

VICTORIA COUNTY MUNICIPAL COUNCIL

December 7, 1998

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, December 7, 1998, beginning at 5:00 p.m.

Present were:

District #1 - Gerald Yetman

District #2 - Shane Toms

District #3 - Bruce Morrison

District #4 - John Graham MacInnes, Warden

District #5 - Gerald Sampson, Deputy Warden

District #6 - Lawrence Barron

District #7 - David Donovan

District #8 - Robert MacLellan

Also present were:

Brian Trask, CAO

Heather MacLean, Recording Secretary

CALL TO ORDER

Warden MacInnes called the meeting to order.

AGENDA

Warden MacInnes presented the agenda for approval. Councillor Yetman advised that he wished to

present an emergency resolution regarding ferry fees. Deputy Warden Sampson requested that a report on the Natural Gas meeting and the Home Care meeting he attended be placed on the agenda. Councillor Morrison also indicated that he wished to give a brief report on SOVICTA.

It was moved by Councillor Yetman, seconded by Deputy Warden Sampson, that the agenda be presented with the noted additions. Motion carried.

DAN NICHOLSON, RURAL CAPE BRETON DISTRICT PLANNING COMMISSION

Courtesy of Council was extended to Dan Nicholson, Planner, Rural Cape Breton District Planning Commission.

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Mr. Nicholson indicated that Hans Sievers of Gisele's Inn, has made application to the Planning Commission for an addition to his establishment. Under the Municipal Planning Strategy, a Development Agreement to permit this addition is required. His attendance at tonight's Council meeting was to request Council to set a date for the required Public Hearing on this matter.

It was moved by Councillor Morrison, seconded by Deputy Warden Sampson, that the date for the Public Hearing on this application be set for Monday, January 11, 1999, at 5:00 p.m. Motion carried.

DANGEROUS AND UNSIGHTLY PREMISES

Courtesy of Council was extended to Paul Burt, Building Inspector. Mr. Burt was in attendance regarding a Dangerous and Unsightly Premises located at Ingonish Center. It is a fire damaged structure owned by Elizabeth Lenora MacNeil, Sydney.

The owner of the building has indicated that she will comply with the clean up of the property, however, Mr. Burt indicated that his appearance at Council was to obtain approval to issue an Order against the owner of the property to ensure same is removed and the property cleaned up. The Order will give 21 days to have the work completed, and failure to comply will result in the Municipality having the premises cleaned and the cost billed to the owner.

It was moved by Councillor Barron, seconded by Councillor Donovan, that an Order be issued under Section 124 of the *Municipal Act* (Dangerous and Unsightly Premises) to Elizabeth Lenora MacNeil to have her property at Ingonish Center cleaned up. Motion carried.

SOLID WASTE UPDATE

Courtesy of Council was extended to Jim MacLean, Baddeck Landfill Operator/Manager.

Mr. MacLean indicated that everything is operating smoothly at the Baddeck Landfill. The scale is now ready to use and the electrical power is almost complete.

Mr. MacLean indicated that the Department of Transportation and Public Works wishes to take contaminated soil to the landfill site. Discussion took place on the rate for contaminated soil and the fact the approval is required from the Department of the Environment before accepting same.

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It was moved by Deputy Warden Sampson, seconded by Councillor Morrison, that contaminated soil from the Department of Transportation and Public Works be accepted at the Baddeck Landfill Site pending approval from the Department of the Environment and the rate charged for disposal be \$17.50 per ton. Motion carried.

Snow removal at the Cape North Transfer Station Site was discussed. The Municipality is responsible for snow removal from the roadway to the gate and Rollie Donovan is responsible for snow removal from the gate to the site. Councillor MacLellan indicated that Bertram Briand will remove snow and sand the entire area for \$120 per trip.

It was moved by Councillor MacLellan, seconded by Deputy Warden Sampson, that Bertram Briand be retained to plow at the Cape North Transfer Station at a cost of \$120 per trip and pending notification to Rollie Donovan, he be billed for one-half the cost per trip. Motion carried.

