

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Monday, January 4, 2010, starting at 7:00 p.m.

PRESENT

Chairing the meeting, Mayor Calvin Eddy; Deputy Mayor Vera Errington; Councillors Lorne Brown, Dan Smith, Darren Boates, Melinda den Haan, and Marc Britney; Chief Administrative Officer, Clayton MacMurtry; and Director of Finance, Marianne Daine.

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

PRESENTATIONS

.01 Councillor Lorne Brown, Chair, Centennial Committee

Mayor Eddy presented a plaque to Councillor Lorne Brown, Chair of the Centennial Committee, and thanked him, on behalf of Council and citizens of the Town, for the hard work and dedication of his Committee, in organizing many successful events for the Town's Centennial year.

Councillor Brown thanked the Council for the recognition.

PROCLAMATIONS

.01 Alzheimer Awareness Month

Mayor Eddy proclaimed the month of January, 2010 Alzheimer Awareness Month in the Town of Middleton.

10.01.01 CHANGES TO THE AGENDA

CAO MacMurtry advised that there is one addition to the agenda as follows:

ACTION ITEMS

.08 Fire Department/Community Centre Preliminary Design and Costing

10.01.02 MINUTES

It was **moved by Errington, seconded by den Haan that the minutes of the regular Council meeting of December 7, 2009 be approved as circulated. The motion was carried.**

10.01.03 PRESENTATIONS BY PUBLIC

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

10.01.04 BUSINESS ARISING FROM THE MINUTES

.01 Rotary Raceway Park Boundary Line – Survey Cost

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

Deputy Mayor Errington assumed the Chair.

CAO MacMurtry advised that he had contacted three survey companies, Grant McBurney, Scotia Surveys, and E.C. Keen Land Surveying, to obtain a price for a survey for the disputed boundary line at the Rotary Raceway Park. E.C. Keen Land Surveying responded that they were not interested in submitting a price and Scotia Surveys estimated the cost at \$5,000 plus.

CAO MacMurtry informed the Council that Grant McBurney was present this evening to give his opinion on the issue.

Mr. McBurney advised Council that, in his professional opinion, it is not prudent to spend tax dollars to re-survey the northeast boundary line of the Rotary Raceway Park. He informed Council that the he has reviewed three unbiased surveys and the Dominion Atlantic Railway plan, which is actually only a proposal, and sees no reason to overturn the J.F. Doig survey. He also noted that four subsequent surveyors accepted the J.F. Doig survey.

Councillor Britney stated that Mr. McBurney's opinion supports that of the Town's Solicitor and Derik DeWolfe, and he felt it would be irresponsible to spend \$5,000 of taxpayers' money to survey the disputed boundary line at the Rotary Raceway Park.

Mayor Eddy resumed the Chair at 7:14 p.m.

10.01.05 NEW BUSINESS

Mayor Eddy requested that Council move to Action Items and deal with #.07 Land Purchases (2) – (In-Camera – Land Acquisition/Legal Advice) and then to Information/Discussion Items and deal with item #.01 Economic Development Department Staffing (In-Camera – Personnel) at this point in the meeting.

It was moved by den Haan, seconded by Smith that the Council move in-camera at 7:15 p.m., to obtain legal advice from the Solicitor concerning proposed land acquisitions and a personnel item. The motion was carried.

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

Deputy Mayor Errington assumed the Chair.

Mayor Eddy resumed the Chair at 8:00 p.m. and took part in the remainder of the discussions.

It was moved by Brown, seconded by Smith that the Council return to regular session at 8:22 p.m. The motion was carried.

ACTION ITEMS

.01 Bills

It was moved by den Haan, seconded by Boates that the Council approve the payment of bills in the amount of \$457,739.08. The motion was carried.

.02 Appointment of Citizen-at-large Representative - ADEDA

It was moved by Errington, seconded by Smith that Council accept the resignation of Jonathan Archibald as the Town's citizen-at-large representative on the Annapolis Digby Economic Development Agency (ADEDA), with regret, and that a letter of appreciation be sent to Mr. Archibald expressing Council's appreciation of his contribution to ADEDA on the Town's behalf; and further, that John Bartlett be appointed as the Town's citizen-at-large representative on ADEDA for a period of two years commencing February 1, 2010. The motion was carried.

.03 Resolution – Council Honoraria

It was moved by Boates, seconded by Brown that the Council approve the resolution stating that one-third of the total honoraria and expense allowance paid to elected officers of the Town of Middleton shall be non-taxable income. The motion was carried.

.04 Surplus Equipment – Plow

It was moved by den Haan, seconded by Britney that the Council declare the Fischer V-Plow surplus equipment and approve that it be disposed of in accordance with recommendations from the CAO. The motion was carried.

.05 Sewer Rate Review

The Council reviewed a Sewer Rate Review Proposal from G.A. Isenor Consulting Limited and, after some discussion, it was the consensus of the Council that the billing for sewer service charges remain the same for the fiscal year 2010/11 as was done in 2009/10.

