

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, March 25, 2004 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 Soley Lynds	District #8
Councillor Keith Baas	District #9
Councillor Doug Cooke	District #10
Councillor Earl McKenna	District #11

Approval of Agenda

Moved by Councillor Taylor
Seconded by Councillor Elliott

“That the agenda for March 25, 2004 be approved with the following amendments:

- delete Atlantic Recycled Rubber Inc. presentation
- add 12b Bullying
- add 12c Anniversary of County Building”
- add in-camera

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor McKenna
Seconded by Councillor Lynds

“That the minutes of the meeting held on February 26, 2004 be approved as circulated.”

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the minutes of the meeting held on February 26, 2004.

Presentations

Stephen Brown

Mr. Stephen Brown appeared before Council regarding the issue of flooding on his property. He requested clarification as to whether the building of roads in subdivisions would continue. Mr. Gary MacIsaac, CAO, indicated that the Municipality has made no changes in policy and business will continue as usual and that Mr. Brown's issue is scheduled for the April Committee session.

**Kurt Cormier,
Rothsay**

Mr. Kurt Cormier appeared before Council with concerns regarding the proposed Biosolids By-law. It has been brought to his attention that the By-law is drafted to include rendering plants. Mr. Cormier indicated that he would like the opportunity to do a presentation regarding the difference between human biosolids and industrial biosolids before any final decisions are made.

A discussion was held concerning the date for second reading of the By-law and the opportunity for public consultation.

Moved by Councillor Cavanaugh
Seconded by Councillor Masters

“That Council agrees to set April 29th as the date for the second reading.”

Motion Carried Unanimously.

Mr. Cormier asked Council if Rothsay could make a presentation prior to the second reading. He indicated that he would like to present at the April 15th Council Committee meeting to give Council a chance to digest the information.

Mayor Smith agreed that Rothsay should be able to make a presentation on April 15.

**Don Cameron,
Rothsay**

Mr. Don Cameron appeared before Council concerning the Biosolids By-law. Mr. Cameron indicated that until a new by-law is in place, Rothsay is governed by the Province and the Department of Environment and Labour officials are telling them that Rothsay is not affected by the moratorium.

**Jeff Cutten,
Inglewood Farms**

Mr. Jeff Cutten appeared before Council to address his concerns regarding the Biosolids By-law. Mr. Cutten wanted to clarify that he is still able to spread Rothsay biosolids as Rothsay is not included in the moratorium.

Mr. Cutten indicated that he has been to meetings and is aware of the concerns in the community, however, he thought the issue was sewage biosolids. After the Sierra Club meeting, he got together with the Concerned Citizens Group and made the offer that Inglewood Farms agree not to take biosolids from any other counties or any sewage

biosolids but the offer was rejected. Mr. Cutten stated that tonight he put the same offer on the table to Council, however, he would like to continue with Rothsay and other Maple Leaf plants as he has contracts with them.

Mr. Cutten stated that the by-law excludes Class A biosolids which also have heavy metals. Mr. Cutten expressed concern that the by-law is designed for Inglewood Farms and if Inglewood Farms had not accepted biosolids from Aerotech Park, this would not be an issue. Inglewood Farms has gone to the proper authorities and has followed the necessary guidelines. The Municipality wants to add restrictions without scientific evaluation and Mr. Cutten questioned if the Municipality has the necessary expertise to do so.

Mr. Cutten stated that if the by-law goes through, Inglewood Farms will challenge it under the Right to Farm Legislation. The spreading of biosolids is being done all over the country, including in Nova Scotia.

Christopher Cutten

Mr. Christopher Cutten appeared before Council to express his opinion regarding the Biosolids By-law. He stated that if biosolids are such a concern, the Municipality should ban County biosolids. If Council wants to do the right thing, all biosolids should be banned in the by-law.

Mayor Smith asked if there were any further presentations to be made and advised that once the formal session starts, there can be no further input from the public.

Moved by Councillor Cavanaugh
Seconded by Councillor Elliott

“That Council receive these presentations.”

