

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 Sherman Palmer - District 2
Councillor Donald Zwicker - District 3
Councillor Milton Countway - District 5 (arrived 10:02 a.m.)
Councillor Sandra Statton - District 6
Councillor Cathy Moore - District 8
Councillor Arthur Young - District 10
Councillor Lee Nauss - District 11
Councillor Karen Dempsey - District 12 (arrived 10:00 a.m.)
Councillor Martin Bell - District 13

Absent was Councillor John Veinot - District 9.

Also in attendance were:

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

PUBLIC INPUT

Warden Wentzell called the meeting to order and noted that the first item on the agenda allows a 15 -minute period for public input. However, as there are no members of the public in attendance at this time, we will proceed with the approval of the agenda.

AGENDA

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

Counc. Nauss noted that the Nominating Committee is required to make a recommendation to Council today regarding a Council representative to attend meetings of the Lunenburg County Lifestyle Centre Society. He asked the members of the Nominating Committee to meet during the lunch break to consider a nomination for this appointment.

Counc. Moore requested an update regarding the status on the arranging of a meeting to be held in New Germany to discuss options for youth.

Moved by Counc. Zwicker, seconded by Counc. Tanner that the Agenda be approved with the additions requested by Councillors. Carried.

MULTI-PURPOSE FACILITY re MOU BETWEEN MUN. OF LUN. AND TOWN OF BRIDGEWATER

Warden Wentzell requested that Council first deal with the agenda item regarding the Multi-Purpose Facility, namely, the proposed MOU (Memorandum of Understanding) between the Municipality of the District of Lunenburg and the Town of Bridgewater, as well as an MOU between the Municipality of the District of Lunenburg, the Town of Bridgewater and the Lunenburg County Lifestyle Centre Society. The two proposed MOUs were circulated with the agenda (copies attached to original Minutes).

Counc. Palmer said he thought a lot about this; and in his opinion, the Municipality cannot afford it and therefore, he will not be supporting it. He feels it will put our taxpayers in debt for the next 40 years and he's not prepared to support it.

Ms. Wilson reported that, since Council reviewed the proposed MOU between the Municipality and the Town of Bridgewater, there have been a few slight changes. The one change was the addition of Clause C in the

“Background” section on the first page of the MOU, as well as some changes in item 2. Ms. Wilson reviewed the changes.

Moved by Counc. Bell, seconded by Deputy Warden Garber that the Warden and CAO be authorized to sign the Memorandum of Understanding as it relates to the Multi-Purpose Facility between the Municipality of the District of Lunenburg and the Town of Bridgewater to show that the Municipality is willing to move forward under the terms in the MOU. Carried.

MULTI-PURPOSE
FACILITY re MOU
BETWEEN MUN. OF
LUN., TOWN OF
B'WATER & LUN.
CO. LIFESTYLE
CENTRE SOCIETY

Council then considered the MOU between the Municipality of the District of Lunenburg, Town of Bridgewater and the Lunenburg County Lifestyle Centre Society, as it relates to the Multi-Purpose Facility.

Counc. Nauss pointed out that the Lifestyle Centre Society was supposed to submit a business plan in mid December which, to his knowledge, has not yet been received. He feels all Councillors should be here when we deal with this.

Moved by Counc. Zwicker, seconded by Counc. Moore that we accept the Memorandum of Understanding between the Municipality of the District of Lunenburg, Town of Bridgewater and the Lunenburg County Lifestyle Centre Society and authorize the Warden and CAO to sign it on behalf of the Municipality.

Counc. Bell commented that it should be recognized that this Society is a small dedicated group and that the MOU would not have been signed if this group had not acted to get the discussions started again.

The motion was carried.

MINUTES

Moved by Counc. Young, seconded by Counc. Moore that the Minutes of the Council meetings held on October 9, 2007 and November 13, 2007 be approved as circulated.

Counc. Statton said she has a concern with the November 13th Minutes as she was certain that there was a motion that a letter be written to the Department of Transportation requesting that they do the snow plowing service on the Harold Whynot Road.

Counc. Nauss said he recalls that it had been discussed. However, the motion was made by Counc. Palmer to accept the Municipal tender for winter maintenance, and he doesn't remember an amendment to the motion to eliminate the Harold Whynot Road from the tender.

Counc. Statton said she knows she didn't amend the motion but was quite sure she made a motion to accept the Department's letter.

The motion approving the October 9 and November 13, 2007 Minutes was carried.

AMENDMENT TO
POLICY MDL-02
“COMMITTEES”

At the October 9, 2007 Council meeting, notice was given to amend Policy MDL-02 “Committees” to include the Audit Committee Terms of Reference.

Moved by Deputy Warden Garber, seconded by Counc. Nauss that we approve the amendment to Policy MDL-02 “Committees” to include the Audit Committee Terms of Reference. (Copy attached to original Minutes)

Counc. Zwicker questioned the wording of clause (ix) of the Terms of

Reference, which states "To review reasonableness of CAO's expenses and Council Members." He suggested changing the wording to "To review the CAO's and Council Members' expenses." Council agreed to this change.

The motion was carried with the wording change to clause (ix) of the Audit Committee Terms of Reference.

At 10:00 a.m. Counc. Dempsey arrived at the meeting.

**SECOND READING -
AMENDMENTS TO
MOTOR VEHICLE
TRANSIENT
VENDOR BY-LAW**

Before Council for Second Reading was A By-law Amending a By-law Respecting the Sale of Motor Vehicles by Transient Vendors. The By-law proposes amendments which will clarify who is considered a Transient Vendor; repeal Section 10 regarding the 2% tax; set the minimum fine for non-compliance to \$100.00; and revise the license fee to \$1,680.00.

Moved by Counc. Nauss, seconded by Counc. Tanner that we conduct Second Reading of A By-law Amending a By-law Respecting the sale of Motor Vehicles by Transient Vendors and approve the By-law as presented. Carried.

