

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Tuesday, September 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.

Town Solicitor Blaine Schumacher arrived at 7:00 p.m. and left the meeting at 8:10 p.m.

PROCLAMATION

.01 Continuing Care Month

Mayor Eddy declared September 2010 Continuing Care Month in the Town of Middleton and noted that this is an opportune time for the Town to recognize its many dedicated citizens who work, and volunteer, in continuing care.

10.09.01 CHANGES TO AGENDA

There were no additions to, nor deletions from, tonight's agenda.

10.09.02 SOLICITOR

Solicitor Schumacher advised that he had no items for Council's attention or information.

10.09.03 MINUTES

It was **moved by Britney, seconded by Brown that the minutes of the regular Council meeting of July 5, 2010 be approved as circulated. The motion was carried.**

It was **moved by Britney, seconded by Brown that the minutes of the Special Council meeting of July 6, 2010 be approved as circulated. The motion was carried.**

10.09.04 PRESENTATIONS BY PUBLIC

.01 Youth Ambassadors

Jan Davis, Chair, Youth Ambassador Committee, thanked Council for the Town's participation and the scholarship for the first year of the Program. She also thanked Deputy Mayor Errington and Councillor Marc Britney for serving on the Committee.

Mrs. Davis introduced the three candidates, Lauren Perry, Janyne Crocker, and Kristina Callanan, and the the judges present, Zillah Gaul, Karla Britney, and Vera Errington.

The three candidates were given the opportunity to introduce themselves, explain the projects they have chosen, which is part of the competition for Youth Ambassador, and answer questions from the judges.

Mayor Eddy presented each candidate with a gift from the Town and thanked them for their presentations. The Mayor also expressed his appreciation to the Committee members and judges for their participation.

.02 Noise Complaint – Victoria Street – Margaret Jerke

The Mayor requested the CAO to provide information explaining the background concerning the complaint.

CAO MacMurtry advised that he received a complaint in 2009 concerning the noise caused by the newly-opened MBW Courier operation in the former Farmer's Dairy building. He noted that a compromise was negotiated between MBW Courier, the landlord, and the resident. The CAO

advised that representatives from MBW Courier, and the landlord, made an effort to reduce the noise, however, it was not satisfactory to the complainant.

CAO MacMurtry explained that he received more complaints in 2010, with several other residents voicing their concerns. The CAO noted that he contacted the Town's Solicitor on the matter and that the Solicitor reviewed the file and Bylaw and advised that he felt MBW Courier is located in the proper zone. The CAO noted that he advised the residents of this and they requested to attend a meeting and express their concerns to Council.

Residents of Victoria Street, Alvin and Margaret Jerke, Howard Selig, Barry Mount, and Michael Mugford were present.

Mr. Selig introduced himself and advised that he has been appointed spokesperson for the residents.

Mr. Selig thanked the Council for the opportunity to speak and the CAO for his efforts in trying to resolve the problem.

Mr. Selig advised that, generally speaking, trucks arrive to load/unload at 3:00 a.m. and that, for one to two hours per night, it is impossible to sleep. He noted that the residents feel their property values have dropped and the quality of their lives has diminished, due to the inability to get a proper night's sleep. Mr. Selig played a recording of the noise created by the business.

There was some discussion on the various problems experienced by the residents.

On recommendation from the Solicitor, it was **moved by den Haan, seconded by Britney that the Council adjourn to an in camera session at 7:50 p.m. to receive legal advice on potential litigation. The motion was carried.**

It was **moved by Britney, seconded by Errington that Council return to regular session at 8:10 p.m. The motion was carried.**

10.09.05 BUSINESS ARISING FROM THE MINUTES

.01 Update – Community Center/Fire Hall

CAO MacMurtry circulated a memo, prior to the meeting, explaining that the Committee met August 24th to discuss an action plan to move forward on this project and that an application for one-third funding was submitted to ACOA's Federal Program, noting that ACOA has requested additional information. The CAO advised that he is following up on Provincial funding programs as well.

The memo further explained that a request for funding, under the Canada/Nova Scotia Infrastructure Program, was submitted and a letter was received by the Town advising that all funding under this program has been committed.

It was also noted that Sylvester Atkinson and Gary Marshall continue to meet with Federal and Provincial politicians and that summer vacations have interfered with this process, however, it is hoped that progress will be made this fall on funding requests.

10.09.06 ACTION ITEMS

.01 Approval of Audited Financial Statements

It was **moved by Smith, seconded by Britney that, on recommendation from the Committee of the Whole, Council approve the audited Financial Statement for the Town of Middleton Tourist Bureau for the fiscal year ending March 31, 2010, as presented by the Town's Auditing Firm of Kent & Duffett. The motion was carried.**

It was **moved by Errington, seconded by den Haan that, on recommendation from the Committee of the Whole, Council approve the Audited Financial Statements for the Town for the fiscal year ending March 31, 2010, as presented by the Town's Auditing Firm of Kent & Duffett. The motion was carried.**

.02 MPS/LUB Proposed Amendment – Development of Multiple Unit Dwellings within Residential Zones – First Reading

Mayor Eddy declared a conflict of interest on this item and Deputy Mayor Errington assumed the Chair.

