



**MIDDLETON TOWN COUNCIL  
TOWN HALL – COUNCIL CHAMBERS  
MONDAY, DECEMBER 7, 2015  
7:00 P.M.**

**AGENDA**

- 15.12.01     **CALL TO ORDER**
- 15.12.02     **APPROVAL OF THE AGENDA**
- 15.12.03     **PRESENTATIONS**
  - .01     Service Recognition Awards
  - .02     Nova Scotia Community College Student Projects
    - a.     Solar Power for the Middleton Splash Pad
    - b.     Solar Heating for the Middleton Pool
    - c.     Hydroelectric Power Generation at the Water Reservoir on Gates Mountain Road
- 15.12.04     **APPROVAL OF THE MINUTES**
- 15.12.05     **NEW BUSINESS**
  - .01     Committee of the Whole Recommendations
    - a.     RFD 023-2015: Whistle Blower Policy
    - b.     Appointment of Building and Fire Inspectors
  - .02     Second Reading and Passing: Amendment to the *Building Bylaw, Chapter 19*
  - .03     Second Reading and Passing: Repeal the *Town Council Bylaw, Chapter 4*
  - .04     Second Reading and Passing: Repeal the *Rules Governing Council Bylaw, Chapter 5*
  - .05     Second Reading and Passing: Repeal the *Town Meetings Bylaw, Chapter 22*
  - .06     Appointments
    - a.     Regional Emergency Management Coordinator
    - b.     Climate Change Action Plan Adaption Committee
    - c.     Youth Ambassador
  - .07     Temporary Borrowing Resolution – Multi-Purpose Municipal Tractor
  - .08     Facility Assessment Study Follow- up
- 15.12.06     **REPORTS**
  - .01     Mayor
  - .02     Valley Waste Resource Management
- 15.12.07     **CORRESPONDENCE**
- 15.12.08     **ANYTHING BY MEMBERS**
- 15.12.09     **IN-CAMERA (Tax Sale Minimum Price)**
- 15.12.10     **ADJOURNMENT**



**REQUEST FOR DECISION**  
**Whistle Blower Policy**  
**#023-2015**

Date: 10 November 2015	Subject: Whistle Blower Policy
Proposal Attached: Yes	Submitted by: Rachel Turner, Chief Administrative Officer

Proposal:	To approve a Whistle Blower Policy for the Town of Middleton
Background:	<p>In the past several years, there have been incidents of financial misconduct in municipal units, both in Nova Scotia and across North America, which have led to criminal charges for municipal employees as well as financial difficulties for the affected municipal unit. This is not a common occurrence but one that has made the news and hit the radar of municipal officials, municipal auditors, and the public.</p> <p>Through the Town's most recent financial audit, the Town's Auditor suggested that the implementation of a Whistle Blower Policy would be beneficial to ensure that there is a clear process in place that would allow for the reporting of any wrongdoing. This is a proactive response to ensure that a process is clarified, for all members of staff and Council, should any problems arise in the future. Specifically, it is in place for the following reasons:</p> <ul style="list-style-type: none"> <li>• prevent retaliation against employees for expressing concerns about perceived wrongdoing (the legal imperative);</li> <li>• prevent public disclosures of alleged organizational wrongdoing (the practical imperative); and</li> <li>• create a more just workplace (the ethical imperative).</li> </ul> <p>Within a good policy, the following should be included:</p> <ul style="list-style-type: none"> <li>• a clear statement that employees who are aware of possible wrongdoing within the organization have a responsibility to disclose that information to appropriate parties inside the organization;</li> <li>• the designation of specific individuals or groups outside the chain of command as complaint recipients;</li> <li>• a guarantee that employees who, in good faith, disclose perceived wrongdoing to the designated parties inside the organization will be protected from adverse employment consequences; and</li> </ul>

	<ul style="list-style-type: none"> <li>the establishment of a fair and impartial investigative process.</li> </ul>
Benefits:	Having a clear process in place that is communicated to employees and Council in case of wrongdoing is important for clarity around an issue that can have significant negative consequences, both for the accused and the accuser.
Disadvantages:	None foreseen.
Options:	
Required Resources:	
Source of Funding:	
Sustainability Implications: (Environmental, Social, Economic and Cultural)	Creates and sustains an ethical and legally compliant workplace, ensuring the appropriate use of public funds.
Staff Comments/ Recommendations:	
CAO's Review/ Comments:	This policy has been reviewed by both the Town's auditor and solicitor. Staff is recommending approval of the draft policy at the December Council meeting.

CAO Initials: RLT

Target Decision Date: 7 December 2015

## **Town of Middleton**

### **Whistle Blower Policy – Draft**

This Policy, which has been approved and issued by Council, is a statement by the Town of Middleton that improper, unethical or inappropriate behaviour in the conduct of the business of the Town is unacceptable. All cases of suspected wrongdoing are to be reported and managed in a timely and appropriate manner.

#### **1. Statement of Principles**

The Town of Middleton is committed to safeguarding elected officials, the CAO, employees, and the public from harm or loss arising from illegal or irregular conduct by persons acting on behalf of the Town. The Town of Middleton is also committed to safeguarding public assets from loss or damage arising from such acts as vandalism, theft or an attempt by anyone to gain, by deceit, any benefit they are not entitled to in the discharge of municipal responsibilities.

The Town of Middleton is committed to responding to allegations of wrongdoing in an appropriate manner following an examination into the allegation of illegal and/or irregular activities.

The success of this policy depends on each and every individual working in and for the Town of Middleton being committed to adhere to this policy at all times in the conduct of the business of the Town.

In order to foster adherence, this policy is designed to encourage employees to come forward with allegations of wrongdoing without concern of reprisal.

#### **2. Definitions**

- a. Whistle Blower – anyone who speaks out in the name of public good from within an organization;
- b. Whistle Blowing - the act of disclosing information about a ‘wrong doing’ to someone who can help ensure the wrongdoing ceases and that its perpetrator is held accountable for his or her action(s). Whistle Blowing offers a mechanism for protecting the public interest.

#### **3. When should I speak up?**

This policy is designed to deal with concerns raised in relation to specific issues which are in the public interest and detailed below. Only genuine concerns should be reported.

Whistle Blowing means a disclosure of information made by an employee or contractor, an external person or body where they reasonably believe that one or more of the following matters is happening now, took place in the past or is likely to happen in the future. This is a non-exhaustive list of examples:

- a criminal offence;
- fraud;

- a failure to comply with a legal obligation (e.g. breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, or breach of the Town's Code of Ethics);
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; and
- a deliberate concealment of information tending to show any of the above.

#### **4. Reporting in Good Faith**

If you make an allegation in good faith, but it is not confirmed by investigation, no action will be taken against you. If, however, you make allegations that are malicious or simply to cause anger, irritation or distress, disciplinary action may be taken against you.

#### **5. Whistle Blower Protection**

- a. No Town of Middleton representative or person acting on behalf of the Town shall:
  - i. dismiss or threaten to dismiss an employee;
  - ii. discipline or suspend or threaten to discipline or suspend an employee;
  - iii. impose any penalty upon an employee;
  - iv. intimidate, harass or coerce an employee;
  - v. take non-disciplinary actions contrary to the wishes of the employee, i.e. lateral transfer;

because the employee has come forward and made an allegation of wrongdoing.

- b. No member of Town Council or an employee of the Town of Middleton, Agency, Board or Commission over which Council has authority shall:
  - i. intimidate, harass or coerce another employee;

because the employee has come forward and made an allegation of wrongdoing.

- c. An employee who violates this policy may be subject to discipline up to and including dismissal of the Town of Middleton representative, person acting on behalf of the Town of Middleton representative, or employee.
- d. Any person found to have made a false allegation of wrongdoing is subject to discipline up to and including dismissal.

#### **6. Reporting Protocol**

- a. Employees are required to report any allegations of wrongdoing to their immediate supervisor, unless the allegation directly involves the immediate supervisor.
- b. If the allegation involves the employee's immediate supervisor, employees shall report the wrongdoing to their Director, or to the Chief Administration Officer (CAO) if the allegation directly involves their Director.

- c. In cases where the allegation directly involves the Chief Administrative Officer, the employee shall report the wrongdoing to the Mayor or Deputy Mayor if the Mayor is not available. If the allegation involves municipal funds, the Municipal Auditor shall also be advised.
- d. In cases where the allegation involves a member of Town Council, the allegation should be reported to the Chief Administrative Officer who shall report the matter to the Mayor or Deputy Mayor.

**7. How do I speak up and what information should I provide?**

You can raise your concerns by email, orally or in writing, stating that you are using the Whistle Blowing Policy.

