

VICTORIA COUNTY MUNICIPAL COUNCIL

November 14, 2000

A special session of Victoria County Municipal Council was held at the Court House, Baddeck, on Tuesday, November 14, 2000, commencing at 10:00 a.m.

Brian Trask, CAO, opened this session of Council and welcomed everyone in attendance. He extended congratulations to the returning and newly elected Council Members.

Present were:

Dan E. MacNeil - Councillor Elect for District #1
Shane Toms - Councillor Elect for District #2
Bruce Morrison - Councillor Elect for District #3
John Graham MacInnes - Councillor Elect for District #4
Gerald Sampson - Councillor Elect for District #5
Lawrence Barron - Councillor Elect for District #6
Wayne Budge - Councillor Elect for District #7
Robert MacLellan - Councillor Elect for District #8

Also present were:

Brian Trask, Chief Administrative Officer
Heather MacLean, Recording Secretary

2000 MUNICIPAL ELECTION RESULTS

Brian Trask advised that he was informed by Jennifer Westhaver, Returning Officer, of the results of the October 21, 2000, Municipal Election.

District #1 - Dan E. MacNeil 303 (Elected)
Gerald Yetman 103

District #2 - Shane Toms 318 (Elected)
Kenneth Garland Jr. 34

District #3 - Bruce Morrison 325 (Elected)
Jim Ryan 217

District #4 - John Graham MacInnes (Acclamation)

District #5 - Gerald Sampson (Acclamation)

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District #6 - Lawrence Barron 230 (Elected)
Larry Dauphinee 222

District #7 - Wayne Budge 411 (Elected)
183

District #8 - Robert MacLellan 345 (Elected)
Scott MacKinnon 279

Cape Breton-Victoria Regional School Board Election

District "G" – South Victoria Keith Bain (Acclamation)

District "H" – North Victoria Stanley MacKinnon 1220 (Elected)
Lawrence Walsh 445

After announcing the results of each district, Brian Trask than administered the Oath of Allegiance and Of Office to the Councillors.

OATH OF ALLEGIANCE AND OF OFFICE

I, the undersigned, do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

And that I am duly qualified as required by law for the office of Councillor of the Municipality of the County of Victoria.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

Signed:

District #1 – Dan E. MacNeil

District #2 – Shane Toms

District #3 – Bruce Morrison

District #4 – John Graham MacInnes

District #5 – Gerald Sampson

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District #6 – Lawrence Barron

District #7 – Wayne Budge

District #8 – Robert MacLellan

Sworn to (or affirmed) by each of the Councillors who have hereto subscribed their names to the Oath of Allegiance and Of Office of Councillor at Baddeck, in the County of Victoria and Province of Nova Scotia, this 14th day of November, 2000, before me

Brian E. Trask

Municipal Clerk-Treasurer/Chief Administrative Officer

APPOINTMENT OF WARDEN

The next item on the agenda was the appointment of a Warden. Brian Trask advised that the Warden is the Chief Executive Officer of the Municipality. The term of Warden will be for a four year period, unless Council determine by policy that the term of office be for a shorter period.

It was moved by Councillor Morrison, seconded by Councillor Toms, that the term for Warden be for a period of two (2) years. Motion carried.

A policy will be drafted for the two-year period for Warden in conjunction with the Solicitor.

Brian Trask advised that in the event of a tie vote being cast for Warden, the Municipal Elections Act outlines that the procedure for selection of Warden will be by “lot”. “Lot” means that each name be placed on an equal size piece of paper, put in a hat and drawn out of a hat by a person determined by the Clerk.

It was moved by Councillor Toms, that John Graham MacInnes be nominated for the office of Warden.

It was moved by Councillor Barron, that Gerald Sampson be nominated for the office of Warden.

It was moved by Councillor Morrison, that nominations cease.

Voting commenced by secret ballot and the ballots were collected and counted.

