



**REGULAR COUNCIL MEETING
AGENDA PACKAGE**

Wednesday, April 23, 2025

4:00 p.m.

E.D. Fullerton Municipal Building

1395 Blair Lake Road

Upper Nappan, NS B4H 3Y1

Pages

1. CALL TO ORDER

1.1 Territorial Acknowledgement

We acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people

2. ADMINISTRATIVE AND PROCEDURAL ISSUES

2.1 Approval of Agenda

Recommended Motion:

THAT the agenda be approved as presented.

2.2 Declarations of Conflict of Interest

As per the Municipal Conflict of Interest Act, members are required to declare a conflict of interest prior to any discussions on the matter.

2.3 Approval of Minutes

Recommended Motion:

THAT the minutes of the March 26th, 2025 Regular Council meeting be approved.

5 - 10

2.4 Business Arising

The business arising is included and will be reviewed.

11 - 12

2.5 Public Hearing(s)

2.5.1 Public Hearing - By-law to Amend the LUB 25-03 to rezone PID 25182171, 15518 Hwy 6, Upper Malagash - Glen Boone, Director of Development & Planning

Information on this item is included in the meeting package.

13 - 24

2.5.2	<u>Public Hearing - By-law to Amend the LUB 25-04 to rezone PID 25350869, Blue Sea Rd., Malagash Centre - Glen Boone, Director of Development & Planning</u>	25 - 36
	Information on this item is included in the meeting package.	

3. STRATEGIC PRIORITIES ISSUES

There are no strategic priorities issues.

4. MAJOR ORGANIZATIONAL ITEMS

4.1	<u>CAO Contract Extension - Greg Herrett, CAO</u>	37 - 37
-----	---	---------

Recommended Motion:

THAT Council approve a one-year extension, to April 30, 2027, to the employment contract with CAO Greg Herrett and authorize the Mayor to sign the necessary documentation to give effect to the extension.

5. ORGANIZATIONAL POLICY/BYLAWS ITEMS

5.1	<u>First Reading – By-law to Amend the Land Use By-Law 25-05 to rezone a portion of PID 25066473 Smith Road, Upper Nappan - Glen Boone, Director of Development and Planning</u>	38 - 49
-----	--	---------

Information on this item is included in the meeting package.

Recommended Motion:

THAT Council approve First Reading of the By-Law to Amend the Land Use By-Law 25-05 to rezone a portion of PID 25066473 on Smith Road, Upper Nappan from Agriculture (AG) to Rural Industrial (IRur), AND schedule a Public Hearing.

5.2	<u>Dangerous or Unsightly Policy - Allen Cole, Director of Protective Services</u>	50 - 55
-----	--	---------

Information on this item is included in the meeting package.

Recommended Motion:

THAT Council approve the recommended amendments to the Dangerous or Unsightly Premises Policy 24-01 as set out and highlighted in the draft policy attached to this RFD.

5.3	<u>Repealing of Policies - Peter McCracken, Deputy CAO / Municipal Clerk</u>	56 - 57
-----	--	---------

Information on this item is included in the meeting package.

Recommended Motion:

THAT Council approve the recommendation to repeal the following policies:

For the former Town of Parrsboro

- Tax Exemption Re: Industrial Park
- 8 Sale of Documents (MPS & LUB)
- 12 Lots sold in MacKenzie Park
- 13 Grading Private Roads

- 27 Involuntary Destruction of Property
- 28 Water Utility Service Pipes

For the former Town of Springhill

- 110-01 Tax Sale Policy
- Council Orientation Policy
- Code of Ethics
- Rule of Order of Council
- A General Purchasing
- B Purchase of Goods and Services
- C Local Purchasing
- D Policy on Requests for Quotes
- E Policy on Calling Tenders
- F Awarding Contracts

For the Municipality of Cumberland

- 93-23 Distribution of County Pins Policy
- 93-24 Private Recycling Containers at Municipal Transfer Stations Policy
- 96-01 Budgeting and Budgetary Control Policy
- 08-02 Contaminated Clothing Policy
- 10-06 Tax Deed Fee Policy
- 2016 Emergency Business Continuity Program
- 17-01 Divestiture of Surplus Real Property Policy
- 18-16 Work Clothing Policy
- 20-04 COVID-19 Property Tax Financing Plan Policy

6. BUSINESS ISSUES

- 6.1 NSCC Foundation Gift Agreement - Peter McCracken, Deputy CAO / Municipal Clerk

58 - 66

Information on this item is included in the meeting package.

Recommended Motion:

THAT Council approve the 2025-2029 NSCC Foundation Gift Agreement.

- 6.2 Purchase of SCBA and Air Cylinders - Allen Cole, Director of Protective Services 67 - 68
Information on this item is included in the meeting package.
- Recommended Motion:
THAT Council approve the purchase of 25 sets of SCBA in the amount of \$245,593.53, including non-recoverable HST and the purchase of 50 Air Cylinders in the amount of \$41,192.97, including non-recoverable HST for a total of \$286,786.50.
- 6.3 Award of Capital Pavement - Justin Waugh-Cress, Director of Public Works 69 - 70
Information on this item is included in the meeting package.
- Recommended Motion:
THAT Council award the T-MCC-2401 – Paving of Municipal Streets Parrsboro and Springhill Communities to Cumberland Paving and Contracting for a value of \$1,120,192.36 (includes non-recoverable HST).
- 6.4 Water Source Protection Committee - Justin Waugh-Cress, Director of Public Works 71 - 74
Information on this item is included in the meeting package.
- Recommended Motion:
THAT Council approve the Cumberland Water Utility Source Water Advisory Committee Terms of Reference Policy.

7. INFORMATION ITEMS

7.1 Councillor Recognition

8. ADJOURNMENT

Cumberland Municipal Council

Meeting Minutes

March 26, 2025, 4:00 p.m.
E.D. Fullerton Municipal Building
1395 Blair Lake Road
Amherst, N.S. B4H 3Y1

Members Present: Deputy Mayor Gould, Councillor Fromm, Councillor Houghtaling, Councillor Redmond, Councillor McCormick, Councillor Lockhart, Councillor Lee, Councillor Strong, Mayor Gilroy

Staff Present: CAO - Greg Herrett, Deputy CAO - Peter McCracken, Deputy Clerk - Amanda Kinnear, Director of Finance - Aimee Hirtle, Director of Recreation & Community Services - Allie McCormick, Director of Protective Services - Allen Cole, Director of Public Works - Justin Waugh-Cress, Director of Development and Planning - Glen Boone, Corporate Communications Officer - Darrell Cole

1. **CALL TO ORDER**

The Mayor called the March 26th, 2025 Regular Council meeting of the Municipality of the County of Cumberland to Order at 4:07 p.m.

1.1 **Territorial Acknowledgement**

2. **ADMINISTRATIVE AND PROCEDURAL ISSUES**

2.1 **Approval of Agenda**

IT WAS MOVED by Councillor Strong
Seconded by Councillor Lee

THAT the agenda be approved with the addition of 6.8 Appointment to the North Tyndal Wellfield Committee.

MOTION CARRIED

2.2 Declarations of Conflict of Interest

As per the Municipal Conflict of Interest Act, members are required to declare a conflict of interest prior to any discussions on the matter.

2.3 Approval of Minutes

IT WAS MOVED by Councillor McCormick

Seconded by Councillor Redmond

THAT the minutes of the February 26th, 2025 Regular Council meeting be approved.

MOTION CARRIED

IT WAS MOVED by Councillor Fromm

Seconded by Deputy Mayor Gould

THAT the minutes of the March 19th, 2025 Special Council meeting be approved.

MOTION CARRIED

2.4 Business Arising

The business arising was included and reviewed.

2.5 Public Hearing(s) / Presentation(s)

There were no public hearings or presentations.

3. STRATEGIC PRIORITIES ISSUES

There were no strategic priorities issues.

4. MAJOR ORGANIZATIONAL ITEMS

There were no major organizational items.

5. ORGANIZATIONAL POLICY/BYLAWS ITEMS

5.1 First Reading - By-law to Amend the LUB 25-03 to rezone PID 25182171, 15518 Hwy 6, Upper Malagash - Glen Boone, Director of Development & Planning

IT WAS MOVED by Councillor Redmond

Seconded by Councillor Strong

THAT Council approve First Reading of the By-law to Amend the Land Use By-law 25-03 to rezone 15518 Highway 6, Upper Malagash (PID 25182171) from Agriculture (AG) Zone to Country Commercial (CCou) Zone AND to schedule a Public Hearing for the proposed amendment.

MOTION CARRIED

5.2 First Reading - By-law to Amend the LUB 25-04 to rezone PID 25350869, Blue Sea Rd., Malagash Centre - Glen Boone, Director of Development & Planning

**IT WAS MOVED by Councillor Redmond
Seconded by Councillor Fromm**

THAT Council approve First Reading of the By-law to Amend the Land Use By-law 25-04 to rezone PID 25350869, between 148 Blue Sea Rd. and Golden Brook, Malagash Centre from Agriculture (AG) Zone to Residential Recreation (RRec) Zone AND to schedule a Public Hearing for the proposed amendment.

MOTION CARRIED

5.3 Tax Reduction and Exemption Policy - Aimee Hirtle, Director of Finance

**IT WAS MOVED by Councillor Strong
Seconded by Councillor McCormick**

THAT Council approve the Tax Reduction and Exemption Policy 19-03 as amended.

MOTION CARRIED

5.4 Low-Income Tax Exemption Policy - Aimee Hirtle, Director of Finance

**IT WAS MOVED by Councillor Houghtaling
Seconded by Councillor Fromm**

THAT Council approve the Low-income Tax Exemption Policy 22-02 as amended and increase the income cut-off and exemption amounts to \$36,599 and \$537 respectively.

MOTION CARRIED

6. BUSINESS ISSUES

6.1 Cape d'Or Plan - Allie McCormick, Director of Recreation & Community Services

IT WAS MOVED by Councillor Strong

Seconded by Councillor McCormick

THAT Council immediately terminate the Lease Agreement with the existing tenant and operate the facility as a “static display” during 25/26 fiscal year; and furthermore, direct staff to review potential options for future operation of the site and the level of financial commitment required to move forward with each option, and present recommendations at a future council meeting.

MOTION CARRIED

6.2 Volunteer Selection - Allie McCormick, Director of Recreation & Community Services

IT WAS MOVED by Councillor Houghtaling

Seconded by Councillor Redmond

THAT Council approve Valerie Brown as the Municipality’s Adult Volunteer Representative of the Year and the Leard Family as the Family Representative Volunteer of the Year.

MOTION CARRIED

6.3 Joint Accessibility Plan - Peter McCracken, Deputy CAO / Municipal Clerk

IT WAS MOVED by Councillor Houghtaling

Seconded by Councillor Lockhart

THAT Council receive the Joint Accessibility Plan as presented.

MOTION CARRIED

6.4 Non Resident Deed Transfer Tax - Greg Herrett, CAO

Draft letter was reviewed.

6.5 Letter from Minister Lohr regarding Resource Development - Greg Herrett, CAO

Draft response letter was reviewed.

6.6 Pugwash Storm Water System Upgrade - Councillor Houghtaling

IT WAS MOVED by Councillor Houghtaling

Seconded by Councillor Redmond

THAT Council direct staff to provide, at a future Council meeting, a report summarizing the issues related to storm water system in Pugwash; and further, THAT staff draft a letter to Nova Scotia Public Works requesting that improvements to the storm water system be considered and scheduled.

MOTION CARRIED

6.7 Basic Income Guarantee - Councillor Houghtaling

IT WAS MOVED by Councillor Houghtaling

Seconded by Councillor Strong

THAT Council reaffirms their support for Basic Income Guarantee by sending a letter to the Premier and our Member of Parliament, asking for support for Basic Income Guarantee in Nova Scotia, and to call on NSFM to support BIG and speak out to the Federation of Canadian Municipalities.

MOTION CARRIED

6.8 Appointment to North Tyndal Wellfield Committee - Greg Herrett, CAO

IT WAS MOVED by Councillor Fromm

Seconded by Deputy Mayor Gould

THAT Council approve the appointment of Daniela MacKay to the North Tyndal Wellfield Committee.

MOTION CARRIED

7. INFORMATION ITEMS

7.1 Councillor Recognition

7.1.1 Councillor Lockhart

Councillor Lockhart recognized Nathan MacKinnon on his 1000 points in the NHL, Nelly Gilroy on her 91st birthday and Billy Mills on his 88th

birthday. Also, Laura Jones for 35 years at Foodland. Laura has been there since the inception of Foodland.

7.1.2 Councillor Lee

Councillor Lee recognized Laura Deborn to highlight her incredible work, ongoing contributions and for making a lasting impact on countless local youth.

8. ADJOURNMENT

Moved by Deputy Mayor Gould to adjourn the meeting at 4:46 pm.

Mayor Rod Gilroy

Deputy Clerk

**BUSINESS ARISING
COUNCIL
March 26th, 2025**

Action List	Responsibility	Status
1. Schedule a Public Hearing for the By-law to Amend the Land Use By-law 25-03 to rezone 15518 Highway 6, Upper Malagash (PID 25182171) from Agriculture (AG) Zone to Country Commercial (CCou) Zone. (for Council in Apr)	Deputy Clerk	Complete
2. Schedule a Public Hearing of the By-law to Amend the Land Use By-law 25-04 to rezone PID 25350869, between 148 Blue Sea Rd. and Golden Brook, Malagash Centre from Agriculture (AG) Zone to Residential Recreation (RRec) Zone. (for Council in Apr)	Deputy Clerk	Complete
3. Distribute and post the Tax Reduction and Exemption Policy 19-03.	Deputy Clerk	Complete
4. Distribute and post the Low-Income Tax Exemption Policy 22-02.	Deputy Clerk	Complete
5. Terminate the Lease Agreement with the existing tenant and operate the facility as a “static display” during 25/26 fiscal year; and furthermore, direct staff to review potential options for future operation of the site and the level of financial commitment required to move forward with each option, and present recommendations at a future council meeting.	CAO Director of Recreation & Community Services	In progress
6. Notify Valerie Brown she is the Municipality’s Adult Volunteer Representative of the Year and the Leard Family that they are the Family Representative Volunteer of the Year.	Director of Recreation & Community Services	Complete
7. Distribute the Joint Accessibility Plan to staff and post it on our website.	Deputy Clerk	Complete
8. Send a letter of support to the Premier and our Member of Parliament, asking for support for Basic Income Guarantee in Nova Scotia, and to call on NSFM to support BIG and speak out to the Federation of Canadian Municipalities. Send letter to NSFM to ask for their support and speak at FCM in support of BIG.	Clerk/CAO (signed by Mayor)	In Progress
9. Notify Daniela MacKay and the Town of Amherst (Natalie) of her appointment to the North Tyndal Wellfield Committee.	Deputy Clerk	Complete

**ONGOING ACTION LIST
(Council Meetings)**

Ongoing Action List from Previous Council Meetings	Responsibility	Status
1. <u>Sale of Surplus Properties</u> Conduct title search and publicly offer 12 Clarke Street, Springhill (PID 25225996) for sale.	Director of Development & Planning	In Progress
2. Carry out demolition order for 191 McGee St., Springhill on or after September 16 th , 2024, if needed.	Director of Protective Services	In Progress
3. Designate the lands as listed per the PIDs below to form part of the Swan Creek Protected Wilderness Area and authorize the CAO to finalize the lands for designation with the Province and to sign the final letter of designation and return same to the Minister of Environment. PID 25248873 PID 25200247 PID 25203902 PID 25200684 PID 25200700 PID 25083908 PID 25203928 PID 25203910 PID 25200890	Director of Development & Planning	In Progress
4. Execute the Shaw Rural Housing Development Agreement in Springhill.	Director of Development & Planning	In Progress

Public Hearing Process for Planning Documents

The Public Hearing Process for Planning documents is slightly different than for any other item. To avoid any confusion, the process is set out below:

1. Prior to calling the Public Hearing to Order the Mayor/Chair will:

- a. Advise that the Public Hearing is being held according to the provisions of the Municipal Government Act, and
- b. That the purpose of the Public Hearing is to provide the public with the opportunity to express their views on certain proposals prior to Council making a final decision.

