

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, February 10, 2009 - 9:30 a.m.

ATTENDANCE

Mayor Don Downe
Deputy Mayor Donald Zwicker - District 2 (present in afternoon)
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

Staff: Tammy S. Wilson, Chief Administrative Officer
April Whynot-Lohnes, Municipal Clerk
J. C. Reddy, Municipal Solicitor
Heather Whycott, Administrative Assistant

1. CALL TO ORDER

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

2. PUBLIC INPUT

Mayor Downe spoke to the audience, indicating that he is aware that a lot of people are here because of the amendments to the Oakland planning document. He told them that Council is not in a position to accept submissions or comments on the amendments. The time to receive submissions or comments was prior to or at the Public Hearing. He then asked if this was anyone in the audience who wished to address Council or any matters except the Oakland amendments.

Ms. Margaret Wentzell, a citizen of Oakland, addressed Council on the mandate and role of the Oakland Area Advisory Committee and the posting of notices to inform the public of the Area Advisory Committee meetings. However, during her presentation, it was felt that some of her comments were in reference to the process that was followed for the amendments; and she was, therefore, asked to stop her presentation.

Mr. Reddy explained the legal obligations of Council in situations such as this under the *Municipal Government Act* (MGA).

Mayor Downe gave Ms. Wentzell the option to finish her presentation after the vote is taken on the Second Reading of the amendments.

Mayor Downe asked if there were any other items to present to Council at this time. No one else in the audience asked to address Council at this time.

3. AGENDA

Mayor Downe asked if there were any requests for additions to the Agenda. There were no requests from Council or staff.

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

4. APPROVAL OF MINUTES

Moved by Councillor Nauss, seconded by Councillor Oickle that we approve as circulated the Minutes of December 9, 2008 meeting and the Public Hearings held January 13, 2009 and January 19, 2009. Carried.

5. BUSINESS ARISING FROM MINUTES

5.1 AMENDMENT TO DANGEROUS AND UNSIGHTLY PROPERTY POLICY MDL-07

At the January 13, 2009 Council meeting, notice was given of Council' s intention to approve amendments to Policy MDL-07 " Dangerous and Unsightly Property". The amendment provides the administrator with the authority to immediately issue an order for clean-up if an offender has had a previous order within the past twelve months of the previous complaint.

Moved by Councillor Moore, seconded by Councillor Nauss that Municipal Council approves amendments to Policy MDL-07, Dangerous and Unsightly Properties, as presented. Carried.

5.2 SECOND READING - AMENDMENTS TO BY-LAW re MAIN. & IMPROVEMENT OF PRIVATE STREETS

At the January 13, 2009 Council meeting, Council conducted First Reading of A By-law Amending a By-law Respecting the Maintenance and Improvement of Private Streets.

Moved by Councillor Statton, seconded by Councillor Bell that Municipal Council conducts Second Reading of a By-law Amending a By-law Respecting the Maintenance and Improvement of Private Streets, as presented. Carried.

5.3 SECOND READING - AMENDMENTS TO OAKLAND SPS AND LUB

Ms. Wilson reported that on January 19, 2009 a Public Hearing was conducted in Mahone Bay respecting the proposed amendments to the Oakland Secondary Planning Strategy and Land Use By-law. Council is to make their decision based on information heard prior to and at the Public Hearing. Any information received after that date is not to be reflected in Council's decision as the Public Hearing is the formal process for Council to receive written and/or oral submissions with respect to the amendments. She informed Council of their options. Council can approve the amendments by conducting Second Reading; and after Second Reading they are then forwarded to Service Nova Scotia and Municipal Relations (SNSMR) for review. Upon confirmation from SNSMR that they are not contrary to any provincial interest, a notice of approval would be posted in the local papers. Once the notice is posted, they are effective. The other option is to not approve the amendments by not conducting Second Reading. Council then has the choice to refer them back to the Area Advisory Committee for further work, or not consider them at all.

In response to Councillor Moore's question as to who can vote on the amendments, Ms. Wilson reported that only those Councillors at the Public Hearing can vote. Councillors Moore and Statton were not at the Public Hearing and, therefore, cannot vote on the amendments. We need a majority of 13 voting in favour in order for the amendments to be approved.

Moved by Councillor Countway, seconded by Councillor Oickle that Municipal Council conducts Second Reading of a By-law amending the Oakland Secondary Planning Strategy and amending the Oakland Land Use By-law.

