

## MUNICIPAL COUNCIL

A Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Court House, Truro, N.S. on Thursday, November 27, 2003 at 7:00 p.m.

### Roll Call

The roll was called with the following Councillors in attendance:

Mayor Michael Smith, Chair	
Councillor Bob Taylor	District #1
Councillor Bill Masters	District #2
Deputy Mayor Hugh Matheson	District #3
Councillor Richard Elliott	District #4
Councillor Glen Edwards	District #5
Councillor Ron Cavanaugh	District #6
Councillor Jimmie LeFresne	District #7
Councillor Keith Baas	District #9
Councillor Doug Cooke	District #10
Councillor Earl McKenna	District #11

Absent

Councillor Soley Lynds	District #8
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### **The Honourable Barry Barnet, Minister of Service Nova Scotia and Municipal Relations**

The Honourable Barry Barnet, Minister of Nova Scotia and Municipal Relations, was in attendance to present Mayor Smith with an award in recognition of his efforts for the Mayor's Challenge. Mayor Smith also outlined a number of areas of importance for the Municipality and a general discussion ensued.

### **Public Hearing - Vance Hanes Auto Recycling, Jollytown Road**

Mayor Smith called the public hearing to order respecting an application for a rezoning (to Rural Industrial) of approximately 11 acres of an 80 acre lot located on the south side of the Jollytown Road, near its intersection with the Upper Brookside Road. The text for the application and a related staff report have been circulated to Council members and have been made available to the public.

Mr. MacIsaac advised that all guidelines of the Municipal Government Act regarding advertising of the public hearing have been followed.

Mayor Smith reminded Councillors that only those Councillors present throughout the public hearing can vote on the amendment when it is eventually considered by Council. This public hearing is Council's opportunity to hear the application and every concern of area residents. Individual Councillors will have an opportunity to debate the merits of the Land Use By-Law Amendment when the motion is presented to Council. Staff and the Solicitor are present at this hearing to answer any technical questions that may arise as a result of the public's input.

Mr. Paul Smith provided an overview of the application. The application is for the rezoning (to Rural Industrial) of approximately 11 acres of an 80 acre lot located on the south side of the Jollytown Road, near its intersection with the Upper Brookside Road. Fourteen acres of the land use was rezoned in September of 2002 from Rural General to Rural Industrial to allow for the establishment of a storage compound serving an automotive recycling business. This application is based on a proposal to increase the size of the storage compound by 11 acres.

The site is generally well suited for this type of land use, and its fairly remote location will help minimize land use impacts and associated nuisances. The Department of Environment and Labour has reviewed the proposed expansion and has not raised any concerns that may prevent a license from being issued under its Salvage Yard Regulations.

The applicant, Mr. Vance Hanes, indicated that he required an expansion to allow additional storage for his auto salvage business as he wishes to keep the automobiles for a longer period of time.

Councillor Masters advised that the Planning Advisory Committee had no problem with the application and is recommending it for approval.

As Chair of the Planning Advisory Committee, Councillor Masters placed the following motion on the floor:

Moved by Councillor Masters  
Seconded by Councillor Cavanaugh

“That Council approves the rezoning from (RG) Rural General to Rural Industrial (RM), lands of Vance Hanes Investments Ltd., Jollytown Road, Upper Brookside.”

Motion Carried Unanimously.

Mayor Smith advised that this is a land use by-law amendment application which does not require approval of the Minister of Service Nova Scotia and Municipal Relations. Council’s decision on this application is appealable to the Nova Scotia Utility and Review Board. Any appeal of Council’s decision must be made within 14 days of the advertising of same in the local newspapers.

As there was no further business, Mayor Smith declared the public hearing closed.

### **Approval of Agenda**

Moved By Councillor Taylor  
Seconded by Councillor Cooke

“That the agenda for November 27, 2003 be approved with the

following additions/deletions:

- add 10a: Dress Code”

Motion Carried Unanimously.

### **Approval of Minutes**

Moved by Councillor McKenna

Seconded by Councillor Elliott

“That the minutes of the meeting held on October 30, 2003 be approved as circulated.

Motion Carried Unanimously.

### **Business Arising from Minutes**

There was no business arising from the minutes of meeting held on October 30, 2003.

### **Presentations**

#### **Mr. Fred Blois, Concerned Resident**

Mr. Fred Blois appeared before Council to present a petition with over 400 names of local residents who opposed human sludge being spread over the lands of Inglewood Farms. Mr. Blois was informed that the Department of Environment and Labour consider this to be a safe practice.

