

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Monday, February 7, 2011 starting at 7:00 p.m.

PRESENT

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

Councillor Darren Boates was not present for this meeting.

11.02.01 PRESENTATION

.01 Cyrus Taylor – Team Member, Canada Winter Games

Mayor Eddy advised that Cyrus Taylor was present at a Council meeting in 2007 to be recognized for his achievements in the sport of boxing, noting that the Town is very proud, once again, to recognize his accomplishments leading up to being Team Captain for the boxing team that will represent Nova Scotia at the 2011 Canada Winter Games.

Mayor Eddy read from notes provided by Cyrus' coach Bruce Harkness. The Mayor noted that Cyrus is a grade 11 student at Middleton Regional High School and has been a member of Mr. Harkness' Pegasus Amateur Boxing Club since the age of ten. Mayor Eddy advised that Cyrus is a five-time Provincial Champion, two-time National Bronze medalist, and has also won a National Silver medal, as well as competing in tournaments such as the 2008 Quebec Cup and the 2009 Ringside World Tournament in Kansas City.

Mr. Harkness' notes explained that the last three years, working toward the Canada Winter Games team, have been very demanding and that the "Core Team" started training together in October 2007, with forty-three boxers from around the Province, with a final team of seven.

Mayor Eddy congratulated Cyrus on his accomplishments and hard work and, on behalf of Council, presented him with a gift and wished him the best of luck at the Canada Winter Games.

Cyrus thanked the Councillors for their support and recognition.

11.02.02 CHANGES TO AGENDA

There were no changes to the agenda for this meeting.

11.02.03 SOLICITOR

- .01 Mid Valley Motel Property Tax**
- .02 North Street Takeover**

The Solicitor was not present at this time and these items were moved down on the agenda, to be addressed upon the arrival of the Solicitor.

11.02.04 MINUTES

It was **moved by den Haan, seconded by Britney that the minutes of the regular Council meeting of January 4, 2011 be approved as circulated. The motion was carried.**

11.02.05 PRESENTATIONS BY PUBLIC

.01 Valley Waste Resource Management – Ross Maybee, General Manager

Ross Maybee, General Manager, Valley Waste Resource Management, was in attendance to make a presentation to Council on the Authority's 2011/12 draft Operating and Capital budgets.

Mr. Maybee noted that a copy of the budgets was previously circulated to Council and proceeded with a power point presentation.

Mr. Maybee's presentation covered such areas as the strategic planning process, an update on the administration building, the budget process, Capital Reserve Policy changes, disbursement of the 2009/10 surplus, major budget drivers, changes in revenues and expenses, debt guarantee, and the budget approval process.

Mr. Maybee noted that the Town's share of the budget is reduced from \$119,025 last year to \$118,755 for 2011/12 and the Town's share of the borrowing guarantee is down to \$14,070 from \$33,965.18 for 2010/11.

Mr. Maybee thanked Council for the opportunity to present the Authority's budgets and inquired as to whether there were any questions or concerns from Councillors.

On question from Councillor Britney, Mr. Maybee confirmed that the reductions are due to Middleton's uniform assessment figures for this year.

Deputy Mayor Errington advised that she has served as the Town's representative with Valley Waste Resource Management for four years and commented that she feels the Staff is very dedicated and competent and that the Board is very effective and fair.

Mayor Eddy thanked Mr. Maybee for his information and presentation. The Mayor also thanked Deputy Mayor Errington for representing the Town at Valley Waste.

It was moved by Errington, seconded by den Haan that Council approve the December 15, 2010 draft Operating budget for the Valley Region Solid Waste-Resource Management Authority of \$8,589,110 and the December 15, 2010 draft Capital budget for Valley Region Solid Waste-Resource Management Authority of \$733,000, with the Town's share being \$118,755 for 2011/12. The motion was carried.

It was moved by Errington, seconded by Brown that Council approve to guarantee the Town of Middleton's share of the Valley Waste borrowing in the amount of \$14,070.00. The motion was carried.

11.02.06 BUSINESS ARISING FROM THE MINUTES

.01 Recruitment for COPS (Annapolis County Spectator)

The CAO advised that he spoke with a representative of the Annapolis County Spectator concerning this item and was informed that they will contact a member of the Citizens on Patrol to obtain information for an article, however, no write-up has appeared to date.

.02 Information on Funding Cuts by the Province to Municipal Units (MLA)

CAO MacMurtry advised that a letter has been received from Stephen McNeil, MLA, Annapolis, addressing the Council's concerns with funding cuts and that the letter has been copied to all Councillors.

.03 Investigate a Sludge Reserve Account for the Sewage Treatment Plant

The CAO advised that it is possible to set up this account.

