

1. Council Convenes - O Canada - Warden Keith Hunter called to order a meeting of Cumberland Municipal Council on Wednesday, May 2, 2007 at 1:00 p.m. The meeting was held in the Council Chambers of the E. D. Fullerton Municipal Building in Upper Nappan, NS. The national anthem was sung.
2. Roll Call - The roll was called by Administrative Assistant, Shelley Hoeg. All Councillors were in attendance excepting Councillor G. Langille. Also in attendance were Rennie Bugley, CAO, Steve Ferguson, Director of Property Services, Andrew MacDonald, Director of Finance and Jim Coughlin, Planner.
3. Approval of Agenda (additions / deletions) - The agenda was approved with the following additions: 13.3 - Water and Sewer Issues; 13.4 Solid Waste - Summer Residences; and with the following deletions: 6 Delegations and Presentations, 7 Public Hearings, and 8 Correspondence.
4. Approval of Minutes
 - 4.1 April 4, 2007 -
 - 4.2 April 18, 2007 -

IT WAS MOVED by Councillor Gilbert, seconded by Councillor K. Langille that the minutes of April 18th, 2007 be approved as presented and the minutes of April 4, 2007 be approved with the following amendments: #2 should also include Mr. Rennie Bugley as present; #8 should read "Warden should do that presentation...", and #10 the recreation grant to Cumberland 4H should be \$1100.00 and Cumberland County Horse Classics Team should also be \$1100.00.

MOTION CARRIED #07-057

5. Business Arising
 - 5.1 April 18, 2007 - No issues arising from this item.
6. Delegations and Presentations - Deleted
7. Public Hearings - Deleted
8. Correspondence - Deleted
9. Planning Issues -
 - 9.1 MPS/LUB Amendments - Final Approval of Planning Policies & Regulations for Wind Turbines - Planner, Jim Coughlin recommended that Council give second reading to the amendments to the Municipal Planning Strategy and Land Use Bylaw regarding renewable energy and wind turbines, as set out in Appendix 1 (April 26, 2007).

APPENDIX 1 (April 26, 2007)

**AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW
REGARDING RENEWABLE ENERGY AND WIND TURBINES**

TEXT TO BE ADDED TO THE MUNICIPAL PLANNING STRATEGY

2. **PLAN CONCEPT**

2.3 RENEWABLE ENERGY

Renewable or green energy is an energy source that is naturally renewed.

The provisions of this Municipal Policy Strategy and accompanying Land Use Bylaw are intended to recognize the benefits of renewable energy and the county's renewable energy resources and development opportunities, particularly for wind power. They will establish clear planning policies and development permit requirements in support of the development of wind turbines and will address some of the wind turbine land use concerns. They will also be flexible in order to accommodate advancements in technology and permit wind turbines to be developed without the need to amend the Municipal Planning Strategy or Land Use Bylaw for each development proposal.

Promoting renewable energy is part of sustainable community development and the municipality's mission "to provide residents with leadership, support, and municipal services that contribute to the well being of the community."

3. OBJECTIVES and POLICIES

3.6 RENEWABLE ENERGY

3.6.1 In order to help protect the environment for the future, support the development of renewable energy systems and minimize any external negative impacts of wind turbines:

3.6.2 It shall be the intention of Council to include in the Land Use Bylaw, provisions:

- to define small scale wind turbines as those which have a nameplate generating capacity of up to 100 KW and generate power primarily for on site consumption by individual buildings and are permitted as accessory uses in any zone where accessory uses are permitted;
- to define large scale wind turbines as those which are not small scale wind turbines and which generate power primarily for sale to a third party and which may be developed either as stand alone machines or be grouped with others in a wind farm;
- to permit the development of large scale wind turbines by development permit, without the need to amend the Municipal Planning Strategy or Land Use Bylaw;
- to permit large scale wind turbines in the General, Utility, Rural Resource, Commercial and General Residential (Joggins) Zones;
- to establish special information requirements to be provided by wind turbine project proponents prior to the issuance of development permits and construction;
- to establish special setback or distance separation requirements between wind turbines and neighbouring buildings intended for occupation and public highways;
- to establish special height restriction exemptions, rotor blade ground clearance regulations and wind turbine project on site setbacks;
- to establish special maintenance, decommissioning, restoration, security and appearance regulations for wind turbine project sites;

TEXT TO BE ADDED TO THE LAND USE BYLAW

Part 2 Definitions

Wind Turbine - A wind turbine is a machine and structure designed to convert wind energy into mechanical and electrical energy.

Wind Turbine Height - The height of a wind turbine is the distance measured from grade to the highest point of the rotor's arc.

Wind Power Project - A wind power project is a wind farm which may contain one or more large scale wind turbines and associated property, substations and other utility systems.

Large Scale Wind Turbine - A large scale wind turbine is any wind turbine that is not a small scale wind turbine and which generates power primarily for sale to a third party and which may be developed either as a stand alone machine or be grouped with others in a wind farm.

Small Scale Wind Turbine - A small scale wind turbine is a wind turbine which has a nameplate generating capacity of up to 100 KW and generates power primarily for on site consumption by individual buildings and are permitted as an accessory use in any zone where accessory uses are permitted.

Setback - The setback of a wind turbine is measured from the base of the wind turbine tower.

Add to - Permitted Uses

General, Utility, Rural Resource, and Commercial Zones - "large scale wind turbines" and "wind power projects"

Zone Requirements

- (a) There is no *lot frontage* requirement for large scale wind turbines.
- (b) The minimum *lot area* and dimensions for the creation or *development* of a *lot* for a large scale wind turbine are 37.16 square meters (400 square feet) of area, and the *lot* must be able to contain a circle 6.1 meters (20 feet) in diameter.
- (c) The minimum setback for the location of a large scale wind turbine from an **existing** building intended for **human** occupation on a neighbouring property is 3 times or 300 percent of the height of the wind turbine.
- (d) The minimum setback for the location of a large scale wind turbine from an external wind power project lot line is the length of the rotor arc, plus 7.5 meters (24.6 feet).
- (e) The minimum setback for the location of a large scale wind turbine from an internal wind power project lot line is 0 meters (0 feet).
- (f) The minimum setback for the location of a large scale wind turbine from a public highway is 1 times or 100 percent of the height of the wind turbine.
- (g) The minimum setback for the location of a large scale wind turbine from an **existing** building intended for **human** occupation on the wind power project site is 1.25 times or 125 percent of the height of the wind turbine.
- (h) The minimum rotor blade ground clearance is 7.5 meters (24.6 feet).
- (i) The minimum setback for the location of a large scale wind turbine from any other existing or permitted large scale wind turbine that is not part of the same wind power project is 4 times the diameter of the rotor.

13.1 Special Zone Requirements

Finish - A wind turbine shall be finished in a non-reflective matte and in an unobtrusive colour.

Lettering & Signage - A wind turbine tower shall not contain any commercial advertising. However, the hub or nacelle may display the manufacture's, operator's or owner's name or logo. Site signs shall be limited to those which identify the wind power project, locate access points and provide safety information.

Tower Access & Safety - A wind power project shall be protected from unauthorized access by a security fence, with a lockable gate and a minimum height of 1.8 meters (5.9 feet), or by having any ladder or permanent tower access device located no closer to the ground than 3.7 meters (12.1 feet) or, for monopole designs, with internal access only, a lockable door.

Lighting - A wind turbine shall not be provided with artificial lighting except for lighting that is needed to meet Transport Canada or other regulatory requirements.

Decommissioning - In accordance with a decommissioning plan prepared by the applicant for a Development Permit, all above ground components of the large scale wind turbine or the wind power project, including all buildings and storage facilities, wind turbines, wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substations) shall all be removed from the site (unless it can reasonably be established that there is another probable near term future use for any of the said components) and the applicable surface site areas, except for roads, shall be restored to a reasonable natural state within 18 months of the time at which the wind turbines cease to produce power continuously for a period of six months or, in a case where construction of the large scale wind turbine or wind power project is not completed, the time at which the development of the wind power project ceases.

Temporary Uses (Test Towers) - Facilities for the assessment of wind energy resources (test towers) may be erected for the life of the wind power project. Otherwise, they shall be removed within one year of inactivity.

Outdoor Storage - All outdoor storage associated with a wind power project shall be screened from view from adjacent properties and public highways.