The operation of the Baddeck Landfill during the holidays was discussed. The landfill will be closed on its regular day, Thursday, which is Christmas Eve and will be also closed Christmas Day. Mr. MacLean indicated he was willing to open the site on Boxing Day between the hours of 8:00 a.m. and 12:00 noon.

It was moved by Councillor Yetman, seconded by Councillor Donovan, that the Baddeck Landfill be open on December 26, 1998, between the hours of 8:00 a.m. and 12:00 noon and an advertisement indicating same be placed in the newspaper and on radio. Motion carried.

A request was received from John Kearns, Kearns Disintegration, requesting permission to conduct compliance testing at the Baddeck Landfill on a unit he has developed. He wishes to set his machine up on site for one day and use some solid waste from the landfill for his testing.

It was moved by Councillor Yetman, seconded by Councillor Morrison, that pending approval from the Department of the Environment, Mr. Kearns be permitted to do compliance testing on his machine at the Baddeck Landfill. Motion carried.

Courtesy of Council was extended to Bruce Aikman, P. Eng., Solid Waste Management Consultant.

Mr. Aikman indicated that a stock pile of tires remains at the Cape North Transfer Station. Robert Dauphinee is to be contacted to see if these tires will be picked up, and if not, they be covered with till.

There is very little space available in the trenches at the Cape North Transfer Station for construction and demolition materials. Mr. Aikman provided Council with options as to what to do with these materials. It was decided that Jim MacLean take care of this problem.

Discussion took place on the November 30, 1998, organics ban. Mr. Aikman indicated that organic material accounts for 30% of the waste stream. The promotion of a back yard composting was felt to be imperative, however, there are no facilities for the ICI sector to dispose of their organics. B. A. Fraser in Margaree have started a composting facility in the Highlands and have made application to the Department of the Environment to expand same. The possibility of using this site should expansion approval be received was discussed.

The topic of user fees was discussed. It was felt it was time to re-examine this matter. A special meeting is to be set up in the new year to deal with the topic of user fees.

Mr. MacLean and Mr. Aikman were excused at this time.

WINTER GAMES

A memorandum was received from Tom Wilson regarding the 1999 Victoria County Winter Games. Discussion took place on same.

Councillor Morrison indicated that a motion was previously passed that the Victoria County Winter Games be discontinued in their existing format. Mr. Wilson's memorandum does not indicate any changes.

It was moved by Councillor Morrison, seconded by Councillor

Yetman, that this matter be tabled until the next meeting and Mr. Wilson be requested to bring forward his proposed changes for the Victoria County Winter Games. Motion carried.

RECESS

The Warden announced Council would recess for 10 minutes.

STRAIT-HIGHLANDS REGIONAL DEVELOPMENT AGENCY

Warden MacInnes and Brian Trask attended a meeting in Halifax with regard to funding for the SHRDA. Warden MacInnes reported on this meeting and advised that at present Victoria County contributes \$30,000 annually and the proposed funding is to increase to \$53,820 annually.

Warden MacInnes indicated that Richmond County has indicated they will be withdrawing from the SHRDA. The Town of Mulgrave withdrew from the SHRDA in 1997. It was felt that it should be determined how Richmond County's withdrawal would effect Victoria County.

It was moved by Councillor Morrison, seconded by Councillor Yetman, that this matter lay on the table and Victoria County bring our concerns forward at the next SHRDA Board Meeting to be held in Baddeck. Motion carried.

Warden MacInnes is the Chairman of the SHRDA Board and he indicated he would bring the request to hold the January Board meeting in Baddeck to discuss the future of the RDA and also check on the deadline for notification of withdrawal from the RDA.

COMMUNITY SERVICES OFFICE REQUIREMENTS

Brian Trask advised that he met with Keith MacMillan, Regional Manager, Department of Community Services, regarding the Community Services office space and everything appears to be workable with the exception of a 200 square foot Boardroom wired for computer access. There is no sufficient space within the Court House to accommodate this request.

