into effect on the day of publication.

Schedule “A”

1. MACCAN WATER MAIN EXTENSION

- (a) The project will involve the design and construction of a watermain from the current terminus of the Amherst Water Utility Watermain in Nappan to, and including, the community of Maccan. The project will include portions of Highway 302, the Trider Road and the Mines Road, as well as Riverside Drive, Station Street, Hillside Drive and Rink Street. The “identified area”, for the purposes of section 4 of this By-law is comprised of the properties identified by the PIDs listed in subsection (j) below.
- (b) For the purpose of this project and the relevant charges created by this By-Law, “developed property” and “developed properties” mean those properties identified by Council in this Schedule, as properties which are residential, whether currently occupied or not, or which have been developed for any other purpose which does or would normally have a potable water supply, and which can reasonably be served by this project.
- (c) Upon completion of the project an equal charge per developed property shall be calculated based on the net cost of the local improvement and the number of developed properties identified in this Schedule at that time. Based on pre-design estimates and currently identified developed properties, the total charge is estimated to be \$2,332.40 per property, but the actual amount of the charge will depend upon a confirmed calculation based on the actual cost of the project and the number of developed properties at the time of completion.
- (d) Property owners shall be given the option of paying the charge, plus interest at 5%, in equal annual payments amortized over 10 years. Each annual payment shall constitute a charge and shall be collectable as provided in this By-Law. Based on pre-design estimates and currently identified developed properties, the annual charge is estimated to be \$302.06 per property for the 10 years, for a total cost of \$3,020.56, but the actual amount of the annual charge will depend upon a confirmed calculation based on the actual cost of the project and the number of developed lots at the time of completion.
- (e) Council shall, from time to time, add properties to this Schedule as developed properties to be charged, if Council determines they have become developed properties which can reasonably be served by this project. Properties added to this Schedule shall be subject to an annual charge in the same amount and on the same terms as the other properties identified in this Schedule would have been subject to if the annual payment option had been selected. This charge shall commence the taxation year following the property’s addition to this Schedule, and shall continue for the balance of the 10 year period applied to the initial properties identified in this Schedule. For example, if a property is added during the year the fourth annual payment is due, the owner must begin paying the charge the next taxation year and continue for the following four years, paying five charges in total.
- (f) If Council is satisfied a development has been destroyed or removed, and that the property cannot be redeveloped due to reasons beyond the control of the owner (such as the Land Use By-Law or Provincial regulation), the property may be removed from this Schedule. The change shall become effective for the taxation year following Council’s decision.
- (g) If a property identified in this Schedule as a developed property is subdivided, Council shall determine which of the new lots shall be identified as developed lots.
- (h) All charges assessed are liens against the property regardless of whether the property is serviced by the local improvement or not.
- (i) Any costs associated with servicing properties beyond the end of the service laterals (generally considered to be where the road right of way ends) are the responsibility of the property owner, and that work must be carried out by the property owner in compliance with Amherst Water Utility Standards.
- (j) The following properties are hereby identified as developed properties for the purpose of this By-Law and Schedule and are subject to the charge created herein:

PID	Civic # and Road- for reference only		PID	Civic # and Road- for reference only
25068073	3005 Highway 302		25065210	3793 Highway 302
25348202	3009 Highway 302		25065251	3822 Highway 302
25348194	3011 Highway 302		25065277	3842 Highway 302
25383076	3027 Highway 302		25340381	3856 Highway 302
25067976	3031 Highway 302		25337627	3863 Highway 302
25067968	3033 Highway 302		25065285	3866 Highway 302
25067885	3069 Highway 302		25065335	3868 Highway 302
25067950	3070 Highway 302		25065343	3882 Highway 302
25067877	3074 Highway 302		25075136	3885 Highway 302
25067844	3080 Highway 302		25065350	3902 Highway 302
25067869	3083 Highway 302		25065368	3912 Highway 302