Motion Carried Unanimously.

Standing Committee Reports and Recommendations

Deputy Mayor Matheson presented reports from the Council Committee meeting held on March 11, 2004:

Budget Approval / Tax Rate Resolution

Moved by Deputy Mayor Matheson
Seconded by Councillor Elliott

“That Council approves the 2004/05 Operating Budget with the additions/deletions as set out on March 11, 2004, and

That the four capital items as recommended and funded be approved, and

That the remaining funding of \$137,500 be transferred to the Special

Operating Reserve, and

That the Tax Resolution Rates of \$0.77 for residential and resource property and \$1.83 for commercial property be approved.”

Motion Carried Unanimously.

Brookfield Memorial School

Moved by Deputy Mayor Matheson
Seconded by Councillor Cooke

“That Council approves that the Municipality accept the Brookfield Memorial School from the Chignecto Regional School Board, and

That staff advertise for expressions of interest in this property in accordance with the County’s Disposal of Surplus School Property.”

Motion Carried Unanimously.

Executive and Audit Committee

Reports from the Executive and Audit Committee meetings of February 26 and March 10, 2004 were presented.

Planning Advisory Committee

Councillor Masters stated that there was no Planning Advisory Committee meeting.

Tatamagouche Water Utility Committee

Councillor LeFresne indicated that a petition was presented and reviewed at the meeting held on March 17, 2004. The issues with the Tatamagouche water are odour, colour and taste. A new system is going in and we have until 2008 for completion. We are currently on schedule for this date.

Mr. Gary MacIsaac, CAO, stated that a copy of the petition would be circulated in Councillors mail boxes.

Action

First Reading - Land Application of Noxious Biosolids By-law.

A draft of the Land Application of Noxious Biosolids By-law was circulated in advance of the meeting. Mr. Gary MacIsaac, CAO, stated that the grounds of appeal that were filed with the Minister of Environment for the Inglewood Farms Permit had served as a basis in the preparation of this by-law.

Mr. MacIsaac provided an overview of the By-law.

- The Municipality is not regulating the land application of Class A biosolids as defined in the By-law. The Municipality is regulating, through a permit process, the land application of noxious biosolids.
- The By-law requires that the permit applicant receive a valid permit from the Department of Environment and Labour for

land application, and the Municipal By-law will add a level of regulation over and above this to deal with nuisance and public health issues.

- There must be a public process in advance of any permit being issued.
- A Citizens Monitoring Committee will be appointed by Council.
- Independent testing can be done by the Citizens Monitoring Committee which could result in costs of up to \$300 per year for the permit holder.
- All land applied biosolids must be injected into the soil.
- Minimum setbacks for storage tanks or lagoons will be 800 metres. Setbacks of 300 metres from private wells or dwelling will be required on the field where land application is occurring.

Mayor Smith asked Council if there were any questions or concerns.

Councillor McKenna asked whether lagoons had cement bottoms or were just a hole in the ground. Mr. Arora said that lagoons were basically holes in the ground, some lined and some unlined. If it is concrete, then it is considered a holding tank.

Councillor Baas questioned that in spreading biosolids, one needs approval from both the Province and the County but what if one does not approve. Mr. MacIsaac indicated that the intent of the by-law is to add a layer of regulation on top of the Provincial regulations so if the Province won't issue a permit for what we consider to be noxious biosolids, then no permit can be received from the Municipality.

Councillor Lynds questioned whether concrete lagoons were safer than clay lined. Mr. Arora indicated that strengthwise, concrete would be safer.

Councillor Cooke inquired as to what is involved in injecting method and is the process as effective if harrowed? Mr. Arora indicated that the injection method has a higher level of safety as the material gets into the soil.

Councillor LeFresne asked if any changes are required to be made to the By-law, would this put the timeline off. Mr. Peter Rogers, County Solicitor, indicated that if the changes are substantive, then we would have to redo first reading. Mayor Smith stated that the timeline should not drive this process. Council needs to take the time required to get it right.

