

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Meeting of
MUNICIPAL COUNCIL
Held in the Council Chamber, 210 Aberdeen Road, Bridgewater, N. S.
Tuesday, January 13, 2009 - 9:30 a.m.

ATTENDANCE

Deputy Mayor Donald Zwicker - District 2
Councillor Basil Oickle - District 1
Councillor Frank Fawson - District 3
Councillor Milton Countway - District 4
Councillor Sandra Statton - District 5
Councillor Wade Carver - District 6
Councillor Cathy Moore - District 7
Councillor John Veinot - District 8
Councillor Arthur Young - District 9
Councillor Lee Nauss - District 10
Councillor Martin Bell - District 11
Councillor Eric Hustvedt - District 12

Absent: Mayor Don Downe

Staff: Tammy S. Wilson, Chief Administrative Officer
April Whynot-Lohnes, Municipal Clerk
Heather Whynott, Administrative Assistant

1. CALL TO ORDER

Deputy Mayor Zwicker called the meeting to order at 9:30 a.m.

2. PUBLIC INPUT - There were no members of the public in attendance.

DEMOCRACY 250 AWARDS

Deputy Mayor Zwicker reported on the Democracy 250 event held January 12th in the Newcombville Fire Hall. He congratulated Mayor Downe and Councillor Young who were both awarded medals at that event.

3. AGENDA

Deputy Mayor Zwicker asked if there were any requests for additions to the Agenda.

Councillor Statton requested an update on the procedure that Councillors are to follow when there are power outages, particularly as it relates to comfort stations.

Ms. Wilson reported that there is a comfort station protocol being developed. Our REMO Coordinator will be presenting it to the REMO Advisory Committee and then it will come forward to the Councils for approval.

Moved by Councillor Young, seconded by Councillor Moore that the Agenda be approved as circulated. Carried.

4. MINUTES

Moved by Councillor Moore, seconded by Councillor Carver that we approve the Minutes as circulated for the Council Meeting of November 12, 2008 and Special Council Meetings of May 28, 2008, October 16, 2008, November 6, 2008, and November 20, 2008. Carried.

5. BUSINESS ARISING

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

5.1 Amendment to Subdivision By-law to charge Application Fee for Final Plan Approval

As requested by Council at their October 9, 2008 meeting, the Planning staff investigated a subdivision fee structure to be set at no fee for up to 2 lots if done in any given year, 3 - 5 lots for \$100, and thereafter \$25.00 for each additional lot. In a memo from Ed Curran dated December 3, 2008, he explained staff' s review of this matter.

Mr. Curran reviewed the content of his December 3rd memo, which concluded by stating that staff are still of the opinion that the original staff recommendation " to effect Council' s decision to charge an application/processing fee for subdivision final approval, attached as Schedule ' A' " is still valid. The other option that Council suggested was a sliding fee structure.

Discussion followed and Councillors' questions for clarification were answered regarding the differences between the two options. Comments were also made in opposition to charging any fee.

Moved by Councillor Statton, seconded by Councillor Moore that Council not implement a subdivision application fee. Carried.

10.1 COMMITTEE OF THE WHOLE - RECOMMENDATION

10.1.6 - Funding re Public Transit Feasibility Study

Moved by Councillor Oickle, seconded by Councillor Hustvedt that Council accepts the recommendation of the Committee of the Whole that the Municipality of the District of Lunenburg go forward with our contribution of funding towards the project with Conserve Nova Scotia for a Public Transit Feasibility Study in an amount to be negotiated fairly amongst the other partners that will be benefiting from the Study. Carried.

5.2 Public Transit Feasibility Study - Conserve Nova Scotia Application

Ms. Wilson reported that, in light of the recommendation from the Committee of the Whole regarding the Public Transit Feasibility Study, and considering the time line, letters were written to the Towns of Bridgewater, Lunenburg and Mahone Bay suggesting amounts for their share of the total \$5,000 commitment towards the Study. The Town of Lunenburg has indicated their support. The Towns of Bridgewater and Mahone Bay will be considering their funding allotment,

Mr. Curran reported that an application was submitted on behalf of the Municipality. It has gone through the first tier of approval and has been approved. To complete the application, we have to get a commitment from the municipal units as to what their financial commitment will be. He believes the total project cost is \$40,000.

