

VICTORIA COUNTY MUNICIPAL COUNCIL
September 12, 2011

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, September 12, 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/APPROVAL OF AGENDA

Warden Morrison called the meeting to order and presented the agenda for approval. He indicated that the COMFIT presentation has been cancelled and a presentation by the Central Cape Breton Community Ventures Inc. has been added to the agenda.

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

MOMENT OF SILENCE – FORMER COUNCILLOR MURDENA CARMICHAEL

Warden Morrison requested Council to stand and observe a moment of silence for former Councillor Murdena Carmichael (1976-1979).

APPROVAL OF MINUTES – JULY 25, 2011

The minutes of the July 25, 2011, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Deputy Warden Patterson, seconded by Councillor Dauphinee, that the Victoria County Municipal Council minutes of July 25, 2011, be approved as presented. Motion carried.

CENTRAL CAPE BRETON COMMUNITY VENTURES INC.

Courtesy of Council was extended to Randy Pointoski, Central Cape Breton Community Ventures Inc. (CCBCVI).

Mr. Pointoski was in attendance to make a presentation on behalf of Central Cape Breton Community Ventures Inc. on Community Renewable Energy – Combining Science With Energy (copy attached).

Mr. Pointoski advised that he is the Treasurer of CCBCVI and the lead contact for the Aros Na Mara development project. CCBCVI was established as a not for profit organization in 1999 and have been the owners and operators of the Port of Iona since that time. The organization is made up of community board members and they are the founders of the Aros Na Mara Marine Science Centre concept and proposed facility.

Mr. Pointoski expanded on the Aros Na Mara project and proposed facility and outlined the fact that this infrastructure can support tidal power research and development in the Barra Strait. He presented an operating profile and the models for growth, as well as the current status of the project.

The Barra Strait Power initiative was explained. An Alternative Energy Session was held in Iona on September 7, 2011. Warden Morrison, Deputy Warden Patterson, and CAO Sandy Hudson attended this session. There were approximately 50 attendees at the session, with presentations made by CCBCVI and Fundy Tidal Energy Inc. Community education and a general acceptance of the initiative was provided at this session and a concerns listed was generated.

CCBCVI is in the process of developing a Memorandum of Understanding (MOU) with Fundy Tidal Inc. The draft version was presented on September 9, 2011, with the final MOU to be ratified by both parties by September 16, 2011. Support for the FTI COMFIT application which must be submitted by September 19, 2011 will be provided and Barra Strait Energy Inc. will be created. The MOU will include cooperation for structuring and implementing project financing and Aros Na Mara are to extend the “science” mandate to Marine Energy and environmental effects.

Mr. Pointoski indicated the CCBCVI are requesting County support. They would like a letter of support to the FTI COMFIT application for the Barra Strait Project based on the MOU with CCBCVI and are also requesting that the Municipality continue to

follow and actively support activity by CCBCVI as they proceed through the implementation of their community based energy and science centre plan.

Deputy Warden Patterson questioned on whether this application would include the Seal Island site and Mr. Pointoski indicated that they would be reluctant to speak for Seal Island at this point and that perhaps when Dana Morin presents for Fundy Tidal Inc., he may be able to provide options for Seal Island.

Councillor Dauphinee commended Mr. Pointoski on the work done and Councillor Donovan questioned on the technology. Mr. Pointoski indicated that evaluations are being done on 5 technologies.

Councillor Buchanan also congratulated Mr. Pointoski for the great presentation and Councillor MacInnis questioned on whether a study had been completed on ice flow and how same would affect the technology to be used. Mr. Pointoski indicated that there would be engineering and siting logistics to be undertaken. Councillor MacCuspic indicated that with turbines in locations such as the North Sea and Scotland where ice would also be an issue, there must be answers that can be utilized in this project.

The application will be submitted on September 19, 2011, with a turnaround of 2 weeks for a decision. Mr. Pointoski indicated that the earliest date he could foresee turbines in the water is 2012/13.