Councillor LeFresne raised the question about whether a permit is required for lobster shells being used for fertilizer. It was stated that if the shells were coming out of a fish plant, then a permit would be required.

Councillor Masters inquired about any testing on compost that would prohibit compost from being Class A. Mr. Arora stated that after a certain number of tons, samples have to be provided to the Department of Environment and Labour and there are different levels on Class A and Class B. Mr. MacIsaac indicated that the composting guidelines are currently under review.

Deputy Mayor Matheson asked if heavy metals are still in our sewage sent to Pleasant Valley. Mr. Arora stated that yes, but the concentration level goes down due to the dilution of other materials.

Deputy Mayor Matheson stated that with May 1 being the deadline, it is his opinion that Council should wait to see what the Provincial guidelines are before making any decisions and putting the by-law in place. Mayor Smith stated that if the majority of Council agrees, we will put a timeline in place. Mayor Smith indicated that he is not comfortable in waiting for the Province on this issue. Council should have guidelines in place as to what Council feels is acceptable and adjust later if necessary.

With reference to Deputy Mayor Matheson's comments, Councillor McKenna inquired about what the province is currently doing. Mr. MacIsaac stated that the Province has indicated that a study is underway and prior to the moratorium, the study will be concluded and recommendations will be made by May 1.

Councillor Masters stated that Council has got to do something before the moratorium lifts. A large number of residents are happier with the by-law as they feel the situation is not being ignored. Council should not wait if it means that biosolids can continue to be spread.

Councillor Cooke questioned, with regards to the clam factory in Five Islands, how would we require they inject into the soil by liquid form. Mr. MacIsaac suggested that the method of injection be changed or change the definition of Noxious Biosolids. It was asked if either of these changes would be considered substantive. Mr. Rogers stated these would not be substantive changes.

Councillor Cavanaugh asked with regards to the 800 metre setback for dwelling or other structures, what happens with large pieces of property. Mr. Rogers indicated that no advance notification would be required. Residents may want to sub-divide to prevent permits from being issued. Councillor Cavanaugh suggested that the wording possibly be changed in the by-law to 'existing dwelling'.

Councillor Cavanaugh stated that he thinks that \$300 for testing was very low and this amount should be increased. He also inquired about who would police the fines.

Councillor Cavanaugh also stated that he thinks the permit amount of \$100 was very low.

The Deputy Mayor asked if there was any assurance that our composting is Class A Biosolids. Mr. Arora stated that if it is not Class A, it cannot be land applied.

Councillor McKenna asked whether rendering plants take diseased animals. It was stated that this would be clarified by people making presentations at the next Committee meeting.

Councillor Lynds asked if Council would be revising the by-law. Mayor Smith indicated that if only minor changes are made, it goes to second reading. If substantive changes are made, first reading needs to be redone.

Moved by Councillor Masters
Seconded by Councillor LeFresne

“That the permit fee be \$100.”

Motion Carried. *(Councillor Cavanaugh opposed)*

Discussion was held regarding the \$300 testing fee.

Moved by Deputy Mayor Matheson
Seconded by Councillor Lynds

“That the figure of \$300 be increased to \$600.”

Motion **Defeated.** *(Councillors Taylor, Masters, Edwards, Baas, Cooke, McKenna and Mayor Smith opposed)*

Mayor Smith opened the discussion on method of injection and fish plants.

Moved by Councillor Masters
Seconded by Councillor Edwards

“That the definition of 4b be changed to ‘excluding waste product comprised of crustaceans’ in parenthesis.”

Motion Carried Unanimously.

Mr. Rogers also suggested that the table on Page 6 be amended by adding the word 'existing' on date of permit application.

Moved by Councillor McKenna
Seconded by Councillor Masters

“That Council approve by way of First Reading, the Land Application of Noxious Biosolids By-law with amendments as stipulated.”

Motion Carried. *(Deputy Mayor Matheson opposed)*

Mayor Smith stated that there would be opportunity for anyone wanting to present to do so on April 15 and/or 29.