Development Permit Application Information Requirements - Development Permits shall be required for large-scale wind turbines or wind power projects. In addition to satisfying the minimum requirements of Section 3.4 of the Land Use Bylaw (Application for Development Permit), the following special information requirements shall be provided with the development permit application:

A tentative site plan, showing the location of all wind turbines and accessory uses, and plan of the site's environs, drawn to scale, that shows the dimensions and boundaries of all parcels of land, the location of all existing and proposed buildings, structures and use, proposed alterations to the natural features, contours and environmentally sensitive areas on the subject site and within 1 kilometer.

Development Permits - Development permits are valid for 4 years from the date issued. A development permit may be renewed once for an additional 2 years. A new development permit application, with updated plans, is required for renewals. Prior to the commencement of any construction, the developer must provide the following information:

1. A final site plan, drawn to scale and certified by a surveyor, which shows the final location of all wind turbines and accessory uses.
2. A decommissioning plan which demonstrates how all above ground components of the large scale wind turbine or the wind power project, including all buildings and storage facilities, wind turbines, wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substations) will be removed from the site (unless it can reasonably be established that there is another probable near term future use for any of the said components) and the applicable surface site areas, except for roads, will be restored to a reasonable natural state within 18 months of the time at which the

wind turbines cease to produce power continuously for a period of six months or, in a case where construction of the large scale wind turbine or wind power project is not completed, the time at which the development of the wind power project ceases.

3. Copies of all documentation regarding Transportation Canada and Navigation Canada approvals.
4. Copies of all documentation **submitted prepared** as part of the requirements of the **Canadian Environmental Assessment Act and Nova Scotia Environment Act and regulations** ~~or Nova Scotia Environmental Assessment Acts.~~
5. An emergency response plan for site safety and adequate emergency service personal training.
6. A professional engineer's **design and** approval of the turbine base ~~and tower design.~~

Joggins Secondary Planning Strategy & Land Use Bylaw

Delete - Joggins Secondary Planning Strategy, Section 3.1 (d), Page 7, and "Wind Turbines by Development Agreement" and replace it with:

"(d) Large Scale Wind Turbines and Wind Power Projects

It shall be the intention of Council, within the General Residential designation to permit large scale wind turbines and wind power projects in accordance with the county-wide provisions for large scale wind turbines set out in the Municipal Planning Strategy and Land Use Bylaw".

Delete - Joggins Land Use Bylaw, Page 8 & 9, "Wind Turbines", and replace it with:

"Large Scale Wind Turbines and Wind Power Projects

Large scale wind turbines and wind power projects are permitted in the General Residential Zone in accordance with the county-wide provisions for wind turbines set out in the Municipal Planning Strategy and Land Use Bylaw".

Add to - Joggins Land Use Bylaw, Page 2 **PERMITTED USES**

General Residential Zone - "large scale wind turbines" and "wind power projects"

IT WAS MOVED by Councillor Read seconded by Councillor Kellegrew to approve the amendments.

IT WAS MOVED by Councillor Gilbert to amend the setback in the amendments to 800 meters - *no seconder*

IT WAS MOVED by Deputy Warden Merriam to amend the setback in the amendments to a minimum of 500 meters - *no seconder as above*

IT WAS MOVED by Councillor Redmond, seconded by Councillor K. Langille, to amend the setback in the amendments to 1 Kilometer.

MOTION DEFEATED #07-059

IT WAS MOVED by Councillor Gilbert to amend the setback in the amendments to 600 meters from a residence. - *no seconder*

IT WAS MOVED by Councillor Gilbert, seconded by Councillor Read, to amend the setback in the amendments to be the greater of 500 meters or a setback of 3 times the height of the tower.

MOTION CARRIED #07-060

Nay Votes: Councillors K. Langille, Redmond and Reid.

AMENDED

MOTION CARRIED #07-058

Nay Vote Councillor K. Langille

IT WAS MOVED by Councillor Redmond, seconded by Councillor K. Langille, that the motion of approving amendments to the MPS and LUB regarding wind turbines, be reconsidered at the June 20th meeting.

MOTION DEFEATED #07-061

Discussion followed regarding the fact there is no formal "Notice of Motion to Reconsider" in the Municipality's Policy governing the conduct of meetings of Council, and the fact future agendas are always subject to the will of the majority of Councilors, and Council can reconsider any decision if that is the will of the majority.

- 9.2 Livestock At Large By-Law - **IT WAS MOVED** by Councillor K. Langille, seconded by Councillor Welton to give first reading to the Livestock At Large By-Law which is as follows:

Livestock At Large By-Law

General

1. This By-Law is entitled the "Livestock At Large By-Law."
2. In this By-Law,
 - (1) "livestock" means cattle, horses, ponies, donkeys, mules, lamas, emus, ostriches, swine, goats, geese, turkeys, or other domestic animals or fowl;
 - (2) "livestock farm" means a parcel of land that is used for grazing or pasturing livestock;
 - (3) "Municipality" means the Municipality of the County of Cumberland; and
 - (4) "owner" includes,
 - i. with respect to livestock, any person who has lawful custody of the livestock; and
 - ii. with respect to a livestock farm, the person occupying or operating the farm.

Livestock At Large

3. Any livestock which is or are not on a livestock farm and are not under the continuous restraint and control of some person shall be deemed to be at large for the purposes of this By-Law.

4. An owner of livestock who becomes aware, or should reasonably be aware, that any of those livestock may be at large or are at large, must immediately take all reasonable steps to regain custody and control of that livestock.
5. Subject to section 7 of this By-law, every owner of livestock
 - a. whose livestock is or are at large; or
 - b. who fails to comply with section 4 of this By-Law;is in contravention of this By-Law.
6. Every owner of a livestock farm shall take all necessary steps to prevent livestock from escaping from that farm, including, but not limited to, erecting and maintaining fences adequate for that purpose; and, subject to section 7 of this By-Law, every owner who fails to take such steps is in contravention of this By-Law.
7. No owner shall be found to have contravened this By-Law if it is established to the satisfaction of the Court that the owner exercised due diligence with regard to the circumstances of the alleged contravention.

Penalties

8. Any person who contravenes this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$100 and not more than \$1000 for a first offence, and not less than \$200 and not more than \$2000 for a second or subsequent offence. For the purposes of this section it is irrelevant whether the offences were prosecuted pursuant to the same section of this By-Law.
9. Where a person is given a Notice of By-Law violation by the Municipality's By-Law Enforcement Officer in accordance with the Municipality's Payment in Lieu of Prosecution Policy, the person may pay to the Municipality, at the place specified in the Notice, the sum of \$50 within 14 days of the date of Notice and shall thereby avoid prosecution for that contravention.
10. By-Law 84-01, the Animals and Fowls at Large By-Law is hereby repealed.
11. This By-law shall come into force upon publication.

MOTION CARRIED #07-062

9.3 Tax Exemption and Reduction By-Law -

IT WAS MOVED by Councillor K. Langille, seconded by Councillor Redmond to approve the first reading of the Tax Exemption and Reduction By-Law which is as follows:

Tax Reduction and Exemption By-Law

1. This By-law is entitled the "Tax Reduction and Exemption By-law".

2. This By-law shall apply to the properties listed in Schedules "A" and "B" commencing April 1, 2007.
3. Pursuant to section 71(1) of the *Municipal Government Act*, the properties listed in Schedule "A" to this by-law shall be, subject to sections 3 and 6 of this by-law, exempt from real property taxation.
4. The tax exemption provided in section 2 shall apply to general tax only, shall not apply to any fire, sewer, street light, village or area rates or charges and shall only apply to the portion of the property specified in Schedule "A".
5. Pursuant to section 71(2) of the *Municipal Government Act*, the real property tax payable with respect to the properties listed in Schedule "B" to this by-law shall be, subject to sections 5 and 6 of this by-law, reduced to the tax that would otherwise be payable if the property were residential property, inclusive of area rates.
6. The tax reduction provided in Section 4 shall apply only to that portion of the property specified in Schedule "B".
7. When a property listed in Schedule "A" or "B" ceases to be owned or occupied by the owner indicated in the schedule, or if the property ceases to be occupied for the purpose, which pursuant to section 71(1) and 71(2) of the *Municipal Government Act* enabled the Municipality of Cumberland to include the property in this By-law, the tax exemption or reduction shall cease and the owner(s) of the property shall immediately be liable for the normal real property tax on such property for the portion of the taxation year then unexpired.
8. All previous Tax Reduction and Exemption By-Laws for the Municipality are hereby repealed.
9. This By-Law comes into force on publication.

