

September 26, 2013

## MUNICIPAL COUNCIL

A Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, N.S. on Thursday, September 26, 2013 at 7:00 p.m.

### Roll Call

The roll was called with the following Councillors in attendance:

Mayor Bob Taylor, Chair	
Councillor Christine Blair	District #1
Deputy Mayor Bill Masters	District #2
Councillor Geoff Stewart	District #3
Councillor Mike Cooper	District #4
Councillor Lloyd Gibbs	District #5
Councillor Karen MacKenzie	District #6 (arrived at 7:12 pm)
Councillor Michael Gregory	District #7
Councillor Ron Cavanaugh	District #8
Councillor Doug MacInnes	District #9
Councillor Tom Taggart	District #10
Councillor Wade Parker	District #11

The CAO advised that Councillor MacKenzie had advised that she would be arriving late for this evening's meeting.

### Approval of Agenda

Moved by Councillor Gibbs  
Seconded by Councillor Taggart

"That permission be granted for Ms. Maura Hunter to make a presentation on the issue of wind turbines."

Motion Amended.

Concerns were raised about setting a precedent by allowing this presentation. Another potential speaker, Mr. Wayne Edgar, had also requested to make a presentation at this meeting on the same matter and was turned down.

*At this point in the meeting, Councillor MacKenzie arrived.*

Moved by Councillor Cavanaugh (in amendment)  
Seconded by Councillor Cooper

"That the original motion be amended to allow for two five minute presentations by Maura Hunter and Wayne Edgar."

Motion Carried Unanimously.

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The motion to amend having carried, the main motion was voted on and carried.

Moved by Councillor Cavanaugh  
Seconded by Councillor Blair

“That the agenda for September 26, 2013 be approved with the following amendments:

- add item #11b, County/Town Library MOU;
- add under item #5, two five minute presentations from Ms. Maura Hunter and Mr. Wayne Edgar;
- add before item #13, information items Receptionist/Administrative Support Clerk Position and Administrative Support Clerk Position - Solid Waste.”

Motion Carried Unanimously.

### **Approval of Minutes**

Moved by Councillor Stewart  
Seconded by Councillor MacInnes

“That the minutes of meetings held on August 20 and 29, 2013 be approved as circulated.”

Motion Carried Unanimously.

### **Business Arising from Minutes**

There was no business arising from the minutes of meetings held on August 20 and 29, 2013.

### **Presentations**

#### **Scotia Pool - Ms. Glenda Bower**

Ms. Bower thanked Council for the opportunity to make a presentation this evening. Key points of the presentation included:

- Development and continual updates of the business plan.
- Higher than expected wages due in part to summer daycamps. Higher revenues were recognized as a result of the daycamps and three student employment grants were received.
- Currently working on securing 10 year lease from the Province which will allow Scotia Pool to apply for capital grants for heating.
- Business plan has two options for heating system upgrades: solar panel heating and installation of heat recovery system.
- The recent building inspection conducted by the Province resulted in only one item, the fire emergency doors, requiring attention, which is being dealt with.
- Pool revenues have remained consistent and attendance is

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- steady.
- Volunteer base remains strong.

In closing, Ms. Bower requested that the third quarter funding for Scotia Pool be released.

Concerns about the lease not being finalized were addressed. Ms. Bower advised that the lease is with the lawyers and should be signed shortly.

Moved by Deputy Mayor Masters  
Seconded by Councillor MacInnes

“That the presentation from Ms. Glenda Bower be received.”

Motion Carried Unanimously.

Moved by Councillor Blair  
Seconded by Councillor MacInnes

“That the matter be referred to staff to reassess the release of funds and an action item brought forward for final approval.”

Motion Carried Unanimously.

Ms. Maura Hunter

Maura Hunter thanked Council for the opportunity to speak this evening on behalf of the Friends of Harmony, Greenfield, Camden and surrounding areas.

In her presentation, Ms. Hunter expressed concerns relating to wind turbines including noise, distance of homes from the wind turbines and overall health effects. She also expressed concern that the developer has not established the trust of the residents most affected by the wind turbines.

Ms. Hunter stated that a significant number of the studies that have been done have been carried out by the wind turbine industry. Health Canada is in the process of a very extensive study which will address the uncertainties related to wind turbines. She indicated that the ‘Friends’ would support wind turbines at an appropriate distance but do not support at a risk to human health. She urged Council to support the moratorium until the Health Canada study is available and stated that the moratorium will not halt development of wind energy, just delay it.

A copy of Ms. Hunter’s presentation is on file in the Clerk’s

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office.

