

A meeting of **MUNICIPAL COUNCIL** was held in the Council Chamber of the Municipal Administration Building on the above date at 9:30 a.m. with the following in attendance:

Warden Jack Wentzell - District 7  
Deputy Warden Elmer Garber - District 4  
Councillor Diane Tanner - District 1  
Councillor Sherman Palmer - District 2  
Councillor Donald Zwicker - District 3  
Councillor Milton Countway - District 5  
Councillor Sandra Statton - District 6  
Councillor Cathy Moore - District 8  
Councillor John Veinot - District 9  
Councillor Lee Nauss - District 11  
Councillor Karen Dempsey - District 12  
Councillor Martin Bell - District 13

Absent was Councillor Arthur Young - District 10.

Also in attendance were:

Tammy Wilson, Chief Administrative Officer  
J. C. Reddy, Municipal Solicitor  
Heather Whycott, Administrative Assistant

IN CAMERA

Warden Wentzell requested that Council go *In Camera* to deal with a personnel matter and legal advice in accordance with section 22 (2) (c) of the *Municipal Government Act*.

**Moved by Counc. Countway, seconded by Counc. Zwicker that Council go *In Camera In Committee*. Carried**

Council *In Camera In Committee*.

**Moved by Counc. Zwicker, seconded by Counc. Countway that Council resume. Carried.**

Council in session.

During the *In Camera* meeting, at 10:20 a.m. Warden Wentzell and Counc. Veinot left to attend a funeral. They returned after lunch.

Deputy Warden Garber was in the chair.

AGENDA

Deputy Warden Garber asked if there were any requests for additions to the agenda.

Counc. Statton requested the addition of a planning matter and a request to rescind a motion.

Counc. Bell requested the addition of an item regarding like-sounding street/road names in the same community.

**Moved by Counc. Dempsey, seconded by Counc. Tanner that the agenda be approved with the additions requested by Councillors. Carried.**

AWARDING OF TENDERS AND RFPs

In attendance at 10:30 a.m. were Pierre Breau, Director of Engineering and Public Works, and Matt Davidson, Assistant Municipal Engineer.

WASTE GRINDING  
SERVICES - LRCRC  
#2007-01-005

Mr. Davidson reviewed the tender analysis information for Tender No. 2007-01-005 - Supply of Waste Grinding Services for the LRCRC for the period October 10, 2007 to September 30, 2008 (copy attached to original Minutes). He noted that only one tender was received and the price is over budget; however, this service is critical to site operations. He reported that we budgeted \$17.00 per ton and the price came in at \$20.00 per ton.

Deputy Warden Garber pointed out that the actual amount we spend will depend on the amount of wood that comes in.

**Moved by Counc. Zwicker, seconded by Counc. Moore that we accept staff's recommendation and award Tender No. 2007-01-005 for the supply of Waste Grinding Services for the period October 10, 2007 to September 30, 2008 for the LRCRC to Halifax C & D Recycling Ltd. for a total of \$235,980.00, including HST.**

Counc. Countway asked what happens if this tender is not awarded.

Mr. Breau said it would cost us considerably more money. He explained that we would have to pay Chester between \$45 to \$63 per ton to receive the wood waste.

**The motion was carried.**

FLOORING - MUN.  
BUILDING  
#2007-05-011

Mr. Breau reviewed the analysis information for Tender No. 2007-05-011 for the supply and installation of resilient vinyl flooring for approximately 820 square feet in the Municipal Administration Building (copy attached to original Minutes). He reported that there was only one bid received for this tender also. He noted that the price came in well under budget and, therefore, suggested using the remaining funds to either do more flooring or paint the hallway.

**Moved by Counc. Nauss, seconded by Counc. Statton that we accept staff's recommendation and award Tender No. 2007-05-011 for the Municipal Administration Building Flooring work to Floors-Plus Commercial, Dartmouth, for the price of \$13,371.06, including HST.**

Mr. Breau reported that the tender specifications for the flooring were based on hospital-grade specifications.

Ms. Wilson reported that they gave us a unit floor pricing; therefore, if Council wants to increase the amount of flooring done, it can be done. There are other areas in the building where the carpet is deteriorated.

**Moved by Counc. Nauss, seconded by Counc. Statton that we amend the motion by adding the wording "and allow an extra \$5,000.00 to do additional flooring where necessary". Amendment Carried.**

**MOTION AS AMENDED - that we accept staff's recommendation and award Tender No. 2007-05-011 for the Municipal Administration Building Flooring work to Floors-Plus Commercial, Dartmouth, for the price of \$13,371.06, including HST, and allow an extra \$5,000.00 to do additional flooring where necessary. Carried.**

Ms. Wilson informed Council that with the remaining funds in the account for flooring and painting staff will get prices to do painting.

RFP AWARD - NEW  
GERMANY  
WASTEWATER  
TREATMENT  
PLANT - PHASE 1  
ENG. SERVICES

Mr. Davidson reviewed the analysis information for RFP No. 2007-05-409 for the provision of Engineering Services for Phase One New Germany Sewer System Improvements (copy attached to original Minutes). Proposals were received from CBCL Limited, Halifax; Conestoga-Rovers Associates, Dartmouth; and ADI Limited, Fredericton.

Counc. Zwicker noted that ADI's price came in 100% higher than CBCL. He asked Mr. Davidson if that concerns him.

Mr. Davidson said the difference in price does not concern him. CBCL

has done other projects for the Municipality. He believes they can do the work. ADI would have to come from New Brunswick to do the project.

Counc. Dempsey asked if CBCL can properly supervise the job.

Mr. Davidson said he did feel that their construction administration was low but not low enough to award to the next lowest bidder. He reported that he and Mr. Breau will be there for inspections, as they were in Cookville.

