

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

Deputy Warden Elmer Garber, Chair - District 4
Councillor Diane Tanner - District 1
Councillor Sherman Palmer - District 2
Councillor Donald Zwicker - District 3
Councillor Milton Countway - District 5
Councillor Sandra Statton - District 6
Councillor Cathy Moore - District 8
Councillor John Veinot - District 9
Councillor Arthur Young - District 10 (arrived 3:35 p.m.)
Councillor Lee Nauss - District 11
Councillor Karen Dempsey - District 12 (arrived 9:40 a.m.)
Councillor Martin Bell - District 13

Absent was Warden Jack Wentzell - District 7.

Also in attendance were:

Tammy Wilson, Acting Chief Administrative Officer
Erica Green, LL.B., Municipal Solicitor
Heather Whycott, Administrative Assistant

AGENDA

Deputy Warden Garber reported that there has been a request to deal with an agenda item 8 (A) (10) at a specific time, the item being the reconsideration of the December 12, 2006 motion regarding the sale of the Centre Jail property.

Counc. Palmer reported that he received a phone call from a resident asking when this item would be dealt with by Council, as the resident wishes to be in attendance when it is. Counc. Palmer called staff to see if a time could be set and staff suggested 10:00 a.m., if Council agrees.

Council agreed that agenda item 8 (A) (10) be dealt with at 10:00 a.m.

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

Counc. Countway asked that the matter of Waste Site Hours be added.

Moved by Counc. Nauss, seconded by Counc. Tanner that the Agenda be approved with the addition of Waste Site Hours. Carried.

MINUTES

Moved by Counc. Tanner, seconded by Counc. Palmer that we approve as circulated the Minutes of the monthly meetings held November 14, 2006 and December 12, 2006; the Special Meeting held November 27, 2006; and the Public Hearing held December 7, 2006. Carried.

CAN. FEDERATION OF STUDENTS - CAMPAIGN TO BOOST FEDERAL FUNDING

Circulated with the agenda was a letter from the Canadian Federation of Students requesting support of their nation-wide campaign to boost federal funding, reduce tuition fees, and implement a national system of needs-based grants.

Moved by Counc. Nauss, seconded by Counc. Countway that we support the request of the Canadian Federation of Students by writing the appropriate letters supporting their nation-wide campaign. Carried.

COMMITTEE OF THE WHOLE - RECOMMENDATIONS

NO COST-SHARING AGREEMENT CONSIDERATION re

Moved by Counc. Tanner, seconded by Counc. Nauss that we accept the recommendation of the Committee of the Whole that Council refuse another Cost-sharing Agreement with Elmer Lohnes Lumbering Limited for

ELMER LOHNES **improvements to Billie Lane.**

LUMBERING LTD. Counc. Nauss asked if Mr. Lohnes ever carried out any work outlined in the agreement.

Ms. Wilson reported that nothing was started.

Counc. Veinot said he feels that sometimes we should be negotiating a bit more. He doesn't think we should drop it so quickly.

The motion was carried.

HIGHLANDING **Moved by Counc. Palmer, seconded by Counc. Moore that we accept the**
ROAD ASSOC. - **recommendation of Committee of the Whole and accept the Petition submitted**
PETITION TO LEVY **by the Highlanding Road Association and levy a charge within the Charge**
CHARGE **Area identified by the Association as follows:**

- a uniform amount per lot occupied by a Seasonal Residence
- a uniform amount per lot occupied by a Year-round Residence
- a uniform amount per lot occupied by a Vacant lot
- with the 2007/08 charge being set at
 - \$240 per lot occupied by a Seasonal Residence
 - \$425 per lot occupied by a Year-round Residence
 - \$50 per vacant lot
- the occupancy of the lots to be determined by the Association; and
- the charge is to be adjusted annually as per the Bylaw Respecting the Maintenance and Improvement of Private Roads.

Motion Carried.

EAST COVEY LAKE **Moved by Counc. Zwicker, seconded by Counc. Nauss that we accept**
ROAD ASSOC. - **the recommendation of Committee of the Whole and accept the Petition**
PETITION TO LEVY **submitted by the East Covey Lake Road Association and levy a charge within**
CHARGE **the Charge Area identified by the Association as follows:**

- a uniform amount for each property owner of a vacant lot, regardless of the number of lots owned, equal to 2.5% of annual budget, to be adjusted yearly
- a uniform amount for each property owner of a lot containing a seasonal residence, regardless of the number of lots owned, equal to 27.8% of the annual budget, to be adjusted yearly to reflect the occupancy of the lot
- a uniform amount for each property owner of a lot containing a year-round residence and located before the bridge, regardless of the number of lots owned, equal to 16.5% of the annual budget, to be adjusted yearly to reflect the occupancy of the lot
- a uniform amount for each property owner of a lot containing a year-round residence and located after the bridge, regardless of the number of lots owned, equal to 53.2% of the annual budget, to be adjusted yearly to reflect the occupancy of the lot
- with the 2007/08 maintenance being set at \$2,982 and the occupancy of the lots being identified by the East Covey Lake Road Association
- the charge is to be adjusted annually, as per the Bylaw Respecting the Maintenance and Improvement of Private Streets.

Motion Carried.

EXPENDITURE **In attendance at this time were Pierre Breau, Director of Engineering and**
TOWARDS **Public Works; Matt Davidson, Assistant Municipal Engineer; and Gordon**
COOKVILLE **Pettipas, Director of Financial Services and Municipal Treasurer.**

WASTEWATER **Moved by Counc. Countway, seconded by Counc. Bell that we accept**
TREATMENT **the recommendation of the Committee of the Whole and approve an**
FACILITY **expenditure of \$150,000 towards the Cookville Wastewater Treatment Facility**
project to enable start-up, subject to a satisfactory report from the Director of
Financial Services regarding funding options.

At the request of Counc. Statton who was away and not at the last Committee of the Whole meeting, Mr. Breau explained why this expenditure is needed.

Counc. Statton asked if this will be the final bill.

Mr. Breau said that we are close to the end of the project. It's to be operational before the end of the fiscal year.

