

VICTORIA COUNTY MUNICIPAL COUNCIL
April 24, 2006

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, April 24, 2006, beginning at 5:00 p.m. with Warden Wayne Budge in the Chair.

Present were:

District #1 - Dan E. MacNeil, Deputy Warden
District #2 - Keith MacCuspic
District #3 - Bruce Morrison
District #4 - John Graham MacInnes
District #5 - Fraser Patterson
District #6 - Lawrence Barron
District #7 - Wayne Budge, Warden
District #8 - Robert MacLellan

Also present were:

Sandy Hudson, CAO
Heather MacLean, Recording Secretary

CALL TO ORDER

Warden Budge called the meeting to order.

APPROVAL OF AGENDA

The agenda was presented for approval. Councillor MacInnes requested that the North Shore School presentation be moved up on the agenda after the Little Narrows Water presentation.

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that the agenda be approved with the noted change. Motion carried.

MINUTES - MARCH 20, 2006

The minutes of the March 20, 2006, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Councillor MacInnes, seconded by Councillor Patterson, that the March 20, 2006, Victoria County Municipal Council minutes be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

RCMP

A copy of a letter of support forwarded to the Honourable Peter MacKay, Minister of Foreign Affairs, by the Honourable Murray Scott, Minister of Justice, concerning policing in the northern area of Victoria County was received.

Service Nova Scotia and Municipal Relations

Sandy Hudson advised that the Honourable Richard Hurlburt, Minister of Service Nova Scotia and Municipal Relations will be visiting Victoria County on Wednesday, April 26, 2006, at approximately 3:30 p.m. to meet with Council.

Department of the Environment

A letter was received from Sharon Carter, Department of the Environment, advising that a copy of the Environmental Site Assessment Study and the peer review report on the Crowdis Mountain Sewage Lagoon has been forwarded to the Community Liaison Committee.

LITTLE NARROWS WATER PRESENTATION

Courtesy of Council was extended to George Maher, Pauline Campbell and Rodney Chiasson who were in attendance to make a presentation on the expansion of the Little Narrows Water System (copy of presentation attached).

George Maher, spokesman for the group, advised that they were in attendance to secure a commitment from Council that, subject to funding, all work related to the expansion of the Little Narrows Water be completed by the fall of 2006. The organization is committed to working with Council to achieve this goal.

The requested water extension will include the communities of Little Narrows, Estmere, Ottawa Brook, MacKinnon's Harbour, Jamesville and Hazeldale. The project will extend from the Little Narrows Water Distribution System along Highway 223 from the Department of Transportation Garage through Ottawa Brook to Jamesville, a distance of 14 kms. and along the Little Narrows Highway from the Little Narrows Gypsum Garage at the Jubilee Road through Hazeldale to South Cove, a distance of 3 kms.

Mr. Maher indicated that this extension will serve approximately 100 permanent homes and an additional 50 plus seasonal residences. He outlined the

benefits that will be achieved from this expansion.

Mr. Maher expressed appreciation to Council for its commitment and efforts in moving this project forward to date and also thanked Deputy Warden MacNeil for his efforts on their behalf.

Discussion took place on the estimated costs for the project and Sandy Hudson advised that the costs available at this time are approximately \$2.1 million. An application has been forwarded to the Canada-Nova Scotia Infrastructure Program for funding.

Time frames for tendering, survey and engineering design work were questioned and discussed.

The municipal share of the infrastructure funding will be at least \$750,000.00 and where this funding could be found was discussed and will be investigated.

It was moved by Councillor Morrison, seconded by Deputy Warden MacNeil, that this matter be referred to the Budget Committee for consideration. Motion carried.

Deputy Warden MacNeil will be the Council contact for the Committee in obtaining information on Council's actions to their request.

NORTH SHORE SCHOOL

Warden Budge extended the courtesy of Council to Nick Argento to make a presentation on his proposed project for the North Shore School.

Mr. Argento indicated that he and his partner, J. P. Jolicoeur, are seeking to lease the North Shore School property from the Municipality for the purpose of developing a hostel and wilderness cabin operation. A detailed project proposal was submitted previously and he distributed a diagram outlining the plans for the building. Nova Scotia Tourism have viewed and approved the plans.

