

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Monday, June 7, 2010 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. Also present, Planning and Development Officer, Chris Millier.

Town Solicitor Blaine Schumacher arrived at 7:00 p.m. and left the meeting at 9:15 p.m.

10.06.01 PUBLIC HEARING**.01 Application to Rezone Lands of the Parish of Wilmot and Lawrence Aldred**

Mayor Eddy opened the public hearing and advised that the Planning Services Advisory Panel held a public meeting on this application Tuesday, April 20, 2010 and recommended that Council hold a public hearing for submissions on the proposed rezoning of lands of the Parish of Wilmot, located at 45 Main Street, from Recreation (REC) to Institutional (I), and the proposed rezoning of lands of Lawrence A. Aldred, generally located immediately north of 45 Main Street, from Residential (R) to Institutional (I).

Mayor Eddy introduced Chris Millier and requested that he review the application process.

Mr. Millier explained that the purpose of the Public Hearing is to provide an opportunity for the public to make submissions on the application to the Council, before a decision is made. Mr. Millier explained that, presently, there are no specific plans for the Church, and that this request is to approve a rezoning for future land use, not a building.

Mr. Millier explained what is considered when an application is received, and reviewed his report and the process followed. A copy of Mr. Millier's report, as presented to the Planning Services Public Advisory Panel April 20, 2010, is attached to the original of these minutes.

Mayor Eddy called for input from the public and Council. There were no comments or submissions, written or verbal, on the rezoning application.

.02 Application for an Amendment to Development Agreement – Glen Lane

This application was also brought before the Planning Services Advisory Panel public meeting held Tuesday, April 20, 2010 and the Panel recommended that Council hold a public hearing for submissions on the Town entering into an amendment to the August 22, 2006 Development Agreement with Pine Glen Investments Limited to enable the development of a fifteen (15) unit grouped residential dwelling in addition to the existing residential development at Glen Lane, subject to the provision of a revised detailed site plan which provides for building setbacks, building separation distances, landscaping and buffering details, and a storm drainage management plan.

Mr. Millier explained that the original development on Glen Lane was approved by a development agreement and this application is to amend the original agreement to expand the existing development.

Mr. Millier reviewed the appropriate conditions, criteria, and guidelines of the Municipal Planning Strategy, highlighting the issues considered by the Planning Services Advisory Panel. He noted that the Panel's recommendation included the provision of a detailed site plan and addressed the issues pertaining to building setbacks, separation distances, landscaping and buffering details, and a storm drainage management plan.

Mayor Eddy called for input from the public.

Frank Bryant, present in the audience, stated that he is concerned with drainage from the new development to his property, noting that he experienced water ponding problems after the construction of apartments to the east of his property and is concerned that more problems will

result from this new development. Mr. Bryant stated that he feels proper drainage should be the responsibility of the Town, not the developer.

Chris Millier explained land elevation requirements and the proposed drainage plan, noting that the system is designed to go from west to east. Mr. Millier advised that the development is required to be built as specified in the agreement.

Glenn Joudrey, Development Consultant for Pine Glen Investments, introduced himself and gave a history of the company, noting that Pine Glen Investments is a locally-owned firm which, since its establishment in 1992, has experienced steady growth within the Annapolis Valley. Mr. Joudrey reviewed the proposed development and circulated a copy of his presentation, photos of the present development, and sketches of the proposed expansion.

Glen Langille, Todd Taylor, and John Paull, also present in the audience, expressed their support for the development and encouraged Council's approval.

There was some discussion on exit/entrance requirements for emergencies, civic numbering, and how the new development may affect Mr. Bryant's concern with drainage to his property.

There being no further questions or comments on the application, it was **moved by Smith, seconded by Britney that the Public Hearing be closed and the Council adjourn to regular session at 8:00 p.m. The motion was carried.**

10.06.02 INTRODUCTION OF YOUTH AMBASSADOR CANDIDATES

Councillor Britney reviewed the process of the Youth Ambassador program and explained the scholarship funding, promotion at the High School, the selection process, and time lines for the various aspects of the program.

Jan Davis, Chair of the Ambassador Program, thanked the Council for approving to undertake the Program and introduced the three candidates.

Janyne Crocker, Kristina Callanan, and Lauren Perry each addressed the Council. The candidates stated that they were pleased to be chosen, that they felt it would be a great experience, expressed their appreciation for the opportunity to participate in Town events, and were very much looking forward to the year.