25067836	3085 Highway 302		25366915	3936 Highway 302
25067851	3086 Highway 302		25348244	20 Hillside Dr
25067828	3088 Highway 302		25064429	28 Hillside Dr
25067802	3095 & 3097 Hwy 302		25064411	30 Hillside Dr
25067810	3099 Highway 302		25064437	33 Hillside Dr
25067794	3100 Highway 302		25151002	38 Hillside Dr
25064247	3106 Highway 302		25374679	44 Hillside Dr
25064254	3109 Highway 302		25064361	63 Hillside Dr
25064270	3114 Highway 302		25374687	64 Hillside Dr
25064288	3119 Highway 302		25064346	69 Hillside Dr
25064304	3120 Highway 302		25064338	75 Hillside Dr
25064312	3126 Highway 302		25064395	78 Hillside Dr
25064320	3129 Highway 302		25064783	81 Hillside Dr
25064684	3146 Highway 302		25068099	1 Mines Branch Rd
25064726	3152 Highway 302		25068107	5 Mines Branch Rd
25064742	3162 Highway 302		25068115	17 Mines Branch Rd
25064759	3166 Highway 302		25068123	19 Mines Branch Rd
25064775	3192 Highway 302		25068131	21 Mines Branch Rd
25064791	3194 Highway 302		25068016	30 Mines Branch Rd
25064809	3196 Highway 302		25068149	10 Mines Rd
25064841	3253 Highway 302		25477647	24 Mines Rd
25043043	3267 Highway 302		25068164	54 Mines Rd
25064890	3304 Highway 302		25229519	59 Mines Rd
25064908	3314 Highway 302		25068180	64 Mines Rd
25064916	3324 Highway 302		25068172	67 Mines Rd
25064924	3336 Highway 302		25068198	77 Mines Rd
25064932	3341 Highway 302		25358383	95 Mines Rd
25064940	3344 Highway 302		25068222	119 Mines Rd
25367079	3356 Highway 302		25343948	123 Mines Rd
25367061	3376 Highway 302		25043142	133 Mines Rd
25376534	3389 Highway 302		25068230	147 Mines Rd
25064965	3483 Highway 302		25369828	152 Mines Rd
25064973	3524 Highway 302		25067893	15 Rink St
25064981	3550 Highway 302		25067901	21 Rink St
25065079	3583 Highway 302		25067943	22 Rink St
25377581	3595 Highway 302		25067935	30 Rink St
25064296	3611 Highway 302		25064619	236 Riverside Dr
25065152	3622 Highway 302		25064627	256 Riverside Dr
25065160	3656 Highway 302		25064643	268 Riverside Dr
25075094	3664 Highway 302		25064502	239 Station St
25065178	3705 Highway 302		25064510	245 Station St
25065178	3707 Highway 302		25064528	247 Station St
25384397	3713 Highway 302		25064536	257 Station St
25065202	3742 Highway 302		25064544	259 Station St
25065228	3776 Highway 302		25064650	273 Station St
25065087	7 Trider Road		25047838	6 Trider Rd
25065046	25 Trider Road		25355017	81 Trider Road
25394008	63 Trider Road		25355025	107 Trider Road
25065020	64 Trider Road		25064601	200 Riverside Drive
25364704	78 Trider Road			

2. PUGWASH WATER SYSTEM PROJECT

- (a) This Project relates to the design and installation of a Water System intended to serve the Village of Pugwash and some of the surrounding areas of the Municipality. The “area identified” for the purposes of section 4 of this By-Law is comprised of the developed properties that are accessed from the following highways, streets and roads, between and including the Civic Addresses indicated:

Ash Grove Lane	Entire road	Mill Lane	Entire road
Black Street	Entire road	Miller Road	Civic Number 8
Blue Heron Way	Entire road	Murray Road	Civic Numbers 1139 to 1199, 1276, 1300, 1312, 1374 to 142
Brickyard Road	Highway 6 to Civic # 119	New Pugwash Road	Civic #s 1 and 49

