

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:

Warden Jack Wentzell - District 7
Deputy Warden Elmer Garber - District 4
Councillor Diane Tanner - District 1
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
Councillor Lee Nauss - District 11
Councillor Karen Dempsey - District 12
Councillor Martin Bell - District 13

Absent was Councillor Sherman Palmer - District 2.

Also in attendance were:

Tammy Wilson, Chief Administrative Officer
J. C. Reddy, Municipal Solicitor
Heather Whynott, Administrative Assistant

AGENDA

Warden Wentzell called the meeting to order and asked if there were any requests for additions to the agenda.

Counc. Tanner requested the addition of the item "Cross Island Memorial".

Counc. Dempsey requested that she be given an opportunity to present new and additional information regarding the Alex Macintosh petition that was presented last month.

Counc. Statton informed Council that she would need to leave at 11:30 a.m. but would be returning later in the meeting.

Moved by Counc. Nauss, seconded by Deputy Warden Garber that the Agenda be approved with the added items. Carried.

MINUTES

Moved Counc. Zwicker, seconded by Counc. Tanner that the Minutes of the following meetings be approved as circulated: Regular monthly meeting of June 12, 2007; Annual Meeting of June 12, 2007; Public Hearings of April 10, 2007; May 3, 2007; and June 12, 2007; and Special Council Meetings of March 15, 2007; April 26, 2007; April 27, 2007; April 30, 2007; May 3, 2007; May 7, 2007; May 28, 2007; and June 18, 2007. Carried.

MOU - COOPERATION IN THE DEVELOPMENT, SHARING & DISTRIBUTION OF GEOGRAPHIC INFORMATION

Ms. Wilson provided an update regarding the draft MOU (Memorandum of Understanding) for Cooperation in the Development, Sharing and Distribution of Geographic Information which was presented at the June 12th Council meeting. There were concerns about the MOU by staff and Council with respect to collecting GSA data. Ms. Wilson contacted Mr. Bob Caldwell, Manager of the NS Geomatics Centre, and asked him two questions: 1) Is Service Nova Scotia and Municipal Relations (SNSMR) willing to remove Appendix C, Clause 4a? or 2) Is SNSMR prepared to provide the resources necessary for MODL (Municipality of the District of Lunenburg) to acquire this data required to comply with Appendix C, Clause 4a? Mr. Caldwell has responded and indicates

that SNSMR is prepared to: 1) Exempt MODL from Clause 4a of Appendix C; and 2) If Council deems necessary, exempt MODL from Appendix B - Provision of Tax Information.

Moved by Council. Countway, seconded by Council. Dempsey that Council accept the amended MOU for the Cooperation, Sharing and Distribution of Geographic Data and authorize the execution of the same, subject to:

- 1) The MOU being revised to exempt MODL from Clause 4a of Appendix C; and
- 2) The MOU being revised to exempt MODL from Appendix B - Outstanding Taxes.

Motion Carried.

RESIGNATION -
LOWELL RITCEY

Circulated with the agenda was a letter from Mr. Lowell Ritcey resigning as a member at large on the Wastewater Management Committee.

Moved by Council. Nauss, seconded by Council. Tanner that we accept the resignation of Mr. Lowell Ritcey and that a letter of thanks be written to him for serving as a member at large on the Wastewater Management Committee.

Carried.

CONDO DEVELOP-
MENT IN OAKLAND

For information, circulated with the agenda was a letter from Sherrill & John Swinamer of Oakland regarding the proposal by Seaview Properties for a condo development on property between civic numbers 1704 and 1648 Oakland Road. The letter states that they are strongly opposed to this project. They feel that this proposed development is not compatible with a rural, coastal community such as Oakland.

Ms. Wilson reported that this matter has not been brought forward to Council for decision. The community has produced a form letter which is being circulated for residents to sign. When the matter is presented to Council, all letters received will be circulated to Council at that time.

SMALL WORLD
LEARNING CENTRE -
ADOPT A TILE
CAMPAIGN

Circulated with the agenda was information on the Small World Learning Centre's fund-raising Adopt a Tile Campaign. Tiles can be purchased and decorated with artwork, family name or business name. The cost of the tiles are \$25.00 for Plain Tile; \$100.00 for Bronze Trim; \$250.00 for Silver Trim; and \$500.00 and up for Gold Trim. The tiles will be permanently displayed in their new child facility at 352 York Street, Bridgewater.

Moved by Council. Moore, seconded by Council. Bell that we support the Small World Learning Centre's Adopt a Tile Campaign and direct staff to have the Municipality's logo put on a Bronze Trim Tile for the price of \$100.00.

Council. Dempsey asked if it's a profit or non-profit organization.

Mr. Reddy reported that he has had some dealings with this child care facility when they operated out of the Catholic's building. They were non-profit then and the plan is to keep daycare expenses reasonable for working citizens.

Council. Dempsey asked if they have subsidized spaces within the daycare.

Mr. Reddy said he understands that they did when they were at their former location.

Council. Bell feels this facility is an important component of any

community.

The motion was carried.

NEW CRTC
GUIDELINES

Circulated with the agenda was a letter from the Municipality of the County of Richmond advising that the following resolution was unanimously adopted by their Council:

“that a letter be written to the CRTC and the Federal Minister responsible for the CRTC, with copies to all municipal units expressing grave concern, disappointment and discrimination to rural municipal units regarding the new CRTC guidelines that allow major phone companies to raise the price of residential service in rural areas, where the lower population density makes the cost of providing services higher on a per customer basis; and further moved that Municipal Council forward a special resolution to the Fall UNSM Conference.”

Counc. Nauss said he wonders if it is the intent to allow the phone rates to go high enough to recover full cost. If it is, he feels the cost of phone service in rural areas will become very expensive.

Moved by Counc. Nauss, seconded by Counc. Young that we write a letter to the Municipality of the County of Richmond supporting their endeavours and that our Council support their Resolution regarding the new CRTC guidelines at the Fall UNSM Conference. Carried.