We request that, where possible, you include the information below:

- an outline of the known or suspected wrongdoing;
- details, to the best of your knowledge, about when, where and how it occurred;
- a list of the names of those suspected of being involved (both within the Town administrative structure and externally);
- a list of the names of anyone who may have relevant information;
- details of how you came to know about the suspected activities;
- what, if any, do you estimate to be the value of the loss to the Town or other parties;
- what, if any, breaches of internal controls, policy, procedure or other requirements you believe took place;
- any specific recommendations you have for actions;
- the names of anyone who you have discussed or reported this incident to;
- your name and contact details. Please note – these will be kept confidential as far as is reasonably practicable; and
- the date and time of making the report.

You will not be expected to prove the wrongdoing that you believe you have witnessed or suspect.

**8. What happens following speaking up?**

The person you contact will acknowledge receipt of your concern within three (3) working days and reply to discuss the next steps with you. If you attend any meetings as part of this process, you may choose to be accompanied to this meeting by a work colleague, union representative or a lawyer.

**9. Duty to Respond**

- a. Upon receiving an allegation of wrongdoing, the Chief Administrative Officer, or designate, shall undertake an examination into the circumstances, ensuring the safeguarding of any pertinent notes, records or documents relating to the allegation.
- b. Following an examination which indicates inappropriate activity has occurred, the CAO, upon consultation with the Municipal Solicitor, will take action appropriate to the circumstances, which may include suspension, re-assignment or termination.

- c. Following an examination which indicates illegal activity may have occurred, the CAO shall report the findings to Council and refer the matter to an appropriate policing agency.
- d. Except as compelled by law, no employee, Town of Middleton representative or member of Town Council will reveal or confirm the identity of any Whistle Blower.



**REQUEST FOR DECISION**  
**Chapter 19 Building Bylaw and Policy G.2.1 Fees-**  
**Building and Planning**  
**#019-2015**

Date: 15 July 2015	Subject: Amendments to Building Bylaw and Building and Planning Fees Policy
Proposal Attached: Yes	Submitted by: Sharon McAuley, Planning Services Coordinator

Proposal:	<p>That Committee of the Whole recommend that Council give first reading of Chapter 19 – Building Bylaw at the regular Council meeting scheduled for 8 September 2015;</p> <p>And,</p> <p>That Committee of the Whole recommend to Council approval of the amendments to the Fees – Building and Planning Policy, #G2.1, as presented.</p>
Background:	<p>Staff have been working on a long term solution of entering into a contract with the County of Annapolis to provide Building and Fire Inspection Services for the Town of Middleton. As a result, a review has been done of the above noted bylaw and policy to ensure they are current. To streamline processes and make things easier for both residents and staff who are providing these services, changes are proposed to bring both documents up to date and to have them mirror the terms and fees charged by Annapolis County.</p> <p>When reviewing the fees policy in particular, it appears that some of the fees that have been put in place for Middleton in the past are quite high, which can be a barrier for some residents as it relates to building or renovations. A jurisdictional scan was done to review what other surrounding municipalities were charging for development fees. In order to bring the Town of Middleton's fees in line with our neighbours and create a more level playing field, lower fees are being proposed for most permit types.</p> <p>With respect to the Building Bylaw, a good deal of administrative work is done each year to bring forward any permits that will expire, due to the current one year permit. The proposed changes eliminate that yearly work and put the onus on the applicant to begin work within six months of the permit being</p>



	<p>issued, and allowing the work to continue up to three years from the date of issuance. If the work is not started within the first six months, the permit automatically expires and the applicant must re-apply. The Town's solicitor has also reviewed the amended bylaw to ensure the interests of the Town are properly addressed and to ensure clarity within the bylaw.</p> <p>Both of these documents work together and give reference to the other, therefore they are being brought forward together.</p>
Benefits:	These newer proposed fees bring Middleton in line with our neighbours, which includes Kings, Annapolis and Digby Counties. This may encourage or facilitate some residents and businesses to complete renovations or new construction.
Disadvantages:	Charging lower fees may impact our revenue stream of user fees.
Options:	
Required Resources:	
Source of Funding:	
Sustainability Implications: (Environmental, Social, Economic and Cultural)	
Staff Comments/ Recommendations:	
CAO's Review/ Comments:	The Planning Services Coordinator completed the research on this matter and has discussed this with Annapolis County staff as well, to ensure that the proposed fees are appropriate. I support the approach that has been presented.

CAO Initials: RLT

Target Decision Date: 8 September 2015

**CHAPTER 19**  
**BUILDING BYLAW**  
**TOWN OF MIDDLETON**  
**Building Code Act**

~~**BE IT RESOLVED** by the Town Council of the Town of Middleton, that the following bylaw be enacted and the Clerk file a copy in the Office of the Minister of Municipal Affairs pursuant to Section 7 of the Building Code Act, S.N.S. 1986, c.3.~~

**Be it enacted by the Town Council of the Town of Middleton, under the authority of the *Nova Scotia Building Code Act*, Chapter 46 of the Revised Statutes of Nova Scotia, 1989 and amendments thereto, as well as regulations passed pursuant to the *Act* and any amendments thereto, as follows:**

This Bylaw shall be known and cited as the “*Building Bylaw*.”

**Definitions**

1. Unless otherwise defined herein, terms used in this bylaw shall have the same meanings as those defined in the *Building Code Act* and the regulations prescribed pursuant thereto.
2. In this bylaw:
  - (1) “***Building Code Act***” or “***Act***” means Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*, as amended;
  - (2) “***Town***” means the Town of Middleton; and
  - (3) “***Nova Scotia Building Code Regulations***,” “***Building Code***” or “***Regulations***” refers to regulations made pursuant to the *Building Code Act*.

**Application**

3. The Town is responsible for the administration and enforcement of the *Building Code Act* in the Town.
4. This bylaw applies to all construction or demolition or any stage thereof, and for occupancy and change of occupancy of a building located in the Town of Middleton.

**Permits**

5. A permit is required (the "Permit"), prior to commencing work, if work regulated by the *Building Code* is to be done.
6. In accordance with the *Building Code*, a Permit is required, prior to commencing work, for:
  - (1) the design, construction, erection, placement and occupancy of new buildings; and
  - (2) the alteration, reconstruction, demolition, removal, relocation, occupancy and change of occupancy classification of existing buildings in the Town.
7. Except as required by another enactment, a Permit is not required for:

- (1) accessory buildings not greater than 20 square metres (215.2 square feet) in area;
  - (2) interior and exterior non-structural material alterations and material repairs with a monetary value of five thousand dollars or less; or
  - (3) replacement or installation of a new plumbing fixture that does not increase the hydraulic load of the drainage system or require alterations to an existing water distribution system or drainage system.
8. A Permit shall expire three (3) years from the date of issuance and the Permit conditions shall no longer be valid.
  9. All Permit applications shall be signed:
    - (1) by the owner(s) of the property (relevant to the application); or
    - (2) by an authorized agent of the owner of a property provided that the owner of the property submits a signed letter appointing the agent; and
    - (3) any other person apparently having a legal interest in the property.
  10. An application for a Permit shall be in such form and contain such information as may from time to time be required for the proper administration of this bylaw.
  11. An application form must be completed and submitted in full before any Permit may be issued.
  12. When an application for a Permit has not been completed in conformance with the requirements of this bylaw within six months after it is filed, the application shall be deemed to have been abandoned.
  13. The Town may withhold the issuance of a building Permit until satisfied that any and all applicable provincial and municipal regulatory requirements have been met including, but not limited to, any requirements under a land use bylaw or subdivision bylaw.
  14. The issuance of a building Permit is not a guarantee that the proposed construction, demolition, or change of occupancy is in compliance with all or any other provincial regulatory requirements.

### **Permit Fees**

15. A building Permit fee will be charged to an applicant in accordance with Policy G.2.1 Fees – Building and Planning at it may be amended from time to time.
16. A portion of the Permit fees may be refunded as per Policy G.2.1 Fees – Building and Planning.