#### **Mr. Barton Cutten, Inglewood Farms**

Mr. Barton Cutten was before Council to address the matter of spreading biosolids over the lands of Inglewood Farms. Mr. Cutten answered questions put forth from Councillors Taylor, Masters, Matheson, Edwards, McKenna, Edwards, Elliott, LeFresne, Cavanaugh, Baas and Mr. Fred Blois.

#### **Mr. Chris Cutten, Inglewood Farms**

Mr. Chris Cutten advised Council that Inglewood Farms have a permit that terminates in 2012, although the present contract is for a very limited term, and that they are currently farming 600-700 acres of land. Mr. Cutten advised that the application of biosolids will smell no worse than the Central Colchester Wastewater Facility.

#### **Ms. Darlene Wells**

Ms. Darlene Wells was before Council reading excerpts from “Toxic Sludge is Good for You”, author John Stauber.

Ms. Ann Marie McLellan

Ms. Ann Marie McLellan, a local resident, advised that she lived 3-4 km from Inglewood Farms and was concerned about water contamination at the Old Barns Consolidated School, also 3-4 km from Inglewood Farms.

Mr. Jeff Cutten, Inglewood Farms

Mr. Jeff Cutten advised Council that they follow the regulations and guidelines of the Department of Environment and Labour, and if their guidelines are not met, the operation could be closed down.

Mr. Gary MacIsaac, CAO, advised that the issues raised could be handled in a number of ways:

1. Council could determine that they are satisfied with the application of biosolids and no further action would be taken.
2. If Council is opposed they have the ability to appeal to the Minister of Environment and Labour.
3. Council could adopt a nuisance by-law that would prohibit land application of biosolids.

Item 2 would require immediate action and item 3 would be a longer term initiative involving the drafting of a by-law and two public readings before final approval.

Mr. Peter Rogers, Solicitor, advised that Monday, December 1, 2003 was the deadline to file an appeal.

Councillor Masters advised that a ratepayers' meeting is to be held on December 9<sup>th</sup> at the Old Barns Consolidated School at which time a list of questions has been prepared for discussion. This will allow the public to address their concerns as well as Inglewood Farms.

**Biosolids**

To accommodate those in the audience, Council agreed to move this item forward on the agenda.

Moved by Councillor Masters  
Seconded by Councillor Cavanaugh

“That Council appeal the decision of the Department of Environment and Labour that allows spreading of biosolids on lands owned by Inglewood Farms.”

Motion Carried Unanimously.

Moved by Councillor Taylor  
Seconded by Councillor Masters

“That this matter be discussed at the December 11, 2003 Council Committee meeting following the public meeting on December 9, 2003.”

Motion Carried Unanimously.

**Staff Presentation**

A presentation by Mr. Paul Smith, County Planner, on Policy Considerations Regarding Taxation and Service Delivery was before Council. The presentation was done to review the policy document in detail and in advance of the Strategy Planning meeting.

**Standing Committee  
Reports &  
Recommendations**

Deputy Mayor Matheson presented a report from a Council Committee meeting held on November 13, 2003:

**Funding Request  
Agri-Dome Project-  
N.S. Provincial  
Exhibition  
Commission**

*Councillor Taylor declared a conflict of interest and removed himself from discussion on this matter.*

Moved by Deputy Mayor Matheson  
Seconded by Councillor Masters

“That Council approve a donation of \$20,000 over the next two fiscal years to the Nova Scotia Provincial Exhibition Commission in support of the Agri-Dome project.”

Motion Carried Unanimously.

*At this point, Councillor Taylor returned to the Council table.*

**Dykes-Role of the  
Municipality**

Moved by Deputy Mayor Matheson  
Seconded by Councillor Edwards

“That Council take an advocacy role on the repair and maintenance of dykes.”

Motion Carried.

*(Councillors Masters and Elliot were opposed.)*

**Chignecto-Central  
Regional School  
Board - Surplus  
Property**

The CAO advised he wished to share information with Council respecting the existing lease arrangements prior to consideration of this recommendation.

Moved by Councillor Cooke  
Seconded by Deputy Mayor Matheson

“That Council defer their decision until after the in-camera session.”

Motion Carried Unanimously.

**County Personnel  
Policies**

Moved by Deputy Mayor Matheson  
Seconded by Councillor Cavanaugh

“That Council approve the current policies numbered 1.04, 4.06, 5.08, 5.09, 6.08 and 6.09 be repealed; and,

That policies numbered 1.04, 4.06, 5.08, 5.09, 6.08 and 6.09 be approved as amended.”

