

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Monday, July 6, 2009 starting at 7:00 p.m.

**PRESENT**

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

Town Solicitor Bruce Gillis arrived at 7:05 p.m. and left the meeting at 8:30 p.m.

**09.07.01 CHANGES TO THE AGENDA**

There were no changes to the agenda for this meeting.

**09.07.02 MINUTES**

It was **moved by Britney, seconded by Smith that the minutes of the regular Council meeting of June 1, 2009 be approved as circulated. The motion was carried.**

**09.07.03 PRESENTATIONS BY PUBLIC****.01 Soldiers Memorial Hospital Foundation – Brian Neville**

Brian Neville, the Town's representative on the Soldiers Memorial Hospital Foundation, was present to update Council and address any questions they may have concerning the Foundation. Mr. Neville noted that he had previously provided the Council members with a copy of the Foundation's Annual General Meeting minutes of June, 2008 and the Investment Report of June, 2009.

On question from Deputy Mayor Errington concerning the doctor recruitment project, Mr. Neville advised that, currently, a group of private citizens are attempting to attract doctors to the area. He noted that the focus is on soon-to-be graduates and monetary incentives. Mr. Neville advised that the Province offers a \$5,000 moving expense and the Foundation offers funding of \$10,000 to help doctors locate and set up practice in the area.

Mr. Neville advised that Council members are welcome to contact him, if they have any further questions concerning the Foundation.

Mayor Eddy thanked Mr. Neville for his attendance and information.

**.02 Draft Financial Statements – Harold Duffett**

Harold Duffett and Lisa Mutch, representatives of the Town's auditing firm Kent & Duffett, were in attendance to submit the draft audited Consolidated Financial Statements for the Town's General Operating, Capital, Water Operating, Water Capital, Tourist Bureau, and Reserve Funds for the year ending March 31, 2009.

Mr. Duffett noted that the Tourist Bureau is a separate audit report, and advised that the account shows a surplus of \$1,675 for the year ending March 31, 2009.

Mr. Duffett explained that the financial statements, which have been copied to Council, are in draft form and are prepared in accordance with the CICA Public Sector Accounting Board and Service Nova Scotia and Municipal Relations' accounting recommendations.

Mr. Duffett then reviewed the statements in detail and answered questions from the Council.

Questions were raised concerning the costs associated with the former CAO's pension, the significant decline in water consumption over the past number of years, and the method of dealing with delinquent tax accounts.

Mr. Duffett noted that his management letter, which has been copied to the Council, recommends that the Town consider reducing capital water expenditures out of revenue, reviewing cost allocations incurred by the Town on behalf of the Utility, and making an application for a water rate increase.

Mr. Duffett noted that there were no limitations placed on the scope of the audit and there were no significant or unusual procedures.

Mrs. Mutch thanked the staff for its cooperation and assistance during the audit process, noting that the staff is always well prepared.

Mr. Duffett advised that the final statements will be ready for Council approval shortly.

Mayor Eddy thanked Mr. Duffett and Mrs. Mutch for their presentation.

Mayor Eddy requested that the Solicitor be moved up to this point on the agenda to deal with item # .11 under New Business, Action Items, and to report on any issues he may have for the Council's attention.

#### **09.07.05      NEW BUSINESS**

##### **.11 Proposed Land Offer (In Camera – land acquisition)**

It was **moved by Boates, seconded by Smith that the Council adjourn to an in camera session at 8:08 p.m. to obtain legal advice from the Solicitor concerning a proposed land acquisition. The motion was carried.**

The Council returned to regular session at 8:30 p.m.

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

#### **09.07.04      BUSINESS ARISING FROM THE MINUTES**

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

#### **09.07.05      NEW BUSINESS**

##### **ACTION ITEMS**

##### **.01 Appointment of Town Representative – Regional Library Board**

It was **moved by Brown, seconded by Britney that, on recommendation from the Committee of the Whole, the Council approve the appointment of Scott Brigley as the Town's representative on the Regional Library Board. The motion was carried.**

##### **.02 Appointment of Alternate Development Officer**

It was **moved by Boates, seconded by Smith that, on recommendation from the Director of Planning and the Committee of the Whole, the Council approve the appointment of Hank Sawchuk as Alternate Development Officer for the Town of Middleton. The motion was carried.**

##### **.03 Appointment of Animal Control Officer**

It was **moved by Boates, seconded by den Haan that, on recommendation from the Committee of the Whole, the Council approve the appointment of Daniel Cress as the Town's Animal Control Officer. The motion was carried.**

##### **.04 Borrowing Resolution**

It was **moved by Britney, seconded by Brown that, on recommendation from the Committee of the Whole, the Council approve a temporary borrowing resolution for**

**Town General operations for the fiscal year 2009/10 in the amount of \$1,328,730.61. The motion was carried.**

**.05 Approval of Bills**

**It was moved by den Haan, seconded by Errington that, on recommendation from the Committee of the Whole, the Council approve the payment of bills in the amount of \$218,118.45. The motion was carried.**

**.06 Purchase of Pumps and Generator – North Street Lift Station**

**It was moved by Errington, seconded by Britney that, on recommendation from Town's Engineers and the Committee of the Whole, the Council approve the purchase of two (2) self-priming Gorman Rupp pumps from Sansom Equipment in the amount of \$51,259.00 plus HST, and one (1) portable generator in the amount of \$41,842.00 plus HST. The motion was carried.**

**.07 Award of Tender - Patching/Paving**

A memo from the Director of Public Works was previously copied to Council members.

