

## **NOTICE**

**MEETING:** St Mary's Municipal Council  
Committee of the Whole

**DATE:** Wednesday, March 21<sup>st</sup>, 2018

**TIME:** 1:00pm

**PLACE:** St. Mary's Municipality  
Council Chambers, Sherbrooke, NS

**Please advise if unable to attend**

Dated: March 14, 2018

Marvin MacDonald, CAO

**Municipality of the District of St. Mary's  
Committee of the Whole  
Wednesday, March 21<sup>st</sup>, 2018**

1. Call to Order
2. Roll Call
3. Approval of Agenda and Any Additions
4. Approval of Minutes from Committee Meeting held March 7<sup>th</sup>, 2018
5. Business Arising from Minutes
6. Strait Area Ground Search and Rescue Association – Tony Sampson, Treasurer
7. Correspondence
  - a. MGA Changes
8. Other Matters of Business
  - a. Road Name
  - b. Councillor Roundtable
  - c. Land at Pump House
  - d. Mileage/Expense Policy
  - e. Municipal Credit Card Policy
9. Adjournment

**Municipality of the District of St. Mary's  
Committee of the Whole  
Wednesday, March 21<sup>st</sup>, 2018**

**Meeting, Date & Time:**

The Committee of the Whole meeting of St. Mary's Council was called to order on Wednesday, March 21<sup>st</sup>, 2018 at 1:00pm in the Council Chambers Sherbrooke, N.S.

**Attending:**

Warden Mosher  
Deputy Warden Dort  
Councillor Malloy  
Councillor Findlay  
Councillor Kaiser-Kirk  
Councillor Baker  
Councillor Smith

**Also Attending:**

Marvin MacDonald, CAO  
Marian Fraser, Director of Finance  
Denise Sawlor, Municipal Clerk/Special Projects Coordinator

**Approval Of Agenda:**

*On motion of Deputy Warden Dort and seconded by Councillor Baker that Council approve the agenda with the following Additions:*

**7. Correspondence**

b)Port Hawkesbury Paper

**8. Other Matters of Business:**

- f) Library Roof Tender
- g) Welcome Sign Installation Tender
- h) UNSM Cape Breton-Strait Area Regional Meeting
- i) Sean Fraser, MP Meeting Date

*Motion carried.*

**Approval of Minutes:**

*On motion of Councillor Smith and seconded by Councillor Malloy that Council approve the minutes of the Committee Of The Whole held March 7<sup>th</sup>, 2018*

*Motion carried.*

### Business Arising From Minutes:

- There has not yet been a reply from Mr. Basil Pitts in regards to Council's questions.
- Marvin will contact the office of Mr. Hines, MLA to reschedule the cancelled meeting.
- Rae Gunn has been away on vacation so Marvin has not had the opportunity to meet with her. The Nova Scotia Government has extended the Municipal Physical Activity Leadership Program's (MPAL) agreement for a year while they make amendments. Marvin will arrange a meeting with Rae Gunn to discuss the Memorandum of Understanding (MOU).
- Josh is working on setting a meeting date for the Youth Advisory Council (YAC).

### Strait Area Ground Search and Rescue Association (SAGSARA) – Tony Sampson (Treasurer) & Cecil Cashin (President)

- SAGSARA is a non-profit organization.
- A building has been purchased and updates have been made to the kitchen and office space.
- The building is 40' X 80' which provides a large space to host training courses.
- Several members have completed the three day wilderness first aid.
- Acquiring the building has resulted in increased membership and better meeting attendance.
- The SAGSARA operation budget is approximately \$60,000.
- When new equipment is needed (i.e. truck) the association looks for funding at the provincial and federal government levels.
- This year SAGSARA is going to each municipality in their district and asking for the same amount (\$5,000).
- Next year they are hoping to get their funding through a tax levy. This idea will be presented at an upcoming Mayors & Wardens meeting.
- There were 7 searches that SAGSARA was called out to this past year (mostly drownings).
- SAGSARA runs Project Lifesaver (i.e. Hug-a-Tree, etc).
- Search and rescue groups are under RCMP jurisdiction.
- The RCMP have drones they use but have not authorized SAGSARA to use any to assist with searches.
- Map & compass, GPS and radios are the main equipment used in searches.
- There are currently two SAGSARA members from St. Mary's.
- The building is located in Monastery so calls to St. Mary's have an approximate one hour response time.
- There are twenty-four search and rescue teams across Nova Scotia.
- SAGSARA is hoping for a .001-.002 cent levy on assessments for next year. Currently the Colchester group charges a .50/person levy.