Nelson Memorial Park

Mr. Crawford MacPherson, Director of Community Development, indicated that at January Council Committee, an action item was brought to the table dealing with the issue of Nelson Park. It was approved, at that time, that the Municipality would pay the outstanding debt and that Council should tour the facilities. To date, the tour has not happened, however, a date has been set for April 19, 2004.

No decision has been made as to shutting down Nelson Park or the County taking over and as the camping season is about to begin, Mr. MacPherson recommends that Council approve recommendations 1, 2, and 4, as put forth in the Action Item, for the upcoming camping season.

Moved by Councillor LeFresne
Seconded by Councillor Cavanaugh

“That the Municipality assume responsibility for the operation of Nelson Park and that this responsibility be allocated to the County’s Recreation Services Department; and

That the existing Nelson Park Board members be advised that the Board is being wrapped up; and

That the campground be retained.”

Motion Carried. *(Councillors Cooke and Baas opposed)*

2004 Municipal Election

Mr. MacIsaac, CAO, stated that Council must select a date for an Advance Poll and October 7 and 9 are the possible dates to choose. Staff recommend that October 7 be chosen.

Deputy Mayor Matheson suggested Saturday, October 9, 2004 instead of Thursday, October 7, 2004.

There was discussion regarding advance polls being held in one location in each district. Councillor Cavanaugh inquired about the cost of this. Ms. Kim Paterson, Administrative Assistant/Researcher, indicated the total cost to be about \$9,000.

The Action Item from staff also recommended that the Provincial voter's list be used instead of conducting an enumeration. Also included was a recommended for schedule for conducting the election.

Moved by Councillor LeFresne
Seconded by Deputy Mayor Matheson

“That Saturday, October 9, 2004 be set as the date for the first Advance Poll for the 2004 Municipal Election,” and

“That the Advance Polls on October 9, 2004 and October 12, 2004 be held in one location in each district for the 2004 Municipal Election.”

Motion Carried. *(Councillors Cooke and Cavanaugh opposed)*

Moved by Councillor McKenna
Seconded by Councillor Baas

“That the provincial voters list from the August 2003 provincial election be utilized for the purpose of the 2004 Municipal Election.”

Motion Carried *(Councillor Cavanaugh opposed)*

Moved by Councillor McKenna
Seconded by Councillor Elliott

“That the following fee schedule be set for the purpose of the 2004 Municipal Election:

Returning Officer	\$0
Assistant Returning Officer	\$4000
Advance Polls (for both days)	
Deputy Returning Officer	\$275
Poll Clerk	\$175
Training	\$25
Mileage	\$0.34 per km

Regular Polls		
Deputy Returning Officer		\$150
Poll Clerk		\$100
Training		\$25
Mileage		\$0.34 per km
Polling Stations		\$75.”

Motion Carried Unanimously.

**Meeting Dates -
County Tour and
Long Range Planning**

Moved by Councillor Cavanaugh
Seconded by Councillor Edwards

“That Council approve the date of April 19 for the County Tour and April 26 for the Long Range Planning meetings.”

Motion Carried Unanimously.

**Foremen Re-
Classification**

Moved by Deputy Mayor Matheson
Seconded by Councillor Baas

“That Council approve the position range, step, title for the two former foremen positions to; Position Range 5, Position Step 3, and Position title(s)Wastewater Collection Supervisor and Utility Services Supervisor.”

Motion Carried Unanimously.

**Balefill Facility,
Vacant Position -
Mechanic**

Mr. Herb Corbett, Mechanic at the Balefill, has accepted the position of Compost Operations Worker. Mr. Corbett will stay as Mechanic until the recruitment process is completed.

Moved by Deputy Mayor Matheson
Seconded by Councillor Cavanaugh

“That Council declare a vacancy in the Mechanic position at the Balefill Facility and authorize Administration to fill the position.”

Motion Carried Unanimously.

