

April 28, 2011

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, N.S. on Thursday, April 28, 2011 at 7:00 p.m.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Bob Taylor, Chair	
Councillor Christine Blair	District #1
Councillor Bill Masters	District #2
Councillor Gerald Buott	District #3
Councillor Mike Cooper	District #4
Councillor Glen Edwards	District #5
Councillor Karen MacKenzie	District #6
Councillor Jimmie LeFresne	District #7 (arrived at 7:40 p.m.)
Deputy Mayor Ron Cavanaugh	District #8
Councillor Bob White	District #9
Councillor Tom Taggart	District #10
Councillor Earl McKenna	District #11

Approval of Agenda

Moved by Councillor Edwards
Seconded by Councillor Blair

“That the agenda for April 28, 2011 be approved with the following additions:

- add to Item #13, Closed Session: Negotiations
- add Item #9b: Mountain Golf and Country Club
- add Item #9c: Cats.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor McKenna
Seconded by Councillor Cooper

“That the minutes of the meeting held on March 31, 2011 be approved as circulated.”

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the minutes of the meeting held on March 31, 2011.

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Presentations

Charles MacKenzie, Downeast Bluegrass and Oldtime Music Society

In his presentation, Mr. MacKenzie indicated that this year's Bluegrass and Oldtime Music Festival marks the 40th anniversary for the event. It is being held at the Nova Scotia Provincial Exhibition Grounds, July 29, 30 and 31, 2011.

Mr. MacKenzie reported that the Municipality contributed \$2,500 toward the 2010 Festival and because the organizers stayed on budget, this \$2,500 is now sitting in a reserve and will be used for this year's festival.

Mr. MacKenzie circulated copies of the flyer and asked for Councillors' assistance in promoting the event.

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Buott

"That the presentation from the Downeast Bluegrass and Oldtime Music Society be received."

Motion Carried Unanimously.

Gaelic Council of Nova Scotia

The representative from the Gaelic Council of Nova Scotia was not in attendance to make a presentation.

Ron Smith, Executive Director, Colchester Regional
Development Association

Mr. Smith distributed copies of the CoRDA Business Plan for 2011-12. In his presentation, Mr. Smith reported that in accordance with provincial legislation, there are now two separate organizations; namely, the Colchester Regional Development Agency and the Colchester Regional Development Association.

Mr. Smith indicated that tonight's presentation would relate to both the business plan and the budget for 2011-12. Mr. Smith noted that the budget being requested from the County for 2011-12 will be the same amount as last year - \$170,900 for core funding and \$137,340 for regional promotions. This is the third year of a three-year operating budget.

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Moved by Councillor White
Seconded by Councillor Masters

“That the presentation from the Colchester Regional Development Association be received.”

Motion Carried Unanimously.

**Standing Committee
Reports and
Recommendations**

Deputy Mayor Cavanaugh presented a report from the Council Committee meeting held on April 14, 2011:

**Clear Bags for
Garbage Disposal**

At 7:40 p.m., Councillor LeFresne arrived at the meeting and was able to vote on this item.

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor McKenna

“That Council approves the implementation of a clear bag program for waste, as presented in the Action Item dated April 14, 2011, with the following time frames:

- May to August 2011 - four months of general education information;
- September 1, 2011 - Program Start Date;
- January 1, 2012 - Enforcement Start Date - residents will be permitted one privacy bag per collection for each two-week collection cycle; and,

That residents and businesses have the choice to use clear bags or blue bags for recyclables.”

Motion Carried Unanimously.

**Signing of Private
Roads**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Buott

“That Council approves the creation of a Private Road Signage Program to install private road signs where they intersect a public road; and,

That staff be instructed to prepare a policy to guide implementation, over a four-year time period, and ongoing management of the program.”

Motion Carried Unanimously.

Tendering

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**Process/Policy:
Request from
Colchester Truckers'
Association**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Taggart

“That Council approves that the following amendment be incorporated into the Municipality of the County of Colchester Purchasing and Tendering Policy:

- for all tendered construction projects estimated to exceed \$1 million, the Colchester Truckers' Association is to be used on the basis of a modified 20/80 rule, i.e. first 2 trucks decided by the contractor, next 8 trucks through the Colchester Truckers' Association; and,

That the amended policy be placed on a Council agenda for review and approval.”

Motion Carried. *(Councillors Blair and Cooper opposed)*

As a follow-up to April Council Committee, staff noted that the Solicitor had reviewed the recent bill on the Province's procurement policy and determined that this motion was not compromised by this legislation.