Mr. Argento indicated that they wish to obtain a long term lease for the purposes outlined. They also would like a provision to enable them to sublease the unused portions of the building and to in the future, sublease the business.

Councillor MacInnes indicated that there have been a number of community meetings held regarding the school and no proposals have been

received from the community as a whole. The community is supportive of the hostel venture.

The authority to lease under the *Municipal Government Act* was questioned, especially to a for-profit operation.

The septic system servicing the property was discussed and it was felt that the system should be tested to ensure it is operating properly. The neighbours have concerns in this regard and it was felt that the testing should be completed. Discussion also took place on the water supply to the building.

Mr. Argento indicated that he would like to have the operation up and running by June, 2006, so timing is important.

The matter concerning the lease is to be referred to the Municipal Solicitor. As Mr. MacDowell is in attendance, it was decided to have an In Camera meeting later in the Council Session to obtain legal advice concerning the authority to lease.

After further discussion, Mr. Argento was extended a vote of thanks and was excused at this time.

RECESS

The Warden announced that Council would recess for 10 minutes.

LAND REGISTRATION PRESENTATION

Courtesy of Council was extended to Lorne MacDowell, Municipal Solicitor, who was in attendance to make a presentation on the *Land Registration Act*.

Mr. MacDowell indicated that on March 1, 2005, the *Land Registration Act* and a new system of land registration came into effect in Nova Scotia. The purpose of the *Land Registration Act* is to:

- Provide certainty in ownership of interests in land
- Simplify proof of ownership of interests in land
- Facilitate the economic and efficient execution of transactions affecting interests in land
- Provide compensation for persons who sustain loss from a failure of the land registration system established by the *Land Registration Act*

Mr. MacDowell reviewed the new land registration process with Council.

The new system changes from a name-based system to a parcel-based system. The current requirement to search title back at least 40 years every time a property is conveyed or mortgaged is no longer necessary. Ownership is guaranteed by the government.

Land sales, mortgages and non-family subdivisions are the primary triggers for migration to the new land registration system. When a property is triggered for migration into the new system, a lawyer completes one last title search in the old system and certifies title to the government. The government guarantees the ownership based on the lawyer's certificate. Only certified lawyers can migrate property into the new system.

Once the property is registered under the *Land Registration Act*, a curtain is drawn across the past. The new parcel register will list the owners and interest holders. There will be no longer a need to search back behind the registered owner. Compensation is provided to anyone who suffers a loss as a result of a mistake.

The costs associated with the new land registration generally speaking run from \$1,000.00 to \$1,200.00. These costs may be the responsibility of the buyer or the seller, depending on the agreement.

Discussion took place on tax sales and Mr. MacDowell indicated that tax sales are not a problem. They are not required to migrate to the new system.

Further discussion took place on the land registration system and the possible affects to the Municipality. Mr. MacDowell indicated that he felt that the system was a good system in the long run and changes are ongoing as the system evolves.

Mr. MacDowell was extended a vote of thanks for his presentation.

IN CAMERA

It was moved by Councillor Patterson, seconded by Councillor MacCuspik, to move to In Camera for 10 minutes to obtain legal advice from the Solicitor. Motion carried.

RECONVENE

Council returned to regular session.

NEW BUSINESS

DISTRICT #2

Councillor MacCuspig indicated that the Community Liaison Committee review of the report concerning the Crowdis Mountain Sewage Lagoon will take place on May 13, 2006. Councillor MacCuspig will provide further details and requested Council members who were able to attend to do so.

Councillor MacCuspig was excused at this time.

FAIR & EQUITABLE FUNDING ISSUE

The UNSM have launched a public awareness initiative, “A Call For Fair and Equitable Funding” to promote the guiding principles and recommendations contained in the study, “A Question of Balance: An Assessment of the State of Local Governments in Nova Scotia”.

The UNSM is requesting all Municipal Councils in Nova Scotia to pass a resolution calling the Province to accept the report’s three guiding principles and to begin implementation this present fiscal year.

It was moved by Councillor Patterson, seconded by Councillor Morrison, that Victoria County Municipal Council support the UNSM request and call on the Provincial Government to adopt the three guiding principles of the fair and equitable funding report and begin implementation as soon as possible. Motion carried.