.04 Parking Violation Tickets and Bylaw (Town of Bridgewater)

The CAO advised that Corporal Pemberton has received information on where to acquire parking tickets for the Town. He noted that Bridgewater is currently amending its Bylaw and, once amended, a copy will be forwarded to the Town. The CAO noted that parking tickets are not Provincially regulated and, on question from Councillor Britney, the CAO advised that the Town can set the cost of tickets when creating its own bylaw.

There was discussion on enforceability and the CAO advised that, when the bylaw is received from Bridgewater, he will consult with the Town's Solicitor on this issue.

.05 In Camera Minutes (Solicitor, Parliamentary, Municipal Advisor)

CAO MacMurtry advised that he contacted Parliamentary Bernie White who suggested that in camera minutes be taken, however, only decisions should be recorded and the Town's Municipal Advisor, Stephen Feist, advised that no minutes should be taken at in camera meetings.

Mayor Eddy advised that the Town Solicitor's opinion should be sought and requested that this be put on a future agenda, when the Solicitor is present.

.06 Membership in Kings County RDA (Municipal Advisor)

The CAO explained that Louise Watson, Provincial Economic and Rural Development Officer, Western Region, advised that Middleton can be a member of any Regional Development Agency (RDA) by municipal agreement. Ms. Watson's advice was for Middleton to remain a member of an RDA in Annapolis County.

11.02.07 NEW BUSINESS

Action Items

.01 Appointment of Fire Chief, Fire Wards, & Fire Constables

It was moved by den Haan, seconded by Britney that, on recommendation from the Committee of the Whole and, in accordance with the results of the elections of the Middleton Fire Department, Council ratify the appointments of Chris Barker as Fire Chief; Chris Barker, Mike Toole, and Scott Veinot as Fire Wards; and David McCoubrey, Gordon Rodgers, and Philip Townsend as Fire Constables. The motion was carried.

.02 Policy Review – Tax Exemption-Low Income, #A.1.20

It was moved by Britney, seconded by Errington that, on recommendation from the Committee of the Whole, the Council approve to increase the income ceiling to \$19,000 for Policy #A.1.20, Tax Exemption-Low Income, for the fiscal year 2011/12 and that Council review this policy at its January 2012 Committee of the Whole meeting. The motion was carried.

.03 Well Field Investigation Expenditure

It was moved by Brown, seconded by den Haan that, on recommendation from the Committee of the Whole, Council approve an expenditure of \$8,500, payable to CBCL Engineering Ltd., to carry out well field and video investigation on well #3 in the Town's well field. The motion was carried.

.04 Union Contract Approval

Mayor Eddy declared a conflict of interest on this item.

Deputy Mayor Errington assumed the Chair.

It was moved by Smith, seconded by Britney that, on recommendation from the Committee of the Whole, Council approve the contract for CUPE, Local 2858, which covers the unionized employees of the Town of Middleton, for the period November 1, 2010 to October 31, 2013, as negotiated. The motion was carried.

Mayor Eddy resumed the Chair.

.05 Sale of Surplus Equipment – Public Works

It was moved by Britney, seconded by Smith that, on recommendation from the Committee of the Whole, the Council declare the list of equipment, as presented, surplus and approve that it be disposed of in accordance with recommendations from the CAO. The motion was carried.

.06 Funding – Planning Operations Study

It was moved by den Haan, seconded by Britney that, on recommendation from the Committee of the Whole, Council approve funding, in the amount of \$3,500, for a Planning Review Study, contingent upon all partners of the Annapolis District Planning Commission contributing funding shares of \$3,500 and Service Nova Scotia and Municipal Affairs contributing funding of \$14,500. The motion was carried.

.07 Approval of Bills

It was moved by Errington, seconded by Britney that, on recommendation from the Committee of the Whole, Council approve the payment of bills in the amount of \$373,219.31. The motion was carried.

.08 Letter of Support – RCMP Priorities

It was moved by Britney, seconded by Errington that, on recommendation from the Committee of the Whole, Council approve the priorities for the RCMP, as identified by the Middleton Police Advisory Board, and write a letter to the RCMP supporting these priorities. The motion was carried.

.09 Patching/Paving Operating Budget Approval 2011/12

CAO MacMurtry advised that the 2010 patching/paving budget was \$40,000. He noted that, in order to carry out the 2011 patching/paving projects in a timely manner, Council requested that the call for tenders be done in early spring. The CAO advised that the tender quantities will be based on last year's budget and that, if, during budget deliberations, it is decided to add more to this category, it could be done at that time.

On question from Councillor Britney, the CAO advised that the budgets for the last two years for patching and paving were \$40,000 and \$35,000, and noted that he feels \$40,000 is sufficient for the paving requirements for this year.

It was moved by Errington, seconded by Brown that the Council approve the tendering of patching/paving projects for the 2011/12 budget year in the amount of \$40,000, based on the 2010/11 budget. The motion was carried.