*Marian left meeting 1:37pm*

*Marian returned to meeting 1:38pm*

### Correspondence

- Letter from Guysborough to Premier regarding the proposed change to the Municipal Governance Act (MGA).
  - Council feels the proposed changes would give the Cape Breton Regional Municipality unfair advantage over other municipalities.
  - Council will write a letter supporting Guysborough's position.
- Letter from Port Hawkesbury addressing public concerns regarding forest management

## **Other Matters of Business**

- Road Name
  - During some civic addressing work it was discovered that a third resident is building a home on the Cheese Factory Road end of Forbes Branch Road.
  - There are currently two residents there and their civic numbers are addressed to Cheese Factory Road.
  - With the addition of a third resident all these civics must be addressed to the Forbes Branch Road.
  - Forbes Branch Road is broken into three sections. Section one is off Copper Lake Road, section two is off Cheese Factory Road and the third section connects the first two sections but is through the woods and not passable by vehicles.
  - Because the first two sections are split up, emergency response vehicles will have trouble finding the residents on the Cheese Factory Road end.
  - The proposed solution is to rename the section of Forbes Branch Road that connects with Cheese Factory Road.
  - The three residents on this section have been contacted and they propose the name of "Tower Lane" since there was once a CBC tower on their road.

***On recommendation of Councillor Smith and seconded by Councillor Baker that Council accept the renaming of the Cheese Factory Road end of Forbes Branch Road in Argyle to Tower Lane.***

***Recommendation adopted.***

- Councillor Roundtable
  - Some Councillors feel the councillor roundtable agenda item is outdated and should be removed from future council meeting agendas.
  - Other Councillors feel it is a way to lead by example.
  - If the item is removed it can be added again at a later date if needed.

***On recommendation of Councillor Smith and seconded by Deputy Warden Dort that the Councillor's Roundtable be removed from the agenda of the regular meeting of council.***

***Recommendation adopted. (Nay Councillor Findlay and Councillor Malloy)***

- Land
  - Department of Natural Resources (DNR) suggests either a lease or easement.

***On recommendation of Deputy Warden Dort and seconded by Councillor Kaiser-Kirk that the CAO negotiate an easement with DNR.***

***Recommendation adopted.***

- Mileage/Expense Policy
  - An updated Mileage/Expense Policy was presented that encompasses both Staff and Council members.

***On recommendation of Councillor Kaiser-Kirk and seconded by Councillor Malloy that Council accept the updated mileage/Expense policy as presented.***

***Recommendation adopted.***

- Credit Card Policy
  - A new Municipal Credit Card Policy was presented.

***On recommendation of Deputy Warden Dort and seconded by Councillor Baker that Council accept the new Municipal Credit Card policy as presented.***

***Recommendation adopted.***

- Library Roof Tender and Welcome Sign Installation Tender

***On motion of Deputy Warden Dort and seconded by Councillor Malloy Council moved into an in-camera session to discuss contract negotiations at 2:28pm.***

***On motion of Deputy Warden Dort council reconvened to regular session at 2:45pm.***

***On recommendation of Deputy Warden Dort and seconded by Councillor Kaiser-Kirk that Council award contract to Terry Croft for an amount of \$5,260.00 plus HST for the library roof shingling project.***

- Contract to be completed from the 2018/19 budget

***Recommendation adopted.***

***On recommendation of Councillor Findlay and seconded by Councillor Baker that council award contract to Liscomb Trucking & Backhoe Services for an amount of \$2,645.00 plus HST for the installation of five municipal welcome signs.***

- Contract to be completed from the 2018/19 budget

***Recommendation adopted.***

- UNSM Cape Breton-Strait Area Regional Meeting
  - Meeting is being held April 30<sup>th</sup> in Sydney, NS
  - When the meeting agenda is circulated Council will make a decision as to whether or not any members of council will attend.
- Sean Fraser, MP Meeting Date
  - An email was received requesting to arrange a date for Mr. Fraser to meet with Council.
  - Marvin will call Mr. Fraser's office to advise them of some available dates and determine what fits best with his schedule.