SCHEDULE A

PROPERTY	OWNER	EXTENT OF APPLICATION OF EXEMPTION
Account #889032 Community Hall Upper Linden	Upper Linden Community Hall Association	Whole
Account #4479807 Community Hall Northport	Northport Community Organization	Whole
Account #4716329 Community Hall Tidnish	Tidnish Crossroads Community Association	Whole
Account #7516215 Building & Land Tidnish	Tidnish Crossroads Community Association	Whole
Account #889156 Hall Wallace	Wallace Community Association	Whole
Account #889164 Hall Wallace Station	Wallace Station Community Association	Whole
Account #2999633 Hall & Lot	Trustees of the Malagash Mine Community Club	Whole

Malagash Mines

Account # 5673119 North Cumberland Historical Society Whole
Monument Lot
North Wallace

Account #889113 Streets Ridge Community Hall Whole
Old School Association
Streets Ridge

Account #889628 Wentworth Community Hall Whole
Community Hall Association
Wentworth

Account #889725 Collingwood Community Hall Whole
Community Hall Association
Collingwood

Account #889733 Trustees of the Whole
Community Hall (old school) Millvale Community Hall
Milvale

Account #3402916 Westchester Community Hall Whole
Old School Association
Westchester Station

Account #4864859 Wentworth Recreation Hall Whole
Recreation Centre Association
Wentworth

Account #889083 Mt Pleasant Community Hall Whole
Community Hall (old school) Association
Mt Pleasant

Account #3403092 Springhill Junction Community Whole
Recreation Centre Recreation Centre
Springhill Jct

Account #28851 Municipality of Cumberland Whole
Fossil Display & c/o Fossil & Display Centre
Information Centre
Joggins

Account #889091 Minudie Community Hall Whole
Hall Association
Minudie

Account #2298198 River Hebert Citizens Association Whole
Recreation Hall & Lot
River Hebert

Account #2650991 Maccan Community Centre Society Whole
Old School, Maccan

Account #100749 Apple River Community Whole
Hall & Lot Association
Apple River

Account #889202 Spencer's Island Community Hall Whole
Hall & Lot Association
Spencer's Island

Account #889229 New Salem Community Hall Whole
Hall (old school) Association
New Salem

Account #889237 Fraserville Community Hall Whole
Community Hall Association
Fraserville

Account #889253 Community Hall Greenhill	Greenhill Community Hall Association	Whole
Account #1231456 Building & Lot Diligent River	Diligent River Recreation Committee	Whole
Account #5388082 Building & Land Advocate	Advocate District Development Association	Whole
Account #2582694 Hall Wallace	Wallace Masonic Lodge	Whole
Account #3075885 Masonic Lodge & Community Hall River Philip	River Phillip Masonic Lodge Hall and Community Hall Association	Whole
Account #687561 Building and Lands Smith Road	Springhill & District LA Animal Shelter Society Registered Charity	Whole
Account # 3187616 Recreation Park Meadow Park	Meadow Park Recreation Society	Whole
Account # 889016 Community Hall & Lot Fenwick	Fenwick Community Hall Association	Whole
Account #889652 Community Hall & Lot Brookdale	Brookdale Community Hall Association	Whole
Account #889024 Community Hall Lower Shinimicas	Sunrise Citizens Club of Northport	Whole
Account #73962 Lot & Building King St., Pugwash	Pugwash Ground Search & Rescue Inc.	Whole
Account #889121 Community Hall (Old School) Conn's Mills	Conns Mills Community Hall Association	Whole
Account #2582635 Hall & Land Water St., Pugwash	Silver Spray Rebecca Lodge No. 1	Whole
Account #2582686 Hall & Lot Victoria St., Pugwash	Masonic Lodge (Acadia #13)	Whole
Account #2999617 House, Buildings & Land Malagash Mines	Malagash Christian Fellowship Registered Charity	Whole
Account #4394526 Building Land Miller Road	Sport Pugwash	Whole
Account #4796543 Land Wallace	Wallace Recreation Committee	Whole
Account #889059 Lot	Oxford Junction Community Hall Association	Whole

Oxford Junction

Account #889067 Community Hall Leicester	Leicester Community Hall Association	Whole
--	---	-------

Account #2582589 Masonic Hall River Hebert	A F & A M Lodge No. 86	Whole
--	------------------------	-------

Account #2582643 IOOF Hall Main Street, Joggins	I.O.O.F. LODGE	Whole
---	----------------	-------

Account #3210677 Medical Centre River Hebert	The Dr. D.M. Cochrane Memorial Medical Centre	Whole
--	--	-------

Account #3263754 Museum Minudie	Minudie Tourist Association	Whole
---------------------------------------	-----------------------------	-------

Account #3403068 Display Centre & Land River Hebert	Municipality of Cumberland Heritage Models Association	Whole
---	---	-------

Account #3383121 Light House No. 186 Spencer's Island	Spencer's Island Community Association	Whole
---	---	-------

Account #5377269 Building & Lot Port Greville	Greville Bay Shipbuilding Museum Society	Whole
---	---	-------

Account # 4429516 Land Pugwash River	The Nature Conservancy of Canada Registered Charity	Whole
---	--	-------

Account # 4436881 Land Pugwash River	The Nature Conservancy of Canada Registered Charity	Whole
---	--	-------

Account # 4210824 Land Crowley Road	The Nature Conservancy of Canada Registered Charity	Whole
--	--	-------

Account # 7459025 Land Spencer's Island	The Nature Conservancy of Canada Registered Charity	Whole
--	--	-------

MOTION CARRIED #07-063

Staff informed Council that the By-Law and Policy Committee recommend that Council, in Committee of the Whole, review the purpose and intent of this By-Law within a year.

10. Financial Reports/Issues

10.1 Borrowing Resolution - Sunset - Sunset would like to have their facility grounds paved. They are requesting to borrow approximately \$211,000 from the Municipality.

IT WAS MOVED by Councillor Welton, seconded by Councillor Redmond that the Municipality approve a loan to Sunset, up to \$250,000, for their capital paving project.

MOTION CARRIED #07-064

Prior to advancement of funds, Sunset must provide the exact amount required

and specify a repayment schedule. Council is also required to approve a resolution pursuant to section 99 of the Municipal Government Act.

- 10.2 Remittal - **IT WAS MOVED** by Councillor Redmond, seconded by Councillor K. Langille to approve a remittal in the amount of \$428.85 for account # 04842162.

MOTION CARRIED #07-065

- 10.3 Recreation Grant Requests - None at this time

11. Operational Services Reports/Issues

- 11.1 Health and Safety Policy - **IT WAS MOVED** by Councillor Kellegrew, seconded by Councillor Read to adopt the Health and Safety Policy presented to Council as follows:

Health and Safety Policy

This policy will apply to the Municipality of the County of Cumberland and all of its employees, officers and agents.

1. The Municipality of the County of Cumberland is committed to providing a healthy and safe work environment for its employees and preventing occupational illness and injury. To express that commitment, the Municipality has issued this policy on occupational health and safety.
2. As the employer, the Municipality of the County of Cumberland is responsible for the health and safety of its employees. The Municipality will make every reasonable effort to provide a healthy and safe work environment. The Municipality is dedicated to the objective of minimizing the possibility of injury and illness.
3. Municipal Council will take all reasonable precautions to prevent harm to workers.
4. Managers and supervisors will be trained and are responsible for ensuring that the employees under their supervision, follow this policy. They are held accountable for ensuring that employees use safe work practices and receive training to protect their health and safety.
5. Managers and supervisors also have a general responsibility for ensuring the safety of equipment and facilities.
6. The Municipality, through all levels of management, will co-operate with the occupational health and safety committee and employees to create a healthy and safe work environment.
7. The employees of the Municipality will be required to support this organization's health and safety initiative and to co-operate with the occupational health and safety committee and with other exercising authority under applicable legislation and policy.
8. It is the duty of each employee to report to their supervisor or manager, as soon as possible, any hazardous condition, injury, accident or illness related to the workplace. Also, employees must protect their health and safety by complying with applicable Acts and Regulations and by following policies, procedures, rules and instructions as prescribed by the Municipality.
9. The Municipality will, where possible, eliminate hazards. When appropriate, employees will be required to use safety equipment, clothing, devices and materials for personal protection.
10. The Municipality will support and encourage employees to play an active role in identifying hazards and in offering suggestions or ideas to improve the health and safety program.