Mr. Wayne Edgar

Mr. Edgar thanked Council for the opportunity to speak this evening and for their openness throughout the process on wind turbines. He reiterated the concerns as expressed by Maura Hunter. He stated that the research by Geoff Leventhall was paid for by the wind industry. The Health Canada study will not be definitive but it is the best chance of answers about whether industrial wind turbines present health risk to those living in close proximity. Mr. Edgar expressed that Council should take a precautionary approach and urged that the moratorium be upheld.

Moved by Councillor Gibbs  
Seconded by Deputy Mayor Masters

“That the presentations from Ms. Maura Hunter and Mr. Wayne Edgar be received.”

Motion Carried Unanimously.

Mr. Reuben Burge, RMS Energy

Mr. Burge began his presentation by providing clarification on a few points that had previously been misreported:

- The 100 MW COMFIT program in the province is currently only at 5 MW built to date and not at 180 MW.
- His company is in very deep with COMFIT approvals for 3 projects in Colchester County that will suffer due to the moratorium.
- Comments regarding discussions with David Michaud suggesting that wind turbines do cause health affects when the Health Canada website quotes “Premature disclosure could introduce bias in the research design.”
- Comments indicate that there is a lack of community support when in fact many homes have been visited and 9 out of 10 people either support or don’t have issues.

Mr. Burge discussed the Health Canada Study and health effects of wind turbine noise indicating that the World Health Organization says that noise levels generated from wind turbines below 40 dB are safe for humans. The draft by-law sets a maximum of 36 dB.

Economical impacts caused by potential delays in the projects were also highlighted including loss of employment, higher costs in the

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projects, and loss of tax revenues for the municipality. The projects in Colchester have created employment allowing people to work here instead of out west.

Mr. Burge indicated that they have invested heavily in Colchester and have worked closely with the liaison committee regarding the draft by-law. If health impacts due to noise levels are the issue, with current setbacks in the by-law, we can steer clear of the 36dB.

Moved by Councillor MacInnes  
Seconded by Councillor Cavanaugh

“That the presentation from Mr. Reuben Burge be received.”

Motion Carried Unanimously.

Ms. Carol Ferguson

Ms. Ferguson provided a copy of her presentation as well as a copy of a report entitled Healthcare Restructuring in Nova Scotia for circulation to Council.

Ms. Ferguson indicated that she is from a small community on the North Shore and the purpose of her presentation is to express concerns regarding the potential loss of our District Health Authority (DHA) through a merging of existing DHA's into two or three centralized health boards as DHA's are able to respond more effectively to local health issues.

Another concern expressed was about the security of the local hospital in her community, the Lillian Fraser Memorial Hospital, if the decision making gets moved away from the community to the centralized health boards.

Ms. Ferguson stated that earlier this spring, Yarmouth Town Council passed a motion in support of no action be taken against the District Health Authority structure until a full impact assessment is completed. She urged Council to pass a similar motion.

Moved by Councillor Taggart  
Seconded by Councillor Gregory

That the presentation from Ms. Carol Ferguson be received.

Motion Carried. *(Councillor Taggart opposed)*

Moved by Councillor MacKenzie  
Seconded by Councillor Blair

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“That a letter be written to each of the political party leaders requesting that no action be taken against the District Health Authority structure until a full impact assessment is completed, and there is an accurate understanding of what this will mean for local jobs and what impact this will have on our local economy.”

Motion Carried Unanimously.

**Standing Committee  
Reports and  
Recommendations**

Deputy Mayor Masters presented the report from the Council Committee meeting held on September 3 and 12, 2013:

**Five Year Capital  
Budget Plan**

Moved by Deputy Mayor Masters  
Seconded by Councillor MacInnes

“That Council approves Schedule ‘B’ of the Five Year Capital Budget Plan with the following amendments:

- Ventura Drive Repaving (all three phases) - scheduled for 2015-16
- Dieppe Repaving - scheduled for 2014-15.”

Motion Carried Unanimously.

**Review of Wind  
Turbine Development  
By-law**

Councillor Gibbs took this opportunity to express his views prior to Council voting on the motion to extend the moratorium. He stressed that issues are not with renewable energy but that it must be safe. It is understood that results of the Health Canada Study will not provide definitive answers but it will be a non-partisan report. Industrial wind turbines can harm human health if sited too close and the health of the people comes first. He indicated that Kings County put a moratorium in place until the Health Canada Study is publicized and urged this Council to do the same.

Discussion was held with some of the key points being length of time before the Health Canada Study is publicized; research on other communities having wind turbines, such as Argyle, with no adverse effects reported; extensive work of the Planning Advisory Committee in developing the by-law; setbacks; cost of equipment required to read noise levels; and offences and penalties of the by-law.