**Colchester Branch
#26 Legion - Request
for Funding**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Blair

“That Council approves a contribution in the amount of \$75,000 toward a new building for the Colchester Branch #26 Legion, source of funds to be general operations as an unbudgeted item in 2011-12, if construction of the building commences in that year; otherwise, Council shall include costs as a budgeted item in subsequent years; and,

That the payment schedule be 50% of the contribution upfront, upon commencement of project construction, and the balance when project costs are verified through paid invoices and cancelled cheques.”

Motion Carried. *(Councillor Taggart opposed)*

**Public Hearing
Required to
Transfer Land in
Debert to CoRDA**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor White

“That Council authorizes the Mayor and CAO to execute the Memorandum of Understanding, as presented, between the Municipality of the County of Colchester and the Confederacy of Mainland Mi'kmaq; and,

That a public hearing be held at the May 17, 2011 Council Committee

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meeting to consider the transfer of the land identified in the Memorandum of Understanding to the Colchester Regional Development Agency for a nominal amount; and,

That Council authorizes May Council Committee to make a final decision on the land transfer.”

Motion Carried Unanimously.

ACTION ITEMS

**Waste Management
Master Plan -
Component 1,
Upgrades to
CCWTF, Tender
Award**

Moved by Councillor White
Seconded by Councillor Masters

“That Council approves the tender award of the construction of the Waste Management Master Plan-Component 1, Upgrades to the Central Colchester Wastewater Treatment Facility, to L&R Construction at a tendered price of \$11,172,282, plus applicable HST; and,

That the Municipality of the County of Colchester carry an internal contingency amount of \$1,564,000, plus applicable HST.”

Motion Carried Unanimously.

**Request for Loan for
Waste Management
Master Plan - Town
of Truro**

The CAO, Mr. McDougall, indicated that through a joint agreement with the Town of Truro, the Municipality is responsible for this file to ensure continued operation of the Central Colchester Wastewater Treatment Facility. Therefore, the Town has been made aware of the new estimate for the Component 1-Upgrades project but because of this agreement, it is the Municipality’s decision on the award of the contract.

Mr. McDougall made reference to a letter dated March 7, 2011 in which the Town of Truro is requesting that the Municipality loan an amount equal to the Town’s share of the cost of this project, estimated to be \$2.9 million. Mr. McDougall indicated that this request is consistent with the Wastewater Treatment agreement between the County and the Town and this loan can be provided. As has been done in the past, the Municipality will recover the funds by way of annual charges to the Town.

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**Tatamagouche
Branch Library
Construction**

Moved by Councillor LeFresne
Seconded by Deputy Mayor Cavanaugh

“That Council authorizes the Mayor and CAO to enter into a contract with Jetco Contracting Inc. for the construction of the new Tatamagouche Branch Library.”

Motion Carried Unanimously.

Closed Session

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor White

“That the meeting go into closed session at 9:07 p.m.”

Motion Carried Unanimously.

Moved by Councillor White
Seconded by Deputy Mayor Cavanaugh

“That the meeting reconvene in open session at 9:45 p.m.”

Motion Carried Unanimously.

**Funding by an Area
Rate -
Tatamagouche
Branch Library**

Moved by Councillor LeFresne
Seconded by Councillor Buott

“That Council approves a municipal capital contribution of \$640,000 toward the construction of the new Tatamagouche Branch Library, with an interest rate of 3% on a municipal loan for the community contribution, to be funded by the community through an area rate of 2 cents per \$100 assessment; and,

That the net proceeds from the sale of the existing library facility remain with the Municipality of Colchester.”

Motion **Defeated**. *(Councillors Blair, Masters, Cooper, MacKenzie, Taggart and McKenna opposed)*

Moved by Councillor Masters
Seconded by Councillor McKenna

“That Council approves a municipal contribution of \$500,000 toward the construction of the new Tatamagouche Branch Library, with an interest rate of 3% on a municipal loan for the community contribution, to be funded by the community through an area rate of 2 cents per \$100 assessment; and,

That the net proceeds from the sale of the existing library facility be

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directed towards the new library project.”

