

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, August 11, 2009 - 9:00 a.m.

ATTENDANCE

Mayor Don Downe
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

Staff: Tammy S. Wilson, Chief Administrative Officer
Heather Whynott, Administrative Assistant

1. CALL TO ORDER

Mayor Downe called the meeting to order at 9:00 a.m.

2. PUBLIC INPUT - There were no requests from the public to address Council.

3. AGENDA

As there were no requests for additions to the Agenda, the Agenda was approved as circulated.

4. MINUTES

Moved by Councillor Young, seconded by Councillor Fawson that the Minutes for the June 9, 2009 Council meeting and the Special Council meeting held June 2, 2009 be approved as circulated. Carried.

5. BUSINESS ARISING FROM MINUTES

5.1 SECOND READING - AMENDMENTS TO BUILDING CODE BY-LAW

Ms. Wilson reviewed the proposed amendments to the Building Code By-law, for which First Reading was conducted at the Council meeting on July 14, 2009. An advertisement was published notifying the public that Council would be considering Second Reading at

today' s meeting. If approved, the By-law will: 1) Add a flat rate fee of \$44.00 per application for any temporary structure permit or for any temporary change of use permit; 2) clarify the building activity descriptions in the Fee Schedule to reflect the building classifications as stated in the National Building Code; and 3) clarify that the administration fee is non-refundable.

Moved by Councillor Nauss, seconded by Deputy Mayor Zwicker that Council conducts Second Reading and approves the By-law amending the Building Code By-law as presented, and that the approval of the amendments be advertised in the local papers. Carried.

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

10.1 COMMITTEE OF THE WHOLE - RECOMMENDATIONS

10.1.1 - Fire Tax Rates for Year Ending March 31, 2010

Moved by Councillor Bell, seconded by Councillor Countway that Council accepts the recommendation of the Committee of the Whole and approves the fire tax rates per \$100.00 of assessment for the year ending March 31, 2010 as presented. Carried.

10.1.2 - Proposal re Gladee' s Canteen Building - Recommendation to Not Accept

Moved by Deputy Mayor Zwicker, seconded by Councillor Veinot that Council accepts the recommendation of the Committee of the Whole and concurs with the recommendation of the Community Services Focus Group to not accept the proposal from the Kingsburg Coastal Conservancy to turn the former Gladee' s Canteen Building into a restaurant. Carried.

10.1.3 - Extend Lease with Royal Canadian Legion Branch 102 in New Germany

Moved by Councillor Moore, seconded by Councillor Carver that Council accepts the recommendation of the Committee of the Whole and accepts the recommendation of the Community Services Focus Group to extend the lease with the Royal Canadian Legion Branch 102 in New Germany for another two years. Carried.

10.1.4 - Resolution re Review of Section 3 (r) of Part XV of the MGA

Moved by Councillor Hustvedt, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves and forwards the Resolution with regard to a review of Section (r) of Part XV of the *Municipal Government Act* to the Union of Nova Scotia Municipalities Fall Conference. Carried.

10.1.5 - Sponsorship of Katimavik Participant as a Volunteer at MARC

Moved by Councillor Veinot, seconded by Councillor Young that Council accepts the recommendation of the Committee of the Whole that the Municipality of the District of Lunenburg sponsor a Katimavik participant as a volunteer at the MARC from September 2009 to June 2010. Carried.

10.1.6 - Locations and Construction of Visitor Information Kiosks in Municipality

Moved by Councillor Bell, seconded by Councillor Oickle that Council accepts the recommendation of the Committee of the Whole and approves the locations and proposed order of construction for Visitor Information Kiosks in the Municipality of the District of Lunenburg for the 2009/2010 fiscal year. Carried.

10.1.7 - Support for Climate Change Adaption Program & In-kind Contribution

Moved by Councillor Fawson, seconded by Councillor Bell that Council accepts the recommendation of the Committee of the Whole that a letter of support be sent for the Climate Change Adaptation Program and that the Municipality of the District of Lunenburg participate in the Program with an in-kind contribution of staff time in an amount of approximately \$40,000.00. Carried.

