

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Monday, November 2, 2009, starting at 7:00 p.m.

PRESENT

Chairing the meeting, Mayor Calvin Eddy; Deputy Mayor Vera Errington; Councillors Lorne Brown, Dan Smith, Darren Boates, Melinda den Haan, and Marc Britney; Chief Administrative Officer, Clayton MacMurtry; and Director of Finance, Marianne Daine.

There were a number of residents from the Pine Crest Drive, Oakland Drive, and Taylor Drive area present in the audience.

Town Solicitor Bruce Gillis arrived at 7:10 p.m. and left the meeting at 8:21 p.m.

PROCLAMATIONS

.01 Restorative Justice Week

Mayor Eddy proclaimed the week of November 15-22, 2009 Restorative Justice Week in the Town of Middleton, noting that this year's theme is "*Communities Responding to Human Needs*".

09.11.01 CHANGES TO THE AGENDA

There were no items to be added to or deleted from this agenda.

09.11.02 MINUTES

It was **moved by Britney, seconded by den Haan that the minutes of the regular Council meeting of October 5, 2009 be approved as circulated. The motion was carried.**

09.11.03 PRESENTATIONS BY PUBLIC (If Any)

.01 Fundy Spray Motel Limited

Mayor Eddy explained that a representative from the Fundy Spray Motel Limited had contacted the CAO and advised that they would not be able to attend this evening's meeting, noting that a date for a presentation at a future meeting was not requested.

The Mayor offered the residents present an opportunity to speak to Council, noting that the residents had attended a previous Planning Panel meeting expecting that they would have the opportunity to express their views, however, since it was not a public participation meeting, they were not permitted to address the Panel.

Mayor Eddy advised that, since the topic the residents wished to address concerned the proposed development by Fundy Spray Motel Limited, he is declaring a conflict of interest. The Mayor requested that the Deputy Mayor assume the Chair and removed himself from the table.

Deputy Mayor Errington assumed the Chair and requested that the CAO review the actions to date on the proposed development by Fundy Spray Motel Limited.

CAO MacMurtry circulated a chronology of events concerning the proposed development to the audience and Council and reviewed same.

Chair Errington inquired as to whether the Solicitor had anything further to add and was advised that he did not.

Deputy Mayor Errington was advised that Donald Burgoyne was selected as the spokesperson for the residents and requested if Mr. Burgoyne wished to address the Council.

Mr. Burgoyne advised Council that the aim of the residents is to make Council aware of a discrepancy in the north east boundary line of the Rotary Raceway Park and to request that the boundary be re-surveyed by an independent surveyor to determine the proper boundary.

After much discussion on the request, it was **moved by Smith, seconded by Brown that the Town investigate costs for an independent survey to confirm the boundaries of the Rotary Raceway Park. The motion was carried.**

Mr. Burgoyne thanked the Council for the opportunity for the residents to present their concerns. The residents then left the Council Chambers.

Mayor Eddy resumed the Chair.

It was **moved by Brown, seconded by Smith that the Council move to an in camera session at 7:50 p.m. to deal with the following item:**

Action Items

.03 Land Purchase Offer (in Camera – Land Acquisition/Legal Advice)

The motion was carried.

The Council returned to regular session at 8:20 p.m.

On question as to whether the Solicitor had any other items for the Council's attention, Solicitor Gillis advised that he has been in contact with representatives from Bell Aliant concerning its purchase of land in the Town's Industrial Park, and advised that this should be completed within the next couple of weeks.

The Solicitor advised that he had nothing further for the Council and left the meeting at 8:21 p.m.

09.11.04 BUSINESS ARISING FROM THE MINUTES

.01 Purchase of Pumps and Generator – North Street Lift Station

CAO MacMurtry explained that the tender awarded to Sansom Equipment at the July 6, 2009 Council meeting, for the pumps and generator for the North Street lift station, did not include the cost of a transformer, \$4,408.00 plus HST, therefore, the amount of \$41,842.00 plus HST should be \$46,250.00 plus HST, to accommodate the transformer cost.

The CAO advised that the quote approved in July is still the lowest received, even with this additional expense.

On question from Councillor Britney, the CAO confirmed that the generator is portable and the extra cost is still within budget.

It was **moved by Brown, seconded by Britney that Council approve an additional cost to purchase a transformer for the North Street Lift Station Project in the amount of \$4,408.00 plus HST. The motion was carried**

09.11.05 NEW BUSINESS

ACTION ITEMS

.01 Bills

It was **moved by Britney, seconded by Brown that the Council approve the payment of bills in the amount of \$231,156.13. The motion was carried.**

.02 Approval of Appointment List

On question, it was noted that the vacancies for the citizen-at-large positions on the Appointment List have been posted on the Town Hall bulletin board, on the Town's web site, and will be in the November 5th edition of the Annapolis County Spectator and that, to date, no volunteers have come forward.

