

**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 September 30, 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
Councillor Richard Elliott	District #4
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

Absent:

Deputy Mayor Hugh Matheson	District #3
Councillor Glen Edwards	District #5

**Approval of Agenda**

Moved by Councillor Cavanaugh  
Seconded by Councillor Baas

“That the agenda be approved with the following additions/deletions:

Delete 5(1) Presentation - Ann Marie Downie, Executive Director - Literacy Nova Scotia  
Add 5(3) Presentation - Fred Blois, Biosolids  
Add 9b Tatamagouche Sewage Treatment Plant - Construction Tender  
Add 9c Loan Guarantee - Valley Kemptown Fire Brigade.”

Motion Carried Unanimously.

**Approval of Minutes**

Moved by Councillor McKenna  
Seconded by Councillor Elliott

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

Motion Carried Unanimously.

**Business Arising from Minutes**

There was no business arising from the minutes of August 26, 2004.

**Presentations**

**Katharine Mott, President, Cobequid Salmon Association**

Ms. Mott advised that she is making a request to Council for financial support for the restoration of Farnham Brook. Ms. Mott distributed a handout containing photos and information regarding Farnham Brook.

The homeowner adjacent to the Brook undertook work in an attempt to prevent flooding of his property. The Salmon Association feared this work would harm the Brook and, with the impending arrival of Hurricane Ivan, undertook bank restoration and stabilization efforts. The cost for the repairs was approximately \$2,000 and Ms. Mott is making a plea for some financial support.

Moved by Councillor LeFresne  
Seconded by Councillor Taylor

“That the presentation be received.”

Motion Carried Unanimously.

Moved by Councillor Taylor  
Seconded by Councillor Elliott

“That this matter be referred to Committee for further discussion.”

Motion Carried Unanimously.

**Fred Blois - Biosolids**

Mr. Blois appeared before Council regarding the issue of biosolids and thanked Council for the opportunity to make a presentation.

Mr. Blois stated that Citizens of Lower Truro have been over taken by the rank odours from the biosolids and some residents are getting sick from the land application of biosolids with symptoms of sores eyes, tongue, throat and difficulties breathing. Mr. Blois read some testimonial statements of some of the concerned citizens from the area expressing their concerns.

The Citizens of Lower Truro requested testing of the lagoons at Inglewood Farms and the Department of Environment and Labour did some testing. However, Mr. Blois stated that the testing was not being done right and indicated that the spreading of biosolids has got to be stopped. Mr. Blois requested the support of Council on this issue.

\_\_\_\_\_  
Moved by Councillor Masters  
Seconded by Councillor Taylor

“That the presentation be received.”

Motion Carried Unanimously.

\_\_\_\_\_  
Moved by Councillor Masters  
Seconded by Councillor McKenna

“That a letter be sent in support of the citizens of Old Barns to Minister Morash objecting to the land application of biosolids in Colchester County.”

Motion Carried Unanimously.

### **Staff Presentations**

#### Tax Rate Structure - Bruce Purchase, Joyce McGeehan, Gary MacIsaac

Mr. MacIsaac indicated that reviewing the tax rate structure came out of discussions from Long Range Planning. The first approach was to look at three rates; urban, suburban and rural.

Mr. Purchase gave an overview of the tax rate structure, stating that some points for consideration when looking at the tax structure are that there are 40 plus area rates and some of these rates will be blended in with general rates, development of different levels of general rates, and fair and equitable rates. A couple of major changes are reducing the gap between residential and commercial rates and the elimination of the Business Occupancy Tax.

Assumptions are to use a pure revenue based approach, with an expectation of a certain amount of revenue. Area rates that will include some and exclude others will be identified.

Two alternative models were discussed; Model #1 (Three Tiers) - Urban, Suburban and Rural and Model #2 (Two Tiers) - Service Level One and Service Level Two. Model #1 includes area rates such as sewer, garbage, sidewalks and streetlights and excludes area rates such as fire, street paving and crossing guards. Model #2 includes all area rates except fire and South Colchester School.

Mr. MacIsaac indicated that the impacts of the changes are not intended to be dramatic. They will allow the establishment of basic service levels in areas where development is not affordable.

