

May 26, 2005

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, May 26, 2005 at 7:00 p.m.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Mike Smith, Chair	
Councillor Bob Taylor	District #1
Councillor Bill Masters	District #2
Deputy Mayor Hugh Matheson	District #3
Councillor Mike Cooper	District #4
Councillor Glen Edwards	District #5
Councillor Ron Cavanaugh	District #6
Councillor Jimmie LeFresne	District #7
Councillor Soley Lynds	District #8
Councillor Bob White	District #9
Councillor Doug Cooke	District #10
Councillor Terri Mingo	District #11

Approval of Agenda

Moved by Councillor Masters
Seconded by Councillor White

“That the agenda for May 26, 2005 be approved with the following additions/deletions:

- delete No. 6 - presentation from Grant Thornton on County Financial Statements
- Move forward 7(1), Report and Recommendation of May 17th Council Committee regarding Area Rates and Budgets/Area Rate Resolution, to follow No. 11, Brookfield Intersection
- add 12b: Garbage Collection in Cottage Country
- add an In-Camera item, Solicitor-Client Advice, and order of items to be (1) May 19, 2005 Executive Minutes (In-Camera Portion), (2) Solicitor-Client Advice, (3) Property Matter”

Motion Carried Unanimously.

Appointment of Solicitor

Moved by Councillor Taylor
Seconded by Councillor Cavanaugh

“That the legal firm of Patterson Palmer be appointed as Solicitors for the Municipality for the year ending March 31, 2006.”

Motion Carried Unanimously.

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Approval of Minutes

Moved by Deputy Mayor Matheson
Seconded by Councillor Cooper

“That the minutes of meeting held on April 28, 2005 be approved as circulated.”

Motion Carried Unanimously.

**Business Arising
from Minutes**

The CAO advised that although an e-mail has been received from Atlantic Recycled Rubber Inc. (ARRI), no date has been set by the company for a community meeting. ARRI was previously advised that it was their responsibility to make these arrangements.

Staff reported that they will organize the first meeting of the Flood Committee. The Chair of the Committee will be appointed at that time.

Regarding Deuville’s Rink, Councillors on the Committee will be contacted regarding a date for its first meeting.

Presentations

Canada Post

Terry MacDonald, Terry Terris and Hugh MacEachern

Mr. MacDonald indicated that Canada Post would like to work in partnership with the Municipality on a project involving Truro rural routes switching to civic addressing, and the replacement of green group mailboxes with community group mailboxes. The project will be phased over a two-year period. Phase 1 will cover Truro route Nos. 2 and 3 and Phase 2 will cover Nos. 1, 5 and 6. The reason for the changes is to reduce the time (14 to 15 hours) taken to complete deliveries on these routes. It is anticipated the new service will cut down this time to eight hours. Mr. MacDonald also indicated that there is a safety issue involved with roadside delivery to the mailboxes in the rural areas. He stated that if Canada Post does not take action soon to correct this problem, the rural route drivers are threatening to quit.

During the presentation, Council raised several issues:

- problem with civic addressing and community group mailboxes being linked together as one project
- lack of public consultation
- criteria for location of new community group boxes
- junk mail being delivered on weekends
- Councillor involvement in location of community boxes

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Moved by Councillor Cavanaugh
Seconded by Councillor Lynds

“That the presentation from Canada Post be received and the issues of civic addressing and community group mailboxes be referred to June Council Committee.”

Motion Carried Unanimously.

In preparation for June Committee, staff were asked to contact Canada Post regarding selection of trial areas in the County which would illustrate dangerous areas for mail drivers according to their criteria. Canada Post was also requested to provide the number of green mailboxes on the Truro rural routes that are being replaced.

**Standing Committee
on Reports and
Recommendations**

Deputy Mayor Matheson presented one of the two reports from the Council Committee meeting held on May 17, 2005:

UNSM Resolutions

Councillor Mingo declared a conflict of interest on the UNSM Resolutions and removed herself from discussion on this matter.

Moved by Deputy Mayor Matheson
Seconded by Councillor Taylor

“That Council approves the UNSM resolutions pertaining to Jake Brakes and the School Board Elections and Provincial Plebiscites as presented.”

Motion Carried Unanimously.

At this point, Councillor Mingo returned to the table.

**Nelson Memorial
Park Request for
Proposals**

Moved by Deputy Mayor Matheson
Seconded by Councillor LeFresne

“That Council approves the Nelson Memorial Park Request for Proposals with one amendment to the selection process that requires proposals to be valid for 60 days from time of closing.”

Motion Carried Unanimously.

