

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MARCH 17TH, 2015

6:00 P.M.

Council Chambers
2nd Floor, Civic Centre
320 Esplanade, Sydney, NS

Cape Breton Regional Municipal Council

Tuesday, March 17th, 2015

6:00 p.m.

AGENDA ITEMS

PRAYER (See page ____)

*Moment of Silence for Blair Brewer

ROLL CALL

1. APPROVAL OF MINUTES: (Previously Distributed)

- Special Council – February 3rd, 2015
- Regular Council – February 17th, 2015

2. PLANNING ISSUES:

2.1 Final Approval – Public Hearings:

- i. Zoning Amendment Application for a Warehouse at 1541 Gabarus Highway, Prime Brook – G-998:

Public Hearing to consider the request by Mr. Peter Harris for a zoning amendment for property located at 1541 Gabarus Highway, Prime Brook to permit the construction of a large warehouse storage building in the rear yard of the property. Malcom Gillis, Director of Planning (See page ____)

2.2 Approval to Advertise:

- i. Request for Amendments to the Text of the CBRM Land Use By-law and Subdivision By-law – G-999:

Request by Mr. Clem MacPhee to amend both the CBRM Land Use and the Subdivision By-laws to allow for the subdivision on islands without the need to provide parking facilities on the mainland of the CBRM. Karen Neville, Planner (See page ____)

Continued....

PLANNING ISSUES (Cont'd)

Approval to Advertise (Cont'd):

- ii. **Zoning Amendment Application by Read Enterprise Ltd. for property located at Elizabeth Street, Sydney River - G-1000**

Request by Mr. Stephen Read of Read Enterprises Ltd. for a zoning amendment for his property located on Elizabeth Street, Sydney River, to permit the construction of a six-unit apartment building. Neville, Planner, Planner (See page ____)

- iii. **Development Agreement Application by Dexter Construction Company Ltd. for property at Grand Mira-Gabarus Road – G-1001:**

Request by Dexter Construction Company Ltd. to enter into a development agreement for a mobile asphalt plant on property located on the Grand Mira-Gabarus Road. Karen Neville, Planner, (See page ____)

3. **BUSINESS ARISING:**

3.1 **CBRM Board of Police Commissioners – March 3rd, 2015:**

- a) **Crosswalk Guards Review – Reduction of 9 Positions:**

Board of Police Commissioners recommends that the School Crosswalk Guards report dated February 25, 2015 be referred to Council as part of the 2015-2016 budget deliberations. Peter McIsaac, Chief of Police and Inspector Robert Walsh (See page ____)

3.2 **Fire and Emergency Services Committee – March 4th, 2015:**

- a) **Terms of Reference for Request for Proposal – Fire Services Review:**

Committee recommends Council approval of the amendments to the Draft Terms of Reference for the Cape Breton Regional Municipality Fire Services Organization Review, with the removal of the reference to residential sprinkler systems. Deputy Mayor George MacDonald (See page ____)

3.3 **Regular Council – February 17th, 2015:**

- a) **Revised Memorandum of Association and Articles of Association of the Port of Sydney Development Corporation:**
Michael Merritt, CAO; Marlene User, CEO Port of Sydney; and Jim Gogan, Solicitor - Breton Law Group (See page ____)

Continued....

4. **REPORTS:**

- 4.1 **Financial Reports for January 2015: (for information only)** Marie Walsh, Chief Financial Officer (See page ____)

5. **CORPORATE SERVICES ISSUES:**

- 5.1 **Request for Deed – Norma MacLean, Property at Wadman Street, Glace Bay, NS:** Demetri Kachafanas, Solicitor (See page ____)
- 5.2 **Request for Boundary Line Agreement – Property at 62 Main Street, Reserve Mines, and Tompkins Memorial Elementary School Property:** Demetri Kachafanas, Solicitor (See page ____)

6. **BY-LAWS, RESOLUTIONS & MOTIONS:**

- 6.1 **By-Laws:** N/A

6.2 **Resolutions:**

- a) **World Water Day**
Councillor Charlie Keagan (See page ____)
- b) **World Plumbing Day**
Councillor Clarence Prince (See page ____)
- c) **Privatizing Home Care Services:**
Councillor Clarence Prince (See page ____)
- d) **Canadian Oncology Nursing Day**
Councillor Claire Detheridge (See page ____)
- e) **World Poetry Day and National Poetry Month**
Councillor Mae Rowe (See page ____)
- f) **Dr. Ron Stewart – James O. Page/JEMS Award**
Councillor Clarence Prince and Councillor Charlie Keagan (See page ____)

- 6.3 **Motions:** N/A

Adjournment

Cape Breton Regional Municipal Council

Tuesday, March 17th, 2015

6:00 p.m.

PRAYER

God Our Creator, bless us as we gather today for this meeting;
You know our most intimate thoughts;
Guide our minds and hearts
so that we will work
for the good of the community,
and help all your people.

Give us today the strengths
and wisdom to carry out our duties
in the most caring and respectful ways.

Teach us to be generous in our outlook,
courageous in the face of difficulty,
and wise in our decisions.

Amen

Zoning Amendment Application – Warehouse at 1541 Gabarus Highway, Prime Brook – G-998:

Motion:

Moved by Councillor Doncaster, seconded by Councillor Saccary, approval to advertise Notice of a Public Hearing to be held at the March 2015 meeting of Council to consider the request by Mr. Peter Harris for a zoning amendment for the property located at 1541 Gabarus Highway, Prime Brook, to permit the construction of a large warehouse storage building in the rear yard of the property, G-998.

Motion Carried.



TO: CBRM Council

FROM: Malcolm Gillis

**SUBJECT: ZONING AMENDMENT APPLICATION G-998
Warehouse at 1541 Gabarus Highway, Prime
Brook**

DATE: February 10th, 2015

Introduction

CBRM is in receipt of a zoning amendment application from Peter Harris of 1541 Gabarus Highway, Prime Brook to permit him to construct a large warehouse storage building in the rear yard of the above referenced property. The lot parcel is currently occupied by a single detached dwelling and a small residential accessory building. Mr. Harris' wants to demolish the small accessory building and replace it with a 35 ft. by 70 ft. (2,450 sq. ft.) structure to be used to store and maintain a wide array of personal motor vehicles and equipment.

Why a zoning amendment is necessary for this development?

CBRM's Land Use Bylaw has a General Provision restricting the size of a residential accessory building to no more than 10% of the area of the lot parcel. Mr. Harris lot parcel is only 21,060 sq. ft. Consequently, his proposed building is significantly larger than the 10% maximum and too large for a variance to be issued in compliance with the Municipal Government Act.

Why should a zoning amendment be considered?

Normally if a proposed residential accessory building can't meet the maximum percentage lot coverage provision it ends there. Either the applicant reduces the size of the building or the Permit application is denied. And I generally would not advocate for a zoning amendment to accommodate such a proposal. This provision has never been challenged with a zoning amendment request. But this site is unique.

Please look at the map with this report. The zoning amendment site is a small lot surrounded by a wide range of business developments. All of these business developments are in a Commercial Industrial Zone where Development Permits for large scale buildings could be, and have been, issued. Mr. Harris' property was not included in that Zone because the only

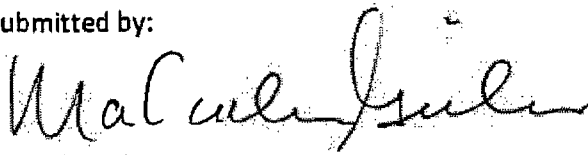
development on it is a single detached dwelling. Residential developments are not permitted in the above referenced commercial/industrial Zone.

Recommendation

It is unreasonable for a Municipality to prevent someone from attaining a Development Permit to construct a building of the scale proposed by Mr. Harris in the midst of commercial/industrial sites with much larger scale buildings. I recommend that:

- the commercial/industrial Zone practically surrounding Mr. Harris' property be expanded to include his property;
- the text of that Zone be amended to state that a single detached dwelling is permitted only on the lot parcel occupied by Mr. Harris' house; and
- that the General Provision regulating the size residential accessory buildings include a clause stipulating that the 10% maximum percentage lot coverage be waived whenever a residential accessory buildings is to be constructed within a Zone with the word "industrial" in its title. The draft amending Bylaw implementing this is included with this report.

Submitted by:



Malcolm Gillis
Planning and Development Department

Zoning Amendment 998

Prime Brook

Killamey Crescent

Gabarus Highway

Woodland Drive

concrete manufacturing

Transport courier

excavation contractor

ZONING AMENDMENT SITE

1541

auto repair

drywall contractor

manufacturing fabricator

Commercial Way



By-law
of the
Cape Breton Regional Municipality
amending the
Land Use By-law

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text and map of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Council amends the Land Use Bylaw map by deleting the Rural General Store and Service (GSS) Zone in effect for PID# 15031552 by replacing it with the Prime Brook Industrial (IPB) Zone.

THAT: Council amends the text of the Prime Brook Industrial (IPB) Zone by adding the words "residential – only a one or two unit residential dwelling on PID# 15031552" in the list of permitted uses section.

THAT: Council amends the text of the Land Use Bylaw by adding the following to Part 2, Section 1.a.4 ...

" , or a residential accessory building in a Zone with the word "Industrial" in its title."

With this addition, Part 2, Section 1.a.4 will read as follows:

"The total area of a detached accessory building to a residential use shall not exceed the greater of 576 sq. ft. in total area or 10% of the lot parcel area, except for a swimming pool, or a residential accessory building in a Zone with the word "Industrial" in its title; and "

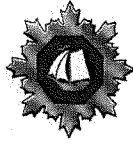
PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on March 17th, 2015.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the zoning amendment Case File 998 Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on March 17th, 2015 to amend the Cape Breton Regional Municipality's Land Use By-law.

DEBORAH CAMPBELL, CLERK



TO: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: ISLAND SUBDIVISION AND PARKING
REQUIREMENT (AMENDMENTS TO THE TEXT
THE CBRM LAND USE AND SUBDIVISION
BYLAWS) – Application 999**

DATE: February 18th, 2015

Introduction

The Planning and Development Department has received an amendment application from Mr. Clem MacPhee. Mr. MacPhee is requesting text amendments to both the CBRM's Land Use and Subdivision By-laws to allow for the subdivision on islands without the need to provide parking facilities on the mainland of the CBRM.

Mr. MacPhee, along with several of his family members, own land on an island within the Bras d'Or Lakes. The family would like to subdivide their property to enable individual ownership. The family does own land on the mainland which could accommodate the existing parking requirement in Section 7 of the Subdivision Bylaw and Section 16 of the Land Use By-law, however they feel that this request is unreasonable. The family believes that they should be able to utilize the nearby Ben Eoin Yacht Club & Marina along with other public boat ramps as a point of water access and parking.

In order to permit Mr. MacPhee's request there would need to be text amendments to both the Land Use By-law and the Subdivision By-law. More specifically, Part 2 General Provisions for All Zones, Section 16 Frontage on a Public street/road and Section 30 Parking Requirements According to Land Use Type of the Land Use Bylaw and Part 2 General Provisions, Section 7 Island Subdivisions of the Subdivision Bylaw.

Section 16 b. 7 of the Land Use By-law states:

Lot parcels with frontage on a navigable waterway provided:

- access can only be attained by means of a navigable waterway;
- the lot parcel has a minimum of 20 ft. of shoreline frontage measured perpendicular to the side lot line at the shoreline;
- the off-street parking spaces required in compliance with this By-law are located in a parking area within 1,000 ft. of the navigable waterway on which the lot parcel abuts; and

- there exists access of 50 ft. in width to the parking area from a public Street or Highway or a private Road and from the parking area to the shoreline where there exists suitable boat launching facilities.

The last two bullets of 16 b. 7 would need to be removed to accommodate Mr. MacPhee's request.

Section 30 Parking Requirements According to Land Use Type outlines off-public street/road parking requirements. Section 30 also has a list of scenarios where a land use is excluded from providing off-public street/road parking. To accommodate Mr. MacPhee's request, reference to a lot parcel with water frontage on an island which is not serviced by a public street/road would need to be added to the land uses excluded for providing off-public street/road parking. A copy of the draft amendment to the CBRM Land Use By-law has been included as Attachment A for Council's consideration.

According to Section 7 Island Subdivisions of the Subdivision By-law, the Development Officer has the authority to approve lot parcels in a plan of subdivision which is not serviced by a public street/road provided:

- each lot parcel has at least 6 meters of water frontage defined as the distance measured as a straight line between two points where the lot parcel boundary along the shore intersects with two other lot parcel boundaries;
- the subdivider provides a parking area on the mainland or on an island which does contain a public street, and the parking area shall have a parking space measuring not less than 3 meters by 6 meters for the exclusive use of each lot parcel so subdivided, and each such parking space shall have independent access to a public street either directly or by means of an easement;
- there exists an easement at least 6 meters in width to the parking area mentioned above from a public street/road and from the parking area to the shoreline of the body of water on which the lot parcels shown on the plan of subdivision abut;
- the locations of the parking areas and easements are clearly identified on the final plan of subdivision;
- the Land Use By-law in effect permits development on such lot parcels.

If Council decides to approve Mr. MacPhee's request, the second, third, and fourth bullets of Section 7 would need to be removed. A copy of the draft amendment to the CBRM Subdivision By-law has been included as Attachment B for Council's consideration.

It is important to note, that while the text amendments to the Land Use and Subdivision By-laws will permit Mr. MacPhee's request, these amendments would also apply to every zone throughout the CBRM due to the fact that both Section 16 and Section 30 are found in Part 2 General Provision for All Zones of the Land Use By-law and the Subdivision By-law is applied throughout the CBRM. There are approximately forty parcels of land located on islands of 2.5 acres or greater within the CBRM, fifteen of which are under private ownership. An inventory our GIS data for boat ramps throughout the Municipality showed that there are six in private ownership and eleven public.

A survey of Nova Scotia municipalities was undertaken to learn which municipalities implemented provisions related to island lot parcel subdivision and to learn the reasons that different municipalities have a provision for parking on the mainland while others do not. Seventeen Nova Scotia Municipalities, excluding the CBRM, were found to have provisions related to lot parcel creation on an island, of those only three had similar provisions for parking on the mainland.

The inclusion of provisions requiring parking on the mainland for island subdivision in Subdivision and Land Use By-laws was likely inherited from the Provincial Subdivision Regulations. The Provincial Subdivision Regulations applies to areas throughout the Province that do not have a Subdivision By-law in place. At one time, the Provincial Subdivision Regulations included provisions requiring mainland parking for island lot parcel, however, the Provincial Subdivision Regulations have since been amended and this requirement has been removed.

The request to subdivide a lot parcel for an island within the CBRM is not common, in fact, an application for this type of lot parcel creation has not been processed since the CBRM inception. Based on the research conducted, the inclusion of parking requirements related to this type of subdivision is not common. As well, the Provincial Subdivision Regulations has removed the parking requirement provisions for island subdivision. For these reasons it is reasonable for Council to remove the requirement for mainland parking as it relates to island subdivision from the Land Use and Subdivision By-laws.

Recommendation

I recommend that at the March 17th meeting of Council, Council pass a Motion to schedule a Public Hearing to consider these amendments during the April 21st meeting of Council.

A draft of the recommended amendments can be found in Attachment A and Attachment B.

Submitted by:

Karen Neville

Karen Neville
Planning and Development Department

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Land Use Bylaw**

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Part 2 General Provisions, Section 16 Frontage on a Public street/road of the Land Use Bylaw is hereby amended by repealing and replacing Subsection 16 b. 7 with the following:

Lot parcels with water frontage on an island which is not serviced by a public street/road provided access can only be attained by means of a navigable waterway.

THAT: Part 2 General Provisions, the text of Section 30 Parking Requirements According to Land Use Type of the Land Use Bylaw is hereby repealed and replaced them with the following:

For every building or structure to be erected or enlarged or *change of use*, off-public street/road parking located on the same lot parcel and within the same zone as the use and having unobstructed independent access to a public street/road shall be provided and maintained in conformity with the following schedule excepting:

- where specific parking requirements are established in the text of the zone in effect;
- where parking is not required for the use in the zone in effect;
- where on public street/road curbside parking is permitted by the Traffic Authority, in which case the number of parking spaces available directly in front of the lot parcel on which the development is taking place may be included in the calculation;
- where there is incontrovertible evidence an existing development was originally established when on-site parking requirements were not in effect, and an expansion is proposed, compliance with the parking standards below shall only be imposed on the expansion; or
- where the lot parcel is on an island that is not serviced by a public street/road and access can only be attained by means of a navigable waterway.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Land Use Bylaw amendment Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell, CLERK

By-law

of the Cape Breton Regional Municipality

amending the

Cape Breton Regional Municipality's Subdivision By-law

Pursuant to Section 271(9) of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text of the Cape Breton Regional Municipality's Subdivision By-law in the following manner:

THAT: Part 2 General Provisions, Section 7 Island Subdivisions of the Subdivision By-law is hereby repealed and replaced with the following:

The Municipal Planning Strategy gives the Development Officer the authority to approve lot parcels in a plan of subdivision on an island which is not serviced by a public street/road provided:

- each lot parcel has at least 6 meters of water frontage defined as the distance measured as a straight line between two points where the lot parcel boundary along the shore intersects with two other lot parcel boundaries;
- the Land Use By-law in effect permits development on such lot parcels.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Subdivision By-law amendment Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Subdivision By-law.

Deborah Campbell, CLERK



TO: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1000
Stephen Read
Read Enterprise Ltd
Elizabeth Street, Sydney River (PID
15782907)**

DATE: February 19th, 2015

Introduction

The Planning and Development Department has received a zone amendment application from Mr. Stephen Read of Read Enterprise Ltd. Mr. Read is the owner of a property on Elizabeth Street, Sydney River (PID 15782907) [Attachment A]. The property, which abuts a property owned by Municipal Ready Mix Ltd, was once used as a construction storage yard. Currently there is a building on the property that Mr. Read uses for storage associated with his warehousing business on the adjacent property.

Why a zoning amendment is necessary for this development?

The property is zoned Residential Urban C (RUC) and has an area of 39,000ft² (3623m²). While the RUC zone permits a range of uses it does not permit a six unit apartment building, as a result Mr. Read has requested the zoning on the property be amended. The proposed two storey apartment building will be 56ft by 44ft with four units on the ground floor and two units on the second storey (Attachment C).

Why should a zoning amendment be considered?

The area surrounding Elizabeth Street is predominantly residential however there is a range of non-residential uses in the area including a large scale construction company, rental storage buildings, auto body repair shop, 15 unit seniors complex, day care facility, elementary school, residential care facility along with a range of home based businesses. Based on GIS data, there are 64 two unit dwellings, three three unit dwellings, and one four unit dwelling within the area outlined Attachment B.

What Does the Municipal Planning Strategy Say?

There are several policies in the Municipal Planning Strategy (MPS) which advocate for higher density residential developments like apartment buildings under a variety of circumstances. When the current zoning does not permit the scale of a proposed residential development it is a policy of the MPS to at least consider a zoning amendment. If a zoning amendment is considered, Policy 1. d. 9 Part 4 of the MPS

provides a list of six criteria to be used to evaluate the merits of the zoning amendment application. The criteria is listed below along with an evaluation of the proposed application.

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)

There is only one residential property abutting the property in question. The applicant intends on retaining the tree buffer abutting the residential property. There is also a tree buffer along the property line which abuts Municipal Ready Mix Ltd. which the applicant also intends to retain (Attachment D).

- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;

According to Part 2 General Provisions for all Zones Section 30 Parking Requirements According to Land Use Type of the Land Use By-law, one parking space is required per dwelling unit of an apartment building. There will be six units in the proposed apartment building and therefore the applicant must provide six parking spaces. The proposed site plan depicts the location of the proposed parking (Attachment D).

- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;

Currently there are various provisions in the Land Use By-law that could result in several dwelling units being constructed on this property without the need for a zone amendment. In accordance with Section 27 One Main Residential Building on a Lot Parcel of Part 2 of the Land Use By-law, the property in question has the potential have two or more two-unit dwellings, subject to the applicant extending a water main. The property also has the potential to be subdivided into at least two lot parcels, all of which could contain a semi-detached dwelling. If the applicant chose to undertake either of those options the resulting development have similar volume of traffic as the proposed apartment building. Also, the criteria to evaluate increased traffic is more relevant when considering a zone amendment for a much larger apartment building.

- The development proposal must mitigate the potential adverse effects any significant buildings will have on much smaller scale low density residential buildings.

Due to the large lot size, the density of the proposed six unit apartment building is actually comparable to the semi-detached and single unit dwellings in the area. The proposed zone amendment would only permit one six unit apartment building to be constructed on the property. If the applicant wants an additional apartment development on the property, a subsequent zone amendment would need to be evaluated and approved by Council.

- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;

The proposed building location will be to the rear of the property (Attachment D), which will be a considerable distance from the boundary of Elizabeth Street. The exterior of the proposed building will blend with surrounding residential properties and it will only be two storeys (Attachment C).

- Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

The proposed building will only be two storeys high, which is not uncommon for residential buildings in the general area. In addition, the 15 unit seniors complex located on Riverview Drive is also two storeys. The foot print of the proposed building is smaller than the semi-detached located on the corner of Elizabeth Street and MacRae Ave. The proposed building will also be smaller than the warehouses on the adjacent property as well as many of the buildings on the Municipal Ready Mix Ltd property.

MPS Policy 1.d.10, Part 4, states that apartment building development shall be prohibited in all areas of the CBRM not serviced with a Municipal piped sanitary sewer main. PID 15782907 can be serviced by a Municipal sanitary sewer main. The property in question does not have access to a water main, therefore the applicant will need to get approval from Nova Scotia Environment for a private well.

In consultation with the Nova Scotia Department of Environment related to the water supply on the property, the Department did not have any comments related to a proposed six unit apartment building. It is the applicant's responsibility to ensure that there is adequate quantity and quality of water for the proposed development. According to the Regulation, individuals constructing and repairing wells must have a certificate of qualifications from Nova Scotia Department of Environment.

When considering a proposed amendment for an apartment building the MPS states that the purpose of zone amendment is to ensure that the apartment building does not adversely affect low density residential development in the vicinity. The MPS also states that the allowable density and scale of an apartment development within a neighbourhood shall be correlated based on:

- the level of the public street/road accessing the site;
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

The property in question can be accessed by both Elizabeth Street and Riverview Drive. The portion of Elizabeth Street that the lot parcel in question fronts is considered to be an unlisted road. It is currently being maintained, but ownership is not known. Section 16 b. 4. of the Land Use By-law does allow a development permit to be issued for this type of road if confirmation of maintenance is received from the Engineering Department. While the area is predominantly single unit and two unit dwellings there are a range of large non-residential uses in the area. Given current provisions in the Land Use By-law, the property has the potential to contain two or more two-unit dwelling, either through subdivision or by the extension of the water main, a six unit apartment building would be a comparable density. Based on the above evaluation, the proposed zone amendment to permit a six unit apartment building on PID 15782907 would meet the intent of the MPS.

Next Steps

If the General Committee of Council recommends during its March 5th meeting and Council subsequently agrees to schedule a Public Hearing at their March 17th meeting, the earliest date of the Public Hearing would be Tuesday, April 21st. Upon a decision of Council to schedule a Public Hearing, notice of this zone amendment application will be mailed to assessed owners of property in the vicinity of PID 15782907 encouraging them to contact the Planning and Development Department if they have any questions and of their opportunity to attend the Public Hearing.

Recommendation

I recommend that at the March 17th meeting of Council, Council pass a Motion to schedule a Public Hearing to consider this zoning amendment application during the April 21st meeting of Council.

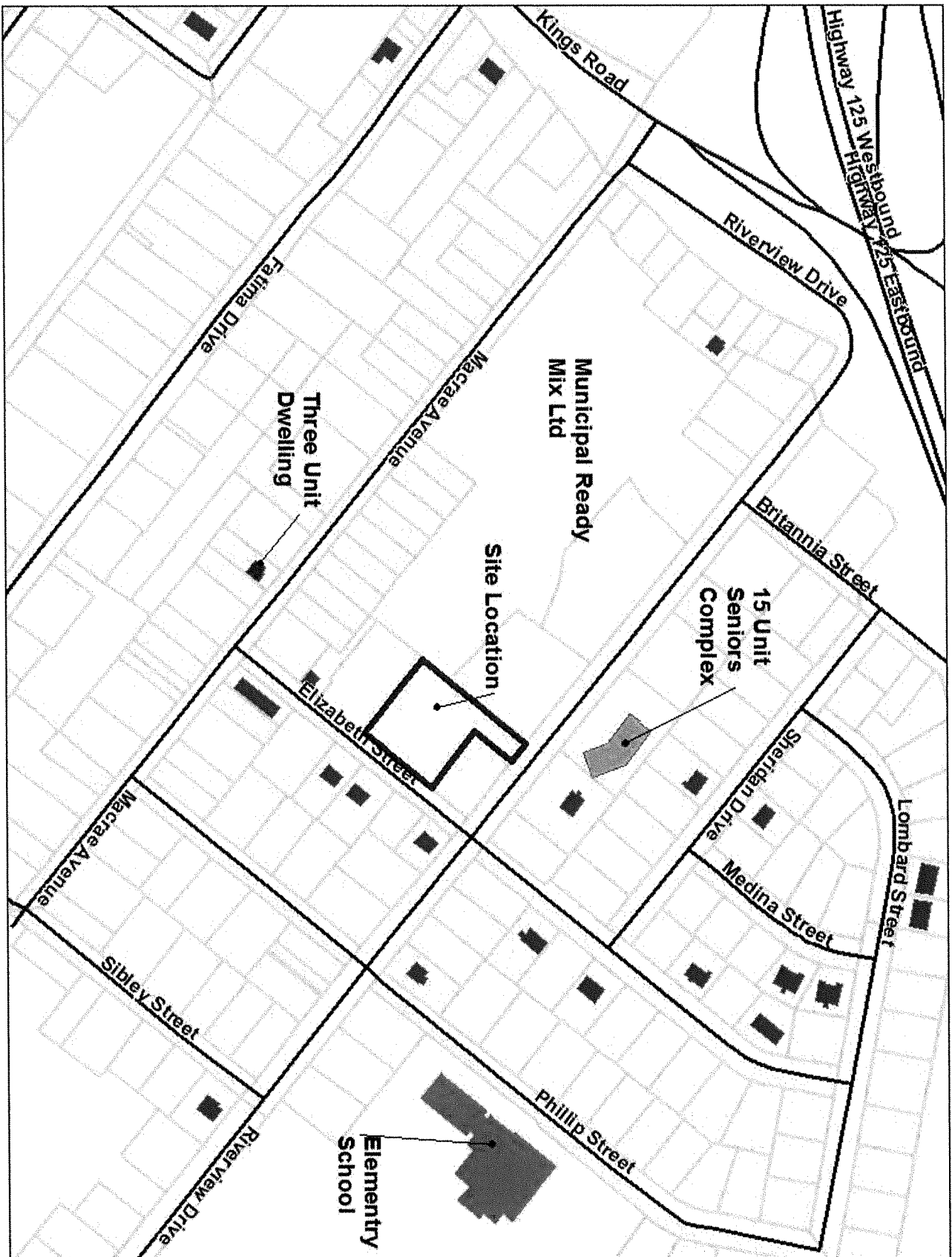
A draft of the recommended amendments can be found in Attachment E.

Submitted by:

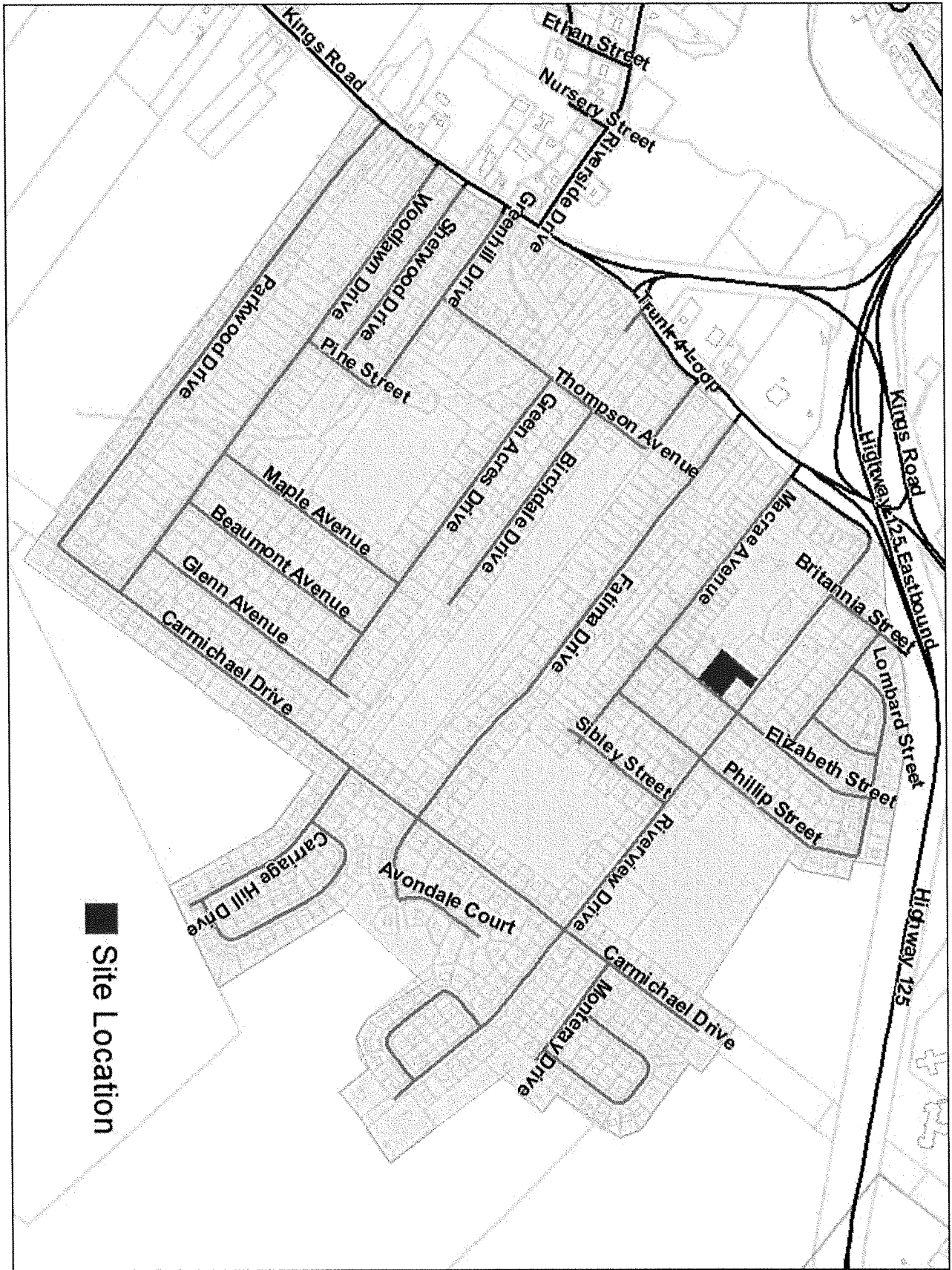
Karen Neville

**Karen Neville
Planning and Development Department**

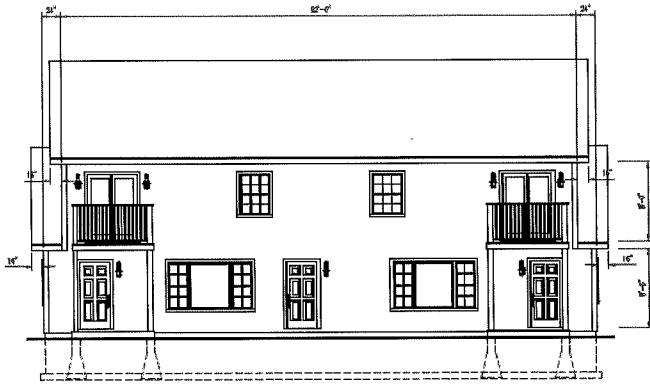
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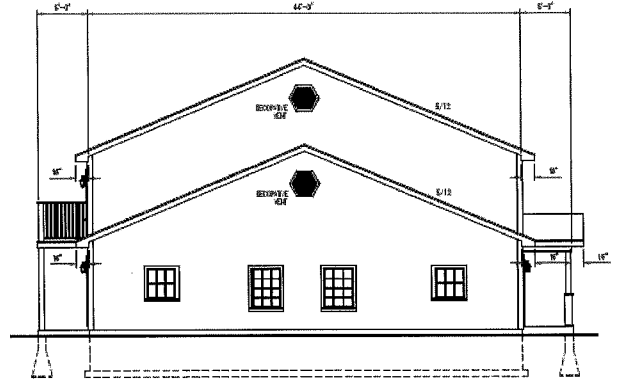
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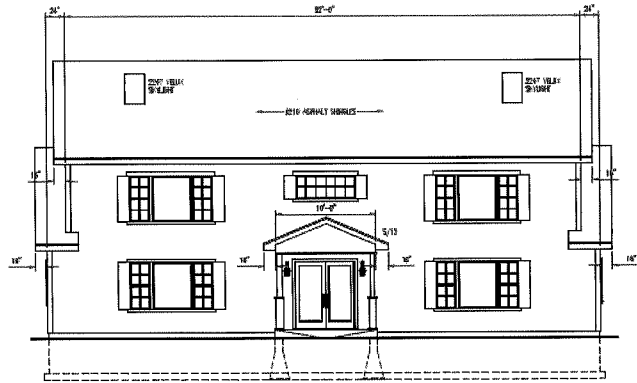
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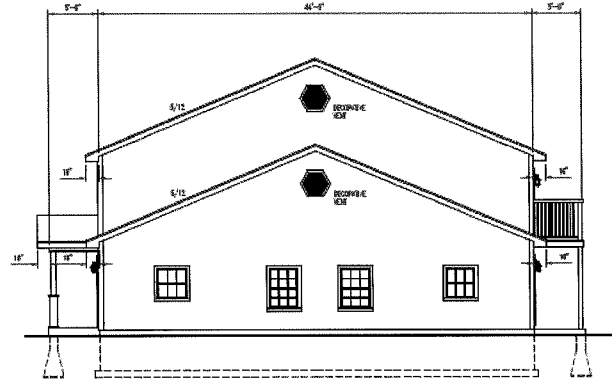
REAR ELEVATION



LEFT ELEVATION

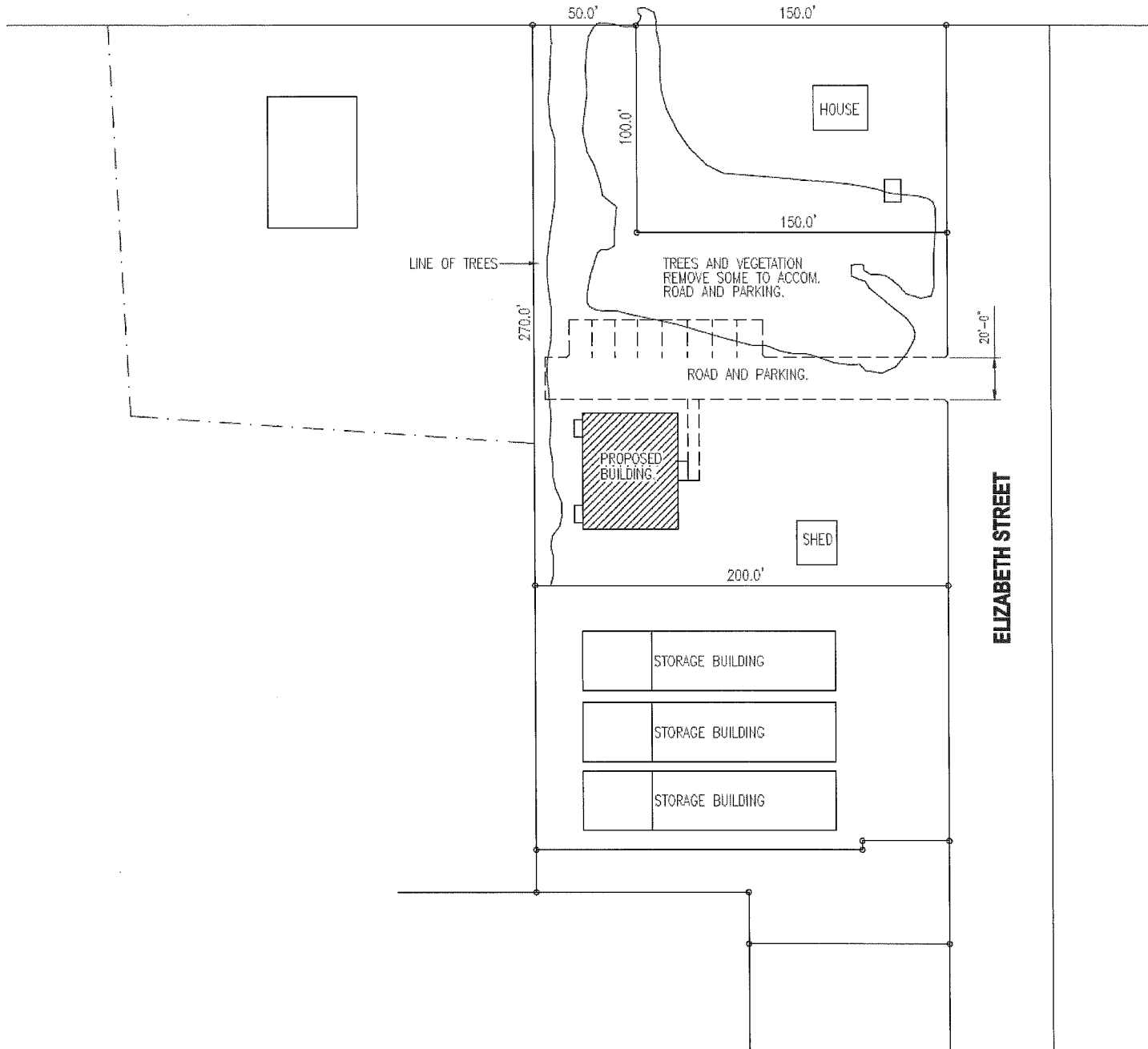


FRONT ELEVATION



RIGHT ELEVATION

RIVERVIEW DRIVE



By-law
of the Cape Breton Regional Municipality

amending the

Cape Breton Regional Municipality's
Land Use Bylaw

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text and map of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Council Renumbers Part 86 Definitions to Part 87

THAT: Council amends the text of the Land Use By-law by creating the following Zone.