Councillors asked a number of questions for clarification, which were answered by Mr. Davidson.

**Moved by Counc. Moore, seconded by Counc. Dempsey that Council accepts staff's recommendation and awards RFP No. 2007-05-409 for the provision of Engineering Services for Phase One New Germany Sewer System Improvements to CBCL Limited, Halifax, for the price of \$69,655.00, plus HST. Carried.**

RFP AWARD - ENG.  
SERVICES re  
TRUNK HIGHWAY  
10 & MacCULLOCH  
RD. WATER MAIN  
EXTENSION

Mr. Breau reviewed the analysis information for RFP No. 2007-05-408 for Engineering Services for the Design, Contract Administration and Construction Supervision of the Trunk Highway 10 and MacCulloch Road Water Main Extension, Cookville (copy attached to original Minutes). Proposals were received from Neill and Gunter Limited, Dartmouth; CBCL Limited, Halifax; and Terrain Group, Inc., Dartmouth. He reported that this work will be done immediately.

**Moved by Counc. Nauss, seconded by Counc. Bell that Council accepts staff's recommendation and awards RFP No. 2007-05-408 for Engineering Services for the Design, Contract Administration and Construction Supervision of the Trunk Highway 10 and MacCulloch Road Water Main Extension, Cookville, NS, to Terrain Group, Inc. of Dartmouth for the price of \$83,085.48, including HST. Carried.**

TENDER TO ISSUE-  
SNOW PLOWING/  
WINTER MAINTEN.  
OF MUN. ROADS

Mr. Davidson reviewed proposed specifications for Tender No. 2007-01-006 for Snow Plowing and Sanding Service for Municipal Public Highways for the period 2007 - 2010 (copy attached to original Minutes).

Counc. Statton reported that the Department of Transportation and Public Works (DOTPW) goes up the Harold Whynot Road with their plow trucks and turn. She questions if it would not be more effective to discuss with them to plow the snow on that road.

Mr. Breau said they (DOTPW) do Cook's Lane because it's paved. The Harold Whynot Road is a municipal road. DOTPW would consider doing it; however, it would be on DOTPW's schedule. We plow it more frequently than DOTPW does. He cannot get a commitment from DOTPW to plow Harold Whynot Road when we want them to. Cook's Lane is an exception because they have been doing it for many years.

Mr. Davidson noted that the specifications require plow services to be provided after 3 inches of snow.

Counc. Statton said she knows the DOTPW plow vehicles came as frequently as the contractor. Mr. Martell (of DOTPW) indicated that they would seriously consider doing it for that road, simply because they go up there to turn their plow trucks. She thinks we should get something from DOTPW in

writing.

Ms. Wilson asked Counc. Statton if she is recommending that the Municipality pay the cost per kilometre to DOTPW.

Counc. Statton said she is asking that we obtain in writing from DOTPW if they would do it, and if so, what would the cost be.

**Moved by Counc. Nauss, seconded by Counc. Statton that we approve the specifications for Tender No. 2007-01-006 and go to tender for Snow Plowing and Sanding Service for Municipal Public Highways for the period 2007 - 2010. Carried.**

Deputy Warden Garber indicated to Council that it is understood that the Department of Transportation will be approached in relation to them plowing the municipal portion of the Harold Whynot Road and attempt to get an answer back before this tender is awarded.

MINUTES

Approval of the Minutes of the September 11, 2007 meeting was deferred until the next meeting.

CODE OF

At the September 11, 2007 meeting, Council accepted the recommendation of the Committee of the Whole and gave notice of Council's intention to consider the proposed Code of Conduct Policy (MDL-37) at today's meeting.

CONDUCT POLICY

**Moved by Counc. Moore, seconded by Counc. Dempsey that Council approves Policy MDL-37, A Policy Respecting a Code of Conduct.**

MDL-37

Counc. Dempsey noted that in terms of reporting breaches of conduct recourse is to the Head of Council. She asked what happens if the breach is with the Head of Council.

Ms. Wilson said there is nothing in the Policy to cover that. She feels the recourse would be to Council itself.

Counc. Statton asked, instead of assuming that is what will happen, can we put that in the Policy?

**Moved by Counc. Statton, seconded by Counc. Dempsey that we amend the motion by adding the wording "with an addition to section 7 of the Policy - 'Reporting Breaches of this Code' under the heading 'Municipal Council Members/Citizen Appointees', and that the added subsection state 'A Municipal Councillor who wishes to report a breach of this Code of Conduct by the Head of Council shall do so by bringing the matter to Council. The Head of Council shall grant the request to place the item on the Agenda. Council members shall discuss the concern with the Head of Council.'"**

Counc. Bell said, if at some future time there is a personal clash between a Councillor and a Mayor, he doesn't think that in itself should start a procedure. He would say, more so, if collectively there would seem to be a problem, then several Councillors would be able to bring the matter before Council.

Counc. Dempsey said she would not support something that there has to be a different standard for the Head of Council.

Deputy Warden Garber said the consequences are that you will be reminded of the breach. He thinks that could be accomplished by one Councillor bringing it forward and the Warden or Mayor would have to act

accordingly.

Question was called and **the Amendment to the motion was Carried Unanimously by all those present.**

**MOTION AS AMENDED - that Council approves Policy MDL-37, A Policy Respecting a Code of Conduct, with an addition to section 7 of the Policy - "Reporting Breaches of this Code" under the heading "Municipal Council Members/Citizen Appointees", and that the added subsection state "A Municipal Councillor who wishes to report a breach of this Code of Conduct by the Head of Council shall do so by bringing the matter to Council. The Head of Council shall grant the request to place the item on the Agenda. Council members shall discuss the concern with the Head of Council." Carried Unanimously by all those present.** (Copy of Policy MDL-37 attached to original Minutes)

PUBLIC  
PRESENTATIONS  
TO COUNCIL/  
COMMITTEE OF  
THE WHOLE  
POLICY MDL-38

Also at the September 11, 2007 meeting Council accepted the recommendation of the Committee of the Whole and gave notice of its intention to consider the proposed Policy MDL-38 dealing with Public Presentations to Council and the Committee of the Whole.