Several Councillors noted that at the Public Hearing there was a majority in favour of the amendments, but there were two who expressed concern with it. It was also noted that there were a lot of people there who did not speak. Some Councillors were of the opinion that the amendment to reduce from four to one dwelling unit per lot is too restrictive and is going to cause a hardship, particularly noting that the amendments do not permit granny suites or additions to a residence unless you go through the Development Permit process.

Councillor Countway pointed out that there is overwhelming support for the amendments; and he, therefore, feels Council has to support them and approve the amendments. If, down the road, the people in the area feel it's too restrictive, there is a way to approach the Area Advisory Committee to make changes. He believes the whole document is up for review in 2010 or 2011.

Ms. Wilson noted that there were two e-mails sent to the Municipal Clerk prior to the close of the Public Hearing but they were held up by spam and were not received in time to be read at the Public Hearing. Legal counsel said they should be circulated and they have been circulated with today's agenda. The one e-mail is from Julia Ann Francis and the other is from Dave Watson and Lissen Low. They are in favour of the amendments.

The motion was voted on and defeated, after further comments were made by Councillors.

Moved by Councillor Fawson, seconded by Councillor Nauss that Municipal Council refers the amendments to the Oakland Secondary Planning Strategy and Land Use By-law back to the Oakland Area Advisory Committee for further review.

Councillor Countway expressed his concern with Council' s decision in this matter. He asked for some clarification. Can everything still be put on hold, such as development, at this point?

Ms. Wilson said no. What happened with Second Reading is that the amendments have been refused. This motion is asking that the Area Advisory Committee review the matter and bring back an alternate suggestion for an amendment. Until Council does First Reading on those amendments and posts a notice of the proposed amendments, there is nothing put on hold. She explained the procedure for consideration of further amendments, and noted that the only thing that is in effect now is the by-law as it exists today.

Councillor Countway asked for clarification regarding the first motion which was defeated. He asked if Council has the power to rescind that motion or amend the motion to include a granny suite.

Mr. Reddy explained why Council cannot do that today at this meeting, because that would be considered a substantial amendment to the proposed amendment.

Ms. Wilson noted that a substantial change would require that Council conduct First Reading over again of those amendments.

The motion was carried.

Mayor Downe then asked Ms. Margaret Wentzell to present her comments.

REMARKS FROM MARGARET WENTZELL, OAKLAND

Ms. Wentzell informed Council that she has been a resident of Oakland for 32 years. She expressed her opinion on what she feels is the role and mandate of the Oakland Area Advisory Committee (AAC). She feels that the AAC' s communication with all landowners and residents needs to improve, e.g., create a website and put letters in mail boxes. She commented that many people find it intimidating and don' t want to stand up at a meeting to express their opinion, especially if their opinion is not the same as the majority in attendance. She also read the letter she had written on February 8, 2009 in which she expresses her opinion about the amendments that have been proposed to the Oakland Secondary Planning Strategy and Land Use By-law , particularly the proposal to reduce the number of dwellings per property from four to one. (Copy of Ms. Wentzell' s presentation and Feb. 8/09 letter attached to original Minutes)

Mayor Downe thanked Ms. Wentzell and indicated that we will look into the issue of public consultation and the suggestions she has made.

There were requests from others in the audience to address Council.

JEFF AVERY, 1068 Oakland Road

Comments - He supports the Area Advisory Committee and the way it has operated. Notices of meetings were published in the newspaper, posted in the Post Office, and a sign posted at the junction of the road. You don't have to get up and say something at the meetings. You can just sit there and listen. All the people that thought they didn't have a say were not at the meetings. He thinks the AAC did a wonderful job and he thinks the process was followed.

DAVID PUXLEY, 55 Keddy Bridge Road, Oakland

Comments - The AAC does everything that a reasonable body would do in trying to get as many people in the community involved. He's not aware of any intimidation at all.

Mayor Downe thanked the residents for their input.

5.4 MOU re RESPECTIVE ICSPs BETWEEN MUNICIPALITY & TOWN OF BRIDGEWATER

On October 9, 2008, Council directed staff to seek agreement through a Memorandum of Understanding (MOU) process with staff of the Town of Bridgewater, agreeing to be committed partners in the development of their respective Integrated Community Sustainability Plans. Circulated with the agenda was the proposed MOU for Council's approval.