PART 86 APARTMENT BUILDING SR (ABSR) ZONE

Section 1 ABSR Uses Permitted

Development Permits shall only be issued in the ABSR Zone for the following use in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use.

- 6 unit apartment building

Section 2 ABSR Lot Parcel Development Requirements

- The number of storeys shall be two.
- The density shall not be greater than 1 apartment unit per 6,000 sq. ft. of land on the lot parcel.
- A minimum of 6 parking spaces shall be provided on-site. All other aspects of the parking area shall be in compliance with the General Provision Section of this Bylaw titled "Parking Area Standards".
- Only one intersection providing motor vehicle access to the site to the parking area shall be provided.
- A stand of shrubs, bushes, or trees shall be planted or preserved in two locations:
 - In the yard between the apartment building and the lot parcel boundary shared with PID 15051014 (i.e. 126 Riverview Drive) to provide at least a partial screen of the parking area from the above mentioned adjacent lot parcel; and
 - In the yard between the apartment building and the lot parcel boundaries shared with PIDs 15571367 and 1505867.
- All other areas of the lot parcel subject to this Zone not occupied by the building footprint, parking area, deck, or not referenced in any of the above mentioned sub-sections shall be in compliance with this Bylaw's definition for landscaped open area.

THAT: Council amends the Land Use Bylaw map by deleting the Residential Urban C (RUC) Zone in effect for PID 15782907 by replacing it with the Apartment Building SR (ABRS) Zone.

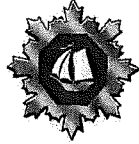
PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Land Use Bylaw amendment Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell, CLERK



TO: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: Development Agreement Application – 1001
for Mobile Asphalt Plant, Grand Mira
Gabarus Road (PID 15852478), Dexter
Construction Company Ltd**

DATE: February 20th, 2015

Introduction

The Planning and Development Department has received an application for a development agreement from Dexter Construction Company Ltd. for a property located on the Grand Mira Gabarus Road (PID 15852478). Dexter Construction Company Ltd. has a lease with Anne Marie MacLean and Matthew Van Larken, owners of PID 15852478, for the exclusive right to set up and operate any equipment, camps, machinery and the like, including an asphalt plant, and to remove, produce and crush any and all forms of gravel, sand, rock, or earthen borrow material which may be found within a ten acre portion of PID 15852478 (Attachment A).

Nova Scotia Department of Environment has issued an approval to construct and operate a quarry to Dexter Construction Company Ltd. for the property in question. Dexter Construction Company Ltd. also has approval from Nova Scotia Department of Environment to operate a mobile asphalt plant for various locations in Nova Scotia. This approval addresses various aspects of the project, including siting, construction of the facility, air emissions, sound levels, surface water, spills or releases, contingency plans, fuel storage, and rehabilitation.

In general, a mobile asphalt plant consists of a portable drum mix asphalt plant, a baghouse, petroleum/bitumen storage tanks and aggregate stockpiles. The mobile asphalt plant is very similar in size to the portable crusher which will be used on site (Attachment B). No water is used during the operation of the portable plant. In order to produce the quality of product needing for highway projects it is important to have dry aggregate. Liquid asphalt is added to aggregate to produce the final asphalt product. This liquid will be removed from the site when the plant is removed. The aggregate used to produce the final asphalt product will be from the Grand Mira Gabarus Road Quarry.

The applicant has indicated that there will no significant increase in traffic related to the mobile asphalt plant. If there is no mobile asphalt equipment on site, trucks carrying aggregate from the quarry would need to travel to an off-site asphalt plant. It takes approximately a day to a day and half to set up the

mobile asphalt plant and approximately a day to dismantle. It is estimated that this plant will move to various sites throughout the Province several times a year

Due to the location of the quarry, Dexter Construction Company Ltd. expects that its main use will be for local Nova Scotia Transportation and Infrastructure Renewal (NSTIR) highway paving projects. The anticipated time frame for the location and operation of the mobile asphalt equipment on this site would be for approximately three weeks annually, after which it would travel off to service the next project. However, this timeframe could be less or up to twice annually depending on the number of highway paving projects in the area.

The quarry will likely operate by first having the portable crushing equipment on site to crush the asphalt aggregate and road base gravel. The crusher would then vacate the site. The portable asphalt equipment would then be brought to the site and produce the asphalt for a specific project and then vacate the site. The quarry operation itself is governed by noise limits associated with their permit to operate from the Nova Scotia Department of Environment. There is not a significant amount of noise associated with portable asphalt equipment. The crushing equipment would generate more noise than the asphalt plant.

Why is a Development Agreement Necessary?

Municipalities do not have the legal authority to regulate processing of the raw, extracted gravel into a marketable commodity (e.g. crushing and screening) or its transport to the market. Municipalities only have the authority to regulate secondary manufacturing processes that use extracted mineral resources as ingredients in the production of the final market commodity (e.g. *asphalt plants, concrete manufacturing*).

Section 4.b, Part 6, of the Municipal Planning Strategy (MPS), indicates that no Development Permit shall be issued for the establishment of a secondary manufacturing process using the extracted mineral resource unless and until a development agreement is entered into between the Municipality and the property owner. The conditions that are included in the development agreement shall be designed to visually buffer any residential or recreational use from the proposed development, and to ensure that no use is approved that will significantly increase truck traffic volumes along any sector of a public street/road where a substantial amount of residential development exists.

Part 52 Development Agreement Section 1.5. of the CBRM Land use By-law states that Policy 4.b. of Part 6 of the MPS can be applied for a mining products manufacturing at the site of an existing extraction pit or quarry if there is a valid permit from the Province of Nova Scotia and there is incontrovertible evidence a mining products manufacturing facility existed at the pit or quarry within ten years of the date this Land Use By-law came into effect.

Mr. Gavin Isenor, of Dexter Construction Company Ltd., provided a 1997 report prepared by Jacques Whitford (now Stantec) for the Department of Transportation which provides details of the test results of the asphalt and aggregate produced on the property in question. As well, Mr. Isenor provided correspondence from the property owner, Anne Marie MacLean, indicating that she originally signed a contract with K.C. MacPhee Contracting Ltd. in June of 1997 which included an asphalt plant on the site.

Recommendation

I recommend that at the March 17th meeting of Council, Council pass a Motion to schedule a Public Hearing to consider this development agreement application during the April 21st meeting of Council.

A draft of the development agreement can be found in Attachment C.

Submitted by:

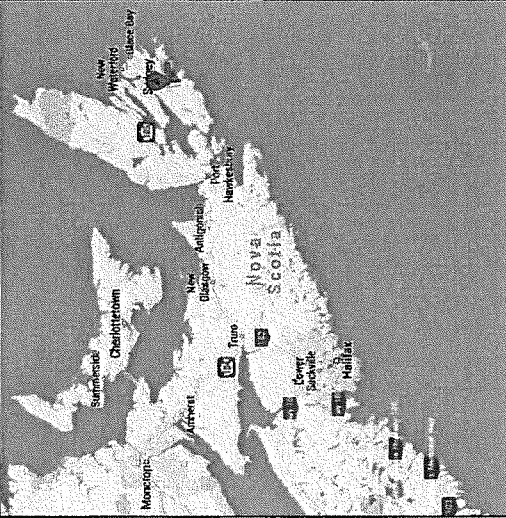
Karen Neville

**Karen Neville
Planning and Development Department**

GABARUS QUARRY

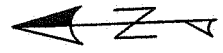
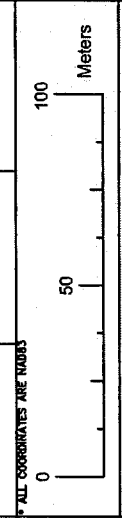
SITE PLAN

CAPE BRETON COUNTY, NOVA SCOTIA
 DATE: DECEMBER 18, 2013
 DRAWN BY: RHETT THOMPSON

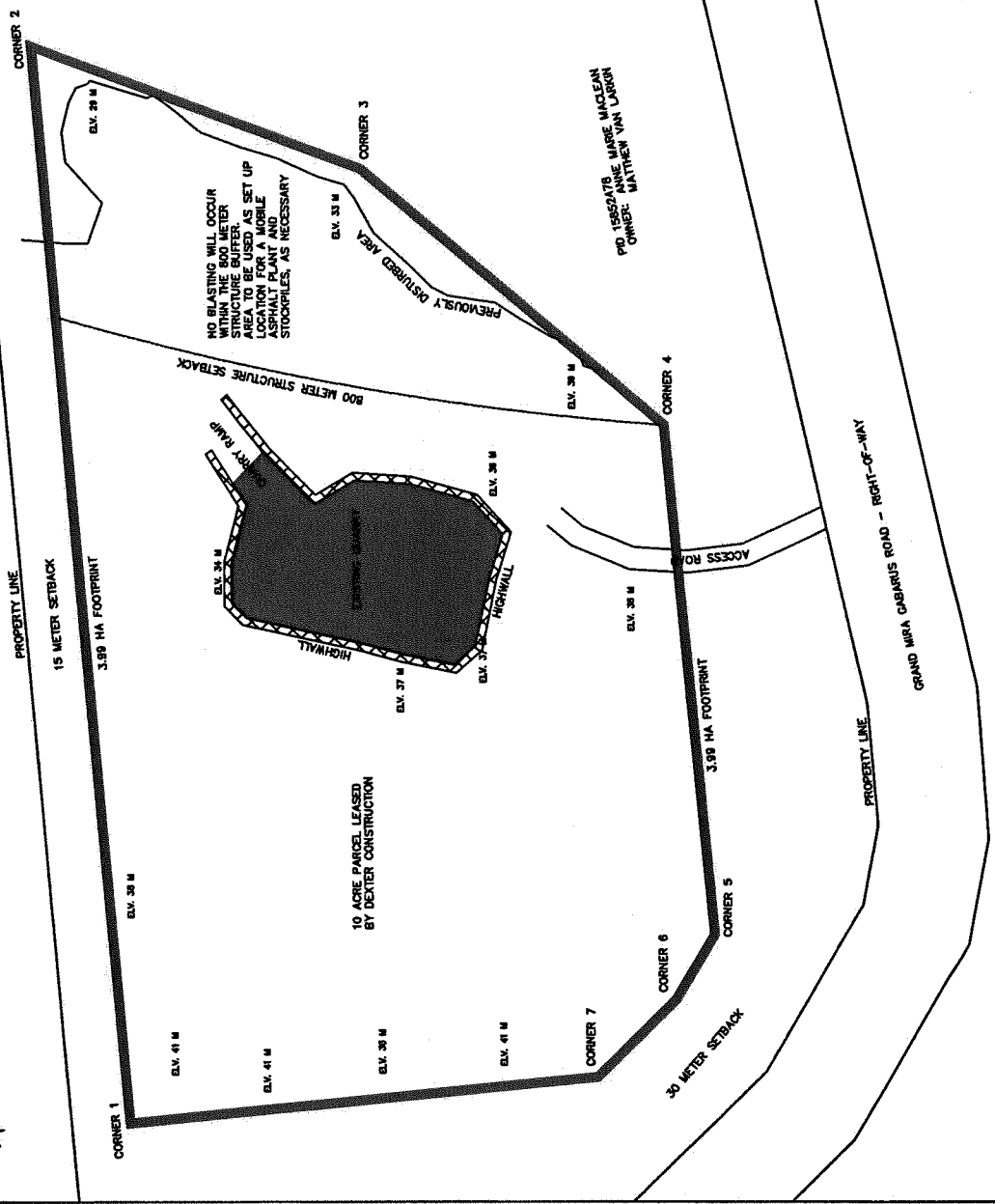


- NOTES:**
1. SURVEY DATA COLLECTED USING GARMIN eTREX20 HANDBEHOLD GPS DEVICE ON DEC. 17, 2013
 2. APPROXIMATE PROPERTY LINES OBTAINED FROM SERVICE NOVA SCOTIA AND SITE VISIT

COORDINATES	
POINT ID	LONGITUDE
CORNER 1	N45-49-06.8 W60-14-52.3
CORNER 2	N45-49-07.3 W60-14-38.7
CORNER 3	N45-49-04.3 W60-14-40.4
CORNER 4	N45-49-01.7 W60-14-43.7
CORNER 5	N45-49-01.5 W60-14-50.1
CORNER 6	N45-49-01.8 W60-14-51.0
CORNER 7	N45-49-02.6 W60-14-51.9

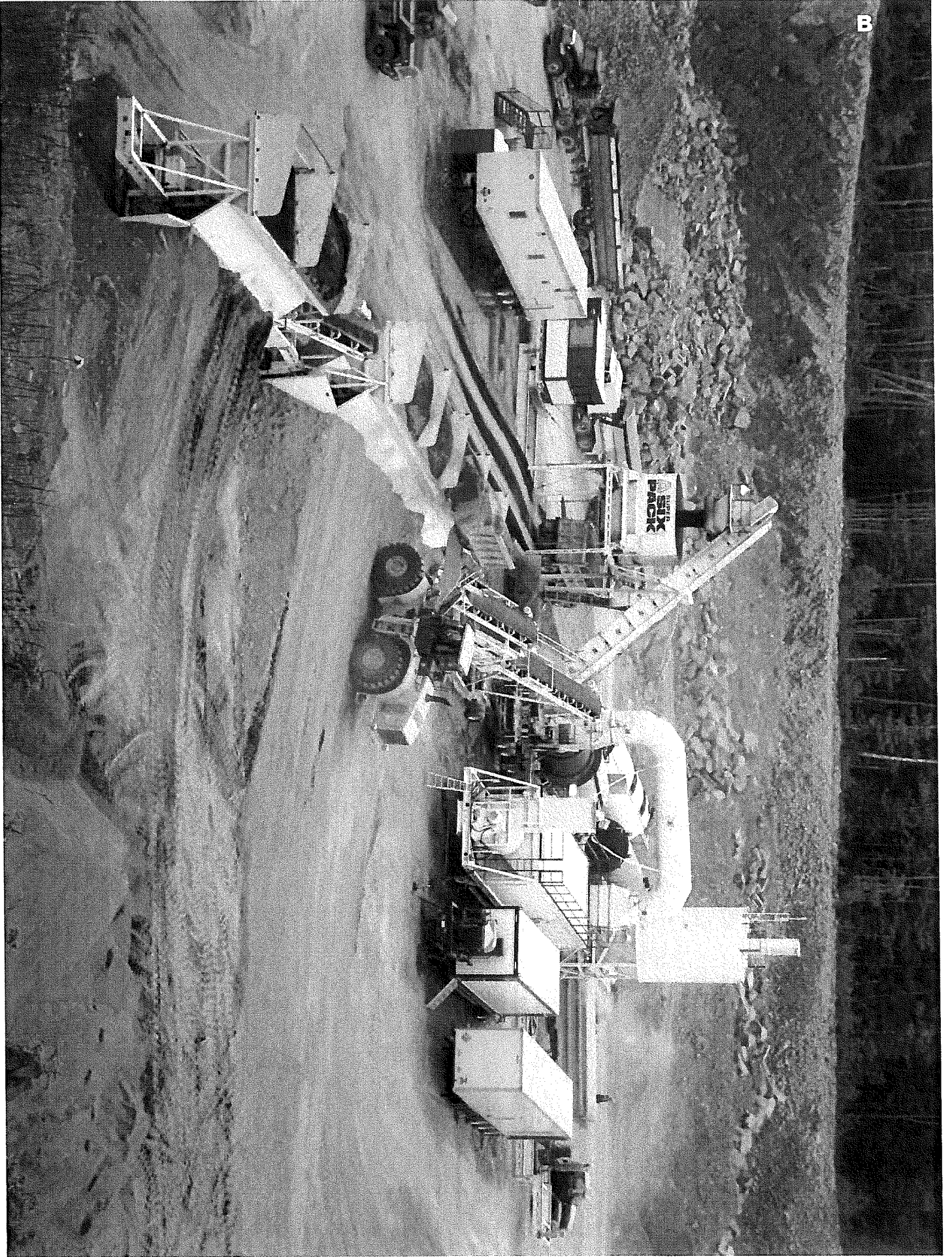


PD 1531839
 OWNER: ALEXANDER MACLEAN



A

B



THIS INDENTURE

Made and entered into this _____ day of _____, 2015.

BETWEEN:

ANN MARIE MACLEAN & MATTHEW VAN LARKEN

hereinafter referred to as the "Owner"

OF THE ONE PART

AND

THE CAPE BRETON REGIONAL MUNICIPALITY, a body corporate and politic, in the County of Cape Breton, Province of Nova Scotia

hereinafter called the "Regional Municipality"

OF THE OTHER PART

WHEREAS Part 6, Policy 4.b of the Cape Breton Regional Municipality's Municipal Planning Strategy enables entering into a Development Agreement to regulate a secondary manufacturing process using the extracted mineral resource for a property that has been occupied in the recent past by such a manufacturing facility;

AND WHEREAS the Regional Municipality by this Development Agreement, permits the Owner to operate a mobile asphalt plant associated an aggregate extraction operation approved by the Nova Scotia Environment in the Province of Nova Scotia's parcel identification system as PID # 15852478;

AND WHEREAS the Owner has an agreement to Indenture of Lease with Dexter Construction Company Ltd (Lessee) to lease a ten acre portion of PID 15852478, boundaries of which are described and shown on the site plan survey plan included as Schedule "A".

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of \$1.00 (One Dollar) paid by the Owner to the Regional Municipality, receipt of which is hereby acknowledged, the Owner for and on behalf of themselves, their heirs, executors, administrators, successors, and assigns covenant and agree with the Regional Municipality as follows:

1. To maintain the property identified in the attached Schedule "A", hereinafter described as "the lands and premises" in accordance with the provisions of this Agreement.
2. Ensure the Lessee maintains a valid approval from the Nova Scotia Department of Environment pursuant to Part V of the *Environment Act*, S.N.S. 1994-95, c. 1. for the lands and premises.

3. The definition for "mobile asphalt plant" shall consist of a portable drum mix asphalt plant, a baghouse, petroleum/bitumen storage tanks and aggregate stockpiles.
4. The hours of operation for the mobile asphalt plant shall be restricted to Monday to Friday, 7 a.m. to 6 p.m.
5. Any buildings constructed must be in compliance with the CBRM Building By-law and Building Code of Nova Scotia.
6. Upon the breach by the Owner of any of the provisions of this Agreement, the Regional Municipality shall be entitled to specific performance by way of remedial Court Order or, after fifteen (15) days notice in writing to the Owner, at its option, enter on the lands and premises and perform any and all covenants or conditions herein contained. Should the Regional Municipality not choose to exercise its option to remedy, this Development Agreement may be terminated by the Regional Municipality upon written notice to the Owner, or their successors-in-title, at which time all licences or permissions hereby granted by the Regional Municipality to the Owner shall absolutely cease to exist. The costs of any and all legal action, of whatever nature incurred by the Regional Municipality in enforcing compliance of this Development Agreement shall be the sole responsibility of the Owner and the Owner agrees to indemnify the Regional Municipality for any and all legal costs incurred.
7. That all reasonable expenses incurred by the Regional Municipality or its successors, agents, or employees, whether arising out of the entry of the said lands and premises or from the performance of the covenants are the responsibility of the Owner, and the Owner agrees to indemnify the Regional Municipality for any of the said costs incurred.
8. That this Development Agreement shall be registered in the Nova Scotia Land Registry office in the County of Cape Breton and shall form a charge or encumbrance upon the said property described in Schedule "A".
9. If any provisions of this Development Agreement shall be found to be or deemed illegal, invalid, or unenforceable, the remainder of this Development Agreement shall not be affected thereby.

The covenants, agreements, provisions and understandings herein contained on the part of the Owner shall run with the land and shall be binding upon them, their heirs, executors, administrators, successors, assigns, mortgages, lessees, and occupiers of the said land from time to time and shall be and form a charge and/or restrictive covenant upon the said land.

THIS DEVELOPMENT AGREEMENT and everything contained herein shall ensure to the benefit and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns. The parties hereto declare that the term "Owner" used in this agreement shall be construed to include the plural as well as the singular and the masculine feminine or neuter genders where the context so requires.

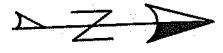
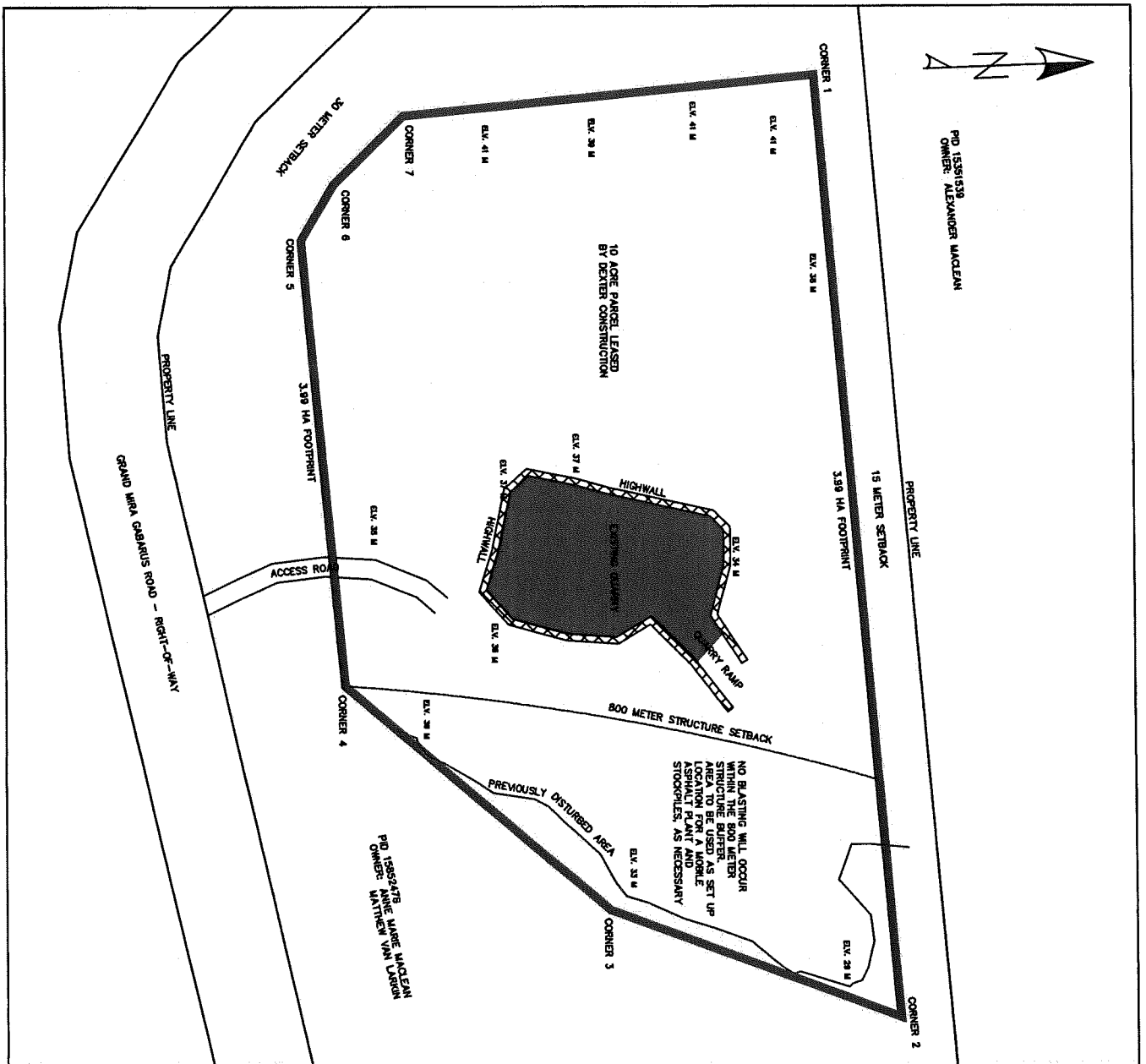
**PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON**

ON THIS _____ day of _____, A.D. 2015 before me, the
subscriber personally came and appeared _____ a subscribing
witness to the forgoing Development Agreement, who having been by me duly sworn, made
oath and said that Ann Marie MacLean & Matthew Van Larken, by the hands of its proper
officers, One _____ of the parties thereto, signed, sealed
and delivered the same in his presence.

A COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

DRAFT

Schedule "A"



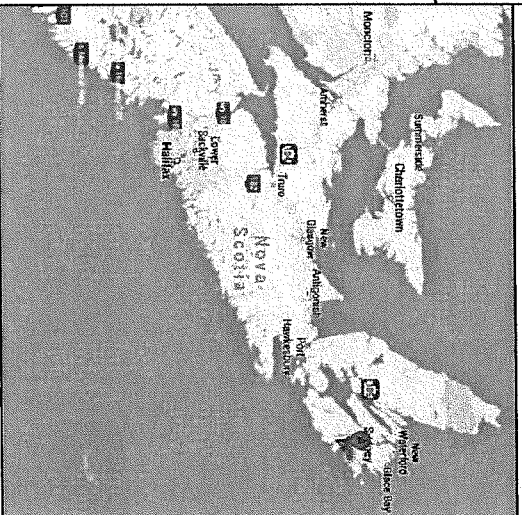
GABARUS QUARRY

SITE PLAN

CAPE BRETON COUNTY, NOVA SCOTIA

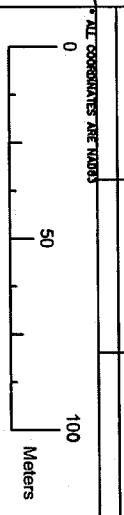
DATE: DECEMBER 16, 2013

DRAWN BY: RHETT THOMPSON



- NOTES:
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CORNER 3	N45-49-04.3	W60-14-40.4	
CORNER 4	N45-49-01.7	W60-14-43.7	
CORNER 5	N45-49-01.5	W60-14-50.1	
CORNER 6	N45-49-01.8	W60-14-51.0	
CORNER 7	N45-49-02.6	W60-14-51.9	



DEXTER CONSTRUCTION COMPANY LIMITED

School Crossing Guards Review and Recommendations:

Motion:

Moved by Commissioner Saccary, seconded by Commissioner MacLeod, that the staff recommendation outlined in the School Crosswalk Guards report dated February 25, 2015 be referred to Council as part of the 2015-2016 budget deliberations.

Discussion

The Chief of Police was requested to provide a copy of his speaking notes for distribution to Council.

Motion Carried.

CAPE BRETON REGIONAL POLICE

"SERVING WITH YOU - FOR YOU"

Peter J. McIsaac, M.O.M.
Chief of Police
865 Grand Lake Road
Sydney, Nova Scotia
B1P 6W2



MEMO

To: CBRM Board of Police Commissioners
From: Chief Peter McIsaac
Date: February 25, 2015
Topic: School Crosswalk Guards Review

As part of the organizational review process in 2013-14, the CBRM hired an independent traffic consultant to review the School Crosswalk Guards program in our municipality, based on national policies, standards and data. Population decline has led to a decline in school enrollments and some school closures through the CBRM; yet, there had been minimal changes in the number of crossing guards we employ, and the program itself had never been reviewed in its 15+ years of existence.

Using research and field investigations – based on national standards for criteria, including: proximity to schools, street crossing width, traffic volumes and speeds, and the number of pedestrians crossing – the consultant provided the evidence to conclude that 9 locations were no longer required, and that an additional 18 locations required further review, primarily due to a lack of quality and/or consistent data. The CBRM endorsed this further review, and in June of 2014, again hired the independent traffic consultant to do so.

Based on the same principals and criteria, the follow-up assessment incorporated additional data, site investigation and consideration of more site specific factors at each location, to better determine needs and identify any opportunities for improvements. The evaluation recommends elimination of a further 9 crosswalk guard locations, determined to be unnecessary primarily due to school closures in those areas.

I ask for support of the Police Commission to accept this recommendation, to be then brought forward to Mayor and Council as part of the 2015-16 budget deliberations; if approved, the CBRPS Traffic Safety Unit will work with staff at the Cape Breton-Victoria Regional School Board and CBRM Public Works to make necessary modifications to infrastructure, before the locations are eliminated in advance of the start of the 2015-16 academic school year.



Peter J. McIsaac

ISSUE PAPER

March 11, 2015

To: Mayor & Council



Crosswalk Guards Review – Reduction of 9 Positions

BACKGROUND: As a result of the Mayor's Task Force report, CBRM Corporate Staff asked Directors to review departments and evaluate operations to identify any opportunities for efficiency. Part of this review included work of an independent traffic consulting firm, hired through the CAO, to review the Crossing Guard program, based on national policies, standards and data.

ISSUE:

Until last year, the CBRM Crosswalk Guard program had never been reviewed in its 15+ years of existence. This became even more important to do in response to continually changing demographics.

Population decline has led to a decline in school enrollment and some school closures throughout the CBRM. Yet, there had been minimal changes in the number of crosswalk guards we employ. At the time of amalgamation, we had 24,000 students at over 100 sites, with 70 full-time and 20 part-time crossing guards. In 2013, at the time of the review, we had half as many students and sites – 13,000 at 52 locations – and yet still employed 58 full-time and 20 part-time crossing guards.

The consultant reviewed the crosswalk guard program, based on national policies, standards and data including: proximity to schools, street crossing width, traffic volumes and speeds, and the number of pedestrians crossing. Using research and field investigation, the study provided evidence to recommend that 9 locations were no longer required and identified an additional 18 locations for further review. The CBRM approved this recommendation and endorsed the further review.

Based on the same principles and criteria, this follow-up assessment incorporated additional data, site investigation and consideration of more site specific factors at each of the 18 locations, to better determine needs and identify any opportunities for improvements. This most recent evaluation recommends elimination of a further 9 crosswalk guard locations determined to be unnecessary primarily due to school closures in those areas.

