

RICHMOND COUNTY MUNICIPAL COUNCIL

REGULAR MEETING

NOVEMBER 14, 2006

Location: Council Chambers, Municipal Office

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

The Clerk took roll call of Councillors.

The Clerk indicated that Councillors Cotton and Beaton were unable to attend for business reasons and Councillor Sampson was absent due to illness.

Items Added to the Agenda

Warden Boudreau indicated he wished to add the DRTC Shortfall-Story Telling Festival/DRTC Staff Person and the CAO wished to add the St. Peter's Village Commission/Memorandum of Understanding.

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

Review of Minutes: October 10, 2006

Moved by Councillor Martell, seconded by Councillor Rankin that the minutes of October 10, 2006 be adopted as presented. Motion carried.

Presentations and/or Petitions

- (a) District 10 Community Stakeholders Planning Committee re: Phased Plan for Improvements at the JCDC Site

Warden Boudreau indicated that the group had telephoned to indicate they were not prepared to make their presentation to Council at this time.

- (b) Dundee Water Co-Operative Limited re: Proposal Changes/Scope

Mr. Ross Wagg and Mr. Alfred Samson addressed Council indicating that more than 50 concerned landowners, residents and taxpayers from Dundee and its surrounding area are placed in a potentially unhealthy environment due to the current drinking water situation. He noted that most Dundee area residents have not been able to drink their water since 1999, and further noted that during the summer of 2006, many private wells in the area went dry. He indicated that the Department of Environment has placed a “no drinking, no bathing, no washing” order on area water sources.

Mr. Wagg indicated that eight separate lab tests of area water found ecoli, coliform and fecal coliform; and noted that the report circulated contained these test results.

Mr. Samson indicated that the Dundee Water Co-operative Limited had approached Municipal Council in December, 2005 requesting funding for an engineering study to locate safe and reliable water in the area, but to date, there has been no response or commitment. He also indicated they had met with the Municipal Engineer in early 2006, however no feedback has been received from Mr. McLean to date.

Mr. Wagg noted that they had also met with the MLA in October, 2006, who was fully supportive of their community in an effort to create a safe and healthy environment and he is prepared to actively work on behalf of the Co-Operative at the provincial level.

Warden Boudreau indicated the CAO will discuss this matter with the Municipal Engineer and will respond shortly.

In response to an inquiry from Councillor MacPhee, the CAO outlined the process for moving forward, including applying for money for a study, and proceeding with the community with the study if external funding is received; and then commencing the project of identifying a water source, a water treatment plant, and a distribution system.

Mr. Wagg indicated that the Co-Operative was requesting financial support from Municipal Council and also wished to obtain guidance from the Municipality in approaching other levels of government in order to conduct a study that would identify a safe and reliable water source; identify the area and households to receive service; identify the most efficient system of supplying water to these households, develop a costing estimate for the project and identify available funding.

Moved by Councillor MacPhee, seconded by Deputy Warden McNamara that the presentation from the Dundee Water Co-Operative Limited be accepted as presented and further moved that staff be authorized to carry out the necessary research and submit the necessary PCAP application requesting external funding to assist with a study that would identify a safe water source and the most efficient manner of supplying that water to the residents of the Dundee area. Motion carried.

Warden Boudreau thanked Mr. Wagg and Mr. Sampson for their presentation.

(c) Mr. John Bain, Executive Director, Eastern District Planning Commission re:
Issuance of On-Site Sewage Disposal System Permits/Clean-up of Derelict Properties

Warden Boudreau welcomed Mr. John Bain to the meeting.

The CAO indicated that Mr. Bain was in attendance, as per Council's request, to discuss current delays in obtaining on-site sewage disposal system permits and also to discuss the issue of the clean-up of derelict vehicles.

Mr. Bain indicated that the Eastern District Planning Commission Board had received a presentation in May, from a local Engineer who does a fair amount of work in Richmond County, expressing concern with the length of time it took to issue on-site disposal system permits for single family dwellings.

Mr. Bain indicated that the Department of Environment previously did the analysis themselves, however they now have a number of qualified individuals designated by the Province to do the actual analysis and their information is then sent to the Department of Environment. He noted the problem is the time it is taking prior to receiving the actual permit from the Department of Environment and noted that some of his Building Inspectors have been exercising the discretion that the regulations allow them by issuing the building permit as soon as they receive the qualified person's report, but some have not been exercising that discretion and there is still concern at the Board level that the discretionary option available to a Building Inspector isn't always being used.