Motion Carried Unanimously.

**Fire Damaged  
Property - Policy on  
Tax Reduction**

Moved by Deputy Mayor Matheson  
Seconded by Councillor LeFresne

“That Council approve the Fire Damaged Property Policy on Tax Reduction as amended.”

Motion Carried Unanimously.

Deputy Mayor Matheson advised that at the October 30, 2003 meeting, Council approved a reorganization of the Public Works Department. As part of that approval the position of Engineering Assistant was eliminated and those duties were reassigned.

Council (in camera) has also discussed this matter in camera due to the personnel implications involved with the elimination of the position. Direction was provided to the CAO and Solicitor to address the personnel implications in a fair manner.

A settlement has been reached with Mr. Peter Johnson, who previously served as our Engineering Assistant. Mr. Johnson has been provided with a compensation package equal to 16 months salary.

**Executive and Audit  
Committee**

Deputy Mayor Matheson presented a report from the Executive and Audit Committee meeting held on November 21, 2003.

**Public Works Garage**

Executive and Audit Committee discussed various locations for a new public works garage and directed that a site be identified at County-owned lands in Kempton.

It was further directed that Council advise the property owners at 310 Prince Street that the County will complete the lease agreement at this location which is due to expire on June 30, 2004 but will not exceed beyond that date.

Moved by Councillor Taylor  
Seconded by Councillor Baas

“That Council refer to Committee the possibility of a joint venture with the Town of Truro.”

**Motion Defeated**

*(Mayor Smith, Deputy Mayor Matheson, Councillors Masters, Elliott, McKenna, LeFresne, Cooke opposed)*

**Quarterly Financial Statements**

The Financial Statements for the second quarter were presented, which project a surplus in operations.

**New Accounting Procedures**

Bruce Purchase, Director of Corporate Services, advised that effective October of this year new accounting procedures are in place for the preparation of financial statements. This means that 2003-04 financial statements for Colchester will change in appearance.

**Planning Advisory Committee**

Councillor Masters provided a brief overview of the November Planning Advisory Committee meeting held November 12, 2003.

**Tatamagouche Water Utility Committee**

Moved by Councillor LeFresne  
Seconded by Deputy Mayor Matheson

“That Council approve the operating budgets for the Tatamagouche Water Utility for 2003-04 and 2004-05.”

Motion Carried Unanimously

**Nominating Committee**

Moved by Councillor LeFresne  
Seconded by Councillor McKenna

“That Council approve the appointment of Mr. Andrew Williamson as the Citizen Representative of the Tatamagouche Water Utility Committee for a one-year term.”

Motion Carried Unanimously

**Dress Code**

Moved by Councillor Cooke  
Seconded by Councillor Baas

“That the issue of a dress code be referred to Council Committee on December 11, 2003.”

Motion Carried Unanimously

## Correspondence

Council requested the following correspondence items be moved from Information to Action:

- S** No. 1: letter from Rodney MacDonald, Minister of Tourism & Culture to CAO dated October 24, 2003 regarding insurance for heritage properties in Nova Scotia
- S** No. 8: Copy of correspondence dated November 5, 2003 concerning Painting the Landscape of Rural N.S. report (copy of report in Clerk's Office)
- S** No. 14: Letter from F. Thomas Stanfield, Chairman, Nova Scotia Business Inc. dated November 21, 2003 regarding the Debert Sewage Treatment Plant
- S** No. 19: Letter from Wayne MacCormick, Chairman, Village of Bible Hill dated November 19, 2003 regarding soil contamination, specifically Avon St. and Riverside Drive

## ACTION

**W.R. Mills, Mayor,  
Town of Truro**

A letter to Mayor Smith dated November 20, 2003 from **W.R. Mills, Mayor, Town of Truro**, suggesting a meeting to explore implications of a joint public works facility.

This matter was previously dealt with under the report of the Executive and Audit Committee.

**Joyce Mingo-  
MacLean Executive  
Director, Central  
Nova Tourist  
Association**

A letter to Mayor Smith dated November 24, 2003 from **Joyce Mingo-MacLean, Executive Director, Central Nova Tourist Association**, regarding CNTA's potential partnership with the Truro Power Center to operate a Mi'Kmaq Interpretive & Visitor Information Center and requesting Colchester's support in relocation of the Truro Visitor Center to Highway 102.