The locations are: George Street at Lorway Avenue in Sydney; George Street at Colby St. in Sydney; Alexandra Street at Xavier Drive in Sydney; Fulton Avenue at Midgley Drive in Westmount; Pentecost Drive at Murphy Road in Westmount; Union Highway near St. Michael's Church in River Ryan; West Avenue at 8th Street in Glace Bay; Main St. at McKeen St. in Glace Bay; and Ellsworth Avenue at Heelan Street in New Waterford.

FINANCIAL IMPLICATIONS:

Upon approval of this recommendation, some locations will require minor infrastructure modifications to ensure continued pedestrian safety. This would include:

- 2 stop signs to be installed at Main and MacKeen Street in Glace Bay;
- 1 stop sign to be installed at West Ave. and Eight St. in Glace Bay; and,
- extending the sidewalk (20ft.) on Ellsworth Avenue in New Waterford.

Initial cost estimates from CBRM Public Works indicate a total cost of \$1,871 to complete these modifications. There is no requirement to install crossing lights at any of the locations.

The average total cost – including benefits – of an individual school crossing guard is currently \$11,313. Reduction of these 9 positions will realize savings of \$78,000 in the 2015-16 fiscal year – positions would be retained until the academic year concludes in June. Afterwards, the CBRM would realize annual savings of approximately \$101,000. The total reduction of 18 crosswalk guards (these 9, in addition to the 9 eliminated in 2014), will realize savings of close to \$1 million over the next 5 years.

CONCLUSION:

As the official Traffic Authority for the CBRM, I am confident in accepting the recommendation to eliminate these further 9 crosswalk guard positions. The CBRM simply does not have the school facilities and student numbers in these identified areas to require the need for a crossing guard. This was never about a quick financial fix and is not something we will ever let jeopardize student safety, which will always remain our primary concern. This review was a necessary exercise in evaluating and prioritizing resources to ensure our service delivery is efficient and effective in meeting the needs of our community.

Upon approval of the recommendation, the CBRPS Traffic Safety Unit will work with CBRM Public Works and the Cape Breton-Victoria Regional School Board to implement necessary infrastructure modifications and communicate changes to crosswalk locations before the start of the new school year in September 2015.

As the CBVRSB continues to make changes to school configurations and possible further school closures, we will need to continue to review our crosswalk guard program and adjust accordingly. However, the recommendation for these 9 positions is based on our current situation and not dependent on, or impacted by, next year's configurations.

Terms of Reference for Request for Proposal – Fire Service Review:

The Chair, noted that this issue was discussed at the last two meetings of this Committee and noted the draft Terms of Reference (TOR) attached to the agenda package includes the changes recommended by this Committee at the February 24, 2015 meeting.

The Committee reviewed the revised document, noting that the Residential Sprinkler Systems (item L on page 4 of the TOR) should not be included in the Terms of Reference as it is a Policy issue. A staff issue paper will be provided to the Committee as a later date.

Motion:

Moved by Councillor Lowell, seconded by Councillor Saccary, that a recommendation be made to Council to approve the amendments to the Draft Terms of Reference for the Cape Breton Regional Municipality Fire Services Organization Review as presented, with the removal of the reference to residential sprinkler systems.

Discussion:

It was noted the Terms of Reference was the starting point for the Consultant to begin the Fire Services Organization Review.

Motion Carried.

Bernie MacKinnon, CD, BPSA, CFO
Chief Director
Fire & Emergency Services
Cape Breton Regional Municipality



320 Esplanade
Sydney, Nova Scotia
B1P7B9
Telephone 902.563.5130
Fax: 902.564.0481

To: Fire and Emergency Services Committee

Subject: Amendment to Terms of Reference

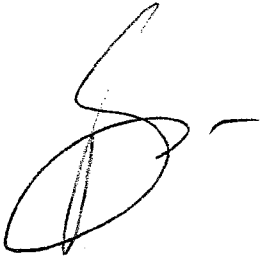
Distribution: CAO, Clerk's Office

The concept of exploring residential sprinkler systems was in an earlier version of the Terms of Reference for the Fire and Emergency Service Review. In the meeting on February 4, 2015 this item was inadvertently omitted.

I have included the question on residential sprinkler systems in the revised terms of reference for your consideration as item "1".

A handwritten signature in black ink, appearing to read "Bernie MacKinnon".

Bernie MacKinnon



Draft II

TERMS OF REFERENCE

CAPE BRETON REGIONAL MUNICIPALITY

FIRE SERVICES ORGANIZATION REVIEW

March 2015

DRAFT

Bernie MacKinnon, CD, BPSA, CFO
Chief Director, Fire and Emergency Services
Cape Breton Regional Municipality

TERMS OF REVIEW

The terms of reference for this review are multidimensional and are ~~directed~~ **focused at on** ~~meeting~~ exploring the objectives of the paper **“Shaping our future in the Cape Breton Regional Municipality, a reorganization plan for positive change”, Appendix V, and the “Task Force Report”, Appendix X.** The following questions are provided to further examine the objective of supporting and deploying our current volunteer and career resources to achieve maximum benefit utilizing recognized industry standards.

- a. Would a Policy of Council creating one singular fire department under one administration (Halifax Model) provide a more efficient, and cost effective **and affordable** service delivery system for the CBRM, example Appendix A? ~~What other attributes of the Halifax Administrative Order would benefit the CBRM?~~ **In this policy review every consideration should be given to volunteer fire departments and their role as a focal point in their community.**
 - I. **Are there any other models/policies that would serve to the betterment of Service delivery?**
- b. What changes in recruitment, retention or configuration can be achieved to help stabilize volunteer and career response, are there fire service gaps?
 - I. Combining stations, can stations be combined to improve service delivery, without adversely affecting the Regions ability to maintain a superior water shuttle designation NFPA 1710, Appendix Y and NFPA 1720, Appendix Z? **The concept for combining stations revolves around the principle that mergers should be voluntary and incentive based.**
 - II. Automatic aid, what are the obstructions to automatic aid and are there legal consequences for fire departments and their members for not using this option?

- III. Will reconfiguring the career response profile in the Community of Sydney to provide a full initial alarm in support of surrounding volunteer communities provide the best result for all concerned? What will best facilitate the fire response ~~alarm~~ support for South Bar, Sydney River, Grand Lake Road and Mira Road?
- IV. Should the suburban composite fire departments of Glace Bay, North Sydney and New Waterford create a system where career firefighters work day shift with a full complement of, one Captain and three firefighters, verses one firefighter following the platoon system (nights and weekends covered by volunteers)?
- i. What benefit would the day shift have for the **primary** and surrounding communities?
 - ii. What impact could a full company have on pre fire planning, ~~and~~ prevention and **station duties**?
 - iii. **What is the impact on the volunteers?**
 - iv. **What is the cost benefit to this style of response?**
 - v. **What is the benefit to the citizens?**
- V. Are departments defined as to their ability to provide offensive and defensive fire operations? What defines an offensive and defensive fire department?
- c. Are the appropriate emergency services being offered and supported?
- I. **What is the impact of the Medical First Responder Program?**
- d. Are there emergency service gaps?
- I. **Are we appropriately resourced for a response to the aerodrome, Sydney Airport?**

- e. Define the requirements to establish a Regional Training Centre for career and volunteer firefighters.
 - I. **Are there partnerships and funding opportunities that would lead to a Regional Training Centre?**
- f. Does the current capital plan for vehicles ensure Council's ability to respond in a timely manner to vehicle replacement?
 - I. **What is the capacity for fund raising?**
 - II. **Should it be funded from the general rate or a fire rate?**
- g. How do we ensure that the liability faced by volunteer and career fire fighters is minimized?
- h. Is the current volunteer remuneration system fair and equitable?
- i. Is the volunteer district platoon system a viable option? (Firefighting in Canada, 2009) (King, n.d.)
- j. What improvements can be made to the current procurement system?
 - I. **Is warehousing a viable option?**
- k. Are we compliant with current statutory requirements, if not, what is the most economical method to gain compliance?
- l. Should consideration be given to residential sprinkler systems?
- m. Deleted - intent met with item e.
- New (M). Is the volunteer support division appropriately resourced?
- n. What type of electronic record keeping system will best fit the needs of career and volunteer departments?
 - I. Personnel records;

- II. Training records;
- III. Vehicle records;
- IV. Scheduling and tracking;
- V. Prevention records;
 - i. Education
 - ii. Engineering
 - iii. Enforcement

TIMETABLE OF EVENTS

The consultant shall provide a timetable of events which will include a consultative process with:

- a. the Fire and Emergency Services Committee;
- b. staff;
- c. Career and Volunteer fire departments.

The final report shall be due for presentation to Council on or before 120 days from the granting of this contract. **The Consultant will provide working reports to staff at 30 day intervals detailing progress to date.**

The recommendations of the final report are to maintain and/or enhance the insurance rates currently experienced in the CBRM.

When establishing recommendations strong consideration must be given to the community's ability to pay and the need to meet statutory obligations. The accepted findings must be accompanied by a feasible implementation timeline.

REFERENCE DOCUMENT

The consultant reference document contains the history of service delivery, service standards, training standards, professional standards, municipal publications including the mandate for this study.

Creation of Working Group of Council to guide the transition to the new Port of Sydney Development Corporation:

Port Governance Report:

Mr. James R. Gogan, Solicitor, Breton Law Group; and Ms. Marlene Usher, CEO - Port of Sydney Corporation, provided information to Council regarding the Port Governance Report, which included;

- I. Introduction
- II. New Governance Model
 - i. Memorandum of Association
 - ii. Articles of Association
 - iii. Best Practices
 - iv. Company Limited by Guarantee
 - v. CBRM's Role in New Entity
 - vi. Board of Directors
 - vii. Reporting Requirements
- III. Transitional Issues
 - i. Sydney Ports Development Corporation
 - ii. Dissolution of SPC
 - iii. SPC Employees
 - iv. Appointment of Interim/Requisite Board
- V. Schedule A: Memorandum of Association of New Entity
- VI. Schedule B: Articles of Association of New Entity

Ms. Usher noted that this information had been distributed to the members of the Port Corporation and stated that she will be meeting with the Executive of the Corporation to review it next week.

During the question and answer period, the following issues were discussed:

- Amendments to the Memorandum of Association – required a majority vote of the Board.
- Appointments to the Board – Council would be responsible for same.

Continued...

Creation of Working Group of Council to guide the transition to the new Port of Sydney Development Corporation:
Port Governance Report Cont'd:

- Remuneration for the Board of Directors – there would be no remuneration paid.
- Marketing – it was suggested that this individual should have a strong Port background.
- Lease payments owing to CBRM by the current Port Corporation – it was noted that the new entity would not assume that obligation.

Mr. Gogan reiterated that the document presented to Council was not a final document; he stated it was a draft that he will review with the Working Group and they will work together to bring to a final document to Council for approval.

The Mayor thanked Mr. Jim Gogan and Ms. Marlene Usher for presenting to Council.

For Information Only.

CBRM

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5006

To: Mayor & Council

Date: March 12, 2015

Subject: Memorandum of Association and Articles of Association of the Port of Sydney Development Corporation

Attached please find the revised draft Memorandum of Association and Articles of Association of the Port of Sydney Development Corporation. These changes were proposed by the council approved Working Group at a meeting held on March 10th, 2015. Jim Gogan and Marlene Usher will present to council the highlighted changes. I also ask that if you would like to have any of the unchanged sections spoken to that you provide me with those sections by Monday afternoon so that Jim and Marlene can speak to them as well.

Thank you for your consideration to this matter



Michael Merritt
Chief Administrative Officer
attach.

**ARTICLES OF ASSOCIATION
OF
PORT OF SYDNEY DEVELOPMENT CORPORATION**

ARTICLE 1: NAME, PURPOSE AND DEFINITION

- 1.01 The name of the Company is Port of Sydney Development Corporation.
- 1.02 The purposes, objects and powers of the Company are as set out in the Memorandum of Association of the Company.
- 1.03 In these Articles of Association of the Company:
- (a) "Company" means Port of Sydney Development Corporation;
 - (b) "Board" or "Board of Directors" means the board of directors of the Company;
 - (Bc) "Board Member" or "Director" means an individual who has been appointed as a member to the Board of Directors of the Company;
 - (Cd) "Member(s) of the Company" means an individual or such other legal entity who has acquired voting Membership, in the Company in accordance with Article 3 of the Articles of Association of the Company.

ARTICLE 2: POWERS

- 2.01 Subject to the Memorandum of Association of the Company, the powers of the Company are as set out in the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time.
- 2.02 In addition the Company shall have the power:
- (a) to fix and determine the basis and terms of membership in the Company;
 - (b) to carry out the financing and other agreements necessary to achieve its objects either alone or jointly with others; and
 - (c) to guarantee and act as an endorser on loans and obligations arranged by or on behalf of individuals or groups.

ARTICLE 3: MEMBERSHIP

- ~~3.01~~3.01 This Article 3, shall apply to the admission of voting Members of the Company. Subject to the Memorandum of Association, the Members, by resolution, may approve the admission and terms of membership of non-voting members of the Company.
- 3.02 Subject to the right of the Company to extend its membership and to provide for the terms of such extension, the Members of the Company shall be as follows:

- (a) the Cape Breton Regional Municipality as represented by the Council of the Cape Breton Regional Municipality (the "Initial Member");
- (b) such additional Members of the Company who shall be appointed by the Initial Member; and
- (c) such additional Members of the Company who shall be appointed by the Members of the Company.

| ~~3.0203~~ Members of the Company (other than the Cape Breton Regional Municipality), shall, as a condition of membership, sign and file with the Company a copy of the Company's Memorandum of Association as confirmation of an undertaking to contribute to the assets of the Company, subject to the limitations expressed in Article 4 of the Memorandum of Association of the Company.

3.04 The number of Members who may be admitted to membership in the Company is unlimited.

| ~~3.0405~~ The acts and votes of the Members of the Company shall be deemed to be legal and valid notwithstanding any default in the appointment of Members of the Company at the time of such acts or votes; and the act and vote of a majority of those present and voting at any duly convened meeting of the Members of the Company shall be deemed to be the act and vote of the Company.

| ~~3.0506~~ Subject to Article ~~3.0607~~, the Members of the Company, including the signatories to the Company's Memorandum of Association, shall continue to maintain membership in the Company unless otherwise removed by a vote of $\frac{3}{4}$ of the Members of the Company present in person or by proxy at a duly constituted meeting of the Members of the Company for which notice of the proposed removal of the Member has been provided.

| ~~3.0607~~ Any Member of the Company, including any signatory to the Company's original Memorandum of Association, shall cease to be a Member of the Company upon:

- (a) in the case of a Member of the Company which is a corporate entity, upon the corporate entity becoming insolvent or being assigned into bankruptcy or being wound up.
- (b) with the approval of the Board of Directors, if the Member of the Company falls to pay any fee which may be levied on the Member.

| 3.08 Notwithstanding the foregoing, the Cape Breton Regional Municipality shall not be removed as a Member of the Company.

ARTICLE 4: MEETINGS AND VOTING OF THE MEMBERS OF THE COMPANY

4.01 The Secretary or his or her designate shall be responsible for giving notice of all meetings of the Members of the Company.

4.02 Notice of the Annual General Meeting of the Members of the Company (the "Annual General Meeting") shall be given by prepaid post, dated not less than (2) two weeks prior to the Annual General Meeting of the Members of the Company.

- 4.03 Notice of general meetings of the Members of the Company, other than the Annual General Meeting of the Members of the Company, shall be given by prepaid post, dated no less than five (5) days previous to the general meeting of the Members of the Company.
- 4.04 Notice of any emergency meetings will be deemed sufficient if the Secretary gives notice by telephone, fax or message either in person to the Members of the Company or by message left with some responsible person at the respective homes or offices of the Members of the Company the day previous to the date of the emergency meeting of the Members of the Company.
- 4.05 Voting at any meeting of the Members of the Company shall be voiced "aye" or "nay" or by show of hands or by standing vote, unless a secret vote by ballot is requested by motion, seconded and carried by a majority of the Members of the Company present. A motion of request for secret ballot may not be ruled out of order by reason of there being a prior motion on the floor.
- 4.06 Subject to Article 8.01 of the Articles of Association of the Company, each Member of the Company shall be entitled to one (1) vote and no more on any motion.
- 4.07 A quorum of any meeting of the Members of the Company (whether annual, general or emergency) shall be fifty-one percent (51%) of the Members of the Company (actually present, or by proxy) with no person entitled to be counted as more than one (1). Any Member present at any meeting of the Members by proxy shall have filed with the Secretary or his or her designate at any time prior to the meeting of the Members of the Company a proxy form, (substantially similar to the one set out in Appendix "A" to these Articles of Association) and bearing the signature (or certifies the consent to the Secretary's satisfaction) of the Member who wishes to be present at the meeting of the Members of the Company by way of proxy. The proxy form may be presented to the Secretary or his or her designate either by hand (by any person), prepaid post, fax or such other device which, in written form, evidences the consent of the Member being present at the Meeting of the Members of the Company by proxy, the Secretary or his or her designate shall duly note such fact in the minutes of the meeting of the Company and the proxy form or a copy of the proxy form shall be filed with the minutes of the meeting of the Members.
- 4.08 The Members of the Company shall hold not less than one (1) meeting each year, which meeting shall be the Annual General Meeting of the Members of the Company. The Annual General Meeting of the Members of the Company shall be open to the public and is to be held at the Joan Harris Cruise Pavilion, or such other convenient location, at such time as is deemed expedient by the Board of Directors of the Company. At the Annual General Meeting of the Members of the Company, the order of business shall be as follows:
- (a) Roll call;
 - (b) Approval of minutes of preceding Annual General Meeting of the Members of the Company;
 - (c) Adoption of the annual report which shall include:
 - Audited financial statements;

- Completion of a business plan for the fiscal year containing such information as the Council of the Cape Breton Regional Municipality may require; including but not limited to:

- o Capital and operating budget, including financial targets;
- o Anticipated infrastructure and facility maintenance;
- o Marketing plan;
- o Strategic operating plan.

- Risk assessment, if applicable in the year of the Annual General Meeting; and

- Summary of infrastructure maintenance and development for the ~~particular~~prior fiscal year.

(d) Adoption of treasurer's report and appointment of auditors;

~~(e)~~ Adoption and approval of the final business plan of the Company for the ensuing year;

~~(f)~~(e) Receiving report of Governance Committee of the Board of Directors;

~~(g)~~(f) Appointment of individuals to the Board of Directors;

~~(h)~~(g) Election of new Members to Membership In the Company;

(h) New business.

4.09 General meetings of the Members of the Company may be held at the discretion of the Board of Directors of the Company. Such meetings shall be held at such time and place, and shall take such form as is deemed expedient by the Board of Directors of the Company.

4.10 Emergency meetings of the Members of the Company may be called at such time and place as is deemed in the best interests of the Company. Such meetings shall be held when requested by:

- (a) One-third (1/3) or more Members of the Company by notice in writing, delivered to any officer of the Company; or
- (b) the Board of Directors of the Company; or
- (c) the Chairperson.

4.11 Subject to such modification as may be required by law and/or pursuant to the Articles of Association of the Company, the business of the Members of the Company shall be conducted in accordance with the most recent edition of Robert's Rules of Order, as it may exist from time to time.

ARTICLE 5: BOARD OF DIRECTORS OF THE COMPANY

5.01 The Board of Directors of the Company shall be responsible to establish the policies and perspectives of the Company, including, but not limited to, major policy issues, financial issues and the hiring of senior employees, if any, and shall meet no less than six (6) times during the Company's business year. The Board is responsible for the management of the activities of the Company.

5.02 Subject to Article 5.24, the following individuals shall not be eligible to sit as Directors:

- (a) an individual who is a mayor, councillor, officer or employee of the Cape Breton Regional Municipality, except that the Chief Administrative Officer of the Cape Breton Regional Municipality shall be an Ex Officio Director and serve as the Chairperson of the Board of Directors. The Chief Administrative Officer, from time to time, shall not be subject to the term restrictions enumerated in Article 5.06 and 5.07;
- (b) an individual who is a member of the legislature of the province of Nova Scotia, or an officer or employee of the public service or of a Crown corporation of the province of Nova Scotia;
- (c) a Senator or a member of Parliament or an officer or employee of the federal public service or of a federal Crown corporation;
- (d) an individual who is not a resident Canadian;
- (e) an individual who is under 18 years of age;
- (f) an individual who has been declared mentally incompetent by a court in Canada or elsewhere; or
- (g) an undischarged bankrupt.

5.03 The Board shall consist of at least seven (7) voting Directors and no more than twelve (12) voting Directors.

5.04 The quorum necessary for the transaction of business at a meeting of the Board shall be a majority of the number of Directors in office. A quorum of Directors may exercise all powers of the Board.

5.05 The appointment of a Director shall be effected by a duly authorized resolution of the Council of the Cape Breton Regional Municipality and the Board of Directors shall be comprised of the following:

- (a) not less than ~~two (2) individuals~~ one (1) individual holding a professional accounting designations;
- (b) not less than one (1) individual licensed to practice law in the Province of Nova Scotia;
- (c) not less than one (1) individual holding a professional engineering designation;
- (d) not less than one (1) individual with noted expertise in marketing;

(e) not less than ~~two (2)~~ three (3) individuals with expertise in business and commerce; and

- 5.06 Directors' terms shall be staggered. No Director of the Company shall hold office as a Director of the Company for a term greater than three (3) years; the Company may, by a majority vote of the Members of the Company present in person or by proxy at a meeting of the Board, extend such term for up to one (1) additional term, which shall not exceed three (3) years.
- 5.07 Subject to such other requirements prescribed pursuant to the Articles of Association of the Company with respect to membership on the Board of Directors of the Company, if a Director of the Company has held office for a period of ~~nine (9)~~ six (6) consecutive years, he or she will not be eligible to hold office as a Director of the Company for a period of at least three (3) years from the date on which he or she attained ~~nine (9)~~ six (6) consecutive years as a Director of the Company.
- 5.08 A Director shall cease to hold office when:
- (a) the Director dies or resigns;
 - (b) the Director is removed for cause;
 - (c) the Director is no longer qualified to hold the office of director;
 - (d) the term of office of the Director expires; or
 - (e) the Director is removed by special resolution of the Members of the Company. Subject to those items enumerated herein Article 5.08, so long as the Cape Breton Municipality is the sole Member of the Company, a Director shall not be unilaterally removed by special resolution of the Members, without cause.
- 5.09 A Director may resign his or her office as a Director by sending to the Company a written resignation which shall become effective on the date received by the Company or on the date specified in the resignation, whichever is later.
- 5.10 Any Director may be removed for cause by the Members at any time.
- 5.11 As enumerated in Article 5.02(a), the Chief Administrative Officer of the Cape Breton Regional Municipality shall serve as the ex officio Chairperson of the Board. The Board may elect a vice-chairperson from among their number who shall act in the absence of the Chairperson.
- 5.12 The Board shall appoint a Chief Executive Officer (CEO), who shall not be a Director, and such other officers that the Board considers appropriate.
- 5.13 The Board shall fix the remuneration of the CEO of the Company, subject to the approval of the business plan of the Company at the Annual General Meeting.
- 5.14 The Board, subject to the approval of the Members, may appoint from their number one or more committees of the Board not otherwise provided for herein, to best carry out the provisions enumerated herein, however designated, and delegate to any such committee

any of the powers of the Board except the Board shall not delegate to any committee the power to:

- (a) fill a vacancy in the office of the auditor of the Company;
 - (b) issue debt obligations except in the manner and on the terms authorized by the Board;
 - (c) approve the audited financial statements of the Company;
 - (d) adopt, amend or repeal by-laws; or
 - (e) authorize or ratify any activity carried on or to be carried on or any power exercised or to be exercised by a subsidiary.
- 5.15 The Board shall appoint from their number a governance committee comprised of not less than three Directors, one of whom shall be a Barrister (the "Governance Committee").
- 5.16 The Governance Committee shall perform the following functions:
- (a) Develop and manage the administration of a code of conduct;
 - (b) Develop and annually update a long-term plan, including recommendations to the Board, for the composition of the Board, in terms of the optimal combination of skills, background or experience, which plan shall take into consideration the skills, background and experience of existing Directors, retirement dates and the strategic direction of the Company;
 - (c) at least four months prior to the expiry of the term of a director appointed by the Cape Breton Regional Municipality provide notice to the Cape Breton Regional Municipality, that the term of its appointee on the Board is about to expire and requesting an appointment;
 - (d) provide to the Cape Breton Regional Municipality the notice described in subsection 5.16(c) above, a current copy of the plan and recommendations described in subsection 5.16(b) and also provide a profile of the skills, background and experience of the continuing Directors;
 - (e) in the event a Director ceases to hold office, the Governance Committee shall forthwith provide to the Cape Breton Regional Municipality, a written request for a new appointment to fill such vacancy together with a copy of the plan and recommendations described in subsection 5.16(b) and the profile described in subsection 5.16(d).
- 5.17 Notwithstanding a term appointment of a Director to the Board of Directors of the Company by the Members of the Company, the Members of the Company shall have the right to remove any Director of the Company by majority vote of those present in person or by proxy at any meeting of the Members of the Company duly convened and held and for which notice of the proposed removal has been provided.

- 5.18 Subject to such modification as may be required by law and/or pursuant to the Articles of Association of the Company, the business of the Board of Directors shall be conducted in accordance with the most recent edition of "Robert's Rules of Order", as it may exist from time to time.
- 5.19 ~~No~~A Director ~~shall~~may be paid any salary or remuneration for entitled to an honorarium based upon attendance at duly convened meetings of the execution of his or her duties other than such Company as well as out-of-pocket expenses as he or she may properly incur on behalf of the Company.
- 5.20 Meetings of the Board of Directors of the Company may be held by telephone conference call and Directors of the Company may be present at any meeting of the Board of Directors of the Company by telephone speaker or such similar device, so long as the Director attending the meeting of the Board of Directors by way of speaker phone or such similar device is able to hear and participate in the meeting.
- 5.21 The Board of Directors of the Company shall be tasked with having the following corporate records available for inspection by the Council of the Cape Breton Regional Municipality at any time:
- (a) copies of the annual financial statements, for a period of six years after the end of the fiscal year to which they relate;
 - (b) copy of every document received by it in the last six years notifying it of the appointment or cessation of office of a director;
 - (c) copy of the constating instruments of each of its wholly-owned subsidiaries;
 - (d) Minutes of any meetings of the Board; and
 - (e) Records relating to the traffic and general use of the Port of Sydney;
- 5.22 The Board of Directors of the Company shall be required to report to the Council of the Cape Breton Regional Municipality the following business within ~~forty-eight (48) hours~~five (5) business days of the business being approved at a meeting of the Board of Directors:
- (a) filling a vacancy in the office of CEO;
 - (b) approving the annual financial statements;
 - (c) approving a borrowing of more than Fifty Thousand Dollars (\$50,000.00);
 - (d) adopting a land use plan or business plan; or
 - (e) authorizing or ratifying any activity carried on or to be carried on, or any power exercised or to be exercised, by a subsidiary of the port authority;
- 5.23 The Board of Directors of the Company shall requisition a risk assessment, relating to the Port of Sydney, by a competent risk assessor every five (5) years with respect to:
- (a) risk, risk management, property value, risk transfer and probable maximum loss; and

(b) insurance coverage, limits and deductibles.

5.24 Notwithstanding the foregoing regulatory framework concerning the Board of Directors of the Company contained in this Article 5, immediately upon incorporation, the Initial Member shall appoint as the first Directors of the Company:

(a) the Mayor of the Cape Breton Regional Municipality; and

(b) ~~six (6)~~ the Deputy Mayor of the Cape Breton Regional Municipality;

(c) the Chief Administrative Officer of the Cape Breton Regional Municipality; and

~~(b)(d)~~ three (3) councilors of the Cape Breton Regional Municipality.

(collectively known as the "Interim Directors")

The Interim Directors shall hold office from the date of incorporation until such time as the requisite Directors have been established in accordance with Article 5.05 herein, and on staggered terms as enumerated in Article 5.06. As the requisite Directors are appointed in accordance with Article 5.05 herein, the Interim Directors shall proportionately resign.

ARTICLE 6: OFFICERS: CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY AND TREASURER

- 6.01 The officers of the Company shall be the Chairperson (as appointed pursuant to Article 5.02(a)), a Vice-Chairperson, a Secretary, and a Treasurer, and such other officers as the Board of Directors of the Company may from time to time appoint.
- 6.02 The officers, except the Chairperson, shall be elected from amongst and by the Board of Directors of the Company and where a vacancy exists in any office of the Company, such vacancy shall be filled at the next meeting of the Board of Directors of the Company following the Annual General Meeting of the Members of the Company, which meeting of the Board of Directors of the Company shall be held no later than thirty (30) days after the Annual General Meeting.
- 6.03 The Board of Directors shall have the authority to elect any Director to serve as an interim officer of the Company, except the Chairperson, should a vacancy occur during the Company's business year until the next Annual General Meeting.
- 6.04 Excepting the Chairperson, any officer of the Company shall hold office for one (1) year from the date of his or her election pursuant to Article 6.02 of the Articles of Association, provided such person continues to be a Director of the Company.
- 6.05 No officer shall be paid any salary or remuneration for the execution of his or her duties other than such out-of-pocket expenses as he or she may properly incur on behalf of the Company.
- 6.06 Notwithstanding anything to the contrary contained herein, with the consent of the Board of Directors, the offices of Secretary and Treasurer may be combined into the one office of Secretary-Treasurer.

ARTICLE 7: EXECUTIVE COMMITTEE

- 7.01 The "Executive Committee" of the Board of Directors of the Company shall consist of the following individuals:
- (a) the officers of the Company, from time to time;
 - (b) the Chief Executive Officer of the Company, if any, who shall be a non-voting Member of the Executive Committee.
- 7.02 The Executive Committee shall serve as a standing committee of the Board of Directors of the Company and shall oversee the effective execution of the day-to-day operations of the Company, approve all major budgeted expense items, act as the strategic planning committee of the Company, evaluate the performance of the Chief Executive Officer, and be responsible for issuing public statements on major policy/media issues. The Executive Committee shall have the authority to transact such business as may properly be required of the Company between meetings of the Board of Directors of the Company and shall carry on its activities in accordance with such directions and limitations as the Board of Directors of the Company may from time to time prescribe. The Executive Committee shall meet no less than once a month during the Company's business year.

ARTICLE 8: DUTIES OF THE CHAIRPERSON AND VICE-CHAIRPERSON

- 8.01 The Chairperson shall:
- (a) Provides leadership to the Board that will result in attaining the objectives of the Company and adheres to its Articles of Association;
 - (b) The Chairperson shall preside at meetings of the Members of the Company, the Board of Directors and the Executive Committee and shall have an extra or deciding vote when votes are evenly divided;
 - (c) Encourages Directors to participate in meetings and activities;
 - (d) Keeps the Board's discussion on topic by summarizing issues;
 - (e) Keeps the board's activities focused on the Companies' issues;
 - (f) Evaluates the effectiveness of the Board's decision-making process;
 - (g) Makes sure that committee chairs are appointed;
 - (h) Orients Directors and committee Chairs to the Board;
 - (i) Makes sure there is a process to evaluate the effectiveness of Directors, using measurable criteria;
 - (j) Recognizes Directors' contributions to the Board's work;
 - (k) Conducts biannual Director evaluations;

~~(k)~~(l) _____ Acts as one of the signing officers for cheques and other documents, such as contracts and grant applications. Unless otherwise determined by the Board of Directors of the Company, the Chairperson, together with the Secretary, shall sign all documents requiring the seal of the Company and perform such other duties as are usual for such an officer;

~~(h)~~(m) _____ Promotes the Companies' purpose in the community and to the media or to delegate such responsibility to another Director;

~~(m)~~(n) _____ Be an ex officio member of all committees; and

~~(n)~~(o) _____ Vets all reports for the Annual General Meeting.

8.02 In the event of the absence, illness, or incapacity of the Chairperson, the Vice-Chairperson shall act in his or her place and stead for all purposes. The Vice-Chairperson shall learn the duties of the Chairperson and keep informed on key issues. The Vice-Chairperson shall perform such duties as may be directed by the Chairperson or Board.

ARTICLE 9: DUTIES OF THE SECRETARY

9.01 The responsibilities of the Secretary are as follows:

- (a) Ensure notices of meetings have been prepared and posted;
- (b) Ensure minutes of meetings of the Members of the Company, the Board of Directors of the Company and the Executive Committee are kept;
- (c) Ensure all correspondence has been read and answered as directed by the Officers and Board of Directors;
- (d) Serves on the Executive Committee;
- (e) Keeps copies of the Companies' Articles and the Board's policies and plans;
- (f) Keeps list of officers, Directors, committees and general membership;
- (g) Cares for official minute book;
- (h) Keeps record of Board attendance;
- (i) Makes sure that there is a quorum at Board meetings;
- (j) Distribute copies of minutes to Directors;
- (k) Signs official documents of the Company as required;
- (l) Files with the registrar, with its annual financial statement, a list of its Directors with their addresses, occupations, and dates of appointment or election, and, within fourteen days of a change of Directors, notify the registrar of the change;

- (m) Files with the registrar a copy in duplicate of every special resolution within fourteen days after the resolution is passed;
- (n) In the absence of the Chair and vice-chair, chairs Board meetings until the election of an alternate Chair; and
- (o) such other duties as may be designated from time to time by the Board of Directors of the Company are carried out.

ARTICLE 10: DUTIES OF THE TREASURER

10.01 The responsibilities of the Treasurer are as follows:

- (a) Ensure the financial affairs of the Company are monitored;
- (b) Serves on the Executive Committee;
- (c) Gives regular reports to the Board on the financial state of the Company;
- (d) Present the records to designated accountant for review and preparation of a certified statement for the Annual General Meeting. Prepare the annual financial statements required by law;
- (e) Receive and deposit all funds of the Company in the bank designated by the Board;
- (f) Monitor the budget as approved by the Board;
- (g) Acts as signing officer, with another officer or Coordinator for cheques and other documents; and
- (h) such other duties as may be designated from time to time by the Board of Directors of the Company are carried out.