Moved by Councillor Moore, seconded by Councillor Young that Council approves for signature the Memorandum of Understanding as negotiated between the Municipality and the Town of Bridgewater. Carried.

At 10:28 a.m. Mr. Reddy left the meeting.

6. AWARDING OF TENDER AND RFPs

In attendance was Pierre Breau, Director of Engineering and Public Works.

6.1 Tender 2008-05-010 - LRCRC - Concrete Masonry Wall

Mr. Breau reviewed the tender analysis information for the construction of a concrete masonry end wall at the compost building facility at the LRCRC.

_____ Moved by Councillor Young, seconded by Councillor Hustvedt that Council concurs with the recommendation of the Engineer and awards Concrete Masonry Wall Compost Building Tender 2008-05-010 for the LRCRC to Wilfield Limited, Bridgewater, for the price of \$24,521.00, including HST.

There was some discussion and Councillors' questions were answered regarding this tender award, as the price of the recommended award is considerably lower than the

budget figure for this project.

The motion to award to Willfield Limited was carried.

6.2 RFP 2008-05-402 - Osprey Village Development - Phase 1

Mr. Breau reviewed the content of his memo dated February 10, 2009, which provided his recommendation for the award of RFP 2008-05-402 - Engineering Services for the Design, Contract Administration and Construction Supervision of Osprey Village Centre Road Infrastructure Development Phase 1.

Moved by Councillor Nauss, seconded by Councillor Bell that Council accepts the Engineer' s recommendation and awards to Stantec Consulting Ltd., Dartmouth, N. S., the Engineering Services for the Design, Contract Administration and Construction Supervision of Osprey Village Centre Road Infrastructure Development Phase 1 RFP 2008-05-402 for the price of \$127,835.00, plus HST. Carried.

6.3 RFP 2008-05-403 - MODL ADMINISTRATION BUILDING NEEDS STUDY

Mr. Breau reviewed the content of his memo dated February 10, 2009, which provided his recommendation for the award of RFP 2008-05-403 - Architectural Consultant for Municipal Administration Building Needs Study.

Moved by Councillor Oickle, seconded by Councillor Carver that Council accepts the Engineer' s recommendation and awards to Sperry and Partners Architects, Dartmouth, N. S., the Municipal Administration Building Needs Study RFP 2008-05-403 for the price of \$35,657.00, plus HST. Carried.

Mr. Breau left the meeting.

10. RECOMMENDATIONS/REFERRALS FROM COMMITTEES, BOARDS, FOCUS GRs

10.1 COMMITTEE OF THE WHOLE - RECOMMENDATIONS

10.1.1 - Amendments to Policy MDL-42 " Acts of Bravery/Substantial Achievement"

At the January 15, 2009 meeting of the Committee of the Whole, the proposed policy amendments regarding " Part 2" of the " Acts of Bravery and Substantial Achievement Awards" Policy were reviewed. At that same meeting, Council directed staff to prepare the necessary policy revisions and bring them back to Council for final approval. The proposed amendments were circulated with today' s agenda for Council' s consideration.

Moved by Councillor Oickle, seconded by Councillor Hustvedt that Council approves the amendments to Policy MDL-42, Acts of Bravery and Substantial Achievement Awards, as presented. Carried.

10.1.2 - Amendment to Municipal Flag Policy MDL-23

At the January 15, 2009 meeting of the Committee of the Whole, a recommendation was made that Council amend the Municipal Flag Policy to include section 1 of the PR Committee' s Report dated January 15, 2009, being:

“ Flags to be Flown

It shall be the policy of the Municipality of the District of Lunenburg that no flag, other than a Federal, a Provincial, a Municipal or other government-initiated-event flag will be flown from municipal-owned flagpoles.

Flags will be flown in a manner consistent with the flag etiquette of the Federal Department of Canadian Heritage.”

Ms. Wilson reported that staff has not yet had an opportunity to put the amendments in policy form. She requested that Council give notice that the amendments will be considered at the next meeting.

Moved by Councillor Fawson, seconded by Councillor Oickle that Council gives notice that on March 10, 2009 Council will consider amendments to the Municipal Flag Policy to include section 1 of the PR Committee' s Report dated January 15, 2009. Carried.

10.1.3 - Recognition Dinner for Outgoing Councillors with 15 or more Years of Service

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 hold the Recognition Dinner event for the outgoing Councillors and Warden who have served 15 or more years in late April 2009 with an expenditure not to exceed \$750.00. Carried.