Councillor MacNeil commended Mr. Pointoski and the CCBCVI on all the hard work that has been undertaken towards this project.

Warden Morrison extended a vote of thanks to Mr. Pointoski for his presentation

It was moved by Councilor MacNeil, seconded by Councillor MacCuspic, that the Municipality provide a letter for support for the FTI COMFIT application and Aros Na Mara. Motion carried.

FUNDY TIDAL PRESENTATION

Warden Morrison then introduced Dana Morin, Fundy Tidal Inc., who was in attendance via telephone to make a presentation on Small-scale tidal COMFIT opportunities in Cape Breton (copy attached).

Mr. Morin, with the assistance of Councillor MacNeil on computer, presented a power point presentation indicating that the objective of his presentation was to introduce Fundy Tidal Inc, COMFIT and small-scale tidal power and request letters of support from Council to include in the 2 COMFIT applications on September 19, 2011, for potential sites at Iona and Seal Island Bridge.

Mr. Morin presented both a personal introduction and an introduction for Fundy Tidal Inc (FTI). He outlined the CEDIFS and operating companies under Fundy Tidal Inc. He outlined the opportunity for development in the Big Bras d'Or, Seal Island and Iona areas in Victoria County and explained the small-scale tidal COMFIT to Council.

The technology was presented and it was indicated that there were six different technologies.

Mr. Morin outlined the relationship building and support and ownership scenarios to Council and indicated that the path forward included a letter of support from the Municipality. The application for COMFIT will be made on September 19, 2011, with a two week turn around time for approval. He indicated it would a 12 to 15 month process to go though following approval and no development will take place until this process is completed.

Deputy Warden Patterson questioned whether Fundy Tidal Inc. was seeking one letter of support for both sites, or separate letters for the Barra Strait and Seal Island. Mr. Morin indicated that it would be prudent to acknowledge both communities and separate letters would ensure this.

The matter of the efficiency of tidal power as opposed to wind energy was discussed. Tidal energy is a much more predictable and consistent source of energy.

A general discussion took place and Mr. Morin answered various questions of Council.

It was moved by Councillor MacNeil, seconded by Councillor MacCuspic, that the Municipality support the Barra Strait Energy Project contingent on the signed MOU between Central Cape Breton Community Ventures Inc. and Fundy Tidal Inc. Motion carried.

It was moved by Deputy Warden Patterson, seconded by Councillor MacNeil, that the Municipality support the Seal Island Energy Project contingent of the signed MOU between Central Cape Breton Community Ventures Inc. and Fundy Tidal Inc. Motion carried.

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

RECESS

Warden Morrison advised that Council would recess for 10 minutes.

ALTERNATIVE ENERGY STRATEGY STUDY

Sandy Hudson advised that 11 companies submitted proposals for our RFP for the development of an Alternative Energy Strategy Study. In consultation with Strait Engineering, the submissions were reviewed and shortlisted to 3. Upon review of the shortlisted companies, it is the recommendation of the CAO and Strait Engineering that Genivar's submission at a cost of \$59,000.00 including GST be accepted. Mr. Hudson indicated that this project would take 10 to 11 months to complete.

The development of a Municipal By-Law in this regard was also discussed and has been brought to the attention of John Bain, Eastern District Planning Commission.

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that based on the recommendation of the CAO and Strait Engineering, Genivar's submission for the development of an Alternative Energy Strategy Study for Victoria County be accepted. Motion carried.

DISTRICT CONCERNS

District #4

Councillor MacInnis brought up concern with regard to the signage at the Exit 10 intersection to Baddeck Bay and an incident that occurred today to him personally with regard to this area. This concern was addressed with Department of Transportation and Infrastructure Renewal previously and will again be addressed with them by way of letter.

Councillor MacInnis indicated there is an initiative being undertaken by the Department of the Environment to have 12% of the land mass of Nova Scotia designated as a protected area by 2013. One area being considered is the French River Reserve in District #4. Consultations will be undertaken in the communities in question and Councillor MacInnis indicated that Raymond Plourde, Wilderness Coordinator, with the Ecology Action Centre will come to Council to discuss this issue.