The memo advised that tenders were opened June 26, 2009 for the annual asphalt patching/paving contract and that two tenders were received as follows:

	<u>R. B. Paving Company Ltd.</u>	<u>Highland Asphalt Limited</u>
Spreader Patching	\$113.00 per tonne + HST	\$115.00 per tonne + HST
Hand Patching	\$175.00 per tonne + HST	\$185.00 per tonne + HST
Bulk Sales at Plant	\$ 95.00 per tonne + HST	\$110.00 per tonne + HST

The Works Director's memo advised that monies for this contract are included in the budget and that he is recommending that the Council approve the quote from R. B. Paving Co. Ltd.

**It was moved by Boates, seconded by Brown that the Council award the annual paving contact to R. B. Paving Co. Ltd. of Wilmot for a price of \$113.00/tonne plus HST for spreader patching, \$175.00/tonne plus HST for hand patching, and \$95.00/tonne plus HST for bulk sales at plant. The motion was carried.**

**.08 Award of Tender - Sand/Gravel**

A memo from the Director of Public Works, previously circulated to Council, advised that tenders were opened June 26<sup>th</sup>, 2009 for the annual sand and gravel contract and that the following seven tenders were received:

	<u>Pit Run</u>	<u>Top Soil</u>	<u>Sand</u>	<u>Class A</u>
Ivan H. Trimper Excavating Ltd.	\$4.95	12.95	6.95	8.95
Mark Hankinson	\$6.00	12.00	11.00	-
Bert Balcom and Son Exc. Ltd.	\$6.00	13.25	-	-
Howard Little Excavating Limited	\$8.40	20.00	9.90	11.60
Rice's Contracting Company Ltd.	\$9.00	12.00	12.00	10.50
Roger Parker Excavating Limited	\$9.83	12.00	12.00	12.00
James Height	\$7.50	14.25	9.50	-

The memo advised that all prices are based on cubic yards, that monies are included in the budget for this work, and that he is recommending that Council approve the quote from Ivan H. Trimper.

**It was moved by Brown, seconded by Errington that the Council award the annual sand and gravel contact to Ivan H. Trimper Excavating Limited of Torbrook for a price of \$4.95/yd<sup>3</sup> for pit run, \$12.95/yd<sup>3</sup> for top soil, \$6.95/yd<sup>3</sup> for sand, and \$8.95/yd<sup>3</sup> for Class A. The motion was carried.**

.09 Budget Approvals

Town General Operating

It was moved by Brown, seconded by Smith that it be resolved that the Council of the Town of Middleton estimates that the sum required for the lawful purposes of the Town for the year 2009/10, after crediting probable revenues from all sources, other than the rates for the year, is the sum of \$3,204,299 and; further resolve that the Town Council hereby authorizes the levying and collection of a rate for the current year of \$4.17 per \$100 on the value of the property assessed in the assessment roll as Commercial property and \$1.80 per \$100 on the value of the property assessed in the assessment roll as Residential and Resource property, the rate of \$2.63 per acre for property assessed in the assessment roll as Farm Acreage, and the rate of \$3.13 per \$100 on the value of the property assessed in the assessment roll as Seasonal Tourist Businesses, and a sewer service charge of a flat fee of \$250 plus an additional rate of \$ 0.18 per \$100 on the value of the property assessed in the assessment roll as taxable Residential and Commercial property on which any building is connected to the sewage system of the Town, these being the rates the Council deems sufficient to raise the sum to defray the expenditures of the Town for the current year and; further resolve that the rates and taxes be due and payable September 30, 2009 and; further resolve that an interest rate of 12% per annum be charged on the 2009/10 final tax bills still outstanding after September 30, 2009 and; further resolve that a sewer usage rate of \$0.673 per one cubic meter of water consumed by tax exempt properties, which are not paying full grants-in-lieu of taxation, be levied in accordance with the Sewer Service Charge Bylaw for the year 2009/10. The motion was carried.

Water Operating

It was moved by Brown, seconded by Boates that it be resolved that the Town of Middleton Water Utility Operating budgets for the years 2009/10, 2010/11, and 2011/12, with planned expenditure amounts of \$511,182, \$513,182, and \$515,182, respectively, and projecting no annual surpluses or deficits, be approved. The motion was carried.