Mayor Eddy, on behalf of Council, expressed his gratitude to Mrs. Davis for her work in getting the program up and running. The Mayor also thanked the three candidates and wished them a successful and exciting year.

10.06.03 ACTION ITEMS

.01 Application to Rezone Lands of the Parish of Wilmot and Lawrence Aldred

It was **moved by Britney, seconded by den Haan that the Council approve to rezone the lands of the Parish of Wilmot, located at 45 Main Street (PID #05077656), from Recreation (REC) to Institutional (I) and a portion of the lands of Lawrence A. Aldred (PID #05077672), generally located immediately north of 45 Main Street, from Residential (R) to Institutional (I). The motion was carried.**

.02 Application for an Amendment to Development Agreement – Glen Lane

It was **moved by Errington, seconded by Boates that the Council approve for the Town to enter into an amendment to the August 22, 2006 Development Agreement with Pine Glen Investments Limited to enable the development of a fifteen (15) unit grouped residential dwelling in addition to the existing residential development at Glen Lane (PID# 05077524). The motion was carried.**

On suggestion from Councillor Brown, it was the consensus of the Council that the CAO investigate the drainage problem with Frank Bryant's property.

10.06.04 IN CAMERA

It was moved by Brown, seconded by Smith that the Council adjourn to an in camera session at 8:10 p.m. to deal with the following three items:

- .01 Community Center/Fire Hall (Land Acquisition)
- .02 Proposed Land Agreement (Land Acquisition)
- .03 Personnel

The motion was carried.

Council returned to regular session at 9:30 p.m.

Mayor Eddy declared a conflict of interest on item .02 and did not participate in the discussions.

10.06.05 CHANGES TO THE AGENDA

The following item was added to the agenda:

NEW BUSINESS – Action Items

- .08 Request for Funding Application – Community Center/Fire Hall

10.06.06 SOLICITOR

The Solicitor had no items for Council's attention for this meeting.

10.06.07 MINUTES

It was moved by Britney, seconded by den Haan that the minutes of the regular Council meeting of May 3, 2010 be approved as circulated. The motion was carried.

10.06.08 PRESENTATIONS BY PUBLIC (If Any)

There were no presentations made to the Council at this meeting.

10.06.09 BUSINESS ARISING FROM THE MINUTES

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

10.06.10 NEW BUSINESS

ACTION ITEMS

- .01 Request for Right-of-way – Department of National Defence

It was moved by Boates, seconded by den Haan that, on recommendation from the Committee of the Whole, the Council approve that a 6-meter-wide easement be granted to the Department of National Defence over lands of the Town of Middleton located at 295 Marshall Street for the installation of a piped storm sewer, per the DeWolfe & Morse Plan No. 2010-031UTM dated Marsh 30, 2010. The motion was carried.

- .02 Appointment of Town Representative – Soldiers Memorial Hospital Foundation

It was moved by Brown, seconded by Smith that, on recommendation from the Committee of the Whole, the Council re-appoint Brian Neville as its representative on the Soldiers Memorial Hospital Foundation for a term of two years, with appointment expiring June 2012. The motion was carried.

- .03 Approval of Bills

It was moved by Boates, seconded by Smith that, on recommendation from the Committee of the Whole, the Council approve the payment of bills in the amount of \$578,574.06. The motion was carried.

.04 Award of Tenders – Paving, Sand and Gravel, Line Painting

CAO MacMurtry advised that tenders were opened May 31, 2010 for the annual Paving, Sand and Gravel, and Line Painting contracts.

The CAO advised that the two tenders received for the Town's paving requirements were:

D. J. Lowe Ltd. - \$136.00 per ton for machine spread asphalt; \$200.00 per ton for hand asphalt; and \$125.00 per ton for bulk asphalt; and

Dexter's Construction - \$130.00 per ton for machine spread asphalt; \$195.00 per ton for hand asphalt; and \$110.00 per ton for bulk asphalt.

It was moved by Errington, seconded by den Haan that the Council award the annual Asphalt contract to Dexter's Construction of Bedford, NS, for a price of \$130.00/ton plus HST for machine spread asphalt, \$195.00/ton plus HST for hand spread asphalt, and \$110.00/ton plus HST for bulk asphalt.