Ms. Wilson informed Council that an ad will be published in the local papers informing the public that the amendments have been approved and that the amendments will become effective on the date the ad is published.

**REGION 6 INTER-
MUNICIPAL
AGREEMENT re
INSURANCE
COVERAGE FOR
MUN. REPS.**

Ms. Wilson reported that at the last meeting Council directed that the matter of insurance coverage be clarified before the Region 6 Inter-Municipal Agreement is signed. Before signing it, our Solicitor was asked to review it as well as our insurer. A matter concerning insurance coverage has been brought to our attention. In particular, if a board has the ability to make decisions independent of the Municipality, our insurance provider has advised that our representative on Region 6, as well as staff, would not be covered by our insurance. An example of an independent decision is the RFP being issued for a compost study. Region 6 has control over that RFP and awarding it. The decision to award to a particular company will be that of Region 6. She spoke to the Region 6 Coordinator, Valda Walsh, about the insurance concern. We are not the first municipality that has raised this concern.

Counc. Zwicker thinks it's normal practice to have directors' insurance in this day and age, and he thinks we should insist that Region 6 get that insurance.

Warden Wentzell asked about our representatives on the Boards of the various Homes and whether or not they are covered.

Counc. Zwicker said Hillside Pines has directors' insurance.

Counc. Nauss said the Petite Riviere Watershed Advisory Group makes recommendations to the Public Service Commission and the Province. Is he, as a member of that Group, covered by insurance for any decisions or recommendations they make?

Mr. Reddy said, generally, if you are serving for a society that is a volunteer group, you are protected under the Provincial Volunteer Protection Act. Region 6 is a body unto itself. It's not a volunteer society for the general public. The other issue is that we have asked the question of the insurer and got the answer, so now you cannot say you are not aware of this. This concern about the insurance is the only big red flag that has come up regarding the Region 6 Agreement. Other municipalities have signed the Agreement without

the insurance.

Counc. Young said, as the Municipality's representative on Region 6, he thought he was covered by the Municipality's insurance; but Cowan says differently. He feels we need to convince Region 6 to get that insurance or he's going to be back here asking the Municipality to get a policy that would cover him.

Ms. Wilson reported that a request has been sent to our insurer to see if the Municipality can get a policy to cover this situation.

Counc. Bell pointed out that Council has also made an appointment to the non-profit organization Bluenose Coastal Action Foundation which makes decisions. He believes direction was given at the last Council meeting to get clarification on insurance coverage for any committees or boards that Council has representatives on.

Moved by Counc. Nauss, seconded by Counc. Young that we not enter into an Agreement with Region 6 until the insurance issue is rectified.

Carried.

DRAW - WEB SITE
CONTEST

At 10:15 a.m. Sally Steele, Assistant Operations Manager for the LRCRC was in attendance. She reported that over 100 entries were received for the Web Site Contest which closed today. A draw then took place for the three prizes. The winners were:

- 1) Debbie Plouffe - I-pod
- 2) Brittany Lepointe - Recycle Prize Pack
- 3) Tina Baker - 4 hours free rental at the MARC

VIOLATION OF
HEBBVILLE LUB
(E. McALPINE)

In attendance was April Whynot-Lohnes, Municipal Development Officer, to update Council regarding the matter of a violation of the Village of Hebbville Land Use By-law.

On July 10, 2007 Council directed 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 By-law. On November 30, 2007, Ms. Whynot-Lohnes visited the site with the Municipality's surveyor, Lester Berrigan, as he was preparing documentation for the pending trial date of March 6, 2008. When they arrived at the site, both structures, that had been identified as being located on the property without the appropriate development permits, were no longer on site. Mr. Berrigan will, therefore, close his file and send a report to the Municipal Solicitor, Mr. Dempsey, to inform him of their findings.

Ms. Whynot-Lohnes asked for Council's direction as to how they wish staff to proceed with this matter.

Ms. Wilson indicated to Council that their options are to either continue with the prosecution or withdraw the charges.

Moved by Counc. Countway, seconded by Counc. Zwicker that the Municipality withdraw the charges against Earl McAlpine.

Counc. Nauss asked how many times can things like this happen. Tomorrow he could set another one up and then we go through the same process again. He realizes that to take it to court the court will say what's the Municipality trying to do.

Mr. Reddy commented that because the buildings are gone does not make the perpetrator not guilty of the offence. The court would look at the buildings being moved and probably consider it remedial, but would not think Mr. McAlpine is innocent. There would probably be some type of fine assessed. What the court would give he doesn't know. The minimum fine under the Act is \$500.00.

Counc. Dempsey said she would see a situation like this as dealing with a repeat offender and not someone who was not aware of the regulatory requirements. How much time is spent on preparation for this type of case? We can spend a lot of time, effort and money on this type of situation. What work is involved legally to get to this point? Will we spend much more to pursue it further?

Mr. Reddy said probably not. The majority of the work is in the preparation. There would be two avenues that the Municipality could pursue. If it went to court, the Municipality could approach Mr. McAlpine and his counsel and point out that he's guilty of the offence and that we want to proceed with a recommendation to fine. The other option is that Mr. McAlpine doesn't agree and he wants to proceed to trial. It would be difficult to find him not guilty with the evidence and preparation that has gone into it. If the Municipality proceeded with the prosecution, it could end up with the Municipality covering some of the expenses. He cannot guarantee what the fine would be or what the expenses would be.

Counc. Bell feels we have been involved in a shell game. He recalls a problem with a truck that was in Counc. Nauss' area, which then moved to his area, and then to a highway right-of-way. If we drop the charges, we are saying the time of April Whynot-Lohnes and Lester Berrigan are not worth it. That being said, he would like to go after cost recovery for their time and continue with the charges.