### **Inspections**

17. The owner of a building, or the authorized agent of the owner, shall notify the Building Official at least forty-eight (48) hours in advance to schedule a required inspection.
18. A Permit is deemed to have expired if an inspection is not completed prior to one year from the date of:

- (1) the issuance of the Permit; or
- (2) the last inspection

~~1.1 — A building permit, occupancy permit and demolition permit shall be in the forms set out in Schedule “A”, annexed hereto.~~

~~1.2 — Before a permit is issued, an applicant must complete an application form, which shall be appended in Schedule “A”, annexed hereto.~~

~~1.2.1 — Every application for a permit shall:~~

- ~~(a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made;~~
- ~~(b) describe the land on which the work is to be done by a description that will readily identify and locate the building lot;~~
- ~~(c) include plans and specifications as required by the Building Code and show the occupancy of all parts of the building;~~
- ~~(d) state the valuation and square footage of the proposed work and be accompanied by the required fee; and~~
- ~~(e) state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and constructor.~~

~~1.2.2 — When an application for a permit has not been completed in conformance with the requirements of this bylaw within six months after it is filed, the application shall be deemed to have been abandoned.~~

~~1.2.3 — A permit is valid for 1 year from the date of issue and is renewable.~~

~~1.3.1 — Before issuing a building permit, the authority having jurisdiction shall be satisfied that a development permit has been issued pursuant to the Land Use Bylaw of the Town of Middleton.~~

~~1.3.2 — Before issuing a demolition permit, the authority having jurisdiction shall be satisfied that the building is not subject to the provisions of a bylaw passed pursuant to the Heritage Property Act or that permission for the demolition has been obtained.~~

~~1.3.4 — A permit for a temporary building:~~

- ~~(a) shall state the date after which the conditions under which the permit is no longer valid;~~
- ~~(b) may be extended in writing.~~

~~1.3.5 — (1) Should a permit be issued for part of a building, the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted.~~

- ~~(2) Any permit issued for part only of a building shall be clearly marked as for part only, and shall also indicate that a permit for the entire building is not assured.~~
- ~~1.3.6 (1) A permit may be issued at the risk of the owner, with conditions to ensure compliance with the Building Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted.~~  
~~(2) The permit shall be clearly marked "At Owner's Risk".~~
- ~~1.3.7 (1) A permit for a whole project may be issued conditional upon the submission of additional information prior to commencing the work for which the information is pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.~~  
~~(2) The condition shall be set out on the face of the permit.~~

## PART 2 — PERMIT FEES

~~Permit fees applicable to this bylaw shall be as approved by policy of Council from time to time.~~

## PART 3 — INSPECTIONS

- ~~3.1 The authority having jurisdiction shall be notified by telephone or mail at least 24 hours in advance and given an opportunity to inspect at the stages construction set out in Part 5 of the Provincial Building Code Regulations.~~

## PART 4 — COMING INTO FORCE

- ~~4.1 This bylaw shall have effect from and after April 1, 1987.~~

1. Date of First Reading
2. Date of advertisement of Notice of Intent
3. Date of Second Reading
4. Date of Publication of Notice of Passing

**THIS IS TO CERTIFY THAT** this bylaw amendment, of which the foregoing is a true copy, was duly passed at a duly called meeting of the Town Council by majority vote of the whole Council of the Town of Middleton on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 .

\_\_\_\_\_  
Rachel L. Turner  
Chief Administrative Officer

**GIVEN** under the hand of the Chief Administrative Officer and under the corporate seal of the Town of Middleton this \_\_\_\_\_ day of \_\_\_\_\_ 2015 .

\_\_\_\_\_  
Rachel L. Turner  
Chief Administrative Officer



**REQUEST FOR DECISION**  
**Council Meetings and Procedural Policy**  
**#021-2015**

Date: October 15, 2015	Subject: Council Meetings and Procedural Policy
Proposal Attached: Yes	Submitted by: Rachel Turner, Chief Administrative Officer

Proposal:	<p>That Council consider the implementation of the Council Meetings and Procedural Policy as attached. In doing so, further processes will be required to repeal several outdated bylaws, specifically Chapter 4 – Town Council, Chapter 5 – Rules Governing Council, and Chapter 22 – Town Meetings. Additionally, if the proposed policy is approved as presented, an amendment to Policy 3.3 Committee of the Whole will be required.</p>
Background:	<p>There are several outdated bylaws in effect that govern the operations of Council meetings for the Town of Middleton. This can be cumbersome and somewhat confusing when referring to bylaw procedures. The Municipal Government Act provides enabling legislation for municipal councils to make policies rather than bylaws respecting the time and place of meetings, as well as regulating their own proceedings and preserving order at meetings of the Council (s. 23(1) (a) and (b)).</p> <p>The implementation, and subsequent amendment of policies, is a clear and less cumbersome process than that of bylaws, and Councils are well within their authority to utilize this benefit for matters that primarily deal with the governance of itself within its meetings and Council processes.</p> <p>One of the key changes that is being proposed is to reverse the order of Council and Committee of the Whole meetings within each month. Currently, Council meets on the first Monday and Committee meets on the third Monday of each month. For a summer break, July Committee of the Whole business is left until a September Council meeting due to the general recurring practice of cancelling the August Council meeting.</p> <p>The new policy proposes that Committee of the Whole meetings be held on the first Monday, Council meetings be held on the</p>

	<p>third Monday, and that both Committee and Council meetings be cancelled for the month of August. This will allow monthly business raised at the beginning of the month the best opportunity to be concluded by the end of each month. While not necessarily a prohibitive practice, by maintaining it, Council will continue to have two Committee of the Whole meetings during the summer before a regular Council meeting resumes in September. It is proposed to begin this new calendar of meetings in January 2016.</p> <p>The Association of Municipal Administrators has had in place for many years a number of model policies that many municipal units have utilized to help form the basis of their own respective policy framework. The attached proposed policy takes its foundation from that model policy, and incorporates modern references to processes and issues that many municipal councils are faced with in their current operations. It clarifies expectations around presenters and members of the public who attend meetings, which assists the Chair and Town Council in conducting valid and relevant municipal business.</p>
Benefits:	By implementing one policy on the procedure of Council and Committee of the Whole meetings, Town Council will streamline its operations and better reflect current practices. It is the intent that the proposed policy clearly outlines processes and is in support of the legislated roles and responsibilities for municipal councils as outlined within the Municipal Government Act.
Disadvantages:	
Options:	
Required Resources:	
Source of Funding:	
Sustainability Implications: (Environmental, Social, Economic and Cultural)	
Staff Comments/ Recommendations:	
CAO's Review/	

Comments:	
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CAO Initials: RLT

Target Decision Date: 3 November 2015



## Policy 3.7 - Council Meetings and Proceedings Policy

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### **General**

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation.
2. In this Policy, unless the context otherwise requires,
  - (1) "business day(s)" means a day when the Town of Middleton's office is open for business;
  - (2) "Chair" means the presiding officer;
  - (3) "Committee" means the Committee of the Whole of the Town of Middleton;
  - (4) "Council" means the Council of the Town of Middleton;
  - (5) "Council Member(s)" include(s) the Mayor unless the context indicates otherwise;
  - (6) "majority" means more than one half of those present, unless the context indicates otherwise.

### **Time, Place, Date and Notice of Meetings**

3. Unless otherwise specified pursuant to section 4, regular meetings of Council, Committee of the Whole, and standing committees shall be held in Council Chambers, located at 131 Commercial Street, Middleton, Nova Scotia and
  - (1) Committee of the Whole meetings will be held on the first Monday of each month commencing at 7:00 pm, except that there shall be no regular meeting during the month of August;
  - (2) Council meetings will be held on the third Monday of each month commencing at 7:00 pm, except that there shall be no regular meeting during the month of August;
  - (3) where any regularly scheduled Committee of the Whole or Council meeting falls on a public holiday, it shall be held on the Tuesday following the holiday.
4. Regular meetings of Committee of the Whole or Council may be rescheduled, relocated or cancelled
  - (1) by resolution or consensus, including a contingent resolution or consensus, of Council at a previous meeting three or more days in advance of the additional or special meeting;

- (2) by resolution or consensus, including a contingent resolution or consensus, of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
  - (3) by the CAO or Clerk on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
5. Additional or special meetings of Committee of the Whole or Council may be convened
- (1) by resolution or consensus, including a contingent resolution or consensus, of Council at a previous meeting three or more days in advance of the additional or special meeting;
  - (2) by resolution or consensus, including a contingent resolution or consensus, of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
  - (3) by the CAO or Clerk on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
6. Specific notice to Council Members and to the public need not be provided of
- (1) meetings held pursuant to section 3; or
  - (2) meetings held pursuant to subsection (1) and (2) of section 4 or 5;
- but, subject to any statutory relaxation of notice requirements, three days' notice shall be specifically provided for other meetings to Council Members in the manner described in sections 7 and 8 and to the public in the manner described in section 9.
7. Subject to section 6, notice of meetings shall be provided verbally, by telephone or telephone voice mail, or in writing (including electronic mail) to each Council Member.
8. Within thirty (30) days following the first meeting of Council after a municipal election or special election, each elected Council Member shall provide to the Chief Administrative Officer
- (1) a telephone number at which the Council Member has, and will maintain, access to voice mail which the Council Member will check at least once per day; or
  - (2) an electronic mail address at which the Council Member has, and will maintain, access to electronic mail messages, and which the Council Member will check at least once per day;
- failing which the Council Member shall be responsible for checking at least once per business day a mailbox assigned to the Council Member and marked with the Council Member's name at the Town Hall located at 131 Commercial Street, Middleton

and shall be deemed to have chosen this method of notification. The Council Member shall be deemed to have received any notice within one business day of it being sent or left by the method of the Council Member's choice pursuant to this section.