Ms. Wilson informed Council that the next two items, being 10.1.4 and 10.1.5, are both recommendations for grants towards the 2nd Annual Expressions New Media Youth Festival. However, we have been contacted by the organization responsible for that Festival; and they have advised that they have been successful in raising other funds and, therefore, only require one \$500.00 grant. In light of this, Council need only approve one of the grants. She suggested that Council approve the Community Program Grant in the amount of \$500.00.

10.1.4 - Community Program Grant - 2nd Annual Expressions New Media Youth Festival

Moved by Councillor Carver, seconded by Councillor Hustvedt that Council accepts the recommendation of the Committee of the Whole and awards a Community Program Grant in the amount of \$500.00 towards the 2nd Annual Expressions New Media Youth Festival. Carried.

10.1.5 - Grant from National/Provincial Events Fund to New Media Youth Festival

Moved by Councillor Countway, seconded by Councillor Moore that, in light of new information provided with respect to funds required for the 2nd Annual Expressions New Media Youth Festival, we not take any funds from the National/Provincial Events Fund towards this event. Carried.

10.1.6 - Street Name “ Champlain Drive” for Street being built in Osprey Village

Moved by Councillor Bell, seconded by Councillor Statton that Council accepts the recommendation of the Committee of the Whole that the name “ Champlain Drive” be used as the street name for the street being built this year in Osprey Village. Carried.

In response to Councillor Nauss’ question, Ms. Wilson reported that we don’ t have to go through the Department of Transportation and Infrastructure Renewal to get this street name approved as it will be a municipal public highway.

The motion was carried.

10.1.7 - Unbudgeted Expenditure re Consultant to provide HST Advice

Moved by Councillor Moore, seconded by Councillor Young that Council accepts the recommendation of the Committee of the Whole and approves an unbudgeted expenditure of up to \$2,500 as the Municipality of the District of Lunenburg’ s share of the cost to engage a Consultant to provide HST advice as it relates to the propose Multi-purpose Facility. Carried.

10.1.8 - Temporary Borrowing Resolutions for Various Purposes - Renewal

Moved by Councillor Veinot, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves the two Temporary Borrowing Resolutions for Various Purposes - Renewal of \$490,000 and \$2,014,600. Carried.

10.1.9 - Community Capital Grant - New Germany Canada Day Committee

Moved by Councillor Young, seconded by Councillor Moore that Council accepts the recommendation of the Committee of the Whole and awards a Community Capital Grant in the amount of \$1,000 to the New Germany Canada Day Committee towards their project to upgrade the power supply and to purchase two street banners. Carried.

10.1.10 - Region 6 2009/2010 Budget

Moved by Councillor Nauss, seconded by Councillor Oickle that Council accepts the recommendation of the Committee of the Whole and approves the Region 6 2009/2010 budget in the amount of \$171,073. Carried.

10.1.11 - Municipality to Co-host One-day Economic Development Workshop

Moved by Councillor Hustvedt, seconded by Councillor Fawson that Council accepts the recommendation of the Committee of the Whole that the Municipality of the District of Lunenburg co-host a one-day Economic Development Workshop with the Lunenburg Queens Regional Development Agency at a cost of \$200. Carried.

10.1.12 - UNSM Training Workshop “ Effective Decision Making”

Moved by Councillor Bell, seconded by Councillor Fawson that Council accepts the recommendation of the Committee of the Whole and authorizes Councillors Eric Hustvedt and Basil Oickle to attend the UNSM Training Workshop “ Effective Decision Making” on March 26, 2009 at the Barrington Hotel in Halifax and that the cost of registration and out-of-pocket expenses be covered. Carried.

10.1.13 - Municipality not to submit a Position Paper re DNR Strategy

Moved by Councillor Hustvedt, seconded by Councillor Young that Council accepts the recommendation of the Committee of the Whole that the Municipality of the District of Lunenburg not submit a Position Paper with respect to the Department of Natural Resources Strategy at this time. Carried.

10.1.14 - Maintenance Agreement with Riverport District Board of Trade to be dissolved

Moved by Councillor Nauss, seconded by Councillor Oickle that Council accepts the recommendation of the Committee of the Whole and dissolves the Maintenance Agreement between the Municipality of the District of Lunenburg and the Riverport District Board of Trade as requested by the Riverport District Board of Trade. Carried.