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Brian Trask advised that 8 votes were cast. The number of votes necessary for election is 5. 4 voted in favour of John Graham MacInnes and 4 in favour of Gerald Sampson.

As the vote was a tie vote, Brian Trask then placed the names of John Graham MacInnes and Gerald Sampson on equal size pieces of paper and placed them in a container. He requested Sarah MacAulay, in attendance in the audience, to select the name of the Warden.

Brian Trask advised that the new Warden for the Municipality of the County of Victoria for a two-year period is Gerald Sampson.

Mr. Trask then administered the Oath of Allegiance and Of Office to Gerald Sampson, Warden.

I, Gerald E. Sampson, do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

And that I am duly qualified as required by law for the office of Warden of the Municipality of the County of Victoria.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

Signed:
District #5 – Gerald E. Sampson

Warden Sampson then assumed the Chair.

APPOINTMENT OF DEPUTY WARDEN

Warden Sampson indicated that the next item on the agenda was the appointment of Deputy Warden

It was moved by Councillor Barron, seconded by Councillor MacLellan, that the term of office for Deputy Warden be for a two-year period. Motion carried.

Warden Sampson called for nominations for Deputy Warden.

It was moved by Councillor MacInnes, that Shane Toms be nominated for the position of Deputy Warden.

It was moved by Councillor Budge, that Bruce Morrison be nominated for the position of Deputy Warden.

It was moved by Councillor Barron, that John Graham MacInnes be nominated for the position of Warden. Councillor MacInnes indicated his desire to decline the nomination.

Voting commenced by secret ballot and the ballots were collected and counted.

Brian Trask advised that the Deputy Warden for the Municipality of the County of Victoria for a two-year period is Bruce Morrison.

The Oath of Allegiance and Of Office was then administered to Bruce Morrison, Deputy Warden.

I, Bruce Morrison, do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

And that I am duly qualified as required by law for the office of Deputy Warden of the Municipality of the County of Victoria.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

Signed:
District #3 – Bruce Morrison

Warden Sampson thanked Council for the opportunity to serve as Warden. He welcomed Bruce Morrison as Deputy Warden and extended a vote of thanks to former Warden, John Graham MacInnes, for his service to the County. Warden Sampson also extended a welcome back to Council to another former Warden, Wayne Budge, to newly elected Councillor, Dan E. MacNeil and the returning
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Council Members. He also extended a note of regret to defeated Councillors Gerald Yetman and David Donovan and expressed thanks to them for their 3 years of service to the County.

RECESS

Warden Sampson advised that Council would recess for 10 minutes.

AGENDA

The agenda was presented for approval.

It was moved by Councillor Toms, seconded by Councillor MacInnes, that the agenda be approved with the addition of an open period and a report on emergency measures. Motion carried.

SGT. HOSS MACKENZIE, RCMP

Courtesy of Council was extended to Sgt. Hoss MacKenzie, Baddeck Detachment, RCMP.

Sgt. MacKenzie began by congratulating Council and indicated that he looked forward to working with Council for the next four years.

Sgt. MacKenzie indicated that his detachment operates on an open door policy and any concerns can be brought to him or one of the 8 members in the detachment.

Sgt. MacKenzie advised that the resident police officer to be located in the Boularderie area is in the process and should be completed in the near future. Activity within the detachment remains constant.

Warden Sampson extended a vote of thanks to Sgt. MacKenzie and he left at this time.

GARY COLLINS, EMC

Warden Sampson extended the courtesy of Council to Gary Collins, Emergency Measures Coordinator for Victoria County.

Mr. Collins updated Council on the damage that has taken place in the northern area of Victoria County in recent weeks due to inclement weather. He

has surveyed the damage with representatives from the Emergency Measures Organization and has negotiated to have Victoria County included with the CBRM in the government's aid package.

He indicated that most of the damage done in northern Victoria occurred on October 28 and 29, 2000, and EMO Nova Scotia have indicated that the aid package offered is for damage done between November 2 and 6, 2000. They have also indicated that Victoria Co-op Fisheries does not qualify for assistance and it is estimated that this operation has incurred approximately \$40,000 in damages.