ARTICLE 11: ARTICLES OF ASSOCIATION

11.01 The Articles of Association of the Company shall be amended or repealed only in accordance with the provisions of the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time.

ARTICLE 12: ACTIVITIES OF THE COMPANY NECESSARY TO SUPPORT PORT OPERATIONS

12.01 To operate the Port of Sydney, the Company may undertake the activities which are necessary to support port operations, including, but not limited to:

- (a) Subject to Article 5.22(c), the borrowing of money. The borrowing powers of the Company shall be exercised in accordance with the provisions of the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time;
- (b) Acquisition or disposition of real property;

- (c) Granting over real property, road allowances or easements, rights-of-way or licenses for utilities, service, or access;
- (d) Renting equipment;
- (e) Developing, leasing or licensing real property;
- (f) Acquisition, disposition, holding, leasing or licensing of personal property;
- (g) Participating as a partner, or a co-venturer in connection with the activities enumerated herein;
- (h) The management of harbour dues ~~and~~ service fees;
- (i) The operation of freight forwarding, consolidating, trading or brokerage facilities or services and warehousing, storage and handling of cargo, freight and goods;
- (j) Operation of dry dock facilities;
- (k) Operation of restaurants, bars, retail, office, display, tradeshow, and carry-on entertainment activities, travel or tour operations and similar tourism-related activities;
- (l) Operation of an industrial or business park for activities compatible with port operations and the land use plan for the Port of Sydney;
- (m) Consulting services relating to the operation of the Port of Sydney; and
- (n) Building, design, maintenance, engineering, repair and operation of vessels.

12.02 The Company shall carry out the following activities in relation to the operation of the Port of Sydney:

- (a) Environmental risk mitigation and maintenance;
- (b) Navigational services and aids;
- (c) Emergency planning and response;
- (d) Dispatching services;
- (e) Security;
- (f) Vehicle parking, control or marshalling facilities;
- (g) Dredging and channel maintenance, including deposit, disposal, and sale of waste and dredgeate;
- (h) Stevedoring services; and
- (i) General facility maintenance.

12.03 The CEO shall deliver to the members of the Company an operational report describing the activities undertaken in that month in reference to those items enumerated in Article 12.01 and Article 12.02.

ARTICLE 13: GENERAL PROVISIONS

- 13.01 The books and accounts of the Company shall be reviewed ~~audited~~ each year and certified by a Licensed Public Accountant ~~Accountant~~ appointed at the Annual General Meeting of the Members of the Company.
- 13.02 The Company shall maintain a registered office on Cape Breton Island, Nova Scotia, at a place determined by resolution of the Members of the Company from time to time, and shall give notice of the same to the Registry of Joint Stock Companies.
- 13.03 Unless otherwise directed by the Board of Directors of the Company, at such registered office shall be kept:
- (a) the corporate seal of the Company;
 - (b) the official list of Members of the Company;
 - (c) the minutes of all meetings of the Members of the Company;
 - (d) the minutes of all meetings of the Board of Directors of the Company; and
 - (e) records and books of account of the Company.
- 13.04 The fiscal year of the Company shall be April 1 to March 31.
- 13.05 The Company shall adopt a seal which may be affixed to any documents signed for or on behalf of the Company. Such seal shall be authenticated by the signatures of the Chairperson and the Secretary or such other person or persons so designated and authorized by the Board of Directors of the Company. The seal is to be given into the custody of the Secretary or as designated by the Board of Directors of the Company.
- 13.06 Any Member of the Company may inspect the books of account or records of the Company at the registered office of the Company upon giving reasonable notice thereof to the Secretary of the Company.

DATED at Sydney, Nova Scotia, this ____ day of _____, 2015

CONSENT TO ACT AS FIRST DIRECTORS

All of the individuals noted below hereby consent to act as Directors on the first Board of Directors of Port of Sydney Development Corporation.

DATED at Sydney, Nova Scotia, this ____ day of _____, 2015.

Witness to all of the above signatures:

WITNESS

MEMORANDUM OF ASSOCIATION

OF

PORT OF SYDNEY DEVELOPMENT CORPORATION

1. ~~1.~~ 4. —The name of the Company shall be Port of Sydney Development Corporation (the "Company").
2. ~~2.~~ 2. —The "Port of Sydney" includes the Sydney Harbour as well as any operations collateral or incidental to the development of Sydney Harbour and its infrastructure, including but not limited to, all marine, truck, rail and air transportation services and facilities contributing to or engaged in the movement, handling or storage of commercial goods in, on and through the seaports, highways, railroads and airports and all complementary and support services associated therewith.
3. The Company is formed for the following objects and purposes and with the following powers (all of which are hereinafter referred to as "objects"):
 - (a) To manage and operate the Port of Sydney, in the Cape Breton Regional Municipality, Nova Scotia;
 - (b) To manage and operate all matters in relation to the Port of Sydney;
 - (c) To support and promote the development of the Port of Sydney;
 - (d) To sponsor, undertake and encourage such projects, industries, businesses or companies which are conducive to the attainment of the objects of the Company;
 - (e) To develop, build and purchase infrastructure needed for the operation, promotion or economic development of the Port of Sydney and/or its facilities or in relation to the realization of any of the objects of the Company;
 - (f) To acquire by way of grant, gift, purchase, bequest, devise, lease or otherwise, real property, both above and underwater, and personal property and to use and apply such property to the realization of the objectives of the Company;
 - (g) To buy, own, hold, lease, mortgage, sell and convey such real and personal property as may be necessary or desirable in carrying out the objects of the Company;
 - (h) To carry on the business of the Company without purpose of gain for its Members and any surpluses (or what may otherwise be characterized as "profits") or other accretions to the Company shall be used in promoting its objects;

- (i) To consult and liaise with governmental departments, commissions or agencies (whether federal, provincial or municipal) as well as such other organizations involved in promoting and establishing ventures that contribute to the economic development of the port facilities;
- (j) To do all the acts or things set forth in sub-clauses (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), and (s) of sub-section (4) of section 26 of the *Companies Act* of Nova Scotia (Chapter 81, R.S.N.S., 1989) with the qualification that:
 - i. the sanction of a special resolution need not be required with respect to sub-clauses (f), (g), and (i); and
 - ii. the reference to the letter "(a)" in sub-paragraph "(r)" be replaced with the letter "(b)" and it being understood that sub-clause (h) of sub-section (4) of section 26 is and has been deleted.
- (k) To contract or hire such permanent and temporary staff as the Company deems necessary to carry out its objects and to enter into all agreements and provide all security necessary to finance its operations in a manner consistent with good business practices;
- (l) Subject to the rights of outstanding creditors, upon a winding-up or termination of the Company, to deliver and pay over the remaining assets of the Company to the Cape Breton Regional Municipality or its lawful successor; and
- (m) To acquire shares and/or membership and/or to enter into partnership with and/or enter into joint ventures with any other company or companies or such other legal entities in an outside of Canada, as the case may be, having objects similar to those of the Company.

AND it is further declared that the intention is that the objects specified in each paragraph of this clause shall, except where otherwise expressed in such paragraph, be in no way limited or restricted by reference to or inference from the terms of any other paragraph or the name of the Company.

AND it is further declared that no one or more of the foregoing objects shall, as regards all or any of the other objects, be deemed the primary or principal object of the Company.

PROVIDED that nothing herein contained shall be deemed to authorize the Company to carry on the business of banking, loan, trust, or insurance company.

3.4. The liability of the Members of the Company shall be limited, it being understood that the Company is a company limited by guarantee.

5. The Company shall be authorized to create two classes of Members, namely:

(a) Voting Member – Each voting member is entitled to receive notice to attend all meetings of the Members of the Company and shall have one (1) vote at all such meetings.

(b) Non-Voting Member – Each non-voting Member is entitled to receive notice to attend all meeting of the Members of the Company but shall not be entitled to vote at such meetings.

4.6. Every Member of the Company undertakes to contribute to the assets of the Company in the event of the same being wound-up during the time that he or she is a Member of the Company or within one (1) year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he or she ceased to be a Member of the Company, and the costs, charges and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as is required, not exceeding Ten (\$10.00) Dollars.

DATED at Sydney, Nova Scotia, this _____ day of ~~February~~ March, 2015.

First Member: Cape Breton Regional Municipality

Per:

Per:

Witness to all of the above signatures:

Witness signature

Address of witness

Revenue	Year To Date Assigned	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 83,277,666	\$ 82,974,250	\$ 303,416	\$ 99,569,100	\$ 16,291,434
Total Federal Government	2,290,658	2,290,658	(0)	2,748,790	458,132
Total Federal Government Agencies	838,912	838,912	(0)	1,006,694	167,782
Total Provincial Government	759,020	759,020	-	910,824	151,804
Total Provincial Government Agencies	2,309,720	2,309,720	(0)	2,771,664	461,944
Total Services to Other Local Government	284,523	284,523	(0)	341,427	56,905
Total Transit	812,040	851,667	(39,626)	1,022,000	209,960
Total Environmental Development Services	256,800	320,417	(63,617)	384,500	127,700
Total Licenses & Permits	107,111	200,417	(93,306)	240,500	133,390
Total Fines & Fees	2,045,303	2,038,927	6,376	2,446,712	401,409
Total Rentals	459,302	480,000	(20,698)	576,000	116,698
Total Concessions & Franchises	319,726	287,500	32,226	345,000	25,274
Total Return on Investments/Interest on Taxes	1,226,702	1,042,083	184,619	1,250,500	23,798
Total Finance Revenue	25,797	27,500	(1,703)	33,000	7,203
Total Solid Waste Revenue	2,024,267	1,972,500	51,767	2,367,000	342,733
Total Recreation & Cultural Service Programs	1,011,329	1,461,286	(449,957)	1,985,105	973,776
Total Water Utility Charges	4,126,258	4,126,258	(0)	4,951,510	825,252
Total Unconditional Transfers	13,275,777	13,279,865	(4,088)	15,935,838	2,660,061
Total Conditional Transfers	3,203,693	3,203,693	(0)	3,844,432	640,739
Year To Date Assigned	\$ 118,654,605	\$ 118,749,195	\$ (94,590)	\$ 142,730,596	\$ 24,075,991

Joseph Campbell
 Departmental

Joseph Campbell
 Reviewed

SUMMARY

INCOME STATEMENT

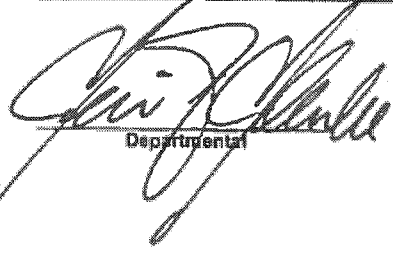
JANUARY 2015

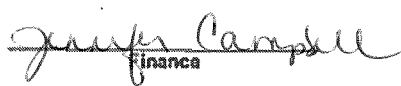
Expenditures	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 1,111,312	\$ 1,204,448	\$ 93,135	\$ 1,395,028	\$ 283,716
Administration	825,032	958,220	133,188	1,143,074	318,042
Finance	2,206,472	2,494,811	288,339	3,019,344	812,872
Legal	361,093	456,131	95,039	546,623	185,530
Human Resources	1,203,150	1,422,509	219,359	1,659,150	456,000
Technology & Communications	644,965	838,712	193,747	1,215,923	570,958
Municipal Clerk	278,997	397,876	118,879	456,581	177,584
Fiscal Services	30,036,045	27,769,785	(2,266,260)	33,323,742	3,287,697
Occupational Health & Safety	142,699	169,616	26,917	204,536	61,837
Facilities: Centre 200 & Arenas	2,586,717	2,577,440	(9,277)	3,122,653	535,936
Police Services	22,049,098	22,083,909	34,811	26,487,767	4,438,669
Fire Services (Incl EMO)	13,187,073	13,762,652	575,578	16,152,559	2,965,486
Engineering & Public Works	39,669,800	31,570,769	(8,099,031)	48,350,612	8,680,812
Planning	1,814,309	2,231,271	416,962	2,678,635	864,326
Recreation	2,577,090	2,516,531	(60,559)	2,974,369	397,279
Total expended to date	\$ 118,693,852	\$ 110,454,680	\$ (8,239,172)	\$ 142,730,596	\$ 24,036,744

Quincy Campbell
 Departmental

Quincy Campbell
 Reviewed

Legislative	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 714,416	\$ 738,450	\$ 24,035	\$ 886,544	\$ 152,128
6010 BENEFITS	93,877	92,968	(908)	109,884	16,007
6030 TRAVEL/CONFERENCES	156,467	185,284	28,817	209,000	52,533
6040 PROF MEM/DUES & FEES	40,202	55,304	15,102	55,325	15,123
6050 OFFICE SUPPLIES	16,737	17,190	452	20,000	3,263
6080 OFFICE EQUIPMENT	5,844	6,217	373	6,550	706
6080 ADVERTISING	7,606	11,825	4,221	14,500	6,894
6100 COURIER	311	521	210	625	314
6110 TELEPHONE/FAX	34,519	59,619	25,101	70,900	36,382
6120 PUBL./SUBSCRIPTIONS	1,602	4,608	3,006	4,700	3,098
6130 COMPUTER HARDWARE	2,109	2,670	561	3,000	891
6150 MEETING EXPENSES	15,963	15,623	(340)	17,000	1,037
6170 PROMOTION	15,906	14,167	(1,739)	17,000	1,094
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICES	5,754	-	(5,754)	-	(5,754)
Total expended to date	\$ 1,111,312	\$ 1,204,448	\$ 93,135	\$ 1,395,028	\$ 283,716


 Departmental

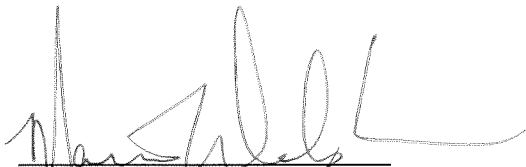

 Finance

ADMINISTRATION

INCOME STATEMENT

JANUARY 2015

Administration	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 197,303	\$ 263,670	\$ 66,367	\$ 318,705	\$ 121,402
6010 BENEFITS	30,329	44,986	14,658	53,411	23,082
6020 TRAINING/EDUCATION	2,618	1,417	(1,201)	1,500	(1,118)
6030 TRAVEL/CONFERENCES	32,541	17,446	(15,095)	20,500	(12,041)
6040 PROF MEM/DUES & FEES	313	583	270	700	387
6050 OFFICE SUPPLIES	1,547	2,182	636	2,405	858
6060 OFFICE FURNITURE	-	-	-	-	-
6100 COURIER	22	250	228	300	278
6110 TELEPHONE/FAX	2,657	2,458	(199)	2,950	293
6120 PUBL./SUBSCRIPTIONS	-	-	-	-	-
6130 COMPUTER HARDWARE	-	1,600	1,600	1,920	1,920
6150 MEETING EXPENSES	2,080	1,600	(480)	1,920	(160)
6170 PROMOTION	22,226	19,964	(2,262)	20,000	(2,226)
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICES	216,726	323,969	107,243	388,763	172,037
8150 GRANTS/SUBS TO ORG	316,670	278,094	(38,576)	330,000	13,330
Total expended to date	\$ 825,032	\$ 958,220	\$ 133,188	\$ 1,143,074	\$ 318,042



 Departmental



 Finance

FINANCE

INCOME STATEMENT

JANUARY 2015

Finance	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,600,431	\$ 1,671,660	\$ 71,229	\$ 2,029,101	\$ 428,670
6010 BENEFITS	304,024	368,680	64,656	445,186	141,162
6020 TRAINING/EDUCATION	9,048	21,417	12,369	25,700	16,652
6030 TRAVEL/CONFERENCES	15,084	20,833	5,750	25,000	9,916
6040 PROF MEM/DUES & FEES	4,514	3,400	(1,114)	4,080	(434)
6050 OFFICE SUPPLIES	8,801	16,458	7,657	19,750	10,949
6060 OFFICE EQUIPMENT	11,302	10,375	(927)	11,950	648
6070 PHOTOCOPY SUPPLIES	6,477	7,131	655	8,750	2,273
6080 ADVERTISING	29,264	45,833	16,569	55,000	25,736
6090 POSTAGE	134,989	130,000	(4,989)	156,000	21,011
6100 COURIER	18,773	25,000	6,227	30,000	11,227
6110 TELEPHONE/FAX	18,123	26,083	7,960	31,300	13,177
6130 COMPUTER HARDWARE	8,313	16,000	7,687	19,200	10,887
6140 COMPUTER SOFTWARE	28	42,564	42,537	51,077	51,049
6160 LIABILITY INSURANCE	234,162	219,167	(14,995)	263,000	28,838
6180 COST RECOVERY	(333,093)	(289,167)	43,926	(347,000)	(13,907)
8010 OPERATIONAL MAT/SUPP	3,829	5,833	2,005	7,000	3,171
8100 PROFESSIONAL SERVICE	39,086	45,833	6,748	55,000	15,914
8110 CONTRACTS/AGREEMENTS	60,160	68,958	8,798	82,750	22,590
8120 LEASES	3,407	5,417	2,009	6,500	3,093
8180 TAX EXEPT/WRITE OFF	29,750	33,333	3,583	40,000	10,250
Total expended to date	\$ 2,206,472	\$ 2,494,811	\$ 288,339	\$ 3,019,344	\$ 812,872


 Departmental

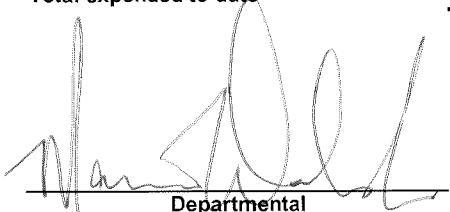

 Finance

LEGAL

INCOME STATEMENT

JANUARY 2015

Legal	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 187,818	\$ 235,714	\$ 47,896	\$ 284,913	\$ 97,095
6010 BENEFITS	31,275	46,909	15,634	56,810	25,535
6020 TRAINING/EDUCATION	2,303	5,772	3,469	6,500	4,197
6030 TRAVEL/CONFERENCES	7,861	7,083	(778)	8,500	639
6040 PROF MEM/DUES & FEES	4,479	6,200	1,721	6,200	1,721
6050 OFFICE SUPPLIES	1,032	2,917	1,885	3,500	2,468
6060 OFFICE EQUIPMENT	1,940	4,200	2,260	4,200	2,260
6070 PHOTOCOPY SUPPLIES	2,127	2,083	(44)	2,500	373
6080 ADVERTISING	122	833	711	1,000	878
6100 COURIER	199	1,000	801	1,000	801
6110 TELEPHONE/FAX	3,012	3,333	321	4,000	988
6120 PUBL./STATUTES	10,402	8,738	(1,664)	9,000	(1,402)
6130 COMPUTER HARDWARE	2,752	2,083	(669)	2,500	(252)
6140 COMPUTER SOFTWARE	-	1,000	1,000	1,000	1,000
6150 MEETING EXPENSE	116	417	301	500	384
6180 COST RECOVERY	-	-	-	-	-
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICE	105,655	127,848	22,193	154,500	48,845
Total expended to date	\$ 361,093	\$ 456,131	\$ 95,039	\$ 546,623	\$ 185,530


 Departmental

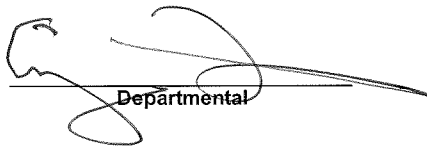

 Finance

HUMAN RESOURCES

INCOME STATEMENT

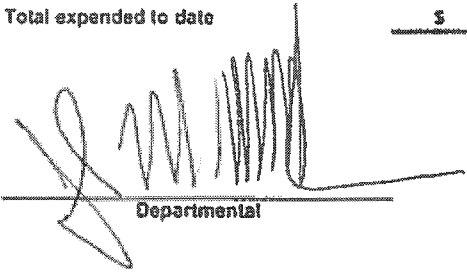
JANUARY 2015

Human Resources	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 446,303	\$ 435,548	\$ (10,756)	\$ 524,276	\$ 77,973
6010 BENEFITS	600,257	685,202	84,945	776,294	176,037
6020 TRAINING/EDUCATION	1,005	5,000	3,995	6,000	4,995
6030 TRAVEL/CONFERENCES	12,655	14,624	1,970	16,250	3,595
6040 PROF MEM/DUES & FEES	727	1,442	715	1,730	1,003
6050 OFFICE SUPPLIES	9,460	13,083	3,623	15,700	6,240
6060 OFFICE EQUIPMENT	1,898	2,500	602	2,500	602
6080 ADVERTISING	3,566	4,544	978	5,000	1,434
6110 TELEPHONE/FAX	6,388	8,333	1,945	10,000	3,612
6120 PUBL./SUBSCRIPTIONS	176	2,400	2,224	2,400	2,224
6130 COMPUTER HARDWARE	105	4,000	3,895	4,000	3,895
6150 MEETING EXPENSE	759	1,667	907	2,000	1,241
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICE	116,774	233,750	116,976	280,500	163,726
8110 CONTRACTS/AGREEMENTS	3,077	10,417	7,339	12,500	9,423
Total expended to date	\$ 1,203,150	\$ 1,422,509	\$ 219,359	\$ 1,659,150	\$ 456,000


 Departmental


 Finance

Technology/Communications	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 330,251	\$ 373,443	\$ 43,192	\$ 451,392	\$ 121,141
6010 BENEFITS	64,321	74,827	10,507	91,231	26,910
6020 TRAINING/EDUCATION	77	16,200	16,123	18,000	17,923
6030 TRAVEL/CONFERENCES	14,336	16,667	2,330	20,000	5,664
6040 PROF MEM/DUES & FEES	-	833	833	1,000	1,000
6050 OFFICE SUPPLIES	2,006	2,622	616	3,000	994
6060 OFFICE EQUIPMENT	10	2,200	2,190	3,000	2,990
6080 ADVERTISING	893	500	(393)	500	(393)
6100 COURIER	103	250	147	300	197
6110 TELEPHONE/FAX	74,462	62,500	(11,962)	75,000	538
6120 PUBL./SUBSCRIPTIONS	-	833	833	1,000	1,000
6130 COMPUTER HARDWARE	78,772	108,333	29,561	130,000	51,228
6140 COMPUTER SOFTWARE	62,253	158,333	96,080	190,000	127,747
6150 MEETING EXPENSE	572	500	(72)	500	(72)
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8110 CONTRACTS/AGREEMENTS	8,504	11,503	2,999	42,000	33,496
8120 LEASES SAP	8,404	9,167	763	95,000	86,596
8130 LICENSES/PERMITS	-	-	-	94,000	94,000
Total expended to date	\$ 644,965	\$ 838,712	\$ 193,747	\$ 1,215,923	\$ 570,958


 Departmental



 Finance

MUNICIPAL CLERK

INCOME STATEMENT

JANUARY 2015

Municipal Clerk	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 185,008	\$ 192,277	\$ 7,269	\$ 232,411	\$ 47,403
6010 BENEFITS	35,498	41,552	6,054	50,530	15,032
6020 TRAINING/EDUCATION	993	4,641	3,648	5,500	4,507
6030 TRAVEL/CONFERENCES	3,144	5,564	2,420	6,500	3,356
6040 PROF MEM/DUES & FEES	676	542	(134)	650	(26)
6050 OFFICE SUPPLIES	1,490	10,000	8,510	12,000	10,510
6060 OFFICE EQUIPMENT	3,480	12,750	9,270	12,750	9,270
6070 PHOTOCOPY SUPPLIES	10,568	16,017	5,449	19,220	8,652
6080 ADVERTISING	-	1,250	1,250	1,500	1,500
6100 COURIER	268	1,600	1,332	1,920	1,652
6110 TELEPHONE/FAX	2,091	3,750	1,659	4,500	2,409
6120 PUBL./SUBSCRIPTIONS	1,392	2,100	708	2,100	708
6140 COMPUTER SOFTWARE	3,724	5,833	2,110	7,000	3,276
6180 COST RECOVERY	0	-	-	-	-
8110 CONTRACTS/AGREEMENTS	30,666	100,000	69,334	100,000	69,334
Total expended to date	\$ 278,997	\$ 397,876	\$ 118,879	\$ 456,581	\$ 177,584


 Departmental


 Finance

FISCAL SERVICES

INCOME STATEMENT

JANUARY 2015

Fiscal Services	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
9010 INT SHRT TERM BORROW	\$ 220,487	\$ 375,000	\$ 154,513	\$ 450,000	\$ 229,513
9020 INT ON DEBT	2,528,992	2,107,492	(421,500)	2,528,990	(2)
9051 PRINC ON DEBT	12,296,208	10,248,233	(2,047,976)	12,297,879	1,671
9090 BANK CHARGES	66,521	71,667	5,145	86,000	19,479
9430 APPROP TO B.I.D.C.	75,148	70,833	(4,314)	85,000	9,852
9600 PROV. CORRECTIONS	918,933.30	918,933.33	0	1,102,720.00	183,786.70
9610 CB REG. HOUSING	1,641,149	1,641,149	(0)	1,969,379	328,230
9620 REGIONAL LIBRARY	548,238	558,333	10,095	670,000	121,762
9630 CB/VIC. SCHOOL BOARD	10,594,775	10,594,812	37	12,713,774	2,118,999
9640 PROPERTY ASSESSMENT	1,145,594	1,183,333	37,739	1,420,000	274,406
Total expended to date	\$ 30,036,045	\$ 27,769,785	\$ (2,266,260)	\$ 33,323,742	\$ 3,287,697


 Departmental


 Finance

Occupational Health Safety Income Statement

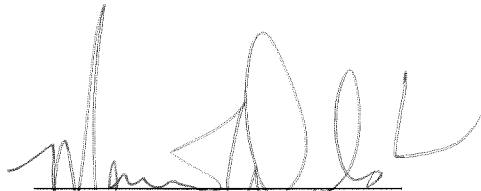
JANUARY 2015

Occupational Health & Safety	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 106,256	\$ 117,406	\$ 11,150	\$ 141,912	\$ 35,656
6010 BENEFITS	20,289	23,635	3,346	28,334	8,045
6020 TRAINING/EDUCATION	1,143	3,625	2,482	4,350	3,207
6030 TRAVEL/CONFERENCES	4,655	8,750	4,095	10,500	5,845
6040 PROF MEM/DUES & FEES	248	471	223	565	317
6050 OFFICE SUPPLIES	2,834	2,500	(334)	3,000	166
6080 ADVERTISING	72	-	(72)	-	(72)
6110 TELEPHONE/FAX	2,348	2,813	465	3,375	1,027
6120 PUBL/SUBSCRIPTIONS	216	1,667	1,451	2,000	1,784
6130 COMPUTER HARDWARE	-	1,667	1,667	2,000	2,000
6140 COMPUTER SOFTWARE	-	417	417	500	500
6150 MEETING EXPENSES	1,308	2,083	776	2,500	1,192
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICE	3,332	4,583	1,251	5,500	2,168
Total expended to date	\$ 142,699	\$ 169,616	\$ 26,917	\$ 204,536	\$ 61,837

Karen Butterworth
Departmental

Janice Campbell
Finance

	Year to date Assigned	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
GL 5001 Ice Rentals	\$ 317,204	\$ 454,583	\$ 137,380	\$ 685,000	\$ 367,796
GL 5002 Public Skating	10,406	11,600	1,193	18,500	8,094
GL 5003 High School Hockey	6,522	23,515	16,993	32,000	25,478
GL 5004 Arena Rental	5,681	29,000	23,319	29,000	23,319
GL 5005 Gym Rental	16,138	15,000	(1,138)	18,000	1,862
GL 5006 Canteen Sales	161,205	268,397	107,192	383,500	222,295
GL 5009 Major Events	40,540	157,895	117,355	200,000	159,460
GL 5010 Other Revenue	263,647	260,191	(3,456)	350,000	86,353
GL 5010 Advertising Revenue	-	-	-	-	-
GL 5033 Program Equipment	13,799	36,008	22,208	38,500	24,701
GL 5032 Special Event Revenue	-	-	-	-	-
GL 5034 Facility Rentals	103,554	89,167	(14,388)	100,000	(3,554)
TOTAL C200	\$ 938,697	\$ 1,345,355	\$ 406,658	\$ 1,854,500	\$ 915,803


 Departmental


 Finance

	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,139,871	\$ 1,072,033	\$ (67,837)	\$ 1,314,321	\$ 174,450
6010 BENEFITS	187,371	190,881	3,510	234,082	46,711
6020 TRAINING	202	2,083	1,881	2,500	2,298
6030 TRAVEL/CONFERENCES	3,537	3,333	(204)	4,000	463
6040 PROF MEM/DUES & FEES	65	500	435	500	435
6050 OFFICE SUPPLIES	1,410	4,583	3,173	5,500	4,090
6060 OFFICE EQUIPMENT	2,586	2,083	(503)	2,500	(86)
6070 PHOTOCOPY SUPPLIES	608	-	(608)	-	(608)
6080 ADVERTISING	15,775	8,333	(7,442)	10,000	(5,775)
6090 POSTAGE	-	-	-	-	-
6100 COURIER	654	1,250	596	1,500	846
6110 TELEPHONE/FAX	16,750	24,917	8,167	29,900	13,150
6130 COMPUTER HARDWARE	626	1,667	1,041	2,000	1,374
6140 COMPUTER SOFTWARE	25,172	68,333	43,161	82,000	56,828
6150 MEETING EXPENSES	219	-	(219)	-	(219)
6160 LIABILITY INSURANCE	14,424	23,333	8,910	28,000	13,576
6170 PROMOTION	-	-	-	-	-
6180 COST RECOVERY	-	-	-	-	-
7000 HEAT	40,095	40,917	822	49,000	8,905
7010 ELECTRICAL	374,814	335,000	(39,814)	402,000	27,186
7020 WATER	31,263	35,417	4,154	42,500	11,237
7030 BLDG/FACILITY MAINT	87,207	116,867	29,660	140,000	52,793
7040 BLDG/FACILITY REPAIR	57,817	63,300	5,483	75,000	17,183
7050 BLDG/FACILITY INS	14,585	16,083	1,499	19,300	4,715
7060 BLDG/FACILITY RENOV	22,557	12,500	(10,057)	15,000	(7,557)
7070 BLDG/FACILITY RENTAL	-	-	-	-	-
7080 PLANT MAINTENANCE	10,170	17,167	6,996	23,000	12,830
7090 PLANT REPAIRS	-	-	-	-	-
7110 SECURITY	62,275	54,167	(8,109)	65,000	2,725
7500 VEH/EQUIP MAINT	-	833	833	1,000	1,000
7510 VHE/EQUIP REPAIRS	7,348	10,417	3,069	12,500	5,152
7520 VEH/EQUIP INSURANCE	1,924	2,958	1,034	3,550	1,626
7540 VEH/EQUIP RENTAL	2,500	2,500	(0)	2,500	(0)
7550 VEH/EQUIP TOWING	-	-	-	-	-
8000 OPERATIONAL EQUIPMENT	1,172	4,167	2,995	5,000	3,828
8010 OPERATIONAL MAT/SUPP	73,600	103,067	29,466	120,000	46,400
8020 MAINTENANCE EQUIP	-	-	-	-	-
8030 MAINTENANCE MAT/SUPP	-	-	-	-	-
8040 COMM EQUIPMENT LINES	-	-	-	-	-
8050 COST OF SALES	356,611	305,417	(51,194)	366,500	9,889
8090 UNIFORMS/CLOTHING	8,476	9,583	1,108	11,500	3,024
8100 PROFESSIONAL SERVICE	5,479	8,333	2,854	10,000	4,521
8110 CONTRACTS/AGREEMENTS	18,818	35,000	16,182	42,000	23,182
8130 LICENSES/PERMITS	738	417	(321)	500	(238)
8150 GRANTS/SUBS TO ORG	-	-	-	-	-
9090 BANK CHARGES	-	-	-	-	-
Total expended to date	\$ 2,586,717	\$ 2,577,440	\$ (9,277)	\$ 3,122,653	\$ 535,936