BUDGET UPDATE

Sandy Hudson provided Council with an update on the budget. He suggested that an Audit/Budget meeting be held on Monday, May 15, 2006, and the regular session of Council be held on May 29, 2006. Hopefully a tax rate will be set at that time.

Discussion took place on the deed transfer tax and the possibility of increasing the tax to 1% from the present .5%. This change would have to be made by way of by-law. The Registry of Deeds will become the collection agent for the deed transfer tax on May 1, 2006.

It was moved by Councillor MacInnes, seconded by Councillor Patterson, that the Municipality propose a change in the Deed Transfer Tax By-Law increasing the rate to 1%. Motion carried.

Discussion took place on the revenue loss from the elimination of the business occupancy tax and the 25% refund to seasonal tourist businesses and how to try to recover these losses.

Mr. Hudson will provide budget scenarios for Council's consideration at the May 15, 2006, meeting.

It was moved by Councillor MacInnes, seconded by Councillor Morrison, that Councillors be permitted to access ½ of their 2006/07 district budget. Motion carried.

DISTRICT #3

Councillor Morrison indicated that he had a request from a senior in his district that the Municipality make arrangements to enable payment of water bills at the Royal Bank.

This will be investigated.

It was moved by Councillor Morrison, seconded by Councillor Patterson, that a letter of support be forwarded to the Honourable Peter MacKay, Minister Responsible for ACOA, with a copy to Premier Rodney MacDonald, for the Silver Dart Centennial Committee in their efforts to obtain funding for the 2009 Centennial celebrations and the addition to the A. G. Bell Museum to house a Silver Dart replica. Motion carried.

DISTRICT #5

Councillor Patterson advised that the Annual Burn Care Bowl-A-Thon will be held on May 6, 2006. Warden Budge and Councillors Morrison and MacInnes expressed an interest in bowling at this event. Pledge sheets are available.

Councillor Patterson brought up the topic of a heavy garbage collection and this will be referred to the Public Works Committee on May 15, 2006.

DISTRICT #6

Councillor Barron presented a resolution requesting Parks Canada to make a decision to keep the Ingonish Beach Campgrounds open permanently and to take steps to have these campgrounds, Park Headquarters and Information Bureau designated as National Historic Sites (copy attached).

It was moved by Councillor Barron, seconded by Councillor MacLellan, that this resolution be adopted and forwarded to the Honourable Rona Ambrose, Minister of the Environment, with copies to the following:

- Historic Sties & Monument Board of Canada
- Brendan McDonald, Director General, Parks Canada
- Carol Whitfield, Field Unit Superintendent, Cape Breton
- Alan Latourelle, CEO, Parks Canada
- Honourable Peter MacKay, Minister of Foreign Affairs and ACOA
- Tim Reynolds, Park Superintendent, Cape Breton Highlands National Park
- Heather Dixon, Parks Canada, Ingonish Beach
- Elaine Wallace, Parks Canada, Ingonish Beach

Motion carried.

Councillor Barron presented another resolution on the needless destruction of wildlife (copy attached).

It was moved by Councillor Barron, seconded by Councillor MacInnes, that this resolution be adopted and copies be forwarded to Honourable Carolyn Bolivar-Getson, Minister of Environment and Labor; Honourable Brooke Taylor, Minister of Natural Resources; and Honourable Richard Hurlburt, Minister of Service Nova Scotia and Municipal Relations. **Motion carried.**

DISTRICT #7

Warden Budge brought up a concern regarding poaching and the lack of monitoring in the North of Smokey area.

It was moved by Councillor MacInnes, seconded by Councillor MacLellan, that a letter be forwarded to the Department of Natural Resources outlining concerns with regard to lack of monitoring and enforcement in the North of Smokey area and requesting that they attend a future meeting to address these concerns. **Motion carried.**

Barry Campbell, EMC, is requesting a meeting with Council to address their responsibilities in regard to emergency measures. This meeting will be set up for sometime in May.

DISTRICT #4

Councillor MacInnes brought up concerns with regard to irregular solid waste collection in his district.