Mr. Bain indicated that Section 1.4.1.1(3) of the Nova Scotia Building Code Regulations states that the authority having jurisdiction may, if applicable, withhold a building permit until satisfied that there is a valid on-site sewage disposal system permit issued by the Department of Environment and Labour for the construction of a building requiring a new private sewage disposal system. He noted the concern is with the word "may", which is the discretionary authority that the Building Inspector has and the Board wanted to remove this discretion from the Building Inspectors so they would always issue the building permits based on the qualified person's report. Mr. Bain indicated that he had expressed reservation to the Board that removing that discretionary power from the Building Inspectors might be unwise.

In response to an inquiry, Mr. Bain indicated that he was aware of problems in Antigonish County with malfunctioning on-site sewer systems.

Mr. Bain indicated his Board was concerned with the length of time it is taking to have these permits issued, and also the time it is taking to have building permits issued; which resulted in his sending a letter to all municipalities and to the Department of Environment and Labour indicating the concerns with on-site permit delays. He noted one option discussed by the Board is the possibility of amending Municipal Building By-Laws to remove the discretion exercised by our building officials.

The CAO indicated that correspondence item (d)(ii) was a response from the Department of Environment & Labour in response to Council's request that they review their procedures regarding this matter. He noted the Department is indicating that their targeted turn-around time for the processing of an on-site sewage disposal system application is 20 working days from the time an application is deemed to be complete; and noted that the turn-around time associated with issuing these approvals for Richmond County in 2006 has averaged approximately 29 days.

Deputy Warden McNamara indicated that delays of 29 days can have a great impact on our limited building season.

Mr. Bain indicated that in the interim, the Department of Environment and Labour have indicated that they will direct the Department's Inspectors in the Eastern Region who deal with on-site sewage disposal systems applications for Richmond County to notify his office, and in particular the Building Inspectors, when they experience a delay in processing an application while awaiting the submission of supporting documentation from the applicant.

Mr. Bain reviewed the process followed for the clean-up of derelict properties. He noted that when a written complaint is received, the Building Inspector inspects the property in order to assess the information received in order to determine if the property is dangerous and unsightly, and discusses the situation with the property owner and prepares a staff report. Mr. Bain indicated that in most situations, the properties are cleaned up; but noted that when a situation arises that the properties are not cleaned up, and thus becomes a serious situation, then he becomes involved and obtains a Board Order to have the property cleaned up. He indicated that if the property does not get cleaned up after a Board Order has been issued, then staff will go on the property and have it cleaned up, and costs of the clean-up is applied to the property owner's tax account. Mr. Bain indicated that if a matter is serious and a building on a property requires demolition, then a Court Order is obtained, which requires Council approval.

In response to a question from Councillor Martell regarding derelict vehicles, Mr. Bain indicated he does not presently have any complaints regarding derelict vehicles. Mr. Bain indicated there is a limitation in the Act, whereby it is a requirement to go after the owner of the property on which the vehicle is located, and not the vehicle owner. He also noted that they look at whether there are plates and a valid safety inspection on the vehicle for which a complaint is received.

In response to a question from Councillor Rankin, Mr. Bain indicated that a complaint must be received in writing and must be signed by the complainant, or can also be received from Council or individual Councillors.

In response to a question from Warden Boudreau, Mr. Bain indicated that none of the Building Inspectors have the ability to issue summary offence tickets, although he felt that perhaps there may be situations whereby issuing tickets may be helpful.

The CAO noted that Mr. Bain has been employed with the Eastern District Planning Commission for the past 15 years and has run a very professional organization for all the municipal units in the Strait Area.

Warden Boudreau thanked Mr. Bain for attending the meeting.

Committee Reports

(a) Committee of the Whole

Deputy Warden McNamara presented the monthly report of the Committee of the Whole (copy attached).

Moved by Deputy Warden McNamara, seconded by Councillor MacPhee that Council accept the recommendation of the Committee of the Whole and that the signage project for Point Tupper move forward and that both the federal and provincial levels of government be approached for assistance. Motion carried.

Moved by Deputy Warden McNamara, seconded by Councillor MacPhee that Council accept the recommendation of the Committee of the Whole and that grants be approved for the River Bourgeois Seniors 50+ Club in the amount of \$1,800 and the MacKay Cemetery Society in the amount of \$1,200; and that these funds be taken from the Councillors' District Activity Fund - \$3,000 for District #7. Motion carried.

Moved by Deputy Warden McNamara, seconded by Councillor Rankin that Council accept the recommendation of the Committee of the Whole and that the proposed Memorandum of Understanding that was tabled, be addressed by Council, and approved in the format recommended by the October 2nd Committee of the Whole Meeting, with the concession that the five appointees from the Village Commission can be stipulated as Village Commissioners (if requested by the Village Commission); and further moved that staff be directed to advise the St. Peter's Village Commission immediately, of the recommendation to Council. Motion carried.

The CAO indicated that he had received a written confirmation from the St. Peter's Village Commission confirming that they are willing to enter into an agreement, noting that this had been provided as an "item added".

