

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Monday, October 5, 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; Director of Public Works, Jason Roch; and Director of Planning, Roger Sturtevant.

Town Solicitor Bruce Gillis arrived at 7:00 p.m. and left the meeting at 8:30 p.m.

### **09.10.01 CHANGES TO THE AGENDA**

There were no items to be added to the agenda.

### **09.10.02 MINUTES**

It was **moved by Britney, seconded by den Haan that the minutes of the regular Council meeting of September 8, 2009 be approved as circulated. The motion was carried.**

### **09.10.03 PRESENTATIONS BY PUBLIC (If Any)**

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

### **09.10.04 BUSINESS ARISING FROM THE MINUTES**

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

### **09.10.05 NEW BUSINESS**

#### **ACTION ITEMS**

- .01 Land Purchase Offer (In Camera – Land Acquisition)
- .02 Pension Review (In Camera – Personnel)

It was **moved by Boates, seconded by Brown that the Council adjourn to in camera at 7:05 p.m. to obtain legal advice from the Solicitor concerning proposed land acquisitions and a personnel item.**

It was the consensus of the Council that the following items be dealt with before moving to an in camera session:

Action Items – .03 Tender Award, Public Works 1-ton Truck

Information/Discussion Items – .03 Federal Wastewater Strategy Program  
.04 Intermunicipal Public Works Committee

**It was moved by Boates, seconded by Brown that the motion be withdrawn. The motion was carried.**

- .03 Tender Award – Public Works 1-ton Truck

Councillor Boates declared a conflict of interest on this item and removed himself from the table.

A memo from Jason Roch, the Director of Public Works, was circulated to Council recommending that the tender be awarded to Fundy Ford Sales Limited for the 1-ton truck and stating the reasons for his recommendation. The Director advised that he had erred in his percentage difference in the two prices received on the tender, noting that his memo stated a 5% difference, when it is actually a 22% difference.

There was some discussion on the various components of the vehicles, what each tender included, the actual need for a truck, and the cost difference.

It was **moved by Smith, seconded by Britney that the Council approve the tender from Bruce GM, of \$30,305 plus HST, for the supply of a 2010 1-ton truck, being the lowest tender received. The motion was carried.**

Councillor Boates returned to the table.

#### INFORMATION/DISCUSSION ITEMS

##### .03 Federal Wastewater Strategy Program

The Director of Works noted that he requested this item be put on the agenda for Council's information. He advised that the Federal Government is concentrating on managing overflows from sewage treatment plants and is currently putting a program in place. The Director advised he wished to make Council aware of this program, noting that there would be costs involved for the Town.

Councillor Britney stated that he feels that the contractor for the Sewage Treatment Plant Project should be aware of this upcoming program and that costs related to meeting these new regulations should be included in the monies the Town is seeking from the Province for the over budget on the project

The CAO advised that the cost for two components of the program are included.

##### .04 Intermunicipal Public Works Committee

The Director of Public Works advised that the Works Directors in Annapolis County have been meeting every three or four months, to share ideas and situations, and noted that Laurie Emms, Municipal Engineer for the County of Annapolis, has been a great asset at these meetings. The Director also noted that, along with brainstorming sessions, the meetings cover such things as cutting costs for travel expenses for courses and training.

Councillor Britney questioned whether the Works Director would be working with the contractors for the Sewage Treatment Plant Project.

Deputy Mayor Errington advised that her driveway is being paved shortly and that the traffic involved with this may cause the sinkhole on Connaught Avenue to worsen. The Director advised that this is scheduled for repair on Wednesday.

Councillor Boates requested that the Director check out the water pooling in front of Tim Hortons.

It was **moved by Boates, seconded by Brown that the Council move in camera at 7:20 p.m. to obtain legal advice from the Solicitor concerning proposed land acquisitions and a personnel item. The motion was carried.**

Mayor Eddy declared a conflict of interest on one of the land acquisition items.