 Departmental



 Finance

POLICE SERVICES INCLUDING COMM CENTRE INCOME STATEMENT

JANUARY 2015

Police Services	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 18,888,185	\$ 16,590,735	\$ (297,450)	\$ 19,923,026	\$ 3,034,841
6010 BENEFITS	2,899,814	2,979,074	79,259	3,583,021	683,207
6011 WAGE RECOVERY	(650,265)	(622,752)	27,513	(747,302)	(97,037)
NET WAGES & BENEFITS	\$ 19,137,734	\$ 18,947,057	\$ (190,677)	\$ 22,758,745	\$ 3,621,011
6020 TRAINING/EDUCATION	114,855	118,237	3,382	136,556	21,701
6030 TRAVEL/CONFERENCES	85,874	87,500	1,526	105,000	19,026
6040 PROF MEM/DUES & FEES	3,730	1,700	(2,030)	2,040	(1,690)
6050 OFFICE SUPPLIES	41,834	44,392	2,557	53,000	11,166
6060 OFFICE EQUIPMENT	43,767	41,667	(2,100)	50,000	6,233
6070 PHOTOCOPY SUPPLIES	14,081	17,000	2,919	20,400	6,319
6080 ADVERTISING	4,742	4,167	(575)	5,000	258
6090 POSTAGE	1,864	1,275	(589)	1,530	(334)
6100 COURIER	3,823	4,167	344	5,000	1,177
6110 TELEPHONE/FAX	257,588	275,333	17,745	330,400	72,812
6120 PUBL./SUBSCRIPTIONS	333	5,000	4,667	6,000	5,667
6130 COMPUTER HARDWARE	107,867	168,333	60,466	200,000	92,133
6140 COMPUTER SOFTWARE	108,448	95,833	(12,614)	115,000	6,552
6150 MEETING EXPENSES	13,523	12,917	(606)	15,500	1,977
6160 LIABILITY INSURANCE	2,890	3,068	177	3,681	791
6170 PROMOTION	3,468	9,167	5,699	11,000	7,532
7000 HEAT	41,019	41,667	648	50,000	8,981
7010 ELECTRICAL	80,698	83,042	2,344	99,650	18,952
7020 WATER	8,111	6,667	(1,445)	8,000	(111)
7030 BLDG/FACILITY MAINT	40,921	63,190	22,269	71,000	30,079
7040 BLDG/FACILITY REPAIR	45,452	40,833	(4,619)	49,000	3,548
7050 BLDG/FACILITY INS.	8,853	13,475	4,622	15,280	6,427
7060 BLDG/FACILITY RENOV	12,117	16,667	4,550	20,000	7,883
7070 BLDG/FACILITY RENTAL	81,893	54,167	(27,726)	65,000	(16,893)
7110 SECURITY	2,969	2,917	(52)	3,500	531
7500 VEH/EQUIP MAINT/GAS/DIESEL	384,128	416,667	32,538	500,000	115,872
7510 VEH/EQUIP REPAIRS	267,402	187,500	(79,902)	225,000	(42,402)
7520 VEH/EQUIP INSURANCE	38,342	31,729	(6,613)	38,075	(267)
7530 VEH/EQUIP REPLACEMENT	451,973	516,667	64,694	620,000	168,027
7540 VEH/EQUIP RENTAL	1,336	7,500	6,164	9,000	7,664
7550 VEH/EQUIP TOWING	(610)	4,167	4,777	5,000	5,610
7560 VEH/EQUIP GEN SUPPLY	322	8,333	8,011	10,000	9,678
8000 OPERATIONAL EQUIP	66,224	148,750	82,526	178,500	112,276
8010 OPERATIONAL MAT/SUPP	159,660	131,367	(28,293)	144,840	(14,820)
8020 MAINTENANCE EQUIP	2,457	3,153	695	3,570	1,113
8030 MAINTENANCE MAT/SUPP	14,793	15,833	1,040	19,000	4,207
8040 COMM EQUIPMENT LINES	27,944	8,333	(19,611)	10,000	(17,944)
8090 UNIFORMS/CLOTHING	164,485	202,083	37,598	242,500	78,015
8100 PROFESSIONAL SERVICE	80,155	78,209	(1,946)	95,000	14,845
8110 CONTRACTS/AGREEMENTS	18,418	19,850	1,432	21,000	2,582
8120 LEASES	-	6,000	6,000	6,000	6,000
8125 MAJOR INVESTIGATIONS	59,604	83,333	23,729	100,000	40,396
8130 LICENSES/PERMITS	64	5,000	4,936	10,000	9,936
8150 GRANTS/SUBS TO ORG	43,848	50,000	6,152	50,000	6,152
Total Expended to date	\$ 22,049,098	\$ 22,083,909	\$ 34,811	\$ 26,487,767	\$ 4,438,669


 Departmental

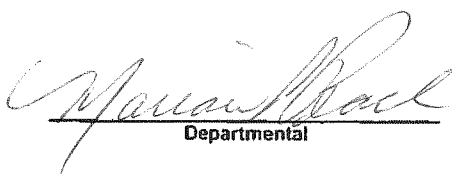

 Finance

FIRE SERVICES INCLUDING EMO

INCOME STATEMENT

JANUARY 2015

Fire Services Including EMO	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 3,912,805	\$ 4,102,736	\$ 189,930	\$ 4,920,102	\$ 1,007,297
6010 BENEFITS	765,921	786,186	20,265	933,752	167,831
6011 MISC. BENEFITS	125,010	127,840	2,830	129,160	4,150
6020 TRAINING/EDUCATION	80,828	118,395	37,567	138,774	57,946
6030 TRAVEL/CONFERENCES	30,150	29,300	(850)	33,050	2,900
6040 PROF MEM/DUES & FEES	6,463	4,983	(3,479)	9,334	871
6050 OFFICE SUPPLIES	6,233	8,792	2,559	10,800	4,567
6060 OFFICE EQUIPMENT	6,727	5,375	(1,352)	5,450	(1,277)
6070 PHOTOCOPY SUPPLIES	-	-	-	-	-
6080 ADVERTISING	2,403	6,541	4,139	11,850	9,447
6100 COURIER	388	375	(13)	450	62
6110 TELEPHONE/FAX	32,104	34,978	2,874	68,846	36,742
6120 PUBL./SUBSCRIPTIONS	350	667	317	2,300	1,950
6130 COMPUTER HARDWARE	13,441	7,674	(5,767)	8,507	(4,934)
6140 COMPUTER SOFTWARE	9,426	9,172	(254)	10,906	1,480
6150 MEETING EXPENSES	2,635	2,087	(549)	3,304	669
6160 LIABILITY INSURANCE	-	-	-	-	-
6170 PROMOTION	27,662	19,167	(8,495)	36,000	8,338
6180 COST RECOVERY	-	-	-	-	-
7000 HEAT	64,732	96,426	31,694	115,705	50,973
7010 ELECTRICAL	42,100	55,708	13,608	68,100	26,000
7020 WATER	16,167	14,831	(1,336)	24,508	8,341
7030 BLDG/FACILITY MAINT	51,737	45,833	(5,904)	55,000	3,263
7040 BLDG/FACILITY REPAIR	3,643	17,833	14,190	21,400	17,757
7050 BLDG/FACILITY INS	5,882	6,662	779	8,257	2,375
7060 BLDG/FACILITY RENOV	-	-	-	-	-
7070 BLDG/FACILITY RENTALS	4,206	4,000	(206)	-	(4,206)
7080 PLANT MAINTENANCE	-	333	333	400	400
7500 VEH/EQUIP MAINT.	86,802	72,353	(14,449)	90,545	3,743
7505 GASOLINE/DIESEL	62,285	74,006	11,721	78,907	16,622
7510 VEH/EQUIP REPAIRS	-	3,333	3,333	32,230	32,230
7520 VEH/EQUIP INSURANCE	51,478	59,381	7,903	60,450	8,972
7530 VEH/EQUIP REPLACEMENT	24,467	30,000	5,533	80,000	55,533
7540 VEH/EQUIP RENTAL	150	200	50	200	50
7550 VEH/EQUIP TOWING	725	-	(725)	-	(725)
7560 VEH/EQUIP GEN SUPPLY	21,503	13,333	(8,170)	16,000	(5,503)
8000 OPERATIONAL EQUIP	169,351	197,649	28,298	287,879	118,528
8010 OPERATIONAL MAT/SUPP	22,563	29,210	6,647	44,330	21,767
8020 MAINTENANCE EQUIP	20,834	833	(20,000)	17,600	(3,234)
8030 MAINTENANCE MAT/SUPP	21	-	(21)	-	(21)
8040 COMM EQUIPMENT LINES	5,881	7,667	1,786	39,200	33,319
8060 PROGRAM INSTRUCTION	-	-	-	-	-
8090 UNIFORMS/CLOTHING	31,843	51,169	19,326	70,902	39,059
8100 PROFESSIONAL SERVICE	500	-	(500)	-	(500)
8110 CONTRACTS/AGREEMENTS	30,874	29,753	(1,121)	70,132	39,258
8120 LEASES	63,520	38,669	(24,850)	80,896	17,376
8130 LICENSES/PERMITS	16,575	17,323	748	17,323	748
8135 REGULATORY FEES	-	-	-	-	-
8150 GRANTS/SUBS TO ORG	1,559,893	1,827,081	267,188	1,584,252	24,359
8195 WATER SUPPLY & HYDR	5,804,798	5,804,798	0	6,965,758	1,160,960
Total expended to date	\$ 13,187,073	\$ 13,762,652	\$ 575,578	\$ 16,152,559	\$ 2,965,486


 Departmental



 Finance

FIRE SERVICES

INCOME STATEMENT

JANUARY 2015

Fire Services Revenue	Year to date Assigned	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
4776 PROT. SERV. MEMBERTOU	227,618	284,523	56,905	341,427	113,809
Total Revenue to date	\$ 227,618	\$ 284,523	\$ 56,905	\$ 341,427	\$ 113,809


Departmental


Finance

Engineering and Public Works Actuals to Jan 31, 2015

	Actual & Committed		Budget		Variance		Total Annual		Annual Budget		% of Annual Budget
	Y-T-D Jan 31, 2015	Y-T-D Jan 31, 2015	Y-T-D Jan 31, 2015	Y-T-D Jan 31, 2015	Y-T-D Jan 31, 2015	Y-T-D Jan 31, 2015	Budget	Budget	Remaining	Budget	
REVENUE											
TRANSIT	\$ 807,040.37	\$ 851,666.62	\$ 44,626.25	\$ 1,022,000.00	\$ 214,959.63	78.97%					
SOLIDWASTE TIP FEES	\$ 1,605,908.60	\$ 1,666,666.67	\$ 60,758.07	\$ 2,000,000.00	\$ 394,091.40	80.30%					
SOLIDWASTE COST RECOVERIES	\$ 308,214.74	\$ 305,833.33	\$ (2,381.41)	\$ 367,000.00	\$ 58,785.26	83.98%					
SEWER PERMIT FEES	\$ 65,607.00	\$ 169,999.99	\$ 104,392.99	\$ 140,000.00	\$ 74,393.00	46.86%					
BUILDINGS	\$ 459,301.97	\$ 479,999.99	\$ 20,698.02	\$ 576,000.00	\$ 116,698.03	79.74%					
MISCELLANEOUS REVENUE	\$ 2,177.86	\$ -	\$ (2,177.86)	\$ -	\$ (2,177.86)	0.00%					
WATER UTILITY ADMIN FEE	\$ 4,126,258.30	\$ 4,126,258.33	\$ 0.03	\$ 4,951,510.00	\$ 825,251.70	83.33%					
TOTAL PW REVENUES	\$ 7,374,508.84	\$ 7,600,424.93	\$ 225,916.09	\$ 9,056,510.00	\$ 1,682,001.16	81.43%					

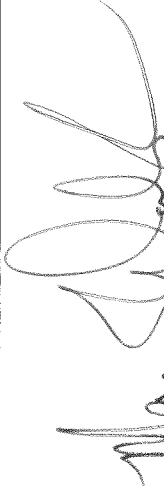
EXPENDITURES

ADMINISTRATION	\$ 5,226,510.81	\$ 5,282,041.56	\$ 55,530.75	\$ 6,254,744.98	\$ 1,028,234.17	83.56%
ENGINEERING	\$ 543,500.73	\$ 574,922.55	\$ 31,421.82	\$ 691,374.71	\$ 147,873.98	78.61%
CENTRAL DIVISION	\$ 4,422,264.12	\$ 4,771,151.99	\$ 348,887.87	\$ 6,148,642.94	\$ 1,726,378.82	71.92%
EAST DIVISION	\$ 4,373,079.87	\$ 4,562,580.71	\$ 189,500.84	\$ 5,562,296.72	\$ 1,189,216.85	78.62%
NORTH DIVISION	\$ 2,175,238.53	\$ 2,398,056.58	\$ 222,818.05	\$ 2,913,957.00	\$ 738,718.47	74.65%
SOLID WASTE	\$ 10,271,177.07	\$ 9,628,797.89	\$ (642,379.18)	\$ 11,375,975.29	\$ 1,104,798.22	90.29%
MECHANICAL FLEET	\$ 3,523,300.96	\$ 3,504,589.08	\$ (18,711.88)	\$ 4,210,676.55	\$ 687,375.59	83.68%
TRANSIT	\$ 2,472,015.85	\$ 2,605,654.46	\$ 133,638.61	\$ 3,098,518.80	\$ 626,502.95	79.78%
PARKS & GROUNDS	\$ 1,989,597.11	\$ 1,920,665.33	\$ (68,931.78)	\$ 2,317,209.28	\$ 327,612.17	85.86%
BUILDINGS	\$ 2,460,305.58	\$ 2,746,277.67	\$ 285,972.09	\$ 3,327,053.39	\$ 866,747.81	73.95%
QUALITY CONTROL	\$ 2,159,799.26	\$ 2,012,020.69	\$ (147,778.57)	\$ 2,375,762.37	\$ 215,963.11	90.91%
LIBRARIES	\$ 53,010.26	\$ 61,939.33	\$ 8,929.07	\$ 74,400.00	\$ 21,389.74	71.25%
TOTAL PW EXPENDITURES	\$ 39,669,800.15	\$ 40,068,697.84	\$ 398,897.69	\$ 48,350,612.03	\$ 8,680,811.88	82.05%

Signature:



Director of Engineering & Public Works



Director of Finance

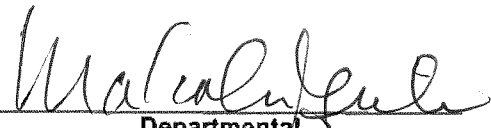
Cape Breton Regional Municipality Water Utility
Statement of Operations to January 2015


	Actual Y-T-D January 31, 2015	Budget Y-T-D January 31, 2015	Variance Y-T-D January 31, 2015	Total Annual Budget 2014-2015
Revenue				
Operating:				
Metered Sales	\$ 13,367,620.00	\$ 14,041,667.00	\$ 674,047.00	16,850,000.00
Public Fire Protection	\$ 5,804,798.00	\$ 5,804,798.00	\$ -	6,965,758.00
Interest on Overdue Accounts	\$ 339,451.00	\$ 229,167.00	\$ (110,284.00)	275,000.00
Other Operating Revenue	\$ 7,253.00	\$ 16,667.00	\$ 9,414.00	20,000.00
Total Operating Revenue	\$ 19,519,122.00	\$ 20,092,299.00	\$ 573,177.00	24,110,758.00
Expenditures				
Operating Expenses				
Source of Supply	\$ 273,537.00	\$ 508,334.00	\$ 234,797.00	610,000.00
Power and Pumping	\$ 1,444,292.00	\$ 1,654,167.00	\$ 209,875.00	1,985,000.00
Water Treatment	\$ 2,898,990.00	\$ 3,154,500.00	\$ 255,510.00	3,785,400.00
Transmission & Distribution	\$ 3,218,805.00	\$ 3,858,000.00	\$ 639,195.00	4,629,600.00
Administration & General	\$ 2,202,845.00	\$ 2,620,834.00	\$ 417,989.00	3,145,000.00
Depreciation	\$ 1,771,340.00	\$ 1,771,334.00	\$ (6.00)	2,125,600.00
Taxes	\$ 2,010,037.00	\$ 1,833,334.00	\$ (176,703.00)	2,200,000.00
Total Operating Expenses	\$ 13,819,846.00	\$ 15,400,503.00	\$ 1,580,657.00	\$ 18,480,600.00
Operating Profit/(Loss)	\$ 5,699,276.00	\$ 4,691,796.00	\$ (1,007,480.00)	\$ 5,630,158.00

Non Operating Revenue	Actual Y-T-D January 31, 2015	Budget Y-T-D January 31, 2015	Variance Y-T-D January 31, 2015	Total Annual Budget 2014-2015
Debt Charge Income				
Interest Income				
Transfer from Depreciation				
Total Non Operating Revenue				
Non Operating Expenses				
Short term interest charges	\$ 158,332.00	\$ 158,334.00	\$ 2.00	190,000.00
Debt Charges				
Principal	\$ 2,875,981.00	\$ 2,083,334.00	\$ (792,647.00)	2,500,000.00
Interest	\$ 1,461,609.00	\$ 1,458,334.00	\$ (3,275.00)	1,750,000.00
Amortization of Debt Discount	\$ 26,658.00	\$ 26,667.00	\$ 9.00	32,000.00
Capital Expenditures out of operations	\$ 125,000.00	\$ 125,000.00	\$ -	150,000.00
New Debt				
Principal	\$ 333,334.00	\$ 333,334.00	\$ -	400,000.00
Interest	\$ 208,333.00	\$ 208,334.00	\$ 1.00	250,000.00
Appropriation - Rolling stock -Fleet				
Total Non Operating Expenses	\$ 5,189,247.00	\$ 4,393,337.00	\$ (795,910.00)	\$ 5,272,000.00
Non- Operating Profit/Loss	\$ 5,189,247.00	\$ 4,393,337.00	\$ (795,910.00)	\$ 5,272,000.00
TOTAL UTILITY REVENUES (OPERATING & NON-OPERAT	\$ 19,519,122.00	\$ 20,092,299.00	\$ 573,177.00	\$ 23,752,600.00
TOTAL UTILITY EXPENSES (OPERATING & NON-OPERAT	\$ 19,009,093.00	\$ 19,793,840.00	\$ 784,747.00	\$ 23,752,600.00
CBRM WATER UTILITY PROFIT/(LOSS)	\$ 510,029.00	\$ 298,459.00	\$ (211,570.00)	\$ 358,158.00

Prepared by *[Signature]*
Review by *[Signature]*
Date Feb 23, 2015

	Year to date Assigned	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
Bylaw Revenue					
5112 Vendor Licenses	\$ 8,125	\$ 7,083	\$ 1,042	\$ 8,500	\$ 375
5113 Animal Licenses	7,842	-	7,842	-	(7,842)
5114 Taxi Licenses	15,727	15,000	727	18,000	2,274
5115 Vending Machine Licenses	9,810	8,333	1,477	10,000	190
5301 Parking Meter Revenue	319,726	287,500	32,226	345,000	25,274
Total Bylaw Revenue	\$ 361,230	\$ 317,917	\$ 43,313	\$ 381,500	\$ 20,270
Development / Planning Revenue					
5426 911 Call Answer Transfers	\$ 26,500	\$ 26,500	\$ -	\$ 31,800	\$ 5,300
5496 Mapping Sales	115	833	(718)	1,000	885
5495 Other Sales	4,395	2,083	2,311	2,500	(1,895)
5101 Building Permits	192,070	\$ 273,333	(81,263)	328,000	135,930
5102 Subdivision Fees	40,000	44,167	(4,167)	53,000	13,000
Total Develop / Planning Rev	\$ 263,080	\$ 346,917	\$ (83,837)	\$ 416,300	\$ 153,220
Total Bylaw / Dev / Planning Revenue	\$ 624,310	\$ 664,833	\$ (40,523)	\$ 797,800	\$ 173,490


 Departmental


 Finance


PLANNING/BYLAW/FIRE
INSPECTION

INCOME STATEMENT

JANUARY 2015

Planning / ByLaw / Fire Inspection	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 931,917	\$ 1,140,925	\$ 209,008	\$ 1,377,961	\$ 446,044
6010 BENEFITS	191,088	235,393	44,305	282,294	91,206
6020 TRAINING/EDUCATION	9,746	17,500	7,754	21,000	11,254
6030 TRAVEL/CONFERENCES	16,577	25,000	8,423	30,000	13,423
6040 PROF MEM/DUES & FEES	4,334	5,917	1,583	7,100	2,766
6050 OFFICE SUPPLIES	11,485	15,417	3,932	18,500	7,015
6060 OFFICE EQUIPMENT	4,418	12,083	7,665	14,500	10,082
6070 PHOTOCOPY SUPPLIES	192	833	642	1,000	808
6080 ADVERTISING	19,263	17,917	(1,347)	21,500	2,237
6100 COURIER	289	417	128	500	211
6110 TELEPHONE/FAX	16,528	20,000	3,472	24,000	7,472
6120 PUBL./SUBSCRIPTIONS	355	1,833	1,478	2,200	1,645
6130 COMPUTER HARDWARE	3,330	12,083	8,753	14,500	11,170
6140 COMPUTER SOFTWARE	9,891	13,333	3,443	16,000	6,109
6150 MEETING EXPENSE	1,349	4,333	2,984	5,200	3,851
6180 COST RECOVERY	-	-	-	-	-
7040 BLDG/FACILITY REPAIR	-	3,333	3,333	4,000	4,000
7130 DEMOLITIONS	-	100,000	100,000	120,000	120,000
7500 VEH/EQUIP MAINT.	10,485	6,250	(4,235)	7,500	(2,985)
7505 GASOLINE & DIESEL	8,091	11,667	3,576	14,000	5,909
8000 OPERATIONAL EQUIPMENT	5,259	8,333	3,074	10,000	4,741
8010 OPERATIONAL MAT/SUPP	2,789	3,333	545	4,000	1,211
8090 UNIFORMS / CLOTHING	7,466	6,667	(799)	8,000	534
8100 PROFESSIONAL SERVICE	25,133	25,000	(133)	30,000	4,867
8110 CONTRACTS/AGREEMENTS	404,600	432,869	28,269	511,880	107,280
8130 LICENSES/PERMITS	59,443	48,333	(11,110)	58,000	(1,443)
8135 REGULATORY FEES	13,602	20,000	6,398	24,000	10,398
8150 GRANTS /SUBS TO ORG	56,677	42,500	(14,177)	51,000	(5,677)
Total expended to date	\$ 1,814,309	\$ 2,231,271	\$ 416,962	\$ 2,678,635	\$ 864,326


Departmental


Finance

RECREATION/CULTURAL SERVICES

REVENUE

JANUARY 2015

Recreation/Cultural Services	Year to date Assigned	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
5031 PROGRAM REVENUE	\$ 28,523	\$ 73,371	\$ 44,848	\$ 88,045	\$ 59,522
5034 FACILITY RENTALS	13,749	-	(13,749)	-	(13,749)
5526 STUDENT FUNDING	35,360	42,560	7,200	42,560	7,200
	\$ 77,632	\$ 115,931	\$ 38,299	\$ 130,605	\$ 52,973

Christ Hicks
Departmental

Janice Campbell
Finance

RECREATION CULTURAL SERVICES

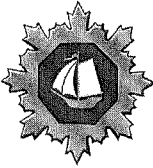
INCOME STATEMENT

JANUARY 2015

Recreation/Cultural Services	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 453,971	\$ 568,919	\$ 114,949	\$ 687,767	\$ 233,796
6010 BENEFITS	93,565	118,435	24,870	142,949	49,384
6011 STUDENT WAGES/BENEFITS	256,656	228,897	(27,759)	228,897	(27,759)
6020 TRAINING/EDUCATION	3,519	2,688	(831)	3,000	(519)
6030 TRAVEL/CONFERENCES	31,674	30,000	(1,674)	36,000	4,326
6040 PROF MEM/DUES & FEES	3,187	3,500	313	3,500	313
6050 OFFICE SUPPLIES	6,049	8,728	2,679	10,000	3,951
6060 OFFICE EQUIPMENT	4,591	8,000	3,409	8,000	3,409
6080 ADVERTISING	77,009	84,364	7,354	100,000	22,991
6110 TELEPHONE/FAX	13,532	20,617	7,084	24,740	11,208
6120 PUBL./SUBSCRIPTIONS	239	446	208	500	261
6130 COMPUTER HARDWARE	7,552	6,544	(1,008)	6,544	(1,008)
6160 LIABILITY INSURANCE	5,181	16,667	11,485	20,000	14,819
6170 PROMOTION	-	-	-	-	-
6180 COST RECOVERY	-	-	-	-	-
7070 BLDG/FACILITY RENTAL	17,361	10,000	(7,361)	12,000	(5,361)
8000 OPERATIONAL MAT/SUPPLY	179,348	125,000	(54,348)	150,000	(29,348)
8025 COMMUNITY EVENTS	390,413	306,250	(84,163)	367,500	(22,913)
8150 SCHOLARSHIPS	19,960	17,258	(2,702)	20,710	750
8160 SPECIAL EVENTS & FESTIVALS	271,580	309,802	38,222	371,762	100,182
8170 OPERATING GRANTS POLICY	741,701	650,417	(91,285)	780,500	38,799
Total expended to date	\$ 2,577,090	\$ 2,516,531	\$ (60,559)	\$ 2,974,369	\$ 397,279

Calcuty
Departmental

Chwick Jennifer Campbell
Finance



CBRM

A Community of Communities

Demetri Kachafanas
Solicitor
563-5047

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: Request for Deed / Norma MacLean
Property at Wadman Street, Glace Bay, NS
(Portion of PID 15425119)
My File No. 07109

DATE: March 17th, 2015

We have received a letter of request dated, January 7th, 2015 and support material for a Quit Claim Deed regarding property located at the end of Wadman Street, Glace Bay. The letter of request is from Crosby Burke & McRury Law office, solicitor for Ms. Norma MacLean. Ms. MacLean is the registered owner of property located at 33 Wadman Street, Glace Bay.

Ms. MacLean is selling her property and it has been discovered in a recent survey that her driveway and garage is encroaching onto property presently owned by the Cape Breton Regional Municipality. A copy of the surveyor's certificate, prepared by Dennis Prendergast, NSLS, is attached for your review. The area in question is cross-hatched in red and measures 25 feet wide by 100 feet in length.

Cape Breton Regional Municipality purchased property off Wadman Street, Glace Bay at a tax sale held on the 19th day of March, 1999. This property is shown on the attached map and identified as PID 15425119. Ms. McLean's property lies adjacent to CBRM and is identified as PID 15425127 on the same map attached hereto.

Mr. Burke has advised his client and her predecessors have had long term use and occupation of the property in issue. There are 3 registered Affidavit's filed at the Land Registration office supporting long term occupation since at least 1950. It appears the occupation occurred prior to the property being acquired by the CBRM at tax sale in 1999. Ms. MacLean has resided on the property at 33 Wadman Street, Glace Bay and has occupied and used the area crosshatched in red since her and her husband, Robert MacLean, purchased their property back in June of 1967.

The Legal Department did send a request to Department of Engineering and Public Works and Ken Smith, in the Planning Department to determine if this request would create any potential problems for CBRM property. Legal has been advised that the conveyance, of a parcel measuring 25 feet by 100 feet, as depicted on Dennis Prendergast, NSLS, surveyors location certificate dated, November 27th, 2014 would not have any direct effect on proposed future road improvements for CBRM..

Attached please find the following:

- (1) Letter of request from Bill Burke of Crosby Burke & McRury, dated January 7th, 2015 with 3 registered Statutory Declarations regarding use and occupation;
- (2) A copy of Dennis Prendergast's surveyor's location certificate/ plan dated November 27th, 2014;
- (3) A copy of the legal description for the area to be conveyed
- (4) A copy of Map showing the existing properties;

Following my review of the facts as presented to me, the issuance of a Quit Claim Deed to Ms. MacLean for the area occupied by her and her predecessors would be in order. To that end, I would request a Motion authorizing the Mayor and Clerk to execute such a deed provided CBRM does not absorb any fees or costs associated with transfer.

Thank you.

Sincerely,


DEMETRI KACHAFANAS
Regional Solicitor

DK/spk
Attachments(4)



CROSBY, BURKE & MACRURY
BARRISTERS, SOLICITORS, NOTARIES

Robert M. Crosby, Q.C.
William R. Burke, B.Sc., LL.B.
Darlene MacRury, B.A., LL.B.

GLACE BAY PROFESSIONAL CENTRE
P.O. BOX 86, 38 UNION STREET
GLACE BAY, NOVA SCOTIA
B1A 5V1
Telephone (902) 849-3971
Fax (902) 849-7009

7 January 2015

SENT VIA FAX :563-5137

Demetris Kachafanas
Cape Breton Regional Municipality
320 Esplanade
Sydney, NS
B1P 7B9

Dear Mr. Kachafanas:

**RE: Norma MacLean
33 Wadman Street, Glace Bay, NS
CBRM Tax Deed
PID # 15425119 Book 2189 Page 136 May 2001**

We have been requested to act on behalf of Norma MacLean pertaining to the disposition of her property at 33 Wadman Street, Glace Bay, NS

Mrs. MacLean and her predecessors have had long term use and occupation of land adjacent to their home. Her original road frontage was 48'. She has been using an additional 25' for many years.

It appears that the original problem was recognized by the late H. F. MacIntyre, Q.C.. He had prepared a declaration by Catherine Burte. Mrs. MacLean had provided this to me and I forward a copy to you for your consideration. The properties on Wadman Street were traditionally fenced and the area of encroachment had been fenced. You will note the rear portion is a public street. Our client is not seeking the area encompassed by the public street, however you will note that she has constructed a garage on the part of the encroached property.

We obtained 2 additional declarations and have recorded them based on the survey plan and description prepared by Dennis Prendergast, NSLS and I enclose copies of both. It would appear occupation occurred prior to the property being acquired by the CBRM in a tax sale in 2001.


Pursuant to Section 50 (4) of the Municipal Government Act, Possession, occupation, use or obstruction of property of a municipality does not give an estate, right or title to the property.

I would appreciate if you could advise regarding the position of the CBRM in regards to this encroachment. Would the Municipality be will to execute a Quit Claim Deed to perfect title so that we could migrate this property?

We are hoping to close this transaction in 3 weeks time therefore your earliest attention to this matter would be greatly appreciated.

Yours very truly,

CROSBY, BURKE & MACRURY



William R. Burke

WRB/tp
cc: Norma MacLean

**PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON**

IN THE MATTER OF: The Canada Evidence Act Chapter C-5 of the Revised Statutes of Canada, 1985

IN THE MATTER OF: Lands situate at 33 Wadman Street, Glace Bay, in the County of Cape Breton, Province of Nova Scotia, presently owned by Norma MacLean

STATUTORY DECLARATION

I, Catherine Robina Burt, of 36 Wadman Street, Glace Bay, in the County of Cape Breton, Province of Nova Scotia, do solemnly declare:

1. **THAT I have personal knowledge of all matters herein deposed to unless stated to the contrary.**
2. **THAT I am 63 years of age and have resided at 36 Wadman Street, Glace Bay, since 1942.**
3. **THAT I have reviewed the plan attached hereto as Schedule "A" showing the lands of Norma MacLean situate at 33 Wadman Street, Glace Bay, which is directly across the street from my house.**
4. **THAT I am familiar with the house and lands of Norma MacLean situate at 33 Wadman Street, Glace Bay, as shown on the plan attached hereto as Schedule "A", which is directly across the street from my house.**

5. **THAT** the property was at one time owned by George Short(t), in the 1940's and George Short(t) died in the early 1950's survived by his wife Ethel Short(t) and 2 daughters Lorna Short(t) and Georgina Short(t) Hussey.
6. **THAT** George Short(t) and Ethel Short(t) had no other children.
7. **THAT** when Ethel Short(t) became sick I used to help Ethel Short(t) with her laundry and occasionally with her meals and errands.
8. **THAT** Ethel Short(t) wife of George Short(t) died in the early 1960's survived by her 2 daughters Lorna Short(t) and Georgina (Short) Hussey.
9. **THAT** I am familiar with the property and the fence(s) situate on the property at 33 Wadman Street, Glace Bay, and I can confirm that there has been a fence on the property since at least the 1950's and the fence was maintained by the Short(t) s and the Macleans and was replaced by the Macleans The fence(s) have always been in the location shown on the attached plan. There was always grass in the area denoted as "ENCROACHMENT" and eventually a lawn was created by the Macleans in the 1970's. The fence was first removed by Norma MacLean in the month of October 2000 and she is currently erecting a new fence.
10. **THAT** Robert Kenneth Maclean and his wife Norma MacLean moved into the property situate at 33 Wadman Street, Glace Bay in the mid 1960's and they resided in the property until the death of Robert Kenneth Maclean in 1996 and Norma MacLean continues to reside in the property up to the date of this declaration
11. **THAT** the house and lands as shown on the attached plan have existed from the early 1940's down to the date of this declaration and the use and occupation by the Short(t)s and the Macleans was up to the fence as shown on the attached plan since at least 1950.

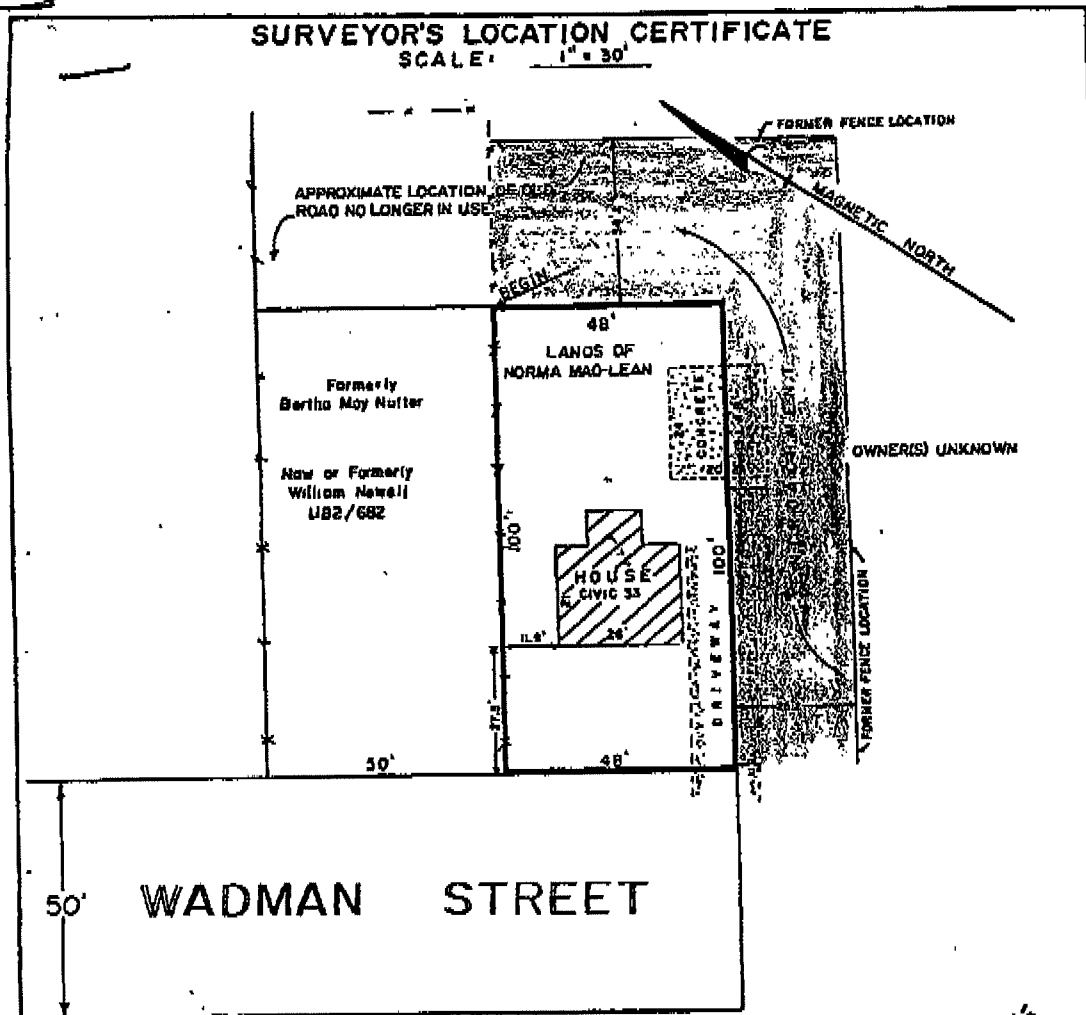
AND I MAKE THIS SOLEMN declaration conscientiously and believing it to be true and of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED BEFORE ME at Sydney)
the County of Cape Breton, Province)
of Nova Scotia, this 25 day of)
October, A.D., 2000.)