Moved by Councillor Edwards  
Seconded by Deputy Mayor Matheson

"That the letter from the Central Nova Tourist Association dated November 24, 2003 requesting Colchester's support in relocating the Truro Visitor Center to Highway 102 be referred to Council Committee."

Motion Carried Unanimously.

**Wayne Franklin,  
Eng. Construction  
Manager, NS  
Transportation &  
Public Works**

A letter to Mayor Smith dated November 24, 2003 from **Wayne Franklin, Eng. Construction Manager, N.S. Transportation and Public Works**, regarding 2004-05 cost shared paving of subdivision streets - requesting prioritized list of streets.

Moved by Deputy Mayor Matheson  
Seconded by Councillor Elliott

“That the letter from the Department of Transportation and Public Works dated November 24, 2003 regarding 2004-05 cost shared paving of subdivision streets and requesting a prioritized list of streets be referred to the January Committee meeting.”

Motion Carried Unanimously.

**Rodney MacDonald,  
Minister of Tourism  
& Culture**

A letter to CAO dated October 24, 2003 from **Rodney MacDonald, Minister of Tourism and Culture**, regarding insurance for heritage properties in Nova Scotia.

Staff were asked to look into this matter and provide additional information to Council.

**Malcolm Shookner,  
RCIP Project  
Coordinator, Rural  
Community  
Impacting Policy**

A copy of correspondence dated November 5, 2003 from **Malcolm Shookner, RCIP Project Coordinator, Rural Community Impacting Policy**, concerning Painting the Landscape of Rural N.S. report (copy of report on file in Clerk's Office). This item was received for information.

**F. Thomas Stanfield,  
Chairman, NS  
Business Inc.**

A letter to Mayor Smith dated November 21, 2003 from **F. Thomas Stanfield, Chairman, N.S. Business Inc.**, regarding the Debert Sewage Treatment Plant. This item was received for information.

**Wayne McCormick,  
Chairman, Village of  
Bible Hill**

A letter to Mayor Smith dated November 19, 2003 from **Wayne McCormick, Chairman, Village of Bible Hill**, regarding soil contamination, specifically Avon Street and Riverside Drive.

Councillor Taylor advised that a meeting is scheduled for December 16, 7:00 p.m. to discuss this matter.

## INFORMATION

**Gretchen Pohlkamp,  
Registry 2000  
Project Director,  
Service N.S. &  
Municipal Relations**

A letter to the CAO dated October 30, 2003 from **Gretchen Pohlkamp, Registry 2000 Project Director, Service Nova Scotia & Municipal Relations Registry 2000 Project**, regarding N.S.'s New Land Registration System. Council agreed to receive this letter for information purposes.

**Kenneth R.B.  
Simpson, Executive  
Director, UNSM**

A copy of an e-mail dated October 31, 2003 from **Kenneth R.B. Simpson, UNSM** regarding Bill 40, Assessment Act (Amendment). Council agreed to receive this letter for information purposes.

**Kenneth R.B.  
Simpson, Executive  
Director, UNSM**

A copy of an e-mail dated October 31, 2003 from **Kenneth R.B. Simpson, UNSM**, regarding the update on Policing Services. Council agreed to received this letter for information purposes.

**Kenneth R.B.  
Simpson, Executive  
Director, UNSM**

A copy of an e-mail dated November 7, 2003 from **Kenneth R.B. Simpson, Executive Director, UNSM**, regarding the "Eat Canadian Campaign". Council agreed to receive this letter for information purposes.

**Brooke Taylor,  
MLA, Colchester-  
Musquodoboit Valley**

A copy of a letter dated November 4, 2003, from **Brooke Taylor, MLA, Colchester-Musquodoboit Valley**, concerning sustainable funding for Community Access Program in Upper Stewiacke. Council agreed to receive this letter for information purposes.

**Canadian Oil Heat  
Association**

A copy of a newsletter for October/November 2003 from **Canadian Oil Heat Association - Nova Scotia Chapter**. Council agreed to receive this letter for information purposes.

**Brooke Taylor,  
MLA, Colchester-  
Musquodoboit Valley**

A copy of an excerpt from **Hansard** record of proceedings regarding assistance from militia for cleanup after Hurricane Juan. Council agreed to receive this letter for information purposes.

**Dick Sandeson,  
Lower Truro**

A copy of an e-mail dated November 14, 2003 from **Dick Sandeson, Lower Truro**, concerning spreading of biosolids in Lower Truro. Council agreed to receive this letter for information purposes.