Mr. Pettipas reviewed the financial information he provided to Council regarding the over-budget amount for the Cookville Sewer project in the fiscal year '07 (copy attached to original Minutes). The information he provided also contained seven possible funding options. For the Cookville Sewer project, he reviewed the funding options that could be considered, as follow: a) Option #1 would be to fund all or part from the General Operating Reserve; b) Option #2 would be to fund all or part from Operating Surplus; c) Option #3 would be to draw from the Cookville Restricted Surplus; d) Option #5 suggests to temporary borrow from our Operating fund until next year when funding can be secured (requires a borrowing resolution and approval from Service Nova Scotia and Municipal Relations and would be considered on a case by case basis); and e) Option #6 suggests borrowing additional funds from the Municipal Finance Corporation (requires a borrowing resolution and approval from Service Nova Scotia and Municipal Relations and would be considered on a case by case basis).

Counc. Bell said he would hate to consider Option #3. This is a concept we have finally started to think about. It's a process being put in place that was long overdue. That option was not designed for this type of expenditure.

Counc. Zwicker pointed out that the \$77,500 of the \$343,000, which is earmarked for Recreation projects, is really money that would be in our 2007-08 budget. Although the \$77,500 can be included, he doesn't feel that it should be included. We had to take those out. They were worthy to be approved last year and he hopes they will be this year.

Counc. Dempsey said she agrees with Counc. Zwicker. Throwing Recreation items in the mix makes it confusing. She also agrees with Counc. Bell. This is not what Option #3 was designed for. She commented that it appears we have a spare \$800,000 and \$1.8 million to use, but she doesn't think that is quite the picture. She asked for some clarification.

Mr. Pettipas said the acceptable level of a General Operating Reserve is a very grey area. A lot of municipalities have none. He would not recommend that. It's a figure very difficult to defend. If you have a deficit, then you have something to draw upon. In the past the auditors thought \$1 million was a good figure to have in the event of an emergency. When you have no Operating Surplus and no Operating Reserve, you have difficulty with emergency expenditures. The General Operating Reserve has been built up over the years. You are going to have times when you are going to draw down on that Reserve. What level should you maintain it at? It's difficult to defend any figure. What seems to be prudent is the level we have operated at in the past ...\$600,000 to \$800,000. They are healthy Reserves and Surplus. We don't want to be in a position where we have none. We have \$2.6 million roughly.

Our budget of \$21 million divided by 12 would give you about \$1.7 million. We could operate for a month without any concern. There are no guidelines by Municipal Affairs saying what we should have. One to two million dollars seems reasonable.

Counc. Dempsey said, so generally speaking, it is good practice to have \$1 million in Reserve and enough surplus to operate for one month. Which should be used?

Mr. Pettipas said there is really no difference. Operating Reserve was earmarked for operations. Excess surplus at the end of the year can go in Operating Surplus.

Counc. Nauss asked if we are doing any bank borrowing for operations.

Mr. Pettipas said very little. Last year we may have had \$100 in interest expense.

Counc. Nauss asked if we have enough to operate until tax money starts coming in. Mr. Pettipas said absolutely.

Counc. Statton suggested taking it out of Operating Reserve as opposed to borrowing money.

The motion accepting the recommendation approving an expenditure of \$150,000 towards the Cookville Wastewater Treatment Facility was carried.

Moved by Counc. Statton, seconded by Counc. Countway that we take the \$150,000 for the Cookville Wastewater Treatment Facility from the General Operating Reserve.

Counc. Zwicker said he thinks it's inappropriate to take it from there and that it should come from Operating Surplus. He feels that would be the more appropriate place.

Counc. Dempsey said it was her understanding that it didn't matter which one it came from.

Mr. Pettipas said there is money in both and both are operating in nature.

Deputy Warden Garber asked if the Operating Reserve is restricted to any particular kind of activity. Mr. Pettipas said no.

Counc. Zwicker explained why he thinks it should be taken from Operating Surplus.

The motion was defeated. (This motion was reconsidered and carried later in the meeting.)

Moved by Counc. Zwicker, seconded by Counc. Nauss that we take the \$150,000 for the Cookville Wastewater Treatment Facility out of the Operating Surplus. (This motion was subsequently tabled; removed from the table, and then withdrawn later in the meeting.)

Mr. Pettipas said when you do that you will end up with an Operating deficit at the end of the year.

It was noted that it was past 10:00 a.m. and that Council had agreed to deal with the agenda item regarding the sale of the Centre Jail Property at that time.

Moved by Counc. Nauss, seconded by Counc. Tanner that we table the motion until later in the meeting. Carried.

Mr. Breau, Mr. Davidson and Mr. Pettipas left the meeting at this point.

SALE OF CENTRE JAIL PROPERTY - RECONSIDER DEC 12/06 MOTION **Moved by Counc. Countway, seconded by Counc. Zwicker that we accept the recommendation of the Committee of the Whole and reconsider Council's motion of December 12, 2006 regarding the sale of the Centre Jail property. Carried.**

MOTION ON THE FLOOR (from Dec. 12/06 Council Minutes, Pg. 10) -

Moved by Counc. Zwicker, seconded by Counc. Bell that we accept the recommendation of the Committee of the Whole that the Centre Jail property be deemed surplus and that it be put up for sale, and that a Real Estate Agent be engaged to sell the property; and further, that the Solicitor review the Real Estate Listing of the property before it is signed by the Municipality.

Counc. Zwicker said it was his understanding that if we reconsider a motion at the same meeting that the motion was made to reconsider, then a higher percentage is needed to pass the motion, whereas a simple majority is needed to reconsider it at the next meeting.

Ms. Wilson reviewed the section of Robert's Rules of Order which states that you need a simple majority to reconsider a motion the same day.

Counc. Countway said one of the main reasons he made the motion to reconsider the decision to sell the Jail property is due to some circumstances that were brought to light at the Committee of the Whole meeting regarding the realigning of the driveway for the school buses and maybe convincing the School Board to use it, also, thinking about what could possibly go next door to a school. However, he's not in favour of spending more money on it.