2. The Mayor/Chair will then call the Public Hearing to order.

Once the Public Hearing has been called to Order the following happens:

- a. Staff will provide a presentation on the proposed Bylaw or amendment.
- b. The Mayor/Chair will ask staff if any written submissions have been received.
- c. Staff will then read any written submissions or advise there were none.
- d. Should the public be present, they will be now requested to provide their comments on the issue, keeping in mind that:
 - i. Each speaker is only permitted to speak once
 - ii. Each speaker is limited to 5 minutes
 - iii. Questions of clarification may be permitted by the Mayor/Chair.
- e. The Mayor will then ask for any additional comments from the applicant.
- f. The next step is now for the Mayor to ask for any additional questions from Councillors, which staff will respond to.

3. The Mayor/Chair can now close the Public Hearing.

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: April 03, 2025

SUBJECT: Public Hearing - By-law to Amend the Land Use By-law 25-03 to rezone 15518 Highway 6, Upper Malagash (PID 25182171) from the Agriculture (AG) Zone to the Country Commercial (CCou) Zone.

ORIGIN: On February 26, 2025, planning staff received an application to rezone PID 25182171 (the “subject property”), Upper Malagash to support the development of a take-out restaurant, a small automotive service shop and a public restroom.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25182171	Upper Malagash	Agriculture (AG) Zone	Vacant	Country Commercial (CCou) Zone	Take-out restaurant/ automotive services/ public restroom

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

- (a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;*
- (b) If the proposed change is not prohibited by any other policy in this Plan;*
- (c) The purpose of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and*
- (d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.*

RECOMMENDATION: No motions to consider at the Public Hearing Stage.

BACKGROUND:

The subject property located at 15518 Hwy 6, Upper Malagash (PID 25182171), on the corner of Highway 6 and Malagash Rd. The Subject Property is 6786.50sqm in area and is currently zoned Agriculture. The lot was zoned Agriculture in the initial zoning assignment based on soil profiles. The lot is completely vacant. Aerial photos show a residential building on the lot, however the applicant has confirmed the building has since been removed from the property. The property is located in Upper Malagash, a largely residential area that is in close proximity to the Colchester County Municipal Boundary. The subject property is in close proximity to a Trans Canada Trail greenway.

The proposed development of the subject property would consist of three complimentary uses, a takeout restaurant, a small automotive service station, and a public restroom. The applicant states these are all services and amenities that are desired by the community but are not currently offered. Residents of the area typically drive extended periods of time to complete everyday tasks and errands. The applicants are looking to provide these much-needed services to the community.

DISCUSSION:

The Subject Property was assigned the Agriculture (AG) zoning in 2018 based on soil profiles in the area. As no agricultural activities currently exist within the area, the lot was zoned agriculture with the intention of marking the land as reserve farmland. Cumberland County has approximately 122,613 hectares of AG zoned land in the county. Rezoning the subject property would decrease the amount of AG zoned land within the district by less than 1%. Additionally, surrounding lots are largely used for residential purposes. As such, it is unlikely the land surrounding the subject property will be returned to productive farmlands. Rezoning the subject property would not present a risk in creating fragmented agricultural lands, as there is no ability to create a network of agricultural land in the area, regardless of the zoning and land use of the subject property.

The applicant has identified their proposed development would meet community service needs regarding restaurants, automotive repair services, and public restrooms. The Applicant has been advised to reach out to NS Department of Transportation to obtain approval for a commercial driveway.

FINANCIAL IMPLICATIONS: The proposed development would stimulate local economic activity. Being situated close to the Colchester County Municipal Boundary, there exists an opportunity for intermunicipal economic activity.

ENVIRONMENTAL IMPLICATIONS: No concerns have been identified at this time. The subject property does not have access to Municipal Wastewater services and will be subject to DOE approval for an On- Site Sewage System. Rezoning the subject property reduces the amount of potential reserve farmland by less than 1% in the County. The applicant would have to align with any Provincial requirements respecting automotive repair and storage of oils, gas and fluids.



COUNCIL MEETING PUBLIC HEARING

Date: April 23, 2025

COMMUNITY ENGAGEMENT: This Public Hearing advertised in accordance with Section 206 of the MGA. Public notification for a public hearing was posted on the Municipal Website, April 9th 2025, two weeks prior to the scheduled hearing date. Furthermore, a notice for the public hearing was placed in a locally circulated newspaper for April 12th and a Planning Notice sign will be posted on the subject property.

ALTERNATIVES: Council can request further information. As there are no motions at the Public Hearing Stage, Council cannot approve or reject the application until Second Reading has been given.

ATTACHMENTS:

Attachment A: Zoning Map Change
Attachment B: Agriculture Land Context Map
Attachment C: Aerial Image
Attachment D: Site Plan
Attachment E: Policy Review

Report prepared by: Kira Norgren, Municipal Planner and Glen Boone, Director of Development and Planning

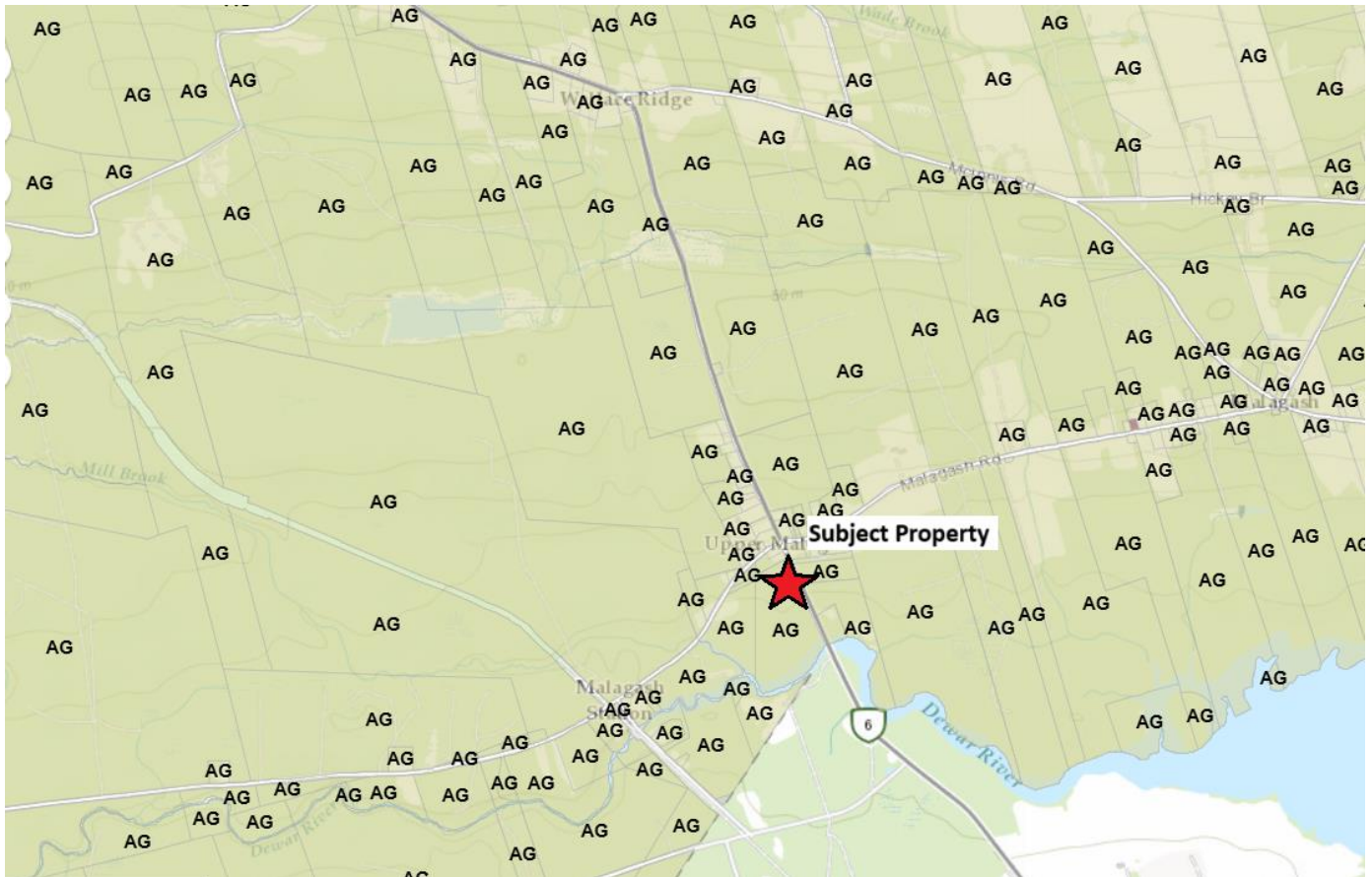
Attachment A: Zoning Map Change



Changes to



Attachment B: Agriculture Zoned Land Context Map

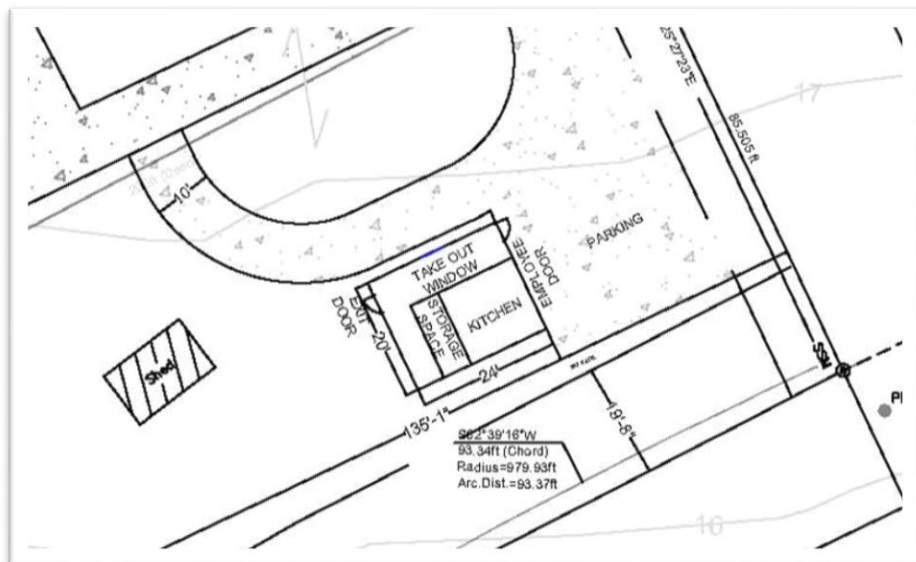
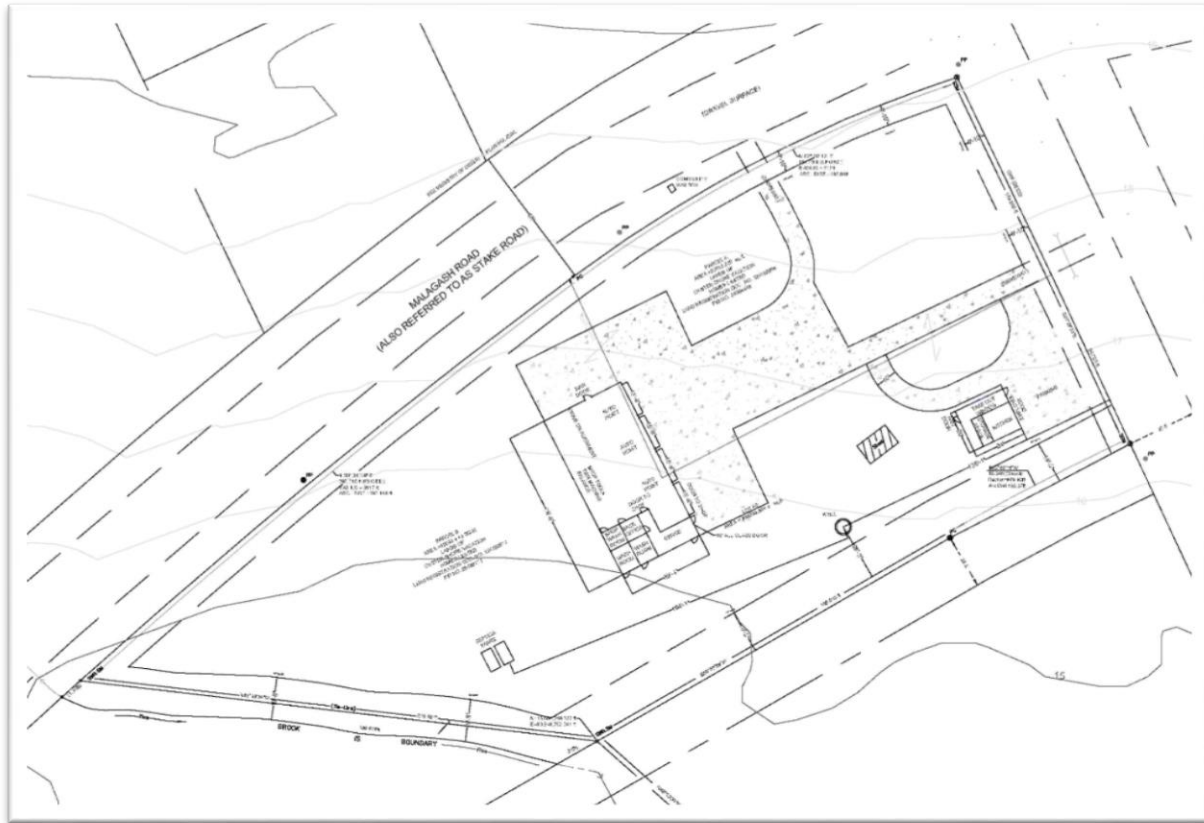


Attachment C: Aerial Image



**** property lines are approximations**

Attachment C: Site Plan Insets



Attachment D: Policy Review

MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in zones within the Resource designation.
(a) Agriculture (AG) Zone (c) Country Commercial (CCou) Zone
Comment: As both zones exist within the resource designation, no further amendments to the MPS would be required for the requested rezoning.