COMMITTEE OF THE WHOLE - RECOMMENDATIONS

COMM. GRANTS -
HIGH FLYERS CHEER
CLUB AND BAY TO
BAY TRAIL
ASSOCIATION

Moved by Counc. Tanner, seconded by Counc. Zwicker that we accept the recommendation of the Committee of the Whole and award a Community Capital Grant in the amount of \$1,000.00 to the High Flyers Cheer Club towards their project for leadership development, equipment and uniforms. Carried.

Moved by Counc. Zwicker, seconded by Counc. Nauss that we accept the recommendation of the Committee of the Whole and award a Community Capital Grant in the amount of \$1,000.00 to the Bay to Bay Trail Association towards their project to repair a one kilometer section of trail and for the purchase of signage. Carried.

PROSECUTION re
VIOLATION OF
HEBBVILLE LAND
USE BYLAW

Moved by Deputy Warden Garber, seconded by Counc. Zwicker that we accept the recommendation of the Committee of the Whole and direct the Municipal Solicitor to begin prosecution under Section 505 of the *Municipal Government Act* against Earl McAlpine, 15560 Highway 3, Hebbville, for violation of the Village of Hebbville Land Use Bylaw. Carried.

VIOLATION OF
HEBBVILLE LAND
USE BYLAW
(30 day Extension)

Moved by Counc. Countway, seconded by Counc. Nauss that we accept the recommendation of the Committee of the Whole and grant Bren VanderZwaag a 30 day extension to rectify his violation of the Village of Hebbville Land Use Bylaw to remove the structure at 15420 Highway 3, Hebbville to Wileville; and further, that staff conduct a site inspection after the 30 days with a report back to the Committee of the Whole. Carried.

COMM. GRANTS -
LUN. CO.
HISTORICAL

Moved by Counc. Statton, seconded by Counc. Dempsey that we accept the recommendation of the Committee of the Whole and provide a Community Program Grant to the Lunenburg County Historical Society in the amount of

SOCIETY AND HIRTLE'S BEACH
MANAGE. COMM. **\$500.00 towards their 375th Birthday and Grand Opening of Fort Point Museum.
Carried.**

**Moved by Counc. Moore, seconded by Counc. Tanner that we accept the recommendation of the Committee of the Whole and provide a Community Capital Grant to Hirtle's Beach Management Committee in the amount of \$1,000.00 towards their interpretive panels, benches, and wheelchair platform.
Carried.**

RANS CONF. - ATTENDANCE
Moved by Counc. Veinot, seconded by Counc. Tanner that we accept the recommendation of the Committee of the Whole and appoint Councillor Don Zwicker to attend the RANS Conference from October 17 - 20, 2007 at the Digby Pines with all expenses being paid. Carried.

BREAK WATER AT BROAD COVE
Moved by Counc. Young, seconded by Counc. Zwicker that we accept the recommendation of the Committee of the Whole and not express an interest in the breakwater at Broad Cove as offered by the Department of Fisheries and Oceans.

Counc. Dempsey asked for background to this recommendation. The last time she spoke about this to Pierre Breau, Municipal Engineer, she understood that some residents of the community were wondering what would happen if the Municipality wasn't interested in it.

Ms. Wilson reported that Mr. Breau was asked to investigate this. Mr. Breau has not given her any correspondence from residents indicating concerns. The Focus Group reviewed the breakwaters and access to them. Maintenance has been very minimal. In 1971 was the last time maintenance was done. The Focus Group felt that without good access there is limited use that we could make of the property.

Counc. Zwicker reported that to get to this property, on one side you have to go through private property and on the other side there is a narrow right-of-way, if any. The Focus Group could see no value in taking this property.

Counc. Dempsey reported that the community association that looks after the community hall has expanded their mandate to try to maintain the beach area for public use. If this property goes to private interest, the existence of that beach could be compromised if the breakwater disappears.

Ms. Wilson reported that Carroll Randall did speak to the community association about maintaining it but they were not interested.

Counc. Dempsey said they are a volunteer group.

Counc. Young commented that the Department is finding it expensive to maintain these properties and they're trying to dispose of them. As much as we might like to do these things, we cannot afford to do it. They are going to have to put pressure on the senior levels of government to look after them.

Counc. Nauss commented that when there's a storm the breakwater also protects the fishing boats that are there. He thinks the federal government should keep the responsibility of things they built themselves, like wharves.

The motion was carried.

The remaining recommendations from the Committee of the Whole were considered later in the meeting.

AWARDING OF TENDERS/RFPs

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

RFP 2007-01-400
OCCUPATIONAL
HEALTH & SAFETY
CONSULTING

Mr. Breau reviewed the analysis information for RFP 2007-01-400 - Occupational Health and Safety Consulting Services (copy attached to original Minutes). Six proposals were received and evaluated by the Review Committee that was appointed by Council. The proposals were ranked both formally and informally. The Review Committee is recommending the award of this RFP to Marshall Johnston, CRSP, New Germany, for the proposed price of \$20,000 plus HST. Mr. Breau said this is the maximum price, it could be less.

Counc. Statton said the recommended proponent met all the objectives of the RFP.

Moved by Counc. Statton, seconded by Counc. Bell that we accept the recommendation of the Review Committee and award RFP 2007-01-400 - Occupational Health and Safety Consulting Services to Marshall Johnston at the proposed price of \$20,000 plus HST. Carried.

TEN. 2007-05-005 -
COMPOST FACILITY
AERATION BED
REPAIRS - PIPING
MATERIAL

Mr. Breau reviewed the analysis information for Tender 2007-05-005 - Compost Facility Aeration Bed Repairs - Supply of Piping Material (copy attached to original Minutes).

Moved by Counc. Young, seconded by Counc. Veinot that we accept staff's recommendation and award Tender 2007-05-005 - Compost Facility Aeration Bed Repairs - Supply of Piping Material to Wolseley Waterworks Group, Halifax, for the price of \$9,807.08, including HST.

Counc. Countway noted that the price is quite a bit below our estimate. He questioned if the quality is the same. Mr. Breau said it's the same pipe, he over-estimated.

The motion was carried.