Municipal Councillors reviewed the correspondence received from the St. Peter's Village Commission.

Moved by Deputy Warden McNamara, seconded by Councillor Martell that Council accept the recommendation of the Committee of the Whole and that Councillors' remuneration (stipends, tax exemptions, travel, meals, etc.) be reviewed and that staff be requested to gather information regarding remuneration in other similar municipal units. Motion carried.

Moved by Deputy Warden McNamara, seconded by Councillor Rankin that Council accept the recommendation of the Committee of the Whole and that the Municipality proceed with amendments to existing policies/by-laws to provide for municipal authority for contributions from the Municipality of 50% of the net cost of major capital water projects, with the criteria for defining major water capital projects as being those with a minimum capital cost of \$500,000, and also that these major projects have a minimum of 50% external funding before they are considered, and further moved that the municipal contribution be 50% of the net cost of these major capital projects, to be financed from the municipal general rate.

A discussion ensued regarding the minimum capital cost of \$500,000 established by Council.

Warden Boudreau expressed concern indicating there should be an emergency escape clause in the event that the Municipality is faced with another situation similar to the significant manganese problem that occurred this past summer. He also expressed concern that the amount of \$500,000 would be locked in the by-law.

The CAO noted that if a situation occurred whereby the utility required significant work carried out, then the Richmond County Water Utility would have to deal with that issue and then Municipal Council would have to determine if they wished to proceed with the work, further noting that Municipal Council cannot expend funds without UARB approval.

In response to a question from Deputy Warden McNamara, the CAO indicated it would limit projects less than \$500,000; however he indicated that Municipal Councillors established the amount of \$500,000 at the November 6th Committee of the Whole Meeting.

The CAO noted that a lot of work had been done and would be difficult for the Solicitor, Engineer and Accountant to provide any additional information and suggested that perhaps Municipal Council could look at capital projects that could be defined separately.

Councillor Boudreau indicated he felt the Committee of the Whole should discuss the existing capital projects, and future sewer projects at a future Committee of the Whole Meeting.

Several Councillors indicated that they felt that this item had been discussed for more than a year, with this being the second recommendation to come from Committee of the Whole to Council. It was noted that the recommendation at Committee of the Whole had been made for water system projects, because the St. Peter's-Sampsonville water project will be moving forward, and also Committee of the Whole had felt that it might be easier for Council to focus on a policy that dealt with only one type of project (water), and then expand the policy to include other projects.

Moved by Councillor Boudreau, seconded by Councillor Rankin that the motion be amended to indicate that this policy is for “new capital water projects”, by adding the word “new” to the reference in the original motion to major water capital projects. Amendment carried.

Moved by Deputy Warden McNamara, seconded by Councillor Rankin that the motion contained as a recommendation from the Committee of the Whole be adopted, as amended by adding the word “new” to the references to major capital water projects. Motion carried.

Moved by Deputy Warden McNamara, seconded by Councillor Rankin that Council accept the recommendation of the Committee of the Whole and that the Municipality approve of funding in the amount of 15% for the Gabarus-Louisbourg Link Feasibility Study, to a maximum of \$15,000, with the funding to be included in the budget for the coming fiscal year. Motion carried.

Moved by Deputy Warden McNamara, seconded by Councillor Martell that Council accept the recommendation of the Committee of the Whole and that a Recreation Adhoc Committee be established, with terms of reference attached as Appendix “A”. Motion carried.

Moved by Deputy Warden McNamara, seconded by Councillor Rankin that Council accept the recommendation of the Committee of the Whole and that the terms of reference (Appendix “B”) for a Strategic Planning Consultant be approved; and further moved that staff be given the authority to amend the terms, if necessary. Motion carried.

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

Correspondence:

(a) Hon. Judy Streach re: Municipal Representative, Cape Breton Island Housing Authority Board

The CAO indicated the Minister has accepted our recommendation and has re-appointed Mr. Rudolph Boudreau as the Municipality’s representative to serve on the Board of the Cape Breton Island Housing Authority for another three year term.

(b) Canadian Union of Postal Workers re: Moratorium on Post Office Closures and Rural Delivery

Moved by Councillor Rankin, seconded by Deputy Warden McNamara that WHEREAS Canada Post is a Crown corporation that is mandated by law to provide basic customary postal service while operating on a financially self-sustaining basis;

WHEREAS Crown corporations like Canada Post have both public and commercial activities, but are distinct from commercial enterprises in that they are designed to serve the public interest, not maximize profit;

WHEREAS the federal government has asked Canada Post to act like a commercial enterprise that generates commercial profits and dividends;

WHEREAS Canada Post has responded by stating that it is a commercial enterprise with a business mandate and that it must focus on its major customers;