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

Moved by Counc. Nauss, seconded by Counc. Zwicker that we continue with the charges against Earl McAlpine for violation of the Village of Hebbville Land Use By-law. Carried.

KAREN ZINCK re
TAXES

At 10:30 a.m. Ms. Karen Zinck was in attendance to make a presentation regarding taxes.

Moved by Counc. Young, seconded by Counc. Tanner that Karen Zinck be permitted to address Council. Carried.

Ms. Zinck reviewed the information that was in the presentation she had prepared for Council which outlined her point of view on increased property taxes (copy attached to original Minutes). In her presentation she asked the following questions: What is your justification for increasing property taxes, hundreds of dollars per year, for every family and business in our District? Where was the money spent? OR Do you have extra money in the account, with no purpose for it? Did any of the extra money go into the golf course? At the conclusion of reading her presentation, she thanked Council for listening.

Warden Wentzell indicated to her that she has asked a number of questions that we will need to respond to, and that once they are researched,

we will respond to her in a letter.

Ms. Zinck thanked Council and left the meeting.

WESTSIDE

In attendance at this time were Ed Curran, Director of Planning and Development Services, and Melissa Bonin, Planning Technician.

ESTATES - STREET

NAME CHANGE

REQUEST

Circulated with the agenda was a letter from Mr. R. J. (Bob) Richards, President, The Home Centre Group of Companies, regarding a request for a road name change that he feels the Municipality has taken far too long to address. He is asking Council to take action to see that this matter is completed promptly. One of his companies, Jaylynn Enterprises Ltd., is developing a small subdivision called Westside Estates in Wileville. A petition was submitted to the Municipality with the required number of signatures requesting that the public highway listed by the Department of Transportation as "Towne Lyne Drive", Authority #1148 Wileville, be renamed to "Westside Drive". They would like the street name changed before people move there so that they only have to change their mailing and contact information once.

Also circulated with the agenda was a memo from Melissa Bonin, Planning Technician, informing Council that a petition was received regarding the requested road name change to West Side Drive and that it was signed by 76% of the eligible voters/abutting landowners. She has reviewed the required road indexes as required by the Civic Addressing Policy and finds no reason not to recommend this road name change. (Copy of petition attached to original Minutes)

Ms. Wilson reported that there have been a number of road name petitions that staff have been working on. Council did authorize hiring a Civic Addressing Technician to alleviate the backlog of civic address matters. Mr. Curran had contacted HRDC and they will be able to provide a person at no cost but we have to wait a couple of weeks for that person. However, it was felt it was in the Municipality's best interest to wait and not spend the \$13,000 to hire someone.

Warden Wentzell commented that we will clean up the backlog in due course, but hopefully the simple requests will be taken care of in the future without waiting an extended period of time.

Counc. Nauss questioned what the Municipality has to do with it, as it's a Department of Transportation road.

Ms. Wilson said we have to confirm the property owners. We have to make sure that the petition is prepared properly and make sure that all property owners are on the petition. Sometimes we actually have to prepare the petition. Council needs to make a motion approving this request for a road name change. The Department of Transportation requires this motion.

It was pointed out that all the signatures on the petition are Mr. Richards' signatures on behalf of Jaylynn Enterprises Ltd. and that the other three listed on the petition have not signed it.

Mr. Curran reported that the other property owners about the road in question but don't have access to it.

Counc. Countway commented that in this situation we have one person controlling the name change. He feels the policy has to be changed so that

one person cannot control it.

Moved by Council. Nauss, seconded by Council. Moore that we accept the petition and that the Planning staff do the work that is required to have the road name Towne Lyne Drive changed to “Westside Drive”. Carried.

UPDATE re CIVIC
ADDRESSING FILE

For information, circulated with the agenda was a memo from Mr. Curran updating Council on filling the position of Civic Addressing Technician. Staff have approached Service Canada to investigate any job placement/ funding opportunities to assist in filling a term position as a Civic Addressing Technician. Discussion with Mr. Paul Smith, Community Liaison Officer with Service Canada, has determined that a candidate who qualifies for the Job Placement Program has been successfully screened by Service Canada. The candidate is a recent graduate of the COGS program at Lawrencetown and is familiar with GIS and computer mapping. Mr. Curran expects the Civic Addressing Technician position to be filled in the near future. He also informed Council that, with regard to Council’s direction of October 9, 2007 to clean up the Road Petition file, staff have completed four requests and are dealing with twenty outstanding requests, six of which are classed as high priority. This was presented for Council’s information.

RESIGNATION -
CIVIC
ADDRESSING
COORDINATOR &
APPOINTMENT OF
NEW COORDINATOR

Circulated with the agenda was a letter from Mr. Curran informing Council that, with the recent change of April Whynot-Lohnes’ position to the new Municipal Clerk position, she will no longer be acting as the Municipality’s Civic Addressing Coordinator, effective December 11, 2007. Mr. Curran recommends that Melissa Bonin, Planning Technician, be appointed the position of Civic Addressing Coordinator for the Municipality, effective December 11, 2007.

Moved by Council. Young, seconded by Council. Nauss that Council accepts the resignation of April Whynot-Lohnes as the Municipality’s Civic Addressing Coordinator, effective December 11, 2007.

Council. Zwicker asked if this is an interim move until we have a replacement for the Development Officer and does it change the classification of the person taking on the responsibility?

Ms. Wilson said Ms. Bonin did a lot of the background work on civic addressing. The Coordinator did a final check. The appointment of Ms. Bonin as the Civic Addressing Coordinator would be a permanent move.

Council. Zwicker asked if her classification will change. Ms. Wilson said it won’t change.

At the request of Council. Countway, the job responsibilities of the Development Officer and Planning Technician were explained. The Development Officer’s job description will no longer include the work of the Civic Addressing Coordinator ...that will be the responsibility of the Planning Technician. Mr. Curran said it’s a realignment of responsibilities.

