

VICTORIA COUNTY MUNICIPAL COUNCIL
October 17, 2011

A meeting of Victoria County Municipal Council was held at the North Shore & District Volunteer Fire Department Hall, Indian Brook, on Monday, October 17, 2011, 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

Warden Morrison called the meeting to order and extended a thank you to Councillor MacInnis for inviting Council to his district. He acknowledged the turnout of citizens and asked Council to provide introductions.

Councillor MacInnis thanked Council for coming to his district and indicated that the Lieutenant Governor's Community Spirit Award received by the community was on display for Council to view.

Warden Morrison then presented the agenda for approval. The addition of a presentation by Lloyd MacInnis on the Plaister Provincial Park was made to the agenda.

It was moved by Councillor Donovan, seconded by Deputy Warden Patterson, that the agenda be approved with the noted addition. Motion carried.

PROTECTED AREAS PRESENTATION

Courtesy of Council was extended to Raymond Plourde, Wilderness Coordinator, Ecology Action Centre.

Mr. Plourde indicated that he is employed by the Ecology Action Centre, a provincial (non-government) organization, which has been promoting environmental education, action and advocacy since 1971.

In 2007, the Nova Scotia government passed legislation that commits to protecting 12 per cent of Nova Scotia's land by 2015. Mr. Plourde indicated that he was in attendance in this regard and had copies of maps of proposed protected areas for Council and the public to view.

The main area proposed in Victoria County is the Indian Brook Reserve (French River Wilderness Area) – 16,000 hectares of undisturbed wilderness. This is the last roadless area in the province and it tops the list in terms of natural attributes and rarity. A couple of other areas also mentioned were the Glooscap Mountain (Kelly's Mountain) area and the Humes River area which is the last intact watershed area of the Bras d'Or Lakes.

Protected areas are places where families can go to enjoy nature. They support research and education, and are part of what makes Nova Scotia such a great place to live. Protecting land leaves a natural legacy for future generations.

In 2012, there will be public consultations on the draft protected areas plan, through community sessions, write-in opportunities and in-person meetings. People will be able to look at maps of proposed areas, ask questions and confirm that their views are heard and considered.

The final protected areas plan will consider all the feedback received and will identify the areas to be protected, along with their boundaries. Once the final protected areas plan is released to the public, government will then take the steps needed to legally protect each area.

Mr. Plourde indicated that 70 per cent of Nova Scotia lands are in private hands. The 12 per cent goal may not seem like enough, but it is an ambitious goal. Additional information on this matter can be obtained at www.gov.ns.ca/nse/protectedareas. To be engaged in the consultation process on protected areas and the proposed recommendations, you can send an email to protectedareas@gov.ns.ca or call 902-424-2117.

Mr. Plourde asked Council to consider providing a letter of support for the proposed protected areas in Victoria County.

The restriction on protected areas was discussed. Mr. Plourde indicated that no clear cutting, mining, road or residential development (hard development) is permitted.

A full suite of low impact uses (recreational) are permitted as well as traditional activities such as hunting, fishing and trapping.

The percentage of protected lands being considered in Victoria County as opposed to other areas of the province was questioned. Mr. Plourde indicated that surprisingly there are a number of proposed protected areas in the HRM area. Cape Breton's proposed protected areas are significant, but not much more than HRM.

How the designation would affect snowmobile trails, as there are Snowmobile Association of Nova Scotia trails in the proposed protected areas, was questioned? Mr. Plourde indicated that trail management would continue in the protected areas if it presently exists.

A question was raised on the traditional uses as when the Cape Breton Highlands National Park came in, they indicated that traditional practices could continue, but these rights were revoked. Mr. Plourde indicated that traditional hunting, fishing and trapping is guaranteed under the Act.

The criteria used to decide on protected areas was questioned and explained. Private lands do not come under protected areas. Discussion took place on mineral rights and the extent of same in regard to protected areas.

Mr. Plourde answered further questions of Council and the public in attendance.

Warden Morrison extended a thank you to Mr. Plourde for his presentation.