#### **Adjournment**

***On Motion of Deputy Warden Dort there being no further matters of business, Council adjourned at 2:56pm.***

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Recorded By  
Municipal Clerk

Approved By  
Warden Mosher



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## MODG Responds to Introduction of Amendment to Municipal Government Act

**March 9, 2018 (Guysborough, Nova Scotia)** - On Thursday, March 8, 2018 the Province of Nova Scotia introduced an *Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act Respecting Cape Breton Regional Municipality*.

The Municipality of the District of Guysborough (MODG) recently wrote a letter (Copy Attached) to Premier Stephen MacNeil expressing our concern with the impacts of the proposed "Special Charter" to Cape Breton Regional Municipality. To date. We have not received a response.

If enacted, this Act will have a profound negative impact on all Nova Scotia municipalities. Section 51B (2) states that "*Cape Breton Regional Municipality may sell or lease to any person eligible municipal property at a price less than market value*".

In addition, Section 71BA (2) permits the following – "*Notwithstanding any enactment, where the council of Cape Breton Regional Municipality considers it necessary or advisable, the Municipality may enter into a taxation agreement with the owner of an eligible industrial property respecting the taxes payable to the Municipality by the owner*".

The current Municipal Governance Act was designed to provide a "level playing field", avoiding investment decisions based on which Nova Scotia municipality provides the greatest amount of government incentives. The proposed Act will have the opposite effect. While we feel strongly that this Act is not in the interests of Nova Scotia Municipalities, we believe that any amendments must apply equally to all Municipalities.

"Earlier this morning, our Council held an emergency special council meeting to discuss this issue" said Warden Vernon Pitts.

"At the meeting a unanimous motion was passed to write Minister Mombourquette and ask him to provide the Municipality of the District of Guysborough with all those same rights and privileges as has been proposed to provide CBRM through an amendment of Chapter 18 of the Acts of 1998, the Municipal Government Act" said Warden Pitts.

He concluded by saying "Current proposed major projects in our Municipality are based on sound business cases, and not on direct or indirect subsidies from Government, and it's unfortunate now that we have to go down this road just to keep a level playing field for potential future projects."

For further information please contact Warden Vernon Pitts (902) 870-6975 or [vpitts@modg.ca](mailto:vpitts@modg.ca) or Barry Carroll, CAO at [bcarroll@modg.ca](mailto:bcarroll@modg.ca) or (902) 533-3705 ext. 228



Office of the Warden

February 27, 2018

Honorable Stephen McNeil  
Premier of Nova Scotia  
PO Box 726  
Halifax, NS  
B3J 2T3

Dear Honorable Premier,

At the February 21, 2018 meeting of the Municipality of the District of Guysborough (MODG), Council passed a motion expressing our concern with the proposed "Special Charter" for Cape Breton Regional Municipality (CBRM).

Municipalities throughout Nova Scotia have significant challenges in terms of fulfilling their responsibility to deliver services for their residents. In recent years many rural Municipalities have been forced to turn in their charter. Many others are facing difficult choices regarding their future.

The MODG has already absorbed the Town of Canso within our operations. As you are aware, the Town of Mulgrave also faces significant challenges and uncertainty in terms of their ability to continue to provide local governance for its residents. There are many other Municipalities in Nova Scotia on the precipice of insolvency.

While we fully appreciate CBRM's desire to have more flexibility in terms of playing a greater role in determining the future of the area that they represent, we have significant concerns regarding the impact a "Special Charter" might have on the competitive balance of Municipalities in Nova Scotia.

The current Municipal Governance Act provides strict guidelines in terms of the role Municipalities play in attracting investment to Nova Scotia. These rules are meant to prevent Nova Scotia Municipalities from competing with each other for development. The focus should be on attracting investment to Nova Scotia, not creating a situation whereby investors play-off one Municipality against another within Nova Scotia.

As you are aware, the MODG has worked with multiple investors for large-scale investments that have tremendous potential for Nova Scotia. The MODG has purchased and sold land for "market-value". It would be inherently unfair if changes in the MGA now provide an opportunity for another Municipality to offer incentives to sell land or buildings for less than market value.

Any proposed changes to the MGA must recognize the inherent danger of creating an un-level playing field among the member Municipalities. We ask that you ensure that any changes in the MGA for a single Municipality fully consider the impact on other Municipalities and is applied equally to all Municipalities.