Council. Dempsey said it is much more the norm that the Planning Technician do the work of the Civic Addressing Coordinator.

The motion accepting April Whynot-Lohnes’ resignation as the Civic Addressing Coordinator was carried.

Moved by Council. Tanner, seconded by Council. Dempsey that Melissa

Bonin be appointed as the Civic Addressing Coordinator for the Municipality of the District of Lunenburg, effective December 11, 2007, pursuant to Policy MDL-18. Carried.

Ms. Bonin left the meeting.

In attendance was Jeff Merrill, Planner.

PLANNING/HERITAGE ADVISORY COMMITTEE - RECOMMENDATIONS

REAPPOINTMENT - BLOCKHOUSE AAC Moved by Counc. Countway, seconded by Counc. Zwicker that we accept the recommendation of the Planning Advisory Committee and approve the reappointment of Paula MacDonald for a three-year term on the Blockhouse Area Advisory Committee. Carried.

REAPPOINTMENT - PRINCES INLET AAC Moved by Counc. Palmer, seconded by Counc. Tanner that we accept the recommendation of the Planning Advisory Committee and approve the reappointment of Kelvin (Kelly) Nelson for a three-year term on the Princes Inlet Area Advisory Committee. Carried.

REAPPOINTMENT - PLANNING ADVISORY COMM. Moved by Counc. Statton, seconded by Counc. Dempsey that we accept the recommendation of the Planning Advisory Committee and approve the reappointment of Eugene Veinotte as a Member at large on the Planning Advisory Committee for a two-year term from December 2007 to December 2009. Carried.

APPLICATION TO ALTER ST. PAUL'S UNITED CHURCH, BLUE ROCKS Moved by Counc. Tanner, seconded by Counc. Palmer that we accept the recommendation of the Heritage Advisory Committee (PAC) and approve the substantial addition of an accessibility structure to the main entrance of St. Paul's United Church located at 135 Stonehurst Road, Blue Rocks. Carried.

Mr. Curran and Mr. Merrill left the meeting.

COMMITTEE OF THE WHOLE - RECOMMENDATIONS

BUDGET re MONUMENT IN CEMETERY AT THE MARC, DAYSPRING Moved by Counc. Bell, seconded by Deputy Warden Garber that we accept the recommendation of the Committee of the Whole and allocate money in the 2008-2009 Municipal Budget for a monument to be erected at the cemetery at the MARC; that staff bring back information on the design and costing of a monument; that staff consult with the solicitor to get a legal opinion on whether or not permission is required from the families to list the deceased persons' names on the monument; and that an ad be put in the paper advising the public of Council's intention to do this project. Carried.

INTEGRATED COMMUNITY SUSTAINABILITY PLAN re COMM. Moved by Counc. Dempsey, seconded by Counc. Countway that we accept the recommendation of the Committee of the Whole and appoint the current Planning Advisory Committee as the coordinating/steering committee for the purpose of directing the preparation of the Integrated Community Sustainability Plan for the Municipality. Carried.

RECORDING EQUIPMENT Moved by Counc. Nauss, seconded by Counc. Zwicker that we accept the recommendation of the Committee of the Whole and approve the over expenditure in Account 0052120031 of approximately \$6,000.00 to accommodate the purchase of recording equipment, with the understanding that there will be a savings of approximately an equal amount in Account 0052120022 to offset a portion of this over expenditure.

Ms. Wilson reported that at the Committee of the Whole meeting the question was asked if the equipment can be used as a sound system. She has been told that it can be, but we would have to purchase speakers. If it's a substantial amount to purchase them, she will bring back the prices.

The motion was carried.

COMPREHENSIVE
MUN. PHYSICAL
ACTIVITY
STRATEGY -
THREE-YEAR
CONTRACT

Moved by Counc. Young, seconded by Counc. Tanner that we accept the recommendation of the Committee of the Whole that it is the intention of the Municipality of the District of Lunenburg to enter into a three year contract to develop a comprehensive municipal physical activity strategy and coordinate the work with the Nova Scotia Department of Health Promotion & Protection, the Town of Bridgewater and the Town of Lunenburg with an annual commitment for the three year contract term of \$10,000.00. Carried.

SITE SURVEY -
UPPER LaHAVE
PROPERTY

Moved by Counc. Moore, seconded by Counc. Young that we accept the recommendation of the Committee of the Whole and engage the Municipality of the District of Lunenburg's Surveyor to do a site survey of the Department of Transportation and Infrastructure Renewal property located in Upper LaHave for the purpose of identifying the land that may be declared surplus.

Counc. Zwicker questioned if the land has already been declared surplus. Ms. Wilson said no, we have to make an application to them to declare it surplus.

The motion was carried.

ROSE BAY WHARF
PPTY - LETTER
EXPRESSING
INTEREST

Moved by Counc. Statton, seconded by Counc. Zwicker that we accept the recommendation of the Committee of the Whole that the Municipality of the District of Lunenburg send a letter to Public Works and Government Services Canada expressing interest in the Rose Bay Wharf property that the Department of Fisheries and Oceans has declared surplus and request all the maintenance files and records for a detailed review of the property. Carried.

HIRING OF
RETURNING
OFFICER AND
ASST. RETURNING
OFFICER

Moved by Counc. Countway, seconded by Counc. Nauss that we accept the recommendation of the Committee of the Whole and, a) hire a Returning Officer for the 2008 Municipal Election, provide an honourarium of \$15,000.00 for the position, and commence employment of same in February 2008; and b) hire an Assistant Returning Officer, provide an hourly wage of \$11.66 for the position, and commence the employment of same in May 2008; and further, that funding for 2007-2008 expenses be taken from the Elections Reserve at year-end and the remainder to be included in the 2008-2009 Operating Budget.