MOTION CARRIED #07-066

12. Committee/Other reports

- 12.1 Municipal Day Feedback - It was agreed that the Municipal Day Open House was very well attended, with a noticeable increase in the amount of constituents attending.
- 12.2 Source Water Protection Committee - Those who attended the meeting provided brief feedback to Council.
- 12.3 CREDA Minutes - These were circulated as an information item.
- 12.4 Rural Caucus - This was circulated as an information item.

13. Old Business

- 13.1 Accessible Community Transportation - The minutes of the committee were circulated for information. Council agreed to not fill the vacancy on the committee, at this time.
- 13.2 North Tyndal JPAC - There was discussion that this committee has not been active for some time, but there may be a need to have Councillors appointed should a need for the Committee to meet arise. **IT WAS AGREED** that Warden Hunter and Councillors Read and Kellegrew be appointed as representatives on this committee.
- 13.3 Water and sewer - **IT WAS MOVED** by Councillor G. Read, seconded by Councillor Kellegrew that the partnership template presented in the Cumberland Partnership Study for the provision of water and sewer services adjacent the Town of Amherst shall be abandoned and staff shall proceed with an alternate plan for provision of these services.

MOTION CARRIED #07-067

- 13.4 Solid Waste - Summer Residences - feels that collection should be done on cottage lanes before June 25, 2007.

IT WAS MOVED by Councillor K. Langille, seconded by Councillor to request staff to get a cost estimate for collection down cottage lanes from May 24, 2007 until the end of September, 2007 for districts 3, 4, and 5..

MOTION DEFEATED #07-068

14. New Business - There was none.

15. Information Items

- 15.1 CAP Assessment Program - For information purposes.
- 15.2 Elimination of Mandatory Retirement - Presented as information.

16. Adjournment - On motion the meeting adjourned at 2:15 P.M.

17. God Save the Queen

Warden

Chief Administrative Officer

Recording Secretary

1. Council Convenes - O Canada - Warden Keith Hunter called to order a meeting of Cumberland Municipal Council on Wednesday, May 2, 2007 at 1:00 p.m. The meeting was held in the Council Chambers of the E. D. Fullerton Municipal Building in Upper Nappan, NS. The national anthem was sung.
2. Roll Call - The roll was called by Administrative Assistant, Shelley Hoeg. All Councillors were in attendance excepting Councillor G. Langille. Also in attendance were Rennie Bugley, CAO, Steve Ferguson, Director of Property Services, Andrew MacDonald, Director of Finance and Jim Coughlin, Planner.
3. Approval of Agenda (additions / deletions) - The agenda was approved with the following additions: 13.3 - Water and Sewer Issues; 13.4 Solid Waste - Summer Residences; and with the following deletions: 6 Delegations and Presentations, 7 Public Hearings, and 8 Correspondence.
4. Approval of Minutes
 - 4.1 April 4, 2007 -
 - 4.2 April 18, 2007 -

IT WAS MOVED by Councillor Gilbert, seconded by Councillor K. Langille that the minutes of April 18th, 2007 be approved as presented and the minutes of April 4, 2007 be approved with the following amendments: #2 should also include Mr. Rennie Bugley as present; #8 should read "Warden should do that presentation...", and #10 the recreation grant to Cumberland 4H should be \$1100.00 and Cumberland County Horse Classics Team should also be \$1100.00.

MOTION CARRIED #07-057

5. Business Arising
 - 5.1 April 18, 2007 - No issues arising from this item.
6. Delegations and Presentations - Deleted
7. Public Hearings - Deleted
8. Correspondence - Deleted
9. Planning Issues -
 - 9.1 MPS/LUB Amendments - Final Approval of Planning Policies & Regulations for Wind Turbines - Planner, Jim Coughlin recommended that Council give second reading to the amendments to the Municipal Planning Strategy and Land Use Bylaw regarding renewable energy and wind turbines, as set out in Appendix 1 (April 26, 2007).

APPENDIX 1 (April 26, 2007)

**AMENDMENTS TO THE
MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW
REGARDING RENEWABLE ENERGY AND WIND TURBINES**

TEXT TO BE ADDED TO THE MUNICIPAL PLANNING STRATEGY

2. **PLAN CONCEPT**

2.3 RENEWABLE ENERGY

Renewable or green energy is an energy source that is naturally renewed.

The provisions of this Municipal Policy Strategy and accompanying Land Use Bylaw are intended to recognize the benefits of renewable energy and the county's renewable energy resources and development opportunities, particularly for wind power. They will establish clear planning policies and development permit requirements in support of the development of wind turbines and will address some of the wind turbine land use concerns. They will also be flexible in order to accommodate advancements in technology and permit wind turbines to be developed without the need to amend the Municipal Planning Strategy or Land Use Bylaw for each development proposal.

Promoting renewable energy is part of sustainable community development and the municipality's mission "to provide residents with leadership, support, and municipal services that contribute to the well being of the community."

3. OBJECTIVES and POLICIES

3.6 RENEWABLE ENERGY

3.6.1 In order to help protect the environment for the future, support the development of renewable energy systems and minimize any external negative impacts of wind turbines:

3.6.2 It shall be the intention of Council to include in the Land Use Bylaw, provisions:

- to define small scale wind turbines as those which have a nameplate generating capacity of up to 100 KW and generate power primarily for on site consumption by individual buildings and are permitted as accessory uses in any zone where accessory uses are permitted;
- to define large scale wind turbines as those which are not small scale wind turbines and which generate power primarily for sale to a third party and which may be developed either as stand alone machines or be grouped with others in a wind farm;
- to permit the development of large scale wind turbines by development permit, without the need to amend the Municipal Planning Strategy or Land Use Bylaw;
- to permit large scale wind turbines in the General, Utility, Rural Resource, Commercial and General Residential (Joggins) Zones;
- to establish special information requirements to be provided by wind turbine project proponents prior to the issuance of development permits and construction;
- to establish special setback or distance separation requirements between wind turbines and neighbouring buildings intended for occupation and public highways;
- to establish special height restriction exemptions, rotor blade ground clearance regulations and wind turbine project on site setbacks;
- to establish special maintenance, decommissioning, restoration, security and appearance regulations for wind turbine project sites;

TEXT TO BE ADDED TO THE LAND USE BYLAW

Part 2 Definitions

Wind Turbine - A wind turbine is a machine and structure designed to convert wind energy into mechanical and electrical energy.

Wind Turbine Height - The height of a wind turbine is the distance measured from grade to the highest point of the rotor's arc.

Wind Power Project - A wind power project is a wind farm which may contain one or more large scale wind turbines and associated property, substations and other utility systems.

Large Scale Wind Turbine - A large scale wind turbine is any wind turbine that is not a small scale wind turbine and which generates power primarily for sale to a third party and which may be developed either as a stand alone machine or be grouped with others in a wind farm.

Small Scale Wind Turbine - A small scale wind turbine is a wind turbine which has a nameplate generating capacity of up to 100 KW and generates power primarily for on site consumption by individual buildings and are permitted as an accessory use in any zone where accessory uses are permitted.

Setback - The setback of a wind turbine is measured from the base of the wind turbine tower.

Add to - Permitted Uses

General, Utility, Rural Resource, and Commercial Zones - "large scale wind turbines" and "wind power projects"

Zone Requirements

- (a) There is no *lot frontage* requirement for large scale wind turbines.
- (b) The minimum *lot area* and dimensions for the creation or *development* of a *lot* for a large scale wind turbine are 37.16 square meters (400 square feet) of area, and the *lot* must be able to contain a circle 6.1 meters (20 feet) in diameter.
- (c) The minimum setback for the location of a large scale wind turbine from an **existing** building intended for **human** occupation on a neighbouring property is 3 times or 300 percent of the height of the wind turbine.
- (d) The minimum setback for the location of a large scale wind turbine from an external wind power project lot line is the length of the rotor arc, plus 7.5 meters (24.6 feet).
- (e) The minimum setback for the location of a large scale wind turbine from an internal wind power project lot line is 0 meters (0 feet).
- (f) The minimum setback for the location of a large scale wind turbine from a public highway is 1 times or 100 percent of the height of the wind turbine.
- (g) The minimum setback for the location of a large scale wind turbine from an **existing** building intended for **human** occupation on the wind power project site is 1.25 times or 125 percent of the height of the wind turbine.
- (h) The minimum rotor blade ground clearance is 7.5 meters (24.6 feet).
- (i) The minimum setback for the location of a large scale wind turbine from any other existing or permitted large scale wind turbine that is not part of the same wind power project is 4 times the diameter of the rotor.