Catherine R Burt
CATHERINE ROBINA BURT

~~A BARRISTER OF THE SUPREME)
COURT OF NOVA SCOTIA)~~

H.F. MacIntyre



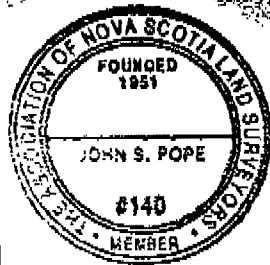
NOTE: Clearances shown are perpendicular to the closest corners of the structure, measured to a tolerance of 1/4" ft.

CERTIFIED TO: NORMA MC LEAN
 RE: 33 WADMAN ST., GLACE BAY,
C.B.R.M., N.S.

I, JOHN S. POPE Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with PART VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section B of the Land Surveyors Act. DATED: This 20 Day of OCT., 2000 N.S.L.S.

- (1) The HOUSE shown here is located entirely within the boundaries of the subject lands as sold boundaries are defined by DEED
- (2) All easements, documented in the deed recorded in Bk. 401, Pg. 347 in the Registry of Deeds, Sydney, N.S.
- (3) Cultural features shown hereon are located to plotting accuracy unless specifically dimensioned. This Surveyor's Location Certificate is not to be used for boundary definition or as a reference document for the preparation of legal descriptions.

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LEGEND
 SM — SURVEY MARKER
 IB — IRON BAR
 FD — FOUND
 O,M,P — DEED, MEASURED, PLAN

FIELD SURVEY CONDUCTED OCT 20/2000
 FENCE LINE
 REFERENCE FILES 2760
 REFERENCE P.I.O. 15425107

JOHN S. POPE & ASSOCIATES LIMITED
 NOVA SCOTIA LAND SURVEYORS
 P. O. BOX 185, 200 CHARLOTTE ST.
 SYDNEY, C.B.R.M., NOVA SCOTIA
 PHONE 562-1130 BIP-6HI FAX 539-3529 **SLC***

**CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON**

**IN THE MATTER OF THE CANADA
EVIDENCE ACT; AND IN THE MATTER OF
THE REGISTRY ACT AND PROPERTY
SITUATE AT 33 WADMAN STREET, GLACE
BAY, IN THE CAPE BRETON REGIONAL
MUNICIPALITY, IN THE PROVINCE OF
NOVA SCOTIA, AND HAVING PID #15425127,
CURRENTLY OWNED BY NORMA
MACLEAN, AND A PORTION OF PROPERTY
HAVING PID#15425119 CURRENTLY
OCCUPIED BY NORMA MACLEAN;**

STATUTORY DECLARATION

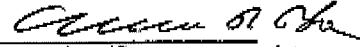
**I, ARTHUR SIMM, of the Community of Glace Bay, in the Cape Breton
Regional Municipality, Province of Nova Scotia, make oath and say as follows:**

1. That all matters hereinafter deposed to are made to the best of my knowledge and belief, unless otherwise stated.
2. That I have known Norma MacLean for many years.
3. That I am presently a resident of Rankin Street in Glace Bay. Norma MacLean lives almost across the street from me today on Rankin Street in a seniors duplex that she rents.
4. That Norma MacLean is the owner of property situate at 33 Wadman Street, Glace Bay.
5. That from approximately 1974 until approximately 2004 I resided 2 houses down from her residence. I lived at 27 Wadman Street, Glace Bay. That I resided at 27 Wadman Street for approximately 30 years being from approximately 1974 to 2004.
6. That during this time there was only one other residence between my home and that of the MacLean Residence at 33 Wadman Street, Glace Bay.
7. That I had occasion to review a plan of survey prepared by John Pope, NSLS, attached hereto as Schedule "A", dated October 20, 2000 and have noted the area of encroachment shown on the plan. This area has always been used by Norma MacLean the entire time I was resident on Wadman Street. I have noted on the plan a former fence location as well as the area of encroachment and concrete slab.
8. That in approximately 2000 that a new garage was constructed by Norma MacLean on her property on the slab shown on the plan of John Pope.

9. That I have also reviewed a plan of survey prepared by Dennis Prendergast, NSLS, attached hereto as Schedule "B", dated November 27, 2014. I have reviewed the legal description attached hereto as Schedule "C" and compared it to the plan.
10. That in particular I noted that on the plan of Dennis Prendergast, NSLS, attached as Schedule "B" the area of occupation shown on the plan and driveway encroachment.
11. That when I had first moved to Wadman Street in or about 1974 this driveway was in the same place except it was a gravel driveway. It was subsequently paved. The driveway is not moved and it is still in its' current place to the present date except that it is paved.
12. That the garage was constructed on property which I believed was Norma MacLean's. I had this belief because the Maclean family had utilized this land.
13. That the area shown as occupation by civic 33 and in particular described by Schedule "C" has been treated by the MacLean family as their property during the course of my residence on Wadman Street.
14. That I and my wife offend visited the MacLean residence and I noticed the grass was cut throughout the summer season and the fence was maintained. The fence was taken down in or about the late 1990's and it was not replaced, however the area encompassed by the fence is still utilized by Norma MacLean as shown on the attached plan of survey by Dennis Prendergast, NSLS.
15. That throughout the winter months the driveway was shovelled and maintained.
16. That when I have first moved to Wadman Street in or about 1974 all the residences were fenced. I do not know why it's just that they were all fenced.
17. That the MacLean family used all area enclosed by the fencing as indicated on the plan. Their children played in this area. When growing up it was utilized for such games as catch by their son and their daughters played throughout the area.
18. That to the best of my knowledge and belief it was recognized in the community as the property owned by Norma MacLean.
19. That the area was used by no one but the MacLean family. It was used to the exclusion of all others and anyone in the community could see them using it. It was used continuously to my knowledge while I was resident on Wadman Street. Everyone once in a while I still go to Wadman Street and this area is still used to the present date.
20. That the best of my knowledge and belief at no time sis any question their right, title or ownership to this property outlined in Schedule "C".

AND I make this Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under and by virtue of the CANADA EVIDENCE ACT.

Sworn To before me at Glace Bay,)
in the County of Cape Breton)
Province of Nova Scotia,)
on this 19 day of December)
2014.)

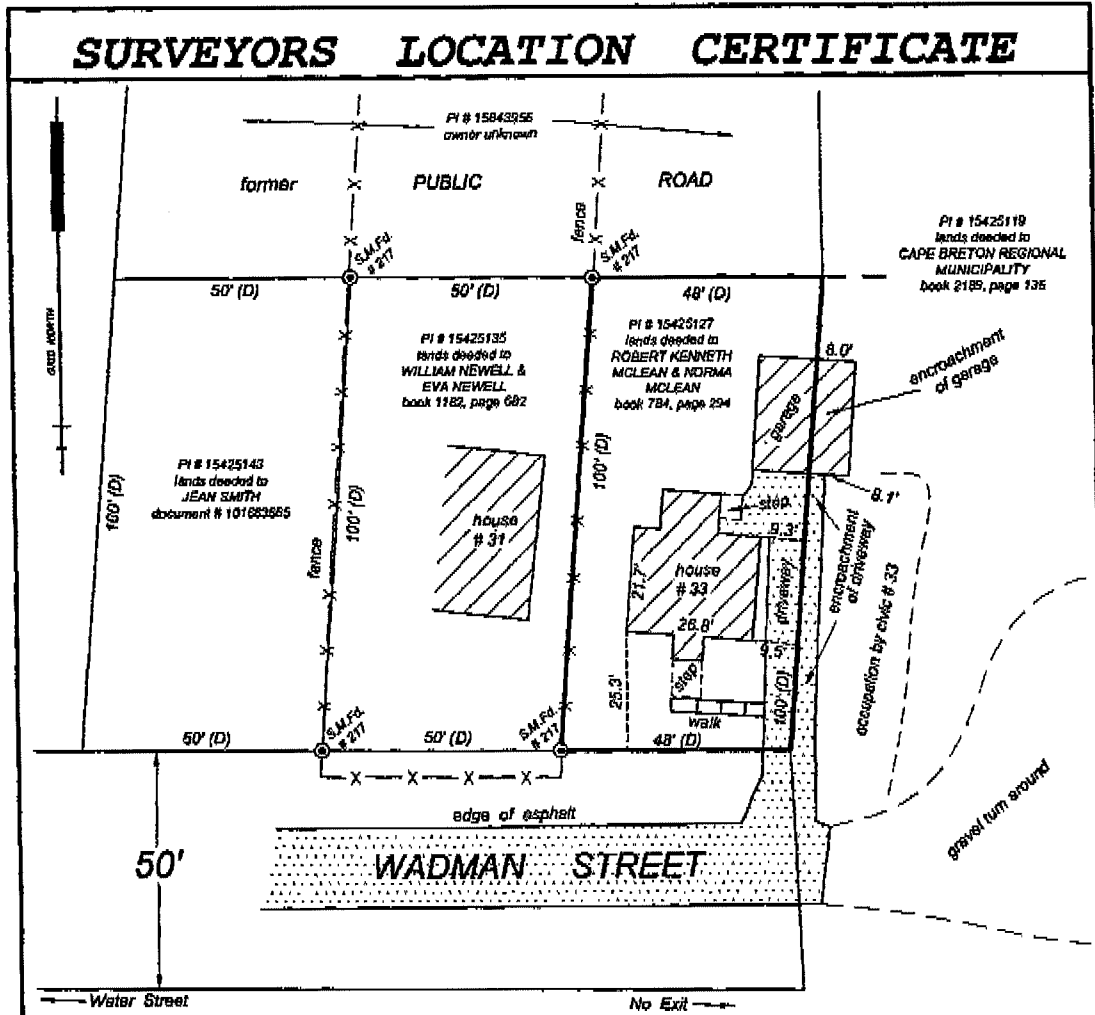

A Barrister/Commissioner of the
Province of Nova Scotia


ARTHUR SIMM

William R. Burke

Schedule 'A'

SURVEYORS LOCATION CERTIFICATE



CERTIFIED TO: Mary Pat Mombourquette
33 Wadman Street, Glace Bay,
Cape Breton Regional Municipality, N.S.

NOTE: Clearances shown are perpendicular to the boundary and are to the closest corners of the facing of the structure. Clearances are defined to a tolerance of 1 ft. Deed (D), Measured (M), Plan (P) Survey Marker (S.M.), Iron Bar (I.B.)

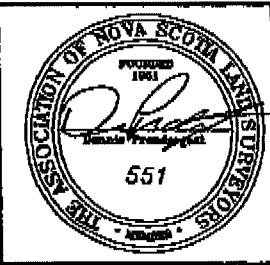
I, Dennis Prendergast, Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with Part VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section 8 of the Land Surveyors Act, N.S.L.S. no. 551

I have supervised an inspection of the subject lands and have caused such measurements to be made as I deemed necessary to certify that:

- (1) The house shown here is located entirely within the boundaries of the subject lands as said boundaries are defined by deed: see book 784 at page 294 on file at The Registry of Deeds, Sydney, N.S.
- (2) Cultural features shown hereon are located to plotting accuracy unless specifically dimensioned.
- (3) All easements, documented in the deed recorded in 784 / 294 in the County of Cape Breton, are reflected hereon.

No further certification or assurance is implied by or to be inferred from this document.

This Surveyors Location Certificate is not to be used for boundary definition or as a reference document for the preparation of legal descriptions.



PRENDERGAST SURVEYS LIMITED
NOVA SCOTIA LAND SURVEYORS
 646 MAIN STREET, GLACE BAY,
 CAPE BRETON REGIONAL MUNICIPALITY, N.S.,
 PHONE: (902) 849-7228 FAX: (902) 842-1057
 WEBSITE: www.nslandsurveyor.com

FIELD SURVEY: 26 November 2014	SCALE: 1" = 30'	SLC # 91690
PLAN DATED: 27 November 2014		

Schedule -B'

All that certain lot, piece or parcel of land situate, lying and being at Glace Bay, Province of Nova Scotia and being more particularly bounded and described as follows:

BEGINNING at the point on the northern boundary of Wadman Street at the southeastern corner of lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294);

THENCE in an easterly direction following the prolongation, easterly, of the said northern boundary of Wadman Street for a distance of (25.0') feet to a point;

THENCE in a northerly direction parallel to the eastern boundary of said lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294) for a distance of (100'±) feet, more or less, to a point;

THENCE in a westerly direction parallel to the said northern boundary of Wadman Street for a distance of (25.0') feet to a point at the northeastern corner of said lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294);

THENCE following the said eastern boundary of lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294) for a distance of (100'±) feet, more or less, to the **Place of Beginning**.

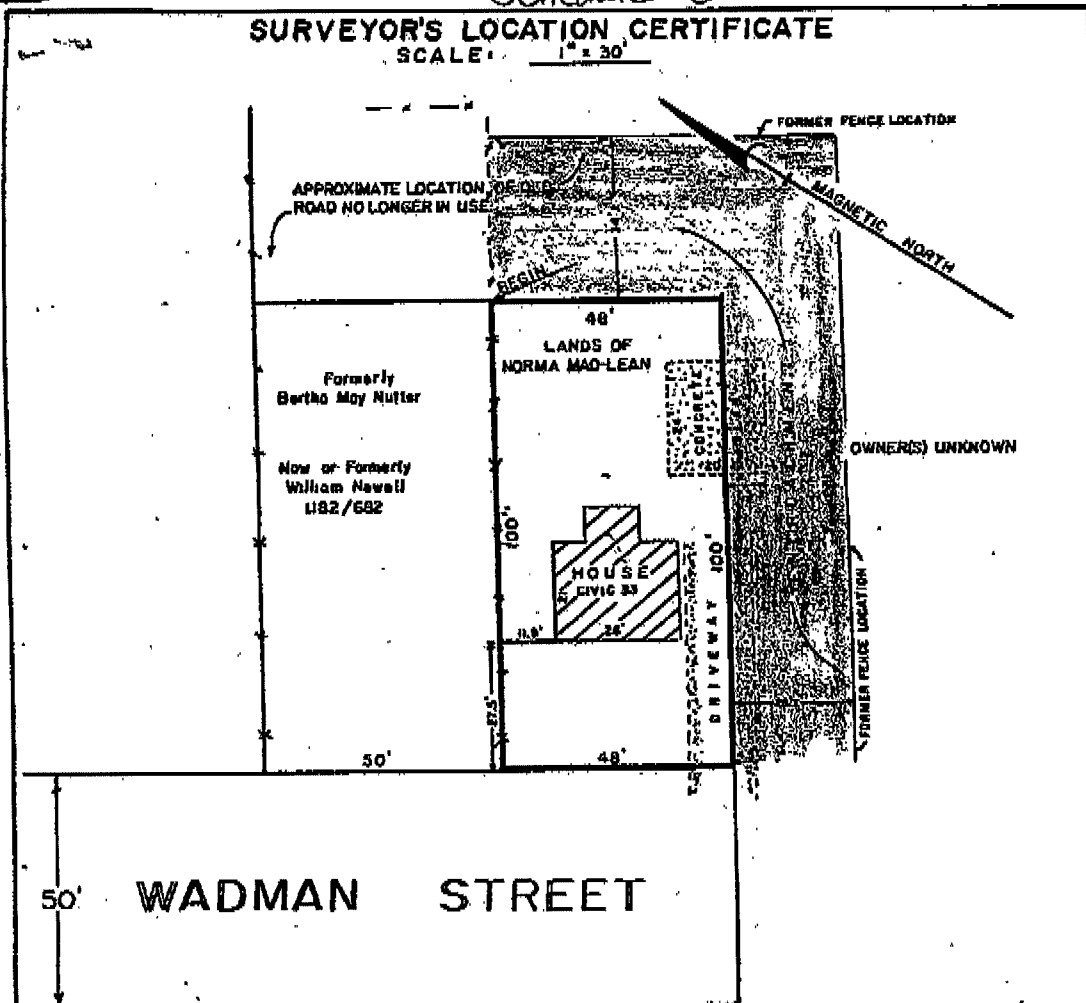
Said described lands containing 2,500± square feet, more or less, by calculation.

Said described lands being lands occupied by civic #33 Wadman Street, Glace Bay.

Schedule 'C'

SURVEYOR'S LOCATION CERTIFICATE

SCALE: 1" = 30'



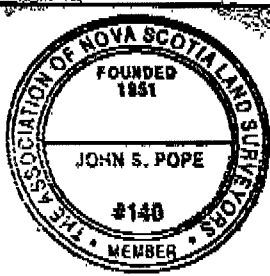
NOTE: Clearances shown are perpendicular to the closest corners of the structures, measured to a tolerance of 1/8" ft.

CERTIFIED TO: NORMA MC LEAN
 RE: 33 WADMAN ST., GLACE BAY,
C.B.R.M., N.S.

I, JOHN S. POPE Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with PART VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section B of the Land Surveyors Act. DATED: This 20 Day of OCT, 2009 N.S.L.S.

- (1) The HOUSE shown here is located entirely within the boundaries of the subject lands as said boundaries are defined by DEED
- (2) All easements, documented in the deed recorded in Bk. 401, Pg. 347 in the Registry of Deeds, Sydney, N.S.
- (3) Cultural features shown hereon are located to plotting accuracy unless specifically dimensioned. This Surveyor's Location Certificate is not to be used for boundary definition or as a reference document for the preparation of legal descriptions.

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LEGEND	
SM	SURVEY MARKER
IB	IRON BAR
FD	FOUND
D.M.P.	DEED, MEASURED, PLAN
FIELD SURVEY CONDUCTED <u>05/20/2009</u>	
----- FENCE LINE	
REFERENCE FILES <u>2760</u>	
REFERENCE P.I.D. <u>15425187</u>	

JOHN S. POPE & ASSOCIATES LIMITED
 NOVA SCOTIA LAND SURVEYORS
 P. O. BOX 185, 200 CHARLOTTE ST.
 SYDNEY, C.B.R.M., NOVA SCOTIA
 PHONE 562-1130 BIP-6HI FAX 539-3529 SLC#

**CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON**

**IN THE MATTER OF THE CANADA
EVIDENCE ACT; AND IN THE MATTER OF
THE REGISTRY ACT AND PROPERTY
SITUATE AT 33 WADMAN STREET, GLACE
BAY, IN THE CAPE BRETON REGIONAL
MUNICIPALITY, IN THE PROVINCE OF
NOVA SCOTIA, AND HAVING PID #15425127,
CURRENTLY OWNED BY NORMA
MACLEAN, AND A PORTION OF PROPERTY
HAVING PID#15425119 CURRENTLY
OCCUPIED BY NORMA MACLEAN;**

STATUTORY DECLARATION

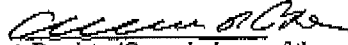
I, MARILYN (LYNN) WADMAN, of the Community of Glace Bay, in the Cape Breton Regional Municipality, Province of Nova Scotia, make oath and say as follows:

1. That all matters hereinafter deposed to are made to the best of my knowledge and belief, unless otherwise stated.
2. I am familiar with Wadman Street. My father owned all the property on Wadman Street. Wadman Street is named after our family surname.
3. That I am presently 78 years of age and had resided on Wadman Street until I moved to another area of Glace Bay in or about 1983. I still continue to return back to Wadman Street, as my sister resides there. Her residence is approximately 4 houses down the street from that of Norma MacLean. I grew up on Wadman Street. The property presently occupied by Norma MacLean at 33 Wadman Street was owned by the Short Family. They have two daughters Georgina and Lorna. They are a little younger than myself and I frequently attended their residence. The residence was fenced and I remember opening the latch on the gate to go onto the property.
4. I have had occasion to review the plan of survey, prepared by Dennis Prendergast NSLS, attached here to as schedule A and dated the 27 of November, 2014. I have also had the occasion to review an earlier survey plan prepared by John Pope NSLS dated the 20 day of October, 2000 attached here as schedule B.
5. I note on the John Pope survey plan fence posts and on the other side of the property in the area designated encroachment former fence location? This is the fence that was on the Short property and after they had sold it to Norma MacLean on the MacLean property.
6. I recall the fence being their throughout my time on Wadman Street. To my recollection part of the fence was taken down in the late 1990's.


7. That I had occasion to review the driveway as shown both on the plan of John Pope NSLS and Dennis Prendergast NSLS. This is the driveway that has been their since my earliest recollection. This is the same driveway that was used by the Short Family and thereafter by the MacLean Family.
8. Georgina (Short) Hussy and Lorna Short transferred the subject property to Norma MacLean in or about 1967. The driveway that they used continued to be used by the MacLean Family and Norma MacLean has continued to use this driveway up until the present time.
9. When I was a young girl all of the properties were completely fenced, including that of Norma MacLean. The area fenced is encompassed and outlined on the John Pope plan.
10. I note the rear portion of the John Pope plan references an old road no longer in use. It was used to go up to the South Street beach.
11. I have reviewed the legal description prepared by Dennis Prendergast attached here as schedule C. I have noted that the legal description did not include the old road, but it includes that the balance of the area being utilized by Norma MacLean and her Family.
12. I have also compared the legal description attached as schedule C, to the Dennis Prendergast plan.
13. This area encompassed by schedule C is the area which I and the Short girls played when we were young girls. *Mr. Short had a fish house on the land described as schedule C as well as a coral house. Both are gone now* *Shu*
14. I believe in or about 2000, Norma MacLean constructed a garage on part of this area of encroachment as shown on the plan of Dennis Prendergast.
15. The driveway as shown on the John Pope plan represents the original gravel driveway. This is the driveway that was there when I was a girl and while growing up. It has subsequently been paved by Norma MacLean.
16. The area encroachment described by schedule C is the area to which we often played. Originally families did not cut their grass, however once they started the Shorts and thereafter the MacLeans continued to cut the grass throughout the area of encroachment in particular the area designated as C.
17. The driveway has been paved however is has never been moved, this is the traditional driveway that has been used by the Short and MacLean driveways and is over onto the area described as schedule C. The driveway was plowed and shovelled in the winter, grass was cut, it served as a play area for the Short and MacLean Families.
18. This area described by schedule C was in my view recognized as part of the MacLean Family property where all could see it being used as their household property, was fenced throughout my growing up and into the late 1990's fencing was maintained. Grass has been cut for over 50 years of which I can personally recall and recollected. As far as I am aware no one but the occupants of civic number 33 Wadman Street have ever claimed or used this land and it was used to the exclusion of all others continuously for as long as I can recall.
19. Norma MacLean has treated this land described by schedule C as her own and used it for the entire length of time that she has owned this property.
20. I have known Norma MacLean all of her live. Norma MacLean grew up on Blackett Street which is in close proximity to Wadman Street.

AND I make this Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under and by virtue of the CANADA EVIDENCE ACT.

Sworn To before me at Glace Bay,
in the County of Cape Breton
Province of Nova Scotia,
on this 22 day of December
2014.

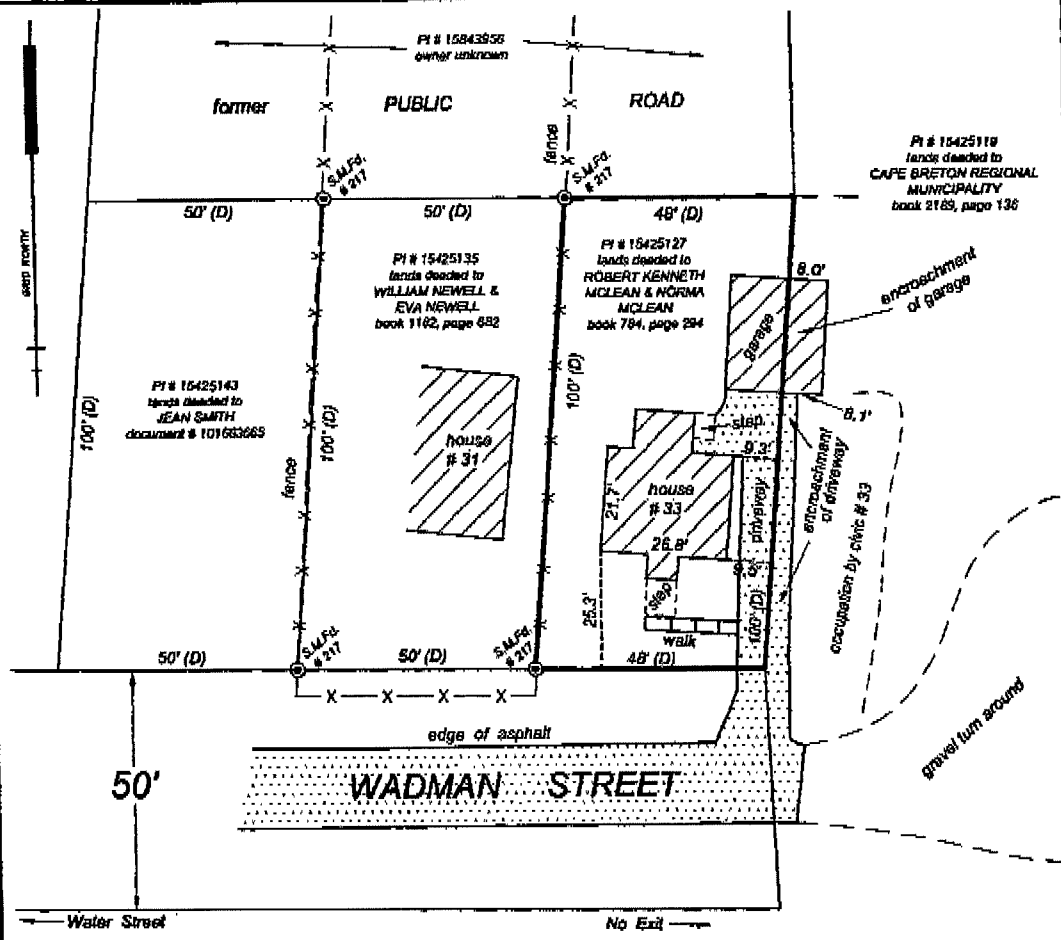

A Barrister/Commissioner of the
Province of Nova Scotia

WILLIAM R. BURKE
Commissioner of the Supreme Court
of Nova Scotia

)
)
)

)
MARILYN (LYNN) WADMAN

Schedule 'A'

SURVEYORS LOCATION CERTIFICATE



CERTIFIED TO: Mary Pat Mombourquette
33 Wadman Street, Glace Bay,
Cape Breton Regional Municipality, N.S.

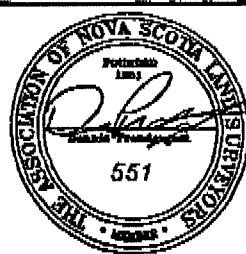
NOTE: Clearances shown are perpendicular to the boundary and are to the closest corners of the facing of the structure. Clearances are defined to a tolerance of 1 ft. Deed (D), Measured (M), Plan (P) Survey Marker (S.M.), Iron Bar (I.B.)

I, Dennis Prendergast, Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with Part VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section 8 of the Land Surveyors Act

- [Signature]*, N.S.L.S. no. 551
- I have supervised an inspection of the subject lands and have caused such measurements to be made as I deemed necessary to certify that:
- (1) The house shown here is located entirely within the boundaries of the subject lands as said boundaries are defined by deed; see book 784 at page 294 on file at The Registry of Deeds, Sydney, N.S.
 - (2) Cultural features shown hereon are located to plotting accuracy unless specifically dimensioned.
 - (3) All easements, documented in the deed recorded in 784 / 294 in the County of Cape Breton, are reflected hereon.

No further certification or assurance is implied by or to be inferred from this document.

This Surveyors Location Certificate is not to be used for boundary definition or as a reference document for the preparation of legal descriptions.



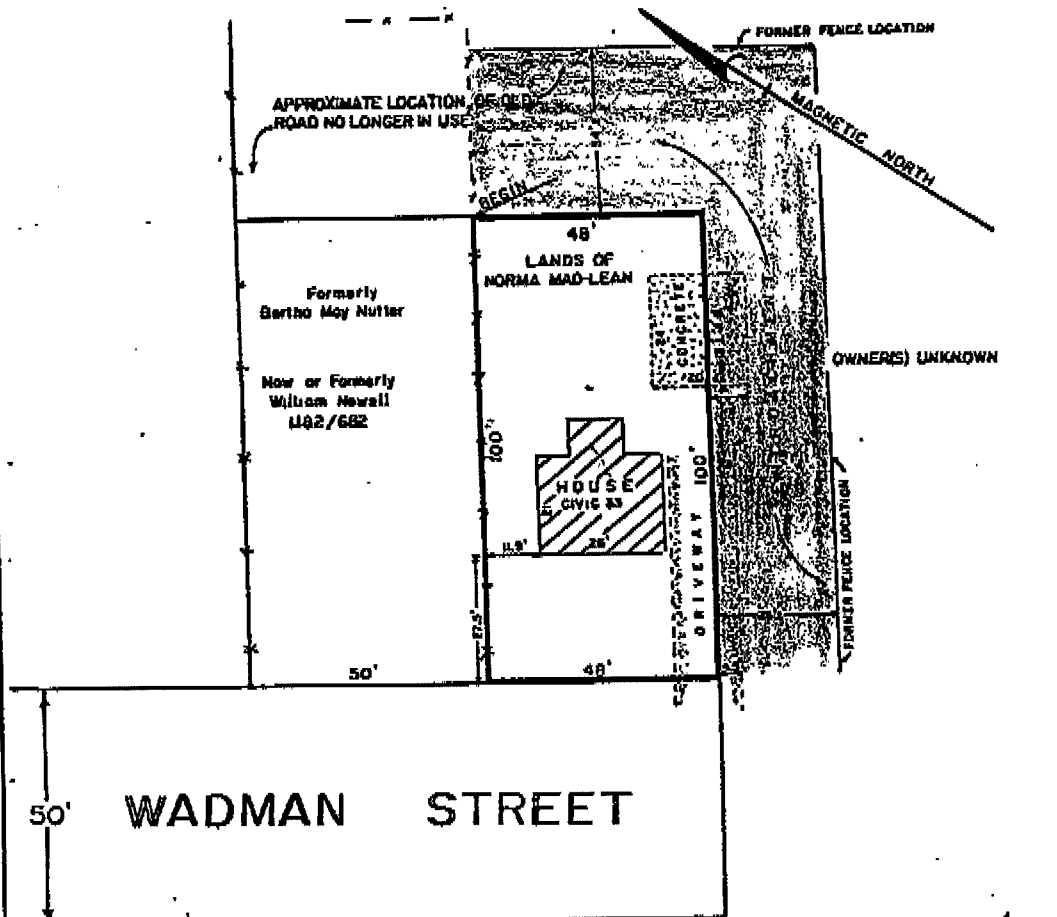
PRENDERGAST SURVEYS LIMITED
 NOVA SCOTIA LAND SURVEYORS
 848 MAIN STREET, GLACE BAY,
 CAPE BRETON REGIONAL MUNICIPALITY, N.S.,
 PHONE: (902) 849-7228 FAX: (902) 842-1057
 WEBSITE: www.nslandsurveyor.com

FIELD SURVEY: 26 November 2014	SCALE:	SLC #
PLAN DATED: 27 November 2014	1" = 30'	91698

Schedule 'B'

SURVEYOR'S LOCATION CERTIFICATE

SCALE: 1" = 30'



NOTE: Clearances shown are perpendicular to the closest corners of the structure, measured to a tolerance of 1/4 ft.

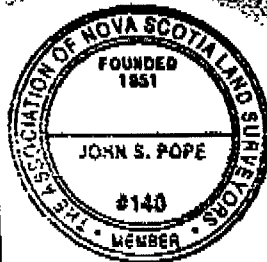
CERTIFIED TO: NORMA MC LEAN

RE: 33 WADMAN ST., GLACE BAY, C.B.R.M., N.S.

I, JOHN S. POPE Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with PART VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section 8 of the Land Surveyors Act. DATED: This 30 Day of OCT., 2000 N.S.L.S.

- (1) The HOUSE shown here is located entirely within the boundaries of the subject lands as said boundaries are defined by DEED
- (2) All easements, documented in the deed recorded in Bk. 401, Pg. 347 in the Registry of Deeds, Sydney, N.S.
- (3) Cultural features shown hereon are located to plotting accuracy unless specifically dimensioned. This Surveyor's Location Certificate is not to be used for boundary definition or as a reference document for the preparation of legal descriptions.