TEN. 2007-05-006 -
COMPOST FACILITY
AERATION BED
REPAIRS -
GRANULAR
MATERIAL

Mr. Breau reviewed the analysis information for Tender 2007-05-006 - Compost Facility Aeration Bed Repairs - Supply of Granular Material (copy attached to original Minutes).

Moved by Counc. Dempsey, seconded by Counc. Bell that we accept the recommendation of staff and award Tender 2007-05-006 - Compost Facility Aeration Bed Repairs - Supply of Granular Material to Bernard L. Mailman Projects, Bridgewater, for the price of \$10,684.64, including HST. Carried.

Mr. Breau reported that the next three tenders are all over \$40,000.00. According to the Agreement, the Waste Management Committee has to approve them as well as this Council.

TEN. 2007-05-002 -
RUBBER-TIRED SKID-
STEER LOADER

Mr. Davidson reviewed the analysis information for Tender 2007-05-002 - Rubber-Tired Skid-Steer Loader (copy attached to original Minutes). He reported that if Atlantic Tractor & Equipment Ltd. is awarded this tender and the tender for the Wheel Loader then there will be an additional 1% discount.

Moved by Counc. Nauss, seconded by Deputy Warden Garber that,

subject to the approval of the Waste Management Committee, Atlantic Tractor & Equipment Ltd. be awarded Tender 2007-05-002 for the supply and delivery of a 242B Caterpillar Rubber Tired Skid Steer Loader for the price of \$31,065.00, including HST, and that we authorize the signing of a guaranteed maximum repair cost contract between Atlantic Tractor & Equipment Ltd. and the Lunenburg Regional Community Recycling Centre for the costs as specified in the tender submission. Carried.

TEN. 2007-05-003 - Mr. Davidson reviewed the analysis information for Tender 2007-05-003 -
WHEEL LOADER Wheel Loader (copy attached to original Minutes).

Moved by Counc. Young, seconded by Counc. Tanner that, subject to the approval of the Waste Management Committee, Atlantic Tractor & Equipment Ltd. be awarded Tender 2007-05-003 for the supply and delivery of a 930G Caterpillar Wheel Loader for the price of \$146,832.00, including HST, and that we authorize the signing of a guaranteed maximum repair cost contract between Atlantic Tractor & Equipment Ltd. and the Lunenburg Regional Community Recycling Centre for the costs as specified in the tender submission. Carried.

TEN. 2007-05-004 - Mr. Breau reviewed the analysis information for Tender 2007-05-004 -
COMPOST FACILITY Compost Facility Aeration Bed Repairs - Fan Ducting Improvements (copy
AERATION BED attached to original Minutes). He noted that this is part of the total project cost
REPAIRS - FAN of \$282,000. There was only one bid received.

Moved by Counc. Moore, seconded by Counc. Tanner that, subject to the approval of the Waste Management Committee, Mid-Valley Construction Ltd., Kingston, NS, be awarded Tender 2007-05-004 - Compost Facility Aeration Bed Repairs - Fan Ducting Improvements for the price of \$98,760.00, excluding HST.

After some comments about the fact that only one bid was received, **the motion was carried.**

RFQ - LRCRC - Circulated with the agenda was a memo from Mr. Breau informing Council
GREEN COMPOST that over the past several years it has been the practice to solicit quotations
CARTS from the two approved suppliers of compost carts, being Rehrig Pacific and Schaefer System International. These carts are purchased every year to complement our supply. If we purchase them now, we can take advantage of the bulk delivery. Normally, we go to tender if the price is over \$20,000. If Council doesn't approve the purchase of carts, a formal tender document will be prepared. (Memo re quotes attached to original Minutes.)

Counc. Nauss commented that some of the Schaefer carts are now about 15 years old. He understands that some of the Rehrig carts are being replaced and they wouldn't be as old.

Mr. Breau said the difference between them is the type of plastic. Rehrig's is a softer plastic which is somewhat cheaper. Schaefer's carts come from Europe. The Rehrig carts have a 10 year warranty ...they haven't cost us anything. The Rehrig carts bounce because of the softer plastic. The Schaefer carts are made of harder plastic and they crack. The word on the street is that they don't perform any better.

Moved by Counc. Nauss, seconded by Counc. Veinot that, based on the prices submitted by Rehrig and Schaefer for the supply of compost carts, we approve the purchase of compost carts as follows:

Rehrig Pacific Company:

100 - 140-litre carts @ \$62.00	\$ 6,200.00
300 - 240-litre carts @ \$67.00	\$20,100.00
Sub-total	\$26,300.00
14% HST	\$ 3,682.00
TOTAL	\$29,982.00

Schaefer System International:

400 - Mini-bins @ \$4.75	\$ 1,900.00
14% HST	\$ 266.00
TOTAL	\$ 2,166.00

Counc. Dempsey said she shares Counc. Nauss' concern. She asked what the warranty is on Schaefer's carts. Mr. Breau said 10 years.

Counc. Dempsey asked if the wheel system on the Rehrig carts are comparable to Schaefer's. Mr. Breau said the wheel system on Schaefer's is tougher but the Rehrig cart is lighter.

Counc. Dempsey commented that it will be interesting to see how the Rehrig carts work out.

Question was called and **the motion was carried.**

Warden Wentzell indicated to staff that he believes what Council is saying is that we need to do an analysis (re compost carts) over the next year.

TENDER FOR ISSUE
#2007-01-004
LRCRC - SUPPLY OF
BULK PROPANE

Circulated with the agenda were proposed specifications for Tender 2007-01-004 for the supply and delivery of Bulk Propane to the LRCRC for the period September 1, 2007 to August 31, 2012 (copy attached to original Minutes).

Mr. Davidson reviewed the proposed specifications. He pointed out that they can only give us locked-in prices year to year.

Counc. Zwicker questioned, instead of five years, is there any value in tendering for 2 or 3 years.

Mr. Davidson reported that the supplier has to supply their own tanks and cylinders. If the existing supplier doesn't get the tender, then they will remove their equipment and the new supplier brings in their equipment. It's expensive to do.

Deputy Warden Garber questioned what we use \$70,000 of propane for.