10.1.15 - Municipal National/Provincial Event Grants

Moved by Councillor Young, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves a Municipal National/Provincial Event Grant in the amount of \$3,000 to support the Royale National Women’ s Senior Championship being held at the Osprey Ridge Golf Club from August 24 to 27, 2009 and a Municipal National/Provincial Event Grant in the amount of \$3,675 to support the Park View Education Knowledge Festival Conference being held at Park View Education Centre on April 17 and 18, 2009.

Councillor Countway noted that the event at Park View Education Centre is being held in April; and he, therefore, questioned if the grant comes out of this year’ s budget or next year’ s budget. Ms. Wilson reported that it comes out of this year’ s budget as they need

the funds beforehand.

The motion approving the two Municipal National/Provincial Event Grants was carried.

10.2 REMO ADVISORY COMMITTEE - RECOMMENDATION

10.2.1 - Comfort Station and Reception Centre/Shelter Policy

In attendance was Andrew Wentzell, the Municipality' s Emergency Measures Coordinator (EMC).

Council was informed that the REMO Advisory Committee, at their January 20, 2009 meeting, accepted in principle the Comfort Station and Reception Centre/Shelter Policy and the Policy has been forwarded to the four participating Councils for approval.

Ms. Wilson explained why the Policy is here for Council' s consideration. In December 2008 there were a number of power outages; and it came to light that there are some uncertainties as to when comfort stations should be opened. A policy was drafted by the REMC (Regional Emergency Management Coordinator) with the assistance of the partners' EMCs (Emergency Measures Coordinators).

Mr. Wentzell highlighted the main points of the Policy. He explained the differences in the operation of a Comfort Centre and Reception Centres/Shelters, as well as the procedures to be followed when opening the centres.

Mr. Wentzell answered Councillors' questions regarding procedures in emergency situations.

Councillor Moore suggested that an article be published in the *Municipal Matters* newsletter that comes out in the fall which would provide residents with some procedures to follow during a power outage.

Mr. Wentzell reported that they are going to work out a flow chart for Councillors, as well as a call-out list.

**Moved by Councillor Statton, seconded by Councillor Hustvedt that Council accepts the recommendation of the REMO Advisory Committee and approves the Comfort Station and Reception Centre/Shelter Policy as presented.
Carried.**

Mr. Wentzell left the meeting.

10.3 WASTE MANAGEMENT COMMITTEE - RECOMMENDATION

10.3.1 - Award of Septage Lagoon Improvements - Design Engineering Proposal

In attendance was Pierre Breau, Director of Engineering and Public Works.

Before Council for consideration was a recommendation from the Waste Management Committee “ that Municipal Council sole source the ‘ Septage Lagoon Improvements - Design Engineering Proposal’ and award it to ABL Environmental Limited as per the submitted design engineering and inspection proposal for the Septage Lagoon Project based on Option 2 ‘ Dewatering Equipment and Existing Lagoon’ , as presented in their report from the Engineering Study Septage Alternatives Evaluation, July 2008 with the cost for the work being done this fiscal year to be funded with the \$50,000 budgeted in the 2008/09 LRCRC Budget for the septage lagoon.”

Ms. Wilson reported that we need to meet 2010 regulations. She explained the application that will be made to recover some of the funds.

Councillor Statton asked, with the announcement of funds for a complete study at the Waste Site, how this recommendation comes into it. Mayor Downe said the study that was announced will probably be a year in its undertaking.

Discussion followed regarding the suggestion that we ask Environment to postpone or give us an extension to meet the 2010 regulations.

Mayor Downe commented that this is a significant amount of money. It’ s an important environmental issue. He suggested that, if Council wishes to have a more detailed discussion on all that is involved in this, we can defer this item and arrange a meeting later this week or early next week. He feels all should be comfortable with the decision that is made.

Moved by Councillor Fawson, seconded by Councillor Oickle that we defer the recommendation from the Waste Management Committee and hold a Special Council Meeting on February 16, 2009 at 9:30 a.m. to discuss it in detail.

Councillor Fawson requested more information on option 5 - the dewatering truck.

Councillor Bell pointed out that the sewage lagoons are an option, and not something we are required to do as a municipal body. Sometimes it’ s looked after by the private sector. If we provide the service, we have to make it affordable. We don’ t want septic tanks overflowing and causing an environmental issue.

Councillor Oickle requested more information on costs to pump out septic tanks.

The motion was carried

RECESS

At 11:55 a.m. Council recessed for lunch.