Church Street	Entire road	Pleasure Cove Road	Entire road
Crowley Road	Civic #s 2720 to 2866	Prince Albert Street	Entire road
Durham Street	Water Street to Highway 6	Pugwash Point Road	Entire road
Freedom Lane	Entire road	Pugwash River Road	Civic #s 1959 to 1983
Gulf Lane	Entire road	Queen Street,	Entire road
Gulf Shore Road	Church Street to Civic # 599	Russell Street,	Entire road
Harbour View	Entire road	Shea Island Road,	Civic 188
Highway 6	Civic #s 9711 to 11057	Sunset Lane,	Civic # 140 (Sunset Home)
Howe Street	Entire road	Victoria Street	Entire road
Irishtown Road	Highway 6 to Civic # 36	Walton Street	Entire road
King Street	Entire road	Water Street	Entire road
Maple	Entire road	Willow Lane	Entire road

- (b) In this section “Water System” means a water system consisting of the source, structures, pipes, flushing hydrants, meters, service laterals, devices, equipment or other things used, or intended, for the collection, transportation, pumping, treatment, or distribution of water.
- (c) For the purposes of the Pugwash Water System Project and the relevant tax created by this By-Law, “developed property” and “developed properties” mean those properties which are residential, commercial, institutional or industrial, whether currently occupied or not, or which have been developed for any other purpose which does or would normally have a potable water supply, and which can be served by the Project. Properties that have been developed solely for agricultural or forestry purposes, and which do not have a potable water supply, are not “developed properties” for the purposes of this section of this By-Law.
- (d) Upon completion of the Project, an equal tax per developed property, in the amount \$4,054.00 is hereby imposed pursuant to section 4 of this By-Law. Hereinafter this tax is referred to as a “Local Improvement Charge” or “LIC”.
- (e) A list of developed properties to be taxed pursuant to this By-Law shall be developed and maintained by the Engineer. The Engineer will notify by regular mail the owner, or owner’s representative, as identified in the current Tax Roll for the Municipality, of the imposition of the Local Improvement Charge upon completion of the Project. Lack of notification shall not invalidate any LIC imposed. Inclusion by the Engineer on the list of properties to be taxed, in the absence of an exemption or adjustment granted by Council pursuant to section 7, and subsection (f) of section 2 of Schedule “A”, of this By-Law, is conclusive of the validity of the LIC.
- (f) Property owners shall be given the option of paying the LIC, plus interest at 2.98% per annum, in equal annual payments amortized over 10 years. Each annual payment, including interest, shall constitute a charge and be collectable as provided in this By-Law. The annual charge shall be in the amount of \$ 461.03. The principal amount of any charge outstanding at any time may be paid without penalty or the accrual of additional interest.
- (g) Any property which becomes a developed property after the imposition of the initial charges pursuant to this By-Law shall be added to the list created pursuant to subsection (c) above, and a charge in the amount of \$4,054 shall be, and is, hereby imposed, and shall be paid and collected in accordance with the provisions of this By-Law, *mutatis mutandis*.
- (h) Any lot created by subdivision within the geographic area served by this project, and approved for any type of development that normally requires a potable water supply, shall be added to the list created pursuant to subsection (e) above, and a charge in the amount of \$4,054 shall be, and is, hereby imposed, and shall be paid and collected in accordance with the provisions of this By-Law, *mutatis mutandis*.

MOTION CARRIED #18-003

IT WAS MOVED by Councillor Fletcher seconded by Councillor Welton to adopt the Drugs and Alcohol in the Workplace Policy.

**Municipality of the County of Cumberland Policy 18-01
Drugs and Alcohol in the Workplace Policy**

Title

1. This policy is entitled “Drugs and Alcohol in the Workplace Policy”.

Purpose

2. The purpose of this Policy is to clearly define the roles, responsibilities and procedure for dealing with suspected impairment in the workplace.
3. Employees are expected to be fit for duty when reporting to work and remain fit for the duration of the day. This includes refraining from use of alcohol, drugs, or other substances that may diminish their capacity to perform the duties of the workplace.

