

**RICHMOND COUNTY MUNICIPAL COUNCIL**

**REGULAR MEETING**

**OCTOBER 10, 2006**

Location: Council Chambers, Municipal Office

The CAO called the meeting to order at 7:00 p.m. and asked everyone to stand for the singing of O'Canada.

**Items Added to the Agenda.**

The CAO indicated that he wished to add an item regarding Stora/Request from the MLA to provide information to Council.

Councillor McNamara requested and received unanimous consent to add an item regarding the breast screening clinic.

Moved by Councillor Johnson, seconded by Councillor Rankin that the items added be accepted as presented. Motion carried.

**Review of Minutes: September 11, 2006**

Moved by Councillor Beaton, seconded by Councillor MacPhee that the minutes of September 11, 2006 be adopted as presented. Motion carried.

**Council Elections:**

(a) Warden

The CAO briefed Council on the rules of elections of Warden and Deputy Warden, indicating that Section 12 of the MGA governs the selection of the Warden, including that the Clerk shall preside at the meeting of the Council at which the Warden is to be elected, until the Warden is elected, and the Council may adopt rules governing the election of a Warden. He further noted that Sections 13 to 16 of our By-Law #2 are relevant to the voting procedure for the election of the Warden and Deputy Warden, including that a majority of Councillors may request a secret ballot, but where a secret ballot is held, the numbers of ayes and nays voted on any questions shall be entered in the minutes.

The CAO indicated that the process to be followed will be similar to the last election, whereby he will open the floor to nominations, with a mover and a seconder, because he indicated he wanted to avoid debate on whether a candidate was properly nominated. He noted there should be a motion to close nominations.

The CAO indicated the mover may wish to speak in favor of the candidate being nominated and the candidates can address Council if they so wish.

Moved by Councillor Rankin, seconded by Councillor MacPhee that Municipal Council proceed with the elections of the Warden and Deputy Warden by secret ballot. Motion carried.

The CAO opened the floor to nominations.

Councillor J. Boudreau questioned if there was a need for a seconder on a nomination.

The CAO indicated this was the manner in which it had been done the last time, and suggested that it be held in the same manner again, in order to avoid debate on whether a candidate was properly nominated.

Councillor J. Boudreau noted that the rules adopted by the Municipality are the Bourinot's rules of order, noting they don't call for a seconder on a nomination, and also noted that there were no seconds on several elections held in the past, and therefore requested an opinion from the Solicitor regarding the matter.

Warden Cotton indicated that the Municipality operates under Robert's rules of order, rather than Bourinot's.

The Solicitor addressed Council indicating that the Bourinot's rules of order are followed under By-Law #2 and he noted that Municipal Council can dictate their own practice, and can practice both ways, therefore suggesting that Municipal Council should decide, by way of majority, which way they wish to proceed this evening.

The CAO indicated that perhaps in the future, this should be clarified in our by-law or policy, however he indicated he felt that for this evening, it was best to be safe than sorry, and requested the direction of Council on the matter they wished to proceed.

Warden Cotton indicated that Municipal Council had proceeded with a mover and a seconder for the last election, therefore he felt Council should proceed in the same manner this evening.

Moved by Councillor MacPhee, seconded by Councillor Rankin that Municipal Council proceed with a mover and a seconder for nominations on the election of Warden and Deputy Warden. Motion carried.

The CAO opened the floor to nominations for the position of Warden.

Councillor MacPhee nominated Councillor Cotton from District #6 for the position of Warden.

Councillor C. Boudreau seconded the nomination of Councillor Cotton for Warden of Richmond County.

The CAO asked if there were any further nominations for the position of Warden.

Councillor Sampson indicated it was his pleasure to nominate Councillor John Boudreau from District #2 for the position of Warden.

Deputy Warden Martell seconded the nomination of Councillor John Boudreau for the position of Warden.

Moved by Councillor Johnson, seconded by Councillor Rankin that nominations cease. Motion carried.

The CAO indicated that he and the Secretary would collect and count the ballots; and he requested that the nominees appoint scrutineers on their behalf. Councillor J. Boudreau appointed Councillor Martell and Warden Cotton appointed Councillor MacPhee.

The CAO indicated the results of the ballots were as follows:

Councillor John Boudreau	-	6 votes
Councillor Richie Cotton	-	4 votes

The CAO declared Councillor J. Boudreau elected as Warden for Richmond County, and requested that Warden Boudreau assume chairmanship of the meeting.

Warden Boudreau thanked Municipal Councillors for their support and indicated he will count heavily on the expertise of the past two Wardens, fellow Councillors, the CAO and staff to assist during his transition period, indicating he will do his 100% to assist in whatever they feel is necessary to move Richmond County forward. He indicated Municipal Council will face many challenges in the future, however he will count on their support and indicated he will pledge his support in return.