Moved by Deputy Mayor Masters  
Seconded by Councillor Gibbs

“That Council extends the existing moratorium for licensed wind

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turbines until the results of the Health Canada Wind Turbine and Noise Study are publicized.”

**Motion Defeated.** *(Mayor Taylor, Deputy Mayor Masters, Councillors Taggart, MacInnes, Cavanaugh and Gregory opposed)*

A question was raised regarding whether the moratorium is still in place and the Municipal Solicitor advised that the existing moratorium lifts only after the amended by-law is passed.

Moved by Councillor Cavanaugh  
Seconded by Councillor Cooper

“That the Municipality of Colchester purchase the necessary equipment to measure decibels (dB) of noise associated with wind turbines and that proper training be provided to staff to use this equipment.”

Motion Carried Unanimously.

Moved by Councillor Gibbs  
Seconded by Councillor Taggart

“That a letter be written to Communtiy Feed-In Tariff Program (COMFIT) to confirm community support and criteria of community support for the wind turbine projects.”

Motion Carried Unanimously.

**Wastewater Collection  
Maintenance Worker -  
Full Time Position**

Moved by Deputy Mayor Masters  
Seconded by Councillor Stewart

“That Council approves the winter and summer term positions for a Wastewater Collection Maintenance Worker being converted to one full-time position with benefits and compensation commensurate with the current collective agreement.”

Motion Carried Unanimously.

**Tatamagouche Wall**

Moved by Deputy Mayor Masters  
Seconded by Councillor Gregory

“That Council authorizes staff to prepare a letter for the Village of

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Tatamagouche recommending acceptance of Transportation and Infrastructure Renewal's option to remove the wall and sidewalk but leave space behind the curb and re-slope the bank at 1.5:1, at a cost of \$10,000; and, that the letter indicate that the Municipality of Colchester's maximum contribution to any selected options be \$5,000; and, that the Village will bear all future responsibility for ownership and maintenance of the wall area."

Motion Carried Unanimously.

**Executive and Audit Committee**

There was no business arising from the minutes of meetings held on August 26 and 29, 2013.

**ACTION ITEMS**

**First Reading - Wind Turbine Development By-law**

Moved by Councillor Taggart  
Seconded by Councillor MacInnes

"That Council hereby approves by way of First Reading, Chapter 56 - Wind Turbine Development By-law."

Motion Carried. *(Councillors Gibbs, Blair and MacKenzie opposed)*

**Hilden Interchange**

Mr. Crawford Macpherson, Director of Community Development, provided Council with a brief overview of the Hilden Interchange Study, the options being considered and the projected cost of these options. Options #1 and 2A involve an overpass of Highway #2 and service road connection at projected costs of \$34 million and \$31 million respectively. For option 2B, the new route intersects with Highway #2 via a roundabout at a projected cost of \$28 million.

Discussion was held and concerns raised about the costs of this project and the fact that this project is not of top priority to Council at this time. Mr. Macpherson advised that this is an important project for the Town and the purpose of this action item is not for Council to commit to funding at this time but an opportunity to have the County's input on the preferred option.

Moved by Councillor Stewart  
Seconded by Deputy Mayor Masters

"That Council receive the Truro-Millbrook South Interchange



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Operational Feasibility Analysis and Functional Design and recommend Option 2B as the preferred design.”

Motion Carried. *(Councillor Taggart opposed)*

**Fall 2013 Debenture  
Funding - Phase 3C**

Moved by Deputy Mayor Masters  
Seconded by Councillor Gregory

“That Council authorizes the Mayor and CAO to sign the Pre-Approval of Debenture Issuance subject to Interest Rate Resolution, as presented for Phase 3C of the Colchester Regional Civic Centre, with borrowing by blended debenture, for a period of 15 years.”

Motion Carried Unanimously.

**Tervita Corporation -  
Service Agreement**

Moved by Councillor Cooper  
Seconded by Councillor Taggart

“That Council authorizes the Mayor and CAO to sign the Service Agreement with Tervita Corporation for the processing and disposal of hydrocarbon impacted soil on behalf of the Municipality of Colchester.”

Motion Carried Unanimously.

**UNSM Resolution on  
Cottages**

Recently, County Council sent a resolution to the Union of Nova Scotia Municipalities (UNSM) for consideration at the UNSM Fall Conference seeking exemption under the National Building Code to allow grand-fathering existing cottages with floating foundations from engineer requirements when being relocated. Communication from Mr. Lyle Goldberg, UNSM Policy Analyst, has since been received indicating that he has spoken with Mr. Ted Ross, Building Code Coordinator from Labour and Advanced Education and there are provisions existing under the National Building Code that allow relocation of existing buildings that do not exceed one storey. Since most cottages do not exceed one storey, this provision would apply. Mr. Goldberg recommended that, based on this information, the resolution be rescinded.