**Moved by Counc. Dempsey, seconded by Counc. Bell that Council approves Policy MDL-38 - Public Presentations to Council/Committee of the Whole.**

Counc. Zwicker said he is opposed to section 8 of the proposed Policy applying to a Council meeting. He feels the proper place for a 15 minute comment period is at the Committee of the Whole meetings and not Council.

Several Councillors expressed their opinion on the matter of allowing time at Council and Committee of the Whole meetings for members of the public to express their opinions.

Mr. Reddy suggested that the concern could be alleviated by stating that Council, depending upon the nature of the issue, would have the right to say if the issue should be presented at a Council or Committee of the Whole meeting.

Deputy Warden Garber pointed out that we don't know what their issue is until they are actually sitting here at a meeting. He pointed out that the 15 minute comment period is just for listening, not answering.

Counc. Zwicker said he's not opposed to 20 people speaking at a Committee of the Whole meeting, but he is opposed to presentations at Council. If there is a public gallery having input, then he thinks it should be at Committee of the Whole meetings.

Counc. Dempsey commented that this is a change. Part of the reason for the change is to get away from the practice that a motion is needed in order for a member of the public to address Council. She feels Councillors are here as public servants and an opportunity should be provided for the public to address Council if they wish.

Question was called and **the motion to approve Policy MDL-38 was carried.** (Copy of Policy MDL-38 attached to original Minutes)

At 11:30 a.m. Counc. Bell left the meeting and returned at 11:48 a.m.

POLICY MDL-04

At the September 11, 2007 meeting, Council accepted the recommenda-

(REPLACED) tion of the Committee of the Whole and gave notice of its intention to consider  
 NON COUNCIL Policy MDL-04 - Non Council Appointments and Honourariums at today's  
 APPOINTMENTS & meeting. If approved, the original Policy MDL-04, which was approved April 1,  
 HONOURARIUMS 1999, would be repealed and replaced with the new one.

**Moved by Council. Moore, seconded by Council. Nauss that Council approves Policy MDL-04 - Non Council Appointments and Honourariums as presented.**

After some comments about the honourariums for bi-monthly and quarterly meetings, **the motion was carried.** (Copy of Policy MDL-04 attached to original Minutes)

**SECOND READING -** Before Council at this time for Second Reading was A By-law Amending  
**AMENDMENTS -** the Street Improvement By-law.

**STREET** **Moved by Council. Zwicker, seconded by Council. Nauss that we defer**  
**IMPROVEMENT BY-** **Second Reading of the Amendments to the Street Improvement By-law until**  
**LAW** **Warden Wentzell and Council. Veinot return to the meeting.**

Council. Nauss questioned if we're going to defer other items because Council members are not here.

Council. Zwicker pointed out that this is an issue that we've dealt with on a number of occasions. He thinks we should have full input as much as possible.

After some further comments, the **motion was defeated.**

Ms. Wilson reported that at the September 11, 2007 meeting Council conducted First Reading of A By-law Amending the Street Improvement By-law. A notice was published in the local papers informing the public that Second Reading would be considered today. The amendments define who is eligible to sign a petition of street improvements (public streets); establishes the process for the initiation of a petition and signing of the petition; exempts the Municipality from signing a petition initiated under this By-law; and clarifies that the Municipality is not obligated to pay a special tax levied for street improvements (public streets).

Council. Zwicker feels it's redundant to say "each individual property".

Ms. Wilson said it's just to clarify that it's one vote for an individual property. A person may own more than one lot.

Council. Tanner asked, if she has lots but no residences on them, can she vote?

Ms. Wilson said a person gets to vote as an owner but the petition will not be considered unless two-thirds of the subdivision is developed.

Council. Tanner asked what happens if it's not a subdivision.

Ms. Wilson said the area would have to be defined in the petition and Council would look at how much of that area is developed.

Council. Nauss said he thinks what Council. Tanner is asking is what if it's a provincial road.

Ms. Wilson said clause (d) would have to be clarified if Council wants it to be only municipal roads. She said she recalls a petition where residents on a provincial road came in and the Municipality felt it was not developed enough and the Department of Transportation also felt it was not developed enough.

Mr. Reddy commented that, regarding provincial roads, they would have the option to choose which scenario would be more beneficial to them.

At 11:48 a.m. Council. Bell returned to the meeting.

Ms. Wilson said the By-law applies to any public road. It allows the Municipality to create a rate to collect the residents' 50% of the cost of the improvement.

Council. Tanner said the road she's referring to is Silver Point Road and it's a J-Class road.

Council. Dempsey feels the policy is as generic as it can be to include all possible scenarios.

Council. Nauss said he's okay with it as long as we don't lead people to believe when they sign a petition that there's cost sharing available through the Municipality. For a provincial road, the residents have to understand that they have to pay 50% and the Department of Transportation has to pay 50%.

Ms. Wilson explained how the policy is written so that a developer who owns 75% of the lots on a road cannot vote and have an effect on the other 25% who own lots on the road.

At 12:00 noon Council recessed for lunch.

At 1:10 p.m. the meeting resumed. Warden Wentzell was in the chair.

Council. Zwicker asked if there is some potential for skirting around section 2 (1) (d) which states "The Municipality will not accept a petition for street improvements unless two thirds (66 2/3%) of the parcels contained in the petition area possess a valid building permit issued by the Municipality."