Counc. Bell said there is something that he would like made clear. We were given a diagram of a plot survey. There was a triangular piece of land on it that one of the residents here today in the audience may own. It was his understanding that the piece of land was owned by the Municipality. The second question he would like addressed is how common is it for municipal units to own school property and what advantage is it for us to maintain ownership of schools. It may not be able to be discussed today, but he thinks discussion is long overdue on it.

Mr. Carroll Randall, Recreation Coordinator, was in attendance.

Mr. Randall reported on Counc. Bell's first question about the triangular piece of land. He said that deeds and records were checked and the Municipality has a deed for it.

Deputy Warden Garber commented that ownership of schools is a complex issue.

Ms. Wilson said she did query some municipalities about owing school lands and facilities. CBRM owns some but not all. Chester has the same situation; they own 3 out of 5 in the district. West Hants owns several, and the Town of Yarmouth as well.

Counc. Bell questioned if there was a long-term plan to see if there was consideration for upgrades or replacement of the school. He finds it hard to understand why, in the five years the jail building was vacant, and if they were looking for a bus turn, we were never contacted on an important issue that only comes to light when we consider selling the property.

Counc. Nauss said the reason for maintaining ownership of the school

properties was to use those assets for borrowing power purposes. If we changed ownership of the schools to another body, we lost that borrowing power. He feels the Jail property is a value to the community for future recreation purposes. If they vacate that school tomorrow, that asset would be still there and could be used. When they vacated the Blockhouse school, that building was still ours but could be used for educational purposes and they continued to use it for the French immersion school.

Counc. Dempsey said she supported the original motion to sell the Jail property. She felt the Recreation Focus Group did their homework. She thought the School Board was not interested. Something got left out of the mix. If we are going to retain the property, then we have to accept the responsibility to maintain that building. We have not done that for the past several years. She would like more discussion about being prepared to maintain that structure, not just the pros and cons of selling it.

Ms. Wilson reported that Mr. Randall spoke to Jerome Tanner at the School Board office.

Mr. Randall reported that he was talking to Jerome Tanner and asked him what his thinking was. Mr. Tanner said it was his belief that if we made an offer they would express some interest in having access to the Jail property.

Counc. Palmer pointed out that it's a brick building ...it's not going to fall down. He can't see any advantage of getting rid of it. If the School Board doesn't want it, we may want it for recreation or some other purpose. He can't see the urgency in selling it.

Counc. Nauss reported that it's in the agreement that the Department of Education signed that they had to contact the Municipality at any time there was any capital work to a school of X amount of dollars. We have had to remind them of that in the past. Here again we have to remind them that they have to look at the agreement that they signed. There was interest by the Military to use that facility (Jail building), but they were unable to raise the funds. We were using the building for storage for some years. Because of the design of that building, to do renovations on it would cost more than to build a new one.

Counc. Palmer asked that the people in the audience be given an opportunity to speak on this matter.

Counc. Nauss questioned if the public can speak when there is a motion on the floor that's being debated by Council.

Ms. Green said the motion should be tabled if Council wishes to allow members of the public to speak.

Moved by Counc. Palmer, seconded by Counc. Tanner that we table the motion to give members of the public an opportunity to speak. Carried.

Moved by Counc. Tanner, seconded by Counc. Palmer that the two people in the audience who wish to speak on this matter be permitted to do so. Carried.

M. Tousevard, Centre - Mr. Tousevard reported that the triangular piece of land that was mentioned has an L-shape around it which he owns. About 20 years ago the School Board was going to bulldoze land there. He told them they could not because he owned it. He received a letter of apology. The

school is about 40 feet from his property. If he's given a couple of hours, he can prove that he owns this parcel of land.

Ray Dahn, Centre - Mr. Dahn said he has lived on Bulmer Road for 36 years. His children have gone to Centre (School). He feels that to sell this property the Municipality is losing out on a win-win situation. The Provincial and Federal governments are pointing out that young people need exercise, need recreation. He's 80 and not a good athlete. He said he has learned that Recreation came to the Municipality to use that land for a sports complex and for some reason Council did not go along with it. He has learned that Centre School wanted to offer some outdoor experiences for the students. They didn't have the land, but a good neighbour of the school allows them to have a nature walk. They are using his property for outdoor activities. All of a sudden the Municipality has this Jail property and you're concerned about what to do with it. What he would really like to hear this morning is that we have to think about that building and what we can use the land for. Maybe we should tear the building down. You would be able to give the school more room for their outdoor activities. They could have a softball field, or another soccer field. The other thing that can be done with that property is let the Recreation department put in a sports complex. The Federal government is setting up to give parents tax relief if their kids get into soccer teams, baseball teams, basketball teams. What the Municipality has to do is give the kids opportunity for recreation. That is what that property that Council is dealing with means. It's valuable. That building is just a bunch of bricks, steel and razor wire ...get rid of it. Give the property to Recreation and the School to use.

Moved by Counc. Nauss, seconded by Counc. Palmer that we remove the motion from the table. Carried.

MOTION ON THE FLOOR - Moved by Counc. Zwicker, seconded by Counc. Bell that we accept the recommendation of the Committee of the Whole that the Centre Jail property be deemed surplus and that it be put up for sale, and that a Real Estate Agent be engaged to sell the property; and further, that the Solicitor review the Real Estate Listing of the property before it is signed by the Municipality.

Mr. Randall said our original discussion was about if we can give it to the School. We never did that in writing. We have talked to the School and right up to the Department of Education, and at no time was any interest shown in it. We did keep a large piece of land behind so that the school could use it if it needed it. He just wanted the public to know that we did not ignore the school.

Counc. Bell asked if the original motion can be withdrawn to give Council time to explore this further with the School Board.

Deputy Warden Garber suggested that the motion could be tabled to allow further discussions on it.

Ms. Green said if the motion is tabled it has to be addressed before the end of the next regular meeting. She suggested that the motion be either withdrawn or defeated.

Question was called.

The motion was defeated unanimously by all those in attendance.

Deputy Warden Garber pointed out that now that Council has made that decision, Council will need to discuss what we do next.

This matter was discussed later in the meeting.

Counc. Bell pointed out that when people in the community have an interest and they come here, Council listens to their concerns. It's important that people realize that the political process does work.