Moved by Councillor Bell, seconded by Councillor Young that Council approves our Municipality' s commitment of \$2,000.00 towards the Public Transit Feasibility Study. Carried.

Mr. Curran left the meeting.

6. AWARDING OF TENDERS/RFPs

6.1 Tender 2008-05-014 - Supply/Delivery/Installation of Horizontal Baler Equipment

In attendance were Pierre Breau, Director of Engineering and Public Works, and Mike Fox, Assistant Operations Manager - Technical, LRCRC.

Circulated with the agenda was analysis information for Tender 2009-05-014 for the Supply, Delivery and Installation of a replacement Horizontal Baler at the LRCRC. Mr. Breau reviewed the tender analysis information. He noted that the old baler will be offered for sale as per our Purchasing Policy.

Councillors' questions were answered by Mr. Breau.

Moved by Councillor Veinot, seconded by Councillor Young that Municipal Council awards Tender 2008-05-014 for the supply, delivery and installation of the Horizontal Baler Equipment to Machinex Recycling Services, Pickering, Ontario, for the price of \$270,135,54, including HST; that a construction contingency of \$10,000 be allowed for the project; and that this be subject to the approval of the Waste Management Committee. Carried.

Mr. Breau and Mr. Fox left the meeting.

5.3 Recognition Dinner - Former Council Members with 15 years' service

Ms. Wilson reviewed the information in her memo that was circulated with the agenda informing Council that, prior to making arrangements for the Recognition Dinner for the outgoing Councillors who have served on Council for 15 years or more, staff requires direction on: 1) Invited Guests; 2) Location; 3) Date; and 4) Gifts to be purchased.

Councillors expressed their opinions regarding the items that staff has requested direction on, in particular, guests to be invited and cost involved.

Moved by Councillor Statton, seconded by Councillor Moore that Council refers to the PR Committee the matter of the Recognition Dinner for outgoing Council members who have served on Council for 15 years or more and requests that the Committee come back to Council with recommendations on the details of the Dinner as requested by staff. Carried.

9. CORRESPONDENCE

9.1 Dept of Transportation and Infrastructure Renewal re Cost Shared Paving 2009-10

Circulated with the agenda was a letter from Stuart Clare, P. Eng., Construction Manager for the Department of Transportation and Infrastructure Renewal - Highway Programs, regarding cost shared paving agreements with municipalities. The letter advises that this year, instead of sending out an agreement for one year, they are asking all municipalities to sign a three year agreement, whether they plan to have roads paved in 2009 or not. For each of the three years covered by the agreement, the Municipality will be asked to submit a prioritized list of roads that they want considered for paving under the 50-50% cost sharing program.

Ms. Wilson reported that she has checked with staff and we don't have any requests for paving this year under this program. It's brought forward in case Council has any.

Councillor Nauss questioned if we would sign the agreement even though we don't have any requests this year. Ms. Wilson said yes.

Moved by Councillor Bell, seconded by Councillor Fawson that Council authorizes staff to enter into the three-year Construction Agreement with the Department of Transportation and Infrastructure Renewal for the paving of subdivision streets. Carried.

10.1 COMMITTEE OF THE WHOLE - RECOMMENDATIONS

10.1.1 - Amendments to Policy MDL - 43 "Community Grants Program"

Moved by Councillor Hustvedt, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves the amendments to Policy MDL-43 "Community Grants Program" as presented. Carried.

10.1.2 - Private Road Maintenance & Improvement Charges - Add to Tax Bill

Moved by Councillor Bell, seconded by Councillor Carver that Council accepts the recommendation of the Committee of the Whole that the private road maintenance and improvement charges collected by the

Municipality of the District of Lunenburg on behalf of a Residents' Association be added to the tax bill as a separate line item. Carried.