(b) Deputy Warden

Warden Boudreau called for nominations for the position of Deputy Warden.

Moved by Councillor Rankin, seconded by Councillor Martell that Councillor McNamara be nominated for the position of Deputy Warden. Motion carried.

Moved by Councillor Boudreau, seconded by Councillor Sampson that nominations cease. Motion carried.

Councillor McNamara thus becomes Deputy Warden.

Deputy Warden McNamara thanked fellow Councillors for their support.

Presentations and/or Delegations:

The CAO indicated that the Johnstown group had called the office on Friday to indicate that they were unable to attend tonight's meeting and requested to be rescheduled for a future meeting.

Moved by Councillor Johnson, seconded by Councillor Rankin that the request from the District 10 Community Stakeholders Planning Committee be tabled to a future Council Meeting. Motion carried.

Second Reading Approval – to adopt By-Law #56, Tax Exemption By-Law, which is attached as Appendix “A”

Councillor Boudreau indicated that the organization listed as the “Isle Madame Day Care Association” has a business number associated with it, namely the Richmond County Early Childhood Education Association, and inquired whether the name should be changed to “Richmond County Early Childhood Education Association”.

Both the CAO and the Solicitor indicated that the By-Law should reflect this change.

Moved by Councillor Boudreau, seconded by Councillor Martell that the owner of the facility listed as the “Isle Madame Day Care Association” under Schedule “D” of By-Law #56 be changed to “Richmond County Early Childhood Education Association. Motion carried.

Moved by Councillor Beaton, seconded by Councillor Sampson that Municipal Council give Second Reading Approval to adopt By-Law #56, Tax Exemption By-Law, as a By-Law of the Municipality (attached as Appendix “A”), with the approved amendment to change the owner of the facility listed as the “Isle Madame Day Care” under Schedule “D” to “Richmond County Early Childhood Education Association”. Motion carried.

In response to a question, the CAO indicated the By-Law could be amended, if organizations were omitted from the By-Law.

Committee Reports:

(a) Committee of the Whole

Warden Boudreau requested that Councillor Martell present the monthly report of the Committee of the Whole, because the report dealt with items from previous meetings.

Councillor Martell presented the monthly report of the Committee of the Whole (copy attached).

Moved by Councillor Martell, seconded by Councillor Beaton that Council accept the recommendation of the Committee of the Whole and that a letter be written to Mr. Bob Earle, Department of Transportation and Public Works indicating that Municipal Council wishes to obtain the road reserve at Grand Lake, in order to ensure future public use of this road for access to Kyte's Brook.

In response to a question from Councillor Rankin, Warden Boudreau indicated that the matter cannot be brought back to the table this evening, if the motion is defeated.

Moved by Councillor Beaton, seconded by Councillor Sampson that the motion be amended in order to hold discussions with the proponents. Motion carried.

In response to a question, the Solicitor indicated that Rule 15 states that when any motion is put before the Council, the only motions that shall be in order shall be:

- (a) to adjourn;
- (b) to lay on the table;
- (c) to postpone indefinitely;
- (d) to postpone for a definite period;
- (e) to refer;
- (f) to amend

and when any such motion has been made, motions of a prior order shall be received and such motions shall be considered and decided in reverse of the order in which they were made; and all such motions except the motion to adjourn, shall be seconded.

Councillor Beaton withdrew his motion with the permission of the seconder.

Moved by Councillor Beaton, seconded by Councillor Johnson that the original motion be tabled. Motion carried.

Moved by Councillor Martell, seconded by Councillor Beaton that Council accept the recommendation of the Committee of the Whole and that a grant in the amount of \$15,000 be approved for the Lennox Passage Yacht Club from the Municipal District Fund - \$17,000 for District #3. Motion carried.

Councillor Beaton thanked Council, indicating that the \$15,000 received helped secure \$400,000 in funding for the project.

Moved by Councillor Martell, seconded by Councillor Rankin that Council accept the recommendation of the Committee of the Whole and that a letter be written to the Minister responsible, with a copy to the local Manager, expressing concern that the

Lennox Passage Bridge will not open or close in hot weather, which is disruptive to the boaters, and requesting that this matter be rectified as soon as possible. Motion carried.

Councillor Boudreau noted the ongoing crisis being faced with the ambulance coverage on Isle Madame when the bridge is open.

Moved by Councillor Martell, seconded by Councillor Sampson that Council accept the recommendation of the Committee of the Whole and that approval be given to the road name change from "Cape Rouge Road" to "Joshua Road" in District #2 if this meets policy approval and receives the approval from the Department of Transportation and Public Works and also the approval from the Eastern District Planning Commission. Motion carried.