\_\_\_\_\_  
Moved by Councillor Taylor  
Seconded by Councillor Masters

“That this issue be referred to Committee this fall for further discussion.”

Motion **Defeated** \_\_\_\_\_ (*Mayor Smith, Councillors Elliott, Cavanaugh, Lynds, Baas, Cooke, and McKenna opposed*)

Moved by Councillor Baas  
Seconded by Councillor LeFresne

“That this be referred to a Committee meeting in 2005 after a decision on the Business Occupancy Tax has been made.”

Motion Carried \_\_\_\_\_ (*Councillors Masters and Taylor opposed*)

\_\_\_\_\_  
Moved by Councillor Cavanaugh  
Seconded by Councillor Baas

“That a letter be sent to Premier Hamm requesting information on when the Business Occupancy Tax will be changed or eliminated.”

Motion Carried Unanimously.

**Standing Committee  
Reports and  
Recommendations**

**Council Committee  
Report**

Councillor McKenna presented the report from the Council Committee meeting held on September 16, 2004:

**Capital Budget Process**

Moved by Councillor McKenna  
Seconded by Councillor Masters

“That Council approves that the Capital Budgeting Process Plan be approved, as presented; and,

That Council approves that a 5 year capital program commence with the 2005/06 budget year.”

Motion Carried Unanimously.

**Request for Funding - Nova Scotia Provincial Exhibition - Farm Equipment Museum**

*Councillor Taylor declared a conflict of interest and removed himself from the table.*

Moved by Councillor McKenna  
Seconded by Councillor Cavanaugh

“That Council approves that the Municipality donate \$15,000 to the Farm Equipment Museum with funds to come from unbudgeted expenditures from general operations.”

Motion Carried Unanimously.

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

**Sponsorship Request - Atlantic Breeders Crown**

Moved by Councillor McKenna  
Seconded by Councillor Lynds

“That Council approves to expend \$500 to the Atlantic Breeders Crown from Economic Development Grant funds.”

Motion Carried Unanimously.

**Naming of Kemptown Industrial Park**

Moved by Councillor McKenna  
Seconded by Councillor Taylor

“That Council approves that the Balefill Facility in Kemptown be names the Colchester Green Park.”

Motion Carried. *(Councillors Elliott, McKenna, Cavanaugh, and Cooke opposed)*

**Request for Tax Exemption - Chisholm Trail Snowmobile Club**

Moved by Councillor McKenna  
Seconded by Councillor Cooke

“That Council approves, in principle, the addition of the Chisholm Trail Snowmobile Club to Chapter 37 - Tax Exemption By-law, subject to final approval of the By-law in early 2005.”

Motion Carried Unanimously.

**Street Snowplowing Contract Extension**

Moved by Councillor McKenna  
Seconded by Councillor Baas

“That Council approves that the Winter Road Maintenance Contract with MacNaughton’s Grounds Management be extended for winter 2004-05.”

Motion Carried. *(Councillor Cavanaugh opposed)*

**Halloween**

Moved by Councillor McKenna  
Seconded by Councillor Cavanaugh

“That Council approves that Halloween celebrations be held on Sunday, October 31.”

Motion Carried Unanimously.

**Executive  
Committee Report**

There was no business arising from the Executive Committee meeting held on August 23, 2004.

**Action Items**

**Salary Review**

As presented in the Action Item, it is being recommended to do the Salary Review in the Fall of 2004 instead of the Fall of 2005. Reasons for conducting the review one year early is based on the demographic shift affecting the municipal marketplace. If approval is given to proceed, a report will be given to Committee and then to Council next year.

A question was raised as to whether this would impact the 2005/06 budget. Mr. MacIsaac indicated that it would impact the 2005/06 budget if changes are made and approved by Council.

Moved by Councillor Masters  
Seconded by Councillor LeFresne

“That the salary compensation review scheduled for the Fall of 2005 be conducted in the Fall of 2004.”

Motion Carried. *(Councillor Cooke opposed)*

**Municipal Solicitor**

Mr. Peter Rogers, Municipal Solicitor, stated that he would like to thank Council for the opportunity of providing work as the primary legal Counsel for the last 13 years. Mr. Rogers indicated that he has enjoyed working with both Council and staff over of the years.