10.1.3 - **FIRST READING** - Amendments to By-law re Maintenance and Improvement of Private Streets

Moved by Councillor Nauss, seconded by Councillor Statton that Council accepts the recommendation of the Committee of the Whole and approves the draft amendments to the By-law Respecting "The Maintenance and Improvement of Private Streets" as presented and conducts First Reading of same. Carried.

10.1.4 - Community Capital Grant - Barss Corner Community Hall

Moved by Councillor Young, seconded by Councillor Oickle that Council accepts the recommendation of the Committee of the Whole and awards a Community Capital Grant in the amount of \$1,000.00 to the Barss Corner Community Hall towards their project for an entrance and a new door. Carried.

10.1.5 - PR Committee Report re Community Meetings and Budget

Moved by Councillor Veinot, seconded by Councillor Hustvedt that Council accepts the recommendation of the Committee of the Whole and adopts the PR Committee Report dated December 16, 2008 as the guiding principle and plan for the community meetings and that the budget be established at a total amount of \$5,500.00, being \$3,100.00 from this year's current budget and \$2,400.00 from the 2009/10 Budget. Carried.

10.1.7 - Amendment to Dangerous and Unsightly Property Policy MDL-07

Moved by Councillor Moore, seconded by Councillor Oickle that Council accepts the recommendation of the Committee of the Whole that the Dangerous and Unsightly Property Policy MDL-07 be amended to say that if a written order has been given to an owner for a property for violating the Act and the property is again in violation within the following twelve months, the administrator can immediately issue an order to clean up the property; and further, that Council give notice of its consideration of the same Policy amendments at the February 10, 2009 Council meeting. Carried.

10.1.8 - Prioritization of the Engineering Department Capital Projects

Moved by Councillor Carver, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves the recommended prioritization of the Engineering Department capital projects as follows: 1) Lunenburg Regional Community Recycling Centre

Septage Treatment Lagoon Improvements; 2) Lunenburg Regional Community Recycling Centre Landfill Closure; 3) Lunenburg Regional Community Recycling Centre Composting Facility; 4) New Germany Sewer System Improvements, Phase 2; and 5) Riverside Sewer System Improvements, for funding application purposes; and further, that applications be made to the Build Canada Fund in suit.

Discussion followed regarding these capital projects and the need to do them, particularly the composting facility project and where it will go.

The motion was carried.

10.1.9 - Letter of Intent for a Joint Application to NS Health Promotion and Protection

Moved by Councillor Statton, seconded by Councillor Carver that Council accepts the recommendation of the Committee of the Whole that the Municipality of the District of Lunenburg submit a Letter of Intent for a Joint Application to Nova Scotia Health Promotion and Protection for a three year program for the hiring of a Physical Activity Coordinator to implement a Physical Activity Plan, as proposed by the Nova Scotia Health Promotion and Protection and the Recreation Directors. Carried.

10.2 PLANNING ADVISORY COMMITTEE - RECOMMENDATIONS

10.2.1 - Reappointment of Members to Hebbville Area Advisory Committee

Moved by Councillor Nauss, seconded by Councillor Young that Council accepts the recommendation of the Planning Advisory Committee and approves the reappointment of Carol Hutton and Harold Conrad to the Hebbville Area Advisory Committee, each for a two-year term. Carried.

10.2.2 - Discharge of Development Agreement

Moved by Councillor Countway, seconded by Councillor Statton that Council accepts the recommendation of the Planning Advisory Committee that the Development Agreement between Marilyn L. Kaulback and Jeffrey M. Kaulback and the Municipality of the District of Lunenburg be discharged from PID 60221256. Carried.

7.2 PUBLIC HEARING - Amendments to District 3 Secondary Planning Strategy & LUB

At 11:00 a.m. a Public Hearing was scheduled to deal with amendments to the District 3 Secondary Planning Strategy and Land Use By-law.

In attendance were Ed Curran, Director of Planning and Development Services, and Jeff Merrill, Planner.

