

VICTORIA COUNTY MUNICIPAL COUNCIL

September 24, 2012

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, September 24, 2012, beginning at 5:00 p.m. with Warden Bruce Morrison in the Chair.

Present were:

District #1 – Paul MacNeil
District #2 – Keith MacCuspic
District #3 – Bruce Morrison, Warden
District #4 – Merrill MacInnis
District #5 – Fraser Patterson, Deputy Warden
District #6 – Larry Dauphinee
District #7 – David Donovan
District #8 – Johnny Buchanan

Also present were:

Sandy Hudson, CAO
Heather MacLean, Recording Secretary

CALL TO ORDER/APPROVAL OF AGENDA

Warden Morrison called the meeting to order and presented the agenda for approval.

Deputy Warden Patterson requested two additions to the agenda – Tidal Power in Great Bras d'Or Channel and FCM regarding long term infrastructure plan.

It was moved by Councillor MacCuspic, seconded by Councillor MacInnis, that the agenda be approved with the noted additions. Motion carried.

DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE RENEWAL

Courtesy of Council was extended to Stephen MacDonald and Darren Blundon, Area Managers, Department of Transportation and Infrastructure Renewal.

Stephen MacDonald thanked Council for the opportunity to appear and indicated that this is Darren Blundon's first appearance at Council since he assumed the responsibility for the Iona Peninsula.

Mr. MacDonald then presented a quick overview of work undertaken in his area. The Department of Transportation and Infrastructure Renewal paving plant was set up in the northern area of the County. The project went well with an average of 1 ½ km of pavement being laid per day. The shouldering was done after the paving with an average of 2 to 3 kms completed per

day. One issue that arose during the paving project was that the pavement came up about 1 km short. They ran out of aggregate which was used in the asphalt mixture, leaving 1 kilometer of the approved 27 kms unpaved. Mr. MacDonald outlined the reasons he felt were responsible for this discrepancy. He indicated he was talking to Gerard Jessome today and they are looking into prioritizing the New Haven Road in the next few years and will look at this km at that time.

The contract for the paving in St. Ann's was awarded to Chapman Brothers and the work is presently being undertaken and should be completed this fall. The paving of Crescent Grove and Beinn Bhreagh has been completed and the shouldering is being done today.

The RIM spreader patching has been completed in Victoria and Inverness Counties and the RIM ditching, gravel patching and brush cutting should be completed within the next two to three weeks.

Silo debris from the Wreck Cove silo will be cleaned up and removed within the next couple of weeks.

Mr. MacDonald advised that the speed zone request for Hunters Mountain and the turning lane request for Exit 10 have been sent in to the District Traffic Supervisor for investigation.

Preparations are now being done to have the trucks/units salt ready for the winter season by mid-October. Two sanding contracts will not be renewed this winter season. The Department will be doing the sanding in house with their own equipment.

Mr. MacDonald advised that he and Darren Blundon have previously met with Councillor MacNeil on the exchange of territory (Iona Peninsula).

Warden Morrison indicated that Council met with Bruce Fitzner in Halifax last week and the notes from this meeting will be forwarded to Mr. MacDonald for information. Warden Morrison also advised that the cooperation received from the local office of the DOT&IR was expressed positively in the comments made to Mr. Fitzner.

Deputy Warden Patterson mentioned the guardrails on the Kempt Head Road. Armour rock was placed last year and guard railing is required. He also indicated that he also mentioned the excellent cooperation received from the local office to Bruce Fitzner.

Councillor Dauphinee expressed concern on the lack of work completed in District #6 during the past 8 to 9 months. Some shouldering was done on the bottom section of Smokey, but there is a significant amount of shouldering required. Mowing is required in the Ingonish area for visibility. He also mentioned that the viewplanes are not being maintained.

The Beach Crossing Road was discussed and Mr. MacDonald indicated that he is lobbying for additional funding for this roadway, which has not been secured yet. He indicated that if the funding does not come through, he will work within his own budget to see what small sections can be completed, particularly the worst areas on the roadway.

