

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Monday, December 7, 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; Director of Finance, Marianne Daine; and Director of Public Works, Jason Roch.

Town Solicitor Bruce Gillis arrived at 7:00 p.m. and left the meeting at 7:45 p.m.

PRESENTATIONS

.01 St. Andrew's Marathon – Tom Ross

Mayor Eddy commended Tom Ross for his dedication and commitment to the St. Andrew's Half Marathon. The Mayor advised that the annual Half Marathon has taken place for thirty-one years, noting that for the past twenty years, from 1989 to 2009, Mr. Ross has organized and taken part in the event. The Mayor also advised that there was an article in the Chronicle Herald recently on Mr. Ross and the Half Marathon.

Mayor Eddy commented that he feels such dedicated service is appreciated in the community and, on behalf of the Council and citizens of the Town, presented Mr. Ross with a certificate of appreciation.

Mr. Ross thanked the Council for the recognition.

.02 Royal Canadian Legion – Veterans Lane

Mayor Eddy advised that the Legion had requested that the Town, as part of its Centennial year, consider naming a street in Town in honour of "The Year of the Veteran". The Mayor commented that the Town was proud to be included in the list of municipalities, and the Province, honouring veterans in this manner. He advised that, at the meeting held on the Town's anniversary date, July 22, 2009, the Council approved to change the name of West Street to Veterans Lane.

Mayor Eddy presented the Town street sign, Veterans Lane, to Mr. Ed Eby, President, Royal Canadian Legion, Branch #1, as a token of the Town's recognition of the "Year of the Veteran".

Mr. Eby thanked the Council for its consideration and recognition.

.03 Long Service Award

Mayor Eddy presented a plaque to Lynda Eddy, Executive Assistant in the Town Office, and congratulated her, on behalf of Council, on twenty years of service with the Town.

Mrs. Eddy thanked the Council for the award.

09.12.01 MINUTES

It was **moved by Boates, seconded by den Haan that the minutes of the regular Council meeting of November 2, 2009 be approved as circulated.**

Councillor Smith requested that the motion from the November 2, 2009 Council minutes, under Presentations by Public, .01 Fundy Spray Motel, be amended to read as follows:

"it was moved by Smith, Seconded by Brown that the Town investigate costs for an independent survey to confirm one boundary line of the Rotary Raceway Park. The boundary in question starts on the north east corner of the Rotary Raceway Park property and proceeds on a south westerly angle behind the lots on the north side of Pinecrest Avenue to a point on the west side of #1 Pinecrest Avenue."

The motion was carried, with the amendment as requested.

09.12.02 PRESENTATIONS BY PUBLIC

.01 Update on Town Web Site – Andy Kerr

This item was moved down on the agenda.

09.12.03 BUSINESS ARISING FROM THE MINUTES

There were no items to be dealt with from previous Council meetings.

09.12.04 NEW BUSINESS

Mayor Eddy requested that Council move to Information/Discussion Items and deal with item #.01 Update on Fundy Spray Motel Limited at this point in the meeting.

Mayor Eddy declared a conflict of interest on this item and did not participate in the discussions.

Deputy Mayor Errington assumed the Chair.

INFORMATION/DISCUSSION ITEMS

.01 Update on Fundy Spray Motel Limited

CAO MacMurtry advised that the reason this item was put on the agenda was that the developer had requested the information concerning a development permit for lands of Fundy Spray Motel Limited be circulated to Council and the CAO questioned whether Council wished to meet with the Development Officer and the Solicitor regarding this information.

It was the consensus of Council that Council meet with Solicitor Gillis and Development Officer Chris Millier on December 14th at 5:30 p.m. concerning the permit information received from Fundy Spray Motel Limited.

Solicitor Gillis clarified that this would not be a Council meeting, rather an advice session.

Mayor Eddy resumed the Chair.

At this point, the Council moved back to Action Items, to accommodate the members of the Fire Department present, and deal with items .05, .06, and item .05 under Information/Discussion Items.

ACTION ITEMS

The following action items were moved down on the agenda:

- .01 Land Purchase Offer – Well Field
- .02 Resignation of Director of Planning
- .03 Extension of Planning Services Contract
- .04 Bills

.05 Request to Erect Communications Tower – Middleton Fire Department

CAO MacMurtry explained that the Fire Department is requesting permission to erect a radio communications tower on Gates Mountain Road. The CAO noted that the requested location does not fall within the protected watershed area and advised that a representative of the Fire Department contacted the Planner for the County of Annapolis concerning zoning requirements and was informed that there are none. The CAO noted that the Fire Department would be responsible for all permits required, such as building and CRTC approvals, and that it would also be the responsibility of the Fire Department to engineer and construct the tower to the proper specifications. The CAO noted that maintenance costs are expected to be minimal, however, any costs would be included in the Fire Department's budget.