Mr. Davidson reported that the cylinders themselves are used for equipment, like forklifts; and the bulk propane is used for heating the buildings.

Mr. Davidson answered Councillors' questions regarding annual price increases. He explained our option to get out of the contract if the increase is too high.

Mr. Breau reported that we will not be paying more than market price.

Counc. Bell enquired about the inspection of equipment. Mr. Davidson reported that the requirement for inspection of equipment is included in the tender.

Counc. Dempsey asked if any kind of analysis has been done as to whether or not propane is the best fuel to be using, particularly as a heating

source.

Mr. Breau reported that a \$195,000 circulation system was put in to reduce propane costs. We have probably seen a reduction of about 20%. Before he left, Roger LeBlanc had been looking at using waste oil. The federal government has had some funds available to look at energy consumption.

Counc. Dempsey asked how much propane is used. Mr. Davidson reported that approximately 65,500 litres are used a year.

Counc. Countway asked if Fire Departments have the option to go under the Municipality's umbrella for purchasing propane. Ms. Wilson said she can get the answer to that, but it could be complicated because there are four municipal units involved.

Counc. Zwicker referenced section 5 of the specifications and questioned the wording of the sentence "The unit prices will be deemed unacceptable if the unit prices are 1.5% or above the average local market unit prices." Mr. Davidson said the word "or" should be removed from that sentence.

Moved by Counc. Nauss, seconded by Counc. Countway that we approve the specifications for Tender 2007-01-004 for the supply and delivery of Bulk Propane to LRCRC for the period September 1, 2007 to August 31, 2012. Carried.

Mr. Breau and Mr. Davidson were thanked and they left the meeting.

COMMITTEE OF THE WHOLE - RECOMMENDATIONS (continued)

PLAYGROUND

Moved by Counc. Nauss, seconded by Counc. Zwicker that we accept the recommendation of the Committee of the Whole and not take over the operation and maintenance of the playground equipment from the Pine Grove Community Recreation Association; and further, that the Pine Grove Community Recreation Association remove the equipment from the public open space when the operation and maintenance of the playground ceases to be provided by the Association. Carried.

EQUIPMENT - PINE GROVE COMM. REC. CENTRE

EXPRESSION OF INTEREST FOR COMMERCIAL REAL ESTATE BROKER

Moved by Counc. Dempsey, seconded by Counc. Young that we accept the recommendation of the Committee of the Whole and direct staff to issue an Expression of Interest for Commercial Real Estate Broker Services for the Osprey Village lands for a six-month term with an option for renewal by Council; and further, that staff be directed to prepare the Expression of Interest for Council's review.

Counc. Dempsey questioned why we're not doing it for a one-year term, as it often takes more than six months to negotiate any sale.

Ms. Wilson reported that the previous call for broker services was for six months. If you are not satisfied with the service that is provided, then you can terminate the service at the end of six months. The Focus Group also discussed about the hiring of a Development Officer who, if hired, may be able to promote the sale of land. Therefore, Council may not want to lock into more than six months. She had hoped to prepare the Expression of Interest for today but time didn't permit it. Council may want to consider authorizing the Economic Development Focus Group as the Review Committee; and if so, the last part of

the motion could be excluded.

Moved by Council. Zwicker, seconded by Council. Dempsey that we amend the motion on the floor by deleting the wording “and further, that staff be directed to prepare the Expression of Interest for Council’s review.”

Amendment Carried.

MOTION AS AMENDED - that we accept the recommendation of the Committee of the Whole and direct staff to issue an Expression of Interest for Commercial Real Estate Broker Services for the Osprey Village lands for a six-month term with an option for renewal by Council. Carried.

Ms. Wilson reported that it’s required under the Purchasing Policy that a Review Committee be appointed.

Moved by Council. Dempsey, seconded by Council. Zwicker that the Expression of Interest for Commercial Real Estate Broker Services for the Osprey Village lands be referred to the Economic Development Focus Group as the Review Committee. Carried.

REDESIGN AND
COVERING - TWO
“LUNENBURG MUN.
INDUSTRIAL PARK”
SIGNS

Moved by Council. Bell, seconded by Council. Countway that we accept the recommendation of the Committee of the Whole and direct staff to apply to the Department of Tourism for the redesign and covering of the two “Lunenburg Municipal Industrial Park” signs located on Highway 102 north and south of Exit 12 with a message promoting tourism within the Municipality of the District of Lunenburg.

Council. Nauss said he thinks it’s a great idea, but we may get ourselves in a conflict with some people when it’s only covering two Exits. It’s not covering Exits 10 or 11 off of Mahone Bay and Blockhouse. He questions if there is some way to cover that.

Council. Countway pointed out that the top of the signs in question say Exit 12 now. He suggested changing it to Exits 10 - 15 ...that would take in all of the Exits.

The motion was carried.

EXP. OF INTEREST
#2007-01-501
REMUN. STUDY

Moved by Council. Tanner, seconded by Council. Moore that we accept the recommendation of the Committee of the Whole and award the Proposal for the Remuneration Study - 2007-01-501 to AON Consulting Inc. Carried. (Memo containing price information attached to original Minutes.)

SERVICES OF REMO
COORDINA-TOR
AND FULL-TIME
CLERK

Moved by Council. Zwicker, seconded by Council. Moore that we accept the recommendation of the Committee of the Whole and direct staff to contract out the services for a REMO Coordinator with an annual honorarium of \$22,000.00; and that this be subject to the approval of the Municipal Units within the REMO Agreement. (The second part of the motion stated “and further, that a full-time Clerk position be created with a commencement date of October 1, 2007 or thereabouts”. During the discussion that follows, the mover and seconder agreed to split the motion and that the second part of the motion be dealt with separately.)

Council. Zwicker asked if the commencement date of October 1, 2007 is for both positions.

Ms. Wilson said it's the commencement date for the Clerk. The REMO Coordinator will be as soon as it can be arranged.

Counc. Statton asked what duties would be involved in the Clerk's position.