Mr. Collins indicated that the way things stand now, 90% of the damage done in Victoria County does not qualify.

A press release concerning this situation was to have been announced on the radio, however, it has not been aired as yet. An office was set up on Saturday in the Neil's Harbour/New Haven Fire Department and Helen Budge was hired to accept applications for damages.

The breakwater at Ingonish Harbour is of great concern as it suffered severe damage and threatens the Cabot Trail Highway. It is feared that should another storm hit in this area, the Cabot Trail will be gone, cutting off northern Victoria and the only way out will be a 320 plus km. detour.

Gary Collins indicated that he would like to see a Committee formed to deal with this matter. He indicated that he had film and photos of the damage and has a copy of a 1983 study done on this area which he will have copied and provide to Council.

Mr. Collins indicated that he will be meeting with EMO representatives in Sydney this afternoon and will attempt to have the dates changed to include the damage done in northern Victoria. He felt that contact should be made to have Honourable Jamie Muir, Minister Responsible for the Emergency Measures Act, visit the northern area of the County.

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that a letter be forwarded to the Honourable Jamie Muir, Minister Responsible for the Emergency Measures Act, requesting that he come to Victoria County to view the damage and asking that he reconsider the dates for assistance to include the dates when damage occurred in Victoria County. Motion carried.

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Catherine Ann Fuller indicated that under the Co-op Act of Nova Scotia, a Co-op is considered a business in all sense of the word and the province should be challenged on not including Victoria Co-op Fisheries in the aid package.

Gary Collins indicated that the cut off dating for claims is December 21, 2000.

Discussion took place on a date to meet to survey the damages. It was decided to meet in Ingonish, on Monday, November 20, 2000, at 6:00 p.m. – the place to be determined.

VILLAGE OF BADDECK

Courtesy of the meeting was extended to Lisa MacKinnon, Clerk of the Village of Baddeck.

Ms. MacKinnon extended congratulations from the Village and advised that the Village look forward to working with Council. A cooperative project recently completed was the sidewalk from Needs Convenience to the Silver Dart Lodge. This project was completed with 6 equal funding partners, of which the County and Village were two.

The Commissioners will be inviting the Council to attend a meeting in the near future and it was felt that the Council would reciprocate this gesture later in the year.

Bruce Morrison indicated that ADL Engineering will be holding a public presentation regarding the treatment technology for the Baddeck Sewage Treatment Plant will be held at the Court House, on December 7, 2000, at 7:00 p.m.

Ms. MacKinnon was extended a vote of thanks and was excused at this time.

PROCLAMATION – WHITE RIBBON WEEK

Warden Sampson then read a proclamation advising that White Ribbon Week will be observed in Victoria County from November 25 – December 6, 2000. The week is in observance of men's' violence against women and white ribbons are available from the County offices.

SOLICITOR PICKUP

Courtesy of Council was extended to Arthur Pickup, Municipal Solicitor.

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Solicitor Pickup presented Council Members with a copy of An Act to Prevent Conflict of Interest in the Conduct of Municipal Government. This act was set up to deal with situations when Council is in conflict. He explained to Council that the each of conflict is personal to each of them, as it is up to each to declare whether they are in conflict. Instances when they may be in conflict is when there would be a direct or indirect pecuniary interest in a matter.

There are instances when there are exceptions under the Act and he explained these instances to

Council.

Solicitor Pickup advised that if a Council Member does take part and are in conflict, then an application could be made under the Act which would be taken to Court and a decision would be made to:

? Lose seat

? Rule that a new election be held

? Banned from service for 10 years

? Subject to a fine of up to \$25,000

Solicitor Pickup indicated that from his dealings with municipalities, he finds Councillors to be very good at declaring conflict and he felt it was a good practice to be cautious and declare conflict when a situation arises.