10.1.8 - Permission Not Granted for Mobile Food Vender at Hirtle' s Beach for 2009

Moved by Councillor Oickle, seconded by Deputy Mayor Zwicker that Council accepts the recommendation of the Committee of the Whole and does not grant permission for a mobile food vender to set up at Hirtle' s Beach for the 2009 summer season; and further, that staff be directed to prepare a report recommending the necessary actions and procedures that the Municipality would have to follow to allow venders on Municipal property. Carried.

10.1.9 - Standing Timber Not to be Sold on Municipal Properties at Whynott Settlement

Moved by Councillor Countway, seconded by Councillor Veinot that Council accepts the recommendation of the Committee of the Whole to not sell the standing timber on the Municipal properties located in Whynott Settlement to Abitibi Bowater. Carried.

10.3 PENSION COMMITTEE - RECOMMENDATION

In attendance was Gordon Pettipas, Director of Financial Services and Mun. Treasurer.

10.3.1 - Terms of Reference for Pension Committee

Deputy Mayor Zwicker noted that the word " is" is required before the word " reasonable"

in section (b) of Appendix A of the proposed Terms of Reference.

Moved by Deputy Mayor Zwicker, seconded by Councillor Carver that Council accepts the recommendation of the Pension Committee and approves the Terms of Reference for the Pension Committee as presented. Carried.

Mr. Pettipas left the meeting.

10.4 POLICE ADVISORY BOARD - RECOMMENDATIONS

10.4.1 - Elected Officials' Terms on the Police Advisory Board

Ms. Wilson reviewed the terms of membership for the Police Advisory Board.

Moved by Councillor Nauss, seconded by Deputy Mayor Zwicker that Council accepts the recommendation of the Police Advisory Board and approves the elected officials' terms on the Police Advisory Board to expire as follows:

Councillor Lee Nauss - November 2010

Councillor Martin Bell - November 2011

Councillor Wade Carver - November 2012

Carried.

10.4.2 - Members' -at-large Terms on the Police Advisory Board

Moved by Councillor Carver, seconded by Councillor Bell that Council accepts the recommendation of the Police Advisory Board and approves the members' -at-large terms on the Police Advisory Board to expire as follows:

Mike Robar - August 2010

Mark Crouse - August 2011

Kevin Clayton - August 2012

Carried.

11. STAFF MATTERS

11.1 CHIEF ADMINISTRATIVE OFFICER' S MATTERS

11.1.1 - Building Report for June '09 and Occupancy Permit Report

These reports were circulated for information. With regard to the Occupancy Permit Report, Ms. Wilson explained the process which is followed for the issuance of Occupancy Permits. The applicant is required to contact the office and arrange an appointment when they have reached the point for an Occupancy Permit to be issued.

Councillor Countway asked if the Building Department is keeping up with the requests to do inspections for Occupancy Permits; or is it because applicants are not contacting us for appointments and that' s the reason we are behind in the issuance of Occupancy Permits?

Ms. Wilson said the issue is that people are not calling to have that final inspection done.

11.1.2 - Amended Resolution -Recovery of Expenses-Fire & Emergency Response Services

Ms. Wilson reported that on June 9, 2009 Council received and supported a Resolution to Recover Expenses for Fire & Emergency Services Responses on Provincial Highways of Nova Scotia which was also supported by several other municipalities. At that time it was suggested that an amendment be proposed when the Resolution is introduced at the Fall UNSM Conference which would require that a billing rate be established that is uniform and applied equally across the province. That amendment has been made to the Resolution and it has been suggested that the amended Resolution be forwarded to the Resolutions Committee.

There was some discussion regarding the success of changes made to Resolutions when they are brought to the floor of the Conference. Also discussed was the intent of the Resolution that municipalities would receive the money, and how it would be reimbursed to the fire departments. This would have to be discussed with fire departments.

Moved by Councillor Countway, seconded by Councillor Bell that Council approves the amended Resolution to Recover Expenses for Fire & Emergency Services Responses on Provincial Highways of Nova Scotia and that it be forwarded to the UNSM Resolutions Committee for consideration at this year' s UNSM Conference. Carried.