The possibility of utilizing a space outside the Court House for this requirement was discussed.

It was moved by Councillor Morrison, seconded by Councillor Toms, that Brian Trask negotiate with Community Services to find adequate Board Room facilities in another building within the Village of Baddeck. Motion carried.

MINUTES

The minutes of the November 16, 1998, Council were presented for approval.

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It was moved by Councillor Yetman, seconded by Councillor Barron, that the November 16, 1998, Victoria County Municipal Council minutes be approved as circulated. Motion carried.

BUISNESS ARISING FROM MINUTES

The tender for snow removal at the Court House was clarified and was awarded to Barra Construction at a cost of \$57.50 per trip.

Brian Trask checked into the request regarding the County expropriating land to facilitate improvements to the Red Point Road. He advised the Municipality is only able to expropriate land if the land in question is required for County use. Land acquired through expropriation cannot be transferred to individual property owners, as this would have the effect of increasing their property values, at the expense of the landowner who had their land expropriated.

A reply has not been received to take on the request made to Parks Canada to meet concerning the Greater Highlands Eco-System and fire protection within the Park.

A reply was received from the Honourable Clifford Huskison, Minister of Transportation and Public Works, regarding the White Point Road. Councillor Donovan requested a copy of this correspondence.

Brian Trask read a letter received from Bruce Fitzner regarding the repeated request for a caution light at Bethune's Corner. The Department of Transportation feel same is not warranted and will not even allow the County to place the light at County expense.

It was moved by Councillor Yetman, seconded by Councillor Donovan, that this correspondence be received, filed and a copy forwarded to the press. Motion carried.

It was moved by Councillor Morrison, seconded by Councillor Donovan, that the Warden appoint a Committee of 3 Councillors to meet with our MLA to address the concerns identified. Motion carried.

It was felt that if no satisfaction was received from government, these concerns be addressed with the opposition parties.

A letter was forwarded to Premier MacLellan regarding Victoria County being involved in discussions concerning the Cape Breton economy.

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A letter was forwarded to David MacIver, Department of Health, concerning obtaining the generator from the present Buchanan Memorial Hospital.

Contact has been made with Winston Musgrave's office concerning his availability to attend a meeting to discuss emergency measures. Emerson Kaiser has moved from the

area and is no longer available to assist in developing our EMO plan.

Discussion took place on Peter Gatza's hookup to the Little Narrows Water System. The bill for this connection was felt to be exorbitant and a breakdown of same was requested. D. W. Matheson & Sons Contracting have indicated that they will proceeding through the Courts for payment of this outstanding bill. Contact is to be made with Solicitor Pickup for his advice on this matter.

OPEN PERIOD/DISTRICT CONCERNS

EMERGENCY RESOLUTION

Councillor Yetman presented an emergency resolution regarding the change in ferry fees. Starting January 1, 1999, annual ferry passes will be replaced with one sticker for each vehicle. (copy attached)

It was moved by Councillor Yetman, seconded by Councillor Morrison, that this resolution be adopted and copies forwarded to the Premier, Robert Chisholm, Leader of the Opposition, and John Hamm, Leader of the PC Party. Motion carried.

REPORTS - NATURAL GAS AND HOME CARE

Deputy Warden Sampson presented Council with a report on the recent meeting he attended regarding gas distribution. There are 1,000 homes in Victoria County that must be hooked up within seven years and they hope to cover 62% of all counties within seven years. The training aspect was also discussed, with the possibility of utilizing the CAP Sites for same.

Deputy Warden Sampson also reported on the meeting he attended in Halifax regarding Quality Standards for Home Care.

It was moved by Councillor Yetman, seconded by Councillor MacLellan, that Deputy Warden Sampson's reports be received and approved. Motion carried.

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ALZHEIMER AWARENESS MONTH

It was moved by Councillor Sampson, seconded by Councillor Donovan, that the month of January, 1999, be proclaimed Alzheimer Awareness Month in Victoria County. Motion carried.