Ms. Wilson explained the permits required to meet the criteria. She agreed there could be potential for skirting around that section.

**Moved by Council. Nauss, seconded by Council. Statton that Council approves Second Reading of A By-law Amending the Street Improvement By-law as presented. Carried.** (Copy attached to original Minutes)

**SECOND READING  
AMENDMENTS TO  
BY-LAW re  
MAINTENANCE  
AND  
IMPROVEMENT OF  
PRIVATE STREETS**

Before Council for Second Reading was A By-law Amending the By-law Respecting Maintenance and Improvement of Private Streets.

Ms. Wilson reported that at the September 11, 2007 meeting Council conducted First Reading of A By-law Amending the By-law Respecting Maintenance and Improvement of Private Streets. A notice was published in the local papers informing the public that Second Reading would be considered today. The amendments exempt the Municipality from the requirements of signing a petition for private road maintenance and improvement charges, and from paying the private road maintenance and improvement charges provided for in this By-law.

Council. Dempsey said, as she has stated before, she feels if the Municipality has public land on a private road then the Municipality should be paying its share.

**Moved by Council. Moore, seconded by Council. Zwicker that Council approves Second Reading of a By-law Amending the By-law Respecting Maintenance and Improvement of Private Streets as presented. Carried.** (Copy attached to original Minutes)

CONSULTATION  
SESSIONS -  
PROPOSED  
STRATEGY &  
ECON. PLAN re  
MANAGEMENT OF  
MWWE (MUN.  
WASTEWATER  
EFFLUENT)

Circulated with the agenda was a letter from the Department of Environment and Labour (copy attached to original Minutes). Ms. Wilson reviewed the information in the letter which invites municipal representatives to attend the final round of stakeholder consultation sessions on the proposed Strategy and Economic Plan as it relates to a Canada-wide strategy for the management of municipal wastewater effluent (MWWE). The Strategy is expected to be finalized in the spring of 2008, with implementation to begin soon after.

Ms. Wilson reported that she will be asking our Engineer to attend on behalf of the Municipality.

Counc. Dempsey suggested that either the Chair of the Infrastructure Focus Group or Wastewater Management Committee should be asked to go.

CHILD FIND NOVA  
SCOTIA re AD

Circulated with the agenda was a letter from Child Find Nova Scotia asking the Municipality to sponsor an advertisement in the Children's Safety Awareness Booklet.

**Moved by Counc. Nauss, seconded by Counc. Tanner that the Municipality sponsor a 1/4 page advertisement in the Children's Safety Awareness Booklet at the cost of \$275.00. Carried.**

COMMITTEE OF THE WHOLE - RECOMMENDATIONS

POLICY MDL-39  
ESTABLISHING  
PROCEDURES re  
IMPROVEMENTS  
TO MUN. PUBLIC  
ROADS & STREETS

Before Council for consideration were new Policies MDL-39 and MDL-40. Ms. Wilson reported that if Council wishes they can approve these new Policies today as 7 days' notice has been given.

**Moved by Counc. Nauss, seconded by Counc. Statton that we accept the recommendation of the Committee of the Whole and approve Policy MDL-39 - A Policy Establishing Procedures for Accepting Petitions for Cost-shared Funding for Improvements to Municipal Public Roads and Streets.** (Copy of Policy MDL-39 attached to original Minutes)

Counc. Veinot said he will not be supporting the motion. It's a great concept but he doesn't agree with taking general tax funds to improve a road or street. He pointed out that there are many people living on gravel roads. He personally feels that until the Province sees fit to look after all the roads that are in our Municipality, then he can't support this. Until then, he doesn't think it's in our best interest to put our money towards it.

Counc. Statton said the condition of the roads where bushes don't get cut is the Province's responsibility. We can't say we're not going to do this because of that. We get gas tax money. The reason is to improve roads. We are obligated to use funds to improve roads.

Counc. Nauss feels we owe it to the residents who move on subdivision streets. They build large homes and we take their tax money. If we don't want to do anything to assist them, we will start losing revenue because people are not going to want to go there. If we want to grow in the Municipality, we have to put some things in there for those people. There are probably six Councillors that have municipal roads in their Districts. We pay for health care. We pay for education. Many people never had a child go to school but we take their tax dollars for it.

Counc. Dempsey feels this in a opportunity for hard-surfacing on some of



those municipal roads. The public is going to put in 60% and we only have to put in 40%. She sees this as a reasonable approach to assist residents.

Deputy Warden Garber said he also thinks it's an opportunity to get hard-surface roads which are cheaper to maintain.

**The motion approving Policy MDL-39 was carried.**

POLICY MDL-40  
ESTABLISHING A  
STREET  
IMPROVEMENTS  
RESERVE FUND

**Moved by Counc. Statton, seconded by Counc. Dempsey that we accept the recommendation of the Committee of the Whole and approve Policy MDL-40 - A Policy Establishing a Street Improvements Reserve Fund.**

Counc. Countway said he's not in favour of taking tax payers' money to fix up roads. He would like to see it come out of the gas tax funds.

Ms. Wilson commented that capital projects always exceed the amount the Municipality gets from the gas tax. There are lots of places for the money to go, such as sewer, water, waste collection. Next year the extension of the water line and landfill closure would be eligible projects for use of the gas tax funds. We have not been able to get in writing that hard surfacing roads would not be eligible. However, if you use gas tax funds for that, you would just have to take funds from somewhere else for other capital projects.

Deputy Warden Garber thinks we should have some flexibility. This policy allows annual allocations of \$100,000 until the Fund equals a value of \$1,000,000. He would like to be able to say \$75,000 a year, depending on what else is going on. This paragraph is inflexible. He suggested that instead of saying "minimum" it should say "up to".