WHEREAS millions of dollars that people pay in postage are now directed towards providing Canada Post with commercial profits (\$199 million in 2005) and the federal government with lucrative dividends (\$59 million in 2005) instead of being used to improve public postal service;

WHEREAS the goal of commercial profits and dividends is at odds with the corporation's legislative mandate to provide public postal service and its public policy objective, as a Crown corporation, to serve the public interest;

BE IT RESOLVED THAT Richmond Municipal Council write to Lawrence Canon, the Minister Responsible for Canada Post, with copies to Deborah Bourque, President of CUPW, Mr. Rodger Cuzner, MP and Moya Greene, President of Canada Post; and request that the federal government:

1. Change the financial and policy framework it uses to set targets for Canada Post so that the corporation does not have to provide commercial profits and dividends.
2. Instruct Canada Post to act like a public service, not a commercial enterprise, by using more of its profits on public postal services, including maintaining and expanding home mail delivery in rural and urban areas.

Motion carried.

(c) Canadian Federation of Independent Business re: Bill 267 – Cape Breton Marketing Levy Act

The CAO indicated that CBRM had adopted a By-Law incorporating the marketing levy, and noted that Inverness and Victoria were presently holding public meetings with the industry.

Councillor MacPhee expressed concern indicating that new information coming from Destination Cape Breton is that the marketing levy tax will now apply to 8 rooms and under, which is creating more concerns with the operators and he also indicated that the federal government has now announced that foreign visitors will be unable to collect the HST rebate.

Warden Boudreau requested that Councillor MacPhee provide the additional information received to Councillors.

The CAO suggested that members of Council meet with members of neighboring municipal units to discuss the marketing levy tax.

Warden Boudreau indicated that Warden Budge had indicated that Victoria County were holding their meeting with the operators this evening, and indicated he would report the results to him.

Moved by Councillor MacPhee, seconded by Councillor Boudreau that Council representatives meet with the neighboring municipal units who have not yet made a decision regarding the marketing tax levy, in order to determine if there is a united position regarding this tax. Motion carried.

(d) Department of Environment and Labour re:

(i) Subdivision Run-Off at Black River Beach

Deputy Warden McNamara indicated she had spoken to the subdivision owner, who was extremely concerned that his subdivision had been mentioned, indicating to him that this was a requirement of the Department of Environment to look at such issues when brought to the table; however she indicated she is very pleased to learn that the situation turned out in his favor and that it was not devastating to the environment as the Committee was led to believe.

(ii) On-Site Sewage Disposal Systems Permits

Previously discussed.

(iii) New Guideline for Radon Gas

The CAO indicated the correspondence is important information that alerts us to the risks of radon gas, and noting that Health Canada is working on a new guideline for radon gas in indoor air.

(e) Hon. Jamie Muir re: Fair & Equitable Funding Report

The CAO indicated that the Minister of Service Nova Scotia had provided this correspondence in October prior to the U.N.S.M. Conference, in which he responds to the separate request to have the fair and equitable funding report implemented and gives his reasons why the province is declining to go down that road.

(f) Hon. Len Goucher re: Cape Breton Centre for Craft and Design

The CAO indicates that the Minister of Tourism, Culture and Heritage will take Council's support for the Cape Breton Centre for Craft and Design into consideration.

(g) Strait Superport re: Richmond County Nomination to the Strait of Canso Superport Corporation Board of Directors

For information purposes.

(h) Leaside Transition House re: Thank you

The CAO noted that the correspondence received from Leaside Transition House thanked Municipal Council for the grant funding received for their organization.

Items Added to the Agenda

(1) Warden Boudreau re: DRTC Shortfall-Story Telling Festival/DRTC Staff Person

Councillor Boudreau noted that Destination Richmond Tourism Co-Operative were previously de-listed from the Registry of Joint Stocks; however he indicated he just checked on line, and they are now listed as active.

Moved by Councillor Rankin, seconded by Councillor Johnson that Municipal Council approve payment of the shortfall incurred by DRTC regarding the Story Telling Festival; and further moved that Municipal Council continue financing the DRTC Manager for a further 3½ months so as to afford Council time to analyze and respond to the final Heritage Coast Project operational plan, with the necessary funds to be taken from the budget item set aside for tourism related activities for this fiscal year. Motion carried.

(2) CAO re: St. Peter's Village Commission/Memorandum of Understanding

Previously discussed.

The CAO indicated that arrangements will be made to have an official signing of the Memorandum of Understanding.

Fifteen Minute Question Period

Mr. Doug Landry thanked Municipal Council on behalf of all the residents involved for all their hard work and patience with regards to the St. Peter's-Sampsonville water project.

Moved by Councillor Martell, seconded by Deputy Warden McNamara that the meeting be adjourned at 8:30 p.m. Motion carried.

There being no further business, Warden Boudreau adjourned the meeting at 8:30 p.m.