PRESENTATION re LONG-TERM CARE BEDS

NEED FOR LONG-
TERM CARE BEDS
IN LUN. CO.

In attendance were Vernon Maughan and his daughter Erin Maughan. They had requested an opportunity to address Council regarding long-term care beds and the shortage of them in Lunenburg County. This is of concern to them because of a recent personal experience when Vernon's mother had to be placed outside Lunenburg County until a bed was available in this area.

Moved by Counc. Nauss, seconded by Counc. Dempsey that Vernon Maughan and Erin Maughan be permitted to address Council. Carried.

Ms. Erin Maughan thanked Council for giving them the opportunity to make a presentation on the shortage of long-term care beds. She informed Council that they were successful in getting her grandmother back to the community, but they feel she was definitely affected because of her placement outside the County. Due to their personal experience, they looked into the matter of the shortage of long-term care beds and discovered that, by population, Lunenburg County has the second lowest available beds in the province. In December she was talking to Mr. McNamara at the South Shore Regional Hospital who informed her that there are 80 waiting for long-term care beds ...26 of them are in hospital (13 in Bridgewater and 13 in Lunenburg). She noted the fact that we have a growing aging population in our community. She explained the placement process. The approximate waiting time for a bed is four months to one year. She questions where our tax dollars are going. There are Homes in the County that have been asking for additions for a number of years. Hillside Pines is crying for help for an addition for 50 beds. They are up to the challenge. For at least six years Harbour View Haven has been looking to add an expansion for 40 beds. A study was done but nothing has happened. If these two facilities would get their additions, there would be no one waiting for placement. She pointed out that there are recreation facilities for all ages, but don't get old in Lunenburg County because there's not enough available beds when you need one. She feels that Lunenburg County residents need to step up and make a stand for their community and elder citizens. They have a petition with 344 names on it at present which they will be giving to the Committee that is reviewing the allocation of long-term care beds in Nova Scotia. They have also approached Bridgewater Town Council on this matter and they are going to write a letter of support. They would also like support from Municipal Council on this issue. Ms. Maughan had with her a scrapbook that they have started on articles that have been published in the newspapers on this issue.

Mr. Vernon Maughan then addressed Council. He handed out pieces of a train set that were made from wood, and said he would explain the purpose for doing that later on. He told Council that what they have heard is "It can't be

done.” He said this is not their first issue with a family member going away to a long-term care bed. His uncle was in Digby and he passed away 20 minutes before they got there. His aunt was in Cookville but then had to be placed outside the County. We have been promised long-term care beds by red and blue political parties. We have to fight for long-term care beds in our County. We are all at blame for allowing it to happen. It’s not a political issue. It’s our people that need these beds. Hillside Pines has been after an expansion. He suggested that Council shouldn’t sell the jail because if it continues we are going to need it. We don’t know when any part of our family or ourselves are going to be needing them. It’s not going to get any rosier. He then told the story about the train. We all say it’s not going to happen. A blind man built the train, all but the wheels; he built his own house. You may know him ...David Smith. The moral of the story is, if a blind man can do that, surely we can get more long-term care beds in our County.

Ms. Erin Maughan said she has heard that 870 additional beds have been promised. She thinks a demand has to be shown for them and go after them. She thinks they are looking to focus on proving that we need them here. The original petition is going to the Committee. She thinks we are not aware of things like this unless it is happening to us. They are looking for support to show that the demand is there and that we need these promised beds in our County.

Mr. Vernon Maughan said that they do need Council. They have received phone calls from others wanting to know what they can do for their family members that also need help. People don’t know how to fill out the applications. They are continuing this for others. They’re not nervous that his mother will get transferred again. They do hope to cover all the Councils in Lunenburg County, including Mahone Bay, Lunenburg and Chester. That is their goal ...to reach all the Councillors to come up with some kind of committee or voice your opinion as a group or groups that they (Province) will listen to.

Counc. Zwicker, as Council’s representative on the Hillside Pines Board, thanked them for coming here. They are not overstating the seriousness of the situation. We have many frustrated people on the Board. The Administrator, Mr. Crouse, is here in the audience. We have been trying to expand Hillside Pines but to no avail to date. There have been a lot of promises but not kept. The only way to succeed is to get everybody on side. It’s criminal to have people in hospitals who should be in long-term care. All the Homes provide excellent services to our seniors. Lunenburg County has a high proportion of seniors. Where are they going to go when and if they need the space? We should be doing all we can to resolve this issue. He indicated to the Maughans’ that as a Board they would be glad to work with them to realize more bed space in this area.

Ms. Erin Maughan said they also expect the other side of the coin to do something ...to be accountable for the promise made election time. Lunenburg County having the second lowest available beds is proof enough that we need them.

Counc. Nauss thanked them for their presentation. He told them that

Council has talked about the need. He pointed out that they neglected to include the Rosedale Home and suggested that they talk to that Board and get their backing and support because they have been looking for an expansion for years.

Counc. Dempsey thanked them and said she supports them in their efforts. She feels it needs to be wider than Lunenburg County. She suggested they also contact Shoreham Village in Chester and North Queens Nursing Home. The promise came from the Provincial government. They hold the financial key to this and have the ability to build those facilities

Ms. Erin Maughan said they realize there are other Homes. They understand that the promised beds go to Counties with the most need for them.

Counc. Moore reported that Rosedale Home Board has been asking for 11 beds for about fifteen years.

Moved by Counc. Dempsey, seconded by Counc. Tanner that we write a letter of support for the Maughans' initiative to secure additional long-term care beds in Lunenburg County and that the letter be addressed to the appropriate Provincial Minister, and that copies of the letter be sent to our MLAs and the Provincial Seniors Secretariat. Carried Unanimously.

Deputy Warden Garber thanked them for their presentation. He indicated that society is judged on how it treats its children and seniors.

Mr. Vernon Maughan said they know the Provincial level is the level for this. They don't want to get on a political ride. They believe that local Councillors are the most important level of government that they have. They can get somewhere at this level. They can get to talk to local Councillors. It's an important level of government. Councillors have been voted in by the people. Council is a strong body versus Vernon trying to get in on a meeting with the Minister of Health. They need Council's voice. He thanked Council for listening to their presentation.