LUB 11.5.1 The Country Commercial (CCou) zone is intended to permit a limited range of local service uses on unserviced lots in rural communities
Comment
The proposed development would include a local take-out food window and auto repair shop. These establishments would provide service to local communities in the Malagash area.

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.	
Requirement	Comment
(a) <i>if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i>	Not applicable
(b) <i>The proposed change is not prohibited by any other policy in this plan.</i>	No
(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	Yes
(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	No
(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See below

MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	yes
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	no
(c) <i>Is not premature or inappropriate due to:</i>	Not premature or inappropriate
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	No public costs associated

**COUNCIL MEETING
PUBLIC HEARING**

Date: April 23, 2025

(ii)	<i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts to drinking water supplies anticipated
(iii)	<i>the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	Site is eligible for On-site Sewage Disposal System(OSS) approval through DOE. OSS approval is confirmed at the permitting stage.
(iv)	<i>The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No traffic hazards anticipated, proposed development will be subject to approval from DOT for a commercial driveway.
(v)	<i>The adequacy of fire protective services and equipment;</i>	Subject property is less than 10min travel time from the nearest firehall. The subject property is served by the Wallace District Volunteer Fire Dept.
(vi)	<i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(vii)	<i>The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	No known pollution problems in the area.
(viii)	<i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No flooding and drainage issues anticipated
(ix)	<i>Impacts on sensitive environments, as identified on Schedule B</i>	Not identified on Schedule B
(ixA)	<i>Impacts on wildlife corridors</i>	No
(x)	<i>Impacts on known habitat for species at risk</i>	No
(xA)	<i>risks presented by geohazards</i>	No
(xi)	<i>the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	No wetlands, water courses or geological conditions present
(xii)	<i>negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	No negative impacts anticipated

1. This By-law is titled "By-law to Amend the Land Use By-law 25-03".

Schedule A of the Land Use Bylaw is hereby amended to reflect the change in zoning for 15518 Highway 6, Upper Malagash, NS from Agriculture (AG) Zone to the Country Commercial (CCou) Zone.



Changes to



2. This By-law comes into force upon publication.

Clerk's Annotation for Official By-Law Book

Date of First Reading: March 26, 2025

Date of Second Reading: _____

*Date of advertisement of Approval of By-law: _____

Date of mailing to Minister a certified copy of the By-law: _____

I certify that the By-law to Amend the Land Use By-law 25-03 was adopted by Council and
published as indicated above.

Municipal Clerk:

Date:

*Effective date of By-Law unless specified in the By-Law

Public Hearing Process for Planning Documents

The Public Hearing Process for Planning documents is slightly different than for any other item. To avoid any confusion, the process is set out below:

1. Prior to calling the Public Hearing to Order the Mayor/Chair will:

- a. Advise that the Public Hearing is being held according to the provisions of the Municipal Government Act, and
- b. That the purpose of the Public Hearing is to provide the public with the opportunity to express their views on certain proposals prior to Council making a final decision.

2. The Mayor/Chair will then call the Public Hearing to order.

Once the Public Hearing has been called to Order the following happens:

- a. Staff will provide a presentation on the proposed Bylaw or amendment.
- b. The Mayor/Chair will ask staff if any written submissions have been received.
- c. Staff will then read any written submissions or advise there were none.
- d. Should the public be present, they will be now requested to provide their comments on the issue, keeping in mind that:
 - i. Each speaker is only permitted to speak once
 - ii. Each speaker is limited to 5 minutes
 - iii. Questions of clarification may be permitted by the Mayor/Chair.
- e. The Mayor will then ask for any additional comments from the applicant.
- f. The next step is now for the Mayor to ask for any additional questions from Councillors, which staff will respond to.

3. The Mayor/Chair can now close the Public Hearing.

TO: Mayor Gilroy and Council

FROM: Glen Boone, Director of Development and Planning

DATE: March 27, 2025

SUBJECT: **Public Hearing - By-law to Amend the Land Use By-law 25-04 to rezone the property between 148 Blue Sea Rd. and Golden Brook (PID 25350869) Malagash Centre from the Agriculture (AG) Zone to the Residential Recreation (RRec) Zone.**

ORIGIN: On February 26, 2025, planning staff received an application to rezone PID 25350869 (the “subject property”), between 148 Blue Sea Road and Golden Brook, Malagash Centre to support the creation of residential building lots.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25350869	Malagash Centre	Agriculture (AG) Zone	Vacant (wooded)	Residential Recreation (RRec) Zone	Residential Building Lots

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

- (a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;*
- (b) If the proposed change is not prohibited by any other policy in this Plan;*
- (c) The purpose of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and*
- (d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.*

RECOMMENDATION: No motions to be considered at the Public Hearing stage.

BACKGROUND: The subject property is approximately 6 acres of wooded land on Blue Sea Rd, Malagash Centre. The property was zoned Agriculture in the initial zoning assignment in 2018, based on soil profiles within the area and past land uses. A review of historic aerial photos show that the subject property was used as active farmland in 1970. Prior to being used as active farmland, the subject property was used as a cheese factory between the years of 1828 and 1929. Today, the subject property is vacant and wooded. The community surrounding the subject property is largely used for residential, recreational and tourism purposes. There are no agriculture activities currently existing in the general vicinity of the subject properties.

The property owner is looking to subdivide the subject property to create roughly 5 lots, each approximately 6000sqm in area. Currently, the subject property is zoned AG which, based on the applicants intended use, would require a 6m setback from the front property line and 12m setback from all other property lines. The Property owner has requested to rezone the subject property to RRec zone to reduce the required setbacks of the subdivided lots and to ensure the intended use aligns with the intent of the assigned zoning.

Should Council approve the rezoning, the required setbacks would change, permitting a side and rear setback of 6m as opposed to 12m. The AG setbacks are significantly larger than the setback of the RRec zone for the purpose of accommodating separation distances required for agricultural uses. The larger lot sizes are also used as a means of discouraging residential subdivision development. The nature of the proposal would directly contradict the intent of the AG zone, therefore staff recommend rezoning the land. This would provide the future property owners with more options regarding the placement of structures on the lot. The proposed rezoning would also ensure that the future use of the land aligns with the intent of the assigned zone.

DISCUSSION:

Being zoned AG, the subject properties would not require the rezoning to enable the proposed development. The Property owner intends to create approximately 5 lots of 6000sqm. The minimum lot size for AG lots is 4000sqm, therefore the subdivision is eligible for approval, with or without the rezoning. Each newly created lot would be permitted by-right, a single unit dwelling. The applicant is requesting a rezoning to provide future property owners with smaller setbacks, giving more options in structure placement on each lot.

Since the land is not active farmland, the purpose of zoning the lot AG in the initial zone assignment of 2018, would be to mark the land as reserve agricultural land. However, due to surrounding context, the subject property would not be an ideal property to prioritize as reserve AG land. Malagash Centre is not an area with agricultural activities. Despite being zoned AG, most of the surrounding properties are used for residential, tourism, and/or recreation purposes.

Policy 54-25 (See Attachment C) of the MPS aims to reduce the fragmentation of productive farmlands. Rezoning the subject properties would not create any fragmentation of reserve farmland, because much of the nearby properties have already been developed and would likely not be able to be returned to productive agricultural lands.



COUNCIL MEETING

PUBLIC HEARING

Date: April 23, 2025

FINANCIAL IMPLICATIONS: The proposed development would create new, taxable lots. Additionally, the increase in development in the area would support tourism activities and naturally stimulates the local economy.

ENVIRONMENTAL IMPLICATIONS: None specific to the property has been identified at this time. The subject property does not have access to Municipal Wastewater services, DOE approval for an On-site Sewage System is required for each lot, at the permitting stage.

Any lots fronting the Golden Brook, will have to adhere to the environment regulations and requirements of the LUB under Section XXX

COMMUNITY ENGAGEMENT: This Public Hearing was advertised in accordance with Section 206 of the MGA. Public notification for a public hearing was posted on the Municipal Website, April 9th, two weeks prior to the scheduled hearing date. Furthermore, a notice for the public hearing was placed in the Casket for April 12, and a Planning Notice sign was posted on the subject property.

ALTERNATIVES:

- Council can defer the issue to a later date,
- request further information or reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

Attachment A: Zoning Map Change

Attachment B: Agriculture Zoned Land Context Map

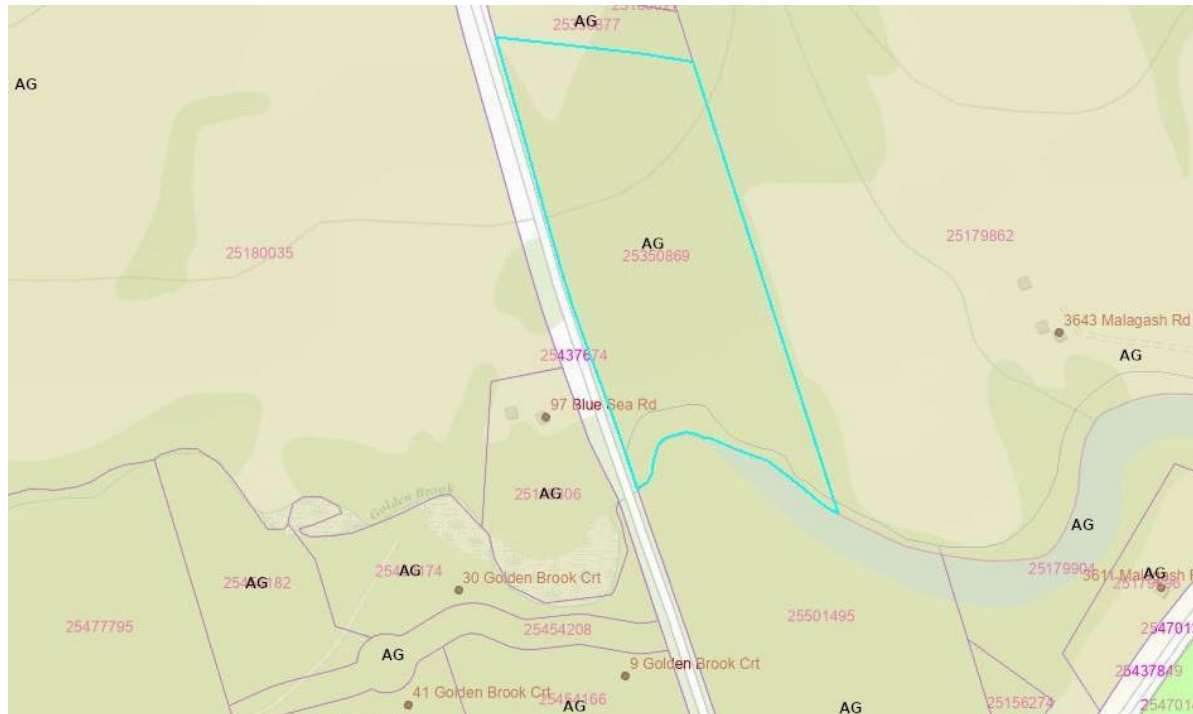
Attachment B: Aerial and Street Images

Attachment C: Policy Review

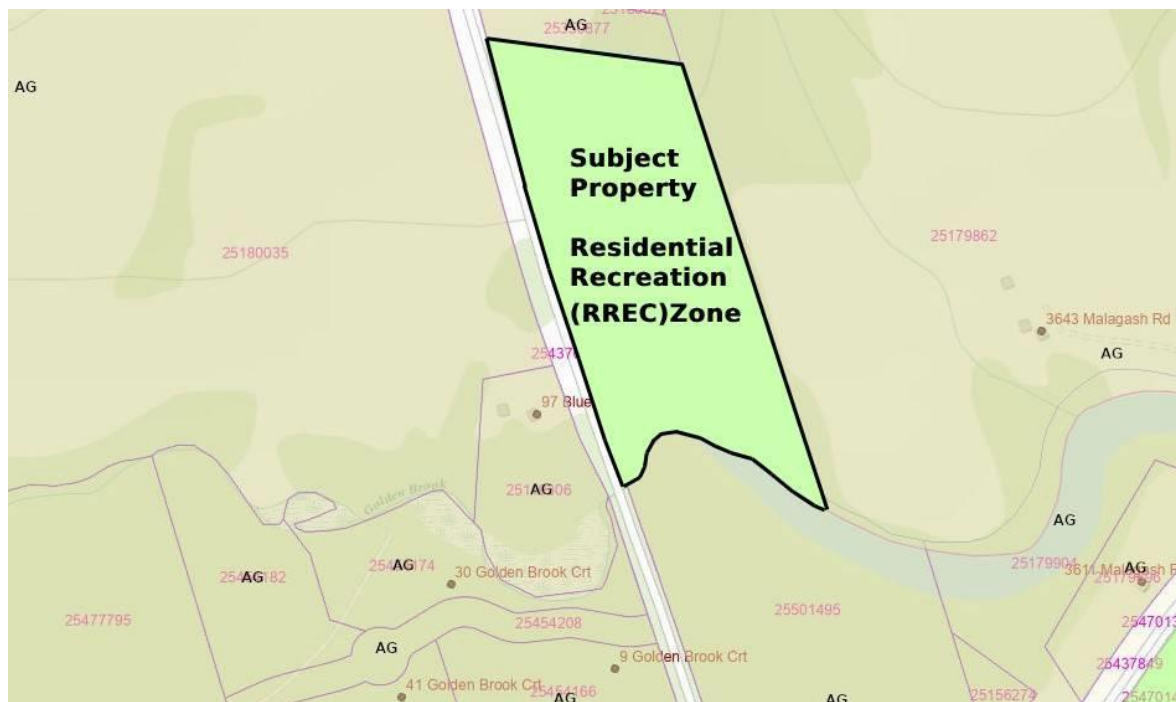
Report prepared by: Kira Norgren, Municipal Planner