It was moved by Councillor MacInnis, seconded by Councillor MacCuspic, that a letter be forwarded to the Minister of Environment, with a copy to Premier Darrell Dexter, supporting the designation of the Indian Brook Reserve, Glooscap Mountain and Humes River areas of Victoria County in the 12% protected areas designation by 2015. Motion carried.

SUBDIVISION ROADS

Warden Morrison extended the courtesy of Council to John Bain, Director, Eastern District Planning Commission, who was in attendance concerning subdivision roads.

Sandy Hudson advised that Mr. Bain was requested to appear for clarification on subdivision roads and to differentiate between public and private roads. At present only two roads are owned by the Municipality – Alderwood Lane and 270 metres of the existing Alexander Drive, both in Baddeck.

Mr. Bain advised that the majority of roads in Victoria County are private roads. Private roads are any road which is not public shown on a plan of subdivision which extends to and has access to a public road. The Municipality is not obligated to take over a private road, even if it is brought up to public road standards.

A public road is any road owned and maintained by the Municipality or the Province. When a developer makes application for subdivision, he must identify and designate the road as a public road. The road must be brought up to Department of Transportation and Infrastructure Renewal standards and accepted by the Municipality prior to any lots being sold.

Ms. Bain indicated that a municipality can adopt their own standards for public roads which may be higher than provincial public road standards if they wish.

Mr. Bain indicated that there are three stages – preliminary (optional first step), tentative and final plans of subdivision and he outlined same. Title cannot be conveyed at the preliminary or tentative stage. As indicated previously, a developer must designate the road as a public road when application is made for subdivision.

Discussion took place on this matter and various questions were addressed. Mr. Bain was questioned on whose responsibility it is to explain this matter to a developer or to someone who has a private road and is looking to have the Municipality assume responsibility for same.

Mr. Bain indicated that all surveyors are very familiar with the Subdivision By-Laws and regulations.

It was felt that policy is required as the road issue is very confusing. Councillors indicated they would like written clarification on the private/public road issue and the Municipality's responsibility with regard to same.

Mr. Bain provided his phone number 1-888-625-5361 and advised that he was available at any time to discuss this matter. He also indicated that there is information pertaining to same on the Planning Commission's website at www.edpc.ca.

Mr. Bain was extended a vote of thanks and excused at this time.

PETITION – PLAISTER PICNIC PARK, NORTH SHORE

Courtesy of Council was extended to Lloyd MacInnis who presented a petition to be forwarded to the Honourable Charlie Parker, Minister of Natural Resources, to re-open the Plaister Picnic Park at North Shore, Victoria County. This park has existed for the past 50 years and was built around sinkholes. It has been used recreationally by both

tourists and residents throughout the years and residents and tourists would like to see this park re-opened. Mr. MacInnis requested Council to accept the petition and forward it on to the Minister.

It was moved by Councillor MacInnis, seconded by Deputy Warden Patterson, that the petition to re-open the Plaister Picnic Park, North Shore, be accepted and forwarded on to the Honourable Charlie Parker, Minister of Natural Resources. Motion carried.

RECESS

The Warden announced that Council would recess for 10 minutes

APPROVAL OF MINUTES – SEPTEMBER 26, 2011

The minutes of the September 26, 2011, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that the Victoria County Municipal Council minutes of September 26, 2011, be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Laptops

The status of the investigation of an update on the alternatives to the present laptops was questioned. Sandy Hudson advised that in investigating IPAD's, they only work wirelessly. It was felt it would be best to purchase new laptops and as some Council members do not have working laptops, a push is to be made on same.

Unightly Premises

Councillor MacInnis questioned whether there was any update on the unsightly premises in his district reported at the last meeting. No update is available.

Department of Environment

Sandy Hudson advised that he and Robert Dauphinee will be meeting with the Department of Environment in Dingwall on Thursday, October 27, 2011, regarding the sewage disposal site.

Fire Department Meeting

Councillor MacNeil brought up the matter of the poor attendance at the last Fire Department's meeting and he advised that the Iona Volunteer Fire Department did not receive notice of same and this was the reason for the m not attending.

CANADIAN COALITION OF MUNICIPALITIES AGAINST RACISM AND DISCRIMINATION

At the 2009 UNSM Fall Conference, a resolution was introduced by the County of Kings and was passed encouraging Nova Scotia Municipalities to join the Canadian Coalition of Municipalities Against Racism and Discrimination and to be part of UNESCO's international coalition.