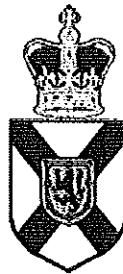
Sincerely,

Warden Vernon Pitts

c. UNSM President, Geoff Stewart



(as introduced)



*1st Session, 63rd General Assembly  
Nova Scotia  
67 Elizabeth II, 2018*

Government Bill

## **Municipal Government Act (amended)**

The Honourable Derek Mombourquette  
Minister of Municipal Affairs

First Reading: March 8, 2018

(Explanatory Notes)

Second Reading:

Third Reading:

### **Explanatory Notes**

Clause 1 permits Cape Breton Regional Municipality to sell or lease certain property prescribed by the regulations at a price less than market value and requires a two-thirds majority vote on the resolution to sell or lease and the holding of a public hearing in relation to the sale or leasing of the property.

Clause 2 permits Cape Breton Regional Municipality to enter into a taxation agreement with the owner of an eligible industrial property, subject to the agreement being approved by by-law, whereby the owner is required to pay the taxes specified in the agreement in lieu of the taxes otherwise payable.

Clause 3 provides for the coming into force of this Bill.

**An Act to Amend Chapter 18  
of the Acts of 1998,  
the Municipal Government Act,  
Respecting Cape Breton Regional Municipality**

Be it enacted by the Governor and Assembly as follows:

1 Chapter 18 of the Acts of 1998, the Municipal Government Act, is amended by adding immediately after Section 51A the following Section:

51B (1) In this Section, “eligible municipal property” has the meaning prescribed by the regulations.

(2) Cape Breton Regional Municipality may sell or lease to any person eligible municipal property at a price less than market value.

(3) A resolution to sell or lease eligible municipal property at less than market value must be passed by at least a two-thirds majority of the council of Cape Breton Regional Municipality present and voting.

(4) Where the council of Cape Breton Regional Municipality proposes to sell or lease eligible municipal property valued at more than ten thousand dollars at less than market value, the council shall first hold a public hearing respecting the sale or lease.

(5) The council of Cape Breton Regional Municipality shall advertise the public hearing on the Municipality’s publicly-accessible Internet site and shall post the advertisement at least fourteen days before the hearing.

(6) The notice of the public hearing must include

(a) the date, time and place of the hearing;

(b) the location of the eligible municipal property if it is real property or a description of the property if it is tangible personal property;

(c) the estimated value of the property; and

(d) the purpose of the sale or lease.

(7) The Minister may make regulations prescribing the meaning of “eligible municipal property”.

(8) The exercise by the Minister of the authority contained in subsection (7) is regulations within the meaning of the Regulations Act.

2 Chapter 18 is further amended by adding immediately after Section 71B the following Section:

71BA (1) In this Section, “eligible industrial property” has the meaning prescribed by the regulations.

(2) Notwithstanding any enactment, where the council of Cape Breton Regional Municipality considers it necessary or advisable, the Municipality may enter into a taxation agreement with the owner of an eligible industrial property respecting the taxes payable to the Municipality by the owner.

(3) Notwithstanding any enactment, where there is a taxation agreement pursuant to this Section, the owner shall pay taxes with respect to the eligible industrial property in accordance with the agreement instead of the taxes otherwise payable pursuant to this Act.

(4) A taxation agreement does not take effect unless it is approved by by-law.

(5) Taxes payable under a taxation agreement entered into pursuant to this Section are a first lien upon the eligible industrial property.

(6) The Minister may make regulations prescribing the meaning of “eligible industrial property”.

(7) The exercise by the Minister of the authority contained in subsection (6) is regulations within the meaning of the Regulations Act.

3 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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## More Information

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**March 10, 2018**

## **Port Hawkesbury Paper Response to Public Concerns Regarding Forest Management**

Port Hawkesbury Paper (PHP) welcomes the opportunity to contribute to the on-going conversation on how forest management is conducted on Crown land leased to the company by the Province of Nova Scotia, under the Forest Utilization License Agreement. There have been recent newspaper articles and radio interviews conducted about the management we have been doing in the Loon Lake area of Guysborough County, including discussion about old-growth forests, hardwood management, and biomass. PHP would like to join the conversation by providing additional information on these matters.