Motion **Defeated.**

(Mayor Taylor, Deputy Mayor Cavanaugh, Councillors Buott, Cooper, Edwards, LeFresne, White and Taggart opposed)

Moved by Councillor LeFresne
Seconded by Councillor Buott

“That Council approves a municipal contribution of \$600,000 toward the construction of the new Tatamagouche Branch Library, with an interest rate of 3% on a municipal loan for the community contribution, to be funded by the community through an area rate of 2 cents per \$100 assessment; and,

That the net proceeds from the sale of the existing library facility remain with the Municipality of Colchester.”

Motion **Defeated.**

(Councillors Blair, Masters, Cooper, MacKenzie, Taggart and McKenna opposed)

Moved by Councillor LeFresne
Seconded by Councillor Edwards

“That Council approve a municipal contribution of \$575,000 toward the construction of the new Tatamagouche Branch Library, with an interest rate of 3% on a municipal loan for the community contribution, to be funded by the community through an area rate of 2 cents per \$100 assessment; and,

That the net proceeds from the sale of the existing library facility remain with the Municipality of Colchester.”

Motion Carried.

(Councillors McKenna and Taggart opposed)

Mountain Golf and Country Club

Councillor Masters made reference to a letter he received from the Mountain Golf and Country Club. The Club had approached him about their request for an adjustment to their 2010 taxes due to the increase in their assessment for that year. Although the Club did not file an appeal in 2010, an error was discovered and an adjustment made to their 2011 assessment, reducing it by over \$400,000. In its letter to the Club, the Municipality advised that because the assessment was not appealed in 2010, an adjustment to the taxes for that year could not be made.

Councillor Masters requested that Council consider giving staff direction to look into this matter again and report back to Council on

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what, if anything, can be done to fix this mistake.

Moved by Councillor Masters
Seconded by Councillor White

“That staff be directed to further investigate the request from the Mountain Golf and Country Club for a reduction in their 2010 property taxes and report back to Council with their findings.”

Motion Carried Unanimously.

Cats

Councillor Taggart expressed his concern with reports he has received from residents in his area with respect to dead cats being put on their lawn or doorstep. The County does not have a by-law to address this problem and the SPCA has been called in but nothing has been done. After hearing some comments from other members of Council, Councillor Taggart indicated that he will be prepared to make a motion on this issue at Council’s next meeting.

Correspondence

ACTION

**Anne Bastarache,
Principal & Chair of
Graduating
Committee, École
acadienne de Truro**

A letter dated February 8, 2011 from **Anne Bastarache, Principal and Chair of the Graduating Committee, École acadienne de Truro**, requesting a scholarship donation.

Moved by Councillor Buott
Seconded by Councillor Masters

“That the letter from the École acadienne de Truro requesting a scholarship donation be referred to Council Committee.”

Motion Carried Unanimously.

**Janice Guinan,
Truro Arts Society**

An email to the Mayor dated April 4, 2011 from **Janice Guinan, Truro Arts Society**, requesting a donation to the Visual Arts of Nova Scotia Show.

Moved by Councillor Edwards
Seconded by Councillor Buott

“That Council approves a donation of \$100 to the Visual Arts of Nova Scotia Show being held at the Nova Scotia Community College, May 6-31, 2011.”

Motion Carried Unanimously.

**Margaret Mauger,
Colchester Sexual**

A letter to the Mayor received April 15, 2011 from **Margaret Mauger, Colchester Sexual Assault Centre**, requesting that May be

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Assault Centre

proclaimed Sexual Assault Awareness Month.

Moved by Councillor Edwards
Seconded by Councillor Blair

“That Council proclaims the month of May 2011 as Sexual Assault Awareness Month in Colchester County.”

Motion Carried Unanimously.

At the request of Councillor Cooper, some modifications by staff would be made to the draft proclamation before it is signed and posted.

**Elaine Ferguson,
Executive Director,
Child Care
Connections Nova
Scotia**

A letter dated April 19, 2011 from **Elaine Ferguson, Executive Director, Child Care Connections Nova Scotia**, requesting that June be proclaimed as Child Care Awareness Days.

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Buott

“That Council proclaims the month of June 2011 as Child Care Awareness Days in Colchester County.”

Motion Carried Unanimously.

**Anne Thibodeau,
Director,
Development, CNIB,
Atlantic Region**

Moved by Councillor Cooper
Seconded by Councillor Buott

“That Council proclaims May 26, 2011 as Shades of Fun Day in Colchester County.”

Motion Carried Unanimously.

INFORMATION

Building Inspector

A copy of the Building Permit Statistics received from the **Building Inspector** for the month of March 2011. Council agreed to receive this report for information.