**Executive and Audit
Committee**

There was no business arising from the minutes of the Executive and Audit Committee meetings held on May 4 and 19, 2005.

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**Landfill versus
Balefill Study**

Moved by Councillor Masters
Seconded by Councillor Cavanaugh

“That Council accepts the conclusions and recommendations of the ABL final report dated May 2005; and,

That Council approves funding of \$352,000 for an upgrade to the present baler; as described in the ABL final report, source of funds to be the Balefill Equipment Reserve.”

Motion Carried Unanimously.

**Application to
Increase Height of
Balefill**

Moved by Councillor Cavanaugh
Seconded by Councillor White

“That Council approves increasing the height of the Balefill cell by seven meters from the existing height of 23 meters to 30 meters; and,

That an application be made to the Department of Environment and Labour to amend the Balefill operating permit; and,

That the Council approval be subject to independent confirmation that the cell liner will not be jeopardized to the satisfaction of the CAO; and,

That the proposed cell construction be deferred to 2006-07.”

Motion Carried Unanimously.

**County Personnel
Policies**

Council agreed to move this item forward to June Council Committee.

**Improvements to
Brookfield
Intersection**

Moved by Deputy Mayor Matheson
Seconded by Councillor Edwards

“That Council recommends that staff consult with Transportation and Public Works to have municipal sidewalk work at the Brookfield Intersection included with their improvements; and,

That cost recovery for any municipal improvements would be 50% from an area rate and 50% from the Municipal Infrastructure Fund; and,

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That a new area rate be approved of 2 cents per \$100 of assessment for the area currently rated for street lighting in Brookfield.”

Motion Carried Unanimously.

**Area Rates and
Budgets/Area Rate
Resolution**

This item is a continuation of No. 7 (1), report from the Council Committee meeting held on May 17, 2005.

Moved by Councillor Cooke
Seconded by Councillor Mingo

“That Council approves the 2005-06 Area Rate Budgets as presented, with amendments to the Area Rates as set out on May 17, 2005; and with the addition of the sidewalk in Brookfield at 2 cents per \$100 of assessment; and

That the following Area Rate Resolution be approved as presented:

WHEREAS the Municipal Council of the County of Colchester is required to levy rates which it deems sufficient for an area or for the benefit of an area for the current 12-month fiscal period;

RESOLVED that pursuant to **Section 75 of the Municipal Government Act**, the Municipal Council of the Municipality of the County of Colchester authorizes the levying and collection of the area rates as per attached Schedule “A”;

FURTHER RESOLVED that the said Council hereby requires payment of said rates to be made to the Tax Collector or Treasurer of the said Municipality on or before the 11th day of August, 2005;

FURTHER RESOLVED that said Council hereby imposes an additional percentage charge of 15% per annum on all rates and taxes remaining unpaid after the 11th day of August, 2005.”

Motion Carried Unanimously.

**Date of Next Capital
Budget Meetings**

Staff were directed to poll Councillors regarding availability on June 22 and 27, 2005 for capital budget meetings. Once confirmed, staff will bring back to June Council Committee with a motion to approve.

**Garbage Collection
in Cottage Country**

Councillor Cooke raised this issue in response to several inquiries he has received as the result of letters that were sent out to property owners on private roads in cottage country. He indicated that he wanted clarification of what was approved by Council in June 2004

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concerning changes to the bluebox system. His expectations were that the cottages on private roads would be serviced by a one-tonne truck and those living on private roads with locked gates would have to get their garbage out to where it would be picked up. One of his main concerns was where people are going to put their garbage who are not receiving road side service. If it's at the nearest intersection, where exactly do they put it.

From the debate that followed on this matter, several issues were raised that staff were directed to follow up and report back at June Council Committee:

- turning area for trucks/upgrading roads
- Monday pickup (with new system, it is now Tuesday or Thursday)
- return of the bluebox
- communication on where people supposed to put their garbage for collection

Correspondence

ACTION

**Ron Creighton,
Chair, Colchester
Regional
Development Agency**

A letter to Mayor Smith dated May 3, 2005 from **Ron Creighton, Colchester Regional Development Agency**, regarding Bill 232 on an Act to incorporate CoRDA.

Moved by Councillor Cavanaugh
Seconded by Councillor Masters

“That the letter from the Colchester Regional Development Agency regarding Bill 232, an Act to Incorporate CoRDA, be referred to Council Committee.”

Motion Carried Unanimously.

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

A copy of a memorandum dated May 6, 2005 from **Kenneth R.B. Simpson, Executive Director, Union of N.S. Municipalities**, enclosing a copy of the Fair and Equitable Funding Project Report.