### **Old-Growth Forests**

Old-growth forests are areas identified by the Nova Scotia Department of Natural Resources (NSDNR) and conserved under the Department's Old Forest Policy. The areas that were managed in the Loon Lake area were not in the NSDNR old-growth spatial data layer that PHP uses during the normal planning process and the pre-treatment assessment field measurements did not identify them as potential old forests. PHP is aware that NSDNR is currently assessing the stands in the Loon Lake area to determine if old-growth forests are present and is looking forward to the results of that assessment.

### **Hardwood Management**

PHP's forest management area includes a significant proportion of hardwood stands. The hardwood forest includes intolerant hardwood (generally short lived, smaller in size and lower economic value) and tolerant hardwood species (typically longer lived, more abundant in naturally occurring undisturbed forest, and higher value-added opportunities). Hardwood areas are managed with a range of treatments appropriate to the stand conditions, long-term ecosystem health, and improving the hardwood tree quality. In these recent public conversations, concerns were raised about how the stand was treated using the group selection method.

The area consists primarily of yellow birch and red maple, with a scattering of other species, including softwoods and other hardwoods. The group selection treatment prescribed is intended to provide conditions needed for regenerating the tolerant yellow birch species. The NSDNR hardwood management guides and PHP's forest management experience provide confidence that the treatment will be successful.

Yellow birch, unlike other tolerant long-lived species such as sugar maple that do not regenerate well in partial to full sunlight, responds well to increased light conditions for natural regeneration. PHP's management objective in this stand was to create openings, where small

groups of trees are removed using selection harvest methods. This allows for yellow birch regeneration that can be better tended over time to create a high-quality hardwood stand. Approximately 30% of the stand was harvested with these openings. The size of the forest openings in this area is based on the abundance of yellow birch, with the prescribed intent of regenerating this desired later successional species. By using the group selection treatment, enough light is coming onto the forest floor, which for yellow birch, a prolific seeder, can spread well into and beyond the opening sizes created. As the hardwood regeneration grows and the uneven aged forest develops, future harvesting can remove some of the retained trees and produce hardwood sawlogs for local mills. Excluding these trees from the planned harvest now provides a longer-term benefit related to forest health and sustainable wood supply in the future.

PHP has been doing this treatment in these stand types for considerable time and has a high level of success with regenerating the existing tolerant species.

PHP, and its predecessor owners, have not used herbicides since the late 1990's. By eliminating herbicides, the company recognizes the ecological, social, and economic contributions hardwood stands provide throughout our forest management area.

### **Biomass**

Completing a successful forestry treatment leads the decision-making process related to which hardwood trees to cut. Once a tree is felled, the forest products are optimized (processing the higher value veneer and sawlogs as priority) and destined for local sawmills. The remaining lower value portions of the tree are then processed as firewood or fuelwood. Realizing a mix of forest products is normal practice and as with most harvesting operations, the Loon Lake harvest included salvaging these low-grade forest products as well.

Related to fuel for the Nova Scotia Power boiler, PHP's supply comes mostly from wood bark removed by mills prior to lumber or paper production. The supply of low-grade fuelwood to the boiler (such as those harvested on the Loon Lake site) follows the allocation of higher quality material (sawlogs, studwood, or pulpwood) which is directed to wood processing facilities for primarily lumber and paper production. It would not make economic sense to send higher quality material to the biomass facility because the economic value would not be fully realized. With the available supply of wood bark and low-grade fuelwood, there is no need to allocate higher valued material to the biomass facility.

The mill in Port Hawkesbury has been carrying out forestry in eastern Nova Scotia for 60 years, and PHP is proud of the work we do and the balanced approach to forestry we conduct in the region. Our commitment to long-term forest health and sustainability is forefront in our forest management decisions. PHP often receives feedback from the public and during annual forest certification audits about its forest management practices. This feedback is always welcomed.

PHP continues to maintain certification to the Forest Stewardship Council® (FSC®) Maritime Standard and the Sustainable Forestry Initiative®(SFI®) Standard, which are voluntary, non-governmental process to independently verify good forest management and provide a reliable and credible mechanism to assess performance.

PHP hopes this communication helps to inform the public related to our approach to forestry.  
We are happy to answer any questions or provide further clarification.

Main Contact:

Marc Dube

Mill Manager

[marc.dube@porthawkesburypaper.com](mailto:marc.dube@porthawkesburypaper.com)

Alternate Contact:

Andrea Doucette

Forest Sustainability Specialist

[andrea.doucette@porthawkesburypaper.com](mailto:andrea.doucette@porthawkesburypaper.com)

