

**MUNICIPAL COUNCIL  
MONDAY, DECEMBER 5, 2011  
1:30 P.M.**

A meeting of Municipal Council of the County of Inverness was held on Monday, December 5, 2011, at 1:30 p.m. at the Court House in Port Hood with the following in attendance:

Warden Duart MacAulay  
Deputy Warden Susan Mallette  
Councillor Gloria LeBlanc  
Councillor Dwayne MacDonald  
Councillor Daniel Boudreau  
Councillor Jim Mustard

Staff: Joe O'Connor, CAO  
Eveylena Gillis, Council Recorder

Media: Rankin MacDonald, Inverness Oran  
Matt Draper, Reporter

**CALL TO ORDER**

Warden MacAulay called meeting to order at 1:45 p.m.

**APPROVAL OF MINUTES**

**Moved by: Councillor Dwayne MacDonald**  
**Seconded by: Deputy Warden Susan Mallette**  
**Carried.**

**That the minutes of the November 7, 2011, Municipal Council meeting be approved.**

**BUSINESS ARISING FROM MINUTES**

**Wind Turbine By-Law Public Information Sessions** - Warden MacAulay advised that three public information sessions were held in St. Joseph du Moine, Mabou and Port Hastings. Attendance at these sessions was fairly good and the First Reading of the Wind Turbine By-Law will take place at the January Council meeting.

**APPROVAL OF FINANCIAL STATEMENTS**

Warden MacAulay advised that the draft Financial Statements were presented and reviewed by our Municipal Auditors at an Audit meeting held on November 29<sup>th</sup> which indicates a surplus of \$68,069.

**Moved by: Councillor Gloria LeBlanc**

**Seconded by: Councillor Jim Mustard**

**Carried.**

**That the Financial Statements for 2010-2011 be approved.**

## **REPORT OF NOMINATING COMMITTEE**

Councillor Gloria LeBlanc provided the Committee Structure for 2011/2012.

Councillor LeBlanc reported that the Home Care Board no longer require a county representative. The Heritage Committee is also being reviewed.

<b>COMMITTEE</b>	<b>REPRESENTATION</b>	<b>TERM</b>
Audit	All Councillors	2008/2012
Policy	All Councillors	2008/2012
Emergency Measures	All Councillors	2008/2012
Community Development	All Councillors	2008-2012
Planning & Advisory	All Councillors  Current non elected - David MacDonald	2008-2012
Port Hawkesbury Airport	Roy MacLean  Councillor Dwayne MacDonald  Deputy Warden Susan Mallette (Alternate)	Appointed - 2011-2014  Appointed - 2011-2012  Appointed - 2008-2012
Margaree Airport	Councillor Gloria LeBlanc  Ralph MacPherson  Laurie Cranton	Re-appointed - 2011-2012  Re-appointed - 2011-2012  Re-appointed - 2011-2012

	Mac Fuller  Staff - Joe O'Connor	Re-appointed - 2011-2012
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Homes Board	Mike MacDougall, Chair  Warden Duart MacAulay  Councillor Daniel Boudreau  Councillor Gloria LeBlanc  Michael Coady  Carol Anne MacInnis	Appointed for 1 <sup>st</sup> 3 yr. term 2000-2003 Eligible to serve a 2 <sup>nd</sup> term 2003-2010  Eligible to serve for term 2003-2006 & 2006-2009  Eligible to serve for term 2004-2007 & 2007-2010  Appointed for 1 <sup>st</sup> term 2011-2011 Eligible to serve for 2 (3 yr.) terms 2008-2011 and 2011-2014  Appointed for 1 <sup>st</sup> 3 yr. term 2000-2003 Eligible to serve a 2 <sup>nd</sup> term 2003-2010  Appointed for 1 <sup>st</sup> 3yr. term 2005-2010
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	Deputy Warden Susan Mallette  Joe O'Connor	Appointed for 1 <sup>st</sup> 3 yr. term 2010-2013
Eastern District Planning Commission	Warden Duart MacAulay (Vice Chair)  Councillor Daniel Boudreau  Joe O'Connor (Alternate)	Re-appointed 2011-2012  Re-appointed 2011-2012
Strait Highlands Regional	Councillor Jim Mustard	Appointed 1 <sup>st</sup> term - 2011-2014

Development Association	Monique Aucoin (Business) Jim St. Clair	Re-appointed - 2011-2014 Re-appointed - 2011-2014
Veterinary Assistance	Councillor Daniel Boudreau	Re-appointed - 2011-2012
Fences Arbitration	Councillor Daniel Boudreau	Re-appointed - 2011-2012
Library	Councillor Susan Mallette	Re-appointed - 2011-2012
Occupational Health/Safety	Councillor Susan Mallette	Appointed - 2011-2012
Strait of Canso Superport	Scott MacDonald	Re-appointed 2 <sup>nd</sup> three year term - 2011-2014
Regional Police Advisory	Councillor Gloria LeBlanc Warden Duart MacAulay	Appointed 2008 Appointed 2011
Strait Area Transit	Councillor Jim Mustard	Appointed 2011