.06 Valley Waste Resource Management Authority Borrowing Powers – Amendment to Intermunicipal Services Agreement

It was **moved by Errington, seconded by Boates that the Council agree to ratify the amending agreement (as approved by the Authority on November 18, 2009) to the Valley Region Solid Waste-Resource Management Authority Intermunicipal Services Agreement dated October 1, 2001, specifically the addition of new Clause 10 (7) related to the provision of borrowing powers to the Authority, as well as incidental amendments and corrections to Clauses 19 (2) and 19 (3). The motion was carried.**

Deputy Mayor Errington advised that the new Chair of the Valley Waste Resource Management Authority is Keith Irving, Councillor from the Town of Wolfville.

.07 Land Purchases (2) – (In-Camera – Land Acquisition/Legal Advice)

This item was dealt with earlier in the meeting.

It was **moved by Brown, seconded by Errington that the offer to purchase a parcel of land from Michael Johnson and Heather Naugler on North Street, approved at the December 7, 2009 regular Council meeting, be amended to include an additional \$1,094.41 cost for surveying this parcel. The motion was carried.**

.08 Fire Department/Community Centre Preliminary Design and Costing

CAO MacMurtry advised that the Fire Department membership has approved a maximum expenditure of \$10,000 for a preliminary design and costing of a new Fire Hall/Community Centre. This will allow the Joint Fire/Town Facility Review Committee to investigate possible funding from other levels of government and private sources.

Councillor Britney expressed his concern with making any decision on this request prior to receiving the Facility Review Study. He also questioned whether the Facility Study examined the need for a Community Centre.

CAO MacMurtry advised that the study has just been completed by CBCL and he would be circulating it to all members of Council. The CAO noted that the study identifies the Fire Hall and the Public Works building as being most in need of replacement, with available funding being a determining factor in setting a priority.

It was **moved by Brown, seconded by Boates that Council commission CBCL to do a preliminary design and costing of a new Fire Hall/Community Centre to a maximum of \$10,000, with the design costs to be paid by the Fire Department, per its letter dated January 4, 2010. The motion was carried.**

INFORMATION/DISCUSSION ITEMS

.01 Economic Development Department Staffing (In-Camera – Personnel)

This item was dealt with earlier in the meeting.

.02 Future Funding for Annapolis District Planning Commission

CAO MacMurtry advised that this item was on the agenda for information purposes only. He reported that while Middleton's Uniform Assessment will be increasing, the Town of Annapolis Royal's will be going down, due to the reassessment of Nova Scotia Power properties. This could result in Middleton funding up to 60% of the Annapolis District Planning Commission.

CAO MacMurtry noted that alternative ways of providing this service will be examined over the next few months.

10.01.06 REPORTS

.01 Committee of the Whole

There was no Committee of the Whole meeting held in December.

.02 Mayor

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

.03 Managers

There were no Management reports for the month of December.

.04 Solicitor

The Solicitor's report was dealt with earlier in the meeting.

.05 Development Officer/Building Inspector/Fire Inspector

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

.06 RCMP

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

Councillor Smith questioned whether an answer had been received on his inquiry about the low number of foot patrols reported for the last two months.

Councillor Brown is to look into this.

10.01.07 CORRESPONDENCE

There was no correspondence for the month of December.

10.01.08 ANYTHING BY MEMBERS

Councillor Brown reported that the final event for the Town's Centennial year, the New Year's Eve dance, went well.

Deputy Mayor Errington advised that she attended a Christmas Party at the Train Station Museum, which was also attended by MP Greg Kerr and MLA Stephen McNeil.

The Deputy Mayor noted that Future View Trea has purchased the Thompson's Transfer Co Ltd. office building and hope to convert the building into six apartment units. The organization has also made a grant application for funds to make the necessary repairs to the freight shed.

Councillor Smith questioned why the overhead crosswalk lights at the intersections of King and Main Street and Commercial and Main Street are not illuminated. CAO MacMurtry advised that it was a decision of a former CAO to not repair these lights, due to the fact that they are illegal.

Council stressed the importance of the Director of Public Works, Jason Roch, ensuring the work is completed to replace the two overhead crosswalk lights, which are included in the current year's capital budget.

CAO MacMurtry advised that the Police Advisory Board has questioned the possibility of the Main and Commercial Street intersection being made into a four-way stop, as was recently done

in Wolfville. He noted that this idea has been referred to the Traffic Authority for the Town, Laurie Emms, for his comment.

Mayor Eddy reported that the Friends of the Rosa M. Harvey Library Society has received a grant for \$12,850 to make improvements to the interior of the facility.

Mayor Eddy advised that, on Thursday, January 7, 2010 at 7:00 p.m., there would be a meeting in the ADEDA Board room in Cornwallis for elected representatives to discuss the future of transportation in South West Nova Scotia.

Mayor Eddy noted that there are still vacancies on the Appointment List that need to be filled. The citizen-at-large position on Annapolis County Mental Health has been vacant for some time, and he felt it should be removed from the Appointment List. Two other vacancies that need to be filled are the Annapolis Valley Apple Blossom Festival representative and a citizen-at-large position on the Planning Services Public Advisory Panel

It was **moved by Britney, seconded by Smith that the Council adjourn at 9:20 p.m. The motion was carried.**

MAYOR

SECRETARY