There were some concerns expressed by Councillors regarding dependability and timing issues with Dexter's Construction, considering the late start on the Sewage Treatment Plant Project.

The motion was carried.

The CAO advised that the quotes received for the Sand and Gravel tender were:

	<u>Pit Run</u>	<u>Topsoil</u>	<u>Sand</u>	<u>Class A</u>	<u>Sand (Bed)</u>
I. Trimper Excavating Ltd.	\$5.50	14.95	6.90	9.00	
James Height	7.16	14.28	9.16		
Mark Hankinson		15.00	10.00		7.00
Burt Balcom	6.00	18.00			
Howard Little	9.00	20.75	10.35	11.90	

All prices are based on cubic yards.

It was moved by den Haan, seconded by Boates that Council approve the award of the annual Sand and Gravel tender to Ivan H. Trimper Excavating Ltd. for pit run, at a price of \$5.50/yd³ plus HST, for sand, at a price of \$6.90/yd³ plus HST, and for Class A, at a price of \$9.00/yd³ plus HST; and that Council approve the tender award to James Height for topsoil, at a price of \$14.28/yd³ plus HST. The motion was carried.

The CAO advised that the quotes received for the Line Painting tender were:

Seaside Line Marking Ltd. : \$9975.00 (Quote for all work including center line)

King of the Line Painting : \$5638.00 (Quote for all work excluding center line)

CAO MacMurtry explained that King of the Line Painting supplied a lower bid, however, the quote was incomplete. He advised that the Director of Public Works consulted the Town's Solicitor and was advised that, although the bid is lower, based on the fact that the quote is incomplete and, considering the concerns the Town has with respect to the quality of work by this company last year, the Town is under no obligation to accept the lower quote.

It was moved by Smith, seconded by Boates that the Council award the annual Line Painting contract to Seaside Line Marking Ltd. of Amherst, NS, for a price of \$9975.00 plus HST. The motion was carried

.05 Request for Letter of Support – Reclassification of Uniformed Policing Coordinator

Mayor Eddy explained that a letter received from John Ennis, S. Sgt., RCMP, has been circulated to Council. The Mayor noted that he felt the request should be forwarded to the Police Advisory Board for review, before Council makes a decision on the request. The Council concurred with the Mayor's suggestion.

.06 North Street Project – Installation of Main Connections

CAO MacMurtry advised that the Town upgraded the water main on North Street approximately eight years ago and that non-stainless steel connectors were used. He noted that, in the last couple of years, two of the connectors failed and were replaced. The CAO explained that there are eight non-stainless steel connectors on this water main and noted that North Street will be paved shortly, as part of the project. The CAO recommended that the remaining non-stainless steel connectors be replaced with stainless steel before the street is paved, advising that the cost involved would be \$1,250 per connector. He noted that this expenditure would be covered under the Infrastructure Agreement for the project, so that the Town's cost would be one-third of the total expenditure.

It was moved by Smith, seconded by Britney that the Council approve the replacement of eight (8) non-stainless steel service line connectors with eight (8) stainless steel connectors on North Street under the Infrastructure Funding Agreement for the project, at a cost of \$10,000, with the Town's share being \$3,333 plus HST. The motion was carried.

.07 Re-shingling of Library Roof

CAO MacMurtry explained that the vent in the attic of the Library was closed when the new section was built, causing the shingles on the south side of the roof to curl. The CAO advised that re-shingling this south section of the roof was to be considered in this year's budget, however, the roof has started to leak in the last few weeks. The CAO recommended that the south side of the building roof be shingled without delay, to prevent water damage, noting that the approximate cost for this work is \$6,000.

It was moved by den Haan, seconded by Errington that the Council approve a maximum expenditure of \$6,000 to re-shingle the south side of the Rosa Harvey Library. The motion was carried.

.08 Request for Funding Application – Community Center/Fire Hall

A request has been received from the Community Center/Fire Hall Committee for the Town to submit an application for funding, under the Canada/Nova Scotia Infrastructure program, to enable the Committee to proceed with the process.

It was clarified that there is no financial obligation on the Town by submitting the application and, should any funding source not materialize, the Town has the option of withdrawing the application.

It was moved by Britney, seconded by Smith that the Council approve to submit an application for funding under the Canada/Nova Scotia Infrastructure Program for the proposed new Community Center/Fire Hall for the Town. The motion was carried.

