

Cape Breton Regional Municipality

Special Council Meeting

AGENDA

TUESDAY, MARCH 5, 2019

10:00 A.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

Cape Breton Regional Municipality

Special Council Meeting

Tuesday, March 5, 2019

10:00 a.m.

Council Chambers – 2nd Floor, City Hall

AGENDA ITEMS

Roll Call

1. APPROVAL OF AGENDA: (Motion Required)

2. BUSINESS ARISING:

2.1 Council – January 15, 2019:

a) Federal Lands Transfer:

i) Excerpt (See page 3)

ii) Federal Lands Transfer Sean MacLellan, Supervisor Engineering Services (See page 4)

iii) Federal Surplus Lands Re: Rail Beds: Allan Clarke, Manager, Buildings and Parks (See page 8)

Adjournment

Federal Lands Transfer

Motion:

Moved by Councillor Coombes, seconded by Councillor MacLeod, to approve CBRM acquiring the 109 land parcels as indicated on the land parcel document attached to the staff Issue Paper dated January 2019, and request staff to provide an Issue Paper as to the final disposition of the remaining 48 parcels on or before the June 2019 Council meeting.

Discussion

- Status of letter to be sent to local MPs per a previous motion included in the agenda package
- Some Councillors noted they would have preferred to deal with all of the Federal lands at the same time
- Community Parks
- Timeline for completion

With respect to the full list of Federal lands, the Director of Engineering and Public Works explained that staff will wait for Council's decision on all 157 properties before providing CBRM's response to the Federal Government.

Councillor McDougall brought forward 306 signed script letters and 2 personalized letters in favor of retaining the Birch Grove Park and expressed concern that public parks were not on the list currently before Council.

The Chief Administrative Officer clarified that the 109 properties were not separated on a priority basis; these properties have CBRM infrastructure (i.e. sewer and water lines) and because of that, the decision was fairly straightforward; the remaining 48 properties require more work and research by staff as there are liabilities and costs associated with them.

Motion Carried.

Issue Paper

TO: CBRM Council

March 2019

RE: Federal Lands Transfer

Background

The Federal Government through Public Works & Government Services Canada (PWGSC) has a strategy in place to divest itself of its surplus properties throughout CBRM. The procedure for the divestiture of Federal properties involves the properties first being offered to the Province and subsequently to appropriate Municipality and then finally for public sale.

There are a total of 157 federal properties that have been put forward by PWGSC for title transfer to CBRM. On February 15, 2019 Council approved 109 of the properties for CBRM to acquire as presented.

Issue

The remaining 48 properties (see attached list) have no critical infrastructure need for acquirement, however in depth consultation with Council will allow for an informed Council decision on acceptance or rejection of the parcels.

Investigation

The remaining 48 properties are divided into 5 categories:

- a) Parcels (110 – 129) - former railway properties in Glace Bay, Dominion and Gardiner Mines - have no municipal infrastructure, however have potential for the development of the “*Rail Trail*” as well as financial incentives.
- b) Parcels (130 – 140) – there are small portions of these parcels that CBRM has interest (i.e. piping) however as there are site issues intrinsic with each parcel that have cause for concern.
- c) Parcels (141 – 153) – no apparent CBRM benefit or interest.

- d) Parcel (154) - this property is inside the MacAskill Brook Watershed and within the parcel is an untreated mine water discharge point. This mine water discharge point has been identified as a contaminated site by the Nova Scotia Department of Environment. The Water Utility has hired an engineering consultant who is presently undertaking a review of the effect of the mine water on MacAskill Reservoir.
- e) Parcels (155 – 157) – these parcels are under review by an engineering consultant for possible use for future site of new wastewater treatment plant.

Recommendations

1A: Council **approve** staff to collaborate with PWGSC as to the final disposition of each land parcel 110 through 129 as recommended by staff in the attached land parcel document.

1B: Council **approve** staff to collaborate with PWGSC as to the final disposition of certain land parcels from section 110 through 129 as recommended by staff in the attached land parcel document, identified as item numbers _____.

1C: Council **reject** the acquiring of land parcels 110 through 129 in attached land parcel document.

2A: Council **approve** staff to collaborate with PWGSC as to the final disposition of each land parcel 130 through 140 as recommended by staff in the attached land parcel document.

2B: Council **approve** staff to collaborate with PWGSC as to the final disposition of certain land parcels from section 130 through 140 as recommended by staff in the attached land parcel document, identified as item numbers _____.

2C: Council **reject** the acquiring of land parcels 130 through 140 in attached land parcel document.

3A: Council **reject** the acquiring of land parcels, 141 through 153 as recommended by staff in attached land parcel document.

3B: Council **approve** the acquiring of certain land parcels from section 141 through 153, identified as item numbers _____ as noted in the attached land parcel document.