Bullying

Mayor Smith requested that someone make a motion to bring forward the issue of bullying to another meeting.

Moved by Councillor Lynds
Seconded by Councillor McKenna

“That Council refer the bullying issue to a future meeting.”

Motion Carried Unanimously.

Anniversary - County Building

Councillor Baas indicated that next month is the 100th year anniversary for the County building and thinks that something special should be done to celebrate this.

Moved by Councillor Baas
Seconded by Councillor Edwards

“That Council refer to Committee further discussions regarding ways to celebrate the 100 year anniversary.”

Motion Carried Unanimously.

Correspondence

Council requested the following correspondence be removed from Information to Action.

- No. 3: Letter from Mr. David Bellefontaine to Mayor Smith with copy of the Interim Report of the Voluntary Planning Off-highway Vehicle Task Force.
- No. 4: Letter to Mayor Smith from Ms. Leanne Hachey, Director of Provincial Affairs, Canadian Federation of Independent Business opposing the business occupancy tax.
- No. 11: Letter from Mr. David Butlin, President, The Northumberland Chamber of Commerce regarding the future of Nelson Park.
- No. 14: Letter from Mr. Dal Hutchinson, Chair of Transportation Services, The Village of Bible Hill regarding a signage request for Osprey Subdivision.
- No. 17 - Members’ Advisory from Federation of Canadian Municipalities regarding GST Refund for Municipal Governments.

**Ms. Kathy Richard,
Owner/Operator,
Little Wonders Child
Care Centres**

Letter and summary of issues regarding Property Taxation for Private Licensed Daycare Centres.

Mr. MacIsaac, CAO, stated that there are a number of policy issues and this item should be referred to Committee.

Moved by Councillor McKenna
Seconded by Council LeFresne

“That Council approves to move this to a future Committee meeting for discussion.”

Councillor Cooke brought forward a similar letter that he received from Ms. Ruby McMaster and requested that this letter go with Ms. Richard’s letter for future Committee discussion.

Motion Carried Unanimously.

**Mr. Mike Kelly,
Director, Canadian
Society of Safety
Engineering**

Letter to the Mayor regarding the proclamation of North American Occupational Safety and Health Week, May 3-7, 2004.

Moved by Councillor Taylor
Seconded by Councillor Elliott

“That the Municipality proclaim May 3-7, 2004 as North American Occupational Safety and Health Week.”

Motion Carried Unanimously.

**Jan van der Leest
and Carolyn van der
Leest**

Letter to Council requesting zoning change.

Moved by Councillor Taylor
Seconded by Councillor Elliott

“That Council approves that the request for the zoning change be referred to Planning Advisory Committee.”

Motion Carried Unanimously.

**Mr. David
Bellefontaine, Talk
Force Chair,
Voluntary Planning,
A Citizens’ Policy
Forum**

Letter to the Mayor with copy of Interim Report of the Off-highway Vehicle Task-Force. Following discussion about responding to this survey, the matter was received for information.

**Leanne Hachey,
Director of Provincial
Affairs, Canadian
Federation of
Independent
Business**

Letter to the Mayor opposing the Business Occupancy Tax.

Councillor LeFresne stated that the Municipality needs to closely watch the agenda being pursued by this organization.

**Mr. David Butlin,
President, The
Northumberland
Chamber of
Commerce**

Letter to the CAO regarding the future of Nelson Park.

Councillor LeFresne stated that this is a group offering help. Community input is needed and this group might be interested in being part of the solution.

**Mr. Dal Hutchinson,
Chair of
Transportation
Services, The Village
of Bible Hill**

Moved by Councillor Baas
Seconded by Councillor LeFresne

“That Council agrees that a letter be sent to Mr. Butlin indicating the County’s intentions regarding the future of Nelson Park.”

Motion Carried Unanimously.

Letter to Councillor Taylor regarding signage request for Osprey Subdivision.

Councillor Taylor stated that this is an ongoing issue in the urban district. Mr. Arora indicated that Osprey Drive doesn’t qualify for the signage requested and this was confirmed via telephone.