7. PRESENTATION

7.1 CANADIAN UNION OF POSTAL WORKERS

At 9:30 a.m. the following representatives of the Canadian Union of Postal Workers (CUPW) were in attendance to make a presentation regarding concerns about proposed changes by Canada Post to rural mail delivery:

Toni Macafe, Representative for the Regional Area
Nancy Rogers, Local President, CUPW
Lyle Baker, Local Vice President, CUPW

They provided all Council members with a package of information and they spoke to Council on the issues. They reported that rural mail boxes are disappearing and replaced with community mail boxes; but many residents were not contacted by Canada Post prior to this happening. They referred to the Strategic Review that took place last year and it has come out with recommendations on mail delivery in rural Canada. They stated that Canada Post is claiming that the recommendations for rural mail delivery are based on health and safety issues. The CUPW representatives said they know there are some that are unsafe, as rural mail deliverers have brought that up for years, but their complaints were not addressed. They reported that the workers were not involved in the assessment that was done, and that Canada Post hired people to do the assessment and they came back with the results. An example was given where Canada Post said a rural mail box had failed the assessment, but they installed a community mail box (CMB) right next to that rural mail box.

Councillor Young feels this issue has come a long way, and he would like to have seen the CUPW representatives come here earlier in the year. He feels the only thing that is going to save rural mail delivery is if the public gets involved and says no to what is happening. He noted that there are many elderly residents who would not be able or capable of going to a community mail box for their mail. If we go the way Canada Post is going, then we would be taking all our public services off the road, like garbage collection and school buses.

Ms. Macafe noted that the Union was not involved in the review. She reported on a situation in Truro where the public, Councillors and MLAs got involved and saved the service to the point where they widened the road shoulder. She remarked on the \$400 million Canada Post is spending on assessments, which the Union would rather see them use to enhance the service.

There was some discussion regarding CMBs and where they are located, particularly with regard to the view plane, a lighted site, and parking.

Ms. Macafe explained the information contained in the package that was provided to each Council member. She noted that they are asking people to write letters to Canada Post's CEO. She suggested that Councillors talk to their constituents and tell them what they can do to keep their rural mail delivery service.

Ms. Rogers thanked Council for giving them an opportunity to make a presentation and they left the meeting.

6. AWARDING OF TENDERS/RFPs

10.2 WASTE MANAGEMENT COMMITTEE - RECOMMENDATION

At 10:10 a.m. Mr. Pierre Breau, Director of Engineering and Public Works, was in attendance.

6.1 & 10.2.1 AWARD OF TENDERS 2009-05-004 & 2009-05-005

Mr. Breau reviewed the analysis information for Tender 2009-05-004, Dry Ice Blast Cleaning System, and Tender 2009-05-005, Air Compressor System plus the Dryer Option, for the Lunenburg Regional Community Recycling Centre (LRCRC). He explained the use and purpose of this equipment at the LRCRC.

Moved by Councillor Young, seconded by Deputy Mayor Zwicker that Council accepts the recommendation of the Waste Management Committee and awards Tender No. 2009-05-004 for the Supply and Delivery of the Dry Ice Blast Cleaning System to Scotsburn Mechanical, Pictou, NS, for the price of \$25,792.25, including HST. Carried.

Moved by Councillor Veinot, seconded by Councillor Young that Council accepts the recommendation of the Waste Management Committee and awards Tender No. 2009-05-005 for the Supply and Delivery of the Air Compressor System Plus the Dryer Option to Rideout Tool & Machine Inc., Dartmouth, NS, for the price of \$37,685.50, including HST. Carried.

6.2 REQUEST FOR QUOTATIONS - MUNICIPAL SIDEWALK - TRUNK HIGHWAY 10 - OSPREY VILLAGE

Mr. Breau reviewed the analysis information for the Request for Quotations for the Municipal Sidewalk, NS Trunk Highway 10 Project (Osprey Village). This contract is for the construction of a Municipal concrete sidewalk along Trunk Highway 10 in Cookville, immediately to the north of the Pine Grove Road intersection, approximately 180 metres in length.

Ms. Wilson noted that this was a request for quotations. However, the prices received were over \$20,000 which requires Council' s approval. If Council doesn' t accept this, we will have to go to tender.