The CAO advised that the expected cost of the communications tower is \$44,000 and the Department has applied for a 50% grant through the Joint Emergency Preparedness Program

(JEPP), noting that the Department's share, if the grant is approved, will come from funds the Department has raised. The CAO also advised that the tower will service an area in the County that has no communication coverage at this time, which the Fire Department feels is putting lives at risk.

It was **moved by Brown, seconded by Boates that the Council approve for the Middleton Fire Department to construct a communications tower on the Town's property #05004510 located on Gates Mountain Road and, further, move that the Middleton Fire Department be responsible for ensuring that all permits, licenses, and the construction of the tower are carried out under the proper regulations and, further, that all capital costs of construction be paid for from the Fire Department's fundraising activities account.**

Fire Chief Chris Barker answered a number of questions from the Council concerning the request.

The motion was carried.

.06 Request for Capital Funding – Fire Department Emergency Services Provider Fund Application

CAO MacMurtry previously circulated a memo explaining that the Fire Department is applying for an Emergency Services Provider Grant through Service Nova Scotia and Municipal Relations and noting that the grant will pay 60% of eligible costs up to a maximum of \$25,000 for the purchase of personal protection gear and equipment.

The total cost of the equipment is \$40,137.60, with the grant providing \$24,082.56 and the Town being responsible for the balance of \$16,055.04.

The memo explained that funding for 40% of 3 Bunker Suits would come from the 2009/10 Fire Operating Budget and funding for 40% of the Air Packs and the Thermal Imager (\$14,034.60) would be requested from the Annapolis County Capital Grant Fund.

It was **moved by Brown, seconded by den Haan that the Council approve to request that \$14,034.60 be withdrawn from the Annapolis County Capital Grant Fund as the 40% contribution required for the purchase of the Scot Air Packs and Thermal Imager for the Middleton Fire Department, provided that the Emergency Services Provider Grant through Service Nova Scotia and Municipal Relations for 60% of the cost of this equipment is approved.**

On question from Deputy Mayor Errington, Chief Barker advised that the Department's number one priority is a new pumper truck.

There was discussion on the need for the equipment, the time line for the grant application, the cost of a new pumper truck, and the Department's projects priority.

The motion was carried.

INFORMATION/DISCUSSION ITEMS

.05 Request from Committee – Town Facility Review

CAO MacMurtry explained that a committee was approved by Council April 6, 2009 to draw up terms of reference to obtain a quote on a feasibility study on Town facilities, noting that the committee consisted of Gary Marshall and Sylvester Atkinson, representing the Middleton Fire Department, and Councillor Lorne Brown and CAO Clayton MacMurtry, representing the Town.

The CAO advised that Gary Marshall and Sylvester Atkinson have requested that the committee's mandate be expanded so that the committee can investigate possible funding opportunities for a community center/fire hall.

It was **moved by Errington, seconded by Boates that the Council approve that the mandate of the committee formed by motion of Council April 6, 2009 to obtain a quote on a feasibility study on Town facilities be expanded to include that the committee investigate**

funding possibilities for a community center/fire hall in the Town of Middleton. The motion was carried.

The following action items were moved down on the agenda:

- .07 Request for Support – Association of Western Valley C@P Sites
- .08 Purchase of Land – North Street

The Council then moved to Reports, to accommodate the Solicitor.

REPORTS

.04 Solicitor

Solicitor Gillis questioned whether Council had any items requiring his input, noting that he has nothing for Council's attention at this time.

Donald Burgoyne, present in the audience, questioned whether there was anything on tonight's agenda concerning the survey of the Raceway Park.

Mayor Eddy advised that, to his knowledge, there is nothing scheduled.

On question from the CAO, Solicitor Gillis advised that he had no information to contribute concerning the Raceway Park.

Mayor Eddy declared a conflict of interest on the discussion and did not participate.

Deputy Mayor Errington assumed the Chair.

Mr. Burgoyne advised that the residents present have been requesting confirmation on one line of the boundary of the Raceway Park for some time.

Councillor Smith noted that there was a motion passed at the November 2nd Council meeting directing the CAO to obtain a quote for a survey to confirm this one boundary line and that he feels the motion should be acted on, modified, or rescinded.