**Moved by: Deputy Warden Susan Mallette**  
**Seconded by: Councillor Jim Mustard**  
**Carried.**

**That the report from the Nominating Committee for Committee Structure for 2011-2012 be approved.**

**PRESENTATION BY DWAYNE MACEACHERN - JUDIQUÉ DEVELOPMENT ASSOCIATION**

Warden MacAulay asked Council for an extension to the presentation by Mr. MacEachern to allow for a presentation from Jessica Ernst.

**A motion was made by Councillor Jim Mustard, seconded by Councillor Gloria LeBlanc to allow an extension to this presentation.**

Warden Duart MacAulay welcomed Dwayne MacEachern on behalf of the Judique Development Association. Mr. MacEachern reviewed correspondence from the JDA in which they extend support to the Lake Ainslie Development Association in their opposition to the proposed shale gas development by Petroworth Resources. They urge council to adopt whatever resolutions and/or bylaws that may be necessary to protect the residents of the County.

Warden MacAulay welcomed Jessica Ernst, a scientist from Alberta with petroleum industry experience who is suing the Alberta Government, the Energy Resources Conversation Board and En Cana for negligence and unlawful activities. Ms. Ernst advised that there are toxics in the water from drilling as well as from fracturing. Ms. Ernst feels that allowing the drilling in Lake Ainslie at this time is a serious mistake where studies are still ongoing.

Warden MacAulay advised that Council has taken a position on fracturing with the Province by requesting a moratorium.

### **NOTICE OF MOTION RE OIL & GAS EXPLORATION**

Councillor Gloria LeBlanc provided the following Notice of Motion to be circulated to Council members for a decision at the next Council meeting.

The Municipal Government Act gives Municipalities the authority to regulate development within its borders, which leads me to the following concerns:

- 1) When the Provincial Government receives its report on fracturing, if they allow it what happens to our request, will it be ignored, as it seems the Provincial Government feels it can do.
- 2) Why does an exploratory well not require an environmental assessment. Damage can occur even with an exploratory well.
- 3) Saying the drilling company is required to have a 10 million dollar insurance is a joke. If damage did occur it could roll around the courts for many years with the people of the municipality picking up the tab for lawyers and court costs.
- 4) We as a Council will support development that does not jeopardize what we already have, taking into consideration our communities needs for work, the environment protection and long term benefits for all.

Therefore I want to present the following resolution to Council and ask for Councils' support.

- a) That no drilling be permitted within a kilometer of any lake or river or any brook that feeds into a lake or river - especially concerning Lake Ainslie and the Margaree River system.
- b) That we will not allow Council to be forced to accept a decision from the Provincial Government that could jeopardize our environment clearly remembering that Cape Breton Island has been voted #1 island in Canada and #3 in the world. Our responsibility is to work to keep it that way.

- c) Realizing that water is a precious commodity, the Municipality will not grant any access to our municipal water.

**FIRST READING - BUILDING PERMIT FEES BY-LAW**

Joe O'Connor advised that a request was received from John Bain recommending that Council consider repealing the Building By-Law #25 and replacing it with a "Building Permit Fees By-Law" thereby only using the Provincial Building Code Regulations for administration of the National Building Code.

**Moved by: Deputy Warden Susan Mallette**  
**Seconded by: Councillor Gloria LeBlanc**  
**Carried.**

**That the First Reading of the Building Permit Fees By-Law be approved.**

**Council adjourned for a five minute break.**

**Warden MacAulay called meeting back to order at 3:00 p.m.**

**COMMITTEE REPORTS**

**AUDIT COMMITTEE**

**Moved by: Councillor Gloria LeBlanc**  
**Seconded by: Councillor Jim Mustard**  
**Carried.**

**Resolved that the minutes of the Audit Committee Meeting of November 29, 2011, be approved and that the recommendations made to Council therein, and the motions passed therein are hereby adopted, approved and passed by Council.**

**CORRESPONDENCE**

**BLACK RIVER WIND LIMITED**

Correspondence was received from Neal Livingston, Black River Wind Development, requesting that his wind development projects be grandfathered as to respect his current locations in Cape Mabou and Creignish Rear should the intended by-law come into effect before his turbines are built in 2012.

Joe O'Connor advised that he forwarded this information to John Bain and Solicitor MacIsaac for their review.