It was **moved by den Haan, seconded by Britney that the Council approve the Town's Appointment List as presented. The motion was carried.**

.03 Land Purchase Offer (In camera – Land Acquisition/Legal Advice)

This item was dealt with earlier in the meeting.

.04 Industrial Park Lot – Offer to Purchase

CAO MacMurtry explained that a proposal has been received from Alvin Jerke to purchase a portion of lot #17 in the Industrial Park.

The CAO noted that the Town sold lot #15 in the Industrial Park to K & J Truck Centre in 2007 and part of the agreement of sale was to extend Freeman Street west from the corner approximately 200', noting that this work was completed this year.

The CAO noted that the water line follows the north side of the road up to West Street and the Town has budgeted, in years four and five of its five-year Capital Investment Plan, to extend the sanitary and storm sewers to the north boundary of lot #16. He advised that, in order to meet the requirements for this land sale, it would be necessary to extend the storm and sanitary sewers next year. The CAO noted that these extensions will make lots #16 and #17 serviced and therefore more marketable.

The CAO advised that, in order for this land sale to proceed, Council is required to obtain approval for the subdivision of lot # 17, a cost of \$300, and to provide the extension of services.

CAO MacMurtry advised that Mr. Jerke is aware that the sales agreement would contain such conditions as to building size, fencing, start date for construction, and other restrictions to be determined.

It was **moved by Errington, seconded by Brown that the Council approve to proceed with the subdivision of lot #17 in the Industrial Park and the extension of sanitary and storm sewers and road construction along the south side of Freeman Street to the north boundary of lot #16 in the 2010/11 Capital budget, conditional upon the completion of formal sale of a portion of Lot # 17 to Alvin Jerke. The motion was carried.**

.05 Brooklyn Road Development Agreement

CAO MacMurtry explained that the Town has been approached to extend sewer and water services to Exit 18 on Brooklyn Road in the County of Annapolis, noting that the capital costs of these services would be shared with the County on a 50/50 basis. The CAO also advised that the Town would charge a sewer rate, based on water consumption, to anyone connecting to the extended sewer line and a connection fee for the water line to assist with capital costs, and that water consumption would be billed according to the Town's Water Utility regulations.

The CAO advised that the area to be serviced would be outlined and any new construction in the designated area would be taxed at the County rate, with the taxation revenue being shared 50/50 between the Town and the County.

CAO MacMurtry advised that the County's Engineer prepared preliminary plans for servicing and a preliminary survey was done and costs were shared 50/50, noting that the County's Engineer is prepared to do the engineering for the project.

The CAO confirmed that the Developer has purchased the land and is requesting that the County and the Town provide a letter of confirmation that, once construction begins, services will be provided.

CAO MacMurtry advised that the County of Annapolis has approved this proposal.

It was **moved by Boates, seconded by den Haan that the Council approve the extension of both water and sewer services on Brooklyn Road to Exit 18 in the County of Annapolis, pending the start of construction by the developer and, further, move that the Council**

approve for the Town to enter into a joint agreement with the County of Annapolis to provide these services and share the tax revenues on future development on a 50/50 basis. The motion was carried.

.06 Special Reserve Fund Withdrawal – Industrial Park Improvements

It was noted that the reason for this fund withdrawal is that, as part of the land sale agreement, the Town is required to extend Freeman Street to the east end of the driveway of K & J Truck Centre Limited.

It was moved by Smith, seconded by Errington that Council authorize the withdrawal of \$2,986.86 from the Industrial Park Land Special Reserve Fund to cover the cost of road construction. The motion was carried.

.07 Sidewalk – North Street

CAO MacMurtry advised that a Town resident has requested that the Town consider concrete, rather than asphalt, sidewalk and curb on North Street, noting that quotes were received on both and the contract was awarded to the less costly option of asphalt.

The CAO explained that the project is expected to come in under budget, therefore, the cost difference between asphalt and concrete would be cost-shared under the Canada/Nova Scotia Infrastructure Program. The difference is \$68,000, with the Town's additional cost-share being \$22,644.

Deputy Mayor Errington stated that, since this sidewalk will provide access to and from a nursing home, she feels that it is more difficult to maneuver wheelchairs on concrete than it is on asphalt.

Councillor Boates suggested that perhaps asphalt sidewalks and concrete curbs may be more suitable, considering the location of the new nursing home.

Councillor Britney suggested that GEM Health Care Group be consulted to obtain information on which sidewalk is more appropriate.

It was moved by Britney, seconded by Smith that the decision to have concrete sidewalk installed on North Street be tabled, pending investigation by the CAO on whether asphalt or concrete would be better suited to the new development. The motion was carried.