Report approved by: Glen Boone, Director of Development and Planning

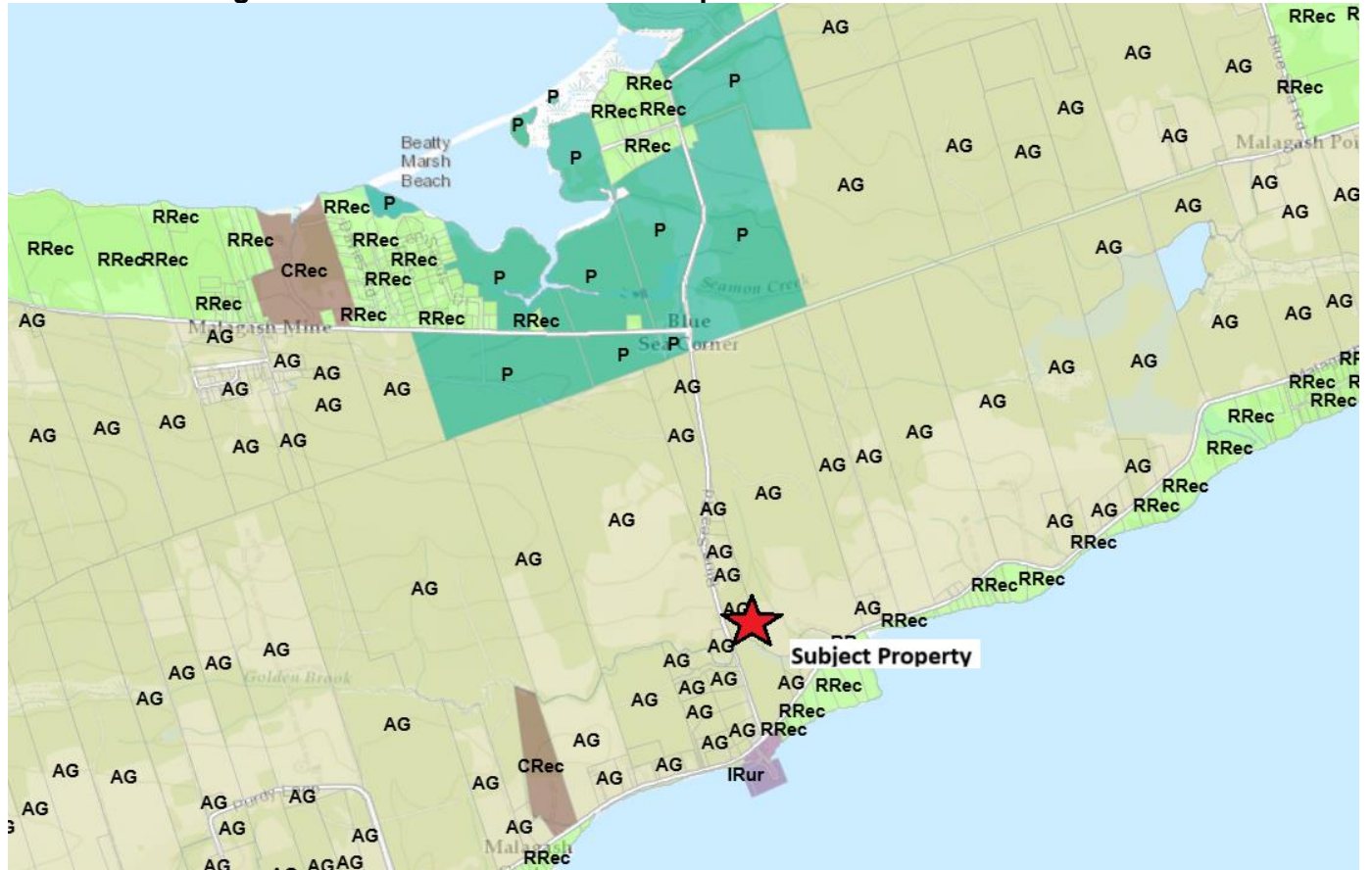
Attachment A: Zoning Map Change



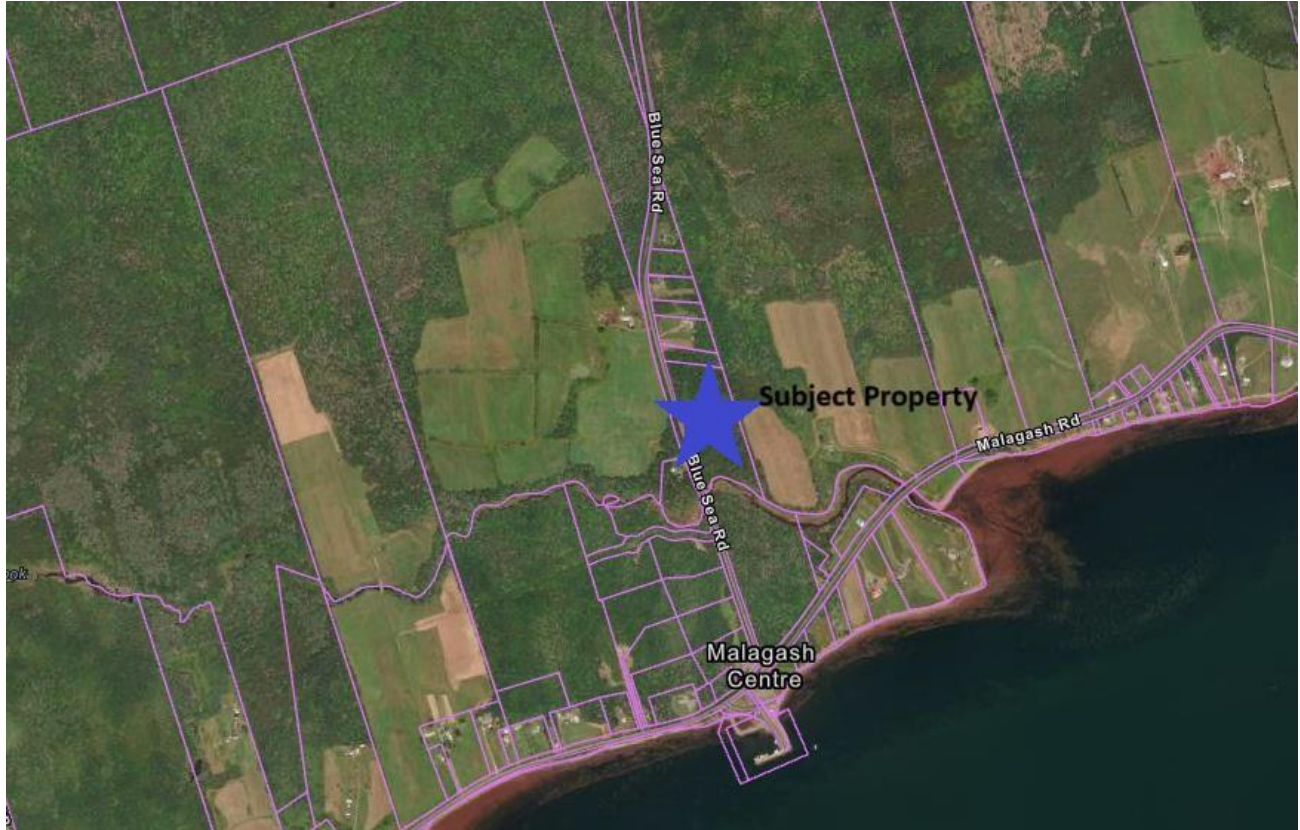
Changes to



Attachment B: Agriculture Zoned Land Context Map



Attachment C: Aerial and Street Images





Attachment C: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in zones within the Resource designation.</p> <p>(a) Agriculture (AG) Zone (h.1) Residential Recreation (RRec) Zone</p>
<p>Comment: Since both zones are permitted within the Resource designation, there is no requirement for an MPS change.</p>

<p>LUB 11.6.1 The Residential Recreation (RRec) zone is intended to permit lower density residential uses on existing public roads and on existing new private roads, and to address environmental constraints and concerns in areas that are attractive to recreational development.</p>
<p>Comment The applicant has requested the rezoning for the purpose of creating residential lots. The proposed use of land aligns better with the Residential Recreation zone than the currently assigned zone, Agriculture (AG).</p>

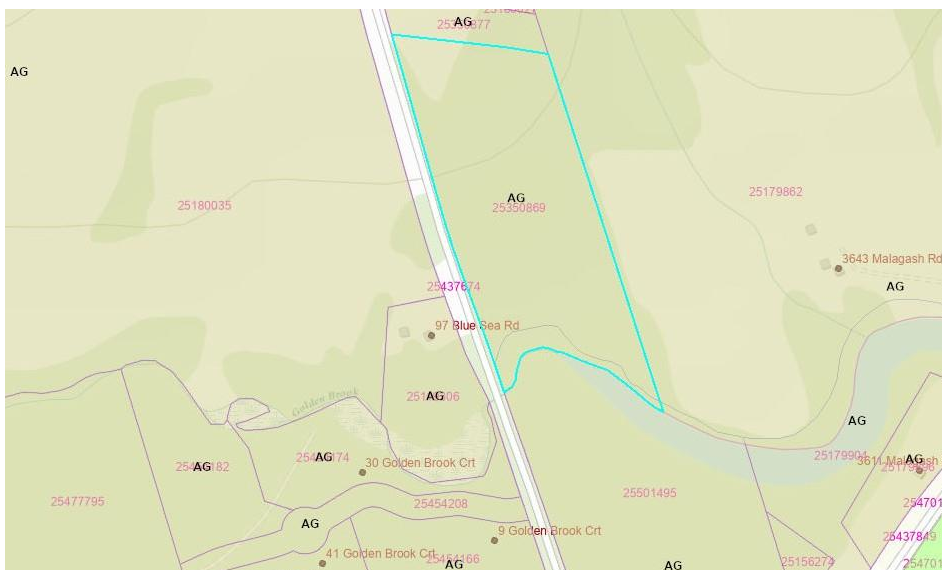
<p>MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.</p>	
Requirement	Comment
(a) <i>if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i>	Not applicable
(b) <i>The proposed change is not prohibited by any other policy in this plan.</i>	No
(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	Yes
(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	No anticipated impacts
(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See Below

<p>MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;</p>	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	Yes
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	Does not conflict
(c) <i>Is not premature or inappropriate due to:</i>	
(i) <i>The ability of the Municipality to absorb the public costs</i>	No public costs associated

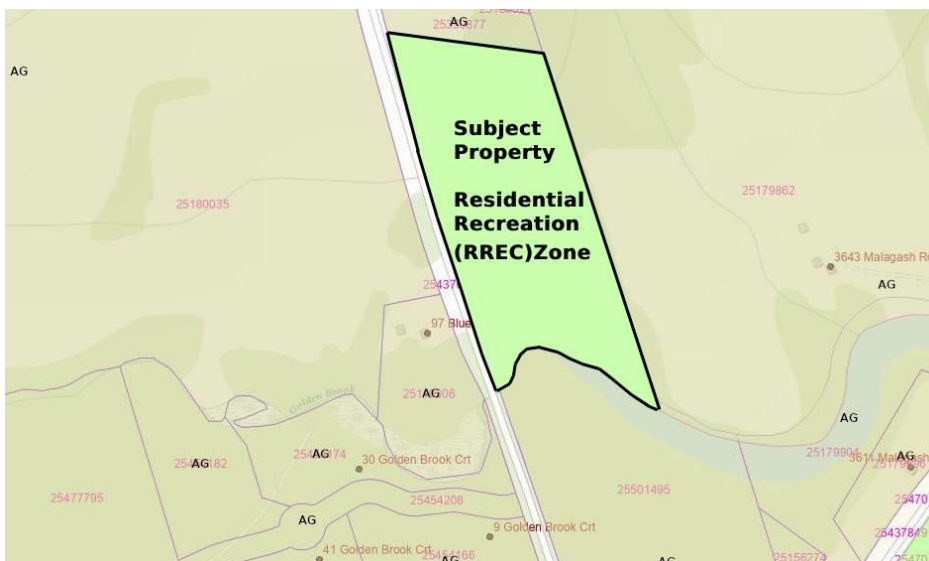
<i>related to the project.</i>	<i>with the project</i>
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No anticipated impacts to the drinking water supplies
(iii) <i>the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	Site is eligible for On-site Sewage Disposal System (OSS) from DOE will be confirmed at the permitting stage.
(iv) <i>The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No anticipated excessive traffic hazards created
(v) <i>The adequacy of fire protective services and equipment;</i>	Subject property has a <29.5min travel time from the Wallace Fire Hall, the nearest firehall.
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(vii) <i>The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	No known pollution problems in the area.
(viii) <i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No anticipated flooding or drainage issues.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	Not on Schedule B
(ixA) <i>Impacts on wildlife corridors</i>	No impacts
(x) <i>Impacts on known habitat for species at risk</i>	No impacts
(xA) <i>risks presented by geohazards</i>	No risks present
(xi) <i>the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	Site is suitable, watercourse/shoreline buffers from the Golden Brook shall be required as per LUB.
(xii) <i>negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	No negative impacts anticipated.

1. This By-law is titled “By-law to Amend the Land Use By-law 25-04”.

Schedule A of the Land Use Bylaw is hereby amended to reflect the change in zoning for PID 25350869, between 148 Blue Sea Rd and Golden Brook, Center Malagash, NS from Agriculture (AG) Zone to the Residential Recreation (RRec) Zone.



Changes to



2. This By-law comes into force upon publication.

Clerk's Annotation for Official By-Law Book

Date of First Reading: March 26, 2025

Date of Second Reading: _____

*Date of advertisement of Approval of By-law: _____

Date of mailing to Minister a certified copy of the By-law: _____

I certify that the By-law to Amend the Land Use By-law 25-04 was adopted by Council and
published as indicated above.

Municipal Clerk:

Date:

*Effective date of By-Law unless specified in the By-Law

MEMORANDUM

TO: Municipal Council

FROM: Mayor Rod Gilroy

DATE: April 17, 2025

RE: **CAO Contract Extension**

The employment contract with our Chief Administrative Officer, Greg Herrett has a 5-year term. The contract in its current form expires on April 30, 2026.

Council has been discussing the possibility of an extension of the contract with Mr. Herrett and an agreement has been reached to extend the term of the contract by one year to April 30, 2027.

PROPOSED MOTION:

THAT Council approve a one-year extension, to April 30, 2027, to the employment contract with CAO Greg Herrett and authorize the Mayor to sign the necessary documentation to give effect to the extension.



COUNCIL MEETING

FIRST READING

Date: April 23, 2025

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: April 16, 2025

SUBJECT: First Reading – By-law to Amend the Land Use By-Law 25-05 to rezone a portion of PID 25066473 on Smith Road, Upper Nappan from Agriculture (AG) Zone to Rural Industrial (IRur) Zone.

ORIGIN: On April 1st, 2025, staff received a rezoning application from Atlantic Shell, with authorization from the current landowner, to rezone PID 25066473 on Smith Rd. from Agriculture (AG) to Rural Industrial (IRur).

PID	Location	Current Zone	Proposed Zone	Proposed Use
25066473	Upper Nappan	Vacant / corn field crops (periodically)	Rural Industrial (IRur) Zone	Crustacean Shell Drying Operation

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

- (a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;*
- (b) If the proposed change is not prohibited by any other policy in this Plan;*
- (c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and*
- (d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.*

RECOMMENDATION: THAT Council approve First Reading of the By-Law to Amend the Land Use By-Law 25-05 to rezone a portion of PID 25066473 on Smith Road, Upper Nappan from Agriculture (AG) to Rural Industrial (IRur), AND schedule a Public Hearing.