Deputy Warden Garber indicated to them that they are also a very important part of the democratic process.

Vernon Maughan and Erin Maughan thanked Council and left the meeting.

EXPENDITURE
TOWARDS
COOKVILLE
WASTEWATER
TREATMENT
FACILITY

Council continued their discussion on where the funding should come from for the Cookville Wastewater Treatment Facility.

In attendance were Pierre Breau, Director of Engineering and Public Works, and Gordon Pettipas, Director of Financial Services and Municipal Treasurer.

Moved by Counc. Nauss, seconded by Counc. Tanner that we remove the motion from the table regarding the \$150,000 for the Cookville Wastewater Treatment Facility. Carried.

MOTION ON THE FLOOR (from Pg. 4 of these Minutes) - Moved by Counc. Zwicker, seconded by Counc. Nauss that we take the \$150,000 for the Cookville Wastewater Treatment Facility out of the Operating Surplus.

Counc. Zwicker said his understanding was that it didn't matter which account it came from; but now he understands there is a difference. He, therefore, wishes to **withdraw** his motion.

Moved by Council. Zwicker, seconded by Council. Dempsey that we reconsider the motion that was made earlier in the meeting to take the \$150,000 from the General Operating Reserve. Carried.

MOTION ON THE FLOOR (from Pg. 4 of these Minutes) - Moved by Council. Statton, seconded by Council. Countway that we take the \$150,000 for the Cookville Wastewater Treatment Facility from the General Operating Reserve. Carried Unanimously.

Mr. Breau left the meeting at this point.

CENTRE JAIL
PROPERTY

Council then considered what the next step would be with regard to the Centre Jail property.

Moved by Council. Bell, seconded by Council. Zwicker that the Senior Management of the Municipality of the District of Lunenburg write to the School Board to express our interest to enter discussions with them to see if the Jail property would be of any interest to the School Board's future endeavours and, if so, what type of arrangement we can come to and report back to Council. Carried.

WASTE MANAGEMENT COMMITTEE - RECOMMENDATIONS

UNBUDGETED
EXPENDITURES re
REPAIRS TO
COMPOST BED
AND TIPPING
FLOOR
EXPANSION
PROJECT

Council then considered recommendations from the Waste Management Committee regarding unbudgeted expenditures for repairs to the compost bed and the tipping floor expansion project.

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

Mr. Breau reviewed the information in his memo to the four Waste Site partner Councils dated January 5, 2007 regarding the Lunenburg Regional Community Recycling Centre (LRCRC) Recycling Building Tipping Floor Expansion Project (copy attached to original Minutes). He said it has always been a challenge to make the tipping floor work since it was built back in 1993/94. The floor was too small. We took on extra contracts. This was stressing the floor even more. Without the benefit of a detailed review and preliminary design, the Technical Committee recommended a 5,000 square foot expansion to the tipping floor. The review and preliminary design indicates that an expansion of 7,450 square feet is required for our current operations. We need an additional \$146,000 because we have not received the waste we counted on and we will have an operational deficit. Mr. Breau then reviewed the financial information contained in his January 5th memo. He indicated that some cuts were made to the Waste Management capital budget. We did not cut this one. The capital expense forecast by March 31, 2007 is \$673,000. One April 1, 2006 we will start building. If approved, there is a brand new pot of money. We will spend another \$184,000 on the floor and another \$25,000 for engineering. We can only get reimbursed from the other partners for the money we have spent. The operating deficit is almost entirely related to transfer station revenue.

Deputy Warden Garber reported that the Waste Management Committee in the agreement, can approve capital expenditures up to \$100,000. When it goes over that amount, we have to get approval from the four partner Councils.

At 12:00 noon, Council recessed for lunch.

At 1:05 p.m. the meeting resumed.

Mr. Breau reported that the compost facility has been in operation since 1994 and it was the first of its kind in operation in North America that we are aware of. We process 12,000 tons a year. It has been a success. However, the type of material that it is ...heavy, wet and moist ...corrodes metal. One of the problems we have discovered is that it's not very good at getting air in the compost bed. He explained how the aeration of the material is supposed to work. We have never spent any money fixing the bed. We have spent \$350,000 replacing the fans to air out the building and send odour to the bio-filter. The aeration bed was plugged to the point that we had to repair a section of it. We are to the point that the compost material is decomposing mostly on its own. We have spoken to Kaizer Meadows about accepting it. It has been over two years since we replaced some sections. The pipes and gravel bed have to be replaced. At this point we are no longer composting Lunenburg County compost material.

Counc. Nauss said he personally buys about 25 yards a year. What he bought in this last year was not composted like it used to be. It appears that it's not completely gone through its process. It bothers him about the tipping floor. Last year we talked about it and he thinks some said 5000 square feet was not enough. This happens too many times that we pay the experts and they don't do their job completely.

Counc. Dempsey asked if we are obligated to take compost from units outside the partnership.

Mr. Breau said we have only one legal written agreement and there is a clause for discontinuance of service. The agreement is with Chester. The Committee would want Queens to have some notice if we stop.

Counc. Dempsey feels we don't have much choice here. We need an operating and functioning composting facility.

Counc. Statton said she knows we have a plan to review the Waste Site operations. Is it costing us to accept compost from other municipalities outside the partnership? If it is, maybe we should be looking at that and then we may not need the repairs to this extent and, therefore, not have to spend as much.

Deputy Warden Garber asked if we are going to look at the operation side.

Mr. Breau said the agreement negotiations are purely a discussion on legal ownership and how we fund the facility to provide the services we provide. Those discussions can take place during the whole process. The whole aspect of how we manage the waste facility has to be discussed. We have been recognized worldwide. We led the province in this. We encouraged our neighbouring partners to do this as well. Toronto, Dallas and Calgary don't do this. If you want to continue with your leadership, he suggested that discussions should be held with the Provincial and Federal departments.

Deputy Warden Garber feels the discussion on one will affect the other.