Definitions

4. In this Policy, unless the context otherwise requires:
 - a) “administrative leave” means a temporary leave from a job assignment, with pay and benefits intact.
 - b) “alcohol” means the colourless liquid in wine, beer, whiskey, gin, etc. that makes them intoxicating
 - c) “diminished capacity” means the ability to perform one’s job has been affected by drugs and/or alcohol, regardless of how much or how little is actually consumed;
 - d) drugs” means substances, other than food, which are taken to change the way the body and/or mind function. They may include any of the following:
 - i. *Prescription Drugs*: drugs, which have been legally obtained with a valid, physician’s prescription and are being used as prescribed, under medical supervision.
 - ii. *Over the Counter Drugs*: drugs that have been legally obtained but do not require a physician’s prescription and are being used as prescribed, under medical supervision.
 - iii. *Illegal Drugs*: drugs that cannot be legally possessed under Canadian law including a wide range of street drugs and prescription drugs obtained without a valid prescription
 - d) *Other Substances (including alcohol)*: include but are not limited to legal or illegal products that can be inhaled, injected, or consumed by other means, that cause impairment or intoxication and that may not be included in the above definitions. . “employee” means anyone employed by the Municipality in a full-time, part-time, seasonal, causal, or temporary, role;
 - e) “impairment/impaired” is the condition where the ability to perform one’s job has been affected by drugs and/or alcohol, regardless of how much or how little is actually consumed.
 - f) “Municipality” means the Municipality of the County of Cumberland; and
 - g) “supervisor” means anyone who has supervisory responsibilities with the Municipality.

Overview

5. All employees are responsible for safety in the workplace.

6. All employees have the right to refuse unsafe working conditions. If an employee feels their supervisor is not taking the appropriate action to create a safe working environment they have the right to refuse the work.
7. This Policy applies to all employees of the Municipality of the County of Cumberland.

Policy Directives

8. In the event an employee suspects impairment of another employee during regular business hours, the employee must:
 - a) Immediately report this to the appropriate manager/supervisor or designate.
 - b) Make every reasonable effort to keep themselves and others safe.
9. In the event a supervisor suspects impairment of an employee during regular business hours, the supervisor must:
 - a) Confidentially meet with the employee to inform them they are being placed on administrative leave for the remainder of the work day due to suspected impairment and they must leave the worksite immediately for the safety of themselves and others.
 - b) Arrange for appropriate transportation for the employee.
 - c) Supervisors should not discuss performance or administer discipline while the employee is impaired.
 - d) Document the incident and contact Human Resources as soon as reasonably possible to inform them of the situation and to schedule a meeting with Human Resources and the Safety Officer to determine the appropriate resources and course of action to be taken.
 - e) Participate in planning and facilitating the employee's return to work where appropriate.
10. Employees who have been sent home due to suspected impairment are expected to return to work for their next scheduled work shift, unless they are medically unable to do so. If the employee is medically unable to report for their next scheduled shift they are required to provide medical documentation stating the expected date they will be able to return to work.

Assistance

11. In the event that an employee is concerned that they may have a drug and/or alcohol problem, they may choose to seek help by contacting the Employee and Family Assistance Program (EFAP) at 1-844-880-9124 or www.workhealthlife.com, or by contacting Human Resources to discuss resources and options available.
12. Municipal supervisors are expected to maintain the privacy of any employee suspected of impairment on the job. Details of all incidents shall remain confidential and be shared only with relevant Municipal representatives, including senior management and Human Resources.
13. The Municipality recognizes that addictions are an illness and commits to taking reasonable action in supporting individuals suffering from addictions with their recovery and return to work.
14. The Municipality is not able to diagnose an employee with a dependency, but instead, this is the responsibility of a medical professional. Employees suspected of a substance dependency will be directed to the appropriate health care professionals for assistance.
15. In the event that it is revealed that the impaired employee has a substance dependency, management shall make appropriate accommodations as recommended.

and respect the privacy and confidentiality of the employee throughout the accommodation process.

MOTION CARRIED #18- 004

5.3 Personnel Policy

The proposed changes to the Personnel Policy are in the Definitions, the Hiring Practices and the Probationary Period sections.