COUNCIL MEETING

FIRST READING

Date: April 23, 2025

BACKGROUND: The Subject Property consists of three parcels, all parcels being assigned PID 25066473, divided by an unmaintained portion of Blair Lake Rd, and a small parcel of land owned by Compass Minerals. The Subject Property consists of a total of approximately 35.17 acres; however the proponent is only looking to rezone the parcel of land being utilized for the proposed development use (See Attachment A). The parcel of land the rezoning has been requested for is approximately 5.9 acres of AG zone land, leaving the remaining 29.27 acres as Agriculture (AG) zoned land.

A portion of the Subject Property contains lands that are a part of the Nappan River Dam Marsh. While some of the Subject Property is protected under the Agricultural Marshland Conservation Act, there is a large portion of the parcel remaining that can support development and is not a part of the protected Marshland. For this reason, the portion of land that is part of the Nappan River Dam Marsh will not be included in the portion of land to be rezoned.

Currently the subject property is currently vacant (cleared) land and occasionally use for growing corn crops. The subject properties were zone AG in the initial zoning assignment of 2018 based on a multitude of factors, largely soil profiles and adjacent land uses. While the general area has historically supported both agricultural and industrial activities, the subject property was not used as agricultural land and is not a part of the current, actively used farmland network for the area.

DISCUSSION: The proposed project for a Crustacean Shell Drying Operation would require a rezoning, as it does not fit the intent of the Agriculture zone, nor is it currently a permitted land use within the Agriculture Zone (See Attachment E). As a resource-based industrial processing operation, the proposed development would align with the intent of the Rural Industrial (IRur) Zone. Since both the Agriculture and Rural Industrial Zone are both under the Resource designation, an MPS amendment would not be required to carry out the proposed rezoning.

Since the Nappan River Dam Marsh Resource lands are protected lands under the Agricultural Marshland Conservation Act, development of these lands would require, at a minimum, a variance issued by the Marshland Administrator. For this reason, the siting of the processing plant intentionally avoids portions of the parcel that are within this designation and makes up the Nappan River Dam and therefore does not require a variance from the Marshland Administrator.

The crustacean shell drying operation processes crustacean shells into various industrial products such as crop fertilizers. The operation utilizes proprietary technology, which works to eliminate excessive odors and emissions generated as a result of the operation of the facility.

The processing facility is proposed to be located on a portion of the land with a higher elevation, avoiding wetlands. The location of the parcel is ideal for wind directions to carry any generated odors away from existing residential areas.

FINANCIAL IMPLICATIONS: The development of a crustacean shell drying operation is anticipated to create 20-25 jobs within the County. Over time there is the potential for increased employment numbers. Atlantic Shell would become a significant industrial taxpayer.



COUNCIL MEETING

FIRST READING

Date: April 23, 2025

ENVIRONMENTAL IMPLICATIONS: The subject property partially contains protected Marshlands, part of the NS109 Nappan River Dam Marsh. The applicant has been working closely with the Nova Scotia Department of Agriculture to ensure all activities on the subject property aligned with the regulations set out by the Agricultural Marshland Conservation Act. The proposed development would not be situated within an area of the parcel that is protected, which would enable the development to occur without the requirement for a variance to be issued from the Marshland Administrator. The applicant has confirmed with Nova Scotia Department of Environment and Climate Change (NSECC) that an environmental assessment is not required for the development of the subject property.

The proposed development would be required to adhere to the Nova Scotia Clean Air Act. Structure siting and plan design considers environmental impacts of the operation and work to mitigate the impacts of resulting odors and emissions, in alignment with the requirements and regulations set out by the Nova Scotia Clean Air Act.

Due to the requirement for Staff restroom facilities at the plant, OSS approval from NSECC shall be required. At the permitting stage, a location certificate verifying the siting of all proposed structures will be required.

COMMUNITY ENGAGEMENT: If Council approves First Reading, a Public Hearing could be held on the above matter at a later date. In accordance with MGA Section 206, notices will be placed on the Municipal Website two weeks prior to the scheduled date. Furthermore, a notice will be placed in a locally circulated newspaper at least one week prior to the public hearing and a Planning Notice Sign will be placed on the property.

At the Public Hearing, the proponent will present to Council the technical details of proposed development and will explain how their technology works to reduce impacts of the operation of the facility on the surrounding environment.

The proponent is actively engaging with residents in vicinity of the Subject Property to discuss the nature of the impacts the proposed plant may have on adjacent properties and to address concerns presented by residents.

ALTERNATIVES:

- Council may defer the issue to a later date,
- request further information or
- reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

Attachment A: Zoning Map Change Sheet

Attachment B: Aerial and Street Images

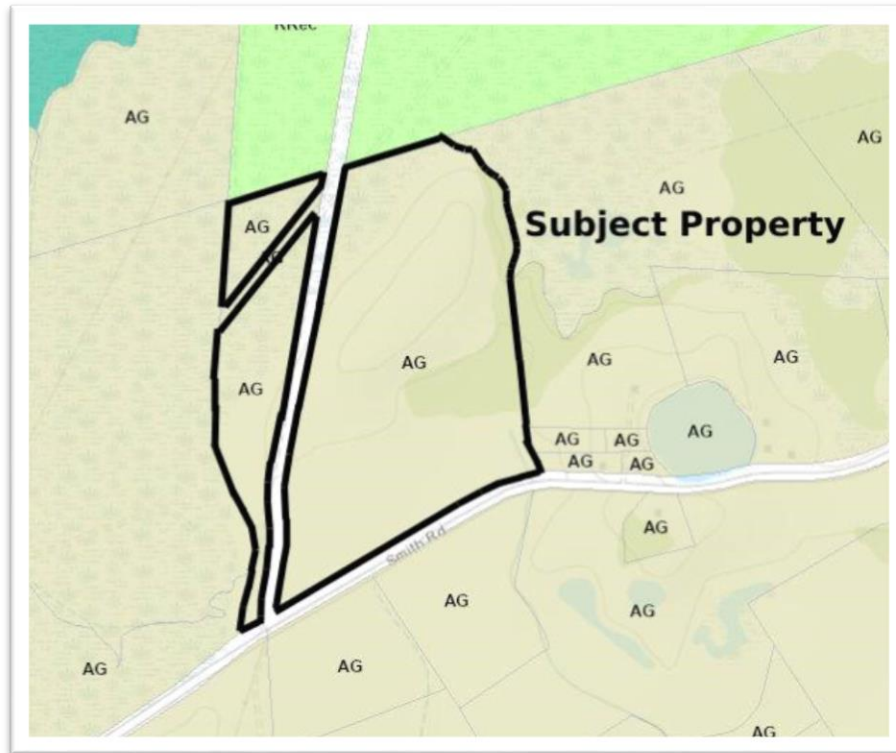
Attachment C: Agricultural Land Context Map

Attachment D: NS109 Nappan River Dam Marsh (with Staff annotations)

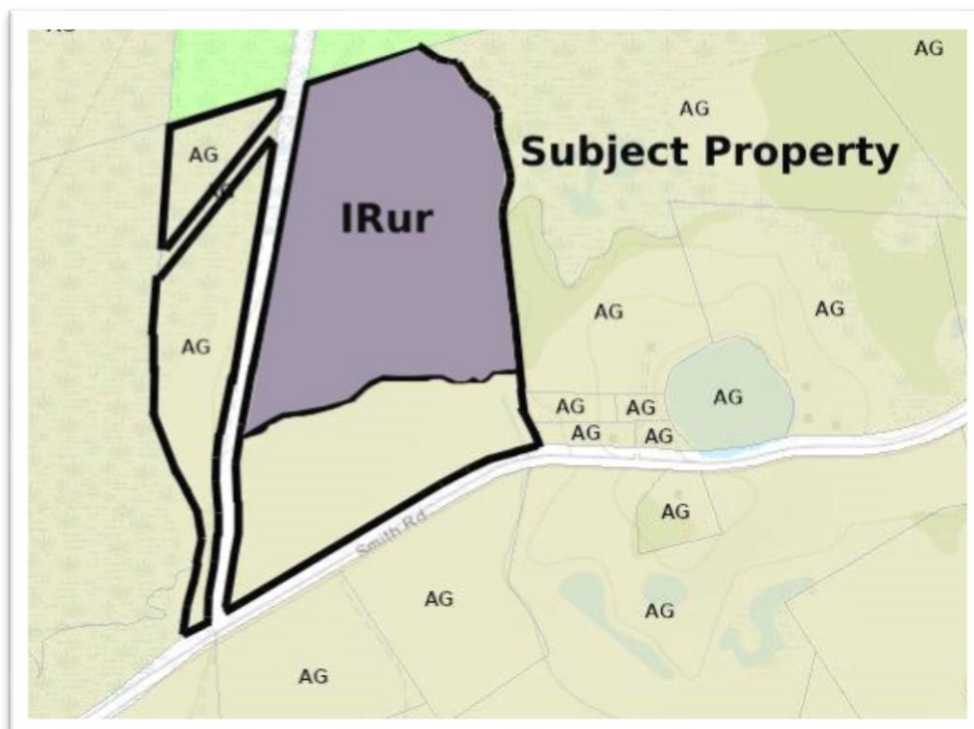
Attachment E: Policy Review

Attachment F: Bylaw to Amend the Land Use Bylaw 25-05

ATTACHMENT A: ZONING MAP CHANGE SHEET



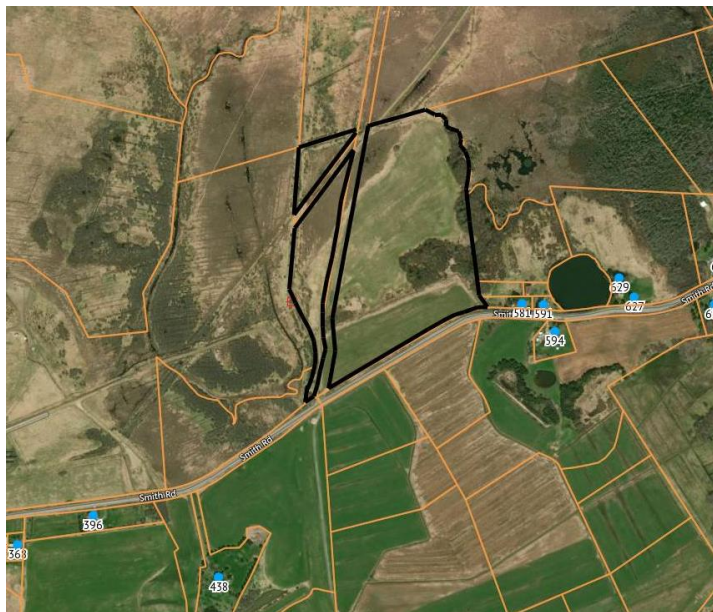
Changes to





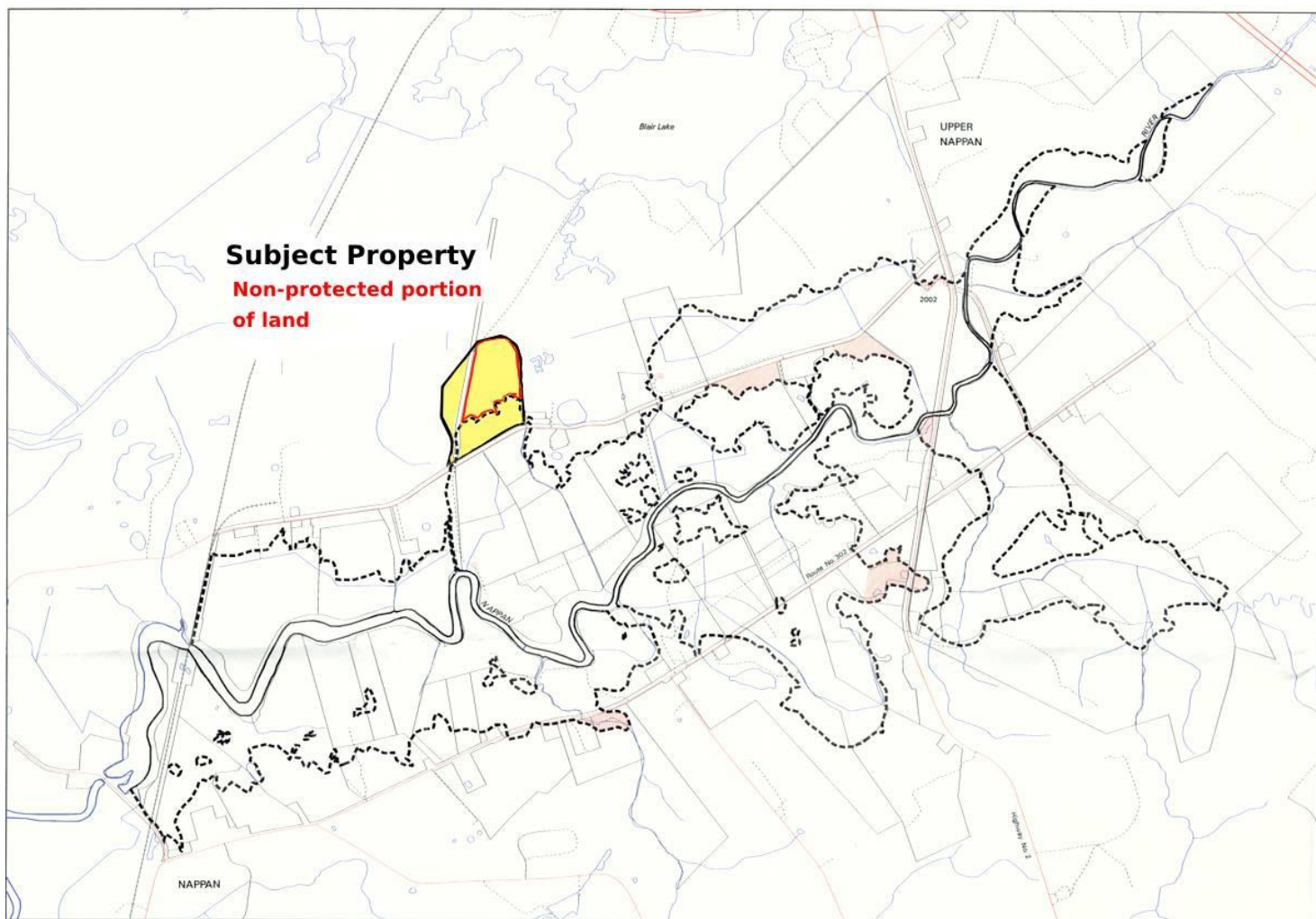
COUNCIL MEETING
FIRST READING
Date: April 23, 2025