Mayor Smith stated that it is with regret that the next Action Item is brought forward. The Municipal Solicitor, Mr. Rogers has advised the Municipality of his plans to move his practice to Halifax.

Mr. MacIsaac indicated that Council has a variety of options; the service could be tendered, the Municipality could hire a staff lawyer, or the Municipality could appoint another lawyer from the Patterson Palmer firm. Mr. Dennis James has been suggested as the lawyer from Patterson Palmer due to his wide practice as well as some experience with the Municipality.

Moved by Councillor Cavanaugh  
Seconded by Councillor Elliott

“That the Municipality continue to use Patterson Palmer as its law firm and that Dennis James be appointed as the Municipal Solicitor for the remaining term until May 31, 2005.”

Motion Carried Unanimously.

An inquiry was made about whether Mr. Rogers would still be representing the Municipality on the Londonderry appeal. Mr. MacIsaac stated that Mr. Rogers has given legal advice on certain issues and will be following these issues through, including the Londonderry appeal.

**Tatamagouche  
Sewage Treatment  
Plant - Construction  
Tender**

The Tatamagouche Sewage Treatment Construction Tender closed today. There were 3 bids on this tender with L&R Construction being the lowest bidder at approximately \$1.7 million, plus HST.

Mr. MacIsaac stated that L&R is the clear winner. The bid includes septage in and parking area construction and L&R Construction plans to begin within the next two weeks.

Moved by Councillor Masters  
Seconded by Councillor LeFresne

“That the Tatamagouche Sewage Treatment Plant Construction Tender be awarded to L&R Construction.”

Motion Carried Unanimously.

**Loan Guarantee -  
Valley Kemptown  
Fire Brigade**

Moved by Councillor Cavanaugh  
Seconded by Councillor McKenna

“That the Municipality of the County of Colchester provide a “letter of intent” in support of the loan renewal of \$130,000 for the Valley-Kemptown Fire Brigade on the fire truck and in the event that this is not satisfactory to the lending institution, that the Municipality provide a loan guarantee for this amount.”

Motion Carried Unanimously.

**Information Items**

**Balefill Position  
Vacancies - Update**

Administration was previously authorized to fill two vacancies at the Balefill, being created by the retirements of Gaius Wilband and Kenny Dunn at the end of September.

Position vacancies, under the Collective Agreement, must first be posted for competition internally and if there are no suitable candidates, the position is then posted externally

The position of Balefill Utility Worker has been filled by Kelly Ambrose, who was the part time utility worker. The position of Baler Operator has gone out to external competition and will be reported to Council when an appointment is made.

**Correspondence**

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

- No.7: Letter dated August 25, 2004 from Magi Nams, President, Tatamagouche Skating Club regarding the Municipality’s funding application process.
- No. 12 Copy of a letter dated September 2, 2004 from Mr. Jay Brenton, Regional Manager, Department of Environment and Labour regarding the lime stabilization and land application of sewage sludge at Inglewood Farms

**The Honourable  
Judy Sgro, Minister  
of Citizenship and  
Immigration**

Letter dated August 12, 2004 regarding the proclamation of Canada's Citizenship Week October 18-24.

Moved by Councillor Taylor  
Seconded by Councillor Baas

"That the Municipality proclaim the week the week of October 18-24 as Canada's Citizenship Week."

Motion Carried Unanimously

**Leith Orr, Group  
Publisher, Advocate  
Printing and  
Publishing**

Copy of a letter to the municipal Planner regarding an application for a zoning change.

Moved by Councillor Taylor  
Seconded by Councillor Elliott

"That this matter be referred to the Planning Advisory Committee."

Motion Carried Unanimously.

**Mr. Ron Giffin,  
Capital Campaign  
and Ms. Eleanor  
Norrie, Chair,  
Colchester  
Community  
Workshops  
Foundation**

Letter to the Mayor and CAO dated September 23, 2004 requesting consideration of accelerating the payments of \$20,000 per year.

Council agreed to receive this letter for information purposes and instructed the CAO to write a letter to Mr. Giffin and Ms. Norrie advising them of Council's decision.