The CAO advised that he had a lengthy conversation with Mr. Ross regarding the provisions that allow relocation of existing buildings.

The exemptions apply to building foundations on rock or coarse grained, well drained soils and must not be more than 4.3 metres.

The Municipal Solicitor, suggested that Mr. Ross put his verbal interpretation of these provisions in writing, so that it is to the

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satisfaction of the Building Inspectors.

Moved by Deputy Mayor Masters  
Seconded by Councillor Stewart

“That the CAO contact Mr. Ted Ross, Building Code Coordinator with Labour and Advanced Education, to request the ruling on relocation of existing buildings in writing and that this ruling be reviewed with County Building Inspectors.”

Motion Carried Unanimously.

**County/Town Library  
MOU**

The CAO advised that the current Memorandum of Understanding (MOU) for Library Capital and Operating Costs expires on September 30, 2013. The Town is requesting an extension to October 15, 2013. The Municipal Solicitor advised that the timeline of this extension request does not allow for this Council to make a decision.

As members of the Library Committee, Councillors Geoff Stewart and Karen MacKenzie provided their input regarding the two options for the site selection of the new Library, the Normal College and the old Hat Factory, with both preferring the old Hat Factory. Key concerns and issues raised included two versus four floors, added costs with four floors, structural integrity of buildings, parking and the needs and desires of the Library staff.

Moved by Councillor MacKenzie  
Seconded by Councillor Stewart

“That Council supports the Hat Factory as the preferred site for the new Library;

and,

That Council approves extending the deadline of the Memorandum of Understanding for Library Capital and Operating Costs with the Town of Truro from the existing date of September 30, 2013 to October 30, 2013.”

Motion Carried Unanimously.

**Correspondence**

**ACTION**

**Pam Macintosh**

A memo to the Mayor and Council with an application from the Earltown Community Centre Society requesting heritage property

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designation for the Earltown Community Centre.

Moved by Councillor Cavanaugh

Seconded by Councillor Gregory

“That the application from the Earltown Community Centre Society requesting a heritage property designation for the Earltown Community Centre be referred to the Planning Advisory Committee.”

Motion Carried Unanimously.

**Hillary Webb, Red  
Clay Society**

An email dated September 11, 2013 seeking support from the Municipality regarding the Red Clay Society’s application to federal/provincial government for funding of the 2014 White Rabbit Festival.

The CAO advised that a similar request was received last year from the Red Clay Society and Council approved in-kind support through advertising in the County newsletter and website.

Moved by Councillor Taggart

Seconded by Councillor Cavanaugh

“That Council approves supporting the Red Clay Society’s application to the federal/provincial government for funding of the 2014 White Rabbit Festival through provision of in-kind services such as promotion of the event through the Municipality’s website and newsletter.”

Motion Carried Unanimously.

**D. Keith Smith,  
Treasurer, Great  
Village & District Fire  
Commission**

A letter to the Mayor dated September 24, 2013 requesting a loan guarantee for the remanufacturing of a box for an equipment utility truck at an estimated cost of \$60,000.

Moved by Councillor Taggart

Seconded by Deputy Mayor Masters

“That the letter from D. Keith Smith, Treasurer, Great Village & District Fire Commission requesting a loan guarantee for the remanufacturing of a box for an equipment utility truck be referred to Council Committee.”

Motion Carried Unanimously.

INFORMATION

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**Building Inspector**

A copy of the Building Permit Statistics received from the **Building Inspector** for the month of August 2013. Council agreed to receive this report for information purposes.

**Development Officer**

A copy of the Development Activity Report received from the **Development Officer** for the month of August 2013. Council agreed to receive this report for information purposes.

**Terry LaPointe**

A copy of a letter to the Downtown Truro Partnership regarding the site selection for the Colchester East Hants Public Library. Council agreed to receive the letter for information purposes.

**William and Carrie Burgess**

A letter from William and Carrie Burgess emailed to the Mayor and Councillors expressing concerns relating to cell phone towers.

Councillor Blair reported that a number of Councillors have been receiving calls regarding the cell tower to be placed on Ryland Avenue in Bible Hill.

Discussion was held and concerns raised regarding this issue. The Municipal Solicitor advised that Council can and should express their disapproval but it is not a matter that Council has final say on. This falls ultimately under federal jurisdiction.