9. Subject to section 6, notice of meetings shall be provided to the public by posting online on the Town's social media sites, at the Town Hall, and in the Community Kiosks, a "Notice of Council Meeting" containing the time, date and place of the meeting.

### **Conduct of Meetings: General**

10. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.
11. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.
12. The minutes shall be kept by the Clerk and shall:
  - (1) record the time when any Council Member joins or leaves a meeting which is in progress;
  - (2) contain all resolutions, decisions by consensus and motions, and shall record the outcome of each vote;
  - (3) mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents.
13. It shall be the duty of the Chair to:
  - (1) open the meeting of Council by taking the chair and calling the Council Members to order;
  - (2) ask the Council whether there is a consensus on an item of procedure or business, and if no Council Member indicates dissent, may treat the item as resolved to the same extent as if a motion had been duly moved, seconded and passed by vote;
  - (3) receive and submit to Council motions properly presented by a Council Member;
  - (4) put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote;
  - (5) decline to put to a vote, a motion which infringes upon the rules of procedure;
  - (6) restrain the Council Members, when engaged in debate, within the rules of conduct of debate;

- (7) enforce on all occasions, the observance of order and decorum;
  - (8) call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
  - (9) inform the Council when necessary, or when referred to, on a point of order;
  - (10) permit the Chief Administrative Officer to speak on any point upon request;
  - (11) permit proper questions to be asked through the Chair of any official or employee of the Town, or any member of the public in attendance, to provide information to assist any debate;
  - (12) declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meeting time; and
  - (13) adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or consensus, when the adjournment time has been reached, except when it is extended by unanimous consent.
14. At Council meetings, unless a majority consents to a different order for that meeting, Council shall conduct business in the following order;
- (1) call to order;
  - (2) approval of agenda, including additions or deletions;
  - (3) public hearings;
  - (4) proclamations;
  - (5) presentations;
  - (6) approval of minutes from the previous meeting;
  - (7) new business;
  - (8) reports of committees and of officers;
  - (9) consideration of correspondence;
  - (10) anything by members;
  - (11) adjournment.
15. At the time the agenda is put forward for approval the Chair shall inquire of Council Members whether they have any new or other business. Council Members having such business shall then identify it for the Chair, or shall lose the right to raise new or other business at the meeting.

16. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate as the Council Member who has the floor the Council Member who, in the opinion of the Chair, first raised a hand.
17. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
18. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.
19. No Council Member shall speak more than ten minutes upon any matter at one time, without the leave of Council.

#### **Conduct of Meetings: Motions and Voting**

20. The Chair shall state every question properly presented to Council and before putting it to a vote, shall ask "Is Council ready for the question" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.
21. The usual form of voting on any question shall be by the chair calling for "yeas" and "nays", but any Council Member, before or after a voice vote can call for, and obtain through the Chair, a show of hands, and any two Council Members can call for, and obtain through the Chair, a recorded vote with each Council Member's vote entered into the minutes.
22. A motion must be seconded and then may be repeated by the Chair or read aloud by the Clerk before it is debated. The Chair may direct that the motion be put in writing.
23. After reading of a motion by the Chair or Clerk, it shall be open for discussion.
24. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.
25. When any question is before the Council, the only motions in order shall be:
  - (1) a motion in amendment of the original motion;
  - (2) a motion to refer the question, including the motion and amendment if one is moved, to any committee;
  - (3) a motion to defer the consideration of the question either indefinitely or to a specified time;
  - (4) a motion to close the debate at a specified time;

(5) a motion that the question be put to a vote;

(6) a motion to adjourn.

27. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment except to the original motion or to the amendment, except the following:

(1) to refer to a committee;

(2) to defer the consideration of the question;

(3) to close the debate at a specified time;

(4) that the question be put to a vote;

(5) to adjourn;

any of which may be moved either to the original motion or to the amendment of the original motion.

28. A motion:

(1) that the debate be closed at a specified time; or

(2) that the question be put to a vote,

shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not itself be put to a vote until every Council Member who has not spoken on the question and claims a right to speak has been heard.

29. A motion that the question be put to a vote shall preclude all amendment to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "That this question be put to a vote". If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall proceed to other business.

30. A motion to adjourn shall always be in order except in the following cases:

(1) when a Council Member is in possession of the floor;

(2) when the "yeas" and "nays" are being called;

(3) while the Council Members are voting; or

(4) when the adjournment was the last preceding motion.

31. The following questions shall be decided without debate:

(1) a motion to reconsider;

- (2) all motions as to priority of business or as to the suspension of the order of the day;
  - (3) application to speak more than the prescribed number of times;
  - (4) a motion to allow any person other than the Council Members to address the Council;
  - (5) a motion to postpone to a specified time or day;
  - (6) a motion to lay on the table when claiming a privilege over another person; and
  - (7) a motion to adjourn.
32. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.
33. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Town of Middleton to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.
34. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.
35. After any question has been decided, either in the affirmative or negative, any **two** Council Members may, after the decision has been announced from the chair, but before adjournment of the meeting, give notice of an intention to move a reconsideration at the next meeting of the Council. The giving of such a notice operates as a stay or suspension of Council's decision.
36. Unless reconsideration is moved at the next meeting the right of reconsideration shall be lost.
37. No discussion of the main question shall be allowed on the motion for reconsideration.
38. The following matters are not eligible for reconsideration:
  - (1) a motion approving the first or second reading of a Bylaw enactment, amendment or repeal;
  - (2) a motion to decide upon a matter which was the subject of a statutory hearing by Council;

- (3) a motion which is or was considered by Committee of the Whole in substantially the same form in which it is being or will be considered by Council, irrespective of whether Council has adopted or rejected, or may adopt or reject, the recommendation of Committee of the Whole;
- (4) a matter which has been reconsidered once; and
- (5) a vote to reconsider.

### **Conduct of Meetings: Points of Order**

- 39. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.
- 40. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.
- 41. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.
- 42. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to sections 44 and 46, are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?"
- 43. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.
- 44. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair, or otherwise disrupts the proceedings of Council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.
- 45. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.
- 46. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.



47. Persons who are not Council Members or officers or employees of the Town of Middleton shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair and, if they fail to comply, shall be ordered, by the Chair to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.
48. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers with or without conditions.
49. An order of the Chair to expel a person from the Council Chambers pursuant to sections 44 and 46 of this Policy constitutes a direction from the Town of Middleton to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
50. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability, but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.
51. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present. The Town of Middleton follows Robert's Rules of Order with respect to parliamentary procedure.

#### **Presentations to Council/Committee of the Whole**

52. Any persons or groups may be permitted to make a presentation to Committee/Council provided that the applicant(s) have submitted a request one week prior to the meeting and been granted permission from the Clerk.
53. On receipt of a request to present, the Mayor and CAO shall review the request to determine its appropriateness and may:
  - (1) Place the presentation on the agenda for committee;
  - (2) Place the presentation on the agenda for Council;
  - (3) Determine that Council will receive only written submissions on the matter;
  - (4) Determine the subject matter of the presentation is outside the jurisdiction of the municipality and refuse the request.
54. Generally, a maximum of two presentations will be made at any meeting, with no individual presentation to exceed 15 minutes. The CAO and Mayor may add additional presentations, depending on the circumstances.
55. Any group having been approved to present to Council/Committee must submit any

electronic or paper presentation materials by 12:00 noon on the Wednesday prior to the meeting.

56. Any persons presenting to Council/Committee shall not:
- (1) Speak disrespectfully of any person;
  - (2) Use offensive language;
  - (3) Speak on any subject other than the subject for which they have received approval;
  - (4) Disobey any decision of the Chair;
  - (5) Enter into cross debate with other delegations, staff, or committee/Council members.
57. The Chair may curtail any delegation, any questions of a delegation and/or debate during a presentation for disorder or any other breach of this policy and, if the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw, and the decision of the Chair shall not be subject to challenge.

#### **Public Conduct at Council and Committee Meetings**

58. Members of the public present in the Council Chamber shall maintain order and quiet and shall not address Council except with the permission of the Chair.
59. No person shall display signs or placards, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council
60. No person shall bring into the Council Chamber cellular telephones or other electronic devices which emit a sound unless such devices are turned off or otherwise set to non-audible.
61. When invited to address Council, no person shall use indecent, offensive or insulting language or speak disrespectfully of any member of Council or any employee of the Town.
62. Persons invited to address Council or Committee of the Whole shall only speak on the subject in debate and shall not speak on any other subject.
63. Any person, not being a member of Council, who contravenes any provision of the section, may be expelled from the meeting by the Chair.