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LEGEND	
SM	SURVEY MARKER
IB	IRON BAR
FD	FOUND
D.M.P.	DEED, MEASURED, PLAN
FIELD SURVEY CONDUCTED <u>OCT 20/2000</u>	
FENCE LINE	
REFERENCE FILES <u>2060</u>	
REFERENCE P.I.D. <u>15425107</u>	

JOHN S. POPE & ASSOCIATES LIMITED
 NOVA SCOTIA LAND SURVEYORS
 P. O. BOX 185, 200 CHARLOTTE ST.
 SYDNEY, C.B.R.M., NOVA SCOTIA
 PHONE 562-1130 BIP-6HI FAX 539-3529 SLC*

Schedule 'E'

All that certain lot, piece or parcel of land situate, lying and being at Glace Bay, Province of Nova Scotia and being more particularly bounded and described as follows:

BEGINNING at the point on the northern boundary of Wadman Street at the southeastern corner of lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294);

THENCE in an easterly direction following the prolongation, easterly, of the said northern boundary of Wadman Street for a distance of (25.0') feet to a point;

THENCE in a northerly direction parallel to the eastern boundary of said lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294) for a distance of (100'±) feet, more or less, to a point;

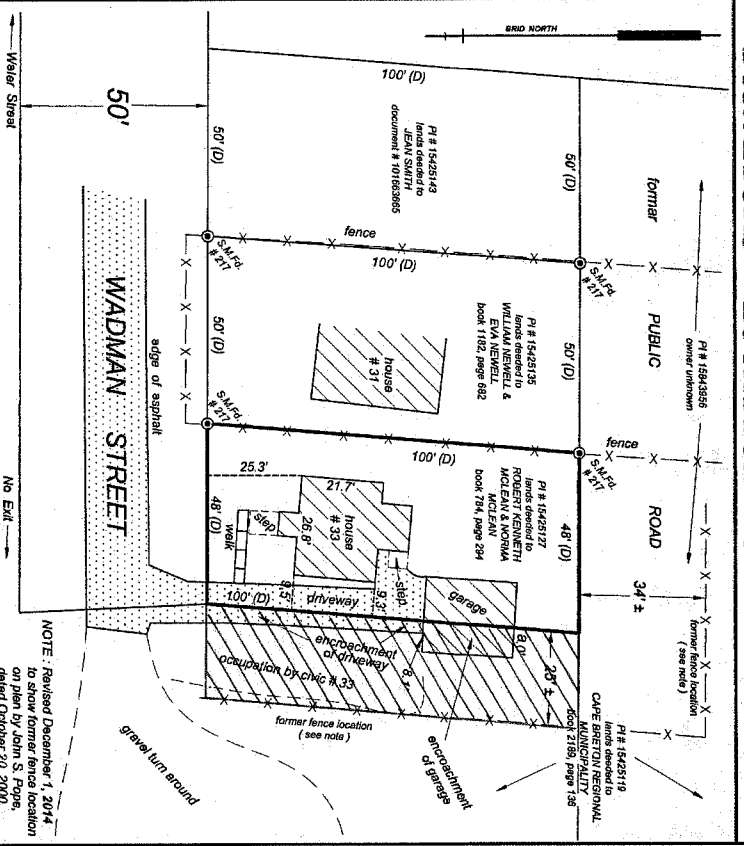
THENCE in a westerly direction parallel to the said northern boundary of Wadman Street for a distance of (25.0') feet to a point at the northeastern corner of said lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294);

THENCE following the said eastern boundary of lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294) for a distance of (100'±) feet, more or less, to the **Place of Beginning**.

Said described lands containing 2,500± square feet, more or less, by calculation.

Said described lands being lands occupied by civic #33 Wadman Street, Glace Bay.

SURVEYORS LOCATION CERTIFICATE



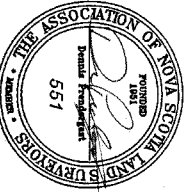
CERTIFIED TO: Mary Pat Mombourquette
33 Wadman Street, Glace Bay,
Cape Breton Regional Municipality, N.S.

NOTE: Clearances shown are perpendicular to the boundary and are to the closest corners of the facing of the structure. Clearances are deemed to a tolerance of 1 ft. Seed (S), Measure (M), Pin (P), Survey Marker (S.M.), Iron Bolt (I.B.)

I, Dennis Prendergast, Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with Part VII of the Nova Scotia Land Surveyors Regulations made pursuant to Section 8 of the Land Surveyors Act, N.S.L.S. no. 551

I have supervised an inspection of the subject lands and have caused such measurements to be made as I deemed necessary to certify that:
(1) The _____ house _____ shown here is located entirely within the boundaries of the subject lands as said boundaries are defined by _____ deed; see book 724 at page 294 on file at The Registry of Deeds, Sydney, N.S.

(2) Cultural features shown hereon are located to plotting accuracy unless specifically dimensioned.
(3) All easements, documented in the deed recorded in _____ 734/234 _____ in the County of Cape Breton, are reflected hereon.
No further certification or assurance is implied by or to be inferred from this document.
This Surveyor's Location Certificate is not to be used for boundary definition or as a reference document for the preparation of legal descriptions.



ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS
551

PRENDERGAST SURVEYS LIMITED
NOVA SCOTIA LAND SURVEYORS

648 MAIN STREET, GLACE BAY,
CAPE BRETON REGIONAL MUNICIPALITY, N.S.,
PHONE: (902) 849-7228 FAX: (902) 842-1067
WEBSITE: www.nslslandsurveyor.com

FIELD SURVEY: 26 November 2014
PLAN DATED: 27 November 2014

SCALE: 1" = 30'

S.I.C.# 91688

Schedule "C",

3

All that certain lot, piece or parcel of land situate, lying and being at Glace Bay, Province of Nova Scotia and being more particularly bounded and described as follows:

BEGINNING at the point on the northern boundary of Wadman Street at the southeastern corner of lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294);

THENCE in an easterly direction following the prolongation, easterly, of the said northern boundary of Wadman Street for a distance of (25.0') feet to a point;

THENCE in a northerly direction parallel to the eastern boundary of said lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294) for a distance of (100'±) feet, more or less, to a point;

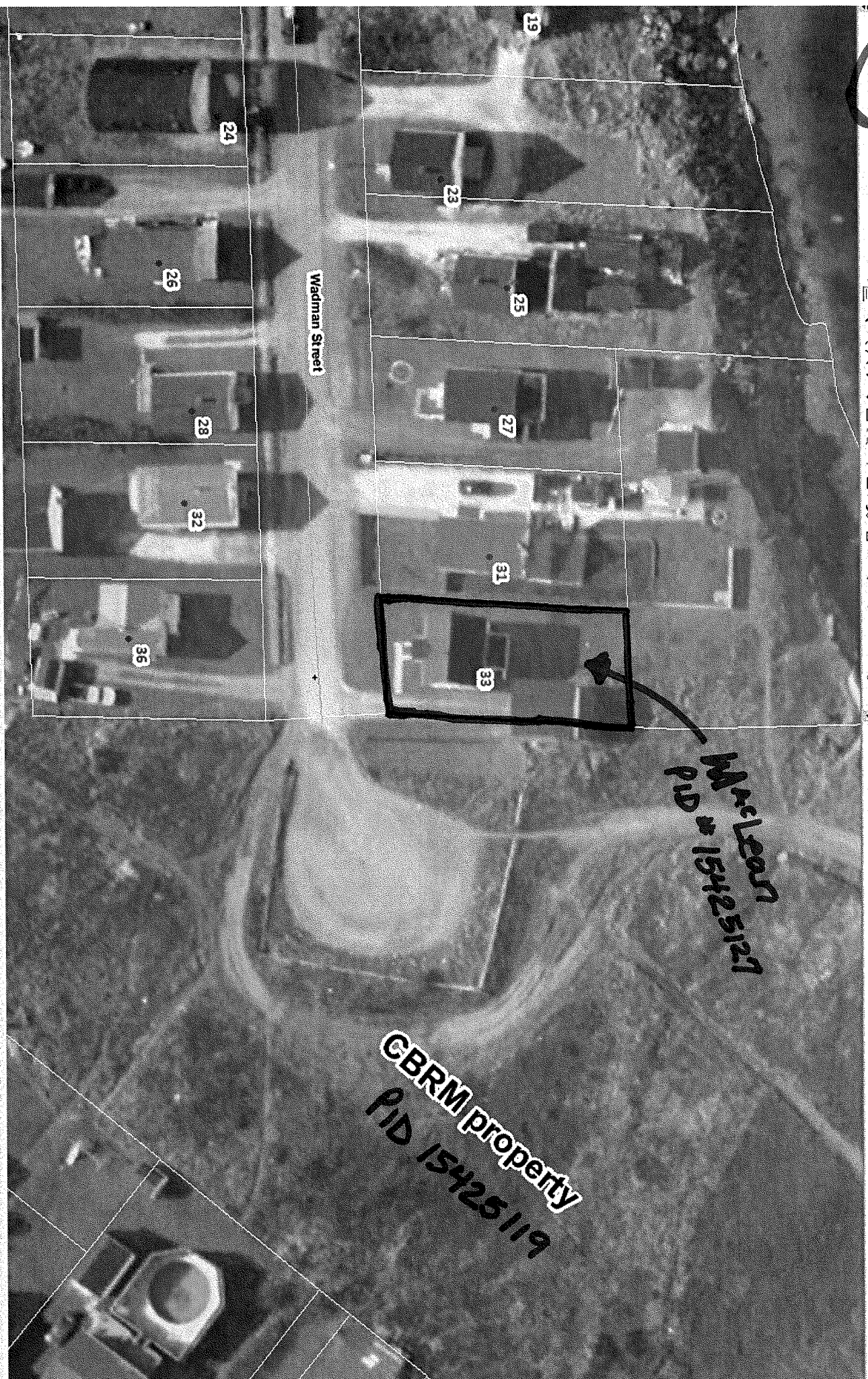
THENCE in a westerly direction parallel to the said northern boundary of Wadman Street for a distance of (25.0') feet to a point at the northeastern corner of said lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294);

THENCE following the said eastern boundary of lands deeded to Robert Kenneth McLean & Norma McLean (see book 784 at page 294) for a distance of (100'±) feet, more or less, to the **Place of Beginning**.

Said described lands containing 2,500± square feet, more or less, by calculation.

Said described lands being lands occupied by civic #33 Wadman Street, Glace Bay.

4



W. McLEOD
PID # 15425121

GBRM property
PID 15425119

Wadman Street

19

23

25

27

31

33

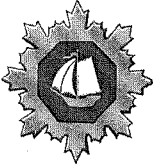
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26

28

32

36



CBRM

A Community of Communities

Demetri Kachafanas
Regional Solicitor
563-5047

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: CBRM and Nova Scotia Public Trustee for the Estate of Francis Michael D'Angelo
Request for Boundary Line Agreement
Property at 62 Main Street, Reserve Mines (PID 15232283) and
Tompkins Memorial Elementary School Property (PID 15232275,
15656523)
My File No. 07086

DATE: March 17th, 2015

We have been contacted by Solicitor, Harvey MacPhee, of Sampson McDougall Law Office, who represents the interest of the Nova Scotia Public Trustee on behalf of the estate of the late Francis Michael D'Angelo. Mr. D'Angelo's estate holds title to property at 62 Main Street, Reserve Mines which lies adjacent to Tompkins Memorial Elementary School.

The Nova Scotia Public Trustee is selling the property and it has been discovered in a recent survey that the boundaries between the respective properties are lost. The surveyor, Dennis Prendergast provided information and advises the legal descriptions to the D'Angelo and CBRM properties are ambiguous and is unable to locate the position of these lots. He has provided me a Preliminary Plan, dated February 23rd, 2015 outlining this boundary issue. I would also like to note the school board retained Mr. Prendergast back in June of 2013 to survey the Tompkins school property and was advised at that time the boundaries were inadequate.

Mr. MacPhee has provided additional information to support long term occupation of the D'Angelo property which is attached herein.

The Legal Department sent a request to Department of Engineering and Public Works to determine if this request would create any potential problems for CBRM and have been informed this would not have any direct effect for CBRM. It is my opinion that it would only benefit CBRM to clarify our boundary to the school property.

Attached please find the following:

- (1) Letter of request from Harvey MacPhee, Sampson McDougall, dated February 24th, 2015 with enclosures;
- (2) A copy of Dennis Prendergast's Preliminary Plan dated February 23rd, 2015;
- (3) A copy of Map showing the existing properties;

Upon review of all relevant information presented to me, I recommend a boundary line agreement between CBRM and the Nova Scotia Public Trustee on behalf of the estate of the late Francis Michael D'Angelo to establish the true boundaries between the respective properties. Therefore, I would ask for a Motion to have Mayor and Clerk sign a Boundary Line Agreement for the property in question provided CBRM does not absorb and fees or cost associated with this matter.

Thank you.

Sincerely,



Demetri Kachafanas
Regional Solicitor

DK/spk
Attachment(3)

①

SAMPSON MCDOUGALL

LAWYERS

66 Wentworth Street, Suite 200
Sydney, Nova Scotia
Canada B1P 6T4
Ph: 902.539.2425 Fax: 902.564.0954

COPY

VIA EMAIL AND HAND DELIVERED

February 24, 2015

Sheila Kolonko
Cape Breton Regional Municipality
Civic Centre
Esplande Street
Sydney, Nova Scotia

Dear Ms. Kolonko:

**RE: APPLICATION TO CBRM COUNCIL MEETING: MARCH 24, 2015
NOVA SCOTIA PUBLIC TRUSTEE FOR THE ESTATE OF FRANCIS MICHAEL D'ANGELO
REQUESTING RESOLUTION OF BOUNDARY LINES LOST AT 62 MAIN STREET, RESERVE
MINES, NOVA SCOTIA, PID 15232283 ADJOINING LANDS OF CBRM**

We are Solicitors for the Nova Scotia Public Trustee in relation to the above noted property on behalf of the estate of the late Francis Michael D'Angelo. Mr. D'Angelo's estate owns property located at 62 Main Street, Reserve Mines, Nova Scotia, being PID 15232283 ("D'Angelo property").

Attached please find a copy of the Nova Scotia Property Online database information ("NSPOL") for the D'Angelo property. We have also attached the Nova Scotia Property Online database information for the surrounding CBRM properties, PID 15232275 and 15656523 ("CBRM property"). The NSPOL information does not show the encroachments as this mapping is for reference use only and is not an official survey of the property.

.../2

Our client has hired Dennis Prendergast, NSLS, to complete survey work with respect to the D'Angelo property. We understand from speaking with Mr. Prendergast that the boundaries for the D'Angelo property cannot be confirmed. Please see attached emails and attachment received from Mr. Prendergast, dated February 23, 2015 and February 24, 2015, confirming his findings with the properties and long term existence of the D'Angelo property.

Mr. Prendergast has noted that since property owned by the CBRM abuts the D'Angelo property as the surrounding land owner, CBRM also has boundary lines that have not be confirmed.

Included in Mr. Prendergast's email of February 23, 2015 is a copy of the survey plan prepared by Dennis Prendergast, NSLS, dated February 23, 2015 ("Plan"), which we submit to your office as part of this application to request approval to have a document signed by CBRM to confirm the boundaries and quit claim any interest CBRM may have in the D'Angelo property due to the lost boundaries. This document would thereby also confirm the CBRM property boundaries and quit claim any interest the D'Angelo property may have in the CBRM property due to lost boundaries.

The area we noted in "yellow" on the Plan is Mr. Prendergast's "approximate graphic representation for discussion purposes" for the D'Angelo property. The area we noted in "blue" on the Plan is the proposed configuration the D'Angelo property is seeking. This area in "blue" is less than the area as noted by the "edge of asphalt" noted on the Plan.

We have made investigations to confirm that the D'Angelo property has maintained long term use and occupation. Mr. Prendergast has provided a copy of topography mapping in his email dated February 24, 2015 which shows the existence of the building and driveway in 1972 (43 years). We have also attached a MLS property listing for the D'Angelo property which lists the "building age" as 41-60 years old. As you can see from the photos attached the property has been maintained in a good condition. We have also attached a copy of an email from Fiona Imrie on behalf of the Public Trustee indicating there were two appraisals completed of the D'Angelo property, one of which noted the "year built" as 1960 (55 years) and the second of which noted the "year built" as 1940 (75 years). Prior to Frank D'Angelo owning the D'Angelo property, it was owned by his father, Ernest D'Angelo.

We confirm the Nova Scotia Public Trustee has agreed that all costs involved in correcting the lost boundaries are the responsibility and expense of the Nova Scotia Public Trustee, including, but not limited to, survey and recording fees.

We ask that this matter be included in the upcoming CBRM Council Meeting on March 24, 2015.

If you require any further information, please advise. We look forward to resolving this matter.

Yours very truly,

SAMPSON MCDOUGALL

A handwritten signature in black ink, appearing to read 'H. McPhee', written over a horizontal line.

Harvey M. McPhee, Q.C.

HMM/mlp

enclosures

cc Demetri Kachafanas, CBRM Solicitor

cc Fiona Imrie, Solicitor for the NS Public Trustee

Lisa Polegatto

From: dennis@nslandsurveyor.com
Sent: February 23, 2015 4:47 PM
To: Lisa Polegatto
Subject: [FWD: 62 Main Street, Reserve Mines]
Attachments: Tompkins School, Reserve2015-Feb23-PreliminaryPlan.pdf

Lisa,

This is what I sent to Shella.

Regards, Dennis
Dennis Prendergast

Prendergast Survey's Limited
www.nslandsurveyor.com
(E) dennis@nslandsurveyor.com
(P) 902.849.7228
(F) 902.842.1057

* Please update address books with new email address dennis@nslandsurveyor.com

----- Original Message -----

Subject: 62 Main Street, Reserve Mines
From: <dennis@nslandsurveyor.com>
Date: Mon, February 23, 2015 2:33 pm
To: "Shella Kolanko" <spkolanko@cbrm.ns.ca>

Shella,

As per our telephone conversation on Friday February 20, 2015 I am attaching a Preliminary plan showing the D'Angelo property at 62 Main Street, Reserve Mines.

I did some work for the CBVDSB in June, 2013. We were ask to survey the Tompkins School boundaries. At this time we discovered inadequacies in the legal descriptions to D'Angelo (PID#15232283) and also in the description to CBRM (PID#15232275).

In my opinion the described parcels are ambiguous and I am unable to locate the position of these lots.

In addition I found no field evidence that would support boundary location.

Again, my opinion is that boundary line agreement or other adequate legal confirmation is required to set the boundaries between D'Angelo and CBRM.

The lot shown in blue on the attached plan represents a proposed parcel containing an area considered equal to the original deeded area in the D'Angelo conveyance.

Regards, Dennis

Dennis Prendergast

Prendergast Survey's Limited
www.nslandsurveyor.com
(E) dennis@nslandsurveyor.com
(P) 902.849.7228

Lisa Polegatto

From: dennis@nslandsurveyor.com
Sent: February 24, 2015 8:59 AM
To: Sheila Kolanko
Cc: Lisa Polegatto
Subject: 62 Main Street, Reserve Mines
Attachments: 1972 mapping reserve mines.pdf

Sheila/Lisa,

Find attached a copy of section of older property mapping.
The base map showing the topography is from 1972.
This shows the D'Angelo house and driveway....

Dennis

Dennis Prendergast

Prendergast Survey's Limited

www.nslandsurveyor.com

(E) dennis@nslandsurveyor.com

(P) 902.849.7228

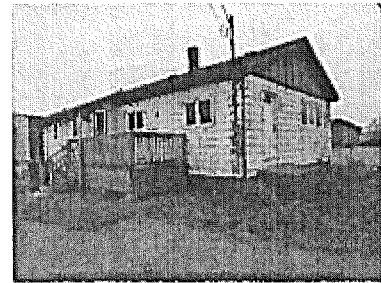
(F) 902.842.1057

* Please update address books with new email address dennis@nslandsurveyor.com

Listing Price \$39,900
62 Main St, Reserve Mines, BOA 1V0

Like

Share



To book a showing of this property:

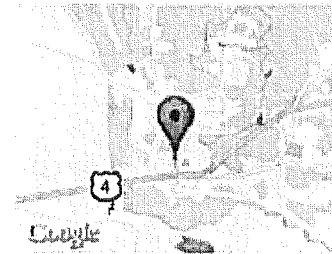
Call NADINE SAMPSON at 902-371-6088

Basic Information

PID	15232283
Status	Active
District	207
Sub-District	*
Zoning	RUC
Address	62 Main St
City	Reserve Mines
Prov. Parcel Size	2,490 Sq. Ft.
Listing Size	2490
Beds	3
Baths	1
Main Living Area	1,100 Sq. Ft.
Total Living Area	1,100 Sq. Ft.
Building Dimensions	44X 25
Listed by	Coldwell Banker David Butts Realty

Property Overview

The interior of this home is in wide contrast to the exterior view of this home. The interior has hardwood flooring throughout, vinyl windows, nicely appointed kitchen, nice lighting, up graded bathroom. The roofing shingles are thought to be in the 13 year range and the wiring has been completely up graded. The basement is studded with insulation and appears to be damp, but this could easily be remedied.



See this property on the Map

Rooms

Floor	Room	Size
Main	Kitchen	13.6 X 10.5
Main	Family Room	12 X 10.2
Main	Living Room	14 X 22.9
Main	Bedroom	10 X 10
Main	Bedroom	10 X 11
Main	Bedroom	9.9 X 10
Main	Bathroom	4 PC

Property Details

Type	Single Family	Features	Deck/Patio
Style	Detached, Bungalow	Roof	Asphalt Shingle
Land Features	Partial Landscaped	Rental Income	P
Waterfront	No	Building Age	41-60
Water Access	No	PCDS	No
Heating	Oil, Hot Water, Radiator	Services	Electricity, Telephone, Cable, Bus Service, High Speed Internet
Garage Type	None	Exterior	Shingles
Drinking Water Source	Municipal	Driveway	Gravel
Sewer	Municipal	Foundation	Concrete, Undeveloped

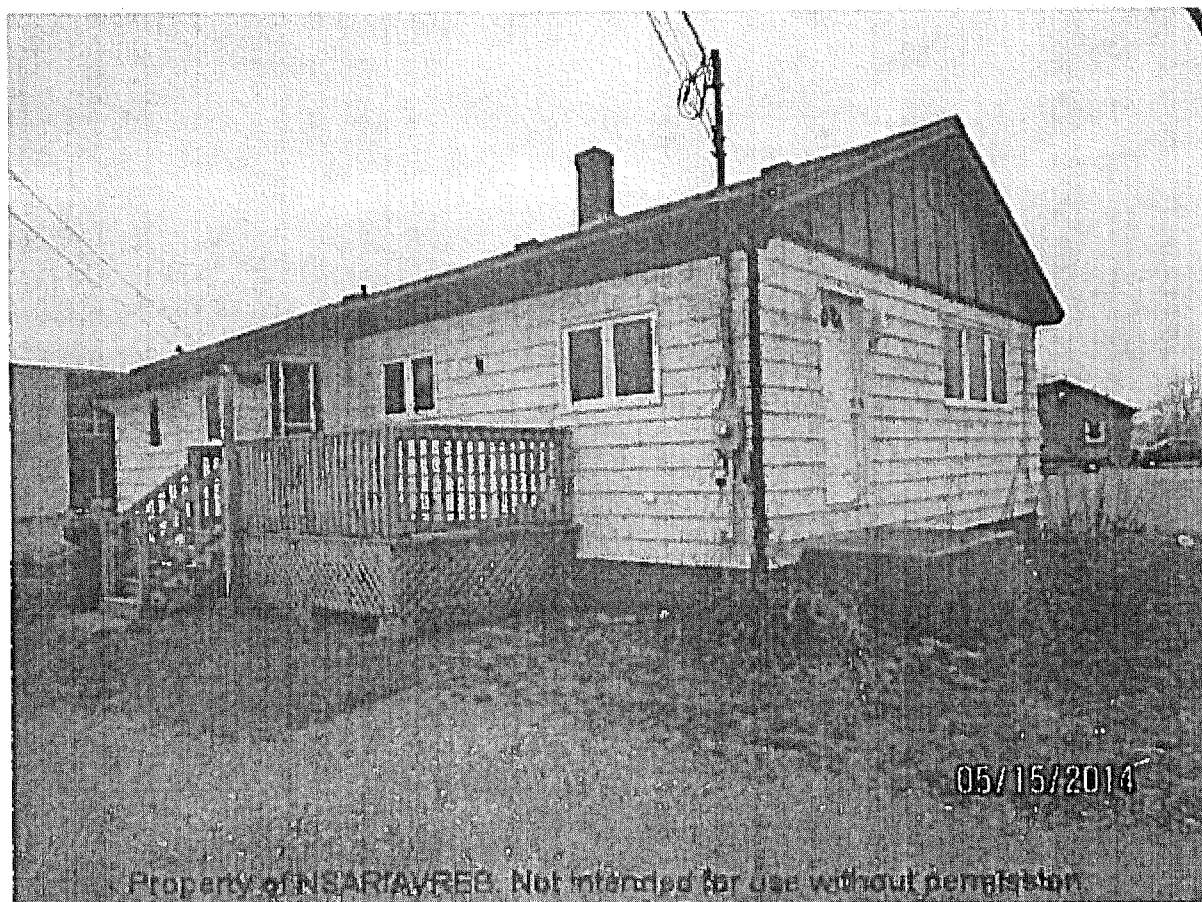
Assessment History

You must be logged in to assessment history.

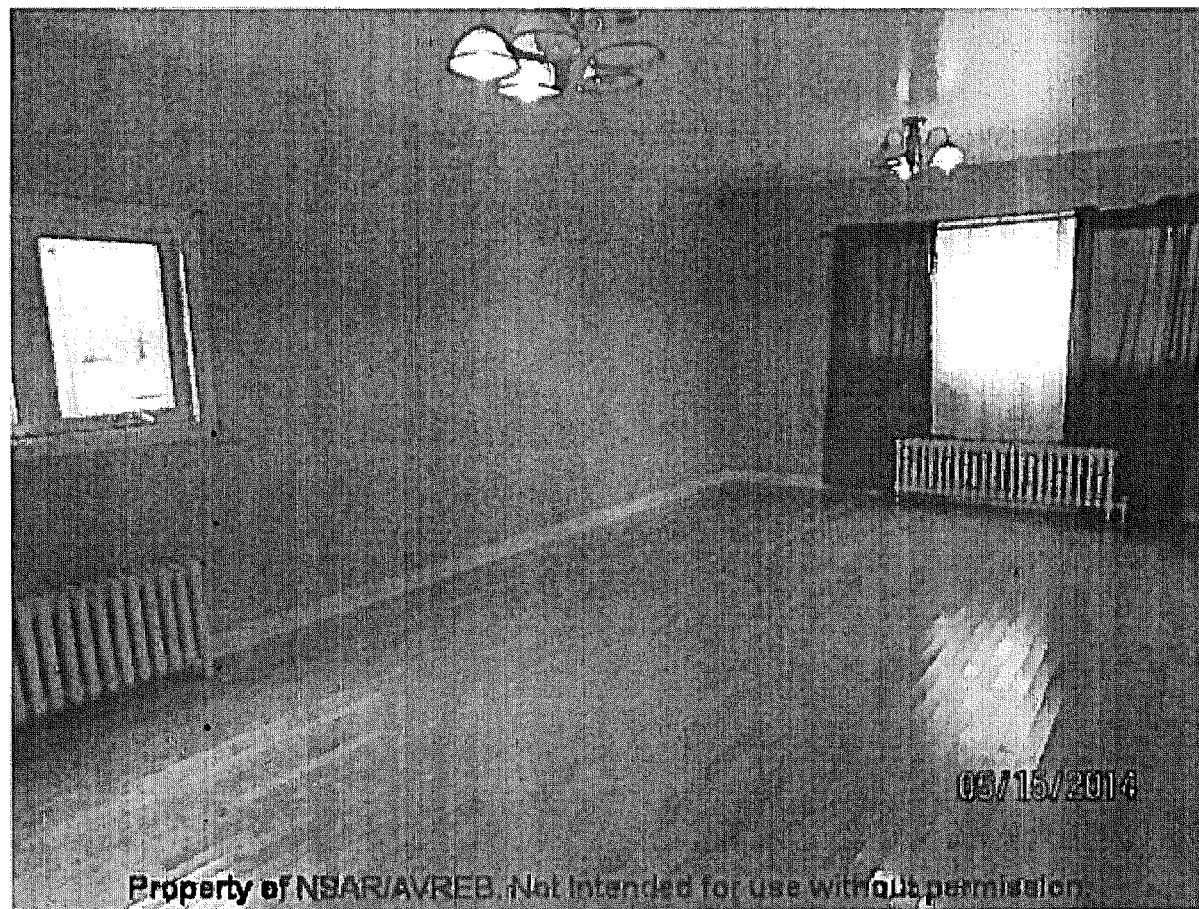
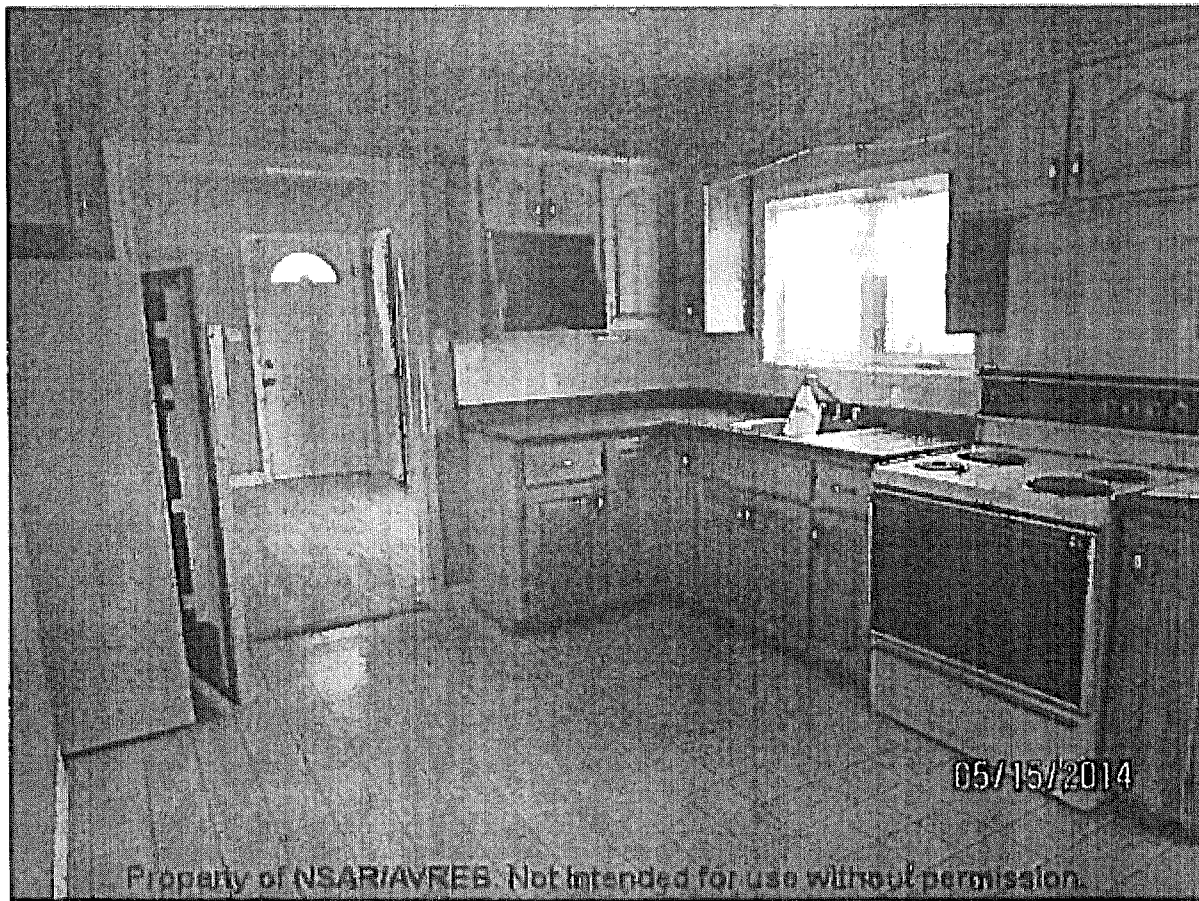
Sales History

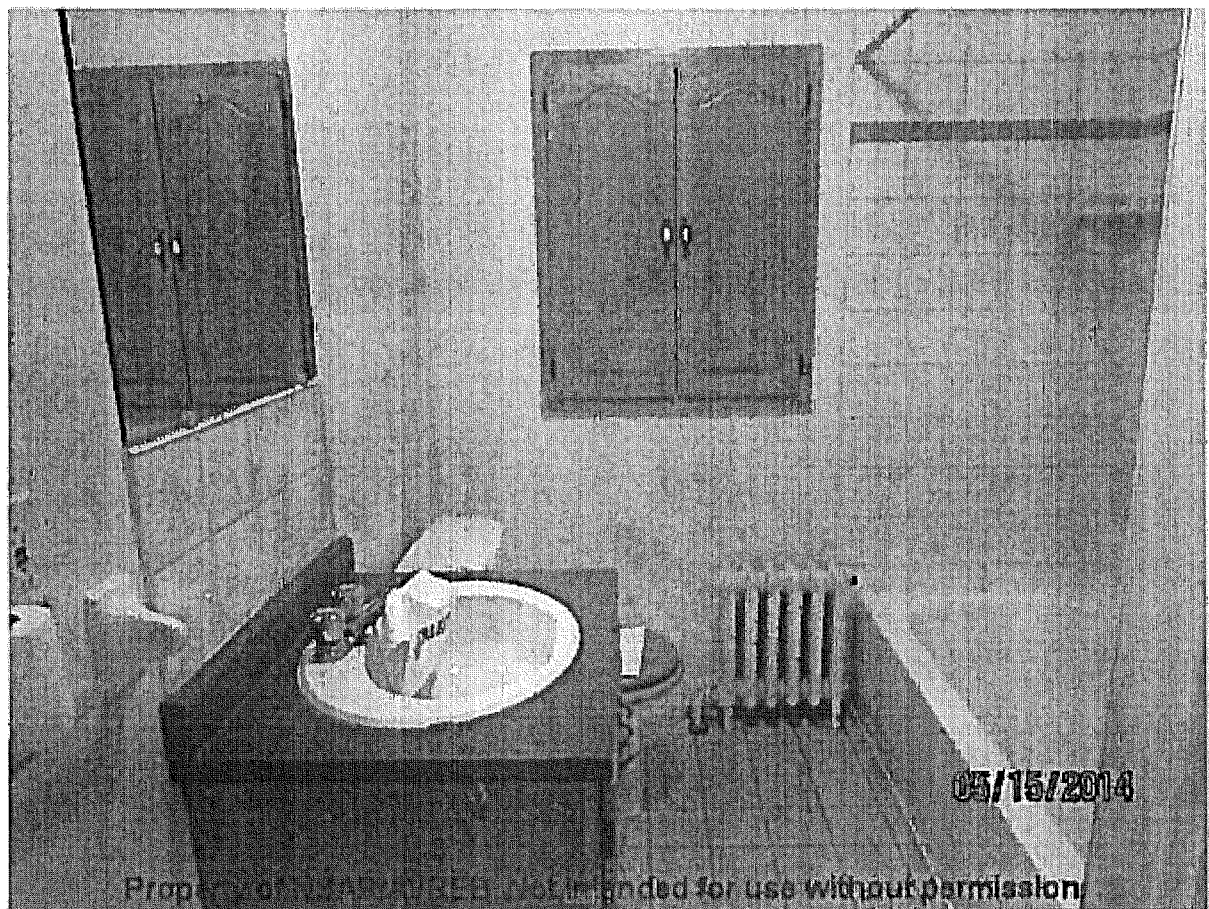
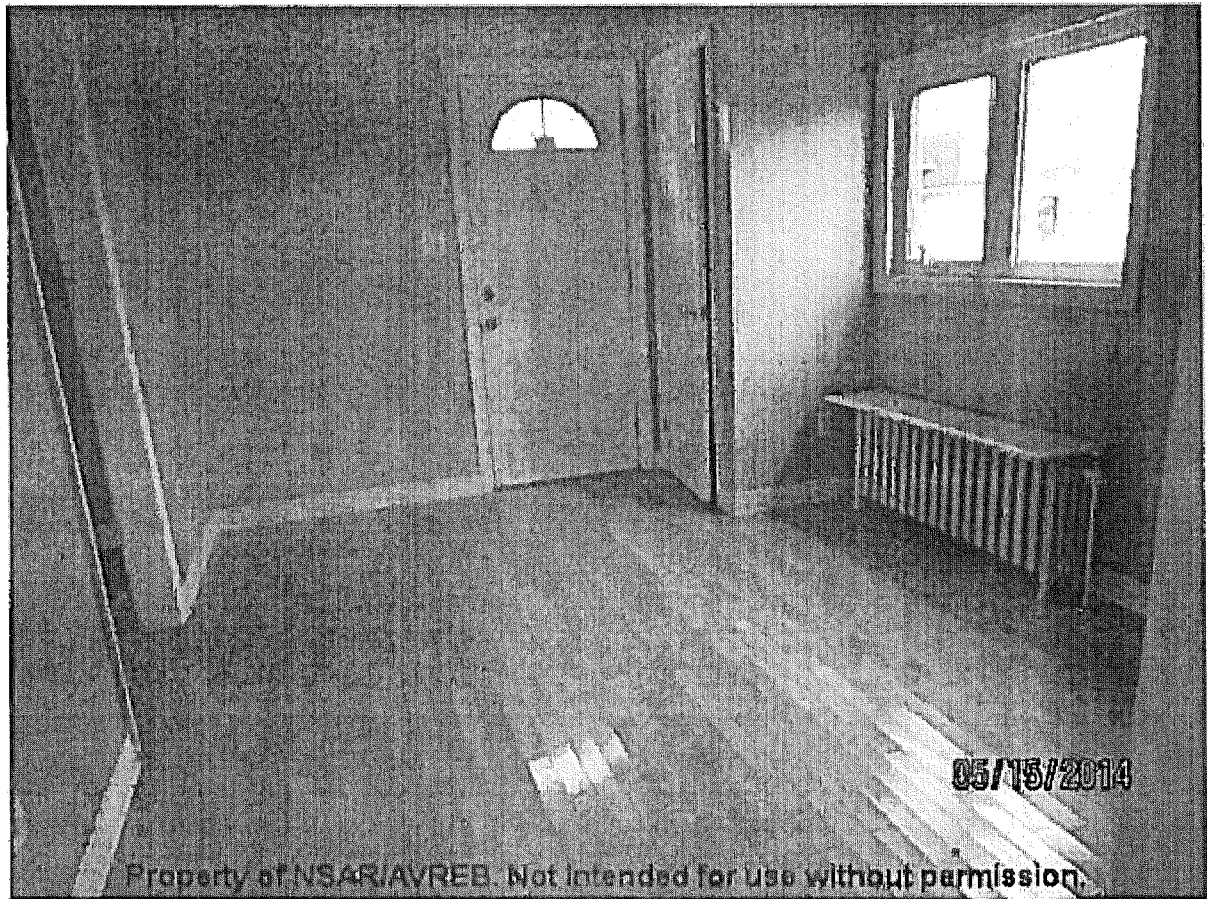
You must be logged in to view sales history.