Moved by Councillor Martell, seconded by Councillor MacPhee that Council accept the recommendation of the Committee of the Whole and that a grant in the amount of \$1,000 be approved for the St. Joseph's CWL in Petit De Grat from the Councillors' District \$3,000 Fund, for District #2. Motion carried.

Moved by Councillor Martell, seconded by Councillor Boudreau that Council accept the recommendation of the Committee of the Whole and that the Municipality absorb 75% of the net cost of the pollution control study for District #4. Motion carried.

Moved by Councillor Martell, seconded by Councillor Sampson that Council accept the recommendation of the Committee of the Whole and that the property purchased at tax sale by the Municipality in 2004 in District #9 be sold to Mrs. Alvina Berthier at the appraised value, because the property is an undersized lot which is considered surplus and is located adjacent to Mrs. Berthier's property; and further moved that the offer be conditional on Mrs. Berthier paying in advance for the cost of the appraisal, and all legal costs associated with the migration of the property. Motion carried.

Councillor Martell indicated the Committee had received a major report from CGI Information Systems and Management Consultants, regarding an evaluation of the fire protection provided in our Municipality; and the Consultants presented a lengthy and significant list of recommendations. He indicated that the next step in the process will be a meeting and presentation by the Consultant to representatives of the Municipality's fire departments.

Moved by Councillor Martell, seconded by Councillor Boudreau that Council accept the recommendation of the Committee of the Whole and that the grant request from the St. Joseph's CWL be approved in the amount of \$2,949, with funding to be taken from the Municipal District Fund - \$17,000 Policy, for District #2. Motion carried.

Moved by Councillor Martell, seconded by Deputy Warden McNamara that Council accept the recommendation of the Committee of the Whole and that funding in the amount of \$8,000 per year, for a three year total of \$24,000 be provided to the Strait-

Highlands Regional Development Agency for the Local Green Action Plan Project.  
Motion carried.

Councillor Beaton declared a conflict of interest indicating his son is an employee of the Strait-Highlands RDA, and he left his seat during discussion and voting of this item.

Moved by Councillor Martell, seconded by Councillor Rankin that Council accept the recommendation of the Committee of the Whole and give approval to the Memorandum of Understanding between the St. Peter's Village Commission and the Municipality of Richmond, attached as Appendix "A", with a minor amendment that Section D be changed to a Board or Committee comprised of five Village Commissioners (as opposed to the current wording of five representatives appointed by the Village of St. Peter's); and further moved that representatives of the Municipality be authorized to initiate the next steps, including an approach to the Utilities and Review Board for guidance with respect to the governance model, and for the negotiation respecting an intermunicipal agreement.

Councillor Rankin indicated correspondence had been received from the Nova Scotia Utility and Review Board today regarding an amended Memorandum of Understanding, and in light of the new information, he requested that this matter be tabled until legal advice is obtained.

The CAO indicated that the Municipality had reached an agreement with the Village of St. Peter's on a Memorandum of Understanding, but indicated that it now appears from the correspondence received that the Village has now approached the Nova Scotia Utility and Review Board and this afternoon proposed to us a different Memorandum of Understanding with some significant differences and he noted that he has not had an opportunity to review them, and suggested that either Municipal Council accept the recommendation to approve the Memorandum of Understanding that was agreed upon with the Village of St. Peter's or table it in order to obtain legal advice on what amendments they are proposing.

Moved by Councillor Rankin, seconded by Deputy Warden McNamara that this matter be tabled and that the Solicitor be requested to provide legal advice on the amended Memorandum of Understanding, for Council's consideration at the next Committee of the Whole Meeting. Motion carried.

Moved by Councillor Martell, seconded by Councillor Rankin that Council accept the recommendation of the Committee of the Whole and that a letter be written to the Minister of Transportation and Public Works to advise him that his department has advised the community of St. Peter's that they are claiming the roads in the former Gillies subdivision, during the process carried out for purchase of lands for the Richmond Villa;

AND FURTHER MOVED that the Minister be advised that many homes and businesses are constructed on these streets, causing grave concern in the community with respect to proper title to property;

AND FURTHER MOVED that the Minister be requested to provide a solution for the issue of title to the streets in the former Gillies subdivision. Motion carried.

Councillor Martell reported that the Committee received the tender results from staff, regarding the Petit De Grat School, and staff advised that the results are as follows:

- Mr. Courtney Thomas - \$10,000 (deposit of \$1,000)
- Mr. Wayne Boudreau - \$15,000 (deposit of \$1,500)
- Mr. Eino Keerd - \$26,000 (deposit of \$2,600)
- La Picasse - Proposal, requesting school property for \$1, exemption of property taxes, and a municipal financial contribution of \$95,000

Councillor Martell indicated that the Committee referred the tenders and proposal to Council, without recommendation, and with direction to staff that legal advice be obtained to determine if the Municipality can award the tender to the high bidder, and if the Municipality can refuse to award the tenders; and requested that staff or the Solicitor provide legal information on the ability of the Municipality to award this tender to the high bidder, as recommended by staff, in accordance with the tender advertisements.