13.1 Special Zone Requirements

Finish - A wind turbine shall be finished in a non-reflective matte and in an unobtrusive colour.

Lettering & Signage - A wind turbine tower shall not contain any commercial advertising. However, the hub or nacelle may display the manufacture's, operator's or owner's name or logo. Site signs shall be limited to those which identify the wind power project, locate access points and provide safety information.

Tower Access & Safety - A wind power project shall be protected from unauthorized access by a security fence, with a lockable gate and a minimum height of 1.8 meters (5.9 feet), or by having any ladder or permanent tower access device located no closer to the ground than 3.7 meters (12.1 feet) or, for monopole designs, with internal access only, a lockable door.

Lighting - A wind turbine shall not be provided with artificial lighting except for lighting that is needed to meet Transport Canada or other regulatory requirements.

Decommissioning - In accordance with a decommissioning plan prepared by the applicant for a Development Permit, all above ground components of the large scale wind turbine or the wind power project, including all buildings and storage facilities, wind turbines, wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substations) shall all be removed from the site (unless it can reasonably be established that there is another probable near term future use for any of the said components) and the applicable surface site areas, except for roads, shall be restored to a reasonable natural state within 18 months of the time at which the wind turbines cease to produce power continuously for a period of six months or, in a case where construction of the large scale wind turbine or wind power project is not completed, the time at which the development of the wind power project ceases.

Temporary Uses (Test Towers) - Facilities for the assessment of wind energy resources (test towers) may be erected for the life of the wind power project. Otherwise, they shall be removed within one year of inactivity.

Outdoor Storage - All outdoor storage associated with a wind power project shall be screened from view from adjacent properties and public highways.

Development Permit Application Information Requirements - Development Permits shall be required for large-scale wind turbines or wind power projects. In addition to satisfying the minimum requirements of Section 3.4 of the Land Use Bylaw (Application for Development Permit), the following special information requirements shall be provided with the development permit application:

A tentative site plan, showing the location of all wind turbines and accessory uses, and plan of the site's environs, drawn to scale, that shows the dimensions and boundaries of all parcels of land, the location of all existing and proposed buildings, structures and use, proposed alterations to the natural features, contours and environmentally sensitive areas on the subject site and within 1 kilometer.

Development Permits - Development permits are valid for 4 years from the date issued. A development permit may be renewed once for an additional 2 years. A new development permit application, with updated plans, is required for renewals. Prior to the commencement of any construction, the developer must provide the following information:

1. A final site plan, drawn to scale and certified by a surveyor, which shows the final location of all wind turbines and accessory uses.
2. A decommissioning plan which demonstrates how all above ground components of the large scale wind turbine or the wind power project, including all buildings and storage facilities, wind turbines, wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substations) will be removed from the site (unless it can reasonably be established that there is another probable near term future use for any of the said components) and the applicable surface site areas, except for roads, will be restored to a reasonable natural state within 18 months of the time at which the

wind turbines cease to produce power continuously for a period of six months or, in a case where construction of the large scale wind turbine or wind power project is not completed, the time at which the development of the wind power project ceases.

3. Copies of all documentation regarding Transportation Canada and Navigation Canada approvals.
4. Copies of all documentation **submitted prepared** as part of the requirements of the **Canadian Environmental Assessment Act and Nova Scotia Environment Act and regulations** ~~or Nova Scotia Environmental Assessment Acts~~.
5. An emergency response plan for site safety and adequate emergency service personal training.
6. A professional engineer's **design and** approval of the turbine base ~~and tower design~~.

Joggins Secondary Planning Strategy & Land Use Bylaw

Delete - Joggins Secondary Planning Strategy, Section 3.1 (d), Page 7, and "Wind Turbines by Development Agreement" and replace it with:

"(d) Large Scale Wind Turbines and Wind Power Projects

It shall be the intention of Council, within the General Residential designation to permit large scale wind turbines and wind power projects in accordance with the county-wide provisions for large scale wind turbines set out in the Municipal Planning Strategy and Land Use Bylaw".

Delete - Joggins Land Use Bylaw, Page 8 & 9, "Wind Turbines", and replace it with:

"Large Scale Wind Turbines and Wind Power Projects

Large scale wind turbines and wind power projects are permitted in the General Residential Zone in accordance with the county-wide provisions for wind turbines set out in the Municipal Planning Strategy and Land Use Bylaw".

Add to - Joggins Land Use Bylaw, Page 2 **PERMITTED USES**

General Residential Zone - "large scale wind turbines" and "wind power projects"

IT WAS MOVED by Councillor Read seconded by Councillor Kellegrew to approve the amendments.

IT WAS MOVED by Councillor Gilbert to amend the setback in the amendments to 800 meters - *no seconder*

IT WAS MOVED by Deputy Warden Merriam to amend the setback in the amendments to a minimum of 500 meters - *no seconder as above*

IT WAS MOVED by Councillor Redmond, seconded by Councillor K. Langille, to amend the setback in the amendments to 1 Kilometer.

MOTION DEFEATED #07-059

IT WAS MOVED by Councillor Gilbert to amend the setback in the amendments to 600 meters from a residence. - *no seconder*

IT WAS MOVED by Councillor Gilbert, seconded by Councillor Read, to amend the setback in the amendments to be the greater of 500 meters or a setback of 3 times the height of the tower.

MOTION CARRIED #07-060

Nay Votes: Councillors K. Langille, Redmond and Reid.

AMENDED

MOTION CARRIED #07-058

Nay Vote Councillor K. Langille

IT WAS MOVED by Councillor Redmond, seconded by Councillor K. Langille, that the motion of approving amendments to the MPS and LUB regarding wind turbines, be reconsidered at the June 20th meeting.

MOTION DEFEATED #07-061

Discussion followed regarding the fact there is no formal "Notice of Motion to Reconsider" in the Municipality's Policy governing the conduct of meetings of Council, and the fact future agendas are always subject to the will of the majority of Councilors, and Council can reconsider any decision if that is the will of the majority.

- 9.2 Livestock At Large By-Law - **IT WAS MOVED** by Councillor K. Langille, seconded by Councillor Welton to give first reading to the Livestock At Large By-Law which is as follows:

Livestock At Large By-Law

General

1. This By-Law is entitled the "Livestock At Large By-Law."
2. In this By-Law,
 - (1) "livestock" means cattle, horses, ponies, donkeys, mules, lamas, emus, ostriches, swine, goats, geese, turkeys, or other domestic animals or fowl;
 - (2) "livestock farm" means a parcel of land that is used for grazing or pasturing livestock;
 - (3) "Municipality" means the Municipality of the County of Cumberland; and
 - (4) "owner" includes,
 - i. with respect to livestock, any person who has lawful custody of the livestock; and
 - ii. with respect to a livestock farm, the person occupying or operating the farm.

Livestock At Large

3. Any livestock which is or are not on a livestock farm and are not under the continuous restraint and control of some person shall be deemed to be at large for the purposes of this By-Law.

4. An owner of livestock who becomes aware, or should reasonably be aware, that any of those livestock may be at large or are at large, must immediately take all reasonable steps to regain custody and control of that livestock.
5. Subject to section 7 of this By-law, every owner of livestock
 - a. whose livestock is or are at large; or
 - b. who fails to comply with section 4 of this By-Law;is in contravention of this By-Law.
6. Every owner of a livestock farm shall take all necessary steps to prevent livestock from escaping from that farm, including, but not limited to, erecting and maintaining fences adequate for that purpose; and, subject to section 7 of this By-Law, every owner who fails to take such steps is in contravention of this By-Law.
7. No owner shall be found to have contravened this By-Law if it is established to the satisfaction of the Court that the owner exercised due diligence with regard to the circumstances of the alleged contravention.