Development Officer

A copy of the Development Activity Report received from the **Development Officer** for the month of March 2011. Council agreed to receive this report for information.

INFORMATION
ITEMS

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**Community Park
Funding Program -
Winter 2011**

Under the Community Park Funding Program, five applications were received for the February 28, 2011 deadline for a total approved amount of \$74,180.

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

Councillor Blair reported that she had attended the Community Advisory Committee for the Colchester Regional Hospital on April 5th, a Police Advisory Board meeting on April 18th, the annual awards banquet for the Bible Hill Fire Brigade, the Village of Bible Hill annual volunteer awards ceremony, the quarterly meeting of the Association of Nova Scotia Villages, the monthly meeting of the Bible Hill Village Commission and the monthly meeting of the Bible Hill Fire Brigade.

Councillor Masters reported that he had attended a meeting of the Project Steering Committee for the Civic Centre project.

Councillor Buott reported that he had attended the Bowl for Kids event, the UNSM rally, an RRFB awards night for children, the public meeting for the new Tatamagouche Branch Library, the Forent Energy open house and a Library Board meeting.

Councillor Cooper reported that he had attended the Forent Energy open house, a Co-op meeting and a Heritage Society meeting.

Councillor Edwards reported that he had attended the public meeting for the new Tatamagouche Branch Library, the County volunteer awards event, and the Upper Stewiacke Historical Society Museum Tour.

Councillor MacKenzie reported that she had attended a meeting of the Library Board.

Councillor LeFresne reported that he had attended the County volunteer awards event and meetings on gas fracking. Due to Councillor LeFresne not being able to attend, Councillor Blair agreed to attend the Village of Tatamagouche annual general meeting on May 24th.

Deputy Mayor Cavanaugh reported that he had attended the public meeting for the new Tatamagouche Branch Library and the UNSM rally.

Councillor White reported that he had attended the Bowl for Kids event, an Industrial Parks Committee meeting and a CoRDA Board meeting.

Councillor Taggart reported that he had attended the Great Village and District Fire Brigade annual general meeting, the public meeting of the new Tatamagouche Branch Library and a meeting of the Great

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Village Garden Club.

Councillor McKenna reported that he had attended a meeting of the Police Advisory Board.

Mayor Taylor presented his written report, a copy of which was circulated in the package for this evening's meeting.

Closed Session

Moved by Councillor McKenna
Seconded by Councillor White

“That the meeting go into closed session at 11:35 p.m.”

Motion Carried Unanimously.

At 12:02 a.m., Councillor MacKenzie left the table and did not return to the meeting.

Moved by Councillor McKenna
Seconded by Councillor White

“That the meeting reconvene in open session at 12:20 a.m.”

Motion Carried Unanimously.

**Kemptown Property
- 266 Old Loop #4
Road**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Buott

“That Council approves the following with respect to a property located at 266 Old Loop #4 Road in Kemptown:

- On purchase of the property, the CAO be authorized to sign off on the purchase and sale agreement and other legal documentation;
- On disposal of the property, the CAO be authorized to select a realtor and set the selling price;
- Should the property remain listed, the CAO be authorized to reduce the selling price, extend the term of the listing, or seek authority of the Executive and Audit Committee to sell by tender or auction; and,
- Given the selling price of the property, that the CAO be authorized to dispose of the property and advise Council of its disposition.”

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Motion Carried Unanimously.

**Fundraising Event
for Civic Centre
Project**

Moved by Councillor McKenna
Seconded by Councillor Blair

“That the issue of the fundraising event for the Civic Centre project be referred to Council Committee.”

Motion **Defeated**.

*(Mayor Taylor, Deputy Mayor
Cavanaugh, Councillors Taggart,
White, LeFresne, Edwards and Masters
opposed)*

Moved by Councillor Masters
Seconded by Councillor White

“That Council approves the advancement of \$50,000 from the Municipality of Colchester to the Civic Centre Fundraising Committee for the express purpose of holding a concert with Blue Rodeo, subject to approval of the same amount of funding from the Town of Truro, and the CAO and Solicitor drafting the appropriate agreement for this purpose.”

Motion Carried.

*(Deputy Mayor Cavanaugh,
Councillors Blair, Buott, Cooper and
LeFresne opposed)*

Adjournment

Moved by Councillor White
Seconded by Councillor McKenna

“That the meeting be adjourned at 12:25 a.m.”

Motion Carried Unanimously.

Sheila Arsenault
Recording Secretary