INFORMATION/DISCUSSION ITEMS

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

10.06.011 REPORTS.01 Committee of the Whole

All items from the Committee of the Whole meeting of May 17, 2010 have been dealt with earlier in the meeting.

.02 Mayor

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

.03 Managers

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

.04 Development Officer/Building Inspector/Fire Inspector

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

.05 RCMP

A copy of the reports for the months of April and May have been circulated to all Council members.

10.06.12 CORRESPONDENCE

There were no correspondence items for Council's attention for this meeting.

10.06.13 ANYTHING BY MEMBERS

Deputy Mayor Errington advised that there are two Valley Waste Resource Management meetings this month, one of which will be dealing with the new administrative building.

Councillor Smith noted that the Town's web site is not being updated and that the business listing is very incomplete. Councillor Smith advised that he inquired on this two weeks ago and was told the site would be improved and, to date, this has not been done.

The CAO advised that businesses can access the site and update their information.

Councillor Smith noted that someone should make them aware of this.

Councillor Britney noted that some events are not listed.

Councillor Smith advised that all businesses in the Bell Aliant building at 270 Main Street have been given thirty-days notice to vacate the building. The Councillor stated that the building is over 100 years old, that he has heard the owner is considering demolition, and that he feels the Town should look into trying to avoid the building being demolished.

Mayor Eddy noted that he feels the Town should contact Bell Aliant and make the Company aware that the Town is interested in the future of the building.

On question from Councillor Boates, CAO MacMurtry advised that steps have been taken to eliminate the recent odour problem with the sewage treatment plant, noting that the recent rains have helped alleviate the situation. The CAO also noted that this type of problem will not occur with the new lagoon system.

Councillor Boates stated that he feels the tennis courts should be locked, noting that, in order to avoid vandalism to the fencing, the gate has been left open lately. The Councillor advised that he has observed people skateboarding which, he feels, will ruin the surface.

Councillor Boates also noted that he feels the cost of a fenced area for dogs at the Rotary Park should be considered in this year's budget.

Councillor Britney questioned, from the CAO's e-mail, the problem with the quality of work on the sewer and water mains from the contractor for GEM Health Care.

The CAO explained the concerns, noting that these have been passed on to GEM Health Care and that there are conflicting opinions with GEM's Engineers and the Town's Engineers. He noted that the Town is requesting videos and a report, to ensure the Town is satisfied with the work.

Mayor Eddy advised that there is no work being done at the sewage treatment plant today and stated that he is of the opinion that the project is already three months behind schedule.

Mayor Eddy also advised the following events for Council's information:

Joint meeting with the Towns of Middleton, Bridgetown, and Annapolis Royal, and the County of Annapolis to address community options with regards to local programs for children with special needs. The meeting is scheduled for June 9th at 6:30 p.m. at the Bridgetown High School.

Decoration of Graves Ceremony, Old Holy Trinity Cemetery, June 13th, 7:00 p.m.

The Mayor also advised that the Valley Region has been selected as *Region of the Year* by the Resource Recovery Fund Board of Nova Scotia and will be presented with an award at the Mobius Environmental Awards ceremony in Halifax June 2nd.

Mayor Eddy advised that he has received several comments on the number of closures of the emergency room at Soldiers Memorial Hospital recently and noted that he too is upset with this situation.

Mayor Eddy advised that he received a number of comments on the excellent condition of the track for the Relay for Life and offered his congratulations to Karl Bigelow, the Facilities Manager, and the Staff of the Public Works Department for their efforts to ensure that the facility is in excellent condition.

Mayor Eddy questioned what the Council's wishes are in relation to readying the Town float and making it available for the year's upcoming activities.

The CAO advised that the float is structurally sound, however, it is decorated with the Town's Centennial theme.

It was the consensus of the Council that the CAO consult the Recreation Director as soon as possible to ready the float for the various parades and events in the area, including the Heart of the Valley Festival parade.

Mayor Eddy noted that the CAO has advised that the budgets will be ready for Councillors by June 25th.

It was decided that a meeting be set for Tuesday, June 29th at 6:00 p.m. for discussion and review of the budgets.

There being no further business, it was **moved by Brown, seconded by Smith that the Council adjourn at 10:10 p.m. The motion was carried.**

MAYOR

SECRETARY