7. The Mayor or Clerk may affix the seal to any certificate or document at the request of the person desiring it.

8. Any person requiring the Town Seal to be affixed to any certificate or document for the purpose of authentication or otherwise shall pay to the Town the following fees:

For any document to be used out of the Province	\$2.00
If to be used only within the Province	1.50
If to be used only within the Town	1.00

A Tax Certificate issued by the Town shall be considered separate from other documents requiring the Town Seal. Fees for Tax Certificates may be set by Council resolution in accordance with provisions of the Assessment Act.

(Amended by Minister March 27, 1991)

#### CHAPTER 4 - TOWN COUNCIL

Council: January 7, 1935  
Minister: January 17, 1935

Amended by Council May 20/86  
Amended by Minister June 6/86

REPEAL

1. The Town Council shall consist of a Mayor and six Councillors.

2.1 The Town Council shall hold regular monthly meetings, and shall meet:

(a) On the first Monday of the month at 7:00 o'clock in the evening at the Town Hall, provided that if the day so fixed in any month is a statutory holiday, or for any other reason, then the meeting shall be held the following day at the same time of day and same place. Council may by resolution vary the hour and location from time to time;

(b) Whenever summoned to attend a special meeting.

2.2 The Town Council may hold regular semi-monthly meetings on the third Monday of each month at 7:00 o'clock in the evening at the Town Hall, provided that Council may by resolution vary the hour and location of the meetings and may suspend the semi-monthly meetings for periods of time.

3. The Mayor shall call Council together:

(a) when requested to do so by three members of Council as provided in the Town's Incorporation Act.

(b) whenever business requires such meeting to be held.

4. (a) If a quorum of the Council is not present for any regular meeting, the same shall be held on the following day (not being a statutory holiday) at the same time of day and at the same place.

(b) Should the regular meeting be cancelled for reasons other than the reasons detailed in Sections 2(a) and 4(a) of this Chapter, then the same shall be held on the following day and the same place (amended March 7, 1978).

5. In the absence or death of both the Mayor and presiding Councillor, a special meeting of the Council may be summoned at any time by the Clerk upon request in writing signed by any three Councillors.

## CHAPTER 5 – RULES GOVERNING COUNCIL

REPEAL

Council: January 7, 1935

Minister: January 17, 1935

Amended by Council: September 5, 2006

1. At the first meeting after the annual election in each year, the date of which meeting shall be fixed by the outgoing Council, the Council shall be organized by administering the required oaths, if not previously administered, and the appointment of a meeting shall then be proceeded with according to the order of business hereinafter provided.

2. The Council shall always adjourn at the hour of eleven o'clock p.m. if in session at that hour, unless otherwise determined by a vote of two-thirds of the members present.

### OPENING PROCEEDINGS

3. As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the chair and call the meeting to order.

4. A majority of the members of the Council shall constitute a quorum.

5. If the Mayor is not present within fifteen minutes after the time appointed for the meeting, presiding Councillor, if in attendance, shall, if there is a quorum, take the chair and preside during the meeting or until the arrival of the Mayor.

6. If neither the Mayor nor the presiding Councillor is in attendance within fifteen minutes after the time appointed for the meeting, and there is a quorum, the Clerk shall call the meeting to order, and the Councillors present shall appoint one of the members chairman, and he shall preside during the meeting or until the arrival of the Mayor or presiding Councillor.

7. If there be no quorum present within one-half hour after the time appointed for the meeting, the Clerk shall take down the names of the members then present, and the Council shall stand adjourned until the next day of meeting, provided always that if all members present remain until a quorum is made up, they may proceed with the business.

### MINUTES

8. Immediately after the Mayor or other presiding officer shall have taken his seat, the minutes of the preceding meeting shall be read by the Clerk in order that any mistakes therein may be corrected. The minutes as read, or as read and corrected shall be marked "Approved" and signed by the Mayor or officer presiding at the close of the meeting at which such approval shall have been given.

9. Minutes of the proceedings of every meeting of the Council shall be drawn up and fairly entered by the Clerk in a book kept for that purpose by him and such book shall be properly indexed.



10. Such minutes shall:

- a) contain all resolutions and motions passed, with the names of the movers and seconders, and shall,
- b) mention reports, petitions and other papers submitted to the Council by their respective titles only, or by a brief description of their purport, except accepted reports which shall be entered at length.

11. The Mayor shall preserve order and decorum, and decide questions of order, subject to an appeal to the Council, and in the absence of the Mayor, the presiding officer shall have the same authority while presiding at the meeting as the Mayor would have had if present.

12. When the Mayor is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment, and the Mayor shall cite as far as able the rule or authority applicable to the case.

14. The Mayor is entitled to speak on all questions before Council and need not leave the chair in order to do so. (Sept 5/06)

15. Every member, previous to speaking to any question of motion, shall rise from his seat and shall address himself to the Chair.

16. When two or more members rise to speak, the Chair shall name the member who in his opinion first rose from his seat, but a motion may be made that any member who has risen, "be now heard" or "do now speak".

17. Every member who shall be present in the Council Chamber when a question is put, shall vote thereon, unless the Council shall excuse him, or unless he be personally interested in the question, provided such interest is resolvable into a personal pecuniary profit, or is peculiar to that member and not in common with the interests of the citizens at large, and in such case he shall not be required to vote.

18. When the Chair is putting the question, no member shall walk across or out of the room, or make any noise or disturbance nor when any member is speaking shall any other member pass between him and the Chair, or interrupt him, except to raise a point of order.

19. A member called to order by the Chair shall immediately sit down, but may afterwards explain, and the Council if appealed to shall the case, but without debate. If there be no appeal the decision of the Mayor shall be final.

20. No member shall use offensive words in or against the Council or any member thereof, nor shall he speak beside the question in debate, nor shall he resist the rules of the Council or disobey the decision of the Chair, or of the Council on any question of order or practice, or upon the interpretation of the rules of the Council, and in case any member shall so resist or disobey, he may be ordered by the Chair by order or resolution of the Council to leave his seat for that meeting, and in case of his refusing to do so, he may on the order of the Chair be removed therefrom by the Police, but in case of an apology

being made by the offender, he may by vote of the Council be permitted forthwith to take his seat.

21. Any member may require the question or motion in discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

22. No member shall speak more than once to the same question without leave of the Council except in explanation of a material part of his speech which may have been misconceived and, in doing so, he is not to introduce new matters. A reply is allowed to a member who has made a substantive motion to the Council, but not to any member who has moved an amendment.

23. Every question shall be decided by a vote of yeas and nays and the Chairman shall state whether in his opinion the motion has been carried or defeated, but any two members may call for names on the division, in which case the vote of each member shall be taken and recorded in the minutes, and the question decided accordingly.

24. When the question in consideration contains distinct propositions upon request of any member, a vote upon each proposition shall be taken separately.

25. After the question is finally put by the Chair, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared, and the decision of the Mayor as to whether the question has been finally put shall be conclusive.

26. Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the Council, he shall apprise the members thereof immediately without putting the question and shall cite the rule or authority applicable to the case without argument or comment. There shall be an appeal from his decision to the Council. If there be no appeal or if the Chair be sustained on appeal taken to the Council the question shall not be put.

27. It is the right of a member to rise and call another member to order. He must state the point of order clearly and succinctly and it shall be for the Chair to decide whether the point is well taken.

28. An appeal may be taken from the decision of the Chair by any member of the Council. When an appeal is made, the Chair shall first give the terms of his decision appealed against and add "The question is now, shall the decision of the Chair stand as the judgment of the Council".

29. When any question of order or practice is raised, it must be decided before the question in discussion is proceeded with.

30. When any matter of privilege arises, it shall be immediately taken into consideration.

31. Every member shall be heard in his place touching any charge brought against him as a Councillor, or on any motion by which his private interests may be affected, but shall withdraw before the Council proceeds to consider or decide upon such charge or motion.

32. The members of the Council shall not leave their places on adjournment until the Mayor or presiding officer leaves the Chair.

33. No member shall leave the Council Chamber during the transaction of business without the permission of the Chair.

### MOTION IN GENERAL

34. All motions, save those numbered 1, 3, 4, and 6 in Section 26 shall be in writing if required by the Chair or any Councillor and all motions shall be seconded before being debated or put from the Chair.

35. When a motion is read by the Chair, it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

36. When a question is under consideration, no motion shall be received unless —

1. to adjourn.
2. to lay on the table.
3. to postpone to a certain time.
4. to refer.
5. to amend.
6. to move the previous question.

These several motions shall have precedence in the order in which they are named. A motion to adjourn shall always be in order, except:

1. when a member is in possession of the floor.
2. when the ayes and nays are being called.
3. while the members are voting.
4. when to adjourn was the last preceding motion, but it must be simply in the form, "that this Council do now adjourn" or "that the debate be adjourned" and the motion to adjourn of the Council or the debate to a certain day, adding any expression of opinion or qualification, shall not come within the terms of this rule.