IT WAS MOVED by Councillor Fletcher seconded by Councillor Jackson to give notice of Council's intent to consider for adoption the amended Personnel Policy at the February 7, 2018 Council meeting.

Proposed Personnel Policy Changes

2. In this Policy, unless the context otherwise requires:

(10) "Substantive Position" means the employee's permanent position of employment;

Hiring Practices

3. It is and shall be a continuing practice of the Municipality to recruit and select employees in accordance with the Nova Scotia Human Rights Act. The Municipality will also provide the opportunity for employee advancement for qualified and capable existing employees to fill vacancies for some positions. Specifically:

- (1) Vacancies for the positions of CAO and Directors shall be open to all qualified applicants. The interviewing and selection of a successful applicant shall be based on education, training, experience, ability, competence, attitude and character.
- (2) Vacancies for all other positions shall first be made available to current permanent employees of the Municipality. The selection of a successful applicant shall be based on education, training, experience, ability, competence, attitude, and character. If two or more applicants have relatively equal qualifications, length of service will be the determining factor. If no qualified employees apply for the position the competition will be opened to the public.
- (3) Current employees that fill vacancies pursuant to Subsection (2) above shall be required to complete a 3 month probationary period. Assessments will be held at the end of 1 and 3 months or more often at the request of the employee or applicable Director or Supervisor. Employees that successfully complete the probationary period shall be reclassified as permanent in the new position. If, at any time during the probationary period, either the employee or the Supervisor is of the opinion that it would be in the best interest of the employee and/or the Municipality, the employee shall return to their substantive position.
- (4) Vacancies that are not filled by existing employees shall be open to all qualified applicants. The selection of a successful applicant shall be based on education, training, experience, ability, competence, attitude and character. Performance Assessment for these new employees will be held at the end of 1, 3, and 6 months or more often at the request of the employee or applicable Supervisor.

Probationary Period

15. All new employees shall be on probation for the first six months of their employment with the Municipality.
16. A probationary employee's Supervisor and the Human Resources Administrator will complete a performance assessment at the end of their probationary period and make one of the following decisions:
 - (1) the probationary employee be reclassified as a permanent employee;
 - (2) the probationary employee be dismissed at or prior to the end of the probationary period; or
 - (3) the probationary period be extended for an additional term of not more than six months.

MOTION CARRIED #18-005

5.4 Service Recognition Policy

The Service Recognition Policy was amended to reflect changes in the employee service recognition process, including the introduction of a Service Recognition Ceremony and also the terms for employees that are no longer employed by the Municipality.

IT WAS MOVED by Councillor Jackson seconded by Councillor Fletcher to give notice of Council's intent to consider for adoption the amended Service Recognition Policy at the February 7, 2018 Council meeting.

Service Recognition Policy

1. Purpose

The purpose of this policy is to provide for appropriate recognition of employee service to the Municipality during employment.

2. Service Recognition

Employees will be entitled to a service Recognition Award in accordance with the following schedule of service milestones:

10 years	\$300
15 years	\$400
20 years	\$500
25 years	\$600
30 years	\$700

Employees will be recognized at an annual Service Recognition Ceremony.

3. Recognition Upon Retirement

In addition to any Service Recognition Awards, an employee retiring at or after their 65th birthday shall be entitled to a Retirement Award of the same value, and on the same terms, as their next Service Recognition Award would have been, if they had remained employed with the Municipality to their next milestone.

4. Procedure

Payroll staff shall advise Human Resources in November of each year of the last active day or retirement date of employees scheduled to retire, and the anniversary dates of those employees observing service milestones, during the upcoming calendar year. Human Resources shall then notify each affected employee setting out the date, the approved amount of the pending award, and providing a copy of this Policy.

5. Resigning Employee Recognition

An employee who is dismissed or who is a party to litigation brought by or against the Municipality with regard to that person's employment with the Municipality is not eligible for a Service Recognition.