Ms. Wilson reported that we don't have a Clerk right now. Presently the CAO and Clerk are combined as one position. The job description for the Clerk would be new. The position would be assuming the duties that the Manager of Protective Services had done, i.e., Dog Control, Fire Department services. It would also include that the Clerk would be responsible for maintaining policies and by-laws of Council and assisting with the duties as assigned by Council.

Counc. Statton asked what qualifications a candidate needs to apply for the Clerk's position. Are we looking for a financial background?

Ms. Wilson said the Committee asked about the skills that would be required. No financial accounting background is required but they would have to have basic math skills. She would like time to check with other units to see what qualifications they require. She would be looking for someone who is familiar with the MGA. She can bring back to Council a detailed job description with qualification requirements.

Counc. Young said he agrees with the first part of the motion but not the second part about the Clerk's position. He feels this is contrary to what was discussed at the budget meetings.

Warden Wentzell feels that the services of a REMO Coordinator has to go ahead as quickly as possible.

Counc. Zwicker pointed out that a Municipal Clerk's position is very different from a clerical clerk's position. Duties of a Clerk are specified in the MGA. It takes familiarity with the MGA. The qualifications would be quite different from a clerical staff position. That is important to note with respect to this. He thinks it was recognized that the Clerk's position would take considerable workload off the CAO. Trying to do both positions is not realistic. If we want to see our CAO do a good and effective job, we have to have the support staff that is necessary to do that job.

Counc. Zwicker said, as the mover of the motion, he would be agreed to terminate the motion after the words "REMO Agreement"; however, the seconder did not agree with this suggestion.

Counc. Bell feels that there are people in our units that have the qualifications required for the REMO Coordinator's position. To advertise for someone with the qualifications for both positions may become a bit of a problem. He feels the second part of the motion is a separate issue.

Deputy Warden Garber said he doesn't object to splitting the motion. It would clarify the issues. It was a doubtful thing to do to combine the positions in the first place. We take the chance of the services provided to the other units dominating the position and taking away from the internal position. It would be very unwise to not consider some kind of Clerk support. If we take away that one position that was filled by a person at the top of the salary scale, then you

have to understand that those duties still have to be performed and they were a large part of that position. He agrees that the REMO Coordinator should be a separate position. The Focus Group recommended taking the Clerk's part and expanding it. The discussions and considerations at the budget meetings were different. Things have changed. Just hiring a REMO Coordinator does not solve the problem. We need someone to do the Clerk's duties or we are decreasing the function of the organization. He still thinks hiring a full-time Clerk is a good thing to do and this is an opportunity to do that. He thinks we should be doing that to mature as an organization.

Counc. Moore said, as seconder of the motion, she has reconsidered the request to split the motion. She is agreed to split the motion and that the motion on the floor deal only with the first part of the recommendation which is to contract out the services for a REMO Coordinator.

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

At 11:30 a.m. Counc. Statton left the meeting.

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

Council In Camera In Committee. The purpose of the *In Camera* meeting was to discuss Land Negotiations - Petite Riviere, in accordance with section 22 (2) (a) of the *Municipal Government Act*.

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

Council in session.

At 12:00 noon Council recessed for lunch.

At 1:12 p.m. the meeting resumed.

Warden Wentzell brought to Councillors' attention the invitation to a Book Launch of "The DEW Line Years - Voices from the Coldest Cold War" written by Frances Jewel Dickson. The event will take place at the Riverport Community Centre on July 15, 2007 from 2:00 - 4:00 p.m.

At 1:15 p.m. in attendance was Mr. Harold Mills to present a concern regarding Nova Scotia Building Supplies' Development Agreement.

Moved by Counc. Countway, seconded by Counc. Dempsey that Mr. Harold Mills be permitted to address Council. Carried.

Planning Department staff in attendance were Ed Curran, Director of Planning and Development Services, and April Whynot-Lohnes, Development Officer.

Mr. Mills informed Council about how the Development Agreement is working. He had requested to meet with Council to point out some flaws. He had met with Mr. Curran and Ms. Whynot-Lohnes a few weeks ago. He made it clear that this has nothing to do with staff ...they have been very cordial. The interpretation of the Development Agreement is where the disagreement is. On May 29, 2007 Nova Scotia Building Supplies was found to be in violation of their Development Agreement. Under the original Agreement, the neighbour

IN CAMERA

BOOK LAUNCH -
FRANCES JEWEL
DICKSON

DEVELOPMENT
AGREEMENT - N.S.
BLDG. SUPPLIES,
BLOCKHOUSE

wanted a fence put up. Nova Scotia Building Supplies did that in cooperation with the neighbours' involvement. According to the Agreement, Nova Scotia Building Supplies had pallets stored where they were not supposed to be, and they were asked to move them which they did. In January and February they buy their shingles for the summer. They have two to three times the normal inventory in that period of time. They had to have storage space. They picked a location to store them where they were not seen. The Department of Labour has been there and found no hazards. However, in the Development Agreement, the location they used to store the shingles is considered a "loading zone only", so they were asked to move them. Storing the shingles there is not doing anything detrimental to the community or their business. They had a meeting with Mr. Curran and Ms. Whynot-Lohnes. He realizes that Ms. Whynot-Lohnes can only go with the interpretation of what a loading zone is. That is where the difficulty is. There is no way to appeal this. The only appeal he has is to go back through the whole process again. He feels it will take more than a year to go through that process. He has to solve the problem of where to store the shingles. He thinks there are only four businesses affected by the Blockhouse Land Use By-law and Secondary Planning Strategy, being Nova Scotia Building Supplies, Mahone Auto, Logs to Lumber, and a Service Station. He understands that a review of those documents is underway. He questioned if the documents are going to stay in place or be done away with. He pointed out that this situation affects no one other than themselves.

Mr. Curran reported that the review of the Blockhouse documents was on the action plan a year or two ago. That review has not been completed because of restructuring and staff resources. They had a staff meeting yesterday and they hope to reactivate some of that review.

Ms. Wilson asked what the options are in terms of amending the Development Agreement.

Mr. Curran said Nova Scotia Building Supplies has the option of amending their Development Agreement but he understands that Mr. Mills is concerned about the time involved to do that.

