

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Tuesday, August 4, 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; and Chief Administrative Officer, Clayton MacMurtry.

Town Solicitor Bruce Gillis arrived at 7:00 p.m. and left the meeting at 9:47 p.m.

PRESENTATION TO FIRE CHIEF CHRIS BARKER

Mayor Eddy advised that Chris Barker has been Chief of the Middleton Fire Department for twenty years. On behalf of Council, the Mayor congratulated Chief Barker and thanked him for his service to the Town residents, and those of the surrounding areas, and presented him with a plaque in recognition of his years of service.

Chief Barker thanked the Council for its acknowledgement and commented that the support of his family and a very committed membership over the years have both been great contributing factors which have enabled him to carry out his responsibilities as Chief.

09.08.01 CHANGES TO THE AGENDA

There were no changes to the agenda for this meeting.

09.08.02 MINUTES

Councillor Brown noted that, in the July 6th Council minutes, under Anything By Members, it was recorded that the next meeting date for the Centennial Committee was scheduled for June 7th and that this date should have been July 7th.

It was **moved by Errington, seconded by Britney that the minutes of the regular Council meeting of July 6, 2009 be approved as circulated, with the amendment as noted. The motion was carried.**

It was **moved by Britney, seconded by den Haan that the minutes of the Special Council meeting of July 22, 2009 be approved as circulated. The motion was carried.**

09.08.03 PRESENTATIONS BY PUBLIC

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

09.08.04 BUSINESS ARISING FROM THE MINUTES

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

09.08.05 NEW BUSINESS

ACTION ITEMS

.01 Approval of Draft Audited Financial Statements

It was **moved by Brown, seconded by Boates that the Council approve the audited Financial Statement for the Town of Middleton Tourist Bureau for the fiscal year ending March 31, 2009, as presented by the Town's Auditing Firm of Kent & Duffett at the July 6, 2009 Council meeting. The motion was carried.**

It was **moved by den Haan, seconded by Britney that the Council approve the draft Audited Financial Statements for the Town for the fiscal year ending March 31, 2009, as presented by the Town's Auditing Firm of Kent & Duffett at the July 6, 2009 Council meeting. The motion was carried.**

.02 Award of Tender – Sewage Treatment Plant Upgrade Project

Tom Austin, representing ABL Environmental Consultants Limited, the firm that drew up the plans and called for tenders for the Town's Sewage Treatment Plant Upgrade Project, was present to give an overview of the tenders received on the project, address the possible reasons for the over budget amount, and answer any questions the Council may have on the project.

Mr. Austin reviewed his tender follow-up letter of July 28th, a copy of which was circulated to Council members.

Mr. Austin explained that the pre-purchase of equipment was within budget, however, this expense has to be included in the overall cost of the project and added to the tender bid. He also noted that the pre-design budget was prepared over one year ago, with the idea of the project being completed in one season. Due to the timing for the project, it will take two seasons to complete, which could mean material cost increases, noting that the cost escalation from last year to present is approximately 3%.

Other considerations are the risk factors involved with the project, one of which is keeping the plant operational during construction, and additional costs, not included in the pre-design plans, for compliance with Department of Environment regulations and requirements.

Discussion ensued on trying to reduce the \$500,000 cost overrun, possible funding sources, the possibility of rejecting all tenders, negotiating a reduction in cost on some aspects of the tenders received, and the possibility of re-tendering for the project.

On request from Solicitor Gillis, it was **moved by Brown, seconded by Boates that the Council adjourn to in camera at 8:05 p.m. to obtain legal advice and to discuss personnel and land acquisition items. The motion was carried.**