The UNSM is encouraging Municipality's to join the Coalition of Municipalities Against Racism and Discrimination and notify the UNSM office if they do so. A copy of the proposed resolution was read.

It was moved by Councillor MacInnis, seconded by Councillor Buchanan, that the Municipality join the Canadian Coalition of Municipalities Against Racism and Discrimination. Motion carried.

DISTRICT CONCERNS

District #5

Deputy Warden Patterson advised that Dana Morin, Fundy Tidal Inc., will be holding an introductory session regarding the COMFIT application for Seal Island at the Ross Ferry Fire Hall, tomorrow evening at 7:00 p.m.

District #1

It was moved by Councillor MacNeil, seconded by Councillor Buchanan, that \$1,200.00 be approved from the District #1 budget for St. Columba Parish to assist with the cost of a new oil tank. Motion carried.

It was moved by Councillor MacNeil, seconded by Councillor Dauphinee, that a letter of congratulations be forwarded to Anita MacDonald on her recent CD release at the Celtic Colours Festival. Motion carried.

Councillor MacNeil advised that Charlene MacNeil, Bayside Restaurant in Whycomagh, has also been recognized by the Food Network and a letter of congratulations is to be forwarded to Mrs. MacNeil.

District #6

Councillor Dauphinee indicated that there are rumored cutbacks in Department of Transportation and Infrastructure Renewal (DOT&IR) winter service in the northern area of the County this upcoming season. When contacted, Steve MacDonald, Area Manager, indicated that the DOT&IR winter operations are being reviewed.

It was felt that Steve MacDonald, Area Manager, DOT&IR, should be invited to attend the November 7, 2011, session of Victoria County Municipal Council.

Councillor Dauphinee indicated that the high school bus does not make the complete trip out to Smokey any longer and there are students in this area who must now take the elementary school bus, adding an additional 45 minutes to 1 hour to their day.

It was moved by Councillor Dauphinee, seconded by Councillor MacCuspic, that a letter be sent to the Cape Breton-Victoria Regional School Board (CBVRSB) requesting that they review their bussing routes from Ingonish Ferry to Cabot High to again travel to Cape Smokey to pick up three high school students. Motion carried.

District #2

It was moved by Councillor MacCuspic, seconded by Councillor Dauphinee, that a street light order be placed for a light to be installed at 14 Mersey Road, Baddeck Inlet. Motion carried.

Councillor MacCuspic indicated that the lack of safety practices/procedures followed by the Village of Baddeck's summer student staff was brought to his attention by a concerned citizen. Warden Morrison will talk to the Village on this matter.

District #7

Councillor Donovan indicated that Council had agreed to commemorate former Councillor Robert MacLellan in some manner and new windows are being installed in the Bay St. Lawrence Fire Hall. He requested that each Council member contribute \$200 from their district budgets to assist with this cost in memory of Robert MacLellan.

It was moved by Councillor Donovan, seconded by Deputy Warden Patterson, that \$200.00 be approved from each of the district budgets in memory of Robert MacLellan to assist with the cost of the new windows for the Bay St. Lawrence Fire Hall. Motion carried.

The Northeast Highlands Chamber of Commerce will be holding their Annual General Meeting at the Gaelic College, St. Ann's, on November 15, 2011. Sponsorship is being requested from the Municipality in the amount of \$1,000.00.

It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that \$1,000.00 sponsorship be approved for the AGM of the Northeast Highlands Chamber of Commerce. Motion carried.

Councillor Donovan requested that the vacant helper position on the solid waste collection truck be filled by a resident from the northern area of the Municipality if possible. Sandy Hudson advised that the position must first be advertised internally within the Union to see if there is interest before it is advertised externally.

District #4

Councillor MacInnis questioned on the status of the Alternative Energy Strategy Study being completed by Genivar.

Sandy Hudson advised that representatives from Genivar will be in attendance at Council on November 7, 2011, and will be meeting with representatives from the tourist industry prior to Council on the afternoon of the 7th.