4A: Council **Defer** decision on parcel 154 until Engineering Consultant review is completed.

4B: Council **approve** the acquiring of land parcel 154 in attached land parcel document.

5A: Council **Defer** decision on parcels 155 through 157 until Engineering Consultant review is completed.

5B: Council **approve** the acquiring of land parcel 155 through 157 in attached land parcel document.

Respectfully submitted:

Wayne H. MacDonald, P.Eng.
Director Engineering & Public Works

CBRM PRIORITY INTEREST (FEDERAL GOVERNMENT - Public Services & Procurement Canada CBO) PROPERTIES

LEGEND: W = Water WW = Waste Water PW = CBRM Public Works AT = Active Transportation P&G = Parks and Grounds E = Easement FS = Fee Simple TBD = To Be Determined

#	PID	Land Area (Acres)	Property Description	CBRM Requirement	Use	Property Available	Note	CBRM Recommendation
110	15531353	29.30	# 20 CBRM Water Mains, JBC Park & Site Drainage & AT	Portion	PW / AT	TBD	to discuss, only require section waterline & Root/St	Portion
111	15531023	46.00	# 20 CBRM Pipe Mains, JBC Park & Site Drainage & AT	Portion	PW / AT	TBD	Section with Waterline & Future Gravity Sewer	Portion
112	15528961	9.48	Railway - Water & Sewer Mains cross	Easement	PW / AT	Yes	Sewer/Water Easement	Easement
113	15782477	0.22	Railway - Active Transportation (near Woodward St)	No	PW / AT	Yes	Parcel beside the railbed	No
114	15782469	0.19	Railway - Active Transportation (near Woodward St)	No	PW / AT	Yes	Parcel beside the railbed	No
115	15449770	0.11	Railway - Active Transportation (near Woodward St)	No	PW / AT	TBD	beside the railbed, encroachments, need survey	No
116	15707303	0.21	Railway - Active Transportation (near MacNamara St)	No	PW / AT	Yes	Parcel beside the railbed	No
117	15782535	0.69	Railway - Active Transportation (East of McIntyre Lane)	No	PW / AT	Yes		No
118	15782527	0.92	Railway - Active Transportation (East of McIntyre Lane)	No	PW / AT	Yes		No
119	15738032	1.72	Railway - Active Transportation (McIntyre Ln to Station St)	No	PW / AT	Yes		No
120	15736646	2.10	Railway - Active Transportation (Behind Church - Sewer Main Off Kings Road behind Church - Sewer Main)	Easement	PW / AT	Yes	Sewer Easement	Easement
121	15782196	1.53	Railway - Active Transportation (Behind Church)	No	AT	TBD	PW request easement or a portion for King St	No
122	15736653	2.14	Railway - Active Transportation (Near Neville St)	No	AT	Yes		No
123	15736895	3.98	Railway - Active Transportation (Near Neville St)	No	AT	Yes		No
124	15782097	1.48	Railway - Active Transportation (Near Neville St)	No	AT	Yes		No
125	15782089	1.06	Railway - Active Transportation (Near Neville St)	No	AT	Yes		No
126	15736861	25.00	Railway - Road, AT, Bball courts (After Survey Review)	Portion	PW / AT	TBD		Portion
127	15713548	4.90	Railroad St ROW & Sewer Main	Portion	PW	Yes		Portion
128	15713530	10.50	Railway - AT (Between Dom & Gardiner)	No	AT	Yes		No
129	15713522	10.40	Railway (Gardiner Mines) 2" water main (Strang Rd to Hwy)	Portion	W / AT	Yes		No
130	15535271	20.00	Birch Grove Park - Dom # 22	No	P&G	Yes	Not required by Parks or Water Utility	No
131	15567993	8.00	Birch Grove Park - Dom # 22	No	P&G	Yes	Not required by Parks or Water Utility	No
132	15430002	23.50	Reid Ave/Lorway St for ROW & water and sewer (Former No.11 Dump)	Portion	PW	TBD	Take section from Steeles Hill Rd to Guy St	Portion
133	15782337	1.00	End of South St	TBD	PW	Yes	We can take land but not be responsible for air shaft	TBD
134	15531064	0.11	West Ave across from EPW Office	Parcel	PW/WW	TBD		TBD
135	15736838	10.00	Rear Neville St - Sewer Main	Easement	PW	TBD		Easement
136	15782105	3.40	Rear Neville St - Sewer Main	Easement	PW	TBD		Easement
137	15523723	22.00	Between Wilson Rd and Sydney Road - Sewer Main (Review for Parcel)	Easement	PW	TBD	Sewer mains within parcel	Easement
138	15579170	0.44	End of Ling St - Cross Country Main (Subject to Survey) Discussion	Easement	PW/WW	TBD		Easement
139	15490188	4.80	End of Ling St - Cross Country Main (Subject to Survey) Discussion	Easement	PW/WW	TBD		Easement
140	15459662	16.00	Railway (Florence), Sewer main crossing	Easement				Easement
141	15427693	0.27	Lake Road Water main	No		Yes	PWE said not required, no water-line within	No
142	15419427	5.52	Quarry Road	No	PW	Yes	PWE does not require ???????	No
143	15448273	3.86	Tablehead (Shoreline from Hay St to Upper North St)	No			Stairs to Tablehead beach	No
144	15699937	0.41	End of Tennyson St	No				No
145	15523707	10.00	Reserve Mines behind Fire hall - Dom 5/10	No	P&G			No
146	15471236	2.45	Walking Track off Plummer Ave	No	P&G	Yes		No
147	15468687	17.27	Walking Track off Plummer Ave and Sewer Mains	No	P&G	Yes		No
148	15515992	7.60	East of Police Station on Grand Lake Road	Parcel	CBRM			No
149	15642036	8.00	George St/ Moffat St/Sewer (Sydney Mines)	No	PWN	Yes	PWN say not required	No
150	15781867	9.40	Former Sydney Mines Washplant site - Walking trails	No				No
151	15781875	17.21	Former Sydney Mines Washplant site - Walking trails	No				No
152	15504913	63.00	Former Sydney Mines Washplant site	No				No
153	15781818	153.60	Former Sydney Mines Washplant site	No				No
154	15855968	131.48	MacAskillis Brook Watershed (Mine Water Remediation Required)	Parcel	W		No 21 Site (Within water-shed)	Consultant reviewing
155	15168412	34.00	Former Sydney Mines Washplant site - Walking trails	No	WW		Possible WW Treatment	Consultant reviewing
156	15781842	11.28	Former Sydney Mines Washplant site - Walking trails	No	WW		Possible WW Treatment, PW North List for storm drainage	Consultant reviewing
157	15781834	7.74	Former Sydney Mines Washplant site - Walking trails	No	WW		Possible WW Treatment	Consultant reviewing