6. Previous Policies

All previous Service Recognition Policies of the Municipality are hereby repealed.

MOTION CARRIED #18-006

6. BUSINESS ISSUES6.1 Cumberland Business Connector

IT WAS MOVED by Councillor Gilbert seconded by Councillor Rector to accept the proposed amendment to Cumberland Business Connector Funding Agreement.

This Agreement, dated this ____ day of ____, 2018, is an amendment to the Agreement dated December 8th, 2016, setting forth a framework for the funding, and funding conditions, for an economic development society, between the Parties to this Agreement:

The **Town of Amherst**, a municipal body corporate pursuant to Section 8 of the *Municipal Government Act (the "MGA")*;

AND

The **Town of Oxford**, a municipal body corporate pursuant to Section 8 of the MGA;

AND

The **Municipality of the County of Cumberland** a municipal body corporate pursuant to Section 8 of the MGA;

(Collectively, the "Municipalities")

AND

Cumberland Business Connector a society registered under the Societies Act

(Hereinafter called the "Society")

(Collectively, the “Parties”)

Whereas the Parties entered into an Agreement dated December 8th, 2016 (“the Agreement”), setting forth a framework for the funding, and funding conditions, for an economic development society, namely the Cumberland Business Connector society;

And whereas the Province of Nova Scotia is willing to become a funding partner to the Society;

And Whereas the Province of Nova Scotia has requested representation on the Liaison and Oversight Committee created pursuant to section 7 of the Agreement;

Now therefore, in consideration of the mutual covenants herein contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

- 1. The first paragraph of section 7 of the Agreement shall be replaced with:
 - “There shall be a Liaison and Oversight Committee, with the functions and responsibilities set out in this section and section 8 below, comprised as follows:
 - the three CAOs of the Municipalities, or their designates, as voting members;
 - one person appointed by the Nova Scotia Department of Municipal Affairs, as a voting member; and
 - one person appointed by the Nova Scotia Department of Labour and Advanced Education, as a non-voting member.”

In witness whereof the Parties have caused this Agreement to be executed by their authorised signing officers the day and year first above written.

Witnessed by	)	TOWN OF AMHERST:
	)	Per:
)	_____
)	_____
	)	TOWN OF OXFORD
	)	Per:
)	_____
)	_____
	)	MUNICIPALITY OF THE COUNTY OF
	)	CUMBERLAND:
	)	Per:
)	_____
)	_____
	)	CUMBERLAND BUSINESS CONNECTOR
	)	Per:
)	_____
)	_____

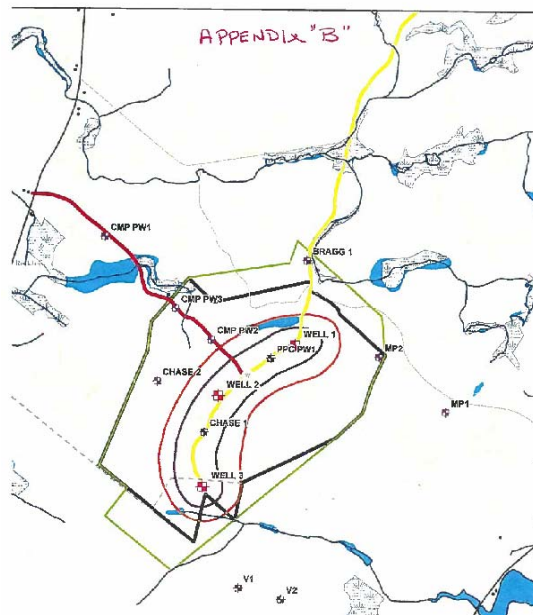
MOTION CARRIED #18-007

- 6.2 Compost Carts
IT WAS MOVED by Councillor Fletcher seconded by Councillor Gilbert to approve the expenditure of \$45,516.79 plus tax from Gas Tax Reserve for the purchase and delivery of compost carts.