.08 Request from NS Department of Community Services

CAO MacMurtry advised that he and the Town's Director of Planning met with the Director of Housing, NS Department of Community Services, concerning Phase II of the Magee Drive housing development.

The CAO advised that the Director of Housing requested that the Town waive the bonding requirements, property taxes during construction, permit fees of \$300, and the registration fee of \$95. He also requested that the Town accept that a walkway be constructed by the Department from the Riverside Park to the housing development as meeting the five percent green space requirement of the development.

CAO MacMurtry explained that he consulted with the Town's Municipal Advisor and was informed that taxes cannot be waived under the MGA and that the \$95 registration fee is a requirement of the Provincial Government.

The CAO noted that, on consultation with the Town's Solicitor, he was informed that there may be other avenues to secure the road construction without actually posting a bond, and that construction of a walkway would meet green area requirements

The CAO advised that, if the Town did pay the \$300 permit fee to the Planning Commission, the Province would consider the Town a contributor to the project and place the Town's name on the joint infrastructure sign.

It was moved by Errington, seconded by den Haan that the Council approve to accept the walkway as the green area requirement and, further, that the Council approve for the Town to pay the \$300 permit fee to the Annapolis District Planning Commission for Phase II of the housing development of the NS Department of Community Services on Magee Drive. The motion was carried.

INFORMATION/DISCUSSION ITEMS

There were no items for information or discussion for this meeting.

09.11.06 REPORTS

.01 Committee of the Whole

All items from the Committee of the Whole meeting of October 19, 2009 have been dealt with earlier in the meeting.

.02 Mayor

Mayor Eddy tabled his report for the month of October. A copy of the report will be circulated with these minutes.

.03 Managers

The Management reports have been circulated to all members of Council. There were no concerns or comments on the reports.

.04 Solicitor

The Solicitor's report was dealt with earlier in the meeting.

.05 Development Officer/Building Inspector/Fire Inspector

Copies of the reports for the month of October have been circulated to all Council members. There were no comments on the reports.

.06 RCMP

A copy of the report for the month of September has been circulated to all Council members. There were no comments on the report.

09.11.07 CORRESPONDENCE

A list of correspondence for the month has been circulated to all members of Council. There were no questions or comments on the list. A copy of the list will be circulated with these minutes.

09.11.08 ANYTHING BY MEMBERS

Councillor Brown questioned whether barricades would be set up at the entrances to the Riverside Park, as discussed at a previous meeting.

CAO MacMurtry advised that he met with the Facilities Manager and, after discussion on the options to prevent damage to the Park, it was decided that, since repairs in the spring are less costly than the placement of barricades, the past practice of spring repair to the grounds will continue.

On question from the Deputy Mayor, the CAO advised that he has tried to contact Andy Kerr concerning another date for a presentation to Council on the Town's web site, however, has not yet been successful, and will inform Council once a date is available.

Deputy Mayor Errington expressed her thanks to the Public Works Department staff for the fine job done in repairing the sink hole on Connaught Avenue.

Councillor Smith noted that there is some equipment on the Sewage Treatment Plant site and questioned scheduling for work to begin and whether a date has been set for a photo by the project sign.

The CAO advised that tree removal was planned to start, however, this has been delayed due to a hold-up on the North Street project. The CAO also advised that he has not been given a firm date for this work to begin, nor a date for a photo opportunity with the Council and Greg Kerr, MP.

Councillor Boates complimented the Public Works' staff on its quick clean-up of debris as the result of a motor vehicle accident on Main Street recently, noting that he felt the RCMP should have handled this, however, as the accident happened in a high traffic area and the debris was not removed, he phoned the Town Hall and the Work's staff acted very quickly in cleaning the area.

Councillor den Haan advised that she recently attended a High Speed Internet Workshop.

Councillor Britney questioned the process for screening public presentations to Council, noting that he feels Council should be more informed on the purpose of a presentation.

Mayor Eddy explained that there is a policy concerning presentations and that the CAO and Mayor discuss and set the agenda.

Councillor Britney stated that he felt tonight's delegation was skirting the issue, addressing boundary lines and not referring to the proposed development. He noted that, if the residents feel the proposed development is a problem, they should state their views. Councillor Britney advised that the Town has already hired a surveyor to verify the boundaries of the Park and feels the Town should not spend additional monies on another survey.

Mayor Eddy reminded Council of the following dates:

November 11th – Remembrance Day service at the Community College, encouraging Council attendance;

November 20th – Olympic Torch Run at approximately 3:50 p.m. at the Town's east entrance sign;

November 27th - Christmas Tree Lighting at the Save Easy Parking lot, with refreshments at the Fire Hall, and the Sons of Maxwell concert at 9:00 p.m. at the Community College.

It was moved by Brown, seconded by Smith that the Council adjourn at 9:15 p.m. The motion was carried.

MAYOR

SECRETARY