Moved by Deputy Mayor Matheson
Seconded by Councillor Taylor

“That the Fair and Equitable Funding Project Report dated April 2005 be referred to Council Committee.”

Motion Carried Unanimously.

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**John Evans,
Canadian Union of
Public Employees**

A letter to Mayor Smith dated May 16, 2005 from **John Evans, Canadian Union of Public Employees**, requesting that June 27, 2005 (and each June 27th or closest work day to it) be proclaimed Municipal Workers Day.

_____ Moved by Deputy Mayor Matheson
Seconded by Councillor Lynds

“That June 27, 2005 be proclaimed Municipal Workers Day.”

Motion Carried Unanimously.

**Residents of Cottam
Drive and
MacLaughlin
Avenue**

A copy of a street paving petition received from the **residents of Cottam Drive and MacLaughlin Avenue.**

_____ Moved by Councillor White
Seconded by Councillor Cooper

“That the street paving petition from the residents of Cottam Drive and MacLaughlin Avenue be referred to Council Committee.”

Motion Carried Unanimously.

**Residents of
Glenabbey Drive**

A copy of a street paving petition received from the **residents of Glenabbey Drive.**

Moved by Councillor Edwards
Seconded by Deputy Mayor Matheson

“That the street paving petition from the residents of Glenabbey Drive be referred to Council Committee.”

Motion Carried Unanimously.

INFORMATION

**Samara Eaton, N.S.
Department of
Natural Resources**

A letter to Council dated April 20, 2005 from **Samara Eaton, N.S. Department of Natural Resources**, regarding a provincial project on the role of municipalities in conservation and recovery of species at risk, wildlife, etc. (report on file in Clerk’s office). Council agreed to receive this letter for information purposes.

**Union of N.S.
Municipalities**

A copy of an e-mail from the **Union of N.S. Municipalities** attaching the N.S. Legislative Report dated April 27, 2005. Council agreed to receive this e-mail for information purposes.

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**Hon. Ralph Goodale,
Minister of Finance
and Hon. John
Godfrey, Minister of
State (Infrastructure
& Communities)**

A letter to Mayor Smith and Council received on May 2, 2005 from the **Honourable Ralph Goodale, Minister of Finance and the Honourable John Godfrey, Minister of State (Infrastructure and Communities)**, concerning an update on the 2005 federal budget. Council agreed to receive this letter for information purposes.

**Ann MacLean,
President, FCM**

A copy of a Members' Advisory dated May 6, 2005 from **Ann MacLean, President, Federation of Canadian Municipalities**, regarding FCM's response to a letter from the Leader of the Official Opposition Party. Council agreed to receive this correspondence for information purposes.

**Union of N.S.
Municipalities**

A copy of an e-mail dated May 19, 2005 from the **Union of N.S. Municipalities**, regarding a meeting on May 26th on the UNSM's position on a report entitled 'A Question of Balance - An Assessment of the State of Local Government in Nova Scotia'. Council agreed to receive this e-mail for information purposes.

Development Officer

A copy of the Development Activity Report received from the **Development Officer** for the month of April 2005. Council agreed to receive this report for information purposes.

Building Inspector

A copy of the Building Permit Statistics Report received from the **Building Inspector** for the month of April 2005. Council agreed to receive this report for information purposes.

**Union of N.S.
Municipalities**

A copy of an e-mail dated May 2, 2005 from the **Union of N.S. Municipalities**, regarding Enviro-Depots receiving handling fee increases. Council agreed to receive this e-mail for information purposes.

**Linda Byers, Chair,
North Shore
Community
Development
Association**

A letter to Mayor Smith dated May 16, 2005 from **Linda Byers, Chair, North Shore Community Development Association**, concerning Nelson Memorial Park. Council agreed to receive this letter for information purposes.

**Clyde Purvis, CAO,
Municipality of
Pictou County**

A copy of a letter dated May 16, 2005 from **Clyde Purvis, CAO, Municipality of Pictou County**, regarding concern over an increase in fees for general fishing licenses. Council agreed to receive this letter for information purposes.

**Federation of
Canadian
Municipalities**

A copy of correspondence from the **Federation of Canadian Municipalities**, concerning a Land Management Workshop in Halifax on June 8, 2005. Council agreed to receive this correspondence for information purposes.

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**Federation of
Canadian
Municipalities**

A copy of a Members' Advisory dated May 20, 2005 from the **Federation of Canadian Municipalities**, regarding the federal budget. Council agreed to receive this correspondence for information purposes.