Penalties

8. Any person who contravenes this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$100 and not more than \$1000 for a first offence, and not less than \$200 and not more than \$2000 for a second or subsequent offence. For the purposes of this section it is irrelevant whether the offences were prosecuted pursuant to the same section of this By-Law.
9. Where a person is given a Notice of By-Law violation by the Municipality's By-Law Enforcement Officer in accordance with the Municipality's Payment in Lieu of Prosecution Policy, the person may pay to the Municipality, at the place specified in the Notice, the sum of \$50 within 14 days of the date of Notice and shall thereby avoid prosecution for that contravention.
10. By-Law 84-01, the Animals and Fowls at Large By-Law is hereby repealed.
11. This By-law shall come into force upon publication.

MOTION CARRIED #07-062

9.3 Tax Exemption and Reduction By-Law -

IT WAS MOVED by Councillor K. Langille, seconded by Councillor Redmond to approve the first reading of the Tax Exemption and Reduction By-Law which is as follows:

Tax Reduction and Exemption By-Law

1. This By-law is entitled the "Tax Reduction and Exemption By-law".

2. This By-law shall apply to the properties listed in Schedules "A" and "B" commencing April 1, 2007.
3. Pursuant to section 71(1) of the *Municipal Government Act*, the properties listed in Schedule "A" to this by-law shall be, subject to sections 3 and 6 of this by-law, exempt from real property taxation.
4. The tax exemption provided in section 2 shall apply to general tax only, shall not apply to any fire, sewer, street light, village or area rates or charges and shall only apply to the portion of the property specified in Schedule "A".
5. Pursuant to section 71(2) of the *Municipal Government Act*, the real property tax payable with respect to the properties listed in Schedule "B" to this by-law shall be, subject to sections 5 and 6 of this by-law, reduced to the tax that would otherwise be payable if the property were residential property, inclusive of area rates.
6. The tax reduction provided in Section 4 shall apply only to that portion of the property specified in Schedule "B".
7. When a property listed in Schedule "A" or "B" ceases to be owned or occupied by the owner indicated in the schedule, or if the property ceases to be occupied for the purpose, which pursuant to section 71(1) and 71(2) of the *Municipal Government Act* enabled the Municipality of Cumberland to include the property in this By-law, the tax exemption or reduction shall cease and the owner(s) of the property shall immediately be liable for the normal real property tax on such property for the portion of the taxation year then unexpired.
8. All previous Tax Reduction and Exemption By-Laws for the Municipality are hereby repealed.
9. This By-Law comes into force on publication.

SCHEDULE A

PROPERTY	OWNER	EXTENT OF APPLICATION OF EXEMPTION
Account #889032 Community Hall Upper Linden	Upper Linden Community Hall Association	Whole
Account #4479807 Community Hall Northport	Northport Community Organization	Whole
Account #4716329 Community Hall Tidnish	Tidnish Crossroads Community Association	Whole
Account #7516215 Building & Land Tidnish	Tidnish Crossroads Community Association	Whole
Account #889156 Hall Wallace	Wallace Community Association	Whole
Account #889164 Hall Wallace Station	Wallace Station Community Association	Whole
Account #2999633 Hall & Lot	Trustees of the Malagash Mine Community Club	Whole

Malagash Mines

Account # 5673119 Monument Lot North Wallace	North Cumberland Historical Society	Whole
Account #889113 Old School Streets Ridge	Streets Ridge Community Hall Association	Whole
Account #889628 Community Hall Wentworth	Wentworth Community Hall Association	Whole
Account #889725 Community Hall Collingwood	Collingwood Community Hall Association	Whole
Account #889733 Community Hall (old school) Milvale	Trustees of the Millvale Community Hall	Whole
Account #3402916 Old School Westchester Station	Westchester Community Hall Association	Whole
Account #4864859 Recreation Centre Wentworth	Wentworth Recreation Hall Association	Whole
Account #889083 Community Hall (old school) Mt Pleasant	Mt Pleasant Community Hall Association	Whole
Account #3403092 Recreation Centre Springhill Jct	Springhill Junction Community Recreation Centre	Whole
Account #28851 Fossil Display & Information Centre Joggins	Municipality of Cumberland c/o Fossil & Display Centre	Whole
Account #889091 Hall Minudie	Minudie Community Hall Association	Whole
Account #2298198 Recreation Hall & Lot River Hebert	River Hebert Citizens Association	Whole
Account #2650991 Old School, Maccan	Maccan Community Centre Society	Whole
Account #100749 Hall & Lot Apple River	Apple River Community Association	Whole
Account #889202 Hall & Lot Spencer's Island	Spencer's Island Community Hall Association	Whole
Account #889229 Hall (old school) New Salem	New Salem Community Hall Association	Whole
Account #889237 Community Hall Fraserville	Fraserville Community Hall Association	Whole

Account #889253 Community Hall Greenhill	Greenhill Community Hall Association	Whole
Account #1231456 Building & Lot Diligent River	Diligent River Recreation Committee	Whole
Account #5388082 Building & Land Advocate	Advocate District Development Association	Whole
Account #2582694 Hall Wallace	Wallace Masonic Lodge	Whole
Account #3075885 Masonic Lodge & Community Hall River Phillip	River Phillip Masonic Lodge Hall and Community Hall Association	Whole
Account #687561 Building and Lands Smith Road	Springhill & District LA Animal Shelter Society Registered Charity	Whole
Account # 3187616 Recreation Park Meadow Park	Meadow Park Recreation Society	Whole
Account # 889016 Community Hall & Lot Fenwick	Fenwick Community Hall Association	Whole
Account #889652 Community Hall & Lot Brookdale	Brookdale Community Hall Association	Whole
Account #889024 Community Hall Lower Shinimicas	Sunrise Citizens Club of Northport	Whole
Account #73962 Lot & Building King St., Pugwash	Pugwash Ground Search & Rescue Inc.	Whole
Account #889121 Community Hall (Old School) Conn's Mills	Conns Mills Community Hall Association	Whole
Account #2582635 Hall & Land Water St., Pugwash	Silver Spray Rebecca Lodge No. 1	Whole
Account #2582686 Hall & Lot Victoria St., Pugwash	Masonic Lodge (Acadia #13)	Whole
Account #2999617 House, Buildings & Land Malagash Mines	Malagash Christian Fellowship Registered Charity	Whole
Account #4394526 Building Land Miller Road	Sport Pugwash	Whole
Account #4796543 Land Wallace	Wallace Recreation Committee	Whole
Account #889059 Lot	Oxford Junction Community Hall Association	Whole

Oxford Junction

Account #889067 Community Hall Leicester	Leicester Community Hall Association	Whole
Account #2582589 Masonic Hall River Hebert	A F & A M Lodge No. 86	Whole
Account #2582643 IOOF Hall Main Street, Joggins	I.O.O.F. LODGE	Whole
Account #3210677 Medical Centre River Hebert	The Dr. D.M. Cochrane Memorial Medical Centre	Whole
Account #3263754 Museum Minudie	Minudie Tourist Association	Whole
Account #3403068 Display Centre & Land River Hebert	Municipality of Cumberland Heritage Models Association	Whole
Account #3383121 Light House No. 186 Spencer's Island	Spencer's Island Community Association	Whole
Account #5377269 Building & Lot Port Greville	Greville Bay Shipbuilding Museum Society	Whole
Account # 4429516 Land Pugwash River	The Nature Conservancy of Canada Registered Charity	Whole
Account # 4436881 Land Pugwash River	The Nature Conservancy of Canada Registered Charity	Whole
Account # 4210824 Land Crowley Road	The Nature Conservancy of Canada Registered Charity	Whole
Account # 7459025 Land Spencer's Island	The Nature Conservancy of Canada Registered Charity	Whole

MOTION CARRIED #07-063

Staff informed Council that the By-Law and Policy Committee recommend that Council, in Committee of the Whole, review the purpose and intent of this By-Law within a year.

10. Financial Reports/Issues

10.1 Borrowing Resolution - Sunset - Sunset would like to have their facility grounds paved. They are requesting to borrow approximately \$211,000 from the Municipality.