At 1:00 p.m. the meeting resumed.

10.4 ICSP COMMITTEE

In attendance were Ed Curran, Director of Planning and Development Services, and Doug Reid, ICSP Coordinator.

10.4.1 - ICSP Strategic Goal Statements

Ms. Wilson briefly reviewed the background which has brought us to the stage of the nine strategic goals that are being proposed for Council' s approval.

Mr. Reid used a PowerPoint presentation to review the nine strategic goals, which were also circulated with the agenda.

Moved by Councillor Countway, seconded by Deputy Mayor Zwicker that Council accepts the recommendation of the ICSP Committee and accepts the slate of nine Strategic Goals as presented.

Councillors' questions to clarify some of the strategic goals were answered by Mr. Reid. Mr. Reid explained that columns 3 and 4 in the Strategic Goals Summary are just examples and that they are not finalized yet.

Mr. Curran explained that the purpose of this being here today is for Council to approve the Strategic Goals only. Columns three and four are included for illustrative purposes only.

Deputy Mayor Zwicker reported that the nine Strategic Goals were determined as a result of what came out of the meetings with the communities. Focussing on the goals is our issue today. If those are approved today, Mr. Reid can continue on his work plan.

The motion to accept the nine Strategic Goals was carried.

Mr. Reid left the meeting.

10.4.2 - Extension of Contract with ICSP Coordinator

Deputy Mayor Zwicker reported that there has been some misunderstanding on the engagement of a person to lead us through the ICSP process. It was never intended for it to be done in one year, but to continue in the year 2009/10.

Moved by Deputy Mayor Zwicker, seconded by Councillor Nauss that Council accepts the recommendation of the ICSP Committee and grants pre-budget approval of \$50,000.00 so that the current contract with the ICSP Coordinator does not expire on March 31, 2009, thus enabling the completion of the ICSP (Integrated Community Sustainability Plan) as required under the Gas Tax Agreement. The motion was carried after comments about the need to finish the ICSP if we want the Municipality to receive the gas tax revenue.

10.5 BUDGET/FINANCE COMMITTEE - RECOMMENDATIONS

In attendance was Gordon Pettipas, Director of Financial Services & Municipal Treasurer.

10.5.1 - Terms of Reference for Budget/Finance Committee

Moved by Councillor Statton, seconded by Councillor Young that Council accepts the recommendation of the Budget/Finance Committee and approves the Terms of Reference for the Budget/Finance Committee as presented.

Deputy Mayor Zwicker noted that the Mayor is an ex officio member on the Budget/Finance Committee. He had the understanding that the Mayor was to be a voting member.

Ms. Wilson reported that the discussion was that, as the Nominating Committee's recommended it as ex officio member, this year we would leave it but look at changing it next year.

The motion was carried.

10.5.2 - Draft Tangible Capital Assets Policy

Moved by Councillor Statton, seconded by Councillor Nauss that Council accepts the recommendation of the Budget/Finance Committee and endorses the Draft Tangible Capital Assets Policy as a Draft Policy as presented. The motion was carried after staff pointed out some changes from the current policy.

Once the Draft Tangible Capital Assets Policy is fully developed, it will be recommended to Council for approval.

10.6 AUDIT COMMITTEE - RECOMMENDATIONS

10.6.1 - Appoint Audit Comm. as Review Comm. for RFP for External Audit Services

Moved by Councillor Nauss, seconded by Councillor Bell that Council accepts the recommendation of the Audit Committee and appoints the Audit Committee as the Review Committee for the Request for Proposal for External Audit Services. Carried.

10.6.2 - Use Draft Tangible Capital Assets Policy as next year's Year End Audit

Moved by Councillor Bell, seconded by Deputy Mayor Zwicker that Council accepts the recommendation of the Audit Committee to use the Draft Tangible Capital Assets Policy in preparation of next year's Year End Audit. Carried.

Mr. Pettipas left the meeting.

10.7 FIRE AND EMERGENCY SERVICES COMMITTEE - RECOMMENDATIONS

10.7.1 - Grants for 2009/2010 Fiscal Year

A recommendation was received from the Fire and Emergency Services Committee that Council continue with the existing grants as follows for the 2009/2010 fiscal year:

Matching Grant - \$37,500 (maximum \$1,500 per Department)

Municipal Grant - \$57,800

Insurance Grant - \$49,500

Training Grant - \$10,000

Moved by Councillor Countway, seconded by Councillor Carver that the above recommendation from the Fire and Emergency Services Committee be referred to the Budget/Finance Committee and be brought back for Council' s consideration through the budget process. Carried.

