

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, June 9, 2009 - 9:30 a.m.

ATTENDANCE

Deputy Mayor Donald Zwicker - District 2
Councillor Basil Oickle - District 1
Councillor Frank Fawson - District 3
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
Councillor Milton Countway - District 4

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 at this time.

3. AGENDA

Requests for additions to the Agenda:

- 13.1 - Letter of Congratulations to NGRHS Senior Girls' Softball Team (C. Moore)
- 13.2 - Letter of Congratulations to PVEC Track and Field Team (L. Nauss)

Moved by Councillor Young, seconded by Councillor Bell that the Agenda be approved with the additions that were requested. Carried.

2. PUBLIC INPUT

At 9:35 a.m. **Karen Zinck of West Northfield** was in attendance to address Council. She thanked Council for allowing her to speak this morning and she thanked Council for the Public Community Meetings that were held throughout the Municipality. She said she is here to point out what she considers a problem ...she' s here to talk about budgets. Her

presentation was about the Municipality' s budget and her opinion that it' s a deficit budget. She provided a copy of her presentation. At the conclusion of her presentation, Deputy Mayor Zwicker thanked her and indicated that it' s not the practice to deliberate presentations at this time.

Mr. Gordon Pettipas, Director of Financial Services and Municipal Treasurer, was present at this time and Ms. Wilson introduced him to Ms. Zinck and suggested that she meet with Mr. Pettipas to ask questions about the Municipality' s budget.

4. MINUTES

Moved by Councillor Moore, seconded by Councillor Statton that the following Minutes be approved as circulated: March 10, 2009 Council Meeting; Special Council Meetings held March 5, 2009 and April 2, 2009; and Public Hearing held April 2, 2009. Carried.

5. BUSINESS ARISING FROM MINUTES

5.1 SECOND READING - DEED TRANSFER TAX BY-LAW AMENDMENT

Ms. April Whynot-Lohnes reviewed the proposed amendment to the Deed Transfer Tax By-law which, if approved, will increase the rate from 0.75 percent of the value of property transferred to 1.0 percent.

Moved by Councillor Nauss, seconded by Councillor Carver that Council approves the amendment to the By-law respecting the Deed Transfer Tax as presented and hereby conducts Second Reading of the By-law amending the Deed Transfer Tax By-law. Carried.

It was noted that an advertisement will be published in the local paper to notify residents of this amendment and the amendment will become effective on the date of publication.

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

10.1 COMMITTEE OF THE WHOLE - RECOMMENDATIONS

10.1.1 - Funding - Cookville Wastewater Treatment Plant & MacCulloch Road Wastewater Collection System

Moved by Councillor Statton, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves funding in the amount of \$10,000.00 plus HST, from the Operating Restricted Reserve to complete the required repairs, as detailed by the Engineering Department in their Report dated April 29, 2009, for both the Cookville Wastewater Treatment Plant and the MacCulloch Road Wastewater Collection System. Carried.

10.1.2 - Continuation of Participation in Asphalt Shingle Aggregate Trail Resurfacing

Moved by Councillor Carver, seconded by Councillor Veinot that Council accepts the recommendation of the Committee of the Whole and approves the continuation of the Trail and Open Space Coordinator' s participation/ work in the Asphalt Shingle Aggregate Trail Resurfacing Project. Carried.

10.1.3 - Repainting of existing Crosswalks in New Germany

Moved by Councillor Moore, seconded by Councillor Young that Council accepts the recommendation of the Committee of the Whole and approves the repainting of the existing Crosswalks in New Germany, including the associated cost, and that a letter be sent to the NS Department of Transportation and Infrastructure Renewal requesting the work to be carried out. Carried.

10.1.4 - Community Capital Grant - South Shore R/C Flying Club

Moved by Councillor Veinot, seconded by Councillor Carver that Council accepts the recommendation of the Committee of the Whole and awards a Community Capital Grant in the amount of \$690.51, as requested, to the South Shore R/C Flying Club towards their project for the expansion and improvement of their landing strip. Carried.