It was felt that Mr. Plourde should be included on the agenda of an October Council meeting.

District #2

It was moved by Councillor MacCuspig, seconded by Councillor Donovan, that \$1,941.02 be approved from the District #2 budget for the Middle River Community hall to assist with their taxes. Motion carried.

Councillor MacCuspig requested that also included in the letter to the Department of Transportation and Infrastructure Renewal be the location of signage in the Big

Baddeck area. This signage was to have been erected and to date this work has not been completed.

Peter and Candy Christiano have been awarded the Woodlot Owner of the Year for Northeastern Nova Scotia. Councillor MacCuspig indicated that he attended an event there recently and Mr. Christiano is willing to take Council on a tour of his woodlot and he is also interested in biomass.

Councillor MacCuspig will make contact with Mr. Christiano regarding the woodlot tour and a possible presentation on biomass.

District #1

It was moved by Councillor MacNeil, seconded by Deputy Warden Patterson, that \$1,500.00 be approved from the District #1 budget for the Washabuck Community Centre for student grant top and costs associated with the Washabuck Festival. Motion carried.

Councillor MacNeil indicated that two ride on lawnmowers were stolen from St. Columba Parish in the last couple of days. He would like to see more police presence in his district.

It was moved by Councillor MacNeil, seconded by Councillor MacInnis, that a letter be forwarded to the RCMP requesting an increased police presence in District #1. Motion carried.

Councillor MacNeil also indicated that the road signs that were to have been erected in his district have not been installed as yet and he requested that this matter be included in the letter to be forwarded to the Department of Transportation and Infrastructure Renewal.

District #2

Councillor MacCuspig indicated that a couple of new landowners in his district expressed concern on being caught off guard with regard to their tax bill. The transfer of land and the assessment roll deadlines, etc. were discussed. This matter will be addressed with the Tax Office.

It was moved by Councillor MacCuspig, seconded by Deputy Warden Patterson, that a letter of congratulations be sent to Peter and Candace Christiano on receiving the award for Woodlot Owner of the Year for Northeastern Nova Scotia. Motion carried.

District #1

Councillor MacNeil advised that the core event for the Bras d'Or Lake Biosphere Reserve Designation celebration will be held at the Highland Village, Iona from 2:00 p.m. to 5:00 p.m. on Saturday, September 17, 2011. A reception will be held prior at 12:30 p.m. at the Highland Heights Inn.

District #8

Councillor Buchanan requested that an order be placed for a street light to be located between 1631 and 1555 Aspy Bay Road (near the school). The pole will be marked with tape.

District #7

It was moved by Councillor Donovan, seconded by Councillor Buchanan, that the Smelt Brook Hall be added the Tax Exemption By-Law community hall list to reduce taxes from the commercial to the residential rate. Motion carried.

Councillor Donovan requested a letter indicating that the Municipality has contributed \$10,000.00 towards the Neil's Harbour/New Haven Development Association's recreation facility. This letter is required to see if funds can be obtained from Nova Scotia Sport and Recreation.

District #6

Councillor Dauphinee requested that Nova Scotia Power be contacted with regard to the street light order for a light to be located near the Bank of Nova Scotia, Ingonish Beach.

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that a letter be forwarded to Minister Percy Paris requesting a meeting to discuss the Keltic Lodge and Ski Cape Smokey. Motion carried.

Councillor Dauphinee indicated that he would like to see Mr. Paris visit the area, but if not we can travel to Halifax to meet on this matter.

Councillor Dauphinee advised that he has received a number of complaints concerning the setting off of fireworks in his district which is disturbing area residents.

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that the CAO begin to investigate a by-law with regard to the use of fireworks for the Municipality. Motion carried.

Councillor Dauphinee questioned whether it was policy for the Municipality to take over ownership of a new subdivision road if it is brought up to the Department of Transportation and Infrastructure Renewal standards. Sandy Hudson advised that he is awaiting clarification on this matter.