37. A motion that the question be now put, until it is decided shall preclude all amendments of the main question and shall be put without debate, in the following words, "that this question be now put", if this motion be received in the affirmative, the original question, is to be put forthwith without any amendment or debate, but if the said motion be resolved in the negative then the main question is superseded and a new subject or motion must be submitted to the Council.

38. The following question shall be decided without debate or amendment:

1. A motion to reconsider.
2. All motions as to priority of business or as to the suspension of the general order of the day.
3. Application to speak more than the prescribed number of times.

4. A motion to allow any person other than a member of the Council to address the Council.
5. The previous question.
6. A motion to adjourn.
7. A motion to postpone a certain day.
8. A motion to lay on the table.

39. All motions called in pursuance of "the general order of the day" and not disposed of, shall be placed at the foot of the lists unless otherwise ordered by the Council, but where any order, resolution or question shall be lost by the Council breaking up for want of a quorum, the order, resolution or question so lost shall be the first business proceeded with and disposed of at the next meeting of Council under that particular head.

40. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be reduced to writing if required by the Mayor or any Councillor and shall be decided or withdrawn before the main question is put to the vote. Only one amendment shall be allowed to an amendment and any amendment more than one must go to the main question.

41. On an amendment "to strike out and insert" the paragraph to be amended shall be first read as it stands, then the words proposed to be struck, then those to be inserted, and finally the paragraph as it would stand if so amended.

#### APPOINTMENTS

42. In all motions for the appointment of any person to any office in the gift of the Council, the candidates shall be voted on separately in the order in which they are proposed.

#### RESOLUTIONS INVOLVING EXTRAORDINARY EXPENDITURES

43. All resolutions involving extraordinary expenditures, or an expenditure not definitely arranged for in the estimates, shall be laid on the table as a Notice or Motion to be discussed at a subsequent meeting at which it is introduced, unless the Council by a two-thirds vote of the members then present shall deem it expedient to do so.

#### RECONSIDERATIONS

44. After any question has been decided either in the affirmative or negative, any member may at the same or at the first meeting thereafter move for a reconsideration thereof, but no discussion of the main question shall be allowed unless reconsidered and there shall be no reconsideration at any subsequent meeting unless notice of such reconsideration be given at the meeting at which the main motion is carried and after such notice is given no action shall be taken by the Council upon the main motion until such reconsideration is disposed of.

45. If a motion of reconsideration be not made until the next meeting, or if at the same meeting any member of the Council shall have left the meeting before such reconsideration is moved, the question shall not be reconsidered unless a majority of the



whole Council vote thereof. No question shall be reconsidered more than once, nor shall a vote to reconsider, be reconsidered.

### GENERAL ORDER OF THE DAY

46. The following shall be the general order of the day subject to suspension by the Council at any meeting as the exigencies of business may require.

1. The reading of minutes of the last regular meeting and of any special meeting held since such meeting.
2. Correspondence and other original communications.
3. Receiving of accounts and referring the same to the proper committees.
4. Reading of memorials and petitions.
5. Notices of motions.
6. Presentation and consideration of reports of committees.
7. Motions.
8. Unfinished business.
9. Questions by members.

47. The Clerk shall have prepared for the use of the members of the general meeting of the Council, all matters that are to come before the Council in the sequence in which matters should appear "In the general order of the day".

48. Business shall be taken up in the order in which it stands upon the general order of the day.

49. For all special meetings of the Council, the Clerk shall prepare for the use of the members of the Council under the direction of the Mayor, a memorandum of the principal business to be transacted at such meeting.

50. Every petition, remonstrance or other written applications intended to be presented to the Council must be plainly written or printed and signed by at least one person, and no letters or other documents shall be attached to it.

51. Every such petition, remonstrance or written application must be presented to the Council by some member thereof, who shall examine and be answerable that it does not contain any impertinent or improper matter, and that the same is respectful and temperate in its language.

52. All actions against the Town of any department of the Town's services and all petitions or other communications on any subject within the cognizance of any standing committee shall, on presentation, be considered as referred to the proper committee without any motion unless otherwise ordered, and no member shall speak upon or shall debate be allowed upon the presentation of a petition or other communication, but a member may move in referring the petition or other communication, that certain instructions be given by the Council or that the petition or communication shall be referred to a select committee, and if the petition or communication complains of some present personal grievance requiring immediate remedy, the matter therein contained may be brought into immediate discussion and disposed of forthwith.

53. Every member who shall introduce a petition or a motion upon any subject which may be referred to a select committee shall be one of the committee and shall, unless a Council otherwise determines, be the Chairman of such committee. The majority of every committee shall form a quorum.

54. No person, not a member shall be heard without permission of the Council.

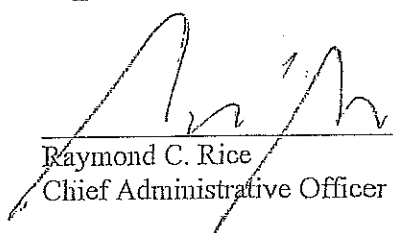
55. No person, except members and officers of the Council shall be allowed within the bar during the sitting of the Council without permission of the Mayor.

56. One of the Police Officers of the Town shall attend all meetings of the Council, and, if ordered by the Mayor or other presiding officer of the Council, on resolution of the Council, shall expel and exclude from any meeting any person who has been guilty of improper conduct at such meeting.

57. In all unprovided cases in the proceedings of the Council the laws of Parliament shall be followed.

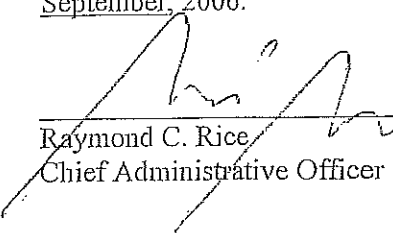
58. No standing rule or order concerning the meetings and government of the Council shall be suspended except by the unanimous vote of the members present.

**THIS IS TO CERTIFY THAT** this bylaw amendment, of which the foregoing is a true copy, was duly passed at a duly called meeting of the Town Council by majority vote of the whole Council of the Town of Middleton on the 5<sup>th</sup> day of September, 2006.



\_\_\_\_\_  
Raymond C. Rice  
Chief Administrative Officer

**GIVEN** under the hand of the Deputy Clerk Treasurer and under the corporate seal of the Town of Middleton this 12<sup>th</sup> day of September, 2006.



\_\_\_\_\_  
Raymond C. Rice  
Chief Administrative Officer

CHAPTER 21 -IMPOUNDING OF ANIMALS- CONT'D

8. The monies so received by the Clerk shall be credited to the General revenues of the Town. Application may be made to the Town for refund of the surplus of sale by the owner within a period of one (1) year from date of sale.
9. The Poundkeeper may proceed to adopt the animal to a new home or euthanize the animal if it is unclaimed, cannot be adopted out or it is not practical to auction same for sale.
10. The barn(s) or enclosure(s) owned or in charge of any poundkeeper during his term of office shall be deemed a pound.
11. It shall be an offence under this bylaw for any person to remove fowl or any animal from a pound without the Poundkeeper's approval or to interfere with the Poundkeeper's performance of his duties under this Bylaw.
12. The Town may sue and recover costs in any court of jurisdiction for poundkeeper fees and costs not recovered from auction or sale of any impounded animal or fowl.
13. Any person who violates any provision of this Bylaw or fails to pay any tax or fee required to be paid by the Bylaw shall be liable, on conviction, to a minimum penalty of \$25 plus costs and not exceeding \$250, and in default of payment, to imprisonment for a period not exceeding 14 days. Each day a violation of this Bylaw continues shall constitute a new offense.
14. All Bylaws of the Town heretofore enacted relating to impounding of animals are hereby repealed.

**CHAPTER 22 - "TOWN MEETINGS", 1935 REPEALED SEPT 11, 1969 &  
REPLACED BY THE FOLLOWING:**

REPEAL

*TOWN MEETINGS*

1. The Mayor shall preside as Chairman at every meeting of the ratepayers held under the provisions of any statute, and, in his absence, the Deputy Mayor shall preside, and, in the absence of both Mayor and Deputy Mayor, the ratepayers present shall thereupon appoint a ratepayer to be Chairman.

Town Meetings Cont'd.