Counc. Zwicker asked what the situation is with reference to the School Board Election. Ms. Wilson said we are still responsible for it, so we will get a portion of our cost back that is directly related to the School Board Election.

The motion was carried.

ELECTIONS
OFFICE IN MARC
ADMIN. BUILDING

Moved by Deputy Warden Garber, seconded by Counc. Tanner that we accept the recommendation of the Committee of the Whole and establish the Elections Office in the MARC Administration Building, and that a budget of \$15,000.00 be approved for same, with funding for 2007-2008 expenses to be taken from the Elections Reserve at year-end, and the remainder to be included in the 2008-2009 Operating Budget. Carried.

REMUNERATION
FOR MAYOR,
DEPUTY MAYOR
AND COUNCILLOR

Moved by Council. Zwicker, seconded by Council. Nauss that we accept the recommendation of the Committee of the Whole that, effective upon the swearing in of the new Council and Mayor after the 2008 Municipal Election, the remuneration offered for each position be as follows:

MAYOR	\$40,000.00 (to be adjusted by CPI in 2008)
DEPUTY MAYOR	\$28,000.00 (to be adjusted by CPI in 2008)
COUNCILLOR	\$20,985.00 (to be adjusted by CPI in 2008)

Council. Moore pointed out that there is no increase at all in the remuneration of a Councillor except for CPI.

Council. Statton wanted to make it clear that the Councillor's remuneration of \$20,985 includes the expenses.

Council. Dempsey said the understanding in increasing the remuneration for the Mayor is in recognition of the fact that it will probably require some full-time hours at the Municipal Office.

Council. Statton asked if it is the intent that the Mayor's remuneration includes expenses.

Ms. Wilson said that is the total remuneration. A portion of that is non-taxable.

Moved by Council. Statton, seconded by Council. Dempsey that the motion be amended to state that it's the total remunerations including the tax-free expense. Carried.

MOTION AS AMENDED - that we accept the recommendation of the Committee of the Whole that, effective upon the swearing in of the new Council and Mayor after the 2008 Municipal Election, the remuneration offered for each position be as follows:

MAYOR	\$40,000.00 (to be adjusted by CPI in 2008)
DEPUTY MAYOR	\$28,000.00 (to be adjusted by CPI in 2008)
COUNCILLOR	\$20,985.00 (to be adjusted by CPI in 2008)

and that the above remunerations include the tax-free expense. Carried.

LETTER TO MP RE
BROAD COVE
BREAKWATERS

Moved by Council. Palmer, seconded by Council. Dempsey that we accept the recommendation of the Committee of the Whole that Council authorizes the signing and mailing of the letter to Mr. Gerald Keddy, MP, regarding Broad Cove Breakwaters. Carried. (Copy of letter attached to original Minutes)

INSURANCE
RELIEF GRANTS
TO FIRE DEPTS.

In attendance was April Whynot-Lohnes, Municipal Clerk.

Ms. Whynot-Lohnes reviewed her memo which provided Council with information on the amount of Insurance grant monies that have been calculated for each fire department for the 2007/08 fiscal year. The amount included in the 2007/08 budget is \$40,000.00. The total amount of premium renewals for all fire departments for 2007/08 totalled \$175,426.00, a difference of \$2,823.00 less than the 2006/07 fiscal year.

Council. Dempsey questioned the formula in terms of how we determine what each fire department gets. She noted that when you look at the total premiums that these fire departments pay, what we give as a grant is not much. At the last fire department recognition dinner she attended, it was said to her that if the Municipality looked after the insurance bill, it would go a long way towards their fundraising efforts and the amount of money that they have to raise to pay those insurance bills.

Ms. Wilson reported on the way the money is proportioned for the distribution of the insurance grants. It's based on a department's percentage of the total insurance cost of all departments.

Moved by Council. Countway, seconded by Council. Bell that we approve the payment and distribution of the \$40,000 allocated monies for Insurance grants to the Fire Departments as indicated in the list provided to Council. Carried. (Copy of list attached to original Minutes)

BUILDING
REPORTS FOR
OCT. & NOV. '07

For information, circulated with the agenda was a summary of the Municipality's building activities for the months of October and November 2007 (attached to original Minutes). The October report showed that the value of building permit applications issued in October totalled \$2,760,250.00, bringing the year-to-date value to \$26,447,080.36. The November report showed that the value of building permit applications issued in November totalled \$1,811,769.63, bringing the year-to-date value to \$28,241,849.99.

SOUTH SHORE
FIELD HOUSE
SOCIETY - LETTER
OF AGREEMENT

Circulated with the agenda was a proposed Letter of Agreement to the South Shore Field House Society which informs the Society that the Council of the Municipality of the District of Lunenburg is agreed to provide a grant to the Society to assist with the cost of constructing and operating a Field House in Bridgewater, and that the Municipality's grant is to be \$31,000 per year for 10 fiscal years, subject to the appropriate agreement being signed identifying the conditions presented to Council at the March 15, 2007 Committee of the Whole meeting.

Ms. Wilson reported that the proposed Letter of Agreement has been provided to the Society with the understanding that it is a *draft* Letter only. The Society has agreed to the content of the Letter of Agreement.

Moved by Council. Young, seconded by Council. Bell that Council authorizes the Warden and CAO to sign the Letter of Agreement to the South Shore Field House Society. (Copy attached to original Minutes)

Council. Dempsey asked if the Letter was reviewed by legal counsel.

Mr. Reddy said he reviewed it and cleaned up any issues.

Council. Zwicker reported that it went to the Community Services Focus Group prior to coming to Council. He commented that clause 4 in the Letter, which deals with the amount of notice that the Municipality shall give for use of the facility, is really a maxi-level agreement. He would look for something more definitive. What is "reasonable amount of notice"? What is "reasonable amount of accommodation"? We just went through an MOU in another situation and were very definitive in what we are agreeing to.