Moved by Councillor Nauss, seconded by Councillor Carver that Council awards the Municipal Sidewalk Trunk Highway 10 Project to Town & Country Property Improvements, Bridgewater, NS, for the amount of \$26,188.87, including HST. Carried.

10.2 WASTE MANAGEMENT COMMITTEE

10.2.2 - LRCRC Landfill Closure Cost Estimate Report

Circulated with the agenda was an updated Landfill Closure Cost Estimate Report for the former landfill site at the LRCRC. The Waste Management Committee had requested that the partner Councils be provided with this report for information and incorporation in their long-range budgets.

11. **STAFF MATTERS**

11.2 ENGINEER' S MATTERS

11.2.1 - Tender for Issue - 2009-05-007 - Phase 2 - Champlain Drive Infrastructure

Mr. Breau explained the work to be done for Tender 2009-05-007 - Phase 2, Champlain Drive Infrastructure. This capital project involves the construction of approximately 300 metres of potable water distribution mains, 300 metres of sanitary sewer collection mains, a sanitary sewer pumping station and related road work at Champlain Drive, Cookville. The budgeted cost for this work is \$496,000. Council' s permission is required to issue this tender for pricing.

Moved by Councillor Statton, seconded by Councillor Nauss that Council approves the issuance of Tender 2009-05-007 for Phase 2, Champlain Driver Infrastructure. Carried.

11.3 RECREATION MATTERS

11.3.1 - Grant Offers to continue ASA Pilot Project and work on MARC Trails

In attendance was Laura Barkhouse, Trail and Open Space Coordinator. She reviewed the information in her memo to Council regarding grant offers which will allow the Asphalt Shingle Aggregate (ASA) Pilot Project to continue, as well as work to continue on the MARC trails. Council's permission is required to have these grant offers signed and sent.

Moved by Councillor Fawson, seconded by Deputy Mayor Zwicker that Council accepts the associated grant offers from the following sources which will allow the Asphalt Shingle Aggregate Pilot Project to continue, as well as work to continue on the MARC trails:

\$10,000 from NS Health Promotion and Protection

\$40,000 from the OHV Trails Fund

\$45,000 from the RRFB

\$80,000 from the National Trails Coalition Fund

The motion was carried after some discussion regarding the amount of shingles that will be required and the sources they will come from.

Ms. Barkhouse was thanked and she left the meeting.

12. MAYOR' S/COUNCILLORS' MATTERS

12.1 MAYOR' S UPDATE

Mayor Downe gave updates on the following events/meetings that he attended:

- meetings with MLAs - they have agreed to meet on a regular basis, as a group of 3 if possible
- meetings with the MP on issues affecting Council
- 10 km run
- parades on July 1st
- events that he participated in during the South Shore Exhibition
- meetings with the other Mayors in the County
- supper with Jack Layton, Federal NDP Leader

14. *IN CAMERA IN COMMITTEE* - 11:15 a.m.

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

The purpose of the *In Camera* meeting was to discuss two Personnel Matters, in accordance with section 22 (2) (c) of the *Municipal Government Act*.

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

14.1 PERSONNEL MATTER

Council discussed this *In Camera*.

Moved by Councillor Moore, seconded by Councillor Carver that Council approves the Pay for Temporary Assignment for the Acting

Director of Planning and Development Services, Mr. Jeff Merrill, at a salary equivalent to \$63,200 per annum, to be effective on the 61st day of Mr. Merrill' s term as Acting Director of Planning and Development Services. Carried.

14.2 PERSONNEL MATTER

Council discussed this *In Camera*.

Moved by Deputy Mayor Zwicker, seconded by Councillor Fawson that the ICSP Coordinator be authorized to work on Planning department projects as time permits and subject to the ICSP project not being negatively impacted. Carried.

ADJOURNMENT

There being no further business at 11:47 a.m. it was moved by Councillor Moore, seconded by Councillor Hustvedt that the meeting adjourn.

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MAYOR DON DOWNE, CHAIRMAN

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TAMMY WILSON, CHIEF ADMIN. OFFICER