Mr. Dauphinee indicated that he is receiving calls on the condition of Harbourview Drive in Ingonish Beach. Brush cutting is required in the Ingonish Ferry area. Mr. MacDonald advised that the brush cutter is presently working in the Boularderie area and will be available at a later date.

The topic of spreader patching for the Ingonish Centre area was discussed. Mr. MacDonald indicated that there is one section of the road in this area that will receive hand patching.

Discussion took place on the reclaimed asphalt material and where it is being used. There are certain criteria for roads receiving the reclaimed material and MacDonald Road, Baddeck Bay, has just been completed.

Mr. MacDonald advised that the chip sealing crew is scheduled for Victoria County next construction season. There is no guarantee on which roads will be chip sealed as the roadways must meet the required ratings and peer review before making the list. In rural areas, it is more difficult to meet the required thresholds.

Councillor Donovan expressed his disappointment that the last kilometer of the paving in his district was not completed. Residents are upset and don't understand what happened. Mr. MacDonald explained why this happened. There was a shortage of aggregate material needed for the asphalt mixture. This section of road will be looked at when future work is done in New Haven. Discussion took place. There is no formal commitment with regard to the New Haven Road. Mr. MacDonald indicated that a letter from Council requesting a commitment would be beneficial.

Mr. MacDonald indicated that patching of cross sections of the New Haven and Back Road should be done in the next week or so.

Councillor Donovan questioned on why the paving was done backwards. The paving was started at Effie's Brook as it was felt to be the worst section and they started with the worst section first.

Councillor Buchanan expressed concern that the South Aspy Bridge which was closed for 22 months, was repaired in one half day. Mr. MacDonald advised that the structure crew inspected the bridge and the original repair method was subsequently changed to lining the retaining wall with armour stone to hold the force of the timber wall. The approaches were dug out and engineered fill was placed.

Councillor Buchanan questioned on the speed limits in school zones. Where the speed limit was 70 km has been reduced to 50 km and where the speed zone indicated 50 km has been reduced to 30 km.

Councillor MacInnis questioned on the elimination of the two sanding contracts. Mr. MacDonald advised that one area is the Meadow and Oregon Roads and the other road is in the Cape North area. Sanding will be done in house.

Councillor MacInnis expressed concern on the snow removal and salting of the North Shore. The work undertaken last winter season was inadequate and he hoped for changes this coming winter season. Mr. MacDonald advised that Smokey does receive a greater level of service, but there is no excuse that removal and salting is not done on a regular basis through the North Shore area to the Englishtown Ferry. He will review same before the winter season.

Councillor MacInnis also mentioned the condition of the Big Harbour Road and the Wharf and Rear Little River Roads in his district. They are in need of attention.

Councillor MacCuspic mentioned the matter of the road counts undertaken in the rural areas. Many of the residents are seniors and are infrequent travellers and he questioned whether this was taken into account. Mr. MacDonald indicated that they are continually lobbying on rural road thresholds, but they are up against roads with higher population and higher counts.

The replacement of the Red Bridge was discussed. The Municipality received an email some time ago that the bridge would be completed this construction season and this appeared to be news to Bruce Fitzner when Council met with him last week. Mr. MacDonald advised that the existing bridge is to be demolished before the end of the month. It is in the design stage and he felt there would be a tender for the abutments and a bridge would be sourced for this location. Mr. MacDonald outlined the requirements with regard to native concerns, archeological concerns, concern with regard to certain species and the new water line for the Village of Baddeck that must be considered in the bridge replacement.

Councillor MacCuspic mentioned the chip seal crew coming to Victoria County next year and hoped that the Big Baddeck Road would be on the list. He also mentioned the West Side Middle River Road and questioned if it was one of the candidates for chip sealing. Mr. MacDonald indicated no decisions have been made as yet. Mr. MacDonald explained the chip sealing process on roads to Council.

Councillor MacNeil indicated that since Darren Blundon has assumed responsibility for the Iona Peninsula there has been a significant amount of work completed in the area. A good job was done on the patching in the Iona area, but the worst section was not completed.

Councillor MacNeil brought up the matter of brush cutting and guardrails. Mr. Blundon indicated that it is getting increasingly difficult to meet standards with their existing budgets and they are constantly juggling priorities.