Five Year Capital Investment Plan

It was moved by Britney, seconded by den Haan that it be resolved that the Five-year Capital Investment Plan for the years 2009/10, 2010/11, 2011/12, 2012/13, and 2013/14 in the amount of \$7,536,277, and the five-year Capital budget for the Town Water Utility for the years 2009/10, 2010/11, 2011/12, 2012/13, and 2013/14, in the amount of \$222,200, be approved. The motion was carried.

Visitor Information Center

It was moved by Boates, seconded by Britney that it be resolved that the 2009/10 Visitor Information Centre budget in the expenditure amount of \$18,805, being the estimated expenditure level required to operate the Centre for the current fiscal year, be approved. The motion was carried.

.10 Approval of Press Release

It was moved by Britney, seconded by Errington that the press release, which has been circulated to members of the Council, be released to the general public.

Deputy Mayor Errington requested that the word “Press” be changed to “Media”, noting that media is the proper term currently used for such information releases.

**The motion was carried, with the amendment as noted.**

.11 Proposed Land Offer (In Camera – land acquisition)

This item was dealt with earlier in the meeting.

INFORMATION/DISCUSSION ITEMS.01 Request for Appointment to Annapolis County Trails Society

The CAO was requested to advise the Annapolis County Trails Society that there are no Councillors available to sit on its Board of Directors.

.02 Brigadoon Village Project

An information package and a letter from Thelma Costello, Board member, Brigadoon Children's Camp Society, was previously circulated to Council.

The letter was a formal request from the Society for permission to use up to 12 acres of land owned by the Town for the purpose of constructing a wetland, in order to assist Brigadoon in obtaining a permit from the Department of the Environment to alter a wetland on its property at Aylesford Lake for the construction of the camp facility.

On question, CAO MacMurtry advised that the Town owns approximately 500 acres of land along the Annapolis River. The CAO advised that he feels that, if the Town approves the use of 12 acres for a wetland, this would not hamper any future land requirements that the Town may have. The CAO also advised that there is no cost to the Town involved in this project.

**It was moved by Brown, seconded by Errington that the Council approve the use of 12 acres of Town land by the Brigadoon Children's Camp Society for the construction of a wetland to assist with the development of a camp facility on the Society's property at Aylesford Lake. The motion was carried.**

The CAO is to advise Thelma Costello of the Council's decision and meet with her to establish details of the land use.

**09.07.06      REPORTS**.01 Committee of the Whole

All items from the Committee of the Whole meeting of June 15, 2009 have been dealt with earlier in the meeting.

.02 Mayor

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

.03 Managers

The Management reports have been circulated to all members of Council. There were no concerns or comments on the reports.

.04 Solicitor

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

.05 Development Officer/Building Inspector/Fire Inspector

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

**09.07.07      CORRESPONDENCE**

A list of correspondence for the month has been circulated to all members of Council. There were no questions or comments on the list. A copy of the list will be circulated with these minutes.

**09.07.08      ANYTHING BY MEMBERS**

Councillor Boates advised that he was pleased to see a report from the RCMP this month.

Councillor Brown advised that the next Centennial Committee meeting is scheduled for June 7<sup>th</sup> at 6:00 p.m. The Councillor advised that volunteers are needed to operate barbecues on Saturday, July 18<sup>th</sup>.

Councillor Smith advised that he recently attended a meeting of the FundyWeb Broadband Board, noting that a topic of discussion was the disbanding of the Board. Councillor Smith advised that members were requested to inform their Councils of the intent to disband and advise of their decisions.

It was noted that the Board has accomplished what it had set out to do and the consensus of the Council was that there were no objections to disbanding.

Councillor Smith advised that he has received a complaint from the owner of a private parking lot in Town concerning the line painting that was recently done and questioned whether the Town has any agreement in place with private parking lot owners.

The CAO explained that, in the past, The Town annually paid the taxes on private parking lots and maintained and serviced the lots. He noted that, currently, the Town is responsible for clearing the lots in winter months and the application of line markings, in exchange for the use of the lots for public parking. The CAO advised that the Town does not give notice as to when the line markings will be put in place.

Councillor Smith congratulated the Public Works Department for their work in dealing with the recent water main break on Main Street, noting that the staff were on the scene at 2:00 a.m. last Sunday.

Mayor Eddy advised that he received a complaint from a resident recently stating that he is disappointed with the Town's plan for asphalt sidewalk on North Street, noting that he feels it should be concrete. The Mayor advised that he explained the difference in cost for such a project and was asked to make Council aware of the resident's objection.

CAO MacMurtry advised that he can have the engineers include a request for prices for both asphalt and concrete sidewalks when the tenders are called for the North Street project.

Mayor Eddy advised that he has been approached by two members of Soldiers Memorial Hospital Foundation Board advising that they are not pleased with Middleton's attitude toward the request for funding for a hospice.

The Mayor advised that he is not satisfied with the quality of the yellow lines recently applied to the Town streets.

The CAO advised that there have been some comments on the quality of the lines and that the Company will be contacted and requested to do a reapplication.

**It was moved by Britney, seconded by Brown that the Council adjourn at 9:27 p.m. The motion was carried.**

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MAYOR

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SECRETARY