Counc. Statton said, with regard to Counc. Countway's comments, when you buy gas the intent of that money is that it goes in the roads. That's the point she was trying to make. She realizes there are restrictions on it.

Counc. Nauss said maybe the \$100,000 a year to reach \$1,000,000 is a pipe dream, but it's no good to have a policy on the books with no money to fund it.

Counc. Statton suggested that we put money in the fund until the fund equals a value of \$500,000 rather than \$1,000,000.

**Moved by Deputy Warden Garber, seconded by Counc. Dempsey that the motion be amended by adding the wording "with the following changes in section 2 of the Policy - Delete the word 'minimum'; delete the wording 'in the amount of' and replace it with 'up to'; and change '\$1,000,000' to '\$500,000'."**

Counc. Tanner commented that she doesn't see much difference. When money is taken from the fund we will be putting more back in to bring it back up to \$500,000, so we will always be putting money in it.

Counc. Dempsey said the amendment gives flexibility to the amount we put in each year.

**The amendment to the motion was carried.**

**MOTION AS AMENDED - that we accept the recommendation of the Committee of the Whole and approve Policy MDL-40 - A Policy Establishing a Street Improvements Reserve Fund, with the following changes in section 2 of the Policy - Delete the word "minimum"; delete the wording "in the amount of" and replace it with "up to"; and change "\$1,000,000" to "\$500,000". Carried.**

(Copy of amended Policy MDL-40 attached to original Minutes)

PUBLIC TRANSIT SERVICE - EXPLORE WITH OTHER UNITS **Moved by Deputy Warden Garber, seconded by Council. Dempsey that we accept the recommendation of the Committee of the Whole that Council explore in principle a public transit service by meeting with other Municipal Units to discuss the matter. Carried.**

VIOLATION OF DIST. 3 SPS/LUB GIBSON - FURTHER 30 DAYS **Moved by Council. Bell, seconded by Council. Zwicker that we accept the recommendation of the Committee of the Whole that a further thirty (30) days be provided to William and Margaret Gibson to have the violation of the District 3 Secondary Planning Strategy and Land Use By-law addressed, and that if at the end of the thirty (30) days, property migration has not been completed then action be sought under Section 505 of the *Municipal Government Act*. Carried.**

VIOLATION OF H'VILLE SPS/LUB - VIOLATION RECTIFIED **Moved by Council. Dempsey, seconded by Council. Nauss that we accept the recommendation of the Committee of the Whole that there be no further action taken against Bren VanderZwaag with regard to the violation against the Hebbville Village Secondary Planning Strategy and Land Use By-law as the violation has been rectified. Carried.**

TERM POSITION CIVIC ADDRESS MATTERS **Moved by Council. Nauss, seconded by Council. Moore that we accept the recommendation of the Committee of the Whole and approve the establishment of a term position for an 8 month period and the expenditure of an estimated budget of \$13,000.00 for this position to address the backlog of outstanding civic addressing matters. Carried.**

PAYMENT - ACT re PROTECTION OF SHEEP - K. DAUPHINEE **Moved by Council. Veinot, seconded by Council. Nauss that we accept the recommendation of the Committee of the Whole and authorize the payment of \$1,155.00 to Mr. Kenneth Dauphinee as required by Section 8(1) of the *Act to Amend and Consolidate the law Relating to the Protection of Sheep*.**

Councillors questioned if the value used to determine the value of the sheep was for live weight or dressed weight.

Ms. Wilson said the Sheep Valuer is required to tell the Municipality what the value of the sheep is.

After discussion, it was **moved by Council. Bell, seconded by Council. Palmer that we defer a decision on this motion until it is checked as to how the value of the sheep was determined. Carried.**

PROGRAM re MUN. PHYSICAL ACTIVITY LEAD. PROGRAM **Moved by Council. Moore, seconded by Council. Zwicker that we accept the recommendation of the Committee of the Whole and send a Letter of Intent to Health Promotion and Protection expressing the Municipality's interest in pursuing a partnership for the Municipal Physical Activity Leadership Program. Carried.**

TEAR DOWN BAIT SHED - VOGLER'S COVE **Moved by Council. Statton, seconded by Council. Dempsey that we accept the recommendation of the Committee of the Whole and approve the hiring of a contractor to tear down the existing bait shed on the Vogler's Cove property once the property is divested from the Department of Fisheries and Oceans to the Municipality of the District of Lunenburg.**

Council. Moore asked if a call for tenders will be done for a contractor.

Ms. Wilson said, given the value, we will get three quotes and go with the

lowest compliant quote.

Counc. Countway thought when this was discussed there was a dollar value put on it.

Ms. Wilson said it was a range of \$2,000 to \$3,000.

Counc. Countway said he would like to see that in the motion.

**Moved by Counc. Countway, seconded by Counc. Zwicker that the motion be amended by adding the wording “at a cost up to \$3,000” after the word “property”. Amendment Carried.**

MOTION AS AMENDED - that we accept the recommendation of the Committee of the Whole and approve the hiring of a contractor to tear down the existing bait shed on the Vogler’s Cove property at a cost up to \$3,000 once the property is divested from the Department of Fisheries and Oceans to the Municipality of the District of Lunenburg. Carried.