Mayor Eddy resumed the Chair at 7:45 p.m. and took part in the remainder of the discussions.

It was **moved by Brown, seconded by Britney that the Council return to regular session at 8:28 p.m. The motion was carried.**

Solicitor Gillis advised that he had no further items for Council's attention.

#### 09.10.05 NEW BUSINESS

##### .01 Land Purchase Offer (In Camera – Land Acquisition)

##### .02 Pension Review (In Camera – Personnel)

It was **moved by Smith, seconded by den Haan that the Town offer Fundy Spray Motel Limited \$4,000 for the purchase of land located north of 437 Main Street, PID #05080007, conditional upon Fundy Spray Motel Limited applying for and obtaining approval of a subdivision and that, on recommendation from the Solicitor, a portion of the appraisal**

**prepared by East Coast Appraisals Limited, be attached to the correspondence. The motion was carried.**

Mayor Eddy abstained from voting.

**It was moved by Britney, seconded by Errington that the Chief Administrative Officer proceed with final preparation of purchasing an annuity for the former CAO's pension, including reinvesting the portfolio to a cash investment, with the final annuity to be brought before Council for approval. The motion was carried.**

.03 Tender Award – Public Works 1-ton Truck

This item was dealt with earlier in the meeting.

.04 Application for Membership – Middleton Fire Department

**It was moved by Boates, seconded by Britney that, on recommendation from the membership of the Middleton Fire Department, the Council approve the appointment of Mark Beer to the membership of the Middleton Fire Department.**

On question, it was explained that, although Mr. Beer is a resident of Greenwood and may not be available for all fire calls, he is employed with 14 Wing Greenwood as a Fire Fighter and the membership feels he would be a tremendous asset to the Department.

**The motion was carried.**

.05 Bills

**It was moved by den Haan, seconded by Boates that, on recommendation from the Committee of the Whole, the Council approve payment of bills in the amount of \$368,448.88. The motion was carried.**

INFORMATION/DISCUSSION ITEMS

.01 Update – Sewage Treatment Plant and North Street Projects

CAO MacMurtry advised that he had updated Council on these projects by e-mail last Wednesday. The CAO noted that equipment for both projects should be on site this week or next, the signage will be erected next week, and a photo opportunity with Council will be scheduled, noting that he will advise Council once a day and time are set.

Councillor Smith inquired as to the location of the signage for the STP Project and the CAO advised there are certain requirements to be met and that the placement of the sign has been determined to be on Main Street by Eel Brook.

Councillor Smith expressed his dissatisfaction with Tom Austen, noting that Mr. Austen was very anxious to award the tender for this project with the intent of beginning the project this fall and now has advised that nothing will happen until spring.

Councillor Britney suggested that weekly updates from the Contractor, through the CAO or the Works Director, is an excellent idea to keep Council aware of any issues arising that may affect the project timing or costs.

.02 Town Hall Hours/Staffing

The CAO explained that the final day for the temporary receptionist position is this Friday and advised that Lisa Weaver will be hired by the Centennial Committee for six weeks and will continue to assist in the Town Office as time permits during these six weeks.

.03 Federal Wastewater Strategy Program – Jason Roch

This item was dealt with earlier in the meeting.

.04 Intermunicipal Public Works Committee – Jason Roch

This item was dealt with earlier in the meeting.

.05 Capital Investment Plan Review

CAO MacMurtry circulated a list of projects included in the Town's five-year Capital Investment Plan.

There was discussion on the monies budgeted for the Brooklyn Road development and the CAO was requested to check with other municipal units that have similar developments to obtain information concerning agreements, costs, taxes, water, and sewer. The Council also noted that they would like to have a commitment in writing from the developer before proceeding with the services.

The CAO advised that he has contacted W. H. Gates concerning costs involved with the water and sewer and, once this information is received, he will bring it before Council for consideration.