Mr. Mills said he feels there has to be something that is quicker than 18 months. When they put a 10' x 12' addition on the front of the store, they did not realize they had to enter into an agreement for 100 square feet. That took 18 months before they had final approval. He doesn't want to be doing things that are not right, but it seems to him that they are in a situation where the system is not working very well for their side of it. We should have some system that can speed up the hearing process. Everyone is quite happy with the status quo, but the status quo has some detrimental effects to four or five businesses.

Counc. Young questioned who would see that they were storing shingles in a loading zone and that would complain about it to the extent that it would come here before Council.

Ms. Whynot-Lohnes reported that once a year she is required to do an

inspection to make sure they meet the terms of the Development Agreement. It was at that time she noted the violation of the Agreement.

Counc. Dempsey said she certainly appreciates the frustration with the current Agreement. To suggest it will take 18 months to amend the Agreement she doesn't think that is quite correct or representative of the normal process.

Ms. Wilson said there may have been other issues surrounding the Agreement. The process involves meetings with the Area Advisory Committee, the Planning Advisory Committee and Council. We try to line them up so that it takes three to four months, if not less.

Mr. Mills said he cannot wait four months. He needs to deal with the storage of the shingles.

Counc. Dempsey asked if this would constitute a substantial amendment that it requires the full process. The answer was yes. Counc. Dempsey said what is important to recognize is that the Development Agreement is a contract between Nova Scotia Building Supplies and the Municipality. We need to be assured that they are meeting the terms of the Agreement. The Development Officer has no choice but to annually inspect the premises to see if the terms of the Development Agreement are being fulfilled. She suggested that, in future, as they go through the review of these planning documents, maybe site plan approvals should be looked at. That doesn't require the public hearing process. She encouraged Mr. Mills that they be involved in the review process of the Secondary Planning Strategy for that area.

Counc. Countway said he can see the concern about storing the shingles. The biggest problem is storage and loading. He asked if there is a way that we could classify that area inside the fence as a loading/storage area. He feels there must be a way to do that.

Ms. Wilson said that would require an amendment to the Development Agreement. That was explored with Mr. Mills to see if that is an option that they wish to pursue.

Mr. Mills said he would be prepared to pay for it 100% if it could be done within three months. If not, he asked if Council is prepared to spend the \$800 in advertising if it cannot be done. He can't understand why Ms. Whynot-Lohnes cannot look at this and see that it's an insignificant change and is prepared to do it. He feels we should be in a situation where Ms. Whynot-Lohnes has an opportunity to make a decision as to whether something like this affects the Agreement or not.

Ms. Wilson said that would take an amendment to the Agreement. A non-substantial change is a whole different process. It has been determined that it's a substantial change. It looks like the wording in the Agreement needs to be changed in some manner to make the change that Mr. Mills has alluded to. The Blockhouse Secondary Planning Strategy is in the process of being reviewed. The Committee was concerned with the impact of the document on existing businesses. Staff is just getting back to look at the projects that were put on hold for several months because of restructuring.

Mr. Mills said he doesn't consider this to be even an insignificant change. It would not be 1/100 of their inventory cost.

Counc. Dempsey suggested that one of the advantages of amending the Agreement at this time is that they can determine what things in the Agreement would be substantial and non-substantial.

Counc. Countway said they are in the process of amending the Secondary Planning Strategy. It will be another year or two before everything is gone through the process with the community.

Ms. Wilson said the Development Agreement is a separate document. It would be a three or four month time frame to get that done. That can be done while the planning document is being reviewed.

Counc. Countway reiterated that there must be a way that we can somehow change that area to a combined loading and storage area.

Ms. Wilson suggested that they amend the Agreement and start the application process as quickly as possible.

Warden Wentzell said it doesn't make common sense. We are drowned in red tape again.

Mr. Mills said if he needed a major change, like an extension on the building, then he would not mind going through the process. To go through the process for this and go through the expense doesn't make sense to him.

Mr. Reddy commented that it is always the Municipality's decision whether they are going to prosecute those things or not.

Mr. Mills said once the writs are wrote and it's in the paper, then to the community it looks like they are not living up to their Agreement.

Mr. Mills thanked Council for giving him the opportunity to present this matter.

SERVICES OF REMO
COORDINATOR
(continued)

Moved by Counc. Tanner, seconded by Counc. Zwicker that we remove from the table the motion regarding the services of a REMO Coordinator. Carried.

MOTION ON THE FLOOR - Moved by Counc. Zwicker, seconded by Counc. Moore that we accept the recommendation of the Committee of the Whole and direct staff to contract out the services for a REMO Coordinator with an annual honorarium of \$22,000.00; and that this be subject to the approval of the Municipal Units within the REMO Agreement. Carried.

FULL-TIME CLERK'S
POSITION

Moved by Counc. Zwicker, seconded by Deputy Warden Garber that we accept the recommendation of the Committee of the Whole that a full-time Clerk position be created with a commencement date of October 1, 2007 or thereabouts.

Counc. Young said he didn't agree with it at the Committee level and he still doesn't agree with it. At the budget meetings we discussed that it be a part-time position. We had a person leave our employ that had the job on a part-time basis and now we're suggesting replacing that position with a full-time position.

Counc. Nauss said he believes there are responsibilities being added to

the position. The REMO Coordinator will be outside this office. He thinks we are going to need the Clerk's position.

Warden Wentzell pointed out that the person who left our employ spent a percentage of time on REMO duties and a percentage on Clerk's duties. We will now have a person that will cost us 60% more than it did before.

Counc. Dempsey said we discussed this during budget deliberations. Initially we saw the need in creating this position. We cut the position to keep the tax rate low. Without this position we cannot expect the CAO to deliver certain things we ask for within a reasonable time frame.

Deputy Warden Garber said the Administration Focus Group reported to the Committee of the Whole to try to find a 40% or 50% person to fulfill the Clerk's responsibilities. It may not be possible to find those qualifications to do a 50% job. They may want a 100% job. The real consideration is whether or not we think we are in a position to enhance the position. This is an opportunity to do that and he believes there is not a full 60% impact. The employee that is hired would not be at the top of the salary scale. Are we not paying less for a REMO Coordinator than what we normally would have been? Therefore, we are not paying the full impact of the 60%.