ASK PROVINCE  
TO PURCHASE  
LOCAL FOREST  
PRODUCTS

**Moved by Counc. Countway, seconded by Counc. Moore that we accept the recommendation of the Committee of the Whole and write a letter to the Province asking them to consider broadening their purchasing policy to incorporate the purchasing of local forest products when carrying out their projects. Carried.**

WASTEWATER MANAGEMENT COMMITTEE - RECOMMENDATION

AD re MEMBER  
AT LARGE

**Moved by Counc. Bell, seconded by Counc. Dempsey that we accept the recommendation of the Wastewater Management Committee and place an advertisement in the local paper for an Expression of Interest to Serve as a Member at Large on the Municipality’s Wastewater Management Committee to fill the vacant position. Carried.**

PLANNING ADVISORY COMMITTEE - RECOMMENDATIONS

APPOINTMENTS  
DIST. 3 AREA  
ADV. COMM.

**Moved by Counc. Zwicker, seconded by Counc. Veinot that we accept the recommendation of the Planning Advisory Committee and approve the reappointments of George Walker, Kent Robinson and Allison Zinck, each for a three-year term to the District Three Area Advisory Committee. Carried.**

**Moved by Counc. Palmer, seconded by Counc. Tanner that we accept the recommendation of the Planning Advisory Committee and approve the reappointment of Matt Durnford for a two-year term to the District Three Area Advisory Committee. Carried.**

AUDIT COMMITTEE - RECOMMENDATION

POLICY MDL-02  
AMENDMENT re  
AUDIT COMM.  
TERMS OF REF.

Circulated with the agenda was a recommendation from the Audit Committee proposing amendments to Policy MDL-02 - Committees. The recommendation is to include the Audit Committee Terms of Reference.

Deputy Warden Garber gave notice that Council will consider the proposed amendments at a future Council meeting.

THREE-YEAR  
CAPITAL PLAN  
FOR USE OF  
GAS TAX

In attendance at this time was Gordon Pettipas, Director of Financial Services and Municipal Treasurer, to present to Council the proposed Three-Year Capital Plan for use of Gas Tax Funding. Councillors were provided with a copy of the proposed plan and Mr. Pettipas reviewed the information (copy attached to original Minutes).

Mr. Pettipas answered Councillors’ questions regarding the proposed

plan.

**Moved by Council. Nauss, seconded by Council. Zwicker that Council approves the Three-Year Capital Plan (2007 - 2010) and Gas Tax Funding Project Summary as presented and amended, the amendment being on the first page, in Year 1, to change the wording "EHS - Tipping Floor Building Expansion" to "EHS - Recycling Capacity Expansion". Carried.**

Mr. Pettipas was thanked and he left the meeting.

WASTE MANAGEMENT COMMITTEE - RECOMMENDATION

WASTE  
DISPOSAL  
AGREEMENT  
(INTERIM)

Ms. Wilson reviewed the information in the memo from the Waste Management Committee which advised the four member Councils of proposed revisions to the Waste Disposal Agreement which they are requesting the Councils to approve as an Interim Agreement. She reviewed the proposed amendments and noted that all four municipal units need to approve them.

**Moved by Council. Statton, seconded by Council. Nauss that we accept the recommendation of the Waste Management Committee and approve the amended Waste Disposal Agreement as an Interim Agreement as presented. Carried.**

TOURISM FOCUS GROUP - RECOMMENDATION

ATTENDANCE -  
TIANS CONF.

A recommendation was received from the Tourism Focus Group that Mr. Dave Waters, the new Community Economic Development Officer, attend the TIANS Conference to be held November 25 - 27, 2007 to give him a better understanding of the current direction of Tourism in the province. The cost is \$345 if registered by October 31, 2007, plus incidentals.

**Moved by Council. Tanner, seconded by Council. Dempsey that we accept the recommendation of the Tourism Focus Group and approve the attendance of Dave Waters, Community Economic Development Officer, at the 2007 TIANS Conference.**

Council. Tanner reported that she received an e-mail advising her that as the Municipality is a member of Destination South West Nova Scotia, the cost of the Conference would be \$295 if we register before October 22<sup>nd</sup>.

Ms. Wilson reported that there are funds allocated for the Tourism Focus Group that could be used for this purpose.

**The motion was carried.**

**Moved by Council. Dempsey, seconded by Council. Bell that we approve the attendance of Councillor Diane Tanner, Chair of the Tourism Focus Group, to attend the TIANS Conference. Carried.**

LUNCH WITH  
STAFF - DEC.  
COUNCIL MTG.

Council was asked if they wish to have lunch with staff on the day of the December 11, 2007 Council meeting, which has been the practice for several years.

**Moved by Council. Moore, seconded by Council. Tanner that we direct staff to make arrangements for a Council and Staff lunch at the Oakhill Fire Hall on December 11, 2007, and that the menu be at staff's discretion. Carried.**

OATH OF OFFICE  
ACTING  
DEVELOPMENT

In attendance at this time was Ed Curran, Director of Planning and Development Services.

Ms. Wilson informed Council that April Whynot-Lohnes is the

OFFICER Municipality's Development Officer; and typically, the Director of Planning and Development Services is the Acting Development Officer. As the former Director of Planning and Development Services, Ms. Wilson held the position of Acting Development Officer. She is resigning this position and Mr. Curran is coming forward to be sworn in as the new Acting Development Officer.

Mr. Curran then took the Oath of Office as the Municipality's Acting Development Officer.

DIST. 3 AAC re  
ENFORCING  
POLICIES OF  
SPS AND LUB

Circulated with the agenda was a memo from Mr. Curran informing Council of the following motion made at the District 3 Area Advisory Committee meeting held September 12, 2007:

"Moved by Matt Durnford, seconded by Haigh Carthew that the District 3 Area Advisory Committee express its concern to Council that Council is not enforcing the policies contained in the Secondary Planning Strategy and Land Use By-law, with respect to Section 4.3, General Environmental Protection, to the extent that the Municipal Government Act permits."

Counc. Dempsey commented that Council doesn't enforce policies. We enforce regulations. We should explain that to them.