IT WAS MOVED by Councillor Welton, seconded by Councillor Redmond that the Municipality approve a loan to Sunset, up to \$250,000, for their capital paving project.

MOTION CARRIED #07-064

Prior to advancement of funds, Sunset must provide the exact amount required

and specify a repayment schedule. Council is also required to approve a resolution pursuant to section 99 of the Municipal Government Act.

- 10.2 Remittal - **IT WAS MOVED** by Councillor Redmond, seconded by Councillor K. Langille to approve a remittal in the amount of \$428.85 for account # 04842162.

MOTION CARRIED #07-065

- 10.3 Recreation Grant Requests - None at this time

11. Operational Services Reports/Issues

- 11.1 Health and Safety Policy - **IT WAS MOVED** by Councillor Kellegrew, seconded by Councillor Read to adopt the Health and Safety Policy presented to Council as follows:

Health and Safety Policy

This policy will apply to the Municipality of the County of Cumberland and all of its employees, officers and agents.

1. The Municipality of the County of Cumberland is committed to providing a healthy and safe work environment for its employees and preventing occupational illness and injury. To express that commitment, the Municipality has issued this policy on occupational health and safety.
2. As the employer, the Municipality of the County of Cumberland is responsible for the health and safety of its employees. The Municipality will make every reasonable effort to provide a healthy and safe work environment. The Municipality is dedicated to the objective of minimizing the possibility of injury and illness.
3. Municipal Council will take all reasonable precautions to prevent harm to workers.
4. Managers and supervisors will be trained and are responsible for ensuring that the employees under their supervision, follow this policy. They are held accountable for ensuring that employees use safe work practices and receive training to protect their health and safety.
5. Managers and supervisors also have a general responsibility for ensuring the safety of equipment and facilities.
6. The Municipality, through all levels of management, will co-operate with the occupational health and safety committee and employees to create a healthy and safe work environment.
7. The employees of the Municipality will be required to support this organization's health and safety initiative and to co-operate with the occupational health and safety committee and with other exercising authority under applicable legislation and policy.
8. It is the duty of each employee to report to their supervisor or manager, as soon as possible, any hazardous condition, injury, accident or illness related to the workplace. Also, employees must protect their health and safety by complying with applicable Acts and Regulations and by following policies, procedures, rules and instructions as prescribed by the Municipality.
9. The Municipality will, where possible, eliminate hazards. When appropriate, employees will be required to use safety equipment, clothing, devices and materials for personal protection.
10. The Municipality will support and encourage employees to play an active role in identifying hazards and in offering suggestions or ideas to improve the health and safety program.

MOTION CARRIED #07-066

12. Committee/Other reports

- 12.1 Municipal Day Feedback - It was agreed that the Municipal Day Open House was very well attended, with a noticeable increase in the amount of constituents attending.
- 12.2 Source Water Protection Committee - Those who attended the meeting provided brief feedback to Council.
- 12.3 CREDA Minutes - These were circulated as an information item.
- 12.4 Rural Caucus - This was circulated as an information item.

13. Old Business

- 13.1 Accessible Community Transportation - The minutes of the committee were circulated for information. Council agreed to not fill the vacancy on the committee, at this time.
- 13.2 North Tyndal JPAC - There was discussion that this committee has not been active for some time, but there may be a need to have Councillors appointed should a need for the Committee to meet arise. **IT WAS AGREED** that Warden Hunter and Councillors Read and Kellegrew be appointed as representatives on this committee.
- 13.3 Water and sewer - **IT WAS MOVED** by Councillor G. Read, seconded by Councillor Kellegrew that the partnership template presented in the Cumberland Partnership Study for the provision of water and sewer services adjacent the Town of Amherst shall be abandoned and staff shall proceed with an alternate plan for provision of these services.

MOTION CARRIED #07-067

- 13.4 Solid Waste - Summer Residences - feels that collection should be done on cottage lanes before June 25, 2007.

IT WAS MOVED by Councillor K. Langille, seconded by Councillor to request staff to get a cost estimate for collection down cottage lanes from May 24, 2007 until the end of September, 2007 for districts 3, 4, and 5..

MOTION DEFEATED #07-068

14. New Business - There was none.

15. Information Items

- 15.1 CAP Assessment Program - For information purposes.
- 15.2 Elimination of Mandatory Retirement - Presented as information.

16. Adjournment - On motion the meeting adjourned at 2:15 P.M.

17. God Save the Queen

Warden

Chief Administrative Officer

Recording Secretary

1. Council Convenes - A special session of Cumberland Municipal Council was called to order by Warden Keith Hunter at 1:00 p.m. on May 23, 2007. He welcomed members of Council, staff and the media, then led the meeting in the singing of O Canada.

Roll Call - The roll was called by Administrative Assistant, Shelley Hoeg. All Councillors, except Councillor Redmond, were present, as well as Rennie Bugley, Chief Administrative Officer, Andrew MacDonald, Director of Finance, Steve Ferguson, Director of Property Services, Solid Waste Administrator, Peter Cottingham, and Planner, Jim Coughlin.

2. Approval of Agenda (Additions/Deletions) - The agenda was approved with the addition of: 3.2 - Maintenance and Improvement of Private Roads By-Law.
3. 2007/2008 Budget Approval

It was moved by Deputy Warden Merriam, seconded by Councillor Kellegrew that Municipal Council accept the following budget, totalling \$14,270,591, for the 2007/2008 fiscal year.

Revenue

Taxes 11,580,034
 Grants in lieu of taxes 287,188
 Services Provided to other governments 17,500
 Sale of Services 56,729
 Other Revenue from other sources 419,931
 Unconditional transfers 884,435
 Conditional transfers 37,300
 Transfers from own reserves 785,000
 Recoveries From Own Agencies 76,891
 Collections for Other Governments 125,584

Total \$14,270,591

Expenditures

General Government Services 1,638,234
 Protective Services 4,276,383
 Transportation Services 345,154
 Environmental Health Services 1,963,237
 Public Health & Welfare Services 217,500
 Environmental Development Services 1,018,962
 Recreation & Culture Services 216,337
 Fiscal Services 4,594,784

Total \$14,270,591

MOTION CARRIED #07-075

(Nay Vote Councillor G. Langille)

2007/08 Tax Rates

It was moved by Deputy Warden Merriam, seconded by Councillor K. Langille that the residential tax rate of \$1.01 per \$100 of assessment and the commercial tax rate of \$2.18 per \$100 of assessment be approved for the 2007/2008 fiscal year.

MOTION CARRIED #07-076

(Nay Vote Councillor G. Langille)

Area Rates

It was moved by Deputy Warden Merriam, seconded by Councillor Read that Council approve the village, sewer, school enhancement and street light rates as listed on page 1 and 2 of the 2007/2008 budget document.

MOTION CARRIED #07-077

Due Date and Interest

It was moved by Deputy Warden Merriam, seconded by Councillor Welton that the due date for the 2007/2008 levy be June 30, 2007 and that the interest rate charged on outstanding tax accounts be set as of 1.25% per month, 15% per annum.

MOTION CARRIED #07-078

Capital Budget

It was moved by Deputy Warden Merriam, seconded by Councillor Reid that Council approve the 2007/2008 general capital budget as presented totalling \$3,023,427, to be funded as follows:

Current Revenue 1,555,094
Capital Improvement Charges 85,000
Gas Tax 276,667
Canada Nova Scotia Infrastructure 1,106,666

MOTION CARRIED #07-079
(Nay Vote Councillor G. Langille)

Borrowing Resolution - Operating

It was moved by Deputy Warden Merriam, seconded by Councillor Gilbert that a borrowing resolution in the amount of 2.5 million dollars, for the purpose of defraying 2007/2008 operating expenditures be approved.

MOTION CARRIED #07-080

At this point in the meeting, Councillors expressed their appreciation to staff for their diligence in the budget preparation and the extra effort that was put forth by staff to assist our volunteer fire departments with budget preparations.

- 3.2 Maintenance and Improvement of Private Roads By-Law (First Reading) - Steve Ferguson, Director of Property Services, gave a brief overview of the Maintenance and Improvement of Private Roads By-Law.