On question from Chair Errington, it was the consensus of the Council that the CAO be directed to carry out the motion and obtain a price for a survey for the disputed boundary line at the Rotary Raceway Park and bring it back to the January Council meeting.

Mayor Eddy resumed the Chair.

Mr. Kerr was requested to make his presentation on the Town's web site at this point in the meeting.

09.12.02 PRESENTATIONS BY PUBLIC

.01 Update on Town Web Site – Andy Kerr

Andy Kerr, President, West Cliffe Marketing, made a presentation to Council focusing on suggested changes to the Town's web site.

Mr. Kerr advised that he is working toward the new site being useful, informative, and correct, noting that, currently, web sites are somewhat similar to a newspaper, with choices at the top of the site for fast access. He noted that one feature of the new site is the ability to enlarge text and that a search bar with a drop-down menu would be available, rather than having to click around the site to find information. Mr. Kerr also noted that there would be a spotlight feature which could be used for special announcements or events and that an updated weather button would be added which will allow users to check weather at any location without leaving the site. Another feature would be a weekly poll, which he feels would be an incentive to keep people coming back to the site.

Mr. Kerr also noted that each Councillor would be assigned a login and have their own folder so that information could be shared among members, noting that the public would not have access to this information.

Councillor Britney questioned whether an on-line photo gallery could be available and Mr. Kerr advised that this is a feature of the new site, noting that a click on an icon, i.e. the one for the Century Ride, would link you to that page.

Chief Barker questioned whether the Fire Department could have its own page as a link on the site and was informed by Mr. Kerr that each Town Department could have its own page under a Departments button.

On question from Councillor Britney, Mr. Kerr advised that the site could be up and running this week.

Mayor Eddy thanked Mr. Kerr for his presentation.

The Council then moved back to cover the balance of the Action Items.

09.12.04 NEW BUSINESS

ACTION ITEMS

.01 Land Purchase Offer – Well Field

CAO MacMurtry advised that the motion passed by Council at the Committee of the Whole meeting of November 19, 2009 did not include survey costs and requested that this be added to the motion.

It was moved by Britney, seconded by Brown that the Council approve the purchase of 25 acres of land located in the Town's well field in Nictaux from Fred Roch at a price of \$1,400 per acre and, further, that the Council approve an estimated expenditure of \$4,500 to cover the cost of surveying this land, with funds to be withdrawn from the Water Utility Depreciation Fund, and that the Mayor and the Clerk be authorized to sign the necessary documents on behalf of the Town.

Councillor Smith questioned why the Town would purchase the land, noting that he feels that an overall plan to protect the well field from contamination should be undertaken by rezoning the area.

The topic of rezoning the well field area was discussed and, on question from Councillor Brown, the CAO advised that the County of Annapolis has to approve the rezoning. The CAO also advised that he discussed this with the County Planner and there was an indication that perhaps the County may not approve to rezone this area. The CAO noted that the County would have to consider that, if it was rezoned to protected lands, it would no longer be useful to the landowner.

Councillor Britney commented that he feels that, in purchasing this portion of the well field, the Town is protecting its five-year risk area and is showing its responsibility and concerns for the protection of its well field, which may be advantageous in obtaining approval for rezoning as perhaps the next step.

The motion was carried with one nay vote recorded.

.02 Resignation of Director of Planning

It was moved by Boates, seconded by Britney that, on recommendation from the Committee of the Whole, Council accept the resignation of Roger Sturtevant as Director of Planning for the Annapolis District Planning Commission, effective March 31, 2010, with regret. The motion was carried.

.03 Extension of Planning Services Contract

It was moved by Errington, seconded by Brown that, on recommendation from the Committee of the Whole, Council approve the extension of the contract with the 4Site Group for the provision of Planning and Development Services to the Annapolis District Planning Commission and; further, that the Committee recommends that the Council approve the appointments of Chris Millier as Planning and Development Officer and Ridge Hiltz as Development Officer for the Town on a month-to-month basis, pending the appointment of a new Director of Planning. The motion was carried.

.04 Bills

It was moved by Brown, seconded by Boates that, on recommendation from the Committee of the Whole, the Council approve the payment of bills in the amount of \$467,533.14. The motion was carried.