Councillor Dauphinee questioned on the lease agreements for the library premises in Victoria County. Sandy Hudson advised that he obtained sample lease agreements from CBRM and he would be reviewing them and drafting a lease agreement in the near future.

Councillor Dauphinee questioned on whether a reply was received from Canada Post with regard to the lock boxes in his district. He was advised that a reply has not been received.

District #5

Deputy Warden Patterson indicated that the fire departments have been waiting for reimbursement from the communications fund for some time, but the receipts have not been received at the County Office.

It was moved by Deputy Warden Patterson, seconded by Councillor MacCuspik, that fire departments be advised to forward their receipts directly to the Municipality by October 15, 2011, and they will be reimbursed for the eligible expenses. Motion carried.

District #3

Deputy Warden Patterson assumed the Chair.

Warden Morrison advised that at present Municipalities can only get involved with COMFIT projects if they are the sole investor and this makes it impossible. He felt the government should be requested to change the legislation to allow Municipalities to partner with other agencies, etc.

It was moved by Warden Morrison, seconded by Councillor MacNeil, that a letter be forwarded to the Honourable Charlie Parker, Minister Responsible for Renewable Energy, requesting that a change be made in the legislation to allow small municipalities to partner with other entities with regard to the COMFIT Program. Motion carried.

Warden Morrison again expressed concern on the NSPI power rate and the rate increase being sought.

It was moved by Warden Morrison, seconded by Councillor Donovan, that a letter be forwarded to the Utility and Review Board opposing any residential power rate increases. Motion carried.

The Silver Dart Centennial Association was given the Silver Dart Replica and at present the museum in Ontario where it is housed is in financial difficulty. The builders of the replica wish to remove the replica and enclose it in two climate controlled trailers and take to Baddeck. Warden Morrison indicated that the two trailers could be located at the Baddeck Solid Waste Management Facility. There are cameras at the site for security and any liability involved would be the responsibility of the Silver Dart Centennial Association.

It was moved by Warden Morrison, seconded by Councillor Dauphinee, that the trailers housing the Silver Dart Replica be permitted to be located at the Baddeck Solid Waste Management Facility for a period of two years. Motion carried.

It was moved by Warden Morrison, seconded by Councillor MacInnis, that up to \$5,000.00 be approved from the District #3 budget for cost sharing the paving of MacKay Lane, Baddeck. Motion carried.

Warden Morrison returned to the Chair.

District #7

Councillor Donovan questioned on the Fire Department funding and was advised that the funding is available when requested. He requested payments be released for the Neil's Harbour/New Haven Volunteer Fire Department. Councillor Buchanan also requested that Bay St. Lawrence Volunteer Fire Department funding be released.

District #4

It was moved by Councillor MacInnis, seconded by Councillor Dauphinee, that a letter of congratulations be forwarded to Rebecca Blakeney on being crowned Miss Teen Cape Breton. Motion carried.

Councillor MacInnis questioned whether other Council members were having problems with their laptops, because he is. Councillor Dauphinee was unable to have full client version of Microsoft Outlook installed on his computer due to problems with the programs installed.

COMMITTEE REPORTS

Age Friendly Communities

Deputy Warden Patterson advised that the preliminary report has been received from Brenda Hattie, Mount Saint Vincent University, and is presently being reviewed with recommendations to come to Council by mid-October.

CORRESPONDENCE

1. Correspondence from Canada World Youth requesting that October 17-23, 2011, be proclaimed Canada World Youth Week in Bay St. Lawrence and that an activity promoting same be organized.

It was moved by Councillor Buchanan, seconded by Councillor Donovan, that October 17-23, 2011, be proclaimed Canada World Youth Week in Bay St. Lawrence. Motion carried.