10.7.2 - Payment of Fire Department Renewal Insurance Premiums

Before Council for consideration was a recommendation that Council approve in principle a new procedure to pay directly to Bell and Grant the Fire Departments' renewal insurance premiums.

Ms. Whynot-Lohnes explained the insurer' s difficulty in the past to receive insurance premium payments from some of the Fire Departments. This is why the Committee is recommending a new procedure for Council' s approval in principle.

Deputy Mayor Zwicker said the concern is that there is some question as to whether or not the insurance is valid if the premium has not been paid.

Councillors' questions for clarification were answered by staff, with the exception of the question as to whether or not all Fire Departments collect enough through their area rate to cover the cost of their insurance premium. (The answer was provided later in the meeting.)

Moved by Councillor Young, seconded by Councillor Oickle that we table the matter regarding a new procedure regarding payment of Fire Departments' renewal insurance premiums until the information is obtained as to whether or not the Fire Departments collect enough through their area rates to cover their insurance premiums. Carried.

10.7.3 - Letter of Support for Legislation re Products containing additive PBDE

Moved by Councillor Countway, seconded by Councillor Nauss that Council accepts the recommendation of the Fire and Emergency Services Committee and directs staff to send a letter supporting Motion —38 that legislation

completely phase out the production and import of products containing additive PBDEs.

Councillor Nauss commented that this is a worldwide concern and questioned if they had sought support for this through FCM. He said that most of the European countries have already banned this.

Councillor Statton pointed out that a number of community halls have been required to spray their walls with fire retardants as a result of our fire inspections. If we write this letter of support, will our Fire Inspectors be telling people to use spray that doesn't contain these additives?

There was some discussion on the various items and materials that contain these additives.

Moved by Councillor Bell, seconded by Councillor Fawson that we table the motion and write letters to the IAFF (International Association of Fire Fighters) and CAFC (Canadian Association of Fire Chiefs) and ask them to give us further documentation for their stand and supporting reasons for this so we are better informed to make a decision. Carried.

10.7.4 - Request to UNSM re Fuel Tax Rebate on all Firefighting Equipment

The next recommendation from the Fire and Emergency Services Committee was to forward a request to UNSM to request the Provincial Government to offer a fuel tax rebate on all firefighting equipment, including rescue and fire suppression.

Councillor Countway reported that, up until about three weeks ago, all you could apply for was a fuel tax rebate for firefighting vehicles that had a tank attached. Now it applies to all vehicles owned by volunteer fire departments.

In light of this information, it was decided that there is no need for a resolution to go to UNSM.

Mayor Downe suggested that it would be appropriate to circulate this information to all fire departments with a letter of explanation.

10.7.5 - Payment for Training Funds to the Lun. Regional Fire and Emergency Services

Moved Councillor Bell, seconded by Councillor Carver that we accept the recommendation of the Fire and Emergency Services Committee and authorize the payment of \$10,000 from the approved budget for training funds to the Lunenburg Regional Fire and Emergency Services to help offset costs in training sessions. Carried.

10.8 CES/CEF SOUTHWEST REGIONAL COMMUNITY ADVISORY BOARD - RECOM.

Moved by Councillor Nauss, seconded by Councillor Countway that Council accepts the recommendation of the 14 CES/143 CEF and approves the list of promotional items to be purchased from the funds that the Municipality has earmarked for this purpose.

Councillor Nauss noted that the total of all items proposed for purchase exceeds the funding available; but CES/CEF are prepared to reduce the quantities of some of the items so that they can purchase the promotional coins which came in as a request after the list was prepared. He noted that the plaques that they want to purchase are plaques that will be posted on the community projects that they do.

The motion was carried after Councillors' questions were answered to clarify why the Municipality purchases promotional items for CEF/CES.

11. STAFF MATTERS:

11.1 CHIEF ADMINISTRATIVE OFFICER' S MATTERS

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

11.2 RECREATION COORDINATOR' S MATTERS

In attendance was Carroll Randall, Recreation Coordinator.

11.2.1 - Surveying Land at Sawpit Property

Ms. Wilson reported that, as Council is aware, we are planning for the development of the Sawpit property over a number of years. As part of the requirement for the lease, we are required to survey the land. The cost to do that can be funded out of the Open Space Reserve account. If Council agrees to that, a motion is required authorizing the survey of the land that would be subject to the lease and that the funds to do that be taken out of the Open Space Reserve account.