Council Members began addressing other matters which were felt to be best done In Camera and it was agreed to move to an In Camera meeting later in the agenda.

LUNCH

Warden Sampson advised that Council would adjourn for lunch until 1:00 p.m.

RECONVENE

Council reconvened at 1:00 p.m. and present were Councillors from Districts 1, 2, 3, 4, 5, 7, and 8. Also present were the Clerk and Recording Secretary.

Absent was Councillor for District #6, Lawrence Barron.

JOHN ANDERSON, ROACH PERRY ANDERSON CHARTERED ACCOUNTANTS

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Warden Sampson extended the courtesy of Council to John Anderson, Roach Perry Anderson Chartered Accountants.

Mr. Anderson congratulated the returning and newly elected Councillors. He advised that Roach Perry Anderson are the external auditors and financial advisors to the County. The County operate under a \$5.7 million dollar budget and have in the past few years been able to eliminate a \$450,000 deficit to achieve a modest surplus in the last fiscal year.

Mr. Anderson advised that Council should attempt to stick to their budget once approved. Items not contained in the budget should not be entertained.

Discussion took place on the water utilities. Dingwall and Little Narrows Water Utilities came in with substantial deficits in the past fiscal year. The Neil's Harbour/New Haven Utility just commenced billing for the first time for the period July 1 to September 30, 2000, so a partial year's statement will be available after the year end on March 31, 2001. It is a challenge to achieve self-sustaining water systems and these utilities are a deficit of the County in the long term. Council will be forming a Committee to deal with the Water Utilities.

Mr. Anderson indicated that the Municipal Government Act is a useful source of information and he encouraged Council Members to review this Act.

One positive achieved through continuous efforts is the significant decrease in taxes receivable during the past fiscal year. The Tax Department should be encouraged to continue the collection efforts through contact with tax payers, tax sales, etc.

After further discussion, Mr. Anderson indicated that he would make himself available at any time to meet concerning the water utilities, or should Council have any other issues they would wish to address with him.

Mr. Anderson was extended a vote of thanks and he left at this time.

HIGHLAND CONSOLIDATED SCHOOL, BAY ST. LAWRENCE

The County assumed ownership of the Highland Consolidated School, Bay St. Lawrence, from the Northside-Victoria District School Board, when this school was closed and agreed to transfer ownership of the building and small amount of property to the Bay St. Lawrence Community Centre and the remainder of the school property be returned to the former owner of the property, Allan J. MacKinnon.

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This property is in the process of being subdivided and surveyed to determine the descriptions for the deeds to be issued. Mr. MacKinnon will pay the costs associated with the survey, etc.

The Bay St. Lawrence Community Centre are requesting financial assistance in the amount of \$5,000, to carry out repairs prior to the taking over ownership.

Discussion took place on this matter. Brian Trask is to contact MacCoy Insurance to put liability insurance on this building until ownership is transferred.

It was moved by Councillor MacInnes, seconded by Councillor Morrison, that when the subdivision documentation is complete, deeds be issued immediately to Allan J. MacKinnon and the Bay St. Lawrence Community Centre and \$1,000 be approved to secure the school building and any future costs be the responsibility of the Bay St. Lawrence Community Centre. Motion carried.

BUCKLAW GARAGE PROPERTY

It was moved by Councillor Budge, seconded by Councillor MacInnes, that the Bucklaw Garage property be advertised for tender. Motion carried.

SOLID WASTE COLLECTION – CHANGE IN SCHEDULE

It was moved by Councillor Morrison, seconded by Councillor Toms, that the change in the solid waste collection for the Nyanza, Middle River and West Middle River areas from Tuesdays to Wednesdays be approved. Motion carried.