Ms. Wilson said the facility is not operating now, so the amount of notice for bookings is not known. Until the facility is up and operating, a lot of those things cannot be defined.

Council. Zwicker commented then maybe it should be put in the brought-forward file until we know.

Deputy Warden Garber asked at what point of the year are we making our contribution ...at the beginning or end of the fiscal year?

Ms. Wilson said it's in this year's budget. Once the Agreement is signed, the \$31,000 would be issued. If it's Council's concern that it's too general, she

suspects we will not know until the facility is operating, which could be the fall of next year.

Counc. Dempsey suggested amending clause 8 in the Letter of Agreement to include another sentence that the parties would agree to specify the generalities within two months of operation.

Moved by Counc. Dempsey, seconded by Counc. Countway that the Letter of Agreement to the South Shore Field House Society be amended in clause 8 to require the parties to specify the reasonable amount of time for notice and accommodation as it relates to use of the facility by MODL, and that clause 2, which deals with a discounted rate for MODL, also be amended to require that the discounted rate will be specified within two months of the facility's operation.

Counc. Zwicker said his comments were not to delay our funding. We made a commitment.

Mr. Reddy said Counc. Zwicker's comments about generalities are understood, but we wanted to get something before Council today.

The amendment was carried.

MOTION AS AMENDED - that Council authorizes the Warden and CAO to sign the Letter of Agreement to the South Shore Field House Society with an amendment in clause 8 to require the parties to specify the reasonable amount of time for notice and accommodation as it relates to use of the facility by MODL, and that clause 2, which deals with a discounted rate for MODL, also be amended to require that the discounted rate will be specified within two months of the facility's operation. Carried.

LUNCH WITH
STAFF

At 11:50 a.m. Council recessed to have their annual Christmas lunch with staff at the Oakhill Fire Hall.

Counc. Nauss asked the members of the Nominating Committee to meet at 1:45 p.m. to consider the appointment of a representative from the Municipality to serve on the South Shore Lifestyle Centre Society.

At 2:00 p.m. the Council meeting resumed.

NOMINATING COMMITTEE - RECOMMENDATIONS

Moved by Counc. Nauss, seconded by Counc. Zwicker that we accept the recommendations of the Nominating Committee and

- 1) approve the appointments of Councillor Cathy Moore and Councillor Martin Bell to attend meetings that are held to discuss a Public Transit System for Lunenburg County and that Councillor Lee Nauss be appointed as an alternate to attend meetings when Councillor Bell cannot attend;**
- 2) approve the appointment of Councillor Sandra Statton as Council's representative to the Bridgewater & Area Chamber of Commerce, and that our Community Economic Development Officer be permitted to attend meetings of the Bridgewater & Area Chamber of Commerce; and**
- 3) approve the appointment of Deputy Warden Elmer Garber as the representative from the Municipality to the South Shore**

APPOINTMENTS re
1) PUBLIC TRANSIT
SYSTEM
2) B'WATER &
AREA CHAMBER
OF COMMERCE
3) S.S. LIFESTYLE
CENTRE SOCIETY

Lifestyle Centre Society.

Ms. Wilson reported that she has been informed that all Council members can attend Bridgewater & Area Chamber of Commerce meetings and functions. The Chamber does their own elections regarding Board members.

Counc. Nauss commented that for the membership fee we pay, all Councillors can attend their meetings, but we don't necessarily have a member on the Board.

Counc. Young said he was anticipating that our member would be a member of the Board.

Counc. Bell said he didn't submit his name to attend meetings regarding the Public Transit System as he feels his workload is sufficient. He feels the concept of the Public Transit System is important and he will attend the first meeting, but he wouldn't be offended if someone else wants to attend those meetings.

Counc. Nauss said he would be willing to attend the meetings on the Public Transit System if Counc. Bell cannot attend.

It was agreed that if Counc. Bell cannot attend the Public Transit meetings, then Counc. Nauss will attend as an alternate.

The motion accepting the recommendations of the Nominating Committee was carried.

UPDATE - WARDEN

Warden Wentzell provided an update to Council on his activities as Warden. He reported that he and the Deputy Warden and CAO attended the RDA municipal units' meeting that was held in Chester. A lot of issues were discussed at that meeting, some of which were the Atlantic Gateway; Tourism and Regional Visitation Centres; Broadband Service, which Lunenburg County will have by the end of 2009; Energy and the Natural Gas Pipeline; and Sawmills.

**UPDATE re RDA
MUNICIPAL UNITS'
MEETING**

Ms. Wilson reported that the RDA is looking for input from municipal units as to what areas/ issues the RDA should focus on over the next year. Also, there will be someone coming from Economic Development to talk to us about the Atlantic Gateway.

Deputy Warden Garber said what we are interested in is what are the opportunities for us if the large containers come to Halifax or Guysborough. There are opportunities for areas outside of Metro or Guysborough to participate in this. The RDA will be exploring methods whereby we can get some benefits from that.

Counc. Dempsey asked if there was any discussion about the Provincial Government hiring Bob Fornier. Municipalities should be at least having a bit of a dialogue in terms of any province-wide strategy that looks at energy.

Warden Wentzell said there was disappointment expressed by those who attended the sessions that were held and the lack of information provided. They felt the Department of Energy doesn't have their ducks in a row.

Counc. Dempsey feels, as a facilitator, Bob Fornier did an excellent job. However, maybe it's not the best way to get public participation.

Counc. Zwicker said he would like to see the Mayors and Wardens make a Resolution that they will be more proactive in the coming year with regard to

upgrading Highway 103.

Warden Wentzell said that was also discussed at the meeting.