The CAO indicated he had provided Councillors with a copy of the legal advice received from the Solicitor, which indicated that the tender can be awarded to the highest compliant bidder; and indicated that the tender process is fundamentally designed to secure the best price, therefore the highest bidder should be awarded the tender.

The CAO indicated Municipal Council can either move forward with the matter, or move to “In-Camera” session, if legal advice is required regarding land issues, etc.

Moved by Councillor Sampson, seconded by Councillor Cotton that Municipal Council award the tender for the former Petit De Grat School property to Mr. Eino Keerd, at his high tender bid of \$26,000. Motion carried.

Moved by Councillor Martell, seconded by Councillor Boudreau that Council accept the recommendation of the Committee of the Whole and that the Bosdets not be approached to reconsider their location of the chocolate factory from Arichat to Port Hawkesbury, because the Bosdets have made it clear that this decision was based on the best possibility for success of their business; and that this is a decision that they will not reverse with respect to keeping the chocolate factory in Arichat; and further moved that a letter be sent to Mrs. Mary Louise Samson indicating to her the actions that Council has taken. Motion carried.

Moved by Councillor Boudreau, seconded by Councillor Rankin that Committee of the Whole minutes and staff reports since the last Council Meeting be made available to the individuals who had previously requested information, and also that this information also



be made available to any individuals who make a request for information. Motion carried.

The CAO indicated the Receptionist will contact the individuals who had previously contacted the Municipality for information to inquire if they are interested in obtaining additional information, and will also provide the information to any members of the public that approach the Municipality requesting information regarding the chocolate factory.

Moved by Councillor Martell, seconded by Councillor Johnson that the monthly report of the Committee of the Whole be accepted as presented. Motion carried.

#### Correspondence:

(a) Department of Environment and Labour re: Pit Operations Compliance Standards

The CAO indicated that the correspondence was for information purposes, and it provides contact information for individuals who wish to remain informed or involved with the process.

(b) Department of Transportation and Public Works re: Road Name Change Notification

Warden Boudreau indicated that he has requested that this road name be changed to the Joshua Road.

#### Items Added to the Agenda

(1) CAO re: Stora/Request from MLA to Provide Information to Council

The CAO indicated he had contacted the MLA several times, with the MLA responding on October 3 that he was not aware of the urgency of the matter, and that he had not seen the draft legislation, nor the correspondence from Service Nova Scotia and Municipal Relations which indicated that it should be introduced as a Private Member's Bill. The CAO indicated he has faxed the MLA a copy of the draft legislation and the correspondence received from Service Nova Scotia and Municipal Relations.

The CAO indicated that the Legislature is sitting later this month, and this may be the only opportunity to introduce the legislation.

The CAO requested direction from Council indicating it is imperative that this legislation move forward with this sitting of the House.

Councillor Cotton indicated that Municipal Council can get one of the conservative backbenchers to present the Private Member's Bill, if the MLA does not want to present it, but stressed that it is important to get the MLA's support, and the support from all parties.

Moved by Councillor Cotton, seconded by Deputy Warden McNamara that a letter be written to Alfie MacLeod, MLA, to request that he present the Stora legislation in the Fall Sitting of the House; and further moved that municipal representatives approach the MLA to request his full support for the Private Member's Bill to be introduced. Motion carried.

(b) Deputy Warden McNamara re: Breast Screening Clinic

Deputy Warden McNamara indicated that the Breast Screening Clinic which travels their mobile throughout Cape Breton Island will not be coming to our county this year, which will make this extremely difficult for residents who have no means of transportation and also the costs associated with traveling to Sydney or Antigonish.

Moved by Deputy Warden McNamara, seconded by Councillor MacPhee that a letter be written to the Minister of Health expressing grave concerns regarding the Breast Screening Mobile that will not be traveling to Richmond County this year, indicating that the cost of traveling to either Sydney or Antigonish is prohibitive to some individuals, and expressing the urgency for replacement of this service as soon as possible. Motion carried.

#### Fifteen Minute Question Period

Mr. Billy Joyce requested if the ballfield and tennis court at the former Petit De Grat school property will be sold as part of the tender awarded this evening; and if not, inquired if the road leading to the former school building will still be available for public use to access the ballfield and tennis court.

Warden Boudreau indicated a meeting will be held with Mr. Keerd to clarify some of these items.

Mr. Keerd indicated a survey of the property will be conducted, and will arrange a meeting with the community to provide information.

Moved by Councillor Johnson, seconded by Councillor Martell that the meeting be adjourned. Motion carried.

There being no further business, Warden Boudreau adjourned the meeting at 8:05 p.m.