The following two action items were dealt with earlier in the meeting:

.05 Request to Erect Communications Tower – Middleton Fire Department

.06 Request for Capital Funding – Fire Department Emergency Services
Provider Fund Application

.07 Request for Support – Association of Western Valley C@P Sites

CAO MacMurtry explained that the Association of Western Valley C@P Sites is requesting that the Town provide a letter of support to enable C@P to apply for funding.

It was moved by den Haan, seconded by Errington that Council approve a letter of support for the Association of Western Valley C@P Sites to accompany its application for funding from the *Building A High Speed Future* program through the NS Department of Economic and Rural Development. The motion was carried.

.08 Purchase of Land – North Street Lift Station

The CAO advised that a price for the land to build a lift station on North Street has been negotiated. The amount is \$3,795.94, plus survey costs of \$1,094.41, legal costs of \$366.01, and Planning fees of \$395.50, for a total of \$5,651.86.

It was moved by Brown, seconded by Britney that Council approve to purchase a parcel of land from Michael Johnson and Heather Naugler on North Street in the amount of \$3,795.94 and, further, that Council approve to pay the costs of surveying this parcel of \$1,094.41, the legal costs of \$366.01, and the Planning fees of \$395.50. The motion was carried.

INFORMATION/DISCUSSION ITEMS

.01 Update on Fundy Spray Motel Limited

This item was dealt with earlier in the meeting.

.02 Report on Patching/paving Budget

On request from the Committee of the Whole meeting November 16th, the Director of Public Works provided a memo explaining the patching/paving budget for this fiscal year.

The memo noted that the Committee expressed concerns over how much of the account was still left to be spent, explaining that since the meeting another invoice has been processed and currently 71% of the budget has been expended.

The Director's memo explained that there were several issues this past summer which made coordination of paving difficult. Primarily, the wet weather, which hampered paving projects and greatly compressed the time in which RB Paving was able carry out its work. At the same time, at the start of the paving season, RB Paving was sold to Dexter Construction and, as a

result, there were new faces at the workplace, making for issues in scheduling and overall management.

The memo also noted that Highland Asphalt would be in Town this week to do some last minute patching of projects that the Public Works Department completed in the past month. It was also noted that extra Cold Patch will be purchased to patch pot holes which exist now and will exist after snow removal begins. The Director's memo noted that this work would put the budget to 100%.

.03 Town Casual Employee Wage Rates

CAO MacMurtry explained that an amendment to the Casual Employee Wage and Benefits policy was approved by Council January 5, 2009. He noted that the amendment moved to reflect minimum wage in all categories and the top wage was adjusted to reflect current wages for comparable employment in the area.

The CAO advised that the policy states that "The Department Head shall set wages within the following scale based on the job criteria and attributes/skills of individuals being offered employment."

On question from Councillor Smith, the Director of Finance advised that there was one person hired this past summer who was paid minimum wage.

Councillor Smith advised that his daughter was the person paid the minimum wage and that this was her third year working for the Town. The Councillor noted that persons hired to mow lawns received a higher rate of pay.

The CAO noted that the Department Heads decide the rate of pay, according to the policy.

It was the consensus of the Council that this item be discussed at the next Department Head meeting and a recommendation be brought back to Council.

.04 Heart of the Valley Festival Committee 2010

CAO MacMurtry advised that Shawn Ross, Chair of the 2008 Heart of the Valley Festival Committee, is reoffering to be the Chair of the 2010 Committee. He is requesting a letter of intent from the Town in support of the Committee for 2010 in its 2010 budget considerations, as well as in-kind support as in past years.

The CAO noted that the grant in 2008 was \$2,500 plus a grant from Destination Southwest Nova of \$750.00.

Deputy Mayor Errington noted that Mr. Ross has volunteer support and that she would be pleased to continue the Festival.

It was moved by den Haan, seconded by Britney that the Council approve that the Town continue to support the Heart of the Valley Festival Committee with in-kind contributions, as in past years, as well as financial consideration in the 2010 budget. The motion was carried.

.05 Request from Committee – Town Facility Review

This item was dealt with earlier in the meeting.

.06 Christmas Hours – Town Hall

A copy of the hours for the Town Hall for the Christmas season was circulated to all Councillors. CAO MacMurtry explained that the hours are per Town policy, with staff using vacation or time in lieu for the days the offices are closed.

Councillor Smith questioned when the agenda for the January 4, 2010 Council meeting would be sent and was advised that this is distributed December 24th each year before the Office closes.

09.12.05 REPORTS**.01 Committee of the Whole**

All items from the Committee of the Whole meeting of November 16, 2009 have been dealt with earlier in the meeting.