**KG Thompson, P.  
Eng, Engineering &  
Construction  
Services Ltd.**

Letter to the Mayor and Council dated September 24, 2004 requesting a service lateral at the end of the existing Hilden sanitary sewer system to service Scotia Pine Campground.

Moved by Councillor Cavanaugh  
Seconded by Councillor Cooke

"That this matter be referred to Committee for further discussion."

Motion Carried Unanimously.

**Magi Nams,  
President,  
Tatamagouche  
Skating Club  
-and-  
Response letter from  
the CAO**

Letter dated August 25, 2004, regarding the Municipality's funding application process and the CAO's response letter dated September 20, 2004.

Moved by Councillor LeFresne  
Seconded by Councillor Lynds

“That this matter be referred to Committee for further discussion.”

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

**Mr. Jay Brenton,  
Regional Manager,  
Department of  
Environment and  
Labour**

Copy of a letter dated September 2, 2004 regarding the lime stabilization and land application of sewage sludge at Inglewood Farms.

Council agreed that this letter be brought back as Correspondence Information at the next Council meeting.

**Mr. Paul E. Legere,  
CA, Director of  
Finance, Chignecto-  
Central Regional  
School Board**

Letter to the CAO dated August 27, 2004 with a copy of the approved Financial Statements for Chignecto-Central Regional School Board. Council **agreed** to receive this for information purposes.

**Development Officer**

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

**Building Inspector**

Building Permit Statistics for the month of August 2004. Council **agreed** to receive this for information purposes.

**Mr. Steve Talbot,  
Executive Director,  
Forest Products  
Association of Nova  
Scotia**

Fact sheet regarding the use of Vision and its active ingredient, Glyphosate. Council **agreed** to receive this for information purposes.

**UNSM**

Email dated September 10, 2004, with a copy of a letter regarding the Consultation on Proposed Police Act. Council **agreed** to receive this email for information purposes.

**Mr. Kevin H.E.  
Finch,  
Communications  
Advisor**

Email dated September 15, 2004 regarding the Red Tape Reduction Report. Council **agreed** to receive this email for information purposes.

**Mr. Paul Moist,  
National President,  
CUPE**

Letter to the Mayor dated September 15, 2004 regarding CUPE's Rebuilding Strong Communities Campaign and October 5<sup>th</sup> Communities Day. Council **agreed** to receive this letter for information purposes.

**Mr. Darrell Dexter,  
NDP Leader, Leader  
of the Opposition**

Letter dated September 7, 2004 regarding an economic development discussion paper on the NDP Nova Scotia website. Council **agreed** to receive this letter for information purposes.

**Mr. Peter G  
Terauds, Warden,  
Municipality of  
Annapolis County**

Copy of a letter dated September 21, 2004 requesting that no further spraying of herbicide Vision takes place in Annapolis County. Council **agreed** to receive this letter for information purposes.

**Minister Richard  
Hurlburt,  
Department of  
Natural Resources**

Letter to the Mayor dated September 22, 2004 regarding the spraying of Vision. Council **agreed** to receive this letter for information purposes.

**Mr. Colin Stevenson,  
V-P, Operations,  
Colchester East  
Hants Health  
Authority**

Letter to the Mayor dated September 1, 2004 regarding a follow up tour of the Colchester Regional Hospital. Council **agreed** to receive this letter for information purposes.

**Federation of  
Canadian  
Municipalities**

Copy of the Member's Advisory dated September 28, 2004, concerning FCM Web Site Tracks Growth of National Infrastructure Deficit. Council **agreed** to receive this for information purposes.

**Reports from  
Councillors  
Appointed to  
Outside Boards and  
Agencies**

Councillors Taylor and Masters reported on the CoRDA/CPDS meeting held last week.

**Recess**

**Council agreed** to recess to an in-camera session at 9:26 p.m. and reconvened in open session at 9:42 p.m.

**Adjournment**

Moved by Councillor McKenna  
Seconded by Councillor Elliott

“That the meeting be adjourned at 9:43 p.m.”

Motion Carried Unanimously.

Gary MacIsaac  
Chief Administrative Officer