

VICTORIA COUNTY MUNICIPAL COUNCIL
August 25, 2003

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, August 25, 2003, beginning at 5:30 p.m.

Present were:

District #1 – Dan E. MacNeil
District #2 – Shane Toms
District #3 – Bruce Morrison
District #4 – John Graham MacInnes, Deputy Warden
District #6 – Lawrence Barron
District #7 – Wayne Budge
District #8 – Robert MacLellan

Also present were:

Sandy Hudson, CAO
Heather MacLean, Recording Secretary

CALL TO ORDER

CAO Sandy Hudson called the meeting to order.

RESIGNATION – DISTRICT #5

Warden Gerald Sampson's resignation as Warden and Municipal Councillor for District #5 effective August 8, 2003, was read.

ELECTION OF WARDEN

Section 17 of the *Municipal Government Act* deals with Warden/Mayor or Councillor resignation. Sandy Hudson read the pertinent sections to Council indicating that once a resignation is delivered to the Clerk, it may not be withdrawn. As a result of Gerald Sampson's resignation, the election of a new Warden is required.

Sandy Hudson opened the floor to nominations for the position of Warden.

It was moved by Councillor Barron, seconded by Deputy Warden MacInnes, that Councillor Wayne Budge be nominated for the position of Warden.

It was moved by Councillor MacLellan, seconded by Councillor MacNeil, that Councillor Shane Toms be nominated for the position of Warden.

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

Sandy Hudson called three times for further nominations.

It was moved by Deputy Warden MacInnes, that nominations cease.

Mr. Hudson advised that there would be three names on the ballot for Warden – Councillor Wayne Budge, Councillor Bruce Morrison and Councillor Shane Toms.

Council agreed that if the vote came to a 3-2-2 count, the person with the 3 votes would be the winner, even though the 3 votes would not be a majority of Council.

The ballots were distributed to Council and upon completion of voting, collected and counted by Sandy Hudson and Heather MacLean.

Sandy Hudson reported that 7 ballots were received with the count being 3 votes for Councillor Budge, 3 votes for Councillor Toms and 1 vote for Councillor Morrison.

Councillor Morrison's name was removed from the ballot and ballots were distributed with the names of Councillor Wayne Budge and Councillor Shane Toms.

The ballots were collected and counted by Sandy Hudson and Heather MacLean. Mr. Hudson reported that 7 ballots were received. He advised that Councillor Wayne Budge received 4 votes and Councillor Shane Toms received 3 votes.

Sandy Hudson then declared Councillor Wayne Budge elected as Warden.

It was moved by Councillor Morrison, seconded by Deputy Warden MacInnes, that the ballots be destroyed. Motion carried.

OATH OF ALLEGIANCE AND OF OFFICE

CAO Sandy Hudson then administered the Oath of Allegiance and Of Office to Wayne Budge.

I, Wayne Budge, 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: Wayne Budge

Sworn (or affirmed) at Baddeck in the County of Victoria, this 25th day of August, 2003, before me:

A. W. (Sandy) Hudson, CAO

Warden Budge then assumed the Chair and thanked Council for their support and indicated that he would carry out the duties of his office to the best of his ability and treat everyone as fairly as possible.

APPROVAL OF AGENDA

The agenda was presented for approval. A number of additions were made to the agenda, including:

- Dingwall Water Update
- Ingonish Beach Water Update
- Appointments – Pitupaq Committee, Rural Cape Breton District Planning Commission
- Request – Bag Tag Program
- Alderwood Borrowing Resolution
- Signing Authority

It was moved by Councillor MacNeil, seconded by Councillor MacLellan, that the agenda be approved as amended. Motion carried.

MINUTES

The minutes of the July 22, 2003, Council meeting were presented for approval.

It was moved by Councillor Barron, seconded by Councillor Morrison, that the July 22, 2003, Council minutes be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Councillor Morrison questioned on the status of the No Smoking signs.

Sandy Hudson advised that the signs have been ordered.

DATE FOR DISTRICT #5 BY-ELECTION

Discussion took place on the date for the special election in District #5. Council sets the date for election and it must be held within 10 weeks from the date of vacancy. Sandy Hudson suggested that October 25, 2003, be the date for the by-election, with advance polling dates being held on Saturday, October 18, 2003, and Tuesday, October 22, 2003. Nomination day would be the 3^d Monday preceding Election Day and if the October 25, 2003, date is acceptable nomination day would be October 6, 2003.