Ms. Wilson asked, when we look at the services we provide, if we weren't taking from other units, would we still need to do the compost upgrades?

Mr. Breau said yes. He doesn't think it would change that much.

Counc. Veinot feels the Committee is not quite sure which way we are going with the compost. He thinks it's an expensive adventure. If we are going to do a bandaid repair, then he thinks we should wait before we do anything.

Counc. Nauss asked if they are considering something that we may not be going to do composting.

Ms. Wilson said what Counc. Veinot may be referring to is the new guidelines that Environment is proposing for compost and what impact they will have for us to meet them. The Waste Management Committee asked us to look at the possibility of outsourcing in the future.

Counc. Nauss asked if we are making any money bringing in blue bags from the other units. If we are, are we making enough to be involved in it? If we're not making a profit, then we may as well give it up and just do Lunenburg County. It's no good to do it for others if it's costing our taxpayers.

Counc. Statton said that is what she was asking but maybe not being as clear as Counc. Nauss.

Counc. Nauss asked if our finance people can examine this and tell us if we are making any money. Are we spending a million dollars to make \$5.00 or are we losing \$5.00, or making \$50,000 a year on it? When we went into this we were supposed to be making money. We are wearing out our equipment to do this. Somebody should be able to tell us if we are making any money.

Counc. Zwicker asked why we are not evaluating what we should be doing and what we should not be doing. We are at a crossroads. We don't have that operational information to be part of the decision-making process.

Ms. Wilson said what Mr. Breau is telling us is that they are storing material outside now, and even if we didn't have those outside contractors, we still need the repairs to compost the organics from the four partner municipal units, regardless of outside contracts.

Mr. Breau said we are not composting it. Our permit expired in 2002. We reapplied for it. We are not complying with our old permit. Our mandate is to compost. We are storing compost on an old landfill cell near a lake. These things take time to determine. It's not entirely up to one individual. The tipping floor expansion is a Health and Safety issue. You spent \$8 million. The only grant you got was \$2 million from the Province. We looked at all types of alternatives to try to get more efficiency out of that system and more revenue. There is no capital reserve for the Waste Site. Maybe staff was not strong enough to convince Council that a capital reserve is needed. The tipping floor area is unsafe to work in and we are not composting.

Counc. Nauss said he understands the problem with the compost. The one in the valley has probably 50,000 tons that they can't do anything with because it doesn't meet standards. What do we put on the tipping floor that comes from outside contracts? If we are not making any money on what is coming in, do we still have to do a 7400 square foot expansion? Would 5000 square feet be big enough? He feels if we aren't making any money on it, then cancel the contract and let someone else lose the money.

Mr. Breau said we make money on the paper. We make money on blue

bags in terms of direct labour. The most problematic contract we have is the RRFB for baling because it takes up space at a particular time of day. It all comes in the same time of day. If we run it in the evening, we have to find people to work and have supervisors there. With the blue bags, if we cancelled the contracts with others and the RRFB contract, we would lose cash on the barrel. Would we need 7400 square feet as opposed to 5000? We still need covered space.

Mr. Pettipas said he outlined the various funding options. Considering the emergency nature of these expenditures and mindful of the fact that we are serving a regional clientele, he contacted Region 6 and the RRFB to see what assistance would be available to us. They are looking at a special projects' fund of about \$166,000. They have sent questions back to us asking the specifics of these two projects. This has been informal at this point. A motion to access funds from Region 6 and the RRFB and a letter from the Warden may speed up access to those funds.

Counc. Statton said they don't just give us \$166,000. Those funds would be for all units.

Mr. Pettipas said our share of those funds would be 62%.

Counc. Statton asked, when you ask for a capital grant from Region 6, would it not have to be supported by the other units?

Mr. Pettipas said we are asking as operators for the Site to access those funds. If all units passed a motion to that effect it would be helpful.

Deputy Warden Garber pointed out that there are other units besides our four units that would share in those funds.

Counc. Dempsey said she's distressed to know that we are not making compost.

Moved by Counc. Dempsey, seconded by Counc. Statton that whereas the LRCRC (Lunenburg Regional Composting and Recycling Centre) requires emergency capital funding to fund a required expansion to the tipping floor and compost bed repairs, and whereas the ability to compost and recycle is significantly hindered by the lack of the required expansion and repairs; and whereas the recycling and composting facilities are regional in their delivery of services, therefore be it resolved that Municipal Council authorizes the Warden to write a letter to Region 6 and the RRFB requesting special consideration for emergency funding to assist the LRCRC in the required tipping floor expansion and compost bed repairs.

Deputy Warden Garber pointed out that we have not approved the two projects yet.

Counc. Dempsey commented that you have to continue to maintain and put money into a facility of this type. We should certainly be looking at some sort of reserve for the future.

The motion was carried.

Counc. Dempsey asked if the compost issue is a health and safety issue as well.

Mr. Breau said it's not as much risk to human health because they don't work in the compost. It's more of an environmental hazard and compliance with

our certificate. For every ten pounds that comes in, 60% - 70% must be stockpiled. Approximate 800 - 1000 tons comes in a month.

Counc. Countway commented that with that material sitting there the odour is eventually going to be noticed across the lake. We have been told the tipping floor is a health and safety issue.

Moved by Counc. Countway, seconded by Counc. Dempsey that we accept the recommendations of the Waste Management Committee and approve the unbudgeted expenditure of \$281,522 for repairs to the compost bed as outlined in Pierre Breau's report and approve staff's recommendation for the additional unbudgeted expenditure of \$146,581 for the Tipping Floor Expansion Project for the reasons outlined in Pierre Breau's report.

At the request of Counc. Statton, Mr. Breau explained the funding. The Councils will be approving \$593,801, of which our Municipality is responsible for 62%. This motion means you are committing fiscal monies for both fiscal years. \$575,000 has already been approved for the tipping floor.

Counc. Statton asked if this includes the public drop-off depot as well.

Mr. Breau said they are only going to start constructing it in March, but the cost will be spread over two fiscal years.

The motion was carried.

Ms. Wilson reminded Council that we need the approval of at least one other unit in order for these projects to proceed.