2. The Clerk shall act as Secretary at every meeting, and in his (her) absence the ratepayers present shall appoint a Secretary.
3. Anyone who is not a ratepayer may be excluded from such meeting.
4. The Chairman, at the opening of the meeting shall state the business and state the time at which the vote will be taken.
5. So far as applicable, the rules of order governing meetings of the Council shall apply to every meeting of the ratepayers, with the exception that there shall be no appeal from any ruling of the Chairman.
6. All questions shall be decided by the majority of votes, and the Chairman shall have the right to vote in the same manner as any other ratepayer.
7. The Clerk shall provide an alphabetical list in duplicate of the ratepayers entitled to vote at any such meeting, one of such lists shall be provided to the Mayor or Chairman and the other shall be provided to the Clerk.
8. After the day has been fixed for a meeting the Town Clerk shall cause to be printed or typed such a number of ballot papers as shall be necessary for the purpose of voting.
9. The ballot papers shall be in the form of Schedule "A" annexed hereto.
10. The Mayor, Deputy Mayor, or Chairman shall preside at the taking of the poll and the Secretary act as Poll Clerk. The Chairman shall also appoint two ratepayers as scrutineers who shall be present with the Presiding Officer and Secretary during the voting.
11. When a vote on any issue has been taken, the Chairman shall, in the presence of the scrutineers and Poll Clerk, open the ballot box and count the votes, of which the Clerk and the scrutineers shall keep tally and at the end of the count the Presiding Officer shall declare the result.
12. After the counting of the ballots the Presiding Officer shall return them to the ballot box in the presence of the scrutineers, after having ascertained the number of votes polled, the number who voted "FOR" and the number who voted "AGAINST", and the number of spoiled votes, and shall seal the ballot box and shall retain the same in his custody for the period of one month, after which time, if not called upon by competent authority to produce same, he may destroy the ballots.

SCHEDULE "A"

Form of Ballot for voting at ratepayer's meeting.

Resolution or matter .....

For .....

Against .....

13. No resolution or matter shall be voted upon or discussed at a Town meeting except such resolution or matter as has been duly advertised in the notice calling such meeting.

TOWN OF MIDDLETON CODE A - GENERAL ADMINISTRATION	
Subject: Committee of the Whole	Number: 3.3
Coverage: Council	Approved by: Council & CAO
Effective Date : June 5, 2000	Revision Date: August 8, 2006; April 6, 2009; December 1, 2014

### ***Rationale***

This policy outlines the membership, procedures, and role of the Committee of the Whole, providing council with an effective means of discussing business in advance of council meetings.

### ***Policy Statement***

**The committee shall be comprised of voting members and advisors as follows:**

#### Membership

- All Council Members, chaired by the Mayor

#### Advisors

- the chief Administrative Officer
- staff designated by the CAO
- other resources as required

**The terms of reference of the committee shall be:**

- To discuss and assess reports and recommendations from staff to be presented to Council
- To review any reports from boards/committees/commissions and Advisory Panels established by Council or by others and recommend their handling by Council
- To review and discuss confidential matters pertaining to Town operations as provided for under the Freedom of Information/Protection of Privacy (FOIPOP) provisions under the Municipal Government Act (MGA), and as set out by Town policy
- To oversee and review draft budgets and recommend to Council
- To coordinate corporate policy discussions
- Other responsibilities as may be determined from time to time

**The following procedure shall be followed concerning meetings of the committee:**

*AMEND*

- Meetings shall occur on the third Monday of each month at 7:00 p.m. for regular meeting date, and at other times as required.
- Committee meeting protocol shall be as set out for Council meetings in the MGA.
- Notice shall be posted the time and date of the regular meeting, and a special notice shall be posted if that date is varied.
- Minutes of the meetings will be open for public review and interested ratepayers may read same at the town office or may obtain a copy of same at cost.

**The committee concern itself with the following areas:**

- Budget, Finance and Audit
- Public Works (streets, water & sewer)
- Health & Welfare
- Protective Services (Police, Fire & Other)
- Recreation
- Administration
- Community Planning & Development

**References**

Province of Nova Scotia - *Municipal Government Act*.

**Previous Policies**

The previous policy 1/64 "Committee of the Whole of Council" dated June 5, 2000 is hereby amended.

**Certification**

**THIS IS TO CERTIFY** that this policy was duly passed by a majority vote of the whole Council at a duly called Council meeting held on the 1<sup>st</sup> day of December, 2014.

**GIVEN** under the hand of the CAO and under the seal of the Town of Middleton this 2<sup>nd</sup> day of December, 2014.



Rachel L. Turner  
Chief Administrative Officer

TOWN OF MIDDLETON CODE A - GENERAL ADMINISTRATION	
Subject: Presentations by Public to Council	Number: 3.5
Coverage: Council & Public	Approved by: Council & CAO
Effective Date : March 4, 1996	Revision Date: August 8, 2006, October 4, 2010

### ***Rationale***

This policy is written to provide an avenue for public input in council meetings and guidelines for public presentations. The policy also establishes the manner in which council may respond to such presentations.

### ***Policy Statement***

1) All requests for presentations shall be:

- a) delivered in writing to the Chief Administrative Officer by Wednesday before Council/Committee session.
- b) pre-circulated for Council review.

2) Presentations will be limited to:

- a) a maximum of ten (10) minutes.
- b) two (2) at any one session, at the discretion of the Council/Committee.

3) Presenters must be present at start of Public Presentations section of agenda (the beginning of the meeting).

4) Questions raised by presentation/presenter may be answered by Council at a later date, in writing.

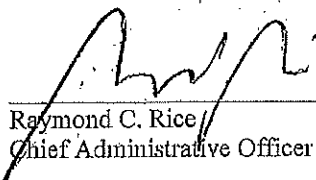
### ***Previous Policies***

The previous policy 1/51 "Guidelines - presentations by public to Town of Middleton Council Meetings" dated March 4, 1996 is hereby amended.

**Certification**

THIS IS TO CERTIFY that this policy was duly passed by a majority vote of the whole Council at a duly called Council meeting held on the 8<sup>th</sup> day of August, 2006.

GIVEN under the hand of the Clerk and under the seal of the Town of Middleton this 5<sup>th</sup> day of March, 2007

  
Raymond C. Rice  
Chief Administrative Officer





TO: Town Council

FROM: Senior Management Committee

SUBJECT: Facility Assessment Study Follow Up

DATE: December 2015

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### **Background**

The Town underwent a Facilities Assessment Study earlier this year with the intent to give staff and Council a benchmark understanding of the condition of our primary facilities and assist with long-term capital planning. Through a public tender process, Peter Smith of Eagle Project Management undertook the study on behalf of the Town and provided a final report with cost estimates and ten-year capital planning suggestions on the Town's facilities at the July Council meeting.

Early in the fall, the Management Team met to discuss the report and how best to prepare a response for Council as to how the Town can address the issues raised in the report. The following provides responses from the senior management as it relates to the information provided by Mr. Smith, in our best estimate. Some of the differences noted are based on the assumption that Mr. Smith was costing projects as being contracted to external service providers. Some of the work can be done internally, which in many places can lower the cost significantly. Many of the items noted in the report can be addressed through regular maintenance programs, and it is helpful that these have been clearly identified in a comprehensive report.

### **Town Hall and RCMP Office**

Generally, there are many repairs that will not require immediate attention within the Town Hall in the next five years that were explained within the report. However, there are a list of issues that do require relatively immediate attention.

- 1) The hot water tank is currently functioning and it staff's opinion that \$200 would bring the tank up to code. Eagle Project Management (EPM) has estimated that the replacement would be \$6500. However, a total replacement of the tank can be done for \$1200 dollars as opposed to \$6500.
- 2) The back flow prevention should be replaced within the next five years and EPM found that it would cost \$8300 for a total replacement cost. Staff is of the opinion that it can be replaced for \$1800.
- 3) The staircase from the second story exit needs to be replaced within the next five years. EPM estimates that the total replacement cost would be \$20,000. Staff is of the opinion it will cost closer to \$26,000.

- 4) The air flow vent at the RCMP office should be replaced within the next five years. According to EPM's findings it will cost \$4500 for a total replacement and staff agree with that estimate.
- 5) There are minor electrical upgrades that require attention within the next five years within the RCMP office. EPM estimates \$1000 and staff agree with that estimate.
- 6) The roof requires immediate attention. EPM's findings determined that it should be replaced as soon as possible as there is a great deal of deterioration. EPM estimates the shingle replacement at \$24,000 and staff agree with that estimate.

The RCMP are also going through their own facility assessment for a number of their offices. The Town has indicated its willingness to be involved in those discussions, although to date, we have not been included. The RCMP have been contacted to provide an update on their process and what their needs will be going into the future so that we are better able to plan accordingly. A meeting with them has been tentatively set for a date in the first half of December.

### **Public Works**

There are several minor repairs that are not pressing or immediate that can be repaired at any time. The main repairs that should be completed within the next one to five years are as follows:

- 1) The oil barrel in the back barn needs to be decommissioned and Public Works is in the process of decommissioning it now.
- 2) The old underground storage site according to EPM needs to be monitored. This is not a serious matter and requires little to no cost.
- 3) According to EPM the steel on the main public works building needs to be replaced. However, in staff's opinion this replacement doesn't need to happen immediately. In staff's opinion, it would be beneficial to budget \$5000 per year in each of the next ten years to cover all maintenance on the rest of the Public Works buildings as part of an ongoing general maintenance plan.