Attachment B: Aerial and Street Images

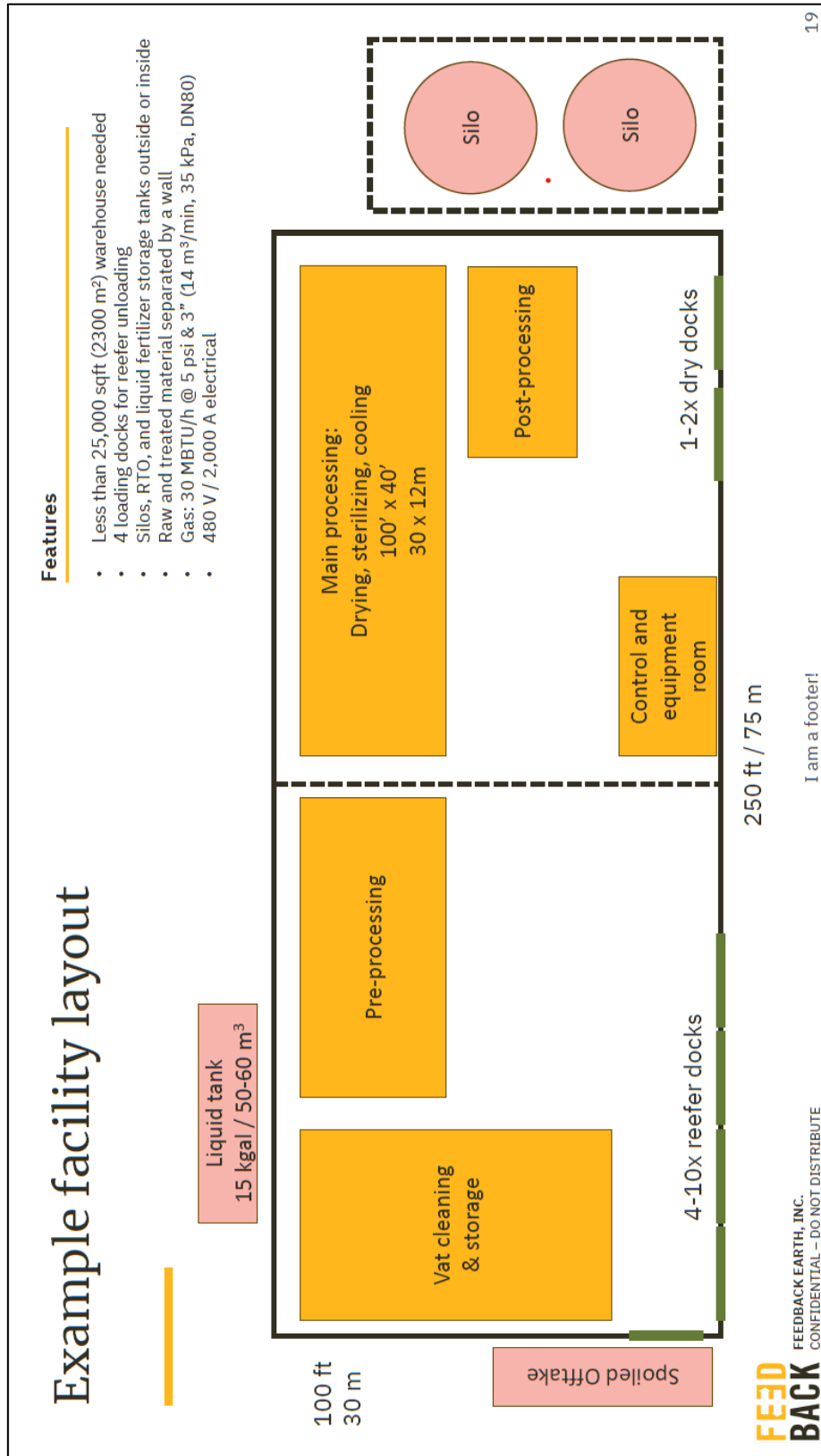


[illegible]

Attachment D: NS109 Nappan River Dam Marsh (with Staff annotations)



Attachment E: Concept Facility Layout





COUNCIL MEETING
FIRST READING
Date: April 23, 2025

Attachment F: Policy Review

MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in zones within the Resource designation. (a) Agriculture Zone (i) Rural Industrial	
Comment:	Both the current zone and the proposed zone are permitted within the Resource Designation.

LUB 11.3.1 The Rural Industrial (IRur) zone is intended to accommodate processing and other industries related to resource based industries and to accommodate intensive uses that require large separation distances from dwellings and other less-intensive uses.	
Comment	The proposed use of a Crustacean Shell Drying Operation would align with the intent of the Rural Industrial zone, being a resource-based processing facility.

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.	
Requirement	Comment
(a) <i>if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i>	Not applicable
(b) <i>The proposed change is not prohibited by any other policy in this plan.</i>	Not prohibited
(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	Is consistent with location and land characteristics based on limited rural development and predominantly agr and rural industrial uses.
(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	Property is not identified to be a part of a wildlife corridor. No geohazards present.
(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See below

MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	Consistent
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	Does not conflict, the applicant has been actively engaging with Provincial Staff to ensure compliance.

(c)	<i>Is not premature or inappropriate due to:</i>	
(i)	<i>The ability of the Municipality to absorb the public costs related to the project.</i>	No public costs related to project
(ii)	<i>Impacts on existing drinking water supplies, both private and public.</i>	No identified impacts on water supplies. The proponent is working with the Town of Amherst to secure connection to the Amherst Municipal water.
(iii)	<i>the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	Site meets the basic requirements to support OSS. OSS approval is issued by NS Dept of Environment
(iv)	<i>The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No excessive traffic hazards or congestion anticipated
(v)	<i>The adequacy of fire protective services and equipment;</i>	Adequate services available
(vi)	<i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(vii)	<i>The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	None identified. Stormwater is intended to be addressing through site plans and plant facility designs.
(viii)	<i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	Water drainage and retention on the site is addressed in design plans
(ix)	<i>Impacts on sensitive environments, as identified on Schedule B</i>	No sensitive environments to be impacted
(ixA)	<i>Impacts on wildlife corridors</i>	No impacts
(x)	<i>Impacts on known habitat for species at risk</i>	No impacts
(xA)	<i>risks presented by geohazards</i>	No impacts
(xi)	<i>the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	The site is partially impacted by protected wetlands; however the proposed structures would not be located on the protected portion of land. A Location certificate will be required at the permitting phase.
(xii)	<i>negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	No negative impacts identified.



COUNCIL MEETING

FIRST READING

Date: April 23, 2025

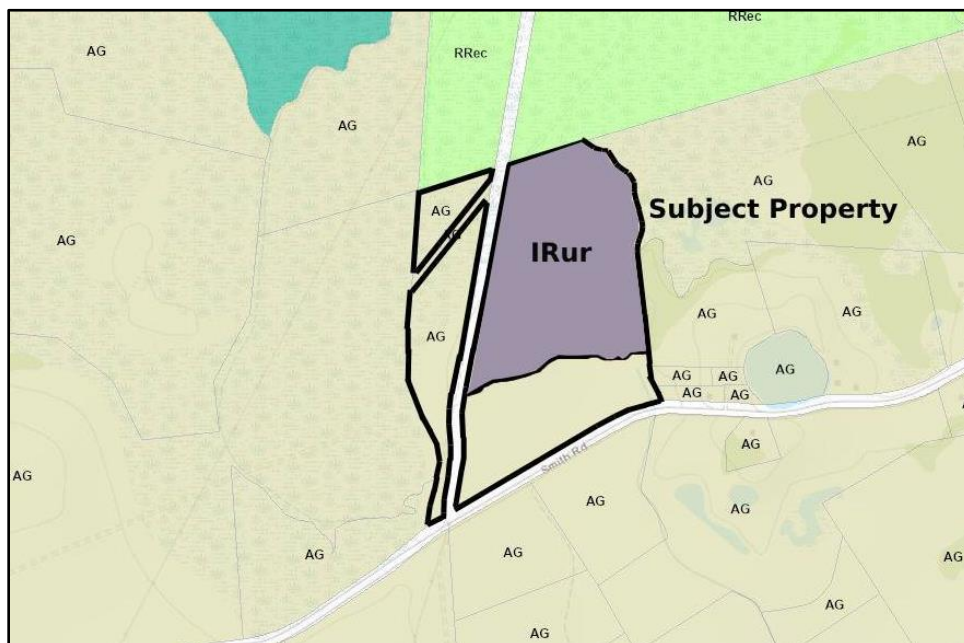
Attachment F: Bylaw to Amend the Land Use By-Law 25-05

Attached Separately

1. This By-Law is titled "By-Law to Amend the Land Use By-Law 25-05".

Schedule A of the Land Use Bylaw is hereby amended to reflect the change in zoning for a portion of PID 25066473 on Smith Road Upper Nappan from Agriculture (AG) to Rural Industrial (IRur).

2. This By-Law comes into force upon publication.



Clerk's Annotation for Official By-Law Book

Date of First Reading: ____April 23 2025____

Date of Second Reading: _____

*Date of advertisement of Approval of By-Law: _____

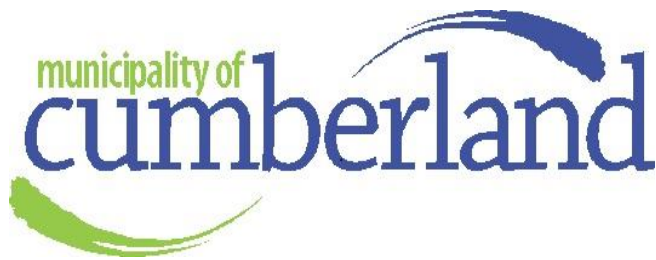
Date of mailing to Minister a certified copy of the By-Law: _____

I certify that the By-Law to Amend the Land Use By-law 25-05 was adopted by Council
and published as indicated above.

Municipal Clerk:

Date:

*Effective date of By-Law unless specified in the By-Law



Council

RFD#

Date: 4/23/2025

TO: Mayor Gilroy and Members of Council

SUBMITTED BY: Allen Cole, Director, Protective Services

DATE: 4/23/2025

SUBJECT: *Recommendation to amend the Dangerous or Unsightly Premises Policy*

ORIGIN: Council requested staff to amend the existing Dangerous or Unsightly Premises Policy 24-01 and provide a draft policy for review.

LEGISLATIVE AUTHORITY: Municipal Government Act ss. 47 and 48

RECOMMENDATION: That Council approve the recommended amendments to the Dangerous or Unsightly Premises Policy 24-01 as set out and highlighted in the draft policy attached to this RFD.

BACKGROUND: The authority of the Municipality to be involved with and make orders in relation to dangerous or unsightly properties comes from the Municipal Government Act ("MGA"), Part XV (SS. 344 to 353).

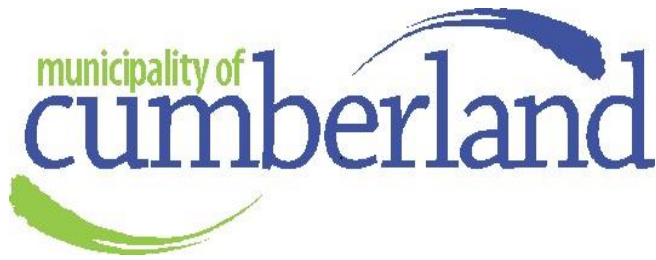
The existing Dangerous or Unsightly Premises Policy 24-01 provides that (except in the case of a property that is an immediate danger) an investigation into a potentially dangerous or unsightly premises may only be undertaken upon receipt of a complaint. This policy did not adequately address the issue of repeat offenders for unsightly properties.

DISCUSSION: The proposed amendments to the Dangerous or Unsightly Premises Policy 24-01 which are highlighted in yellow in the attached draft, addresses the issue of the Administrator of Dangerous or Unsightly Premises being able to monitor a property against which an order has been made within the preceding twelve (12) months and issue further orders without a new complaint. All other sections of the Policy remain the same.

FINANCIAL IMPLICATIONS: None

ENVIRONMENTAL IMPLICATIONS: None

HOW WILL IT BE COMMUNICATED? Via public disclosure



Council

RFD#

Date: 4/23/2025

ALTERNATIVES: Council may decline the request.

ATTACHMENTS: Dangerous or Unsightly Policy 24-01 (Amended) DRAFT
Amended Dangerous or Unsightly Policy

Report prepared by: Allen Cole
Report and Financial approved by:

Purpose

1. The purpose of this Policy is to ensure effectiveness and fairness in the enforcement of the provisions of Part XV of the Municipal Government Act (the "MGA").

Objectives

2. The objectives of this Policy are:
 - (a) To protect the safety of the public
 - (b) To minimize the negative effects of dangerous or unsightly premises
 - (c) To ensure the treatment of property owners is fair and consistent.
 - (d) To ensure issues and complaints are dealt with in a timely and effective manner.
 - (e) To repeal and replace Dangerous or Unsightly Premises Policy 09-02

Definitions

3. In this Policy the meaning of words and phrases shall have the same meaning as set out in the Municipal Government Act, 1998, c 18.

Delegation

4. Council delegates its authority under Part XV of the MGA to the Administrator, except for the authority to order demolition.

Complaints

5. **Except as provided in section 11A of this Policy,** the Administrator will only investigate a potentially dangerous or unsightly property after having received a complaint.
6. Any resident or taxpayer may file a complaint by completing and submitting the prescribed form as same may be amended from time to time. In a circumstance where a complaint is filed by a Councillor of the Municipality, the Councillor lodging the complaint shall not be eligible to vote with respect to any actions or orders which may arise as a result of the complaint.

Investigation and Documentation

7. Upon receipt of a complaint regarding a potentially dangerous property, the Administrator will cause the complaint to be investigated as expeditiously as possible.
8. If the Administrator is not satisfied upon investigation, that a property is dangerous or unsightly, that conclusion shall be communicated to the complainant and the file closed.

Orders and Requests for Action

9. Where public safety requires immediate action, the Administrator may immediately take the necessary action to prevent danger or may remove the dangerous structure or condition" without obtaining an order from Council, pursuant to s. 350 of the MGA.
10. If, upon investigation, the Administrator finds the property or premises to be dangerous or unsightly, but not posing an immediate danger or hazard, they shall inform the owner of the nature of the dangerous or unsightly condition and ask the owner to remedy the condition within a period of time specified by the Administrator.
11. If a property owner fails to successfully complete the requested remedial work, then the Administrator may issue an order for the work to be completed, *or a Summary Offence Ticket, pursuant to Part XV of the Municipal Government Act.*

11A. Where an order or a Summary Offence Ticket has been issued under section 11 hereof, the Administrator may monitor the subject premises for a period of twelve (12) months thereafter, and if, during that time period, the property reverts to a dangerous or unsightly condition, the Administrator may issue new orders or Summary Offence Tickets without a new complaint being filed.