2. A thank you was received from Brent MacKenzie, recipient of the County bursary at Rankin School of the Narrows.
3. Thank you card from Joan MacInnes and family for the gift in former Councillor, Warden and Deputy Warden, John Graham MacInnes's memory.
4. The Police Advisory Board members were notified of their appointment and Board Training will be held in Port Hawkesbury on September 28, 2011 at 6:30 p.m. at the Port Hawkesbury Civic Centre

NEW BUSINESS

Next Meeting

The next meeting of Victoria County Municipal Council will be held on Monday, September 26, 2011, at the Court House, Baddeck at 5:00 p.m. Councillor Buchanan is requested to come for 12:00 noon to receive new Councillor training. Newly elected Councillors from other municipalities will also be in attendance.

Civic Addressing By-Law

Sandy Hudson presented a draft Civic Addressing By-Law that will be forwarded to all Council members for review and if acceptable will be given 1st reading at the next meeting and possible adoption on 2nd reading in October.

UNSM Conference

The preliminary program for the UNSM Annual Conference in Halifax from November 1-4, 2011, was presented and all Council members expressed an interest in attending, along with the CAO.

Capital Investment Plan

Sandy Hudson presented the proposed Capital Investment Plan to Council. This is a requirement and he outlined the contents of same.

It was moved by Deputy Warden Patterson, seconded by Councillor MacCuspig, that the Capital Investment Plan be approved as presented. Motion carried.

Tax Deed

Sandy Hudson presented a tax deed for execution from the January, 2011, tax sale to Woodwork Art, c/o Liam Tromans.

It was moved by Deputy Warden Patterson, seconded by Councillor Donovan, that the Warden and CAO sign the tax deed for Woodwork Art. Motion carried.

Cost-Shared Agreement for J Class Subdivision Streets

The current 3 year agreement for the paving of J Class subdivision streets expires on March 31, 2012. Sandy Hudson presented the new 3 year agreement to be entered into with the Minister of Transportation and Infrastructure Renewal in order to continue this program

It was moved by Councillor MacCuspig, seconded by Councillor MacInnis, that the cost-sharing agreement for the paving of J Class Subdivision streets be approved and executed by the Warden and CAO. Motion carried.

District #3

Warden Morrison indicated that with the approval of the paving of MacKay Lane he would also like to price the existing section of Alexander Drive to see what paving would cost. The Municipality is responsible for the cost of maintenance of this street and it may be cheaper to pave same.

It was moved by Warden Morrison, seconded by Councillor MacInnis, that a price be obtained for paving Alexander Drive, Baddeck. Motion carried.

Bell Bay Golf Club

A letter was received from Scott MacAulay, Cape Breton Resorts, with regard to Bell Bay Golf Clubs loan through the NSBI.

It was moved by Deputy Warden Patterson, seconded by Councillor MacCuspic, that this matter be referred to the Solicitor for review. Motion carried.

Victoria Highland Civic Centre

A request was received for the Municipality to support the Victoria Highland Civic Centre Golf Tournament at Bell Bay Golf Club on September 24, 2011.

It was moved by Councillor Dauphinee, seconded by Councillor MacInnis, that the Municipality enter a team in the Victoria Highland Civic Centre at a cost of \$600.00. Motion carried.

UNSM Golf Tournament

The Municipality is hosting the UNSM Annual Golf Tournament at the Bell Bay Golf Club, Baddeck, on Monday, September 19, 2011. The County, as host, will be entering a team.

Gaelic College

It was moved by Councillor MacInnis, seconded by Councillor MacCuspic, that letters of congratulations be forwarded to Rodney MacDonald and Tracey Dares on their recent employment with the Gaelic College. Motion carried.

Council – October 17, 2011

The October 17, 2011, Council Session will be held at the Indian Brook Fire Hall, Indian Brook, and the Ecology Action Presentation on the protected area and the French River Reserve will be on the agenda for this meeting.

Victoria County Flag

A contest to come up with a design for the new Victoria County flag is to be issued to Victoria County schools this month.

ADJOURN

There being no further business, on motion of Councillor MacInnis, seconded by Councillor Donovan, the meeting adjourned at 7:40 p.m.

Sandy Hudson, CAO

Bruce Morrison, Warden