MOTION CARRIED #18-008

- 6.3 Provincial Volunteer Awards Nominations
 Council is invited to nominate residents of the Municipality as the Volunteer Representative Award for the 44th Annual Volunteer Recognition Ceremony. Deadline for submissions is Wednesday, January 31st, 2018. The nomination form for the Volunteer Representative Award can be found in the Council Kit.

- 6.4 Pugwash Water Zone Boundaries
IT WAS MOVED by Councillor Jackson seconded by Councillor Palmer to support the Pugwash Wellfield Advisory Committee’s recommendation that Zone 3 boundaries of the Pugwash Wellfield be as presented as in figure 9 of the WSP report and as illustrated below.

**MOTION CARRIED #18-009**6.5 Tax Collection Report

A tax collection report for December 2017 was included in your meeting materials.

6.6 Diligent River Streetlight Petition

Included in your meeting materials was an update on the Diligent River Streetlight request, which outlines next steps.

6.7 Municipal Solid Waste Program – Clarification

A memo from Ron Moore outlines our Solid Waste Program and responsibilities.

6.8 Shinimicas Rescue Vehicle

IT WAS MOVED by Deputy Warden van Vulpen and seconded by Councillor Rector that the Municipality provide the amount of \$60,000 as budgeted, toward the purchase of a rescue vehicle for the Shinimicas Fire Department. The Shinimicas Fire Department to provide the additional \$10,000 required for the purchase.

MOTION CARRIED #18-0106.9 MPAL Report

A report from our MPAL Coordinators included in your package provides and update on activities for the strategic goals of Active living, Inclusion and Access, Connecting People and Nature, Supportive Environments, Recreation Capacity, and Celebration.

6.10 Uniform Assessment

The Municipality's Uniform Assessment figures were provided as part of this meeting package.

6.11 UNSM Board Report

A copy of the UNSM Board Report was included as part of the meeting package materials.

6.12 UNSM Spring Workshop and Fall Conference Sessions Topics Request

UNSM is requesting a submission of topics for the agendas of the upcoming spring and fall workshops. Councillors are asked to submit these topics to Shelley Hoeg by January 31, 2018.

6.13 RCMP Advisory Board Report

IT WAS MOVED by Councillor Fletcher seconded by Councillor Jackson that correspondence be sent to Minister of Justice, Mark Furey expressing support of the Cumberland RCMP Advisory Board in their concerns surrounding the practice that requires the local RCMP to enter the Springhill Institution to take court ordered DNA samples; and recommending a change in the procedure so the DNA samples are collected by the either the Sheriff's Department or Peace Officers employed by the Institution.

MOTION CARRIED #18-011

6.14 Single use plastic bags

IT WAS MOVED by Councillor Welton seconded by Deputy Warden van Vulpen that the Municipality of the County of Cumberland support a province –wide ban on single use plastic bags provided that the ban is part of a province wide strategy and promotional campaign to reduce the use of all single use plastic products.

MOTION CARRIED #18-012

IT WAS MOVED by Councillor Gilbert seconded by Councillor Fletcher that Council encourages the Solid Waste Resource Management Regional Chairs and the Department of Environment re-open their discussions on Extended Producer Responsibility.

MOTION CARRIED #18-013

6.15 Rainbow Bridge

IT WAS MOVED by Councillor Chase seconded by Councillor Fletcher that correspondence be sent to Department of Transportation and Infrastructure Renewal and Minister Hines expressing concerns surrounding the closure of the Rainbow Bridge in Nappan and requesting that the repair of this bridge be carried out as soon as possible.

MOTION CARRIED #18-013

6.16 Restructuring Support from Council

IT WAS MOVED by Councillor Jackson seconded by Councillor Chase that Council support the organizational staff restructuring plan as presented to Council.

MOTION CARRIED #18-014

7. INFORMATION ITEMS

7.1 Staff Jean's Day Donations

Staff provided a synopsis of their jean's day contributions and charities that were assisted over the last 9 years

8. ADJOURNMENT

8.1 The Queen

The meeting was adjourned at 8:32 p.m. The Queen was sung.

Warden Alison Gillis

Municipal Clerk Brenda Moore