The CAO advised that the developer is requesting a letter of commitment from the Town on the water and sewer services.

After the information is received from W. H. Gates and the other municipal units, the CAO suggested that Council hold a special meeting to approve a letter to the developer stating that the Town will supply the water and sewer services once construction begins.

Councillors Britney and Smith stated that they feel Council should be updated on the Capital Investment Plan on an ongoing basis, with a review slated for every second or third Council meeting.

.06 Olympic Torch Run

The CAO advised that the Torch Run will take place November 20<sup>th</sup>, not November 10<sup>th</sup> as earlier advised. The CAO noted that the race will begin at 3:50 p.m. and the names of the torch bearers will be released shortly.

There was some discussion on how the Town could promote the event and it was decided that, since the actual time frame allotted to Middleton is approximately twelve minutes, perhaps a photo by the Town's entrance sign would be the most appropriate.

.07 Town Logo

The consensus of the Council was that the Town's logo should be consistent on all posters, pamphlets, and mail-outs.

Deputy Mayor Errington and Councillor den Haan are to investigate the various logos and recommend one that should be consistently used.

**09.10.06      REPORTS**

.01 Committee of the Whole

All items from the Committee of the Whole meeting of September 21, 2009 have been dealt with earlier in the meeting.

.02 Mayor

Mayor Eddy tabled his report for the month of September. 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

A copy of the reports for the month of September have been circulated to all Council members.

It was suggested that the RCMP report be added to the agenda in the future and that Corporal Pemberton be advised of the Council dates so that his report could be reviewed at the regular monthly meetings.

**09.10.07 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.

**09.10.08 ANYTHING BY MEMBERS**

Councillor Britney, referencing the letter copied to Council from a Town resident requesting permission to establish a community garden within the Town, stated that he feels this is a good idea.

The Council agreed and requested the CAO to contact the resident to discuss the request and report back to Council with information and a recommendation.

Councillor Britney stated that he feels any recommendations coming to Council should come from the Chief Administrative Officer.

Councillor Boates advised that he attended the recent Sports Wall of Fame event and noted that he enjoyed the evening and felt it was very successful.

Councillor Brown advised the following upcoming events for the Town's Centennial celebrations:

Jimmy Flynn Comedy Night – October 23 – NS Community College;

Volunteer Appreciation Supper – October 24 – Capitol Lounge;

Sons of Maxwell – November 27 – performance at the Tree Lighting and the concert at NS Community College;

New Year's Eve Dance – NS Community College – tickets \$25 – with 3 prizes to be won, a trip to Cuba, accommodations at White Point Beach, and a \$100 prize. Councillor Brown encouraged Council members to wear period costume to the dance.

Mayor Eddy advised that he feels Council is much more informed and prepared for meetings when memos from the CAO accompany agendas and requested that this be the procedure for future meetings.

The Mayor noted that the changes to the Industrial Park signage have been discussed previously and requested that the suggested changes to the signs be undertaken.

The Mayor also noted that he has noticed, and has received complaints on, the grass and weeds growing in the sidewalks, along the curbs, and in the grates surrounding the trees in the downtown and requested a clean-up of these areas.

Councillors Smith and Boates both noted that some of the Town's street signs have a wrought iron sign advertising the Town's centennial installed above the name of the street and noted that there are long bolts sticking out of some of the signs and questioned why these were installed.

Councillor Britney noted that Marshall Ennis had advised him that some of the Town’s street signs were not standing up well to the weather and that this insert strengthened the signs and prevented them from bending.

CAO MacMurtry advised that he had spoken with the Town’s Municipal representative at the recent Association of Municipal Administrators conference and that a meeting will be arranged shortly with the Minister of Service Nova Scotia and Municipal Relations, Ramona Jennex, and the Council.

It was **moved by Britney, seconded by Boates that the Council adjourn at 9:30 p.m. The motion was carried.**

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MAYOR

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SECRETARY