At this point in the meeting the Council moved to address the two items slated for the Solicitor

11.02.03 SOLICITOR

.01 Mid Valley Motel Property Tax

CAO MacMurtry advised that the Mid Valley Motel property is on the tax sale list and that he has spoken with the owner on the account.

Sean Pickrem, owner of the Motel, was present and Mayor Eddy requested input from Mr. Pickrem.

Mr. Pickrem explained the situation with the Motel and requested Council consider his request to postpone the process until September 2011.

After discussion, it was decided that this item be addressed at the February 21st Committee meeting, when the Solicitor would be present.

Mr. Pickrem is to request his mortgagor to contact CAO MacMurtry to confirm the current situation.

.02 North Street Takeover

CAO MacMurtry advised that the Town has been requested to take over the North Street extension (east of the new lift station) which was constructed by GEM Health Care. The CAO noted that, in order to do so, the Town is required to sign off that the street and underground

services have been constructed to the Town's satisfaction and specifications. He explained that, after viewing the most recent videos on both the storm and sanitary sewers, he is not prepared to do this.

The CAO advised that he spoke with the Town's Solicitor and explained that one quote of \$140,000 was received from Spicer Construction to repair the sewers. He advised that the Solicitor suggested that a letter of credit be requested from GEM Health Care and the repairs be done in the summer months. The CAO advised that he has requested a letter of credit from GEM in the amount of \$200,000, to secure that any problems in the sanitary and storm sewer will be corrected in the summer of 2011. The CAO advised that GEM Health Care cannot get an occupancy permit until the Town takes over the road.

The CAO recommended that the Town proceed with the road takeover from GEM Health Care on North Street, conditional upon receiving a letter of credit in the amount of \$200,000 from GEM Health Care, which would be returned upon completion of any deficiencies in the underground services to the satisfaction of the Town.

After discussion on cost to repair and a firm quote for both sewers, the CAO was directed to consult with the Solicitor and report back to the Council.

Information/Discussion Items

.01 Uniform Assessment Report & Preliminary Assessment Roll

A memo from the CAO, attaching copies of both the Uniform Assessment and the Preliminary Assessment Rolls for fiscal year 2011/12, was circulated to Council.

The memo explained that the total uniform assessment has increased from \$88,399,600 to \$90,438,043, or 2.31%, and that the preliminary assessment roll shows an increase in total assessed value of \$6,683,700, or 7.46%, over 2010. Residential assessments increased (+8.96%), commercial assessments increased (+2.28%), and business occupancy assessments increased (+3.40%).

.02 Capital Projects Review

The CAO explained that, with the borrowing for the sewage treatment plant project, it is calculated that the estimated debt service ratio in the years 2011 and 2012 will be approximately 12.5%, noting that the allowable amount is 15% and, in year 2013, as previous borrowings are paid out, the debt service ratio will drop to about 10%.

The CAO advised that the Town has committed to a fire truck in 2011 and possibly a loader in 2012. He noted that he is not recommending that the Town do any further borrowing, other than the fire truck and loader, in the years 2011 and 2012.

The CAO further explained that, in addition to borrowing, the Town receives a gas tax refund of \$150,000 and Capital out of Revenue of approximately \$140,000 each year, which can be used toward capital work. He noted that, in the five-year plan, a copy of which was circulated to Council, he has suggested some possible projects, however, costs are not yet confirmed for these projects. The CAO advised that the costs will be confirmed in the next draft of the report. He advised that two items not included yet in the five-year plan are the Community Centre/Fire Hall and the Public Works building.

The CAO noted that the first draft is to explain the financial status of the Town, in reference to capital projects, and propose projects for the next five years, with emphasis on the next two years, and is submitted for information purposes at this time. The CAO requested that Councillors contact him with any requests they may have for consideration in the Capital budget.

.03 ADPC Draft Budget

CAO MacMurtry explained that the Annapolis District Planning Commission has applied for funding for a complete review on how to offer planning services. He advised that the funding from the Province has been approved and the review will be completed by July 31, 2011. The CAO noted that, in the interim, the CAOs, along with the Planner, have worked on a draft budget

for 2011/12 and that highlights of the discussions are a reduction in the overall Planning budget for the upcoming year of approximately \$55,000. The CAO provided a list of the reductions, including not rehiring a Planner, existing staff member acting as a Development Officer, the Administrative Assistant taking on more duties as Office Manager, and the reduction from two Building/Fire Inspectors to one, as of September 2011.

On discussion of the reductions, Councillor Britney questioned how a planning department can operate without a planner. The CAO advised that Chris Millier would act as a consultant, not an actual planner.