It was **moved by Boates, seconded by Smith that, on recommendation from the Committee of the Whole, Council approve first reading to amend the Town's Municipal Planning Strategy and Land Use Bylaw relating to multiple unit residential development within the Residential zone and that Council hold a public hearing to hear submissions on the proposed amendments at the October 4, 2010, 7:00 p.m. Council meeting. The motion was carried.**

Mayor Eddy resumed the Chair.

.03 Appointment of Planning and Development Officer

It was **moved by Brown, seconded by Boates that, on recommendation from the Committee of the Whole, Council approve the appointment of Chrystal Fuller as Planning and Development Officer for the Town of Middleton, effective August 30, 2010. The motion was carried.**

.04 Policy Amendment – Facility Rentals #C.2.2

It was **moved by den Haan, seconded by Britney that, on recommendation from the Committee of the Whole, Council approve an amendment to policy #C.2.2 Facility Rentals, to include a \$25 refundable deposit charge for keys when renting any of the Town's facilities at the Rotary Raceway Park and that the section stating "Courts will be locked when not in use." be deleted from the Policy. The motion was carried.**

.05 Approval – Purchase of Lawn Tractor

Mayor Eddy advised that he requested this item be placed on the agenda, explaining that the purchase was not recommended by the Committee of the Whole for Council to approve and that he has since met with the Facilities Manager and the CAO. The Mayor advised that he explained the Committee's reasons for not approving this request, even though it had been passed by Council in the budget. He noted that, after discussion with the Facilities Manager and the CAO, he felt he should bring the item back for Council's consideration.

On question as to why this tender was brought before the Committee, the Director of Finance advised that the CAO can approve this purchase, however, because the lowest price was not being recommended, the CAO felt that it should be brought to Council for approval.

After discussion on the purchase of the mower, it was **moved by Brown, seconded by den Haan that Council approve an amount of \$5,240.26 plus HST for the purchase of a John Deere lawn tractor from Green Diamond Equipment Ltd. The motion was carried with two nay votes recorded.**

.06 Pre-approval of Debenture Issuance Resolution

It was **moved by Britney, seconded by Errington that, on recommendation from the Committee of the Whole, Council pre-approve a debenture issuance resolution in the amount of \$116,600, for a period not to exceed a ten-year term, and for an average interest rate not to exceed 6.5% for that term, with amounts to be used to refinance the balloon payment on a debenture (20-A-1) for Town Hall purposes. The motion was carried.**

.07 Approval of Bills

It was **moved by Smith, seconded by den Haan that, on recommendation from the Committee of the Whole, Council approve the payment of bills in the amount of \$180,241.24. The motion was carried.**

.08 Boil Order Protocol

CAO MacMurtry circulated a copy of the Town's contingency plan for boil order situations. He noted that, as a result of the recent boil order advisory, there were a number of concerns raised with the notification process.

The CAO advised that the first concern was that CBC Radio was not notified. He noted that the plan will be amended to list the two local radio stations, and CBC Radio. The CAO also advised that the list of those to be contacted has been updated, a notice will be posted on the Town's web site, and a message will be put on the Town's phone system.

There were a number of suggestions from Councillors, including delivering notices door-to-door; having a Town vehicle make an announcement by speaker while driving through the Town; posting signs at the entrances to Town; updating the phone message and the web site during a boil order, with the date and time of the update specified; researching the cost and possibility of an LED sign, similar to the one located at the NSCC, to be located at the corner of Main and Commercial Streets. The question of when and how REMO fits into a boil order situation was raised and it was noted that this would be brought up at the REMO meeting next week. It was noted that these suggestions should be researched and acted on as soon as possible.

The CAO is to update the plan, research the cost for signage, and the possibility of including the other suggestions made, and bring an amended plan back for Council's consideration.

.09 Water Main Extension – Brooklyn Street

The CAO explained that the Middleton Water Utility is extending its water main west on Junction Road across Brooklyn Street to the front of the new Petro-Canada site. He advised that this work is being cost-shared with the County of Annapolis and that, currently, the project is under budget by \$40,000.

The CAO advised that Connell Motors has requested water service, which would require the extension of the water main south along the west side of Brooklyn Street approximately 300', and noted that the cost of this extension is \$10,000. He advised that each service connection will be charged a connection fee, the amount of which has yet to be determined, and the intent would be to extend the water main south to Freeman Street in the future, to complete a water main loop.

The CAO advised that the Town's cost for the extension to accommodate Connell Motors would be \$5,000 and that Connell Motors would be required to pay a connection charge, the amount of which is not currently known.

After discussion on how the connection fee is to be determined, what benefits this extension would provide to the Town, and the reason the water installation was Junction Road versus Brooklyn Street, it was the consensus of the Council that Connell Motors bear the costs for the extension and connection to the Town's water system.

It was the consensus of the Council that requests such as this be in writing in the future.