Ms. Wilson said their frustration is that the By-law doesn't do what they want it to do.

Counc. Zwicker reported that he was not at the AAC meeting when this motion was made. He understands the concern is that a person has decided to build a house on what the community feels is a flood plain. There's nothing we can do because there's no request for a building permit. The issue lies with either the Department of Environment or Natural Resources. We can't do anything about it in the Secondary Planning Strategy or Land Use By-law as a sensitive area.

Ms. Wilson said the *Municipal Government Act* doesn't allow us to control the infilling or excavation of land, unless it is in relation to a development.

Counc. Zwicker said there is no restriction placed on that person not to build.

Council received the motion from the District 3 AAC for information.

NOTICE TO  
RESCIND  
MOTION re AAC  
FOR LANDS AT  
EXIT 12

Counc. Statton reported that at the August 8, 2006 Council meeting a motion was passed that states "that Council appoint an Area Advisory Committee to be tasked with drafting a Planning Strategy and Land Use By-law for lands outside the Municipality of the District of Lunenburg's lands at Exit 12 in the study area." She pointed out that this motion was passed without any plebiscite or consultation with the community. She said she objected to the motion then. To her knowledge no action has been taken on that motion yet. She, therefore, gave notice that at the next Council meeting she will make a motion to rescind the August 8, 2006 motion.

Ms. Wilson reported that no action has been taken on the August 8, 2006 motion.

At 3:00 p.m. Counc. Tanner left the meeting.

UNSM  
RESOLUTIONS

Warden Wentzell asked if Councillors had concerns with any of the Resolutions that will be considered at the 2007 UNSM Conference.

Following are the Resolutions that Councillors had comments on:

Resolution 2A - Public Use of the School Bus Transportation System (District of Guysborough) - This UNSM Resolutions Committee recommends this Resolution. The Resolution requests the UNSM to request that the Department of Education conduct an occupancy analysis of all school buses in Nova Scotia to determine the under-utilized capacity, and that the Minister of Education and the Transportation Review Panel assess the viability of permitting access, where feasible, to citizens who wish to avail themselves of the school bus transportation system at an appropriate fare.

Counc. Zwicker said he's not sure he can support this Resolution.

Counc. Statton said she sees school buses in rural areas with very few children on them. She questions why they can't be used by adults.

Ms. Wilson pointed out that to be near children under the control of the Department of Education, you need all kinds of security checks. For adults to use the school buses when children are on them, the School Board would have to look at that very carefully. It is different than public transit.

Counc. Nauss feels if they are even thinking about doing this it better be well researched.

Deputy Warden Garber said he could not support this Resolution.

Resolution 1A - Library Funding (Town of New Glasgow) - Counc. Dempsey hopes that Councillors support this Resolution.

Resolution 4A - Implementation of Compost Quality Standards (District of Lunenburg) - Ms. Wilson reported that at the last Committee of the Whole meeting a fact sheet was requested to support this Resolution. It will be provided before the Conference.

Resolution 6A - Volunteer Fire Departments' First Responders Expenses (District of West Hants) - Counc. Countway commented that the Province saves a lot of money by having these Fire Departments responding to medical calls. There's a lot of cost involved for Fire Departments to do this. He thinks it would be good if the Province provided some funds towards the cost that Fire Departments have that provide this service. Discussion followed regarding First Responders' service in rural areas.

Resolution 11A - Request to Carry Out a Review of Policing Contracts with the RCMP (Town of Antigonish) - Warden Wentzell feels we have a good police system but there is always room for improvement. He feels this Resolution might be helpful.

Counc. Zwicker noted that the RCMP is begging for new recruits. They borrow services from other detachments when necessary.

Counc. Nauss feels if we had the money to put two more Officers in Cookville it would probably still take 18 months to get them because they just don't have the recruits.

Resolution 20A - Provincial Funding Program for Fire Department Buildings & Capital Equipment (County of Annapolis) - This Resolution is asking the UNSM to request the Government of Nova Scotia to consider, as a priority, the establishment of a provincial capital funding program specifically for structures and capital equipment required by registered fire departments.

Counc. Zwicker said, even though the UNSM Resolutions Committee is

not recommending this Resolution, he thinks it's a good Resolution.

There was no further discussion regarding the Resolutions.

TREE CUTTING -  
HAROLD  
WHYNOT ROAD

Ms. Wilson informed Council that the Municipality has been asked to write a letter to the Department of Transportation and Public Works asking them to consider thinning out the trees between the Harold Whynot Road and Highway 103 to give better visibility.

Counc. Statton reported that some people feel that it makes a good noise barrier to have those trees there.

**Moved by Counc. Statton, seconded by Counc. Zwicker that Municipal Council not provide a letter of support for the cutting of trees between Harold Whynot Road and Highway 103.**

**Moved by Counc. Moore, seconded by Counc. Dempsey that we table the motion so that the matter can be discussed *In Camera*. Carried.**

UNSM CONF. -  
REGISTRATIONS

Staff reviewed the list of Councillors who had indicated that they wish to be registered for the UNSM Conference. Other Councillors were asked to let staff know before the deadline date if they plan to attend.

WARDEN'S  
UPDATE

Warden Wentzell provided an update of his Warden's activities since the last meeting. He was invited and attended a meeting of the Bridgewater and Area Chamber of Commerce. MP Gerald Keddy was the guest speaker and he spoke on the Atlantic Accord.

Deputy Warden Garber reported that he attended the official opening of a field at Park View Education Centre which is not just for school use but the community as well. He and some other Councillors, as well as several hundred people, attended the official announcement of the construction of the Bluenose IV at Snyder's Shipyard. Deputy Warden Garber reported on some of the activities at this event, which included the launch of a song by Terry Kelly. Snyder's Shipyard will be building a Bluenose sloop for which they will be the world-wide distributor. To help preserve the heritage boat building skills, Snyder's is also undertaking an apprentice program which he explained.