HIGHLAND MANOR

It was moved by Councillor MacLellan, seconded by Councillor Yetman, that Debbie Burton be appointed a member of the Highland Manor Board. Motion carried.

One additional Board Member is required and Councillor Barron will make contacts and provide Council with a recommendation for the next meeting.

GENERATOR - BADDECK LANDFILL

It was moved by Councillor Yetman, seconded by Councillor Barron, that the generator at the Baddeck Landfill be given to the Bay St. Lawrence Volunteer Fire Department when it is no longer needed at the landfill. Motion carried with Councillor Morrison voting against the motion.

DISTRICT #6

Councillor Barron questioned on the County plowing the sidewalks in Ingonish Beach.

Councillor Barron is to obtain a price per trip on plowing the sidewalks and bring this matter to the next meeting.

It was moved by Councillor Barron, seconded by Councillor Donovan, that a letter be forwarded to the Honourable Kennie MacAskill, Minister of Natural Resources, that the meeting regarding the moose hunt which is to be held in Antigonish on December 15, 1998, be moved to Victoria County. Motion carried.

DISTRICT #7

Councillor Donovan again questioned on the extension of the waterline one kilometer to the New Haven Lots.

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It was moved by Councillor Donovan, seconded by Councillor Yetman, that a letter be forwarded to Dr. Hayes MacNeil, Superintendent, CBVDSB, with copies to Keith Bain, School Board Member, and Dr. Kevin MacNeil, Coordinator - Special Services, requesting that a full-time resource teacher be allocated to Cabot High School as there as 64 students requiring this service. Motion carried with Councillor Barron and Warden MacInnes abstaining from voting.

It was moved by Councillor Donovan, seconded by Councillor Morrison, that a letter be forwarded to the Department of Transportation expressing concern that tri-axle trucks hauling salt for the National Park are travelling on secondary highways, which is prohibited. A copy of this letter is to be forwarded to Shane MacFarlane and Tim Reynolds, CBHNP. Motion carried.

Councillor Donovan indicated that the Victoria Co-op Fisheries are interested in obtaining the Neil's Harbour School when it is no longer in use.

DISTRICT #3

It was moved by Councillor Morrison, seconded by Councillor Toms, that the \$1,200 sponsorship for the Cabot Trail Relay Association be approved. Motion carried.

It was moved by Councillor Morrison, seconded by Councillor Donovan, that a letter be forwarded to the Department of the Environment advising that their proposal that Village/Municipal employees take water samples for THM's (trihalomethanes) is not approved and will not be done at the Village/County's expense. A copy of this letter is to be forwarded to the Village Commissioners. Motion carried.

BRAS D'OR LAKES SUBCOMMITTEE

It was moved by Councillor Toms, seconded by Councillor MacLellan, that Councillor Bruce Morrison be appointed to sit on the Bras d'Or Lakes Subcommittee. Motion carried.

DISTRICT #5

It was moved by Deputy Warden Sampson, seconded by Councillor Donovan, that \$200 be approved for the Big Bras d'Or Food Bank from the District #5 budget. Motion carried.

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The Rod C. MacNeil property matter was again brought up and Brian Trask advised that this matter was previously addressed by the Solicitor and it is in his hands.

DISTRICT #1

It was moved by Councillor Yetman, seconded by Councillor Morrison, that an advertisement be placed in the Victoria Standard notifying the public of the Winter Works Program. Motion carried.

It was moved by Councillor Yetman, seconded by Warden MacInnes, that \$200 be approved for the Grand Narrows & District Board of Trade from the District #1 budget. Motion carried.

DISTRICT #4

It was moved by Warden MacInnes, seconded by Councillor MacLellan, that \$300 be approved

for the South Haven Community Hall from the District #4 budget. Motion carried.

ADJOURN

There being no further business, the meeting adjourned.

John Graham MacInnes, Warden

B. E. Trask, Chief Administrative Officer