10.1.5 - Community Capital Grant - Maitland and District Community Centre

Moved by Councillor Statton, seconded by Councillor Young 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 Maitland and District Community Centre towards their project to install insulation and vinyl siding. Carried.

10.1.6 - Community Capital Grant - Broad Cove Community Association

Moved by Councillor Hustvedt, seconded by Councillor Bell 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 Broad Cove Community Association towards their project to do repairs to the existing building and to create outdoor activity structures. Carried.

10.1.7 - Terms of Reference for Public Relations Committee

Moved by Councillor Young, seconded by Councillor Statton that Council accepts the recommendation of the Committee of the Whole and approves the Terms of Reference for the Public Relations Committee. The motion was carried with the agreement that the following friendly amendments be made to the Terms of Reference: 1) In the "Mandate" section, the last sentence

was changed to read “ To ensure an annual communications review takes place.” ; and 2) In the “ Identified Responsibilities” section, in item #1, the wording “ distributed to throughout” was changed to “ distributed throughout” ; and in item #3, the word “ recommend” was changed to “ recommendations” .

10.1.8 - Resolution re Legislation to ban Exploration/Mining of Uranium in Nova Scotia

Moved by Councillor Fawson, seconded by Councillor Oickle that Council accepts the recommendation of the Committee of the Whole that we forward the Resolution regarding the enactment of legislation to permanently ban the exploration and mining of uranium in Nova Scotia to the UNSM Resolutions Committee for consideration at the Fall UNSM Conference. Carried.

Deputy Mayor Zwicker noted that this Resolution did go before the Regional Meeting of the municipalities recently held in Mahone Bay and the Resolution was accepted there.

10.1.9 - Amendments to Building Code By-law - First Reading

Moved by Councillor Nauss, seconded by Councillor Carver that Council accepts the recommendation of the Committee of the Whole and approves the amendments to Schedule “ A” Building Permit Fees of the Building Code By-law, increasing the building permit fees by 10%, and that a note be added to the bottom of Schedule “ A” with wording to advise that exemptions may be granted and that contact should be made with the Building Inspection Department to find out these exemptions; and, that Municipal Council conducts First Reading of the draft By-law amending the Building Code By-law. Carried.

10.1.10 - 2009/2010 Grants as submitted by Community Services Focus Group

Moved by Councillor Bell, seconded by Councillor Oickle that Council accepts the recommendation of the Committee of the Whole and approves the 2009/2010 grants as submitted by the Community Services Focus Group. Carried.

6. **AWARDING OF TENDERS/RFPs**

At 10:00 a.m. in attendance were Pierre Breau, Director of Engineering and Public Works, and Matt Davidson, Assistant Municipal Engineer.

6.1 TENDER 2009-01-001 - MUNICIPAL ROAD MAINTENANCE 2009-2010

Mr. Davidson reviewed the analysis information for the tenders received for Tender 2009-01-001 - Municipal Road Maintenance 2009-2010. This project involves the supply and placement of NSDOTIR Type 1 aggregates, grading, compacting, ditching, and minor repairs along the Municipal Roads located in the communities of Auburndale, Conquerall Bank, Hebbville, Italy Cross and Pine Grove.

Moved by Councillor Nauss, seconded by Councillor Veinot that Tender 2009-01-001 for 2009-2010 Municipal Road Maintenance be awarded to Town & Country Property Improvements Ltd. for the price of \$20,181.80, including HST. The motion was **carried** after questions were answered regarding the variance in the budget figure and the price of this tender award.

6.2 TENDER 2009-05-003 - MUNICIPAL ROADS - ASPHALT APRONS

Mr. Davidson reviewed the analysis information for the tenders received for Tender 2009-05-003 - Municipal Roads - Asphalt Aprons. This project involves the construction of Asphalt Aprons at the beginning of each of the Municipal Roads, being Billie Lane, Toma Drive and Whisper Wood Drive, located in Pine Grove, Italy Cross and Hebbville, respectively. As the lowest tender price received was significantly under the budget estimate, Mr. Davidson reported that he held a meeting with the lowest bidder, Town & Country, to make sure the price included all the work that's to be done. Councillors expressed concern with the variance between the budget estimate and the tender price. It was suggested that the variance amounts be referred to the Budget/ Finance Committee.