Mr. Breau and Mr. Pettipas left the meeting at this point.

COMMITTEE OF THE WHOLE - RECOMMENDATIONS (continued)

REPORT FROM ADMINISTRATION FOCUS GROUP re PERSONNEL POLICY

Council considered a recommendation from the Committee of the Whole to adopt the following report from the Administration Focus Group regarding the review of the Personnel Policy:

- 1) Council approve the formation of a Staff Resources Committee to allow input from staff as employees as to issues and concepts to be focussed on in the review. The CAO would determine the make-up of the Staff Resources Committee to be similar to that defined in Article 2 of our current Personnel Policy. The Staff Resources Committee would report to the Administration Focus Group through the CAO. The role of the staff committee would not be to overhaul and draft a policy but rather to review the Personnel Policy and recommend matters to be included in the review. Council would perform a similar function and would finalize the items to be included in the review. The Administration Focus Group would report to Council through the Committee of the Whole.
- 2) Council approve the Administration Focus Group as the Council Committee to coordinate the review of the Personnel Policy on behalf of Council and to act as the liaison with the Staff Resources Committee through the CAO. The Administration Focus Group would report to Council through the Committee of the Whole. The purpose of this information gathering stage is to get us to the point where we are comfortable with issuing an expression of interest to get a professional Human Resource firm to lead us through the rest of the process.
- 3) Upon consultation with the above-mentioned stakeholders, Council can issue an expression of interest identifying the key points (terms of reference) we want addressed in our Personnel Policy and have prospective consultants tell us how they would undertake the study and what additional items they would look at, as well as the anticipated price. The matter of funding the review would be addressed in the 2007 fiscal year.

Moved by Counc. Statton, seconded by Counc. Moore that we accept the recommendation of the Committee of the Whole and adopt the report from the Administration Focus Group regarding the review of the Personnel Policy.

Carried. (Report stated above)

RE-ESTABLISH
TOURISM FOCUS
GROUP

Moved by Counc. Moore, seconded by Counc. Statton that we accept the recommendation of the Committee of the Whole and re-establish the Tourism Focus Group as outlined in the Objective 4B, Action 2 of the Strategic Plan, and further, that the Tourism Focus Group implement Goal 4, Objective 4A, 4B, and 4C as follows: 4A - identify approaches for better promotion and marketing tourism resources; 4B - establish stronger working relationships with the tourism sector; and 4C - explore funding opportunities for tourism development from senior levels of government.

Counc. Dempsey commented that she thought these things were the mandate of the Tourism organization that we contribute to financially. Are we not trying to reinvent the wheel by forming our own Tourism Focus Group? Would we not be better served by working more closely with them?

Deputy Warden Garber said we want to have some efforts on our part with regard to tourism.

The motion was carried.

This matter was referred to the Nominating Committee.

EXPLORE
INTEREST IN SEMI-
ANNUAL REGIONAL
MEETINGS

Moved by Counc. Veinot, seconded by Counc. Dempsey that we accept the recommendation of the Committee of the Whole and explore with neighbouring Municipal Units, being Bridgewater, Mahone Bay, Lunenburg, Region of Queens, and Chester Municipal District, interest in having semi-annual meetings to discuss matters of a regional nature, as well as matters of mutual interest; and further, that the Warden be tasked with taking this matter to the Wardens/Mayors meeting for discussion.

Counc. Statton commented that we feel our UNSM rural caucus is not serving us well and we feel something on a regional basis might serve us better.

The motion was carried.

REC. COORDINA-
TOR TO CHAIR '07
PROGRAM COMM.

Moved by Counc. Nauss, seconded by Counc. Veinot that we accept the recommendation of the Committee of the Whole and support our Recreation Coordinator, Carroll Randall, taking the position of Chair of the Program Committee for the 2007 Recreation Nova Scotia Conference in Digby. Carried.

LETTER - PRIVATE
MEMBERS BILL 122
re ST. PAUL'S
UNITED CHURCH

Moved by Counc. Dempsey, seconded by Counc. Bell that we accept the recommendation of the Committee of the Whole and send a letter to Honourable Michael Baker indicating that Council is not trying to stop the process for the Private Members Bill No. 122 for St. Paul's United Church, Blue Rocks, but that Council is not supporting the Bill; and further, that if this Bill receives Second Reading, Council wishes to appear before the Private and Local Bills Committee of the Legislature to present Council's concerns.

Counc. Tanner said she is not going to support the motion. As Mr. Baker has taken this in as a Private Members Bill, she questions our involvement. She knows that churches struggle to get along today. She knows this church wants to sell the house so they don't have to pay taxes.

Counc. Dempsey pointed out that no application was made under the Subdivision By-law to determine if subdivision approval could be given. The

message it sends to the public is that, if you don't like the Municipality's Subdivision By-law, then you go to the MLA to circumvent the subdivision rules. The rules are there to protect the public. There are pieces of land that are not able to be divided for various reasons, such as size and ground conditions.

Counc. Statton feels that these people have every right to take whatever avenue they must. The Municipality's Subdivision By-law doesn't make everybody happy. If this is the route they have chosen, then who are we to say it's not the right thing to do. If the Bill is passed, they do approve holding tanks. Maybe they can do that.

Counc. Countway pointed out that all they are saying is that they want to divide a piece of property. Nothing has been said about installing a septic system.

Counc. Dempsey said her understanding is that there are two lots there now.

Counc. Zwicker agrees that there's a process in place. They didn't approach the Municipality to make an application. We have worked hard to get some degree of protection for the public. We are trying for a number of reasons to get some focussed approach to development and subdividing. This is going to be problematic if the Bill passes. Is this what we want? It's not what he wants. It is unfortunate that we were not approached before the Private Members Bill was done.

At the request of Counc. Nauss, Ms. Wilson explained how we found out about this and brought it to the Committee's attention. Ms. Wilson further explained the objective of the Subdivision By-law, being to protect public interest, safety and health.

Counc. Nauss feels if this Bill passes it will be an opening for everyone if they want to get out of following the rules.

The motion was carried.