Mr. Blundon advised that shouldering the road in Jamesville should begin in the next few days and the area where the road is being undermined will be done as soon as possible.

Councillor MacNeil brought up the condition of the Barra Glen, John Neil George and Dunn roads. He indicated that the school bus has been taken off the Barra Glen Road as it is not up to standards.

Councillor MacNeil also expressed great concern on the condition of the Washabuck Road. It is deteriorating to the point where you can't drive on it. The number counts were completed, however, the counter was only down about three days and it was destroyed. Councillor MacNeil had asked that the counter be placed during the first week of August but it came earlier.

Mr. Blundon indicated that he would mention the culverts on the Barra Glen Road and Red Point East Road to the Supervisor. Councillor MacNeil also mentioned the bump at the Little Narrows Bridge at Johnny MacKay's. The dirt roads require grading and Mr. Blundon indicated that the fall grading will commence soon.

Mr. Blundon indicated that an internal review is being conducted and there is a possibility of changes prior to the winter season. Councillor MacNeil questioned on whether there was a chance of losing a plow in Ashfield this winter. Mr. Blundon advised that he may have to move plows around, but this would not affect the plowing for the Iona area, as any plow lost would be on the TCH 105.

The loss of the two sanding contracts and their affect was questioned. The DOT&IR salt trucks will be outfitted with sanding boxes and the work will be done in house. Council was advised that there are no private sanding contracts in any other counties in the province.

Councillor Donovan indicated that the New Haven Road is also sanded instead of salted and if the sand truck is removed from this area, be prepared for a public outcry.

Councillor Donovan mentioned that the 70 km sign in the area of the Ingonish Freshmart is missing. He also requested bus stop signs in this area. Mr. MacDonald advised that the request for such signs must come from the CBVRSB.

Concern was expressed on the guardrail on the sharp turn at the base of Smokey. Something needs to be done. Also the guardrail at Ingonish Ferry was discussed. The guardrail is leaning and there is a 100 foot drop and complaints are being received.

Councillor Donovan also requested that brush cutting maintenance be done in his area, especially in the area of the Back Road, White Point Road and New Haven Road.

Warden Morrison questioned on the responsibility with regard to road kill. Mr. MacDonald indicated that DOT&IR are not permitted to do it and there has been an incident where the Department was charged and fined for doing so. The DNR are responsible to pick up the animal debris.

The salt contract for Victoria County which was recently awarded to a contractor from the Shelburne area was discussed. Inquiries are being received from Victoria County truckers expressing concern. Mr. MacDonald indicated that it was a fair procurement process and he has read the contract and there will be a pre-job meeting. He does not foresee any problems with the contract, but if there are problems, there is a provision in the contract with regard to performance and this can be enforced if required.

Warden Morrison brought up the matter of car counts on rural roads and requested that lobbying be done to lower the requirements for rural roads.

Deputy Warden Patterson questioned on whether there was data available on when roads were last patched, paved, etc. Mr. MacDonald indicated that the information available in this regard would be hit or miss.

Mr. MacDonald will be provided with an outline of the notes from the meeting held with Bruce Fitzner last week.

The Victoria County signs for the County entrances at Middle River and Cape North were discussed. It was indicated that the Municipality would also like to see a banner strip at the bottom of the signs. Graphics will be forwarded and Bruce Storrey, DOT Sign Department, will be contacted in this regard.

Complaints are being received that the Cabot Trail signs erected are disappearing. Councillor MacInnis advised that eight signs have gone missing in his district.

Warden Morrison extended thanks to Steve MacDonald and Darren Blundon for their attendance.

RECESS

Warden Morrison announced that Council would recess for 10 minutes.

APPROVAL OF MINUTES – SEPTEMBER 10, 2012

The minutes of the September 10, 2012, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Councillor Buchanan, seconded by Councillor Dauphinee, that the Victoria County Municipal Council minutes of September 10, 2012, be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Sandy Hudson advised that he received notification from Merrill Bustin, DNR, that the bridge has been replaced and Uisge Ban Falls trail is now up and operating.

A copy of the RFP for the privatization of the Highland Links and Keltic Lodge has been received and can be viewed at the Municipal Office.