It was moved by Councillor Toms, seconded by Councillor Barron, that the date for the special by-election for District #5 be set for October 25, 2003, with advance polling on October 18 and 21, 2003 and nomination day on October 6, 2003. Motion carried.

APPOINTMENT OF RETURNING OFFICER

The *Municipal Government Act* indicates that the Clerk can carry out the duties of the Returning Officer and Sandy Hudson expressed an interest in carrying out these duties.

It was moved by Councillor MacLellan, seconded by Deputy Warden MacInnes, that Sandy Hudson, CAO, be appointed the Returning Officer for the District #5 By-Election. Motion carried.

APPROVAL OF SCADA SYSTEM – NEIL’S HARBOUR/NEW HAVEN WATER

Sandy Hudson advised that it is recommended that a SCADA computerized monitoring program be purchased for the Neil’s Harbour/New Haven Water Utility. At present it cannot be determined how much water is being withdrawn from Trout Brook and the water tower. This system would allow adjustments to be made to the chemical treatments and provide clear readouts of the water levels. The cost of the system is approximately \$30,000.00 and this cost will be borne by the Water Utility.

It was moved by Councillor Morrison, seconded by Councillor MacLellan, that a SCADA system be purchased for the Neil’s Harbour/New Haven Water Utility. Motion carried.

CUPE NEGOTIATIONS

At the previous meeting, Mr. Hudson updated Council on the CUPE negotiations. If the requested signing bonus of \$500 is acceptable, the negotiations will then be complete.

It was moved by Deputy Warden MacInnes, seconded by Councillor MacNeil, that a \$500 signing bonus be approved in conjunction with the CUPE negotiations. Motion carried.

CAPE BRETON REGIONAL LIBRARY BOARD

The appointment of a representative to serve on the Cape Breton Regional Library Board is required as a result of Fred Williams' resignation. Mr. Williams represented the north of Smokey area on the Library Board and the Councillors in the northern area are to bring forward the name of a representative for the next meeting.

ALDERWOOD REST HOME

At the June 19, 2003, Council meeting, a motion was passed that the Municipality Guarantee the new loan requirements for Alderwood Corporation in the amount of \$181,000.00. Councillor MacNeil, Chairman of the Alderwood Management Board, indicated that the actual amount of the borrowing was \$210,000.00.

It was moved by Councillor MacNeil, seconded by Councillor Toms, that the Municipality Guarantee the loan requirements for Alderwood Corporation in the amount of \$210,000.00. Motion carried.

DINGWALL WATER

Sandy Hudson advised that the Dingwall Water upgrade project is proceeding on schedule and ACL Construction should complete their contract by the end of September, 2003. The controls should be installed in early October and hopefully the system will be up and running by the end of October, 2003.

Mr. Hudson reported that there are 26 customers in arrears and he would like to see a motion passed that customers in excess of one billing period who are unpaid by October 1, 2003, be disconnected from the system. A contractor from outside the area is prepared to do the disconnections.

It was moved by Councillor MacLellan, seconded by Deputy Warden MacInnes, that customers in arrears in excess of one billing period as of October 1, 2003, be disconnected from the Dingwall Water System. Motion carried.

INGONISH BEACH WATER

Sandy Hudson advised that Grant Brennan, Canada/Nova Scotia Infrastructure Program, indicated that because of the volume of water to be extracted from the well, a comprehensive study type environmental assessment will have to be completed before the Ingonish Beach Water application can proceed any further. This assessment may take up to a year to complete and could cost anywhere from \$5,000 to \$30,000. This cost must be assumed by the Municipality, however, may be shareable in the event the project is eventually approved. This assessment must be completed before further consideration will be given to the infrastructure application.

It was moved by Councillor Barron, seconded by Councillor Morrison, that authorization be provided to proceed with the necessary environmental assessment on the Ingonish Beach Water. Motion carried.

COMMITTEE APPOINTMENTS

As former Warden Gerald Sampson was a member of both the Pitupaq Committee and Rural Cape Breton District Planning Commission, it is necessary to appoint replacement members to serve on these committees.

Council will hold a Committee of the Whole meeting in September to deal with committee structure and membership.