The Director of Finance commented that, with one of the Building/Fire Inspectors gone, this would leave the remaining Inspector with three jobs.

Mayor Eddy questioned whether the Town is committed to the review, whether Middleton has other options and, whether the staff can handle the work with these cuts.

There was discussion on the financial situations with Bridgetown and Annapolis Royal, the time spent by Planning on issues for each Town, and the funding shares for the cost of planning.

Councillor Britney commented that, considering the financial situations of Bridgetown and Annapolis Royal, perhaps Service Nova Scotia and Municipal Relations should be contacted to determine if the Province can issue a cheque for the total cost of the review and each unit submit its share to the Province.

.04 ADEDA – Agreement Update

Councillor Smith advised that the working group met before Christmas, settled the issues, and a draft agreement was drawn up. The Councillor explained that early in January, the County requested another meeting to change the funding formula to be based on commercial assessment. He noted that not all partners were pleased with the meeting and voiced their opinions. It was noted that the Annapolis County CAO wanted a reduction in funding levels at the first meeting, however, did not bring this up again. Councillor Smith advised that all Towns and Digby County were disappointed with the late change in funding by Annapolis County.

There was discussion on why Annapolis County requested the funding change, what benefits Middleton receives from belonging to ADEDA, Federal funding criteria, and the inclusion of the veto clause with the funding changes.

Councillor Smith advised that Annapolis County would be dealing with this at its meeting February 8th.

It was the consensus of Council that the Town wait for the County's decision at its meeting tomorrow and the item be addressed at the February 21st Committee of the Whole meeting.

.05 Location for Kiosk

The CAO advised that the Town will be proceeding with the installation of a kiosk in the Centennial Park, noting that the Centennial Park location was chosen to continue with the effort to encourage that the Park be a gathering point in the Town. The CAO explained that this item is on the agenda to make Council aware of the placement of the kiosk and request input.

After discussion on the location, the size of the kiosk, and possible vandalism in the Centennial Park, the CAO was requested to investigate whether or not the kiosk is too large to install at the Save Easy location and the possibility of obtaining two smaller kiosks, and bring this information back to the Committee meeting February 21st.

11.02.08 REPORTS

.01 Committee of the Whole

All items from the Committee of the Whole meeting of January 17, 2011 have been dealt with earlier in the meeting.

.02 Mayor

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

.03 Managers

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

.04 Development Officer/Building Inspector/Fire Inspector

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

.05 RCMP

The RCMP report for the month of January was circulated to all Council members.

11.02.09 CORRESPONDENCE

A list of correspondence for the month has been circulated to all members of Council.

Referencing the letter from Dave Logie, Chair, Annapolis Valley Health, Mayor Eddy advised that a recent news item announced that fourteen hospitals in Nova Scotia will be designated as collaborative practice emergency departments and that Soldiers Memorial Hospital is not one of the fourteen. The Mayor requested that the CAO contact Mr. Logie to set a date and time for him to attend a Council meeting, as offered in Mr. Logie's correspondence.

The Mayor also noted that he will reply to the letter from the Chair of the Middleton and Area Business Association (MABA) addressing policing in the Town.

Councillor Britney advised that, currently, there is a vacant position on the Town's Police Advisory Board and, perhaps a member of MABA could fill this position. Councillor Britney also questioned the \$2,000 cost for a police review.

Mayor Eddy advised he will address these issues in his letter to the Association.

The CAO was requested to reply to the letter from Rebecca Bruce asking the Town to consider reinstating the princess program.

A copy of the list will be circulated with these minutes.

11.02.10 ANYTHING BY MEMBERS

Deputy Mayor Errington questioned whether the CAO had received any information on the Neighbourhood Watch Program.

The CAO advised that information has been forwarded to the Chair of the Police Advisory Board and that he would contact her. It was suggested that the information be left with the Police Board to review and bring a recommendation to Council on the Program.

Councillor Smith commented that the Public Works Department is very busy and the Staff is doing a good job, however, the fire hydrants are buried in snow.

CAO MacMurtry advised that the Department will be clearing the hydrants this week.

Councillor den Haan updated the Council on the progress of the Heart of the Valley Festival Committee's plans for this year, noting that a number of events are already in place and that things are moving along well. The Councillor commented that she feels the Committee is very well organized and doing a great job.

Councillor den Haan requested that the CAO set up a meeting with the Committee and the Facilities Manager to discuss and coordinate the events.

Mayor Eddy reminded members that a REMO Advisory Committee meeting is scheduled for February 10th. The Mayor questioned whether any Councillor is available to attend the County Council meeting held annually in Inglewood, noting that this year’s date is February 15th. No Councillors were available.

There being no further business, it was **moved by Britney, seconded by Smith that the Council adjourn at 9:40 p.m. The motion was carried.**

MAYOR

SECRETARY