Mr. Randall answered Councillors' questions regarding this matter. He reported it' s approximately 8 acres of land which is adjacent to two pieces that the Municipality owns. He explained how the Municipality acquired the two pieces of land in exchange for the Municipality' s interest in the Lunenburg Courthouse.

Moved by Deputy Mayor Zwicker, seconded by Councillor Veinot that Council authorizes staff to have the Sawpit property surveyed at an approximate cost of \$2,200.00 plus HST, and that the funds be taken out of the Open Space Reserve account. Carried.

11.2.2 - Request for Letter of Support for RFD Application - Italy Cross Fire Department

Mr. Randall reported that the Italy Cross, Middlewood & District Fire Department is in the process of building a new fire station/community hall in the Italy Cross fire district. They

are applying to the Province for an RFD (Recreation Facility Development) grant and are asking the Municipality to provide a letter supporting their application.

Moved by Councillor Nauss, seconded by Councillor Young that Council authorizes a letter to be written supporting the Italy Cross, Middlewood & District Fire Department' s application to the Province of Nova Scotia for a Recreation Facility Development Grant. Carried.

Mr. Randall left the meeting.

12. MAYOR' S/COUNCILLORS' MATTERS

12.1 MAYOR' S UPDATE

Mayor Downe gave updates on the following events/meetings:

- meeting with Department of Transportation re list of concerns
- meeting to be held with Minister of Transportation on Highway 103
- meeting of the lobster fishermen re their concerns
- four Business Community Meetings held to date
- meetings with other Mayors to discuss cooperation
- meeting with CRC
- events celebrating 50th and 60th wedding anniversaries
- South Shore Fieldhouse announcement of \$200,000
- announcement of the \$55,000 grant to the LRCRC
- meeting with the new Minister of Service Nova Scotia and Municipal Relations

Mayor Downe feels that communication to the residents is important. He would like to see a Mayor' s/Councillors' Corner in the municipal newsletter and he would work with the PR Committee on that.

14. IN CAMERA IN COMMITTEE

Moved by Councillor Moore, seconded by Deputy Mayor Zwicker that Council go *In Camera In Committee*. Carried.

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

- 14.1 - Land Negotiations, in accordance with section 22 (2) (a) of the *Municipal Government Act (MGA)*
- 14.2 - Legal Advice, in accordance with section 22 (2) (g) of the *MGA*
- 14.3 - Contract Negotiations, in accordance with section 22 (2) (e) of the *MGA*
- 14.4 - Land Negotiations - Green Bay, in accordance with section 22 (2) (a) of the *MGA*
- 14.5 - Legal Advice - Oakland, in accordance with section 22 (2) (g) of the *MGA*
- 14.6 - Personnel Matter, in accordance with section 22 (2) (c) of the *MGA*

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

10.7 - FIRE AND EMERGENCY SERVICES COMMITTEE - RECOMMENDATION

10.7.2 - Payment of Fire Department Renewal Insurance Premiums

This matter was tabled earlier in the meeting to give staff an opportunity to determine if fire departments collect sufficient funds from their fire tax rates to pay their insurance premiums.

Moved by Councillor Young, seconded by Councillor Nauss that we remove from the table the matter of Payment of Fire Department Renewal Insurance Premiums. Carried.

Council was informed that all fire departments receive sufficient funds from their area fire tax rates to pay for their insurance premiums.

Moved by Councillor Young, seconded by Councillor Hustvedt that Council accepts the recommendation of the Fire and Emergency Services Committee and approves in principle that the Municipality of Lunenburg pay the Fire Department renewal insurance premiums directly to Bell and Grant with the cost being recovered by deducting individual fire department insurance premiums from the insurance grant money calculated for each fire department with any outstanding balance being deducted from individual fire department' s fire tax payments; and further, that final approval of this process will be subject to a favourable vote at the Annual Fire and Emergency Services Meeting in April. Carried.

ADJOURNMENT

At 4:46 p.m. there being no further business, it was **moved by Councillor Bell, seconded by Deputy Mayor Zwicker that the meeting adjourn. Carried.**

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MAYOR DON DOWNE, CHAIRMAN

.....
TAMMY WILSON, CHIEF ADMIN. OFFICER