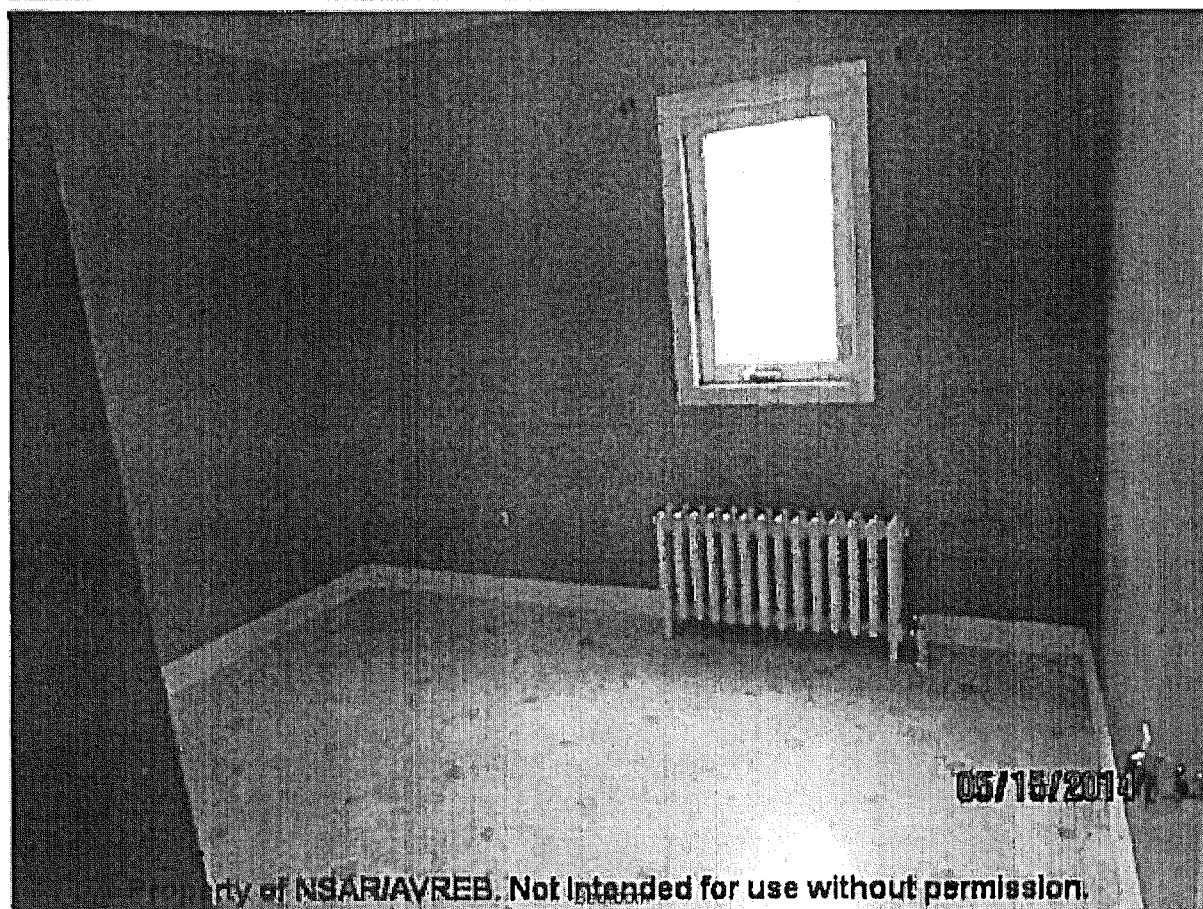
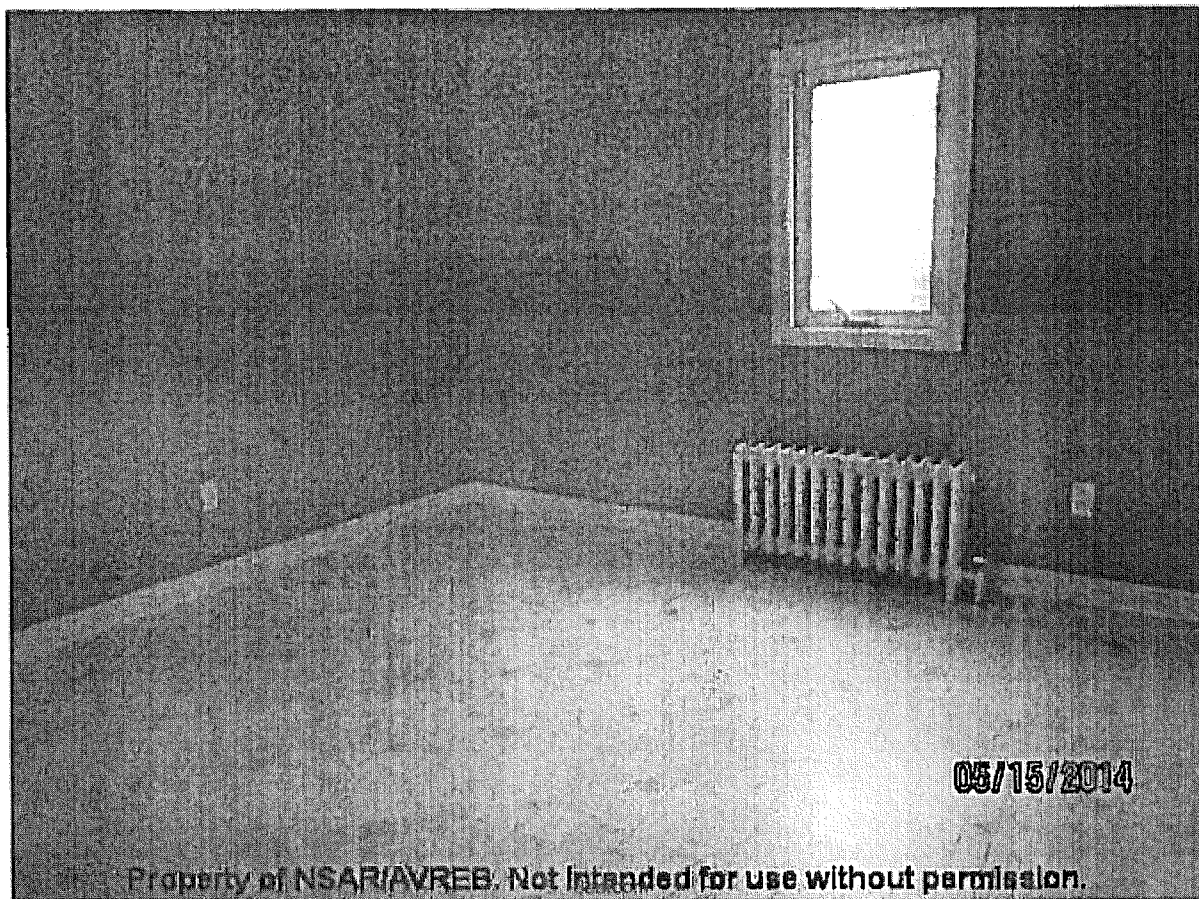
Photos

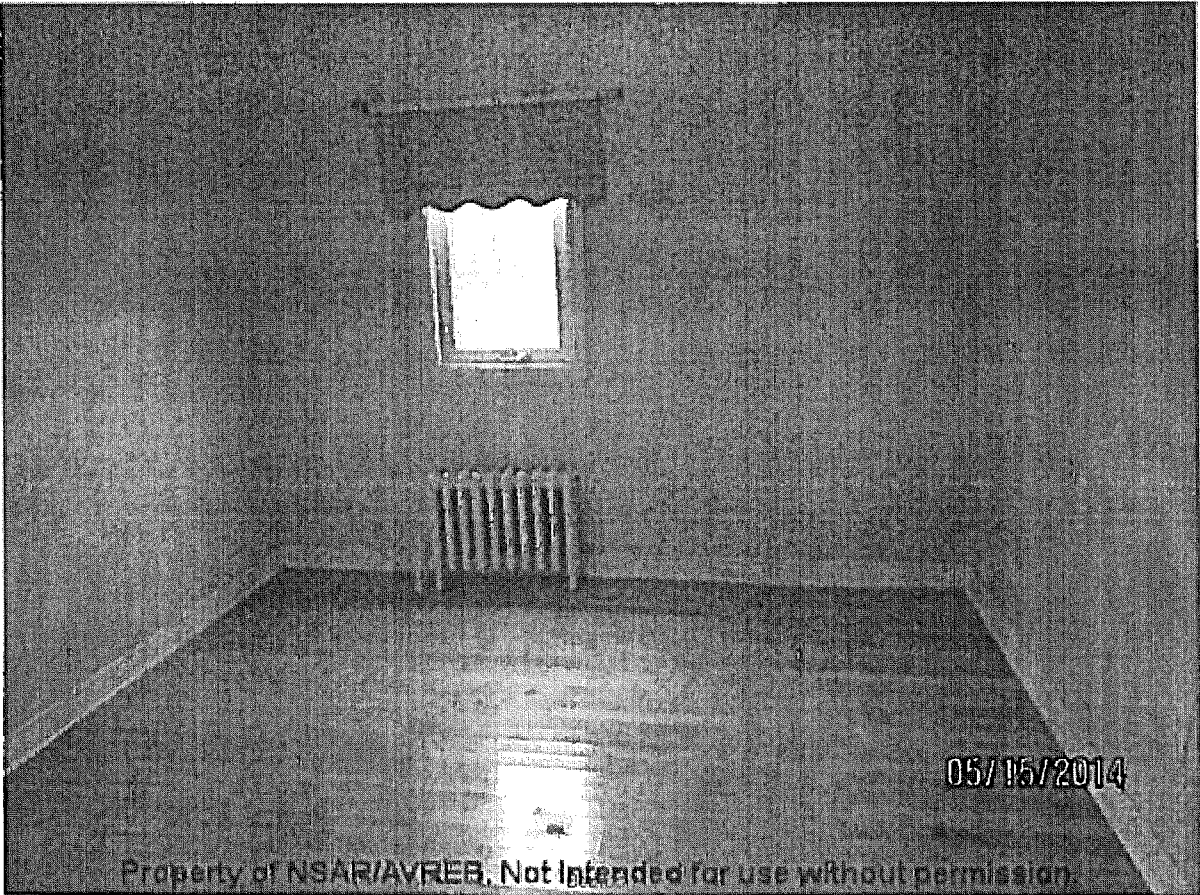


Property of NSARIVREB. Not intended for use without permission.









Lisa Polegatto

From: Imrie, Fiona <Fiona.Imrie@novascotia.ca>
Sent: February 24, 2015 10:36 AM
To: Lisa Polegatto
Subject: RE: [FWD: 62 Main Street, Reserve Mines]
Attachments: DOC.pdf

Dear Lisa:

We have very little information in our file about the long term use of the property. However, attached is a copy of the Will of Ernest D' Angelo, dated the 15th of July, 1980, by which he gives his home situate at Reserve Mines to his son, Frank D' Angelo.

We had two appraisals of the property. On appraiser estimated the "year built" as 1960 and the other estimated the "year built" as 1940.

Please keep me posted on your progress with CBRM.

Yours truly,

Fiona Imrie, Q.C.
Solicitor for the Public Trustee

Office of the Public Trustee of Nova Scotia
5670 Spring Garden Road Suite 405
P.O. Box 685
Halifax, NS B3J 2T3

Phone 902-424-7760
Fax 902-424-0616

C A N A D A
PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON

No. 8551, Page 627

THIS IS THE LAST WILL AND TESTAMENT OF ME, ERNEST D'ANGELO, OF RESERVE
MINES, IN THE COUNTY OF CAPE BRETON, PROVINCE OF NOVA SCOTIA, made this

17th day of JANUARY A. D., 1980.

1. I BEING OF SOUND MIND

do hereby revoke all former wills and other testamentary dispositions made by me at any time heretofore and I do declare this to be my last Will and Testament.

2. I APPOINT

my son, Frank D'Angelo, of Reserve Mines, in the County of Cape Breton, Province of Nova Scotia, to be the sole executor of this my Last Will and Testament.

3. I DIRECT

that all my just debts and funeral and testamentary expenses incurred in connection with my decease shall be first paid and satisfied out of my estate as soon as possible after my decease by my executor.

4. I DO HEREBY GIVE, DEVISE AND BEQUEATH

to my son, Frank D'Angelo, my home, situate at Reserve Mines, in the County of Cape Breton, Province of Nova Scotia, together with all its contents; my Fifty percent (50%) interest in "D'Angelo's Fruit Stand", situate on the Sydney-Glace Bay Highway, in the County of Cape Breton, Province of Nova Scotia; my trucking business known as "Ernest D'Angelo Trucking", including all real estate, buildings and equipment; and all automobile(s) of which I am possessed at the time of my decease.

5. I DO HEREBY GIVE, DEVISE AND BEQUEATH

to my daughter, Mary Louise Sexton, the sum of Fifty Thousand Dollars (\$50,000.00)

6. I DO HEREBY GIVE, DEVISE AND BEQUEATH

to my daughter, Rita Harman, the sum of Fifty Thousand Dollars (\$50,000.00) as well as my set of Encyclopedia Britannica, situate at my home aforementioned.

7. I DO HEREBY GIVE, DEVISE AND BEQUEATH

the residue of my estate, both real and personal, including any property over which I may have a power of appointment, to my son, Frank D'Angelo.

IN WITNESS WHEREOF

I, the said Ernest D'Angelo, of Reserve Mines, County of Cape Breton, Province of Nova Scotia, have to this my Last Will and Testament, typewritten on this single page of paper, set my hand this 17th day of January A. D., 1980.

SIGNED, PUBLISHED AND DECLARED

by the above-noted Testator, as and for his Last Will and Testament, in the presence of us, both present at the same time, who, at his request, in his presence and in the presence of each other have hereunto subscribed our names as witnesses this 17th day of January A. D., 1980.

) IN THE PROBATE COURT
) COUNTY OF CAPE BRETON, N.S.

) I CERTIFY that the foregoing is a true copy of the original Will on file herein;
) I FURTHER CERTIFY that the within mentioned Will has been duly proved, approved and admitted to Probate on the 15th day of July 1980.
) Dated the 1st. day of August 1980.

REGISTRAR

Date of Death:
July 6th, 1980

Ernest D'Angelo
ERNEST D'ANGELO

(L.S.)
Walter M. ...
WITNESS

Walter M. ...
WITNESS

Walter M. ...
WITNESS

Walter M. ...
WITNESS

Walter M. ...
WITNESS

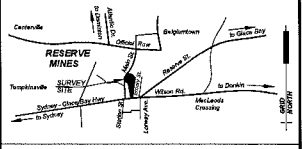
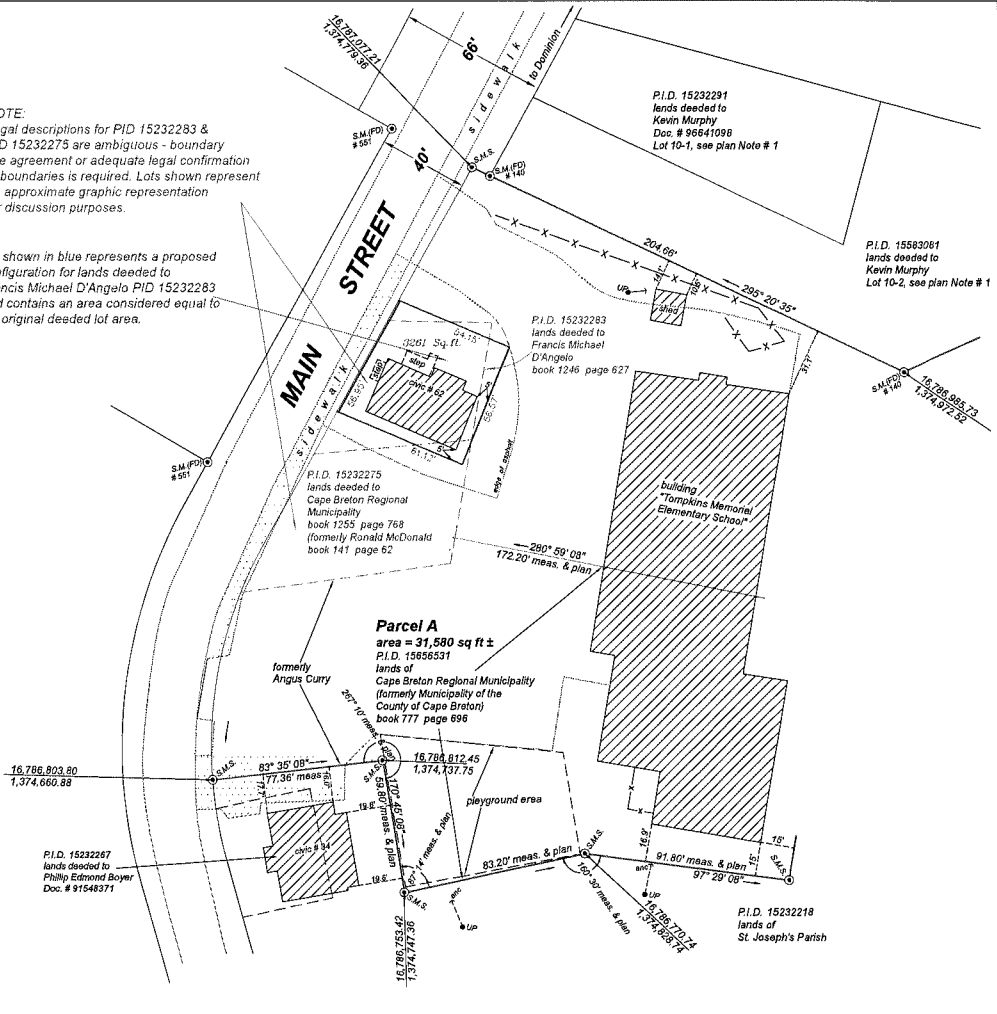
Province of Nova Scotia
Cape Breton S.S.
Office of Registrar of Deeds
Sydney, N.S.
I CERTIFY THAT THE WITHIN INSTRUMENT WAS RECEIVED
IN THIS OFFICE AT 9:30 AM 8/7/80 THIS DAY
BY BOOK 1246 PAGE 627 IN FAITH OF THE
FOREGOING CERTIFICATE
Registrar of Deeds

2

PRELIMINARY
FEBRUARY 23, 2015

NOTE:
Legal descriptions for P.I.D. 15232283 & P.I.D. 15232278 are ambiguous - boundary line agreement or adequate legal confirmation of boundaries is required. Lots shown represent an approximate graphic representation for discussion purposes.

Lot shown in blue represents a proposed configuration for lands deeded to Francis Michael D'Angelo P.I.D. 15232283 and contains an area considered equal to his original deeded lot area.



KEY PLAN SCALE: 1:50,000

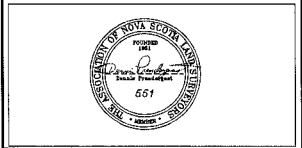
LEGEND:

NOVA SCOTIA CANTAL W/STAMENT	▲	W.S.H.
SURVEY MARKER SET	⊙	S.M.S.
SURVEY MARKER FOUND	⊗	S.M.F.
IRON BAR FOUND	⊕	S.B.F.
FENCE	—X—X—	X
STRAIT	—	—
BOUNDARIES SHOWN BY THIS PLAN	—	—
OTHER BOUNDARIES	—	—
ORDINARY HIGH WATER MARK	—	—
CALCULATED POINT	—	—
TRAIL	—	—
PROPERTIES IDENTIFIED BY NUMBER	—	—
WOODEN STAKE SET	—	—

AZIMUTHS:
All azimuths shown hereon are grid azimuths and were derived using Global Positioning System (GPS) technology, based on a modified transverse mercator projection, zone 4, central meridian 61°30' west (longitude 1979 adjustment, N.S.C.M. # 1544 used as base control point).

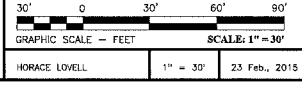
This survey was executed during the period
14 June to 15 June 2011.

AZIMUTHS AND DISTANCES ARE UNADJUSTED
DISTANCES HAVE NOT BEEN CORRECTED FOR SCALE FACTOR
TIES SHOWN ARE TO SIDING OF BUILDINGS UNLESS
OTHERWISE NOTED.



PRENDERGAST SURVEYS LIMITED
646 MAIN STREET, GLACE BAY,
CAPE BRETON REGIONAL MUNICIPALITY, N.S.,
PHONE: (902) 646-7208 FAX: (902) 642-1057
WEBSITE: www.prendergastns.com

PRELIMINARY
PLAN SHOWING LANDS DEEDED TO
**CAPE BRETON REGIONAL
MUNICIPALITY
(CAPE BRETON - VICTORIA REGIONAL
SCHOOL BOARD)**
and
FRANCIS MICHAEL D'ANGELO
MAIN STREET
RESERVE MINES,
CAPE BRETON REGIONAL MUNICIPALITY,
NOVA SCOTIA



HORACE LOVELL 1" = 30' 23 Feb., 2015

PROCLAMATION

“World Water Day”

Whereas: The United Nations has declared Sunday March 22, 2015 as World Water Day;

Whereas: People around the world are encouraged to celebrate by remembering our need for clean water to support the most basic of human needs;

Therefore Be It Resolved: That CBRM Council proclaim Sunday March 22nd, 2015 as “World Water Day” in the Cape Breton Regional Municipality and residents are encouraged to practice responsible and sustainable use of water.


Councillor Charlie Keagan District #2 – CBRM

March 17th, 2015

PROCLAMATION

World Plumbing Day March 11th, 2015

WHEREAS: The Canadian Institute of Plumbing and Heating has declared the day of March 11th, 2015 as World Plumbing Day.

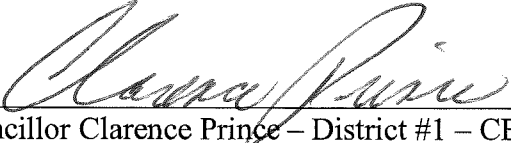
WHEREAS: CIPH is a not for profit trade association. Its members are the manufactures, wholesale distributors, master distributors, manufacturer's agents and allied companies.

WHEREAS: The plumbing industry is a major player in relation to water conservation, use and re-use, and in the installation and maintenance of equipment using renewable sources of energy.

WHEREAS: The work of the plumbing industry in CBRM contributes directly to the health and safety of the city's residents.

WHEREAS: It is estimated that the World Health Organization states that over 3 million children under the age of 5 die each year due to water related disease; simple plumbing solutions could make all the difference in saving lives. In many developing countries, plumbing is either very limited or even nonexistent

**BE IT THEREFORE
RESOLVED:** That the CBRM Council proclaim the day March 11th, 2015 as **World Plumbing Day** in the Cape Breton Regional Municipality.



Councillor Clarence Prince – District #1 – CBRM

March 17th, 2015

CBRM Resolution

Privatizing Home Care Services

- Whereas:** The Provincial Minister of Health & Wellness, the Honourable Leo Glavine, stated recently that the Liberal Government's intentions is to introduce "For-Profit Homecare in Nova Scotia" to compete with the not-for-profit service offered by the Victorian Order of Nurses (VON);
- And Whereas:** Nurses provide an extremely high level of care in the home, a level that was only possible in hospital settings in the past;
- And Whereas:** The Nova Scotia Nurses Union believes that this care should be based on the needs of Nova Scotians and should not be threatened by the drive to produce profits and protect shareholders;
- And Whereas:** There are approximately 760 people on the waitlist for homecare in the province, in addition to the thousands already being served;
- And Whereas:** The VON is the only publicly-funded source of homecare nursing in the province and they serve thousands of Nova Scotians with medical needs, many requiring daily health care services;
- And Whereas:** Registered and Licensed Practical Nurses employed by the VON are represented by the Nova Scotia Nurses' Union;
- And Whereas:** The Nova Scotia Nurses Union is opposed to any legislation that negatively affects their members and the patients they serve and the waitlist continues to grow because they do not have enough staff, and nurses are working large amounts of overtime because there is no relief;
- And Whereas:** The government has suggested changes to the service which may take effect as early as this spring;
- Be It Therefore Resolved:** That the Cape Breton Regional Mayor & Council write to the N.S. Minister of Health & Wellness, the Honourable Leo Glavine strongly opposing the intention to introduce for-profit homecare in the province to compete with the not-for-profit service offered by the Victorian Order of Nurses.



Councillor Clarence Prince – District #1 – CBRM

March 17th, 2015

Proclamation

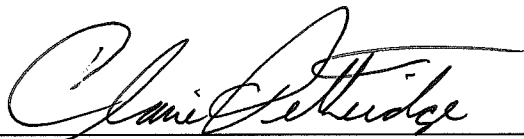
“Canadian Oncology Nursing Day”

Whereas: Oncology nurses are committed to providing quality oncology care;

And Whereas: Oncology nurses have demonstrated excellence in patient care, teaching, research, administration, and education in the field of oncology nursing;

And Whereas: Oncology nurses endeavour to educate the public in the prevention and treatment of cancer;

Be It Therefore Resolved: That CBRM Mayor and Council proclaim Tuesday, April 7th, 2015 as “Canadian Oncology Nursing Day” in the Cape Breton Regional Municipality and urge all residents of CBRM to join in observance of and participate in activities to recognize the special contribution oncology nurses provide to the public.



Councillor Claire Detheridge – District #4 CBRM

March 17th, 2015

PROCLAMATION

UNESCO World Poetry Day & National Poetry Month

Whereas:

Every poem is unique but each reflects the universal in human experience and the aspiration for creativity that crosses all boundaries and borders of time as well as space in the constant affirmation of humanity as a single family;

And Whereas:

Poetry reaffirms our common humanity by revealing to us that individuals, everywhere in the world, share the same questions and feelings;

And Whereas:

Poetry is the mainstay of oral tradition and, over centuries, can communicate the innermost values of diverse cultures;

And Whereas:

In celebrating UNESCO World Poetry Day on March 21st and the month of April as National Poetry Month recognizes the unique ability of poetry to capture the creative spirit of the human mind;

And Whereas:

The observance of World Poetry Day is also meant to encourage a return of the oral tradition of poetry recitals to promote the teaching of poetry, to form a dialogue between poetry and the other arts such as theatre, dance, music and painting and to support small publishers and create an attractive image on poetry in the media so that the art of poetry will no longer be considered as an outdated form of art, but one which enables society as a whole to regain and assert its identity;

Be It Therefore Resolved:

That CBRM Mayor and Council proclaim March 21st, 2015 as UNESCO World Poetry Day and April as National Poetry Month to recognize the unique ability of poetry to capture the creative spirit of the human mind and to support linguistic diversity through poetic expression and to offer endangered languages the opportunity to be heard within their communities.



Councillor Mae Rowe – District #3 – CBRM

March 17th, 2015

CBRM Resolution

“Dr. Ron Stewart – James O. Page/JEMS Award”

Whereas: Dr. Ron Stewart, of North Sydney, was recently awarded the James O. Page/JEMS Award and becomes the first physician outside of the United States to receive this honor;

And Whereas: The award was presented at the 33rd Annual EMS Conference and Exposition in Baltimore, Maryland and recognizes individuals or agencies, who have exhibited drive and tenacious effort to develop improved emergency medical services systems, resolve important EMS issues and bring about positive EMS system changes;

And Whereas: The award also recognizes the work carried out by Dr. Stewart during his tenure in emergency medicine positions in Los Angeles and Pittsburgh and Dr. Stewart is now associated with the faculty of medicine at Dalhousie University and is also an adjunct professor with the Department of Health Sciences and Emergency Management at Cape Breton University;

And Whereas: In 2013, Dr. Stewart was appointed to lead MedLink, a joint initiative of CBU, Dalhousie and the Cape Breton District Health Authority;

And Whereas: While serving overseas he was promoted and taken to headquarters in London where he was instrumental in changing how the British treated Canadian soldiers;

And Whereas: The project was developed by Dr. Stewart in a bid to offer enhanced coordination and post-secondary health education and training availability in Cape Breton;

And Whereas: Working with the Dal Medical School and CBU to expand programs are very near and dear to Dr. Stewart and the chance to work jointly with the medical school and CBU was an innovative and major force in his home community with the Cape Breton District Health Authority being his dream job and the award demonstrates the importance of his initiative;

And Whereas: Throughout his stellar career, Dr. Stewart has played numerous roles from emergency room physician to community activist, teacher and even a Provincial Minister of Health;

And Whereas: Dr. Stewart was born in North Sydney and raised in nearby Sydney Mines and his first medical job was as a community doctor in the tiny northern Cape Breton community of Neil’s Harbour and he then completed his residency program in emergency medicine at the University of Southern California (USC) and became the first Medical Director of Paramedic Training for the Los Angeles County;

And Whereas:

Dr. Stewart would later accept a position at the University of Pittsburgh, where he established the Centre for Emergency Medicine and would later be appointed Medical Director for the city;

And Whereas:

Dr. Stewart returned to Canada and ventured back to his home province in 1983 and was elected as a member of the Nova Scotia Legislature and would later be appointed the Minister of Health;

And Whereas:

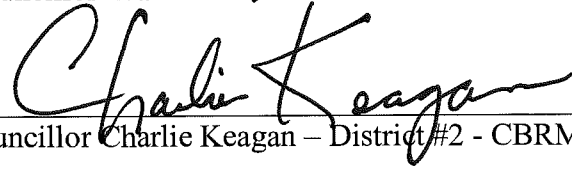
Among his other awards, Dr. Stewart has been named to the Order of Canada and the Order of Nova Scotia and has written over 200 publications in the art and science of medicine;

Be It Therefore Resolved:

That CBRM Mayor Cecil Clarke and Council go on record in recognizing the outstanding accomplishments of Dr. Ron Stewart of North Sydney who was recently awarded the James O. Page/JEMS Award and has become the first physician outside of the United States to receive this honor.



Councillor Clarence Prince – District #1 CBRM



Councillor Charlie Keagan – District #2 - CBRM

March 17th, 2015