TENDER – PIT RUN GRAVEL

Tenders were called for the provision of 750 tons of pit run gravel to be delivered to the Baddeck Landfill Site. The tenders were opened and were as follows:

Baddeck Construction Ltd. \$2,460.00 tax included
Alex Fitzgerald Trucking & Backhoe Ltd. \$4,183.13 tax included
Barra Construction Ltd. \$2,817.50 tax included
A. J. MacLeod Construction Ltd. \$5,088.75 tax included
Donmel Construction Ltd. \$3,018.75 tax included
Loch Bhreagh Excavating & Trucking \$3,881.25 tax included

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It was moved by Councillor Toms, seconded by Councillor Budge, that the Baddeck Construction Ltd. tender in the amount of \$2,460.00 taxes included be accepted. Motion carried.

KEARNS DISINTEGRATION SYSTEMS

At the September 18, 2000, meeting of Victoria County Municipal Council, a motion was passed that Kearns Disintegration Systems Canada Limited be given permission to conduct a two month trial testing of their technology at the Baddeck Landfill provided all the required permits and documentation are in place from the Department of the Environment.

Subsequent to this approval a letter was received from Kearns Disintegration outlining their proposal and referring to a contract with the County. Mr. Trask replied to this letter and outlined questions the County had in this regard.

Bruce Morrison advised Council on a meeting he attended on Thursday past. He felt that as Mr. Kearns was in attendance, he should speak on his desire to locate a 20-ton per day unit at the Baddeck Landfill. Testing has been done on a 5 ton per day system, however, not on the larger system.

Mr. Kearns indicated that he is recommending a 20-ton unit based on the recommendation of the Baddeck Landfill Manager. The KDS System will guarantee an 86% reduction in waste mass. He indicated that as far as the Department of the Environment are concerned his company has applied for a permit for the 5-ton unit and his company has prepared an application to the Department of the Environment for an environmental impact assessment (EIA) of the Baddeck Landfill Site. He indicated that the Nova Scotia Department of the Environment are very much involved and are looking forward to receiving his application for the EIA.

Discussion took place on the costs associated with the testing at the landfill site.

Mr. Kearns advised on the testing done on his technology and the results of same. Warden Sampson advised that he visited the site when the testing was being done and there were no emissions visible from the stack.

Further discussion took place on this matter.

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that a letter be provided to Kearns Disintegration Systems
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Canada Limited giving permission to conduct a two month trial testing of their technology at the Baddeck Landfill pending the results of the Environmental Impact Assessment. Motion carried.

Mr. Kearns left at this time.

RECESS

Warden Sampson advised that Council would recess for 10 minutes

IN CAMERA

It was moved by Councillor MacInnes, seconded by Councillor Morrison, that Council move In Camera. Motion carried.

Council then returned to regular session.

OPEN PERIOD/DISTRICT CONCERNS

District #1

Councillor MacNeil updated Council on the status of the new school for Rankin Memorial, Iona. Apparently the Department of Education are taking a second look at this matter. Councillor MacNeil is the Co-Chair of the School Advisory Committee, and this Committee will be meeting with the Department of Education and the School Board to sit down and discuss this issue.

Councillor MacNeil indicated that he is also a member of the MacKinnon Harbour Survival Association. Attempts are being made to re-establish the oyster fishery in the harbour, however, there is opposition from people from outside the area. There are plans to establish a steering committee to investigate this matter and Councillor MacNeil expressed an interest in serving on this committee.

District #2

Councillor Toms questioned on whether a reply has been received or a meeting set with the NSPI concerning the layoffs and cutbacks to service from the area serviced by the Baddeck Field Office.

Brian Trask advised that Gary Collins, EMC, has met with NSPI representatives and has outlined the concerns, etc., and there will be a meeting held in this regard in the near future.

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Councillor Toms questioned whether a letter should be forwarded to the Minister of Labour concerning the linemen being sent out alone to a call to investigate same.

It was moved by Councillor Toms, seconded by Councillor Morrison, that a letter be forwarded to Charlie MacDonald, Area Manager, Department of Transportation, with a copy to Bruce Fitzner, requesting that a school bus loading/unloading sign be erected on the Inverness side of MacLeod Brook Bridge, Middle River. Motion carried.