INFORMATION/DISCUSSION ITEMS.01 Request for Presentations – Chrystal Fuller, Planning & Development Officer
Glenn Langille, Rona Cash & Carry

The CAO advised that two requests have been received for presentations to Council. He noted that Chrystal Fuller has requested the opportunity to introduce herself at the Committee of the Whole meeting September 20, 2010.

The CAO advised that Glenn Langille has requested an opportunity to address Council at the Committee meeting September 20th concerning Council's decision on the placement of an Industrial Park sign.

The Mayor noted that a copy of the the Presentations by Public Policy has been circulated to Council and it was agreed that the policy should be amended and followed, with requests in writing.

Council concurred that Chrystal Fuller and Glenn Langille be slated for presentations on the September 20th Committee of the Whole meeting.

.02 Update – Town Office Hours and Telephone Answering System

The CAO advised that a change in the Town Office hours, from 8:30 a.m. to 4:30 p.m. to 10:00 a.m. to 4:30 p.m., beginning October 1, 2010, will be advertized in the local paper twice in the month of September and on the Town's web site. He also noted that a telephone answering system will be activated October 1st and a notice will be placed in the Town's "About Town" newsletter, which is due out the third week in September. The CAO also advised that the water bills, which will be mailed October 15th, will include the notice of changes.

Councillor Brown stated that he understood that the Office hours would be 10:00 a.m. to 4:00 p.m. and it was noted that this change would be made in the advertisements.

It was clarified that these changes would be for the Town Office only and would not affect the current hours of operation for the Recreation Department and the Public Works Department.

.03 Update – ADEDA Funding Request

CAO MacMurtry advised that the ADEDA funding request is still being debated. He explained that the Chair, Peter Newton, has resigned and there are a number of issues that will have to be addressed before Council's question on funding can be answered.

.04 Resignation of Director of Public Works

The CAO advised that Jason Roch, Director of Public Works, has resigned, effective September 6, 2010.

On question, the CAO advised that the Director gave approximately two weeks notice, that the Public Works' Foreman is filling in and he is working with him, and the position will be advertised shortly.

.05 Fire Truck Specifications

The CAO advised that the purchase of a new fire truck is included in the Town's budget and that he has a copy of the specifications.

Councillor Britney stated that he feels a consultant should be hired to draw up the specifications.

Councillor Smith noted that he was pleased to hear that the specifications for the truck went to five manufacturers, as advised by Councillor Brown. Councillor Smith advised he would appreciate a summary of the specifications.

Deputy Fire Chief Scott Veinot, present at the meeting, advised that the Department feels the cost of \$500,000 is fair to taxpayers, noting that a truck with all the extras, which would be nice to have but perhaps not necessary, and which the Department is not requesting, would cost \$750,000.

CAO MacMurtry questioned whether Council wanted him to contact the Kentville Fire Department Chief, as previously suggested, for his review and comments.

There was no further discussion.

.06 North Street Project – GEM Sewer/Water/Road Construction

CAO MacMurtry explained that GEM Health Care was required to post a bond for street construction at the end of North Street. He noted that, once the street is complete, it will be turned over to the Town.

The CAO advised that it has been brought to his attention that services (water and sewer) were not constructed to specifications, therefore, he cannot recommend accepting the street and

services. He noted that, after meeting on the deficiencies, Roscoe Construction is willing to commit to an extended warranty and he advised that he would recommend this to be a reasonable solution to accepting the street and services.

After discussion on the time frame required to correct the situation to the Town's satisfaction, and the length of warranty, the CAO was directed to speak with the contractor to get a fifteen-year warranty on both the water and sewer services.

10.09.07 REPORTS

.01 Committee of the Whole

All items from the Committee of the Whole meeting of August 16, 2010 have been dealt with earlier in the meeting.

.02 Mayor

Mayor Eddy tabled his report for the month of August. 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

The reports for the month of August have been circulated to all Council members.

.05 RCMP

A copy of the RCMP report for the month of July has been circulated to all Council members.

10.09.08 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.

10.09.09 ANYTHING BY MEMBERS

Councillor Britney advised that the Youth Ambassador Committee would be meeting shortly and noted that he would appreciate receiving comments from Councillors on the presentations this evening.

Councillor Boates questioned whether there are any plans to continue paving and the CAO advised that he would be meeting with the Works Foreman shortly and bring this item back to the Committee meeting September 20th.

Councillor Boates advised that there has been a sewer odour recently. The CAO advised that he has not received any complaints lately and requested the Councillor contact him when this happens.

Councillor Smith noted that some of the new line painting has been paved over and perhaps these two projects should be timed differently. The CAO advised that the Works Director had planned to have the lines touched up after the paving was complete.

Mayor Eddy noted the following for Council's attention/participation/attendance:

REMO meeting, September 16th;
thirtieth annual Terry Fox Run, September 19th, Rotary Raceway Park;
annual Wall of Fame ceremony, September 25th, Macdonald Museum; and
the opening of the new Fire Hall in Bridgetown, October 2nd.

Mayor Eddy noted that people requesting presentations should be made aware of the policy in place.

There being no further business, it was **moved by den Haan, seconded by Smith that the Council adjourn at 9:50 p.m. The motion was carried.**

MAYOR

SECRETARY