Warden Wentzell feels we need to see where we are at. Somewhere along the line we need to see whether we are operating as efficiently as we can. We just keep adding positions. That's his concern with this.

Counc. Countway said he too wants to cut expenses, but we have to look at how we are operating. Our CAO said she did not have time to get everything in order for today's meeting. A Clerk could have done some of the things she did not have time for. We cannot expect an employee to work night after night to stay on top of things. He thinks we won't get a decent candidate for the position unless it's a full-time position. Then, maybe we will get caught up on some things.

Question was called and **the motion was carried.**

PROPOSED
AMENDMENTS TO
PERSONNEL POLICY

Moved by Deputy Warden Garber, seconded by Counc. Tanner that we accept the recommendation of the Committee of the Whole and give notice of Council's intention to consider amendments to the Personnel Policy to include a section pertaining to Pay for Temporary Assignments at the August 14, 2007 Council meeting. Carried.

LaHAVE MANOR BOARD OF MANAGEMENT - RECOMMENDATION

APPOINTMENT OF
MEM. AT LARGE -
LaHAVE MAN. BD.

Moved by Counc. Tanner, seconded by Counc. Young that we accept the recommendation of the LaHave Manor Corporation's Board of Management and approve the appointment of Ms. Paula Levy to their Board for a three-year term commencing June 28, 2007. Carried.

BUILDING REPORT
FOR JUNE '07

For information, circulated with the agenda was a summary of the Municipality's building activities for the month of June 2007 (copy attached to original Minutes). This report showed that the value of building permits issued in June totalled \$4,602,145.03, bringing the year-to-date value of permits issued to \$11,632,965.93.

WREATH - LUN.
FISHERMEN'S
THANKSGIVING
SERVICE

Council was asked to appoint a Councillor to present a wreath on behalf of the Municipality at this year's Fishermen's Thanksgiving Service in Lunenburg which is held annually in August.

Moved by Counc. Nauss, seconded by Counc. Countway that the Councillors for District 1 and District 2 decide between them which one is to present the Wreath at this year's Fishermen's Thanksgiving Service on behalf of the Municipality of the District of Lunenburg. Carried.

CROSS ISLAND
MEMORIAL

Counc. Tanner reported that between the years 1888 and sometime in the 1930s there was a school on Cross Island. It is the residents' understanding that, once the school was no longer used, the land reverted to the ownership of the Municipality. The residents would like permission to use the land to place a memorial recognizing family names associated with the community, and maybe a list of past lighthouse keepers and fishermen lost from the community, and maybe put a couple of picnic tables there. She would like to know if we can find out if the Municipality owns that land; and if so, can it be leased to the community for what they have requested?

Ms. Wilson said she can have staff research that and report back to Council. If the Municipality does own it, Council can make a decision on the residents' request.

UPDATE - WARDEN

Warden Wentzell provided an update on his Warden's activities. He reported that he attended a meeting in Digby regarding the ferry service. He felt it was a very good meeting. The Municipality of Digby and the Town of Digby are affected the most by this service. They appreciated the municipalities that sent representatives to support their position. They are working on a long-term plan. Transport Canada was represented at the meeting and they took notes of the concerns. Traffic is down on the ferry runs and it's getting more expensive to operate. We should hear in the future what comes out of that meeting.

NOTICE OF MOTION
TO RESCIND re
DREWS HILL ROAD

Councillors were provided with a copy of a letter received by e-mail from Ms. Vicki Conrad, MLA, regarding Drews Hill Road (copy attached to original Minutes). Ms. Wilson read the content of the letter.

Warden Wentzell noted that Counc. Zwicker had given notice of motion to rescind the March 13, 2007 motion dealing with Drews Hill Road, and that 2:00 p.m. was scheduled on today's agenda to deal with that matter. He asked if it is the intention that the matter come forward at this time.

Counc. Zwicker reported that additional new information was presented to Council today; and in light of that fact, he requested that his notice of motion to rescind the March 13, 2007 motion be put off until some future date.

Counc. Dempsey said she wasn't pleased to hear that it will be put off until a future date. She pointed out that there are a great number of people in the public gallery today who want to make clear to this Council the strong feeling of the community that Council stand behind the motion that Council made on March 13, 2007. She's delighted that Vicki Conrad took the time to write a letter on this. She thinks it's important to recognize that the community group formed at the Petite Riviere Fire Hall on July 28, 2004 had legally and

officially formed itself into a non-profit society.

Counc. Zwicker raised a point of order, as he thinks we are getting too close to the motion that he indicated he was not prepared to give notice of motion to reconsider. There is no motion to discuss.

Counc. Dempsey pointed out that she had added to today's agenda the matter of new additional information regarding the petition from Alex Macintosh.

Warden Wentzell said the petition was just given to us for information. It was presented to the Minister and they will have to deal with it.

Counc. Dempsey said she certainly questions the validity of it.

Counc. Bell questioned the process whereby a notice of motion was given that today there may be a motion to rescind a previous motion, but at this time it has been taken off the table. He asked if Council reserves the right to bring it back on the table without notice in advance.

Warden Wentzell said any Councillor would have to give notice in advance to bring it back on the table.

Ms. Wilson reported that a 2/3 majority vote would be required without previous notice.

Counc. Bell asked if the fact that it was withdrawn from the table today, does that void the fact that it can be brought back by a 50% majority?

Warden Wentzell said it erases it.

Counc. Bell said then that is fine, because he would not want it brought back on the table at a future meeting when individuals would not have prior notice.

Warden Wentzell said, under the rules that we go by, prior notice would have to be given. There are no issues to debate at this time.

WASTE MANAGEMENT COMMITTEE - RECOMMENDATION

CHANGES TO THE REGULATIONS FOR THE ADMISSION AND DISPOSAL OF WASTE

Council was informed that effective July 12, 2007 the Canada Food Inspection Agency is imposing regulations as to how animal remains are disposed of, particularly cattle remains. Composting cattle remains has to be kept separate from other compost material. You compromise your compost if it is mixed. The Waste Management Committee is recommending amendments to the *Regulations for the Admission and Disposal of Waste at Whynotts Settlement Waste Disposal Site* that would amend the Regulations not to accept domestic ruminants.