Moved by Councillor Statton, seconded by Councillor Nauss that, based on the tender analysis, we award Tender 2009-05-003 for Municipal Roads Asphalt Aprons to Town & Country Property Improvements Ltd. for the price of \$11,174.73, including HST. Carried.

6.3 TENDER 2009-05-001 - COOKVILLE WASTEWATER TREATMENT PLANT - ODOUR CONTROL SYSTEM

Mr. Davidson reviewed the scope of work and the analysis information for the one tender received for Tender 2009-05-001 - Cookville Wastewater Treatment Plant - Odour Control System.

Moved by Councillor Young, seconded by Councillor Bell that Tender 2009-05-001 for the Cookville Wastewater Treatment Plant - Odour Control System be awarded to Western Plumbing and Heating Limited for the price of \$97,840.00 plus HST. Carried.

In response to Councillor Statton's question about a completion date, Mr. Davidson reported that their completion schedule is by October 31, 2009. He can give an update as the work proceeds. Councillor Statton said she would appreciate that.

Mr. Davidson was thanked and he left the meeting.

10.2 WASTE MANAGEMENT COMMITTEE - RECOMMENDATION

10.2.1 - Specifications for Tender 2009-05-004 - Dry Ice Blast Cleaning System and Tender 2009-05-005 - Air Compressor System - LRCRC

Mr. Breau explained the purpose of the Dry Ice Blast Cleaning System. He noted that the

estimated price for the project is \$70,000.00 and that the cost will be split between the partner units. The prices received will go to the Waste Management Committee and this Council.

Moved by Councillor Young, seconded by Councillor Statton that Council accepts the recommendation of the Waste Management Committee and approves the Tender Specifications for Tender 2009-05-004 "Supply and Delivery of Dry Ice Blast Cleaning System, Lunenburg Regional Community Recycling Centre" and the Tender Specifications for Tender 2009-05-005 "Supply and Delivery of an Air Compressor System, Lunenburg Regional Community Recycling Centre" and the issuance of same. Carried.

7. PRESENTATIONS/SCHEDULED TIMES

7.1 PRESENTATION re JACOB ERNST MILL ROAD, BLOCKHOUSE (Paul Young)

At 10:30 a.m. in attendance were Mr. Paul Young and Mr. Dwight Robar to make a presentation regarding a concern about a public road in the community of Blockhouse known as the Jacob Ernst Mill Road.

Deputy Mayor Zwicker reported that this is an issue that was late coming to the Municipality because the correspondence we should have received some time ago was only recently received.

Mr. Paul Young used a PowerPoint presentation to explain to Council the concern that he and other Blockhouse residents have about the Jacob Ernst Mill Road and how it is an important road in the community that he feels is being lost. He would like support from the Municipality so that this Road remains in the public domain. He has 1400 feet of land that borders on Mud Lake and he would be willing to donate a portion of it to the Municipality for public use.

Ms. Wilson informed Mr. Young that what the Municipality does with these requests is refer them to a Focus Group which considers the request and makes a recommendation to the Committee of the Whole and then on to Council. She informed him that we will use the information that was provided today.

Mr. Paul Young pointed out that the important thing is the time line.

Ms. Wilson reported that she only received the e-mail on Friday which extended the time until June 22, 2009, but they indicated they would accommodate any time that we need to give this a thorough review.

Mr. Young answered Councillor Nauss' questions to clarify ownership of lots in the area.

Deputy Mayor Zwicker informed Mr. Young that this issue will be dealt with by the Community Services Focus Group and that we will be moving on it as quickly as possible. He indicated that Council appreciates the concerns that this situation has created and that

we hope to come to a resolution that will be satisfactory.

Mr. Young said they have tried for the last year and a half to diplomatically deal with the Department of Transportation.

Deputy Mayor Zwicker commented that issues in communities should be brought to the Councillor' s attention as soon as possible.

Mr. Young was thanked for his presentation and he and Mr. Robar left the meeting.