Moved by Councillor Young, seconded by Councillor Hustvedt that Council recess to hold a Public Hearing. Carried.

The Public Hearing closed at 11:14 a.m. (separate Minutes were taken for Public Hearing)

Moved by Councillor Moore, seconded by Councillor Oickle that Council reconvene its public meeting. Carried.

7.2.1 - SECOND READING - Amendments to District 3 SPS and LUB

Ms. Wilson informed Council that, now that the Public Hearing has been held, the motion that would be in order, if Council wishes to approve the amendments, is a motion to conduct Second Reading of the amendments.

Moved by Councillor Countway, seconded by Councillor Young that Council conducts Second Reading of the amendments to the District 3 Secondary Planning Strategy and Land Use By-law as presented. The motion was carried after Councillor Fawson's question was answered for clarification regarding the mapping of wetlands.

Ms. Wilson reported that the amendments will now be forwarded to the Minister of Service Nova Scotia and Municipal Relations for review. If there are no comments at the provincial level, an advertisement will be placed in the newspaper and the date of the advertisement is the effective date of the amendments.

Mr. Curran and Mr. Merrill left the meeting.

10.3 ADMINISTRATION FOCUS GROUP - RECOMMENDATIONS

10.3.1 - Committee for Personnel Policy Review

Moved by Councillor Fawson, seconded by Councillor Veinot that Council accepts the recommendation of the Administration Focus Group and appoints a member of the Administration Focus Group, Councillor Moore, to work with the Staff Resource Committee in the review of the Personnel Policy with the MODL's consultant. Carried.

Moved by Councillor Young, seconded by Councillor Moore that Council accepts the recommendation of the Administration Focus Group that the Administration Focus Group be tasked with the review of the draft Personnel Policy once presented by the consultant and any Staff Resource Committee recommendation that may accompany the draft. Carried.

At 11:27 a.m. Councillor Oickle left the meeting.

11. STAFF MATTERS

11.1 CHIEF ADMINISTRATIVE OFFICER'S MATTERS

11.1.1 - Building Report for November '08 - This report was presented for information.

11.1.2 - Recom. re Continued Meetings of Lun. Co. Mayors/Warden/Deputies/CAOs

Ms. Wilson reported that a list had been prepared of ten services that could be shared by municipal units. The list was reviewed at a meeting of Lunenburg County Mayors, Warden, Deputy Mayors/Warden and CAOs. The group feels we should focus on two of the services - procurement and building/fire inspection services. The group is recommending that they continue to meet and discuss shared services.

Moved by Councillor Hustvedt, seconded by Councillor Bell that the Councils of the Towns of Bridgewater, Mahone Bay and Lunenburg and Municipality of the District of Lunenburg and Municipality of the District of Chester endorse and offer their support of the continued meetings of Lunenburg County (Deputy) Mayors, Warden and CAOs to discuss possible inter-municipal cooperative initiatives, and that the initial focus of these meetings will be joint procurement and building/fire inspection opportunities.

It was questioned and discussed if this group is doing what was assigned to the Committee re Shared Services; and if it is, then the Committee re Shared Services should be disbanded.

Moved by Councillor Nauss, seconded by Councillor Statton that we table the motion on the floor until a decision is made respecting whether the Committee re Shared Services needs to continue. Carried.

Moved by Councillor Nauss, seconded by Councillor Statton that we disband the Committee re Shared Services. The motion was carried after comments were heard as to whether or not it may be premature to disband the Committee.

Moved by Councillor Nauss, seconded by Councillor Carver that we remove from the table the motion that the Mayors, Warden, Deputy Mayors/Warden, and CAOs continue to meet to discuss possible inter-municipal cooperative initiatives. Carried.

MOTION ON THE FLOOR

Moved by Councillor Hustvedt, seconded by Councillor Bell that the Councils of the Towns of Bridgewater, Mahone Bay and Lunenburg and Municipality of the District of Lunenburg and Municipality of the District of Chester endorse and offer their support of the continued meetings of Lunenburg County (Deputy) Mayors, Warden and CAOs to discuss possible inter-municipal cooperative initiatives, and that the initial focus of these meetings will be joint procurement and building/fire inspection opportunities. Carried.