TO: CBRM General Committee of Council

FROM: Allan Clarke

SUBJECT: Federal Surplus Lands

DATE: Feb 26, 2019

Introduction

The Federal Government Public Services and Procurement Canada is proposing CBRM to take over approximately 15 to 20 kms of rail bed. The rail beds would be turned into active transportation trails that would encompass, walking, jogging and ATV usage. Guidelines for Construction and Maintenance of the trails would have to be followed.

If CBRM were to take over the said properties, CBRM would require 1.5 million dollars for construction maintenance to bring the beds to an active trail specification. CRBM would also need one million dollars in trust over ten years for yearly maintenance. CBRM would have to have liability insurance to cover accidents and weather related issues. CBRM does not maintain any graveled trail systems.

Recommendation

CBRM recommends we do not take over the rail beds to be used as active transportation trails. The liability is far too great, the maintenance of the trails, policing of the trails, all outweigh its benefits of usage.

CBRM is interested in possible partnerships with the Federal Government to explore the possibility of establishing active transportation trails as a mechanism for future development between CBRM and Federal Government.

Submitted By: Allan Clarke

Allan Clarke
Manager, Building & Parks

Federal Surplus Lands:

Mr. Sean MacLellan, Supervisor Engineering Services, provided background and overview of the Federal Surplus Lands. He advised that the Federal Government is divesting properties throughout CBRM and has approached CBRM regarding taking over ownership. Over the past several months, staff has met to review the properties to determine which would be of benefit to CBRM.

Following the presentation, some of the issues discussed included:

- Recreation Master Plan
- Active Transportation Considerations
- Glace Bay Revitalization Plan
- Discussions with Mr. Gerard Shaw
- Timeline
- Public opinion
- Federal Government Divestiture
- Maintenance and liability
- Federal Government financial contributions
- Staff's recommendation
- Council's input
- Properties that CBRM may not require but are fundamental to communities.

After discussion, the following motions were put forward.

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Paruch, that staff be directed to arrange a day-long workshop for Mayor and Council to review and discuss each Federal surplus property in detail; and that in the meantime the CAO contact Mr. Gerard Shaw at ACOA to obtain a firm timeline regarding the Federal Government's divestiture of these properties.

Discussion:

In response to a question regarding the criteria used by staff to identify the properties required by CBRM, the Supervisor of Engineering Services explained that all parcel information was reviewed and consultation took place with CBRM Public Works, Planning, Recreation, Parks and Grounds, and Engineering, with a view to protecting CBRM infrastructure on Federal lands, including:

- > Land identified for recreational purposes that are currently maintained by CBRM.
- > Land that is part of current and potential sewer treatment sites, street right-of- ways that CBRM does not own, and land important to the protection of watersheds.

Motion Carried.