Mr. Pierre Breau, Director of Engineering and Public Works, was in attendance. He reviewed the three changes that are being proposed to the Regulations which deal with Compostable Materials, Dead Animals, and Unacceptable Waste.

Counc. Statton returned to the meeting at 2:30 p.m.

Counc. Nauss asked if dead animals, such as a horse, pig or dog, can be disposed of at the Waste Site.

Mr. Breau said they have accepted them in the past. He pointed out that it cannot be diseased. It has always been at the Site Operator's discretion.

Counc. Nauss asked where cattle remains will be disposed of.

Mr. Breau said there is a rendering plant near Truro.

Counc. Countway said he needs an explanation on domestic animals, moose and deer. How do we tell people we're not accepting deer heads and hides? We won't know if they put them in the bottom of the compost cart.

Mr. Breau said we're not saying that we don't take them. We are saying that cattle remains cannot be brought to the compost plant, except a butcher can put trimmings in the cart. The federal government is saying that the protein that is in mad cow disease cannot be destroyed in the composting process.

Counc. Zwicker said that the Department of Natural Resources (DNR) picks up deer carcasses and they use them for research information; and when they are through with it, they take it to the Waste Site. He has told them that after September they will have to pay to dispose of those carcasses. He wanted DNR to pick up a raccoon but they wouldn't do it.

Counc. Young said there has never been a case of mad cow disease in Canada. He feels this is using a sledge hammer to kill a blackfly. It's driving out small operators with all the rules and regulations that they are putting in place. People are not going to do the things they have to do to keep a few head of cattle. He keeps 20 head of cattle, but he will not be doing it much longer. We need regulations. We need protection of our future food sources, but we allow imports in that carry substances that are harmful to us.

Counc. Nauss asked how many carcasses have we had delivered to the Waste Site in the last five years. Mr. Breau said he didn't know.

Counc. Nauss commented if someone has a 1000 pound animal to dispose of they are not going to pay to get rid of it. They will have to bury it.

Mr. Breau said the regulations changed the rate to \$75.00 (per ton) for landfill and commercial organics effective September 1, 2007. Dead Animals is a separate category. He doesn't think we ever applied the weight fee to dead animals. He thinks the tipping fee is only \$10.00. There would be no change for dead animals for DNR.

Counc. Zwicker said his understanding was that all weight would be charged the fee.

Deputy Warden Garber said his understanding is that the Department of Transportation picks up animals killed on roads because it's on their property. Federal regulations will not allow us to compost anything with BSE in it.

Warden Wentzell said a farmer can still bury a cow on their own land.

Moved by Deputy Warden Garber, seconded by Counc. Young that we accept the recommendation of the Waste Management Committee and approve the amendments to the *Regulations for the Admission and Disposal of Waste at Whynotts Settlement Waste Disposal Site* as follows:

1. **Amend Section 4.1 Acceptable Wastes - Category A by adding the following subsection 4.1.f immediately after subsection 4.1.e:
"f. COMPOSTABLE MATERIALS acceptable to the SITE OPERATOR will exclude any whole or part carcasses of domestic ruminants, including cattle, except for grocery store meat cutting wastes."**
2. **Amend Section 4.6 Acceptable Wastes - Category H by adding the following subsection 4.6.b.iv immediately after subsection 4.6.b.iii:**

“iv. DEAD ANIMALS acceptable to the SITE OPERATOR will exclude any whole or part carcasses of domestic ruminants, including cattle.”

3. Amend Section 8 - Unacceptable Waste by adding the following subsection 8.s immediately after subsection 8.r:

“s. The whole or part carcasses of domestic ruminants, including cattle.”

Motion Carried.

Mr. Breau was thanked and he left the meeting.

TIME EXTENSION
FOR REPORT/
RECOM. FROM

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

OAKLAND A.A.C. TO
PLANNING
ADVISORY COMM.

Circulated with the agenda was a memo from Mr. Curran advising that the Terrain Group, representing Seaview Development, submitted revised drawings on July 9, 2007 to address the concerns and issues raised at the Oakland Area Advisory Committee (AAC) meeting on March 28, 2007 (copy of memo attached to original Minutes). These drawings indicate a number of substantial changes are proposed from the original drawings. The Developer now proposes 28 single detached units as compared to the original 26, has incorporated a storm water retention pond at the north west corner of the property, and has relocated the central sewerage collection facility to the north east section of the property adjacent to the abutting neighbour's property located to the east of the site. Staff considers these modifications as substantial and, therefore, requires a thorough review by staff and interested agencies. The revised plans must be forwarded to these agencies for comment prior to Planning staff formulating a considered opinion and recommendation to the Oakland AAC. Staff is requesting that Council grant an extension to the original motion requesting the Oakland AAC's report and recommendation to the Planning Advisory Committee, and is suggesting that a month's extension should be sufficient for staff to compile the input from the referred agencies and prepare a final report and recommendation for the Oakland AAC.

Mr. Curran reported that he spoke to the applicant's consultant, Kate Green, this morning. He was told that they submitted a new drawing and now they are back to 26 dwelling units.

Counc. Countway feels that in light of this information he would like to see an extension granted. He questions if an extension of 30 days will be sufficient to get all the information back and get it to the Oakland AAC to look at and hold a meeting. He would like to see it extended for 60 days to give staff time to put everything together the way it should be.

Moved by Counc. Countway, seconded by Counc. Nauss that Council grants a 60-day extension to the June 21, 2007 motion of the Committee of the Whole for the report and recommendation from the Oakland Area Advisory Committee to the Planning Advisory Committee with regard to the Seaview Properties Development Application. Carried.

At 2:50 p.m., there being no further business, it was moved by Counc. Tanner that the meeting adjourn.

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WARDEN JACK WENTZELL, CHAIRMAN TAMMY WILSON, CHIEF ADMINISTRATIVE OFFICER