### **Sewage Treatment Plant**

Overall, the sewage treatment plant is in good operating condition according to EPM. However there are a few things that require attention at some point. These items are not pressing matters. They are as follows:

- 1) The ladder going down to the pumping chamber according to EPM needs updating; it needs to be covered. However, it is staff's opinion that a harness and fall arrest lanyard will do the same job as a covered ladder and will cost less. Additional research on this matter will be done. The maximum cost of this according to EPM would be \$2500 (for a covered ladder).
- 2) The remaining buildings can all be updated through an ongoing general maintenance plan by budgeting \$4000 per year for the next four years for repairs. According to EPM these repairs would have \$8000.

### **Roads and Sidewalks**

EPM's findings determined that there is an extensive amount of work and money required to be spent on roads and sidewalks to update the infrastructure. This information is already recognized by Council. Many of the roads and sidewalks will be repaired when updates are done to the piping and this work is all ongoing and will continue to be on going over the next 20-25 years. This is an item that will continue to be considered as we develop five to ten year capital budgets and look for opportunities for external funding.

### **Rotary Park**

- 1) In conjunction with our OHS audit, a storage unit is being purchased for the propane tanks, as well as one for fuel. This system will be in place in the spring and until then, the propane tanks have been stored in a separate building for the winter.
- 2) The door that is damaged is still functional and therefore, not a priority. There is frequent vandalism done at that park and that is what has caused the damage.
- 3) The basketball court paint is not a high priority and is painted on an “as-needed” basis, as is the playground. The playground structure is a fairly recent capital project and there are other priority projects, such as a skate park, that need to be completed before planning for a new playground happens. That being said, the Facilities Manager will be taking the official playground inspection course to be able to determine when planning for new equipment should begin.
- 4) The roof on the pergola does need to be replaced within the next five years. It will be assessed in the spring of 2016 to determine whether or not it is worth repairing the tower or if it would be better to take it down and shingle in its place.
- 5) The parking lot is maintained annually.

### **Visitor Information Centre**

- 1) There is a small maintenance budget for the VIC now and appropriate funds will be built into the budget for the suggested repairs. There is a re-useable door on the old tennis court building that is coming down this winter and we will be able to use that door on the VIC which will offset some costs.
- 2) The future plan of the location of the VIC is something that requires consideration in the near future as the building gets older but there aren't any major structural concerns so it is fine to stay as status quo for the time being.

### **Swimming Pool**

Any major structural repairs would need to be taken into consideration with the fact that all pools and rinks in Annapolis County are soon going to need to be assessed with a larger-picture plan. With that in mind, there are some things that will need to be done to maintain the pool and building for use in the short term.

- 1) A new oil tank will need to be installed in the spring of 2016. This is also a requirement of the recent fire inspection and is a priority.
- 2) The quote for replacing the roof came in at \$24,000-\$27,000. Repairing the roof as needed is the more practical solution at this point until a longer term plan for the pool has been determined.
- 3) Any concrete repairs will be done on an as-needed basis as they become a potential safety hazard.
- 4) The bleachers were recently inspected. The set that was at the pool needs to have one board replaced and it has been removed in order to perform that repair job.
- 5) The maintenance costs as noted above will be factored into the upcoming budget discussions.

### **Trails**

- 1) The Town of Middleton is a member of the Trails Coalition. The information provided in the study will be forwarded to the trails coordinator for any follow up action as that organization is the one responsible for maintaining the rails to trails system that goes through our community.

## **Library**

The Library facility was not included in the project review completed by Mr. Smith. The Public Works Director provided the following comments for this facility.

- 1) The shingles on 1/3 of the roof need to be replaced. The estimated cost for this is \$4000-\$6000.
- 2) The flooring needs to be redone. The estimated cost for this is \$18,000
- 3) The front steps and ramp has been repaired. Within the next five to ten years a larger repair will be required, which is estimated at \$36,000.

## **Fire Hall**

As Council is aware, there have been and continue to be larger plans for developing a new Fire Hall/Community Centre. As a result of this initial project, the Fire Department and community is being engaged with Mr. Smith to consider alternate design concepts for a facility. This project is being led by the Chief Administrative Officer, in an effort to find a collaborative and efficient process to meet the needs of the Fire Department within the financial means of the Town. It is expected to have a more detailed update on where this project stands early 2016. An initial meeting was held in November to talk about the needs of the Department, suggested design concepts, and other key topics. A draft proposal has been received about how to progress with this, but nothing has been confirmed to date. This project is anticipated to be included in the Town's capital budget planning, although the timeframe has not been established.

## **Conclusion**

Ultimately, there is a great deal of work that needs to be done. However, if money is budgeted efficiently with these repairs in mind, the priority repairs can be effectively conducted within a timely manner. The report tabled by Eagle Project Management was very thorough and well done. It included every minor detail, many of which do not require immediate attention, as well as many more pressing issues. Based on the report, staff agree and recommend that the most important priorities for the Town of Middleton to focus on are code violations and safety concerns. The detail of the report assists staff in developing ongoing maintenance programs for our facilities and assets, which have been lacking in the past.

As noted earlier, staff will continue to search for external funding opportunities, as well as looking past more conventional solutions to find long-term efficiencies and solutions that will benefit the Town, its residents, and the business community. Based on the discussion of Council, staff will begin to develop operating and capital budgets based on the needs outlined with the report and this staff-generated response.

## **MAYOR'S REPORT DECEMBER 2015**

- Nov. 2<sup>nd</sup>      Chaired monthly Council session.
- Nov. 10<sup>th</sup>      Met with Paul Wills, Municipal Finance Corporation, re: MFC municipal services.
- Nov. 16<sup>th</sup>      Chaired monthly Committee of the Whole session
- Nov. 17<sup>th</sup>      Attended meeting with Fire Department Executives and Peter Smith (Eagle Project Management) re: Community Center/Fire Hall project.
- Nov. 21<sup>st</sup>      Served tea at annual Girl Guide Christmas Tea and Sale
- Nov. 26<sup>th</sup>      Attended Municipal Planning Strategy session.
- Dec. 4<sup>th</sup>      Attended annual Christmas Tree Lighting celebrations.

I would like to thank Deputy-Mayor Dan Smith for representing the Town of Middleton at the annual Remembrance Day Ceremony and Supper on November 11<sup>th</sup>.

Valley Waste Resource Management  
Regular Meeting  
18 November 2015

**23 November 2015**

1. Following the meeting of 21 October 2015, a letter was sent to our auditors informing them of the board decision to not create an operating reserve. The auditors followed-up by indicating the matter was now closed.
2. The draft operating and capital budgets were presented and discussed at length. The end result is an approximately - 3 % for 2016/2017. This will be reflected in our monthly invoices.
3. The 2015/2016 budget appears to be a surplus in the area of approximately \$676,373 which results from unexpected revenue surpluses as follows: **Tipping fees \$108,500., RRFB additional diversion credits \$107,000. Atlantic Dairy Council credits \$16,425. Residential Collection savings \$ 12,600. Spring & Fall clean-ups \$ 16,751. Savings from Chester Landfill\$ 101,200 based on our delivered tonnage. Savings by Chester Landfill \$ 111,700 based on our contract. Communications/Enforcement savings due to staff turnovers \$14,865. Advertising savings \$9,000. Fuel savings due to reduced cost of Diesel \$98,859.**
4. An RFP for auditing services has been concluded and the successful bidder was our previous auditing firm.
5. The ERP is ongoing, however the Minister is leaning in favour of the full program and we could see the benefits within 2 years

Respectfully submitted,

John Himmelman  
Middleton Representative

**CORRESPONDENCE – NOVEMBER**  
(for December 7, 2015 Council Meeting)

The following items of correspondence are tabled for the Council's attention. A copy of any correspondence item listed, if not previously circulated, is available on SharePoint for interested members of Council:

1. A thank-you from *Nova Scotia Community College* for the Town's support and participation in their Sustainability Days event.
2. A letter from *Revolution Management Consultant* introducing their company and the services they provide.
3. A letter from the *Municipality of the County of Colchester* requesting a Letter of Support for their Fundy Gateway concept.
4. A letter from the *Property Valuation Services Corporation (PVSC)* advising that, for the sixth consecutive year, the Board has approved a budget without an increase in overall funding from municipalities.
5. A thank-you from *Allyson Evans* for the opportunity to represent the Town of Middleton as *Youth Ambassador*.
6. A thank-you from *Kyra Britney* for the opportunity to represent the Town of Middleton as *Youth Ambassador*.
7. A thank-you from the *Family of the late Sandra Angrignon* for the Town's donation to the Canadian Cancer Society.
8. A copy of the November edition of the *Care-Force* newsletter.