**Federation of  
Canadian  
Municipalities**

A copy of the **Members Advisory** dated November 14, 2003 from the **Federation of Canadian Municipalities** concerning election of Paul Martin as leader of the Liberal Party of Canada. Council agreed to receive this letter for information purposes.

**Development Officer**

A copy of the Development Activity Report for the month of October 2003, received from the **Development Officer**. Council agreed to receive this report for information purposes.

<b>Building Inspector</b>	A copy of the Building Permit Stats for the month of October 2003, received from the <b>Building Inspector</b> . <u>Council agreed</u> to receive this report for information purposes.
<b>John G. Leefe, Mayor, Region of Queens Municipality</b>	A copy of a letter from <b>John Leefe, Mayor, Queens Regional Municipality</b> dated November 19, 2003 regarding the Disaster Financial Assistance Program (DFAP). <u>Council agreed</u> to receive this letter for information purposes.
<b>Bill Casey, MP Cumberland Colchester</b>	A letter to Mayor Smith from <b>Bill Casey, MP, Cumberland Colchester</b> , dated November 14, 2003 advising of his letter of support to the Honourable Anne McLellan, Minister of Health for additional funding for Maggie's Place. <u>Council agreed</u> to receive this letter for information.
<b>Jamie Muir, Education Minister</b>	A copy of an e-mailed dated November 11, 2003 from <b>Jamie Muir, Education Minister</b> , regarding the lack of a sidewalk on Miller Road in Salmon River. <u>Council agreed</u> to receive this letter for information.
<b>Kerry Morash, Minister, Environment and Labour</b>	A letter to Mayor Smith dated November 18, 2003, from <b>Kerry Morash, Minister of Environment and Labour</b> , regarding a recommendation for a date to be designated annually for Volunteer Fire Service Recognition Day. <u>Council agreed</u> to receive this letter for information purposes.
<b>Paul Owens, Acting Federal Program Manager, Canada- N.S. Infrastructure Program</b>	A letter to Mayor Smith dated November 19, 2003, from <b>Paul Owens, Acting Federal Program Manager, Canada N.S. Infrastructure Program</b> , enclosing two copies of the water treatment workshop report "Developing Water Treatment Facilities: Issues/Best Practices" and the newsletter "Communities First" (copy of report on file in Clerk's Office). <u>Council agreed</u> to receive this letter for information purposes.
<b>Ronald Russell, Minister, Transportation and Public Works</b>	A letter to Mayor Smith dated November 12, 2003, from the <b>Honourable Ronald Russell, Minister of Transportation and Public Works</b> , advising of continued cleanup of damaged trees along highway rights of way in Colchester. <u>Council agreed</u> to receive this letter for information purposes.
<b>Krista Wood, N.S. Health Authority</b>	A copy of an e-mail to Mayor Smith dated November 19, 2003, from <b>Krista Wood, N.S. Health Authority</b> , regarding Health Authority's Business Plan Approved - Value Assessment Underway. <u>Council agreed</u> to receive this letter for information.

**Lynne Westlake,  
Director, Policy and  
Strategic Liaison  
Division**

A letter to Mayor Smith dated November 14, 2003, from **Lynne Westlake, Director Policy and Strategic Liaison Division**, enclosing Nomination Package for the 2004 Therese Casgrain Volunteer Award. Council agreed to receive this letter for information purposes.

**Richard Cotton,  
Rural Caucus Chair**

A fax to Mayors and Wardens dated November 25, 2003, from **Richard Cotton, Rural Caucus Chair**, concerning rural caucus by-laws, meetings and service exchange. Council agreed to receive this fax for information purposes.

**J.K. Langille, CAO,  
Town of Truro**

A letter to Gary MacIsaac dated November 24, 2003, from **J.K. Langille, CAO, Town of Truro**, advising that Truro Council approved the funding formula for CRDA. Council agreed to receive this letter for information purposes.

Recess

Council agreed to recess to an In-Camera session at 11:45 p.m. and reconvened in open session at 12:02 a.m.

**Chignecto-Central  
Regional School  
Board - Surplus  
Property**

Moved by Deputy Mayor Matheson  
Seconded by Councillor Cooke

“That Council authorize the Municipality to accept the surplus property at 181 Maple Avenue in Bass River from the Chignecto-Central Regional School Board.”

Motion Carried Unanimously.

Adjournment

Moved by Councillor McKenna  
Seconded by Councillor Elliott

“That the meeting be adjourned at 12:04 a.m.”

Motion Carried Unanimously.

Gary MacIsaac  
Chief Administrative Officer