DERELICT VEHICLES

Discussion took place on the cost of removal of derelict vehicles throughout the Municipality. It was felt there should be a policy established in this regard.

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that the CAO bring forward a policy on derelict vehicles for consideration at the July meeting of Council. Motion carried.

HIGHLAND MANOR

Sandy Hudson advised that Highland Manor's refinancing comes up for renewal in May, 2006. The total borrowing required is \$585,000.00.

It was moved by Councillor MacInnes, seconded by Councillor MacLellan, that the Warden and CAO be authorized to sign the Municipal Finance Corporation debenture issue and mortgage forms for Highland Manor in the amount of \$585,000.00. Motion carried.

ENGLISHTOWN COMMUNITY HALL

A letter was received from Beth MacCormick, Englishtown Community Hall, concerning their fundraising efforts for renovations to the hall.

It was moved by Councillor MacInnes, seconded by Councillor Patterson, that this matter be referred to the Victoria County Municipal Community Development Committee and the local Councillor. Motion carried.

POLICE ADVISORY BOARD

Sandy Hudson advised that the *Police Act and Regulations* came into effect on January 1, 2006, and the Municipality is required to form a Police Advisory Board. The formation of the Board was outlined and two appointments are to be made from the public at large, two from Council and one appointment made by the Minister of Justice.

Mr. Hudson advised that he has made contact with Sgt. John Trickett for some clarification on the duties of this committee and is awaiting his reply.

It was felt that the two Council appointments should consist of one Councillor from the southern area and one from the northern area of the County. A call for expression for citizen membership will be advertised and the Minister will be contacted for the Ministerial appointment.

Appointments will be made at the May 29, 2006, Council Session.

INGONISH WATER UTILITY

Sandy Hudson presented a draft agreement between the National Park and the Municipality with regard to the Ingonish Water Utility. Once the agreement is signed, the \$250,000.00 commitment from Parks Canada will be released.

It was moved by Councillor Barron, seconded by Councillor MacInnes, that the Warden and CAO be authorized to sign the agreement with the National Park. Motion carried.

ASSESSMENT SERVICES

A Discussion Paper on the "Proposed Governance Model for The Transition of Assessment Services to a Not-For-Profit Corporation" was received. Councillors were requested to review this document.

NOVA SCOTIA COMMUNITY COLLEGE

Warden Budge advised that he received a phone call from the Nova Scotia Community College, Port Hawkesbury, advising that the Federal Minister of Natural Resources will be coming to the College on May 2, 2006, at 1:00 p.m. and Councillors are invited to attend.

HONOUR ROLL OF THE HIGHLAND BRIGADE

Jim MacDonald has recently completed his book "Honour Roll of the Highland Brigade" and he is now seeking assistance to have the book published.

Councillors from District #1, #4, #5, #7 and #8 all agreed to provide \$100 from each of their district budgets to assist in the publication.

TRAVEL ALLOWANCE

Sandy Hudson advised of a recent change in the provincial mileage rates. The new rate effective April 1, 2006, is 38.85 cents/km. The rates received in the Municipality at present are 34 cents/km for staff and 38.5 cents/km for Council.

It was felt that one rate should apply to both Council and Staff.

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that Municipal Council adopt the provincial mileage rates for Council and Staff. Motion carried.

HEPATITIS C AWARENESS MONTH

May, 2006, is Hepatitis C Awareness Month, with May 1, 2006, being Hepatitis C Awareness Day.

It was moved by Councillor Morrison, seconded by Councillor MacLellan, that Victoria County Municipal Council proclaim May, 2006, as Hepatitis C Awareness Month in Victoria County and May 1, 2006, be further proclaimed as Hepatitis Awareness Day. Motion carried.

FCM CONFERENCE

The Federation of Canadian Municipalities Conference will be held in Montreal on June 2-5, 2006. Councillors MacInnes, Patterson and Morrison expressed an interest in attending. The remaining Councillors in attendance did not wish to attend and Councillor MacCuspis is to be contacted to determine his interest.

SOUND SYSTEM

Deputy Warden MacNeil advised that members of the public audience expressed that they cannot adequately hear Council. Discussion took place on a possible sound system for Council.

ADJOURN

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