It was moved by Councillor MacInnis, seconded by Councillor MacNeil, that a letter of congratulations be forwarded to the Celtic Colours Festival organizers for another successful festival. Motion carried.

District #3

Deputy Warden Patterson assumed the Chair.

It was moved by Warden Morrison, seconded by Councillor MacCuspic, that a street light order be placed for the installation of a light at 84 Water Street, Baddeck. Motion carried.

Warden Morrison indicated that the draft report of the Cape Breton Integrated Strategic Framework has been electronically forwarded. Keith MacDonald is available to do a presentation on the document or Council can make a motion tonight endorsing the document. As the document is a lengthy one, Council requested that hard copies of the document be made available to them.

It was moved by Warden Morrison, seconded by Councillor MacInnis, that the Cape Breton Integrated Strategic Framework draft report be accepted in principle and the Cape Breton Partnership be requested to provide hard copies of the document for Council members. Motion carried.

POLICE ADVISORY COMMITTEE

Sandy Hudson advised that at some point in the near future, a discussion should be held on the Police Advisory Committee. There is an option under the Act that if there is an existing rapport with the RCMP, there may be the possibility of receiving an exemption from the Minister.

Appointed lay members of this Committee, Andy Watt and Kevin Chiasson, will be involved in the discussion to be held sometime in November.

CAPE BRETON DISTRICT HEALTH AUTHORITY

The Cape Breton District Health Authority will be holding an accreditation meeting on November 1, 2011, at 2:30 p.m. at the Cape Breton Regional Hospital and an invitation has been extended to attend.

As most Council members will be attending the Annual UNSM Conference in Halifax at that time, either Councillor MacNeil or Councillor MacCuspic, who are not attending the conference will try to attend.

NEIL'S HARBOUR SUBDIVISION

Sandy Hudson advised that Solicitor Pickup is in the process of migrating the remaining lots in the Neil's Harbour Subdivision. As a result a deed from the Municipality to the Municipality is required to complete the migration of the property.

It was moved by Councillor Donovan, seconded by Councillor MacCuspic, that a deed from the Municipality to the Municipality be executed to allow the migration of the remaining property in the Neil's Harbour Subdivision to be completed. Motion carried.

SURPLUS PROPERTY – BEACH CROSSING ROAD

The County has received notice from the Federal Government that the property at the end of the Beach Crossing Road, Ingonish, is surplus to their needs and they are offering the property to the Municipality. The property includes a cement ramp where boats can be launched. Discussion took place on this matter.

It is the policy of the Municipality to accept property that provides public access to the waterfront.

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that the Municipality accept the surplus property on Beach Crossing Road, Ingonish. Motion carried.

UNION OF NOVA SCOTIA MUNICIPALITIES

The Union of Nova Scotia Municipalities are requesting municipal units to make a one time contribution to the Ken Simpson Memorial Fund.

It was moved by Deputy Warden Patterson, seconded by Councillor Buchanan, that \$1,000.00 be approved for the Ken Simpson Memorial Fund. Motion carried.

NEXT COUNCIL MEETING

The next meeting of Victoria County Municipal Council will be held on Monday, November 7, 2011. An Audit Committee will be held prior to Council at 3:30 p.m. Council will begin at 5:00 p.m. and 3 presentations will be included on the agenda – Genivar for an update on the Alternative Energy Strategy Study; Grant Thornton for presentation of consolidated financial statements; and Steve MacDonald, Department of Transportation and Infrastructure Renewal.

Ken Donovan, Stanley Thompson Foundation, has requested time on the December agenda of Council.

IN CAMERA

It was moved by Councillor MacNeil, seconded by Councillor Dauphine, that Council move In Camera. Motion carried.

It was moved by Councillor Dauphinee, seconded by Councillor MacInnis, to return to regular session. Motion carried.

It was moved by Deputy Warden Patterson, seconded by Councillor MacCuspic, that the disclosure clause settlement matter be referred to Solicitor Gogan. Motion carried.

ADJOURN

There being no further business, on motion of Councillor MacInnis, seconded by Councillor Dauphinee, the meeting adjourned at 7:35 p.m.

Bruce Morrison, Warden

Sandy Hudson, CAO