SIGNING AUTHORITY

Sandy Hudson advised that Warden Wayne Budge will be a new signing officer for the Municipality. The East Coast Credit Union and Grant Thornton are to be notified of the change in signing officers.

It was moved by Deputy Warden MacInnes, seconded by Councillor Toms, that the change in signing officers to include Warden Wayne Budge be approved and letters be forwarded to the East Coast Credit Union and Grant Thornton advising of the change. Motion carried.

BAG TAG PROGRAM

Michelle Campbell, Region 1 Solid Waste Education Coordinator, has questioned whether the Municipality would be interested in random testing of roadside waste to ensure recyclables and banned materials are not being placed in green bags. This program would entail opening bags at curbside and tagging bags that include banned and

recyclable materials. The tags would indicate to the collectors that these bags are to remain at curbside.

Council felt that more public education would be necessary before implementing such a program and Ms. Campbell is to be advised that the Municipality is not interested in this program at this time.

CORRESPONDENCE

1. Letter from Lawrence MacDonald, Regional Manager, Department of Environment and Labour, in reply to Council's request for information on the sewage disposal site operated by George's Vacuum at Dingwall. Peter Gouthro, Inspector, will respond to this letter.
2. Letter from Donald R. Carter, P. Eng., A/District Director, Eastern Region, Department of Transportation and Public Works, advising that the Old Margaree Road from the 105 interchange to the Baddeck Landfill entrance has been added to the list of Capital Road improvement needs and will be given consideration from strengthening.
3. Letter from the Unama'ki Institute of Natural Resources requesting that the issue of the Bras d'Or Symposium be placed on the next Council meeting agenda.

It was moved by Councillor Morrison, seconded by Councillor MacNeil, that the Unama'ki Institute of Natural Resources request that the Bras d'Or Lakes Symposium be placed on the next Council agenda be approved. Motion carried.

4. Information from "Go For Green" on "International Walk to School Day" on October 8, 2003.
5. Approval from the Department of Transportation and Public Works and the Rural Cape Breton District Planning Commission for naming Private Road #6301P, Iona, "Plaster Cove Road".

It was moved by Councillor MacNeil, seconded by Deputy Warden MacInnes, that the Municipality approve naming Private Road #6301(P), Iona, "Plaster Cove Road". Motion carried.

6. Members Advisory from the Federation of Canadian Municipalities on "Bridge The Gap".

7. Letter from Roseanne MacNeil, Chair of the Board of Directors, Victoria Highland Civic Centre, requesting financial assistance from the Municipality in the amount of \$14,000.00.

DISTRICT CONCERNS

District #3

Councillor Morrison requested that a letter be forwarded to Charlie MacDonald, Department of Transportation and Public Works, requesting that the garbage located at the Baddeck Bay Lookoff on the TCH 105 be removed.

District #6

Councillor Barron indicated that over the past weekend a flash flood occurred on the Ingonish River as a result of the NSPI opening their dam. Two individuals and a dog were in the river at the time and although they were unharmed, the situation could have been serious.

It was moved by Councillor Barron, seconded by Deputy Warden John Graham MacInnes, that a letter be forwarded to the President of NSPI, requesting that prior to opening NSPI's dam at Wreck Cove, they notify the public that they are doing so. Motion carried.

District #8

Councillor MacLellan questioned on the status of the street light upgrade at the intersection of Bay St. Lawrence Road and Co-op Store. Ken Paruch, NSPI, is available after the meeting to address street light concerns with Councillors.

DENISE MACKINNON

Mr. Hudson advised that Denise MacKinnon underwent surgery and will off work until at least the end of September.

HEARING & SPEECH GOLF CLASSIC

The Nova Scotia Hearing & Speech Golf Classic will be held at Bell Bay Golf Club on September 19, 2003. The County has registered a team in this event and Mr. Hudson questioned on who would like to participate. Four team members are required.

Warden Budge and Councillors MacInnes and Morrison, expressed an interest in participating in this event.

ANNUAL UNSM CONFERENCE

The Annual UNSM Conference will be held in Yarmouth from October 15-17, 2003. Anyone interested in attending should notify the County Office as soon as possible.

ADJOURN

There being no further business, on motion of Councillor Barron, seconded by Councillor MacLellan, the meeting adjourned.

Wayne Budge, Warden

Sandy Hudson, CAO