10.4 TOURISM FOCUS GROUP - RECOMMENDATION

10.4.1 - Tourism Focus Group' s Proposed Budget Expenditure Structure 2009/2010

In attendance was Mr. Dave Waters, Community Economic Development Officer. He informed Council that, regarding the Tourism Focus Group' s expenditures for 2009/2010 totalling \$20,000.00, the Group did the same as last year, which was to break the total budget into categories. Mr. Waters reviewed the list of categories - Advertising (Tourism & Economic Development) - \$5,250; Website Updates - \$1,250; Promotional Material - \$4,000; Events and Special Projects - \$4,000; Trade Shows and Conferences - \$1,500; and On-line Map - \$4,000.

Moved by Councillor Hustvedt, seconded by Councillor Nauss that Council accepts the recommendation of the Tourism Focus Group and approves the new Tourism Focus Group proposed budget expenditure structure as presented for the 2009/2010 budget year. Carried.

10.3 BUDGET/FINANCE COMMITTEE - RECOMMENDATION

10.3.1 - Request for Funding - Lunenburg Queens Regional Development Agency

Council received a letter from the Lunenburg Queens Regional Development Agency (LQRDA) informing them of the *local allocation clause* in the funding agreement that allows RDAs with larger areas or populations to access subsidiary funds when mid-year expectations are met. The LQRDA was informed on May 19 by their federal and provincial funding partners about a marginal increase in financial contribution available for the LQRDA' s 2009/10 operating budget. To complete the process, the LQRDA needs support from the municipal funding partners. Collectively, the municipal total is \$4,528 (Municipality of Lunenburg' s share is \$1,866), and that amount will be matched by both ACOA and the Province.

Mr. Waters reported that the Budget/Finance Committee met early this morning to consider the LQRDA' s request. As funds are very tight this year, it was suggested that the \$1,866.00 could be taken from the Tourism Focus Group' s budget, in lieu of some services provided to the Municipality by the LQRDA which were outlined in the Budget/ Finance Committee' s report to Council, being 15 hours of website updates, 14 hours of

Ad Design; and the creation of 2 banner stand designs.

Councillors expressed concern that this will establish the new allotment to the LQRDA for future years. It was noted that the Budget/Finance Committee's recommendation is to approve the additional funding as a one-time request.

Moved by Councillor Bell, seconded by Councillor Hustvedt that Council accepts the recommendation of the Budget/Finance Committee and approves that \$1,866.00 be taken out of this year's Tourism Focus Group budget to facilitate the one-time request by the Lunenburg Queens Regional Development Agency for additional funding, on the condition that the other five Municipal units also make their requested funding allocation, and also on the condition that the Municipality of the District of Lunenburg will get the expected services from the Lunenburg Queens Regional Development Agency as outlined in the Budget/Finance Committee's Report dated June 9, 2009. Carried.

Mr. Waters was thanked and he left the meeting.

10.5 FIRE AND EMERGENCY SERVICES COMMITTEE - RECOMMENDATIONS

10.5.1 - Resolution to Recover Expenses for Fire & Emergency Services Responses

Moved by Councillor Bell, seconded by Councillor Young that Council accepts the recommendation of the Fire & Emergency Services Committee and supports the "Resolution to Recover Expenses for Fire & Emergency Services Responses on Provincial Highways of Nova Scotia" when it comes forward at the UNSM Fall Conference.

The question was asked for clarification as to what constitutes Provincial Highways ...is it Highway 103 or Trunk Highways 10 and 12? Ms. Wilson said Provincial Highways would be any owned and maintained by the Province.

Councillor Bell expressed a concern that, although the intent of the Resolution is good, he feels there should be a uniform billing so that it's applied equally across the province. Ms. Wilson suggested that an amendment be introduced at the Conference. Councillor Bell said he's not suggesting that we change the Resolution that's before us, but comments could be made to the UNSM Resolutions Committee and they could consider adding an amendment. He would like the Resolutions Committee to be aware of some of the concerns before the Resolution comes to the floor of the Conference, so they can be addressed before that.

The motion was carried.