The CAO advised that the Development Officer has been in contact with Eastlink and they are sending a person out to do a site assessment and will report back to staff accordingly. Council agreed to wait until staff hear back from Eastlink on this matter.

**INFORMATION  
ITEMS**

**Receptionist /  
Administrative  
Support Clerk  
Position**

Council previously approved the position of Receptionist / Administrative Support Clerk for the Courthouse building. This position was advertised in the local newspaper and on the County website. Ninety-eight applications were received. The selection committee short listed five applicants and conducted interviews on August 26 and 27, 2013. Reference checking was completed on the

top two applicants and an offer was made to Ms. Shannon Furlotte. Ms. Furlotte accepted the offer and commences duties on September 30, 2013.

**Administrative  
Support Clerk  
Position - Solid Waste**

Council previously approved opening of competition and recruitment to fill the vacant position of Administrative Support Clerk for the Solid Waste Department. The position was

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advertised in the local newspaper and on the County website. Forty-nine applications were received. The selection committee short listed three applicants and conducted interviews on September 12, 2013. Reference checking was completed on the lead candidate and an offer was made to Ms. Amanda Stratton. Ms. Stratton accepted the offer and commences duties on October 7, 2013.

**Reports from  
Councillors Appointed  
to Outside Boards &  
Agencies**

Councillor Blair reported that she attended the Dangerous and Unsightly Committee met on September 17<sup>th</sup> for three appeal hearings, a Capital Budget meeting on September 3<sup>rd</sup>, the annual general meeting of the Association of Nova Scotia Villages, brought greetings on behalf of the Municipality to the Grand Opening of the Bible Hill Recreation Park, and attended the regular monthly meeting of the Village of Bible Hill. The next Police Advisory Board meeting is scheduled for October 21<sup>st</sup>.

Deputy Mayor Masters reported that he had attended RECC meetings, regular Council meetings, Executive and Audit Committee meeting, and will be attending the community opening festivities of the RECC on September 28<sup>th</sup>.

Councillor Stewart reported that he had attended the regular Council related meetings, the Capital Budget meeting, two Library Committee meetings and a Central Nova Tourist Association Marketing Levy meeting.

Councillor Cooper reported that most of his committees did not meet this month. He attended the meeting of the Joint Library Committee and an Executive and Audit Committee meeting.

Councillor Gibbs reported that he had attended the Capital Budget meeting, the Flood Advisory Committee meeting, a Dangerous and Unsightly Committee meeting as well as the UNSM Regional meeting on September 20<sup>th</sup>.

Councillor MacKenzie reported that she attended most of the meetings related to the new Library this month.

Councillor Gregory reported that he attended the Capital Budget meeting, regular Council Committee meeting and the parade and Labour Day events put on by the Tatamagouche Fire Department.

Councillor Cavanaugh attended meetings of the Flood Advisory Committee and the Joint Flood Advisory Committee. He provided a brief update to Council on County Flood Advisory Committee

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projects.

Councillor MacInnes reported that he attended the Capital Budget meeting, the Dangerous and Unsightly Committee meeting, a CoRDA meeting, a tour of the Hat Factory, and a luncheon for the United Way.

Councillor Taggart reported that he attended the Library meetings, Dangerous and Unsightly Committee meeting, a UNSM Sustainable Practices meeting, and the UNSM Regional meeting in Amherst. He also attended the first game of the Bearcats to present a certificate on behalf of the Municipality recognizing them for their win at the Fred Page Tournament.

Councillor Parker reported that he attended the regular Council meetings and has been involved with the issue regarding the cell tower on Ryland Avenue.

Mayor Taylor presented his written report of activities and events he had attended during the month of September, a copy of which was circulated in the package for this evening's meeting.

**Closed Session**

Moved by Councillor Gibbs  
Seconded by Councillor Gregory

“That the meeting go into closed session at 12:35 a.m.”

Motion Carried Unanimously.

Moved by Councillor Cavanaugh  
Seconded by Councillor Gibbs

“That the meeting reconvene in open session at 12:58 a.m.”

Motion Carried Unanimously.

Moved by Councillor Cavanaugh  
Seconded by Councillor Blair

“That the Closed Session Negotiations item be deferred to October Committee and that October Council Committee be authorized to make a final decision on this matter.”

Motion Carried Unanimously.

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**Adjournment**

Moved by Councillor Cavanaugh

Seconded by Councillor Gregory

“That the meeting be adjourned at 1:00 a.m.”

Motion Carried Unanimously.

Tracey Veno-LeBlanc  
Recording Secretary