**Federation of
Canadian
Municipalities**

Moved by Councillor Taylor
Seconded by Councillor Masters

“That Council approves that staff write Mr. Hutchinson regarding the policy and advise there will be no signage.”

Motion Carried Unanimously.

Members’ Advisory regarding the GST Refund for Municipal Governments.

**Mr. Lyle Goldberg,
Policy Analyst**

Moved by Deputy Mayor Matheson
Seconded by Councillor LeFresne

“That Council refer this matter to Committee with the intent of discussing that funds from this rebate go to the infrastructure program.”

Motion Carried Unanimously.

Copy of email dated February 25, 2004 to the Mayor regarding the Report of the Regional Public Libraries Review. Council agreed to receive this email for information purposes.

UNSM

Copy of email to CAO dated February 27, 2004 regarding the Provincial Budget Consultation Presentation. Council agreed to receive this email for information purposes.

Premier John Hamm

Copy of response letter to the Mayor concerning rising gasoline and home heating oil prices in Nova Scotia. Council agreed to receive this letter for information purposes.

**Mayor Anna Allen,
Past President,
UNSM**

Memo to the Mayor regarding Centennial Celebrations. Council agreed to receive this memo for information purposes.

**Pam MacIntosh,
Development Officer**

February 2004 Development Activity Report. Council agreed to receive this report for information purposes.

**Mannie Withrow,
Building Inspector**

February 2004 Building Permit Report. Council agreed to receive this report for information purposes.

**Judy Webber,
Conference
Coordinator, Union
of Nova Scotia
Municipalities**

Copy of memo regarding UNSM Spring Workshop. Council agreed to receive this memo for information purposes.

**Mr. David White,
Vice President,
North Shore
Bavarian Society**

Copy of letter expressing concerns regarding the future of Nelson Park. Council agreed to receive this letter for information purposes.

**Jamie Muir, MLA,
Truro-Bible Hill**

Copy of letter to the Mayor regarding the price of home heating fuel and gasoline. Council agreed to receive this letter for information purposes.

**Winston Settle, Land
Owner in the St.
Andrew's River
Valley**

Report/update regarding the St. Andrew's River valley Watershed Designation. Council agreed to receive this report for information purposes.

Mr. Vic MacLellan

Email to the CAO with reference to Proposing a Canadian Bill of Rights for Children to your MP. Council agreed to receive this email for information purposes.

UNSM

Email to the CAO regarding Biosolids Management memo. Council agreed to receive this email for information purposes.

**Honourable Ronald
S. Russell, CD
Minister**

Letter to the Mayor regarding the potential flooding of Park Street. Council agreed to receive this letter for information purposes.

**Federation of
Canadian
Municipalities**

Members' Advisory dated March 23, 2004 regarding Budget Confirms New Deal Down Payment. Council agreed to receive this for information purposes.

Information Items

Councillor McKenna, Local Senior Games

Councillor McKenna passed out the schedule for the Local Senior Games and requested that the Councillors post the schedules in their areas.

Tatamagouche Water System Assessment and Pre- Design

The Municipality received three proposals in response to the Request for Proposals for the Tatamagouche Water System Assessment and Pre-Design. The proposal submitted by CBCL Limited was selected and the fee is \$18,995 (HST included).

RFP for a Review of the Radio Communications System (Central Dispatch)

Ms. Kim Paterson, Administrative Assistant/Researcher met with CFFA regarding the Radio Communications Systems and it was suggested that a technical and operational review be done. It is expected that the review will be completed by early June.

Reports from Councillors Appointed to Outside Boards and Agencies

There were no reports presented.

Recess

Council agreed to recess to an in-camera session at 11:02 p.m. and reconvened in open session at 11:20 p.m.

Adjournment

Moved by Councillor Edwards
Seconded by Councillor McKenna

“That the meeting be adjourned at 11:22 p.m.

Motion Carried Unanimously.

Gary MacIsaac
Chief Administrative Officer