The results of the public consultations held with regard to the provincial parks are now available for viewing online.

DISTRICT CONCERNS

District #1

Councillor MacNeil brought up the matter of Victoria County Water Utility rates and whether confirmation could be provided that the rates are set by the NSUARB.

Sandy Hudson advised that a Water Rate Study is undertaken indicating the proposed rates necessary to operate the systems. This study is forwarded to the NSUARB who hold a public hearing and then set the schedule of rates. The last public hearing held with regard to the water rates was only attended by two Municipal Staff and the *Victoria Standard*.

Council have previously passed a motion that a new water rate study be undertaken after the Municipal Election in October.

Whether a letter could be forwarded to residents advising them of the procedure with regard to the setting of water rates was questioned.

It was moved by Councillor Donovan, seconded by Councillor MacNeil, that a letter be forwarded to the Victoria County Water Utility customers advising on how water rates are established. Motion carried.

District #2

It was moved by Councillor MacCuspic, seconded by Councillor Dauphinee, that a letter be sent to Merrill Bustin, DNR, thanking those responsible for undertaking the repairs at Uisge Ban Falls. Motion carried.

District #4

Councillor MacInnis indicated that he has travelled highways in other provinces which are in better condition than rural areas locally. He questioned on the overall percentage of the provincial gas tax that is used for infrastructure and highway repair in Nova Scotia as compared to the other Atlantic Provinces. Keith Bain, MLA, was in attendance and he indicated he could obtain some information in this regard.

It was moved by Councillor MacInnis, seconded by Councillor Buchanan, that MLA, Keith Bain, be requested to obtain information with regard to the overall percentages of the provincial gas tax that is used for infrastructure and highway repair in Nova Scotia and other Atlantic Provinces. Motion carried.

Councillor MacInnis indicated that there is machinery on site at the Plaster Picnic Park digging out the walking areas and all the infrastructure has been taken from this facility. He indicated that DNR are open to suggestions and he questioned whether the Municipality and Province could work together to develop a new provincial park. He mentioned the former North Shore School property which is owned by the Municipality as a possible site.

It was moved by Councillor MacInnis, seconded by Councillor Donovan, that DNR be consulted to determine if there is interest in a partnership with the Municipality to develop a provincial park on the former North Shore School property site. Motion carried.

Councillor MacInnis brought up the matter of the closure of the sewage disposal site in Cape North and concern he is receiving on trucking the material from the northern area of the County to Lexington.

Island Vacuum submitted a site closure plan to the Department of Environment which to date has not been approved. The plan was submitted some nine months ago. The Municipality is presently investigated the de-watering equipment. A letter that was forwarded to Island Vacuum by the Municipality was read. This letter will be resent to Council members for their information.

This year marks the 75th anniversary of the Gaelic College and Councillor MacInnis suggested that in honour of this milestone, he felt it would be appropriate for the Municipality to rent kilts for the Councillors for the two Christmas Parades in the Municipality.

It was moved by Councillor MacInnis, seconded by Councillor MacCuspic, that the Municipality rent kilts for the Council members to wear in the two Christmas Parades in the County. Motion carried.

District #8

Councillor Buchanan requested that the status of the Corbett Road sign be investigated.

District #7

Councillor Donovan brought up the matter of the remuneration for the Emergency Measures Coordinator. This is a contract position.

It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that the remuneration of the Emergency Measures Coordinator be revised to reflect the increases in the current collective agreement. Motion carried.

It was felt that the Emergency Measures Coordinator should appear before Council to provide an update.

It was moved by Councillor Donovan, seconded by Councillor Buchanan, that a letter be forwarded to the Minister of Transportation and Infrastructure Renewal that the New Haven Road, along with the 1.3 km shortfall on the recent paving, be placed on their five year plan. Motion carried.

District #6

Councillor Dauphinee brought up a concern with regard to the number of residents, particularly seniors, who are getting bottled water for drinking purposes, and he questioned whether there was a way they could get this water at the water pumphouse.

Due to liability issues, this is not possible.