Counc. Zwicker feels the Mayors' and Wardens' group has to be proactive on that issue. There has got to be a push to upgrade that Highway so that Shelburne can have services and so other places can move their goods. Roads are our mode of transportation, so we have to improve them.

Warden Wentzell said the RDA is going to ask the Highway 103 Committee to meet with them.

Ms. Wilson said the Mayors and Wardens are also going to meet with them (Highway 103 Committee).

Counc. Zwicker feels we need a united strong voice to go to the Provincial and Federal levels. The Highway doesn't have to be twinned but it needs to be brought up to a 100 series' standard.

Counc. Nauss said at the Economic Development Regional meetings in Halifax a presentation was made by Guysborough. It's unbelievable about the amount of money they are spending for a deepwater port and opening three more quarries to ship to the US.

Warden Wentzell reported that he attended a Chamber of Commerce dinner meeting. The Premier was the guest speaker.

UPDATE - STATUS
ON RECREATION
IN NORTH PART OF
MUNICIPALITY

Ms. Wilson provided an update, as requested by Counc. Moore, regarding a meeting to be arranged to discuss options for the youth in the north part of the Municipality. She reported that a meeting has not yet been arranged, but she is meeting with Staff Sgt. Mills to discuss who should be invited from the Department of Justice.

WASTE MANAGEMENT COMMITTEE - RECOMMENDATION

AMEND MUNICIPAL
SOLID WASTE BY-
LAW TO RESTRICT
TRANSPORTATION
OF SOLID WASTES

In attendance was Pierre Breau, Director of Engineering and Public Works, for Council's consideration of the following recommendation from the Waste Management Committee that the four member Councils amend their Municipal Solid Waste By-laws to restrict transportation of solid wastes outside jurisdictional boundaries.

Council was informed, by letter, that the Waste Management Committee, on November 21, 2007, received information from staff that even with the reduction of the tipping fees for landfillable and construction and demolition waste from \$110/ton to \$75/ton, the waste anticipated to return to the LRCRC is not being realized. Solid wastes that are generated in the Municipality of the District of Lunenburg and the Towns of Bridgewater, Lunenburg and Mahone Bay are still being hauled to another landfill outside of the jurisdictional boundaries. This results in a negative impact on the Waste Management Committee's budget through less realized revenue to offset cost, as well as the potential to not meet the 10,000 ton "put or pay" threshold contained in the Agreement between the partner units and the Municipality of Chester. If the 10,000 ton threshold is not realized, the four partner units will be required to pay a reconciliated amount (difference between 10,000 tons and tonnage shipped to Chester). Furthermore, the shipment of this waste to other landfills outside the Committee's jurisdiction negatively impacts on our diversion credits.

Mr. Breau reviewed the main changes to the Municipality's Solid Waste

Collection and Disposal Bylaw, being the additions of the following clauses 3.0.2 and 3.0.3 in section 3 of the Bylaw

- .2 No person shall transport RESIDUAL SOLID WASTE or unsorted solid waste generated within any of the municipal members of the WASTE MANAGEMENT COMMITTEE outside the municipal boundaries of the MUNICIPALITY which forms the boundary of the agglomeration of the municipal members of the WASTE MANAGEMENT COMMITTEE unless agreed to by the WASTE MANAGEMENT COMMITTEE.
- .3 RESIDUAL SOLID WASTE generated within the MUNICIPALITY shall be disposed of at a transfer station(s) or in landfill facilities as approved by the WASTE MANAGEMENT COMMITTEE. Such transfer station(s) or landfill facilities must possess a valid operating permit from the Province of Nova Scotia.

Mr. Breau reported that “residual solid waste” means black bag garbage. He noted that it doesn’t state the location of the transfer station(s) because locations can change. At present, the only transfer station is at Whynott’s Settlement. HRM’s bylaw was challenged in court and the end result was that it was upheld. The Waste Management Committee is not a bylaw-making body, it’s just a committee. Each member unit has to have this in its bylaw. The other three units will have similar wording in their bylaws.

Ms. Wilson said the reason it’s of concern is that we have a contract with Kaizer Meadows for 10,000 tons per year, and in the first year we didn’t hit that amount.

Counc. Countway commented that we dropped the rate but it still didn’t make a difference. He can’t support this. He feels it will lead to more illegal dumping. He questioned how we would police this. He questions if there’s really that much more waste out there or is a lot more being recycled? People can take cans where they get paid for them. Maybe we’re overstaffed if we’re not getting the waste that we were expecting.

Counc. Dempsey said she has a concern about our plan to enforce this.

Ms. Wilson reported that she and Mr. Breau have not yet had an opportunity to discuss this in terms of enforcement. They had that discussion at the Waste Management Committee meeting. Her understanding is that each landfill is required to report where the waste comes from to the Department of Environment.

Counc. Dempsey asked if the Department of Environment will then release the information to us.

Mr. Breau said the enforcement of the bylaw may be very simple. The person who is responsible for the transporting of most of the residual solid waste beyond our border is a select group and can be easily identified.

Deputy Warden Garber feels we shouldn’t confuse illegal dumping with this issue. It’s the commercial waste that is causing the problem. If the commercial sector is not paying, then it’s the residential householder who is paying. We either get the tipping fees back by enforcing the bylaw or the householder pays more. To him it’s not that difficult to track.

Counc. Nauss pointed out that the same vehicle may be picking up waste in two jurisdictions and the entire load is being reported as coming from

the adjoining unit. How can we prove that part of the load came from our jurisdiction?

Mr. Breau said this is residual waste that has to be taken to a licensed landfill. It's important for the scale operator to record where the waste came from. Under the regulations, we are expected to meet diversion goals. Jurisdictions are very proud of the amount of waste that they divert. We want to make sure that landfill-destined waste goes there and is disposed of properly.