IT WAS MOVED by Councillor K. Langille, seconded by Councillor Read that First reading of the Maintenance and Improvement of Private Roads By Law, which is as follows, be approved:

Maintenance and Improvement of Private Roads By-Law 07 -

General

1. This By-law is entitled "Maintenance and Improvement of Private Roads By-Law".
2. In this By-law:
 - (a) "Association" means a body corporate incorporated and in good standing under

the Societies Act, which represents the owners within a Charge Area and to which all owners in a Charge Area are entitled to be a voting member of;

- (b) “**Clerk**” means the Clerk of the Municipality;
 - (c) “**Council**” means the Council of the Municipality of the County of Cumberland;
 - (d) “**Charge**” means a charge imposed pursuant to Section 81 of the Municipal Government Act in an amount to be determined pursuant to this By-law and payable in respect of the road maintenance and/or improvement;
 - (e) “**Charge Area**” means an area to which a Charge is imposed and as more fully described in a petition for road maintenance and/or improvement submitted pursuant to this By-law;
 - (f) “**Improvement**” means the work undertaken on a road to increase or improve upon the existing condition or level of service of a road;
 - (g) “**Maintenance**” means the work required to maintain a road’s existing condition or level of service;
 - (h) “**Municipality**” means the Municipality of the County of Cumberland;
 - (i) “**Owner**” means:
 - (i) an owner, part owner, joint owner, tenant in common or joint tenant of any interest in the whole or any part or parcel of land or a building in a Charge Area and having the right to use the road;
 - (ii) in the case of the absence or incapacity of a person or persons having ownership of any interest in the parcel of land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of land or building in a Charge Area and having the right to use the road; or
 - (iii) in the absence of proof to the contrary, the person assessed for the taxes on the parcel of land or building in a Charge Area and having the right to use the road;
 - (j) “**Petition**” means a written request to the Municipality to levy a charge for the maintenance and improvement of private roads submitted by the duly elected executive officer of an Association; and
 - (k) “**Road**” means any private street, private roadway, private highway or private traveled way, or portion thereof, situate in the Municipality.
3. (1) The Municipality may levy a charge for maintenance and improvement of a road upon the owners of real property within a Charge Area in an amount necessary to provide for such maintenance and improvement where the duly elected executive officers of an Association petition the Municipality for a purpose provided for under Section 81 of the Municipal Government Act; and
- (a) the petition referred to in clause 3.1 is accompanied by:
 - (i) an estimated yearly maintenance and improvement budget for that year which was passed by a Special Resolution of the Association;
 - (ii) a copy of the Special Resolution required in subclause (I);
 - (iii) a copy of the Association’s Memorandum of Association and By-Laws which clearly states that the object or purpose of the Association is to carry out maintenance and/or improvements to the road(s);

-
- (iv) a Plan clearly showing the Charge Area, the lots affected, the roads and the frontage of the lots in the Charge Area;
 - (v) a one time application fee in the amount of \$300.00 to defray the Municipality's costs in setting up the charge; and
- (b) the Association has entered into an Agreement with the Municipality which:
- (i) requires that the Association shall be responsible for performing, or contracting, the work associated with the improvement or maintenance of the street or streets in the Charge Area;
 - (ii) indemnifies and saves harmless the Municipality from any and all liability or responsibility with respect to the work associated with the improvement or maintenance of the road(s) in the Charge Area;
 - (iii) identifies that the petition forms the basis of the Charge; and
 - (iv) contains any other clauses as deemed necessary by the Municipality.
- (2) The petition referred to in subsection 3(1) shall be in the form as prescribed in Schedule 'A' of this By-Law and must be submitted no later than the 31st day of December in the fiscal year prior to the fiscal year in which the charges are to begin.
- (3) The Agreement referred to in subsection 3(1) shall be in a form agreed to by the Association and the Municipality, signed by the Association signing officers. Any amendments to the Agreement proposed by the Association shall be in consultation with the Municipality and submitted for approval by the Municipality in the same manner as Section 7.
4. (1) A Charge levied pursuant to Section 3 shall be determined in accordance with the provisions of this By-Law and may be calculated based on:
- (a) the frontage of each lot on the road, being the ratio that the frontage if each lot bears to the total frontage of the road(s) or portion thereof to be maintained and/or improved; or
 - (b) the assessment of each lot, being an area rate of an amount per \$100.00 of assessed value of the property within the Charge Area; or
 - (c) a combination of (a) and (b) above, with the total amounts charged for frontage and assessment to be equal; or
 - (d) an equal charge per property.
- (2) Notwithstanding subsection 4(1)(a), for the purpose of this By-Law only, all lots within a Charge Area shall have a minimum deemed frontage of 75 feet.
- (3) In the event of a dispute between a property owner and the Municipality as to any measurement or area of real property, the owner shall retain, at his or her sole expense, a Licensed Nova Scotia Land Surveyor, who shall certify to the measurements or area of real property and submit the same to the Clerk.
5. The total amount of the Charge levied by the Municipality shall equal the estimated annual cost of the street maintenance and improvements.
6. Notwithstanding the provisions of this By-Law, the Municipality may, upon request, exempt from a charge any owners within a Charge Area whose property abuts and has access to a public highway and does not use or have access to the road upon which the maintenance and improvement is being sought but subject to the provisions that the Municipality may later assess those exempted owners if it appears to it that they are then using the improved roads.
7. Where Municipal Council has accepted a petition for roads maintenance and improvement, the Association shall submit on an annual basis a budget for the estimated road maintenance and

improvement cost for the upcoming fiscal year. This Budget shall be passed by a Special Resolution of the Association responsible for ensuring the maintenance and improvement is carried out and the Budget and Special Resolution shall be received by the Municipality no later than the 31st day of December in each calendar year.

8. (1) A Charge imposed pursuant to this By-law constitutes a lien upon the real property with respect to which the Charge has been made and the Charge may be calculated in the same manner as taxes and shall be made payable in the same manner as taxes.
 - (2) The lien provided for in this By-law shall become effective on the date which the Clerk signs and files at the Municipal Office, a Certificate with a statement that the affected area is subject to an annual Charge for street maintenance and improvement in an amount set annually by Municipal Council as provided for in this By-law and shall remain effective from year to year until terminated pursuant to this By-law.
 - (3) The lien provided for in this By-law shall remain in effect until the Charge plus interest has been paid in full.
 - (4) Where a property subject to a lien is subdivided:
 - (a) in which the Charge imposed was calculated based upon frontage, the amount of the lien plus interest then unpaid shall be apportioned among the new lots created and including any residual land, such that the amount of the lien apportioned to the lots created and any residual land is based upon the percentage of the original lot frontage that the new lots and residual land are comprised of;
 - (b) in which the Charge imposed was calculated based upon assessment, the amount of the lien plus interest then unpaid shall be apportioned among the new lots created including any residual land in proportion that the value of each new lot including any residual land bears to the total market value of the lands subdivided including any residual land, with the market value of lots so created to be confirmed by a provincial assessor and written confirmation of the market value shall be submitted to the Treasurer;
 - (c) in which the charge imposed was calculated based on both frontage and assessment, the apportionments set out in (a) and (b) above shall each be applied to one-half of the charge and the result combined; and
 - (d) in which the Charge imposed was calculated based upon an equal charge per property, the amount of the lien plus interest then unpaid shall be apportioned equally among the new lots created including any residual land.
9. Upon filing the Certificate pursuant to subsection 8(2), the Clerk shall notify the owner of each property within the Charge Area of the charge payable by the owner and the basis for the Charge. The notice needs only to be sent to each owner upon filing of the Certificate and not annually.
10. A Charge payable pursuant to this By-Law for road maintenance and improvements shall be due at the same time that taxes and rates are due in each year.
11. The Charge imposed pursuant to this By-Law may be terminated at any time by the Association filing with the Municipality a certified copy of a Special Resolution of the Association passed at a duly constituted meeting, called for that purpose, requesting the Municipality to terminate the charge, or by the Municipality at its own discretion, if there has been non-compliance by the Association with the provisions of this By-Law. In either case, upon the Clerk filing with the Municipality a Certificate stating that all monies payable pursuant to this Charge have been collected, this By-Law shall thenceforth have no further force or effect within the Charge Area.

SCHEDULE A

(Maintenance and Improvement of Private Roads By-Law)

PETITION FOR PRIVATE ROAD MAINTENANCE AND IMPROVEMENT CHARGE

To the Council of the Municipality of the County of Cumberland