District #5

Deputy Warden Patterson advised that on September 20, 2012, an announcement was made that Fundy Tidal received approval for a second Cape Breton Tidal Power COMFIT application for the Seal Island area. The approval is for 500 kW of power. This is exciting and the economic spinoffs will be a boost for District #5 and all of Victoria County.

The current infrastructure program ends in March, 2014, and the FCM is currently calling for municipalities to pass a resolution requesting that the federal and provincial governments start to plan for a new infrastructure program as soon as possible.

It was moved by Deputy Warden Patterson, seconded by Councillor MacCuspic, that the Municipality request the federal and provincial governments to begin negotiating a new infrastructure program. Motion carried.

District #3

Deputy Warden Patterson assumed the Chair.

It was moved by Warden Morrison, seconded by Councillor Donovan, that a letter be forwarded to all the Queen's Medal recipients from Victoria County. Motion carried.

It was moved by Warden Morrison, seconded by Councillor MacInnis, that a letter be forwarded to the Department of Transportation and Infrastructure Renewal requesting a review of the current criteria for the upgrading and paving of rural roads and request that the criteria be changed before next construction season. Motion carried.

Warden Morrison advised that the dedication ceremony to unveil the plaque commemorating the 140th anniversary of the Cape Breton Highlanders will be held at the Royal Canadian Legion, Baddeck, on October 13, 2012, at 2:30 p.m. A parade will be held at 2:00 p.m. prior to the ceremony from the Bell Museum to the Legion. A good Council representation is requested.

It was moved by Warden Morrison, seconded by Councillor Dauphinee, that September 24-28, 2012, be proclaimed "Municipal Awareness Week" in the Municipality of the County of Victoria. Motion carried.

Warden Morrison returned to the Chair.

District #1

Councillor MacNeil brought up the condition of the former Rankin School property in Iona. The CBVRSB have indicated they have no funds to remove the school and have requested the province for funding to assist with its removal. Sandy Hudson is to investigate this matter.

NEW BUSINESS

CAT EXCAVATOR

Sandy Hudson advised that an excavator is required at the Baddeck Solid Waste Management Facility. The cost of a new CAT 312EL Hydraulic Excavator is \$178,000.00. It is the intention to lease to purchase this equipment.

It was moved by Councillor MacCuspic, seconded by Councillor Dauphinee, to approve the lease to purchase of a CAT excavator at a cost of \$178,000.00. Motion carried.

TAX DEED

Sandy Hudson presented a tax deed from the Municipality to Dominique MacKenzie for property at MacKinnon's Harbour purchased at Tax Sale in March, 2012.

It was moved by Councillor MacNeil, seconded by Councillor Donovan, that the Warden and CAO execute the Tax Deed for Dominique MacKenzie. Motion carried.

The possibility of the Council members obtaining information on tax sales and posting the tax sales on the County website was discussed. All tax sales are advertised in the newspaper and Sandy Hudson will investigate whether this information could be posted on the website.

DIAMOND SOLUTIONS SYSTEM

Victoria County is in the process of converting entirely to the new Diamond Solutions System from the former Thistle Systems. Four units have completed the process and are up and running.

Sandy Hudson indicated that he will be retaining the services of Jim Davis, former Director of Finance and CAO for the Town of Port Hawkesbury, for a two month period (November and December) to be the Project Manager for this project. Mr. Davis was hired by the Municipality of Antigonish last April to do the same for them and will be finishing with them shortly.

KEITH BAIN, MLA

Keith Bain, MLA, apologized for not being able to join Council at the meeting with the Deputy Minister and Bruce Fitzner last week. He indicated that in conversation with the Deputy Minister, the Deputy Minister and Bruce Fitzner requested a meeting with Mr. Bain as a follow up to Council's meeting.

Keith Bain will be provided with a copy of the meeting notes for his information. The Legislature will be returning to session on October 25, 2012, and Mr. Bain indicated this meeting will take place prior to that time.

NEXT MEETING

Victoria County Municipal Council will meet on Monday, October 1, 2012, beginning at 5:00 p.m.

ADJOURN

There being no further business, on motion of Deputy Warden Patterson, the meeting adjourned at 7:30 p.m.

Bruce Morrison, Warden

Sandy Hudson, CAO