Deputy Warden Garber pointed out that we are mandated to provide a system to dispose of that waste. If we allow waste to be shipped outside our boundaries, then we are not getting the revenue that is required to offset the expense. There are more landfills in the region than was intended. According to the report, there should be one ...there are three.

Counc. Young asked if it's being reported to us now through the Department of Environment where that waste is coming from.

Mr. Breau said we received a report on how much waste came from this region to that landfill.

Counc. Young asked if we know who took it there.

Mr. Breau said they don't have to report that information to Environment.

Mr. Reddy said, if we have the records from Environment, it's a small area. If the waste site operator doesn't want to tell us, we could subpoena them and ask them in court who dropped off the waste. As Mr. Breau said, flow control bylaws have been upheld by the Supreme Court as a valid means of controlling the shipment of waste. We can only put the bylaw in place, gather the evidence, issue the subpoenas and see what happens.

At the request of Counc. Nauss, Mr. Breau explained how we get diversion credits. If we don't have this bylaw, we will not get what we would normally get with that control.

Counc. Dempsey asked if we know if we will meet the contractual obligation to Chester if the bylaw is implemented.

Mr. Breau said we may just meet that obligation this year without it, but the previous year we didn't. It's a bit too much of a risk for staff to be comfortable with.

Counc. Dempsey pointed out that we looked at this amendment last year and didn't do it because we decided to wait to see what would happen with HRM's. We tried it another way by lowering the tipping fee and that has not worked either.

Counc. Statton asked if we're getting credit for the waste from this area that is taken outside our jurisdiction.

Mr. Breau said it's actually a debit. We are expected to do so much diversion. If it goes elsewhere, we have no control over the sorting. Chester knows how we want it sorted. If our landfill goes up, our diversion credits go down.

Counc. Statton commented that if the waste is from Bridgewater, then it would be up to Bridgewater to enforce their bylaw.

Mr. Breau said if the hauler would be taking waste from both Bridgewater

and the Municipality, then it would be up to the solicitors of the Municipality and Bridgewater to determine who does the prosecution.

Mr. Reddy said they would have to determine which would be the best municipal unit to do the prosecution.

Moved by Council. Young, seconded by Council. Zwicker that we accept the recommendation of the Waste Management Committee and amend the Municipality of Lunenburg Solid Waste Collection and Disposal Bylaw to restrict transportation of solid wastes outside jurisdictional boundaries with wording similar to the draft amendments as presented. Carried. (Copy attached to original Minutes)

**FIRST READING -
AMENDMENTS TO
MUN. SOLID
WASTE BYLAW**

Moved by Council. Nauss, seconded by Council. Dempsey that we conduct First Reading of the proposed amendments to the Municipality of Lunenburg Solid Waste Collection and Disposal Bylaw as presented. Carried.

ECONOMIC DEVELOPMENT FOCUS GROUP - RECOMMENDATIONS

**ATLANTIC TRAFFIC
ROAD MANAGE-
MENT TO
CONDUCT
TRAFFIC STUDY**

Moved by Council. Young, seconded by Council. Zwicker that we accept the recommendation of the Economic Development Focus Group and engage Atlantic Traffic Road Management to conduct a Traffic Study as required for approval of a 3 legged intersection for access to MODL lands on the west side of Highway 10. (Motion re Cost of Study made after *In Camera* session)

Council. Dempsey asked, for clarification, does the Department of Transportation require us to do a traffic study? Ms. Wilson said yes they do.

The motion was carried.

IN CAMERA

Moved by Council. Zwicker, seconded by Council. Nauss 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:

1) Tax Sale Matter, in accordance with section 22 (2) (b) of the *Municipal Government Act*;

2) Land Negotiations, in accordance with section 22 (2) (a) of the *Municipal Government Act*;

3) Contract Negotiations, in accordance with section 22 (2) (e) of the *Municipal Government Act*;

4) Acquisition/Disposal of Land, in accordance with section 22 (2) (a) of the *Municipal Government Act*;

5) Litigation, in accordance with section 22 (2) (f) of the *Municipal Government Act*.

Moved by Council. Young, seconded by Council. Dempsey that Council resume. Carried.

Council in session.

The following motions were based on discussions during the *In Camera* session.

**LAND APPRAISAL -
OSPREY VILLAGE**

Moved by Council. Nauss, seconded by Council. Zwicker that Council authorizes the hiring of an appraiser to do an appraisal of the Municipality's land at Osprey Village for serviced and non-serviced land.

Council. Bell commented that we are going to possibly sell a property for

a specified use and move our own purposes to land under transmission power lines. He doesn't understand why we would do that.

The motion was carried.

MOUs WITH DOTIF
re LAND - HAROLD
WHYNOT RD. & IN
OSPREY VILLAGE

Moved by Counc. Zwicker, seconded by Deputy Warden Garber that Council authorizes the CAO and Warden to enter into the Memorandums of Understanding with the Department of Transportation and Infrastructure Renewal for the Municipality's land on Harold Whynot Road and in Osprey Village to allow for physical assessments to be conducted. Carried

APPRAISAL PRICE
LAND ON HAROLD
WHYNOT ROAD

Moved by Counc. Young, seconded by Counc. Tanner that, as discussed *In Camera*, Council authorizes the CAO to advise the Department of Transportation and Infrastructure Renewal of the appraisal price of the piece of land on Harold Whynot Road. Carried.

EXPENDITURE re
TRAFFIC STUDY

Moved by Counc. Moore, seconded by Counc. Zwicker that Council authorizes the unbudgeted expenditure of \$5,000.00 plus HST for a traffic study to determine the feasibility of a 3 legged intersection on Highway 10 in Osprey Village. Carried.

There being no further business, at 4:35 p.m. it was moved by Counc. Tanner, seconded by Counc. Zwicker that the meeting adjourn.

.....
WARDEN JACK WENTZELL, CHAIRMAN

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