10.5.2 - Funds to do further Research of Fire Services within Municipality

Moved by Councillor Fawson, seconded by Councillor Nauss that Council

accepts the recommendation of the Fire and Emergency Services Committee and supports the Working Group by providing up to a maximum of \$2,000 from the Contingency Fund to do further research of fire services within the Municipality of the District of Lunenburg. The motion was **carried** after questions were answered and clarification provided as to where the funds are coming from and the research to be done.

11. STAFF MATTERS

11.1 CHIEF ADMINISTRATIVE OFFICER' S MATTERS

11.1.1 - Building Report for April ' 09 - This report was circulated for information.

12. MAYOR' S/COUNCILLORS' MATTERS

12.1 DEPUTY MAYOR' S UPDATE

Deputy Mayor Zwicker reported that, in the absence of the Mayor, he attended the Verge House Graduation celebration. He also attended the opening of the Relay for Life event and brought greetings from the Mayor, Council and Municipality.

13. ADDED BUSINESS

13.1 CONGRATULATIONS TO SOFTBALL TEAM AND TRACK & FIELD TEAM

Councillor Moore reported that the New Germany Senior Girls' Softball Team won the NSSAF Provincial Division 3 Senior Girls' Softball Championship and she would like a letter of congratulations sent to them.

Councillor Nauss reported that Park View Education Centre' s Track and Field Team won the NSSAF Provincial Division 1 Track and Field Championship and he would also like a letter of congratulations sent to them.

Moved by Councillor Moore, seconded by Councillor Hustvedt that Council send letters of congratulations to the New Germany Senior Girls' Softball Team and to the PVEC Track and Field Team for winning the NSSAF Provincial Division 3 Senior Girls' Softball Championship and NSSAF Provincial Division 1 Track and Field Championship, respectively. Carried.

12. MAYOR' S/COUNCILLORS' MATTERS

12.2 LETTER TO CONGRATULATE JACOB HAMM re PROV. CHAMPIONSHIP

Councillor Milton Countway reported that Jake Hamm won the Gold Award in the NSSAF Provincial Junior Shot Put competition and he would like a letter of congratulations sent to him.

Moved by Councillor Statton, seconded by Councillor Nauss that Council send a letter to Jake Hamm congratulating him on winning the Gold Award in the NSSAF Provincial Junior Shot Put competition. Carried.

Before going *In Camera*, Deputy Mayor Zwicker apologized to Council and staff for not stopping this morning's presenter (during the "Public Input" portion of the meeting) from using particular terminology in her comments of criticism.

Several Councillors indicated that they were upset with what the presenter was saying in relation to our budget process.

Discussion followed regarding Council's budget process, which Councillors feel is a very open and public process.

Moved by Councillor Nauss, seconded by Councillor Young that we ask Ms. Karen Zinck, unless she has information stating that staff and Council were fraudulent in budget preparations and did not provide true figures to the public, that she give Council and staff an apology. After some comments the motion was defeated.

6.2 TENDER 2009-05-003 - MUNICIPAL ROADS - ASPHALT APRONS

Ms. Wilson brought up the matter of the tender that was awarded earlier in the meeting for road aprons and the suggestion that was made to look at the variance amount and the actual tender price. She pointed out that the Municipality is borrowing the funds for the aprons ...it's in our Capital budget and we have no offsetting revenue. The Engineering department is recommending that we do more aprons, but if we do, the funds will be borrowed.

Several Councillors commented that we should only go forward with the number of aprons we planned to do this year.

Ms. Wilson said the tender was awarded for three aprons, and clarified that the variance is not to be spent until there is a review of the work that is done; and then a decision will be made about the variance amount and if it is to be brought forward at a later date.

14. ***IN CAMERA IN COMMITTEE***

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

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

14.1 - Contract Negotiations/Personnel Matter, in accordance with section 22 (2) (c) and (e) of the *Municipal Government Act*.

Moved by Councillor Young, seconded by Councillor Hustvedt that Council rise and report. Carried.

ADJOURNMENT

At 12:48 p.m., it was moved by Councillor Bell, seconded by Councillor Statton that the meeting adjourn.

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DEPUTY MAYOR DON ZWICKER, CHAIRMAN

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TAMMY WILSON, CHIEF ADM. OFFICER