Content of Administrator's Orders to Remedy

12. All orders to remedy the condition of dangerous or unsightly property shall include the following information:
 - the owner's name(s) and mailing address(es) (if known)
 - the PID of the property in question
 - the civic address of the property

- an order to remediate the property, detailing the conditions to be remedied and specifying what is required to be done
- a deadline for completing the remediation
- the power of the Administrator to enter upon the property and carry out the work specified in the order if the order is not complied with
- the right of the owner, pursuant to s. 346 of the MGA, to appeal the order to Council, by providing written notice to that effect, delivered, or post marked, no later than seven (7) days after the date of the order.

Demolition

13. When the Administrator believes a dangerous or unsightly condition exists which should be remedied by demolition and that condition does not constitute an immediate danger, then the Administrator may bring an application before Council for an order for demolition in accordance with the provisions of the MGA.
14. Where the Administrator proposes to order demolition, the owner shall be given not less than seven (7) days notice, in the manner permitted by Section 346(4) of the MGA, of the date, place and time of the council meeting at which the order will be considered. The owner may make submissions to council upon giving prior notice of such intention to the Municipal Clerk.

Court Order

15. The foregoing notwithstanding, the Municipality may also apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and for an order specifying the work required to remedy the condition, by removal, demolition or repair.

Recovery of Costs

16. If the remedial work or demolition set out in an order is not completed within the required time frame, the Administrator may carry out the work specified in the order without further notice to the owner.
17. The costs to perform the remedial work or demolition and disposal of a structure or debris, shall form a first lien on the property pursuant to section 507 of the MGA.

Effective Date

18. This Amended Policy is effective upon adoption and repeals/replaces previous versions
Dangerous or Unsightly Premise Policies

Clerks Annotation for Official Policy Book

Date of Notice to Council Members of Intent to Consider (7 days minimum): January 17, 2024

Date of Passage of Policy: January 24, 2024

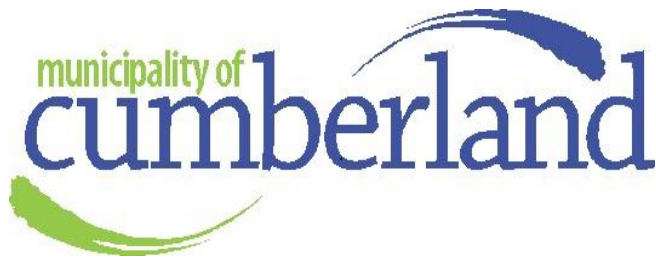
Date of Notice to Council of Intent to Consider the amended Policy: _____

Date of Passage of Amended Policy: _____

I hereby certify that this Dangerous or Unsightly Policy was adopted as indicated above.

Municipal Clerk

Date



**COUNCIL
RFD**

Date: April 23, 2025

TO: Mayor Gilroy and Members of Council

SUBMITTED BY: Peter McCracken, Deputy CAO

DATE: April 17, 2025

SUBJECT: Repealing of Policies

ORIGIN: The Clear the Deck Report identified the need for a policy and by-law review, which was completed and included numerous recommendations.

LEGISLATIVE AUTHORITY: MGA sections 47(1) states "The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law."

RECOMMENDATION: THAT Council approve the recommendation to repeal the following policies:

For the former Town of Parrsboro

- Tax Exemption Re: Industrial Park
- 8 Sale of Documents (MPS & LUB)
- 12 Lots sold in MacKenzie Park
- 13 Grading Private Roads
- 27 Involuntary Destruction of Property
- 28 Water Utility Service Pipes

For the former Town of Springhill

- 110-01 Tax Sale Policy
- Council Orientation Policy
- Code of Ethics
- Rule of Order of Council
- A General Purchasing
- B Purchase of Goods and Services
- C Local Purchasing
- D Policy on Requests for Quotes
- E Policy on Calling Tenders
- F Awarding Contracts

For the Municipality of Cumberland

- 93-23 Distribution of County Pins Policy
- 93-24 Private Recycling Containers at Municipal Transfer Stations Policy
- 96-01 Budgeting and Budgetary Control Policy



**COUNCIL
RFD**

Date: April 23, 2025

- 08-02 Contaminated Clothing Policy
- 10-06 Tax Deed Fee Policy
- 2016 Emergency Business Continuity Program
- 17-01 Divestiture of Surplus Real Property Policy
- 18-16 Work Clothing Policy
- 20-04 COVID-19 Property Tax Financing Plan Policy

BACKGROUND: In 2022, the Municipality completed the Clear the Deck organizational review, with the vision of moving forward as “One Municipality” after the dissolution of Springhill and Parrsboro in 2015 and 2016 respectively. Part of the review involved assembling complete and accurate lists of all active by-laws and policies for Cumberland as well as both former towns of Springhill and Parrsboro. A list of by-laws and policies which remain active for Cumberland, Parrsboro, and Springhill was compiled, including recommendations on which ones needed additional review, and which ones should be repealed. Additionally, there was an opportunity to identify by-law and policy gap areas and, subsequently, propose ways to address these.

Stantec was hired to do a thorough policy and by-law review. A report of their findings is included in this package. Staff and Council have been using the findings of the report to phase in recommendations for repeals, amendments, and creating new by-laws and policies. Progress so far includes the repealing of numerous by-laws, amendments to existing policies, and the creation of new policies.

DISCUSSION: The next step is to repeal a set of policies that have been deemed redundant or outdated. More information on the rationale for repealing these policies is contained in the report on pages 6-12. Repealing these policies allows the Municipality to confidently move forward with one set of policies that are current and relevant.

FINANCIAL IMPLICATIONS: None identified currently.

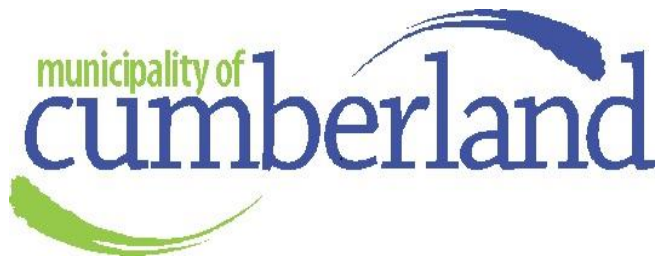
ENVIRONMENTAL IMPLICATIONS: None identified currently.

HOW WILL IT BE COMMUNICATED?: Employees will be notified, and the repealed policies will be removed from our website.

ALTERNATIVES: Council may opt not to recommend repealing one or more policies listed.

ATTACHMENTS: Municipal By-law and Policy Review, Consolidation and Gap Analysis.

Report prepared by: Peter McCracken, Deputy CAO



COUNCIL

RFD

Date: April 23, 2025

TO: Mayor Gilroy and Members of Council

SUBMITTED BY: Peter McCracken, Deputy CAO

DATE: April 17, 2025

SUBJECT: **2025-2029 NSCC Foundation Gift Agreement**

ORIGIN: A gift agreement between the Municipality and the Nova Scotia Community College has expired. Staff were directed by Council to enter into discussions with Nova Scotia Community College on a new gift agreement and to provide Council the new agreement for review.

LEGISLATIVE AUTHORITY: the MGA states that "The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law."

RECOMMENDATION: **THAT Council approve the 2025-2029 NSCC Foundation Gift Agreement.**

BACKGROUND: The Municipality signed a 5-year agreement with NSCC in 2018-2019 to provide \$20,000 annually to their foundation to be used for student awards, which has expired. The money supported between 10 and 20 students annually.

DISCUSSION: A new draft gift agreement is in your package, along with an impact summary of how the Municipality's contributions have been utilized to date. The funding supports the Building the Future of Cumberland County Award, with the intent of providing financial assistance to students attending the Cumberland Campus of NSCC. Through bursaries we assist students in their pursuit of a post-secondary education and encourage them to stay, work and build the local economy.

The new agreement is similar to the previous one, with a few notable exceptions:

- It's a 4-year term, not 5, to align with Council's term.
- A clause that states approvals are subject to the annual Municipal budget process has been added (under Donor Intent).
- A table was added to better explain the award cycle timelines (under Award Term).

The terms, like the previous one, allows for either party to terminate the agreement with 3-months written notice.



COUNCIL

RFD

Date: April 23, 2025

FINANCIAL IMPLICATIONS: The recommendation is to continue with a \$20,000 annual contribution, subject to budget approval annually.

ENVIRONMENTAL IMPLICATIONS: None anticipated at this time.

HOW WILL IT BE COMMUNICATED?

ALTERNATIVES: Council can make changes to the draft agreement; or Council may choose not to enter into a new agreement with NSCC.

ATTACHMENTS: Draft 2025-2029 NSCC Gift Agreement; Building the Future of Cumberland County Award Impact Summary Report.

Report prepared by: Peter McCracken, Deputy CAO

Report and Financial approved by:

GIFT AGREEMENT

BETWEEN:

Municipality of the County of Cumberland ("Donor")

AND:

Nova Scotia Community College ("NSCC")

GIFT AMOUNT:

\$20,000

Reviewed annually through an application process for continued funding for a total of 4 years.

TERM:

2025 - 2029

PAYMENT DETAILS

July, annually

TERMINATION:

Either party may terminate this Agreement by providing a minimum 3 months' written notice of its intent to do so.

DONOR INTENT:

The donor hopes to be able to contribute to this award annually for a total of 4 years to help increase the skilled labour force that is staying and working in Cumberland County. Approvals are subject to the annual Municipal budget process.

AWARD:

Building the Future of Cumberland County Award

DONOR DESCRIPTION/AWARD DESCRIPTION:

The Municipality of the County of Cumberland has created this award to provide financial assistance to students attending the Cumberland Campus of NSCC. Through this financial bursary they are hoping to assist students in their pursuit of a post-secondary education. They want to encourage people to stay, work and build the local economy together.

PURPOSE:

To provide financial assistance in the form of a bursary award ("Bursary Award") to eligible Students ("Student Recipient") who meet the criteria defined below.

PROGRAMS:

Applicants must be enrolled in the following NSCC programs (a "Program"):

APPLICATION CRITERIA:

1. Student must be enrolled in any Program at the Cumberland Campus or Amherst Learning Centre;
2. Demonstrate financial need;
3. Student should be in good academic standing if they are applying in their second year.

APPLICATION PROCESS:

- Student may apply for Bursary Award(s) during any year of studies.
- Applicants are required to submit an application through NSCC and, in the application, demonstrate their financial need.

MAXIMUM RECIPIENT:

10-20 Students per term of agreement (depending on the breakdown of part-time and full-time students)

AWARD VALUE:

\$1,000/award for Part-time students
\$2,000/award for Full-time students

AWARD TERM:

Spring (entrance award)

	Spring Award (supports students as they enter or return to NSCC)
Awards posted, open for student applications	March
Applications close	May/June
Committees select recipients and inform Student recipients	June/July
Students receive funding in time for their tuition payments	August
Inform donor of the recipient(s)	October-November

SELECTION PROCESS:

Conducted by NSCC Student Awards Office.

ADMINISTRATION OF AWARD:

Conducted by NSCC Student Awards Officer.

DONOR CONTRIBUTIONS:

- Donor may renew this Agreement prior to the expiration of the Term and any such renewal will contain an updated Payment Details section and the Maximum number of applicants as determined by Donor.

RECIPIENT AWARD:

- NSCC will provide the Bursary Award to the Student Recipient in the form of an education financial credit ("Education Credit") which shall be applied directly to the Student Recipient's NSCC account.
- 50% of the Bursary Award will be applied to Student Recipient's NSCC account in the first semester. Upon Student Recipient's successful completion of first semester the remaining 50% will be credited to the Student Recipient's NSCC account during the second semester.
- If the amount of the Education Credit exceeds the Student Recipient's account balance at the time the award is issued to the Student Recipient's NSCC account, the balance will be credited to the following year of the program. If there is a credit upon graduation, the Student Recipient will be given a cheque with the remaining balance.

COMMUNICATION:

NSCC will communicate with Donor at regular intervals and at any time upon request of Donor regarding the administration of the Bursary Award provided to any Student Recipient.

STEWARDSHIP:

The Donor will be provided with a list of the recipients every fall. Included in this will be thank you notes and stories of impact from the student recipients.

RECOGNITION:

Name to be used on promotional materials: **Municipality of the County of Cumberland**

NSCC will recognize Donor in the following manner, such selection may be amended at any time by Donor:

 It is the preference of **Donor** to be an anonymous donor. The Donor wishes not to be publicly recognized.

 X NSCC and the NSCC Foundation have permission to acknowledge **Donor** and the amount of this gift in NSCC and the NSCC Foundation promotional and thank you materials.

CONTACT INFORMATION:

Donor: Municipality of the County of Cumberland

Contact: Peter McCracken
Deputy CAO

1395 Blair Lake Road,
Upper Nappan, NS, B4H 3Y4

Phone: 902-667-2313

Email:

pmccracken@cumberlandcounty.ns.ca

NSCC Foundation :

Contact: Ben Trenaman

Address:

5685 Leeds St PO Box 1153

Halifax NS B3J 2X1

Office: 902-491-3215

Cell: 902-499-1873

Email: ben.trenaman@nscc.ca

SIGNED BY THE PARTIES:

The parties agree to this Agreement and are duly authorized to sign this Agreement.

Donor/Organization:

Per: Greg Herrett, CAO

Date

NOVA SCOTIA COMMUNITY COLLEGE FOUNDATION:

Per: Ashley Power, Executive Director

Date

EACH PARTY TO RECEIVE A FULLY EXECUTED COPY OF THIS AGREEMENT.



Building the Future of Cumberland County Award

Thanks to student award supporters like you, the financial barriers so often associated with achieving a post-secondary education have been reduced. **Through your award, you are helping students pursue an education at NSCC,** achieve meaningful careers, and become the leaders, innovators and creators of tomorrow.

Your award is making an education possible. Because of your support, even more students will reach graduation and make their mark in our province. **Thank you for your leadership, care and commitment to your community.**

Building the Future of Cumberland County Award - Impact Summary

Your impact by the numbers:

- **2018** - First gift to NSCC Foundation, establishing the Building the Future of Cumberland County Award (next offering: Spring 2025)
- **\$140,000** - Total donations to date to this fund
- **\$117,000** - Total disbursed in award funds to students to date
- **55** - Unique number of students supported since inception
- **67** - Number of awards disbursed (including students who received multiple years)
- **7** - Total number of years giving to NSCC Foundation

2024 Building the Future of Cumberland County Award recipients:



Elliott
Early Childhood Education
Cumberland Campus

"For a lot of people nowadays, being financially comfortable is very difficult and sometimes near impossible. Getting groceries and paying rent is a lot, and you also have multiple other financial requirements besides that. Awards like this are a tremendous help and I greatly appreciate it. It will help me pay off my loans, buy my books, and more. The littlest amount of help is great, but something like this makes you feel more sure that you can do it. Another big reason why this award helps is honestly just believing that I will succeed within my years of education at NSCC. That I am capable to achieve anything I put my mind to and that is a big

"I have several different goals set for my future as of right now. My first one currently is completing my two years of ECE here at the Cumberland Campus. I hope to complete this and maybe look into owning my own daycare, because I know it is seriously needed around Nova Scotia right now. I want to keep building my education level and work my way up to the top. This awards helps me financially to be able to continue working my way up and being able to afford my way through school. If I'm spending so much money on groceries, rent, gas, I know I have bursaries to apply for that can help me go year by year and achieve what I hope to. I would like to say a big thank you for this award. I will continue to try my hardest in my years of school and to not waste this award. It will go to great use and I will make sure of it by walking across the stage at graduation in two years. Thanks again!"