**STRAIT AREA DISTRICT LABOUR COUNCIL**

Correspondence was received from the Strait Area District Labour Council proposing that Canada's Retirement Security System be enhanced to ensure that seniors have adequate income upon retirement.

**Moved by:** Councillor Daniel Boudreau  
**Seconded by:** Councillor Dwayne MacDonald  
**Carried.**

**That Council support this resolution from the Strait Area District Labour Council for an expansion of the public pension system.**

**EASTERN COUNTIES REGIONAL LIBRARY**

It was agreed that the financial request from the Eastern Counties Regional Library be forwarded to Audit Committee for review.

**ALEXANDER GRANT MEMORIAL UNITED CHURCH**

A copy of correspondence was received from the Alexander Grant Memorial United Church to Premier Dexter expressing their concerns with the Government's decision to allow Petro Worth Resources to drill an exploratory well at West Lake Ainslie. They also ask that the Province rescind any drilling permits granted to Petro Worth in the Lake Ainslie Watershed.

**REPLACEMENT DEED**

Joe O'Connor advised that a request was received from the lawyer of the Estate of Florence Howlett advising that in completing a migration for a client there is a gap in title of a deed missing from the County to Ivan MacKenzie and requesting that a deed be issued to the present owner of this property.

**Moved by:** Councillor Gloria LeBlanc  
**Seconded by:** Councillor Dwayne MacDonald  
**Carried.**

**That a Quit Claim deed be issued to the present owner.**

**TAX WRITE-OFF**

The following tax account was put forward from the Tax Department for write-off:

**Acct #02702355, Emily Ann & Donald John MacDonald in the amount of \$668.80 plus interest (house burnt)**

**Moved by: Deputy Warden Susan Mallette**  
**Seconded by: Councillor Jim Mustard**  
**Carried.**

**That the tax account as presented be approved for write-off.**

### **ECBC OFFICE - PORT HAWKESBURY**

Councillor Jim Mustard requested that a letter be forwarded to ECBC in Sydney in support of their satellite office in Port Hawkesbury remaining at this location.

### **AREA ADVISORY COMMITTEES - ROLES & RESPONSIBILITIES**

Councillor Jim Mustard questioned whether there is a policy for roles and responsibilities for Area Advisory Committees. Joe O'Connor advised that we do not have a policy for Area Advisory Committees.

### **INVERNESS PLAN REVIEW**

Councillor Jim Mustard reported that the Inverness Area Advisory Committee is looking at zoning all of District #3 in the Inverness Plan review.

### **PORT HASTINGS SIGNAGE**

Councillor Dwayne MacDonald reported that most of the signs have been removed in the Port Hastings area and asked that John Bain provide an update as to the status of the Signage By-Law.

### **TAX SALE PROPERTIES - MINIMUM BIDS**

Joe O'Connor provided the following information:

#### **Robin Jones Properties -**

- 1) Acct #4007514 - Amount owing - \$190,692.71 - Mr. O'Connor recommended that the bidding on this property start at \$50,000.
- 2) Acct #00405515 - Amount owing - \$43,618.56 - Mr. O'Connor recommended that the bidding on this property start at \$40,000.
- 3) Acct #04007522 - Amount owing - \$4921.92 - Mr. O'Connor recommended that bidding on this account remain as amount owing.

#### **Donald Bishop Trucking Limited -**



- 1) Acct #00030635 - Amount owing - \$53,265.34. It was agreed that bidding on this property start at \$5,000.

**Patrick Yvon Aucoin -**

- 1) Acct #00152366 - Amount owing - \$22,505.11 (service station property in Grand Etang). Mr. O'Connor recommended that the bidding on this property start at \$5,000.

**Moved by: Deputy Warden Susan Mallette**  
**Seconded by: Councillor Dwayne MacDonald**  
**Carried.**

**That the recommendations from Mr. O'Connor with respect to minimum starting bids on the above noted tax account properties be approved.**

**PROVINCIAL PARK - LONG POINT**

Councillor Dwayne MacDonald requested that a letter be forwarded to the Dept. Of Natural Resources requesting a cleanup of the Provincial Park in Long Point.

**Council adjourned for a five minute break.**

**Warden MacAulay called meeting back to order at 3:50 p.m.**

**A motion was made by Councillor MacDonald, seconded by Councillor Boudreau that meeting adjourn to "In Camera".**

**A motion was made by Councillor LeBlanc, seconded by Councillor Mustard that meeting adjourn to "Open Council".**

**RECOMMENDATIONS OF "IN CAMERA"**

There were no recommendations from the "In Camera" session.

**ADJOURNMENT**

With no further business to discuss, a motion was made by Councillor Mustard, seconded by Councillor Boudreau that meeting adjourn at 4:20 p.m.

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**CLERK**

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**WARDEN**