VOGLER'S COVE  
COMMUNITY  
PLAYGROUND

Counc. Dempsey reported that the Vogler's Cove Community Hall Society would like a letter of support for their application for provincial funding to do hall improvements and to establish a community playground. The Municipality contributed a Community Capital Grant of \$1,000 towards the project. They require \$65,000 for their project and are seeking a grant of \$45,000 .

**Moved by Counc. Dempsey, seconded by Counc. Statton that we provide a letter of support to the Vogler's Cove Community Hall Society to accompany their application for provincial funding. Carried.**

SIDEWALK  
BETWEEN NEW  
GERMANY HIGH  
AND NEW  
GERMANY ELEM  
SCHOOLS

Counc. Moore presented to Council a safety concern that they have in New Germany with students walking on the roadside between the New Germany High School and New Germany Elementary School. What is being requested is the installation of a sidewalk. She had brought this matter to Council a few years ago, at which time she was told to take the concern to the School Board which she did. From there it went to the Department of Transportation and Public Works (DOTPW). However, nothing has been done and she's now bringing it back to the Municipality. She reported on a recent

incident that occurred on the road in question which makes it a safety concern for the children that walk on that road.

**Moved by Council. Moore, seconded by Council. Statton that we request a meeting with MLA Michael Baker and representatives of the Department of Transportation and Public Works, the School Board and the Municipality to sit down and discuss the safety issue and possible cost-sharing of installing a sidewalk between the High and Elementary Schools in New Germany.**

Council. Bell asked if the motion is proposing that the Municipality share in the cost and, if so, that we recover the cost through an area rate.

Ms. Wilson said her understanding from DOTPW is that sidewalks are a municipal responsibility. Under the MGA we have the ability to recover those types of costs.

**The motion was carried.**

LIKE-SOUNDING  
STREET NAMES

Council. Bell reported that he has expressed concern about similar or like-sounding street names in a community and the possibility of Emergency Services misunderstanding addresses.

**Moved by Council. Bell, seconded by Council. Veinot that the Municipality send a letter to the Emergency Services Director, Mike Myette, and to Kent Speiran, Manager, Asset Management for the Department of Transportation and Public Works, asking if there have been any problems relating to road names in the Municipality of the District of Lunenburg and if so, if they could identify them to the Municipality's Planning Department.**

Council. Veinot said he has a few road names in his area that cause confusion.

Ms. Wilson pointed out that knowing puts us in a different category. If they are DOTPW road names, they could handle them; but if they are not, then it might be putting more responsibility on the Municipality than we can handle.

**The motion was carried.**

At 4:15 p.m. Warden Wentzell left the meeting.

Deputy Warden Garber was in the chair.

IN CAMERA

**Moved by Council. Nauss, seconded by Council. Zwicker that Council go *In Camera In Committee*. Carried.**

Council *In Camera In Committee*.

The purpose of the *In Camera* meeting was to discuss the following:

1) Contract Negotiations - Real Estate Broker, in accordance with section 22 (2) (e) of the *Municipal Government Act*;

2) Land Negotiations, in accordance with section 22 (2) (a) of the *Municipal Government Act*;

3) Tree Cutting - Harold Whynot Road, in accordance with section 22 (2) (e) of the *Municipal Government Act*; and

4) Foreclosure Sale, in accordance with section 22 (2) (a) of the *Municipal Government Act*.

**Moved by Council. Dempsey, seconded by Council. Zwicker that Council resume. Carried.**

Council in session.



**LISTING AGREEMENT WITH COLLIERS** Moved by Counc. Bell, seconded by Counc. Zwicker that Municipal Council authorizes the Warden and CAO to execute the Listing Agreement with Colliers International (Atlantic) Inc. as discussed *In Camera*, with the understanding that the Municipality will reserve land for municipal purposes. Carried.

**STEWARDSHIP AGREEMENT** Moved by Counc. Zwicker, seconded by Counc. Dempsey that Municipal Council approves the Stewardship Agreement as discussed *In Camera* and authorizes the Warden and CAO to sign the Stewardship Agreement on behalf of the Municipality of the District of Lunenburg. Carried.

**AGREEMENT OF PURCHASE AND SALE** Moved by Counc. Zwicker, seconded by Counc. Countway that Municipal Council authorizes the Warden and CAO to execute the Agreement of Purchase and Sale with an offer price and deposit as discussed *In Camera*. Carried.

**TREE CUTTING HAROLD WHYNOT ROAD** Moved by Counc. Dempsey, seconded by Counc. Zwicker that we remove from the table the motion made earlier in today’s meeting regarding tree cutting on Harold Whynot Road. Carried.

MOTION ON THE FLOOR (from Page 15 of these Minutes) - Moved by Counc. Statton, seconded by Counc. Zwicker that Municipal Council not provide a letter of support for the cutting of trees between Harold Whynot Road and Highway 103.

Counc. Statton reported that she has had several conversations with a resident in that area who feels the trees shouldn’t be cut because they provide a noise barrier from the traffic on Highway 103.

The motion was carried.

**FORECLOSURE SALE** Moved by Counc. Statton, seconded by Counc. Dempsey that Municipal Council authorizes the Municipal Solicitor to attend the Foreclosure Sale on November 1, 2007 to either bid to the Municipality’s maximum interest in the property (\$611.63) or simply attend to see if there is a surplus and report back to the Municipality to see if there is interest in going after the surplus. Carried.

There being no further business, at 5:00 p.m. it was moved by Counc. Nauss, seconded by Counc. Dempsey that the meeting adjourn.