Jacob
Power and Utility Line Work
Cumberland Campus

"I live almost three hours away from this campus. This award will help me with tuition, program equipment and the cost of living to succeed in my program. My goals for the future is to be an employee of Nova Scotia Power. I feel like this is a great company to work for. This award will help me reach my future goal."

"I applied to the Power and Utility Line Work program in grade 11. I was so excited when I found out I was accepted. It was something I wanted to do since grade 10. I know a guy that took this program a few years ago and he told me how much he enjoyed it. He is now an employee with Nova Scotia Power and is loving it. I love the outdoors and am always up for new challenges Thank you so much for supporting me with this award. It is greatly appreciated."

2024 Building the Future of Cumberland County Award recipients:



"I am shocked, honored and grateful to be selected for the Building the Future of Cumberland County Award. This award will greatly help support my learning. I am a mom of 3 and a mature student. It's incredibly difficult to pursue further education with obligations such as children financially depending on you. I am humbly grateful - this is truly a gift."

Jennifer

Continuing Care
Cumberland Campus

"My goal is to graduate my program with honors. I want the opportunity to lead by example and show my children that anyone can do hard things. I have a huge empathetic heart and hope to one day find myself in hospice or palliative care occupation. Once again I am so thankful for your generosity. Thank you for this amazing honor."

Full 2024 Building the Future of Cumberland County Award recipient listing:

- **Alexander**, Power and Utility Line Work, Cumberland Campus
- **Elliott**, Early Childhood Education, Cumberland Campus
- **Jacob**, Power and Utility Line Work, Cumberland Campus
- **Jennifer**, Continuing Care, Cumberland Campus
- **Jessica**, Practical Nursing, Cumberland Campus
- **Lindsey**, Continuing Care, Cumberland Campus
- **Tyler**, Refrigeration and Air Conditioning - Geothermal, Cumberland Campus



COUNCIL

RFD

Date: April 23, 2025

TO: Mayor Gilroy and Members of Council

SUBMITTED BY: Allen Cole, Director Protective Services

DATE: April 17, 2025

SUBJECT: Purchase of Fire Department SCBA and Air Cylinders

ORIGIN: Capital budget approval and subsequent procurement activity

LEGISLATIVE AUTHORITY: Municipal Government Act S. 65

RECOMMENDATION: THAT Council approve the purchase of 25 sets of SCBA in the amount of \$245,593.53, including non-recoverable HST and the purchase of 50 Air Cylinders in the amount of \$41,192.97, including non-recoverable HST for a total of \$286,786.50.

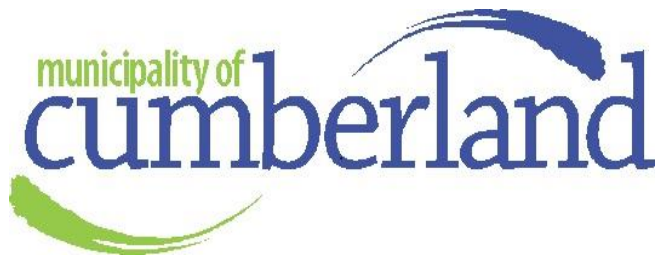
BACKGROUND: An RFP for the supply of 25 sets of Self Contained Breathing Apparatus (SCBA) 50 Air Cylinders was published on March 26, 2025. Proposal closing was April 9, 2025.

The evaluation criteria for the RFP was:

Price	60 points
Warranty	15 points
Time of Delivery	10 points
Local Service	15 points

The only proposal received was from Safety Source Ltd. The proposal was compliant with the terms of the RFP and the proponent scored 100 points on the evaluation

The sole respondent was Safety Source Ltd. who has been the supplier of our SCBA for the previous two years as well.



COUNCIL

RFD

Date: April 23, 2025

DISCUSSION: SCBA is one of the most important pieces of personal protective equipment that a fire fighter uses. Pursuant to the Fire Service Standardized Equipment Policy FS08-02 the municipality is making all PPE and other apparatus compatible across all fire departments. Mutual Aid calls account for a significant portion of all departmental calls outs in Cumberland County. *NS Occupational Safety General Regulations* (NS Reg. 53/213) section 195(2) states that:

(2) An employer shall ensure that a firefighter who is wearing self-contained respiratory protective equipment when engaged in structural fire-fighting is accompanied by another firefighter similarly equipped and having the same air capacity.

FINANCIAL IMPLICATIONS:

The approved budget for the purchase of SCBA in the 2025 – 2026 capital budget was \$265,000 and \$54,500 for Air Cylinders. The recommended award is \$32,713 under budget.

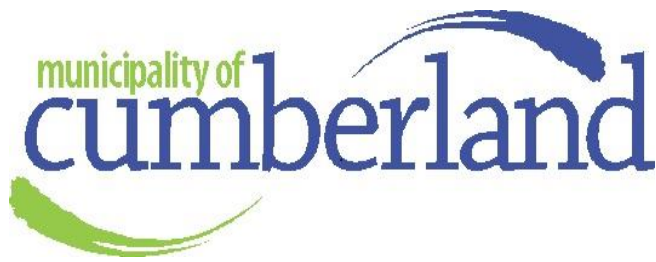
Item	Budget	Proposal (incl HST)	
Air Paks/Face Pieces	\$265,000	\$245,593.53	
Cylinders	\$54,500	\$41,192.97	
Total	\$319,500	\$286,786.50	-\$32,713.47

ENVIRONMENTAL IMPLICATIONS: No environmental implications are expected.

COMMUNITY ENGAGEMENT: Information on the new equipment will be posted on our social media when the equipment is delivered.

ALTERNATIVES:

ATTACHMENTS: None.



COUNCIL

RFD

Date: April 23, 2025

TO: Mayor Gilroy and Members of Council

SUBMITTED BY: Justin Waugh-Cress, P.Eng., Director of Public Works

DATE: April 17, 2025

SUBJECT: Contract Award T-MCC-2501 Parrsboro and Springhill Paving

ORIGIN: Council has approved the capital budget for the 2025/26 fiscal year. Paving in the communities of Parrsboro and Springhill was included as one of the approved capital budget items.

LEGISLATIVE AUTHORITY: Municipality of the County of Cumberland Policy 17-05
Procurement

RECOMMENDATION: THAT Council award the T-MCC-2401 – Paving of Municipal Streets Parrsboro and Springhill Communities to Cumberland Paving and Contracting for a value of \$1,120,192.36 (includes non-recoverable HST).

BACKGROUND: The Municipality is responsible for approximately 70 km of road surfaces in the former towns of Springhill and Parrsboro. The capital paving program attempts to maintain a portion of these surfaces every year based on frequency of use and condition assessment.

DISCUSSION: T-MCC-2501 closed April 03, 2024. Three bids were received for this project. Staff have reviewed the bids and found them to be compliant with the requirements of the Tender.

FINANCIAL IMPLICATIONS: This project has a budget of \$1,150,000.00. The identified source of funding is the Canada Community Building Fund, commonly referred to as the "Gas Tax Fund".

Contractor	Part A Parrsboro	Part B Springhill	Total
Cumberland Paving	\$418,318.66	\$701,871.70	\$1,120,190.36
Dexter Construction	\$438,007.57	\$720,909.84	\$1,158,917.41
Chapman Bros Construction	\$464,299.08	\$781,914.28	\$1,246,213.36

The tender submissions are within budget.



COUNCIL

RFD

Date: April 23, 2025

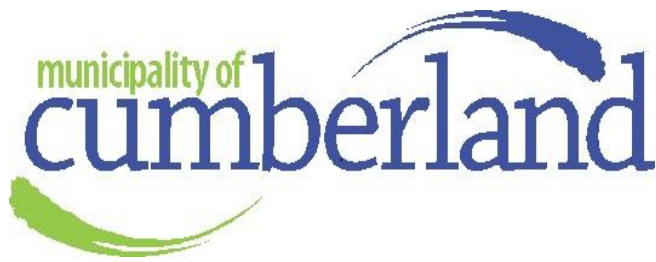
ENVIRONMENTAL IMPLICATIONS: There are no environmental implications expected with this project.

HOW WILL IT BE COMMUNICATED? Public communication will be released before work on this project begins.

ALTERNATIVES:

ATTACHMENTS: None.

Report prepared by: Justin Waugh-Cress
Report and Financial approved by:



**COUNCIL
RFD**

Date: April 23, 2025

TO: Mayor Gilroy and Members of Council

SUBMITTED BY: Justin Waugh-Cress, P.Eng., Director of Public Works

DATE: April 17, 2025

SUBJECT: **Source Water Protection Committee Terms of Reference**

ORIGIN: The Municipality operates the Cumberland Water Utility, consisting of three water systems located in Parrsboro, Pugwash, and Springhill.

LEGISLATIVE AUTHORITY: Nova Scotia Municipal Government Act Section 47.

RECOMMENDATION: **THAT Council approve the Cumberland Water Utility Source Water Advisory Committee Terms of Reference Policy.**

BACKGROUND: The Municipality's Approval to Operate for each water system issued by Nova Scotia Department of Environment and Climate Change (NSECC) requires the implementation of an approved Source Water Protection Plan. Each water supply has an established Source Water Protection Plan approved by NSECC. NSECC establishes five steps to design a plan for source water protection:

1. Form a Source Water Protection Advisory Committee
2. Delineate the Source Water Protection Area Boundary
3. Identify Potential Contaminants and Assess Risks
4. Develop and Adopt a Source Water Protection Management Plan
5. Monitor and Evaluate the Plan

Past Source Water Protection Advisory Committee's have been established and completed steps 2 – 4 for each water system. Step 5 of this process is ongoing work. the document "Developing a Municipal Source Water Protection Plan" (NSECC) states, "Both the water utility or municipality and the advisory committee will need to continue to work with stakeholders to ensure that the management mechanisms incorporated into the source water protection plan are contributing to the maintenance of water quality or quantity. Note that the advisory committee's role is on-going. The protection plan may continue to develop and change to reflect changes within the source water supply area over time."



**COUNCIL
RFD**

Date: April 23, 2025

DISCUSSION: The existing Terms of Reference for the Source Water Protection Committees are out of date and inconsistent. The attached Terms of Reference for a single committee sets out the composition, organization, rules, and responsibilities of the committees and reflects the ongoing work of the committees to monitor and evaluate the Source Water Protection Plans.

FINANCIAL IMPLICATIONS: The adoption of the Policy does not have any financial implications.

ENVIRONMENTAL IMPLICATIONS: Given that the committee advises on issues related to the protection of groundwater sources, there are potentially significant environment implications to the work of the committee.

HOW WILL IT BE COMMUNICATED? Revised Policies are placed on the Municipality's website. The Clerk will advertise for committee vacancies.

ALTERNATIVES:

- 1) Status quo. Continuing with existing inconsistent, out of date terms of reference is not recommended.
- 2) Proceed to update and activate three separate committees in Parrsboro, Pugwash and Springhill
- 3) Given that we have recently amalgamated the three water utilities into one, amalgamate the three committees into a single committee that can deal with all three water sources. This option has obvious efficiencies and may well alleviate the frequent problem of attracting sufficient interest among volunteer members

ATTACHMENTS:

- Draft Cumberland Water Utility Source Water Advisory Committee Terms of Reference Policy

Report prepared by:
Report and Financial approved by:

1. Advisory Committee

There shall be a Committee which shall consist of up to eleven (11) members appointed in the manner hereinafter set out and which shall be known as the "Cumberland Water Utility Source Water Advisory Committee"

2. Definitions

- (a) "Committee" means the Cumberland Water Utility Source Water Advisory Committee;
- (b) "Council" means the Council of the Municipality of the County of Cumberland;
- (c) "Commission" means the Pugwash Village Commission.

3. Membership

- (a) The Councillor for District 3.
- (b) The Councillor for District 8.
- (c) One of the Councillor for District 5 or the Councillor for District 6.
- (d) Up to three landowners within or adjacent to the protected water areas, appointed by Council.
- (e) Up to three customers of the Cumberland Water Utility, appointed by Council.
- (f) One representative of local snowmobile or ATV club, appointed by Council.
- (g) One representative of the Pugwash Village Commission appointed by the Commission.
- (h) Non – voting resources shall include staff from the Municipality of the County of Cumberland, as assigned by the CAO, and Provincial Departments as required.

4. Terms of Membership

- (a) Members shall serve for a term of Council. All members shall be eligible to be reappointed.
- (b) When a member of the Committee ceases to be a member of a Council, their term on the Committee will be terminated.

5. Quorum

Five (5) voting members of the Committee will constitute a quorum.

6. Chair

At the first meeting of the Committee held each fiscal year, a Chair (who must be a member of Council)and a Vice Chair shall be elected from among the members who shall hold office until their successors are elected.

7. The Role of the Cumberland Water Utility Source Water Advisory Committee shall be:

- (a) To advise the Council on policy issues to do with the protection of the source water quality.
- (b) To advise the Cumberland Water Utility on operating policy issues as contained in the Source Water Protection Plans.
- (c) To ensure effective integration of current and proposed provincial government legislation through representation by staff from provincial departments.
- (d) To review and comment on the current Source Water Protection Plan.
- (e) The Committee will review and comment on water quality and quantity monitoring programs and other studies related to the source water protection area.

8. The Role of the Cumberland Water Utility Shall be:

- (a) Acting as the operating arm for the Cumberland Water Utility including execution of all management functions.
- (b) Providing funding for the work of this Committee in the protected water area.

9. Meetings

Meetings of the Committee shall be held as required, at least once in every fiscal year. The Director of Public Works, in consultation with the Chair, may request that the Municipal Clerk convene a meeting of the Committee at any time provided seven days advance written notice is given.

10. Roles and Responsibilities

Title/Role	Responsibilities
Director of Public Works	Schedule meetings as required, in consultation with the Chair and Clerk and support the work of the Committee
Clerk	Advertise annually for citizen appointments. Administer meetings.
Council	Appoint a member annually, approve citizen appointments annually and review/revise Terms of Reference as required.