**Federation of
Canadian
Municipalities**

A copy of a Members' Advisory dated May 24, 2005 from the **Federation of Canadian Municipalities**, regarding the Tsunami Rebuilding Programs in Sri Lanka and Indonesia. Council agreed to receive this letter for information purposes.

**Update of Meeting
with Minister Barry
Barnet**

Mayor Smith briefed Council on a meeting he and the CAO attended with Minister Barry Barnet of Service Nova Scotia and Municipal Relations. The meeting took place at Province House in Halifax on Tuesday, May 17th. The main issue of the meeting dealt with the Municipality's position on Villages' access to fuel tax revenues. Minister Barnet did not make any commitment at the meeting but was receptive to the comments from the Mayor opposing this initiative. He agreed to get back to the Municipality shortly.

Now that the federal budget has passed, staff were asked to report back to Council with an update on the distribution of gas tax revenues.

**Community Park
Funding Program**

The purpose of the Community Park Funding Program is to support community organizations in capital improvements to community outdoor recreation facilities throughout the County. It replaced the Playground Improvement Program that was offered from 2001-2004.

There were four applications submitted to Recreation Services with the following amounts recommended:

- Brookfield Elementary School - \$554.07
- Middle Stewiacke Recreation - \$10,053.67
- Masstown Community Association - \$350.00
- Chiganois Elementary School - \$13,123.59

**Robie Street Pumping
Station Upgrade and
Force-Main Diversion**

Five proposals were received by the Municipality in response to the Request for Proposals for Engineering Services to upgrade the Sewage Pumping Station and Force-Main Diversion on Robie Street. CBCL Consulting Engineers were awarded the work based on evaluation of the proposals received at a total cost of \$16,960 plus applicable taxes. Work has commenced on the project.

Burning in Subdivisions

This item was brought forward as the result of discussion at the Council Committee meeting on May 17, 2005. Staff contacted the Village of Bible Hill and learned that the Village does not have a burning by-law in place. The only change made recently is that the

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Fire Chief no longer issues burning permits on behalf of the provincial Department of Natural Resources; therefore, Village residents must go to the provincial office to get a burning permit.

Tax Sale - May 5, 2005

At the recent tax sale held on May 5, 2005, 15 properties had been advertised for sale originally; two were removed prior to the sale. Twelve of the 13 properties were sold. The bidder on one property failed to show up with the remaining amount due above the deposit amount. In that situation, the deposit amount will be withheld until the next tax sale on that property and will be applied against the costs of the resale.

At the end of the Tax Sale, an auction was held for County-owned property at 256 Loop Road in Kemptown. The highest bid received was \$18,500; however, the bidders saw the property that afternoon and requested return of their deposit as they did not want to pursue purchase of the property.

UNSM Spring Workshop

Mayor Smith reported on the workshop that he, Councillor LeFresne and the CAO attended in Baddeck on May 12-13, 2005. Minister Barnet was unable to attend the Friday session as the House was still sitting. There was an interesting debate on the whole gas tax issue and the Fair and Equitable Funding Project and it was recommended that Council should have a good discussion on this at Committee. Councillor LeFresne reported that he attended a session on controversial by-laws which he found to be informative.

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

St. Andrews Watershed Stewardship Committee

Councillor Cooper provided an update on the work of the Watershed Management Committee to date.

Central Nova Tourist Association

Councillor Edwards reported that the CNTA annual general meeting had a profit of between \$7,000 and \$8,000.

Creamery Square Project

Councillor LeFresne reported that the Creamery Square project was going along very well up until a couple of months ago, at which time the face of the project changed. Neither the funding partners nor the Committee were informed of these changes; therefore, a new plan is proposed that may start up as early as June 1st. A community meeting on this project is taking place in Tatamagouche on May 31st. Councillors Mingo and White volunteered to attend.

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Colchester Regional Development Agency

Councillor White made reference to the Regional Economic Planning Workshop that is taking place on May 31st. Invitations to this session were placed in Councillor mailboxes.

DARE Program

Councillor Cooke reported that he had attended the closing of the Drug Abuse Resistance Education Program held in Parrsboro last Wednesday evening. The County had made a contribution of \$250 to the Program.

Recess.

Council agreed to recess to an in-camera session at 10:50 p.m. and reconvened in open session at 11:35 p.m. *During the in-camera session, Councillor Lynds declared a conflict of interest on the Property Matter and removed himself from the rest of the meeting.*

Adjournment

Moved by Councillor LeFresne
Seconded by Councillor Edwards

“That the meeting be adjourned at 11:37 p.m.”

Motion Carried Unanimously.

Sheila Arsenault
Deputy Clerk