PRE-BUDGET
APPROVAL FOR
MARC ITEMS AND
SAW PIT WHARF
REPAIRS

Moved by Counc. Bell, seconded by Counc. Nauss that we accept the recommendation of the Committee of the Whole and give pre-budget approval to the following items:

- A. Resurfacing 2000 metres of trail at the MARC at a cost of \$53,000. (An application for 1/3 funding of this project will be submitted to Health Promotion.)**
- B. Chimney repairs to MARC Program Building at an estimate of \$4,500.**
- C. Preparation of Tender Specs for the Saw Pit Wharf repairs to be prepared by O'Hallaron and Campbell at a cost of \$20,000.**

Motion Carried.

RFP re BRIDGE
CONSTRUCTION
ON JARVIS PPTY.

Moved by Counc. Tanner, seconded by Counc. Zwicker that we accept the recommendation of the Committee of the Whole and authorize staff to call a Request for Proposal for the design and cost estimate for the construction of a bridge on the Jarvis property. Carried.

NOMINATING COMMITTEE - RECOMMENDATION

APPOINTMENTS
TO SPECIAL JOINT
AGREEMENT
REVIEW COMM.

Counc. Dempsey, Chair of the Nominating Committee, reported that the Committee met last week to consider appointments to the Special Joint Agreement Review Committee to review the Agreement between the four partner units involved with the Waste Disposal Site at Whynott's Settlement.

(WASTE MAN.) The Committee recommends that Deputy Warden Garber and Counc. Statton be our Council's nominations to that Committee.

Moved by Counc. Dempsey, seconded by Counc. Moore that we accept the recommendation of the Nominating Committee and approve the nominations of Deputy Warden Elmer Garber and Councillor Sandra Statton as the Municipality's representatives to sit on the Special Joint Agreement Review Committee. Carried.

BUILDING REPORT FOR DEC. 2006 For information, circulated with the agenda was a summary of the Municipality's building activities for the month of December 2006 (copy attached to original Minutes). This report showed that the value of building permits issued in December totalled \$1,392,500.00, bringing the year-to-date value of permits issued to \$28,517,537.92.

WINTER MAINTEN.- PINE GROVE ROAD PHASES 1 & 2 Circulated with the agenda was a memo dated January 5, 2007 to Council from Ms. Wilson regarding winter maintenance on Phases 1 and 2 of the Pine Grove Road (formerly called New Pine Grove Road). Ms. Wilson reviewed the information in her memo (copy attached to original Minutes).

Moved by Counc. Nauss, seconded by Counc. Statton that Council request the Department of Transportation and Public Works to perform winter maintenance on the Pine Grove Road (Phase 1 and 2) for the 2006-07 winter season and charge the Municipality the standard fee per kilometre for such service. Carried.

WASTE SITE - HOURS OF OPERATION Ms. Wilson indicated that they have been notified that will be the case. Counc. Countway brought up a concern about the hours of operation at the Waste Disposal Site which are advertised as 8:00 a.m. to 5:00 p.m. However, when you get to the Site there is another sign posted that states all loads must arrive 20 minutes before closing time. He questioned how the general public is supposed to know this unless they drive there and read that sign.

Moved by Counc. Countway, seconded by Counc. Nauss that we ask the Waste Management Committee to review the Waste Site's hours of operation and ensure that they are advertised accurately. Carried.

IN CAMERA **Moved by Counc. Nauss, seconded by Counc. Dempsey that Council go *In Camera In Committee*. Carried.**

Council In Camera In Committee.

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

- A) Contribution to the MacCulloch Road Sewer Connection, in accordance with section 22 (2) (e) of the *Municipal Government Act*;
- B) New Initiative re Hockey League, in accordance with section 22 (2) (e) of the *Municipal Government Act*;
- C) Land Negotiations - Vogler's Cove, in accordance with section 22 (2) (a) of the *Municipal Government Act*;
- D) Land Negotiations - New Germany, in accordance with section 22 (2) (a) of the *Municipal Government Act*;
- E) Contract Negotiations - Osprey Village, in accordance with section 22 (2) (e) of the *Municipal Government Act*.

- F) Waste Management Committee re Compost, in accordance with section 22 (2) (e) of the *Municipal Government Act*;
- G) Sewer Rate - MacCulloch Road, in accordance with section 22 (2) (e) of the *Municipal Government Act*; and
- H) Contract Negotiations, in accordance with section 22 (2) (e) of the *Municipal Government Act*.

Moved by Counc. Nauss, seconded by Counc. Dempsey that Council resume. Carried.

Council in session.

CONTRIBUTION TO MacCULLOCH RD. SEWER CONNECT. **Moved by Counc. Zwicker, seconded by Counc. Dempsey that we accept the contribution from Home Hardware towards the MacCulloch Road Sewer Line in the amount of \$115,000.00. Carried.**

LAND NEGOTIATIONS - VOGLER'S COVE **Moved by Counc. Bell, seconded by Counc. Dempsey that Council accepts the recommendation of the Community Services Focus Group and request the Department of Fisheries and Oceans to carry out a level 2 environment assessment on the carbon staining area that was noted in their assessment report of the United Communities Marine Park site, and that the Municipality not accept this property until the testing has been completed. Carried.**

CBRE - CONTRACT (OSPREY VILLAGE) **Moved by Counc. Nauss, seconded by Counc. Zwicker, that, as requested by C B Richard Ellis Limited (CBRE), we extend the contract with CBRE for a six month term ending July 26, 2007. Carried.**

SEWER RATE - MacCULLOCH RD. **Moved by Counc. Dempsey, seconded by Counc. Moore that the Municipality of the District of Lunenburg contribute up to \$2,182.00 towards the economic development initiative undertaken by Home Hardware Inc. in this fiscal year, being 2006-07. Carried.**

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

Council In Camera In Committee.

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

Moved by Counc. Nauss, seconded by Counc. Young that Council resume. Carried.

Council in session.

There being no further business, at 5:05 p.m. it was moved by Counc. Dempsey, seconded by Counc. Tanner that the meeting adjourn.

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WARDEN JACK S. WENTZELL, CHAIRMAN TAMMY WILSON, ACTING CHIEF ADM. OFFICER