.02 Mayor

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

.03 Managers

The Management reports have been circulated to all members of Council.

On question from Councillor Smith, the Director of Works advised that the sewer video camera has not been purchased, however, will be shortly.

.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 November 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 October has been circulated to all Council members. There were no comments on the report.

09.12.06 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.

09.12.07 ANYTHING BY MEMBERS

Councillor Britney commented that he feels an administrator is required for the Town's web site and that the Town should have control over what links will be permitted.

Councillor den Haan congratulated Councillor Brown, Chair of the Centennial Committee, on a job well done, noting there were many successful events for the Town's Centennial year.

Councillor Boates advised that he attended the Town's ICSP meeting, the Tree Lighting event, and the Children's Christmas party held at Annapolis East Elementary School. The Councillor commended Jennifer Coolen and Krista Toole for their work on these events, noting they were well organized and attended.

On question from Councillor Smith, the CAO advised that the work required on the Dangerous and Unsightly premises on Gates Avenue has been completed by the Public Works Department and that the taxpayer has been invoiced for the clean-up.

Councillor Smith questioned, from the CAO's last update, whether there is any further information for Council concerning a grievance with a unionized Town employee.

The CAO advised that this was simply to make Council aware and that no further details are forthcoming.

Deputy Mayor Errington advised that she attended the GEM Health Care Christmas party on November 27th, and two Valley Waste meetings, one for strategic planning and one regular

session. The Deputy Mayor offered her compliments to the Public Works Department on the Town's Christmas lighting.

Councillor Brown commented that the Sons of Maxwell concert, although not well attended, was an enjoyable evening. The Councillor also noted that the tree lighting event and related activities at the Fire Hall were very successful. Councillor Brown advised that the tickets for the New Year's Eve dance are approximately 50% sold and requested that Councillors let the Recreation Department know whether or not they will be attending, so as to free up complimentary tickets.

Councillor Boates questioned whether you have to be present to win the three prizes.

Councillor Brown advised he would check into this.

Councillor Smith questioned whether all the Town's Christmas lights are LED and was informed by the Director of Works that most are and, by next year, all will be.

Mayor Eddy advised that the Train Station Museum will be holding a Christmas event December 12th from 10:00 a.m. to 2:00 p.m. and that the final ICSP Public meeting will be held December 14th at 7:00 p.m. at the Fire Hall. The Mayor encouraged Councillors to attend.

Mayor Eddy advised that the tree lighting was well attended, noting that the Save Easy parking lot has been a great location, however, with the completion of the new Centennial Park, he feels that next year the lighting should be moved to the Park.

It was the consensus of the Council that next year the Centennial Park be decorated and the annual tree lighting take place at the Park.

Mayor Eddy advised that he received a request for a Town flag from a 1997 graduate of MRHS, Jason Quilliam, currently serving with the Canadian Forces in Kandahar. The flag, along with many others, will be flown at the entrance to the Base in Kandahar in January. The Mayor advised that he has sent a Town centennial banner, a centennial Christmas decoration, and a Town hat, t-shirt, and lapel pin to Captain Quilliam and has been in touch with him by e-mail.

Ray Cowper, present in the audience, was recognized by the Chair and requested to explain to the Council the reason for his attendance this evening

Mr. Cowper advised that a Leadership Prayer Breakfast is being planned and that the organizing committee met recently to set a date and location. He noted that this will consist of a breakfast, an inspirational speaker, music, and a worship service. Mr. Cowper requested that the invitation state that it is from *Mayor Calvin Eddy and Town Council*, in conjunction with the committee, and that the Council consider a donation of start-up funds to the Committee.

Mayor Eddy suggested Middleton Town Council and the Committee.

On question from Councillor den Haan, Mr. Cowper advised that the funds raised would be donated to either the Fire Department Hall or the Railway Museum, or possibly be split between both.

Councillor Britney questioned how much start-up money is being requested.

Mr. Cowper advised that assistance from the Town in the form of postage, photocopying, and staff support would be much appreciated. He noted that the dollar value of his request would total to approximately \$200.

It was the consensus of the Council that the invitation state *Middleton Town Council* and that postage, photocopying, and assistance from Town Staff be donated to the Leadership Prayer Breakfast up to a value of \$200.

Mr. Cowper thanked the Council for its cooperation.

It was moved by de Haan, seconded by Brown that the Council adjourn at 9:20 p.m. The motion was carried.

MAYOR

SECRETARY