11.2 ENGINEER' S MATTERS

11.2.1 - Appoint Councillor to RFP Review Comm. re Eng. Services - Osprey Village and RFP Review Committee re Mun. Administration Building Needs Study

Ms. Wilson informed Council that there are two Requests for Proposals (RFP) that are going to be reviewed. Council representatives are required to be appointed to sit on these Review Committees - one on each Committee.

Moved by Councillor Statton, seconded by Councillor Young that Council appoints Councillor Lee Nauss to the Review Committee for RFP 2008-05-002, Engineering Services for the Design, Contract Administration and Construction Supervision of Osprey Village Centre Road Infrastructure Development Phase 1. Carried.

Moved by Councillor Nauss, seconded by Councillor Moore that Council appoints Councillor Frank Fawson to the Review Committee for RFP 2008-05-003, Municipal Administration Building Needs Study. Carried.

12. MAYOR' S/COUNCILLORS' MATTERS

12.1 Deputy Mayor' s Update

Deputy Mayor Zwicker reported on the following activities and attendance of events:

- The Province' s announcement was made by the Department of Education on the location of the French School and the Municipality likewise has made a Press Release.
- Last Friday Deputy Mayor Zwicker and Tammy Wilson met with a delegation from the RCMP - it was a get-acquainted meeting. There was discussion on the Municipality' s degree of satisfaction with policing services; where the RCMP' s priorities would be; and talked about the Police Advisory Board and moving that forward. Deputy Mayor Zwicker was pleased with the RCMP' s comment about the degree of cooperation in this area and that it' s seen as a model for the province.

Councillor Nauss updated Council on some misinformation that' s going around about the site where the French School is going to be located.

12.2 Report re Preserving Agricultural Lands Conference (A. Young)

For information, circulated with the Agenda was a report from Councillor Young which provided Council with some of the information he gleaned from the *Preserving Agricultural Lands* Conference he attended on November 17, 2008 at the Old Orchard Inn, Greenwich. Councillor Young also gave a verbal report on what farmers and the agricultural industry are facing. He thanked Council for the opportunity to attend the Conference.

Other Councillors also made comments about farming and local food security. It was suggested that perhaps there are ways the Municipality can be involved, and that we wait to see what comes out of the Business and Public Community meetings on this topic. Hopefully some of the issues will be identified.

Councillor Zwicker suggested that Councillors attend the Waste Strategy meeting at the

Days Inn on January 14, 2009 from 1:00 - 4:00 p.m.

Ms. Wilson reported that she has asked that Councillors prepare comments. It will be on the Committee of the Whole Agenda for the Municipality to submit comments as an organization as well. A staff report will accompany the agenda.

RECESS

At 11:58 a.m. Council recessed for lunch.

At 1:10 p.m. the meeting resumed.

14. IN CAMERA IN COMMITTEE

Moved by Councillor Moore, seconded by Councillor Carver that Council go *In Camera In Committee*. Carried.

The purpose of the *In Camera* meeting was to discuss the matter " Litigation - Oakland" , in accordance with section 22 (2) (f) of the *Municipal Government Act*.

Moved by Councillor Young, seconded by Councillor Fawson that Council resume its public meeting. Carried.

14.1 - Litigation - Oakland

Moved by Councillor Hustvedt, seconded by Councillor Young that Council confirms the direction given *In Camera* to the Municipal Solicitor regarding the matter " Litigation - Oakland". Carried.

There was a brief discussion regarding the Fieldhouse and the positive comments that are coming from parents about the facility. It was noted that the Official Opening of the Fieldhouse is scheduled for January 18, 2009.

ADJOURNMENT

At 2:10 p.m. it was **moved by Councillor Bell, seconded by Councillor Moore that the meeting adjourn.**