It was moved by Councillor Toms, seconded by Warden MacInnes, that a letter be forwarded to the Department of Transportation requesting:

? Decrease the speed limit from the bottom of Hunter's Mountain to the Inverness side of the Middle River Community Hall

? Repave the remainder to the Big Baddeck Loop

- ? Yield or stop sign be erected at the end of the Old Margaree Road at Red Bridge
- ? Continue reconstruction of the Zion Road, Big Baddeck
- ? Upgrade the Rear Baddeck Forks Road

Motion carried.

Councillor Toms had a request from a County resident that Council send out a message to businesses and public buildings in the County regarding accessibility to people in wheelchairs.

It was moved by Councillor Toms, seconded by Councillor MacInnes, that non-accessible businesses and public buildings in the Municipality be encouraged to make their buildings accessible to all public. Motion carried.

Councillors Toms questioned on what would have to be done to have the Old Margaree Road renamed to its original name the Old Cabot Trail Road. A petition would have to be signed by all landowners on the road and presented for approval to the appropriate authorities.

Councillor Toms advised of a complaint he received from a resident that the blue bags were being placed in the compactor with the green bags during garbage collection. This complaint will be referred to the Site Manager of the Baddeck Landfill for investigation with the contractor.

It was moved by Councillor Toms, seconded by Councillor MacInnes, that \$50 be approved from the District #2 and #4 budgets and \$100 from the District #3 budget for the Baddeck Christmas Parade. Motion carried.

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District #3

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that \$1,802.00 be withdrawn from the Baddeck Sewage Treatment Plant funding to cover ¼ of the cost for drafting a professional proposal for the infrastructure fund. Motion carried.

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that a letter be forwarded to the Department of Transportation requesting that grading be carried out on the Beinn Bhreagh Road from Long Hill to Grosvenor's Gate. Motion carried.

It was moved by Councillor Morrison, seconded by Councillor MacNeil, that copies of correspondence requested by Councillors be placed in their files. Motion carried.

District #4

It was moved by Councillor MacInnes, seconded by Councillor MacLellan, that four streetlights be approved for each district for the 2000/2001 fiscal year. Motion carried.

District #7

Councillor Budge requested information on the proposed “trails’ for the White Point/Neil’s Harbour area. Many residents do not want this trail and it will restrict use and parking is also an issue.

It was moved by Councillor Budge, seconded by Councillor MacInnes, that funding for the trail project be put on hold and the money approved be used for a walking track around Cabot High. Motion carried

District #8

It was moved by Councillor MacLellan, seconded by Councillor Budge, that a letter be forwarded to the Department of Transportation requesting that:

? The back road from Neil’s Harbour to Smelt Brook be upgraded

? Guardrails be installed adjacent to Douglas MacLeod property, Aspy Bay (North Harbour)

? Investigate signage or reduce speed in the area of the passing lane located by the new school in Aspy Bay

? Guardrail be installed at the County line on Southside Boularderie.

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Motion carried.

District #5

It was moved by Warden Sampson, seconded by Councillor Budge, that \$100 be approved for the Boularderie School Advisory Committee and \$100 for the Arm of Gold 4-H Club from the District #5 budget. Motion carried.

It was moved by Warden Sampson, seconded by Councillor Budge, that a letter of support for the Widows of Nova Scotia be forwarded to Premier John Hamm, requesting that he drop the appeal of the decision of the Supreme Court of Nova Scotia that gives widows entitlement to back payment of compensation benefits that were taken away upon remarriage. Motion carried.

It was moved by Warden Sampson, seconded by Councillor MacLellan, that the topic of animal controller be addressed within the next couple of months, with the possibility of considering one for the northern area of the county and one for the southern area of the county. Motion carried with Councillor Budge casting a dissenting vote.

ADJOURN

There being no further business, on motion of Councillor Morrison, the meeting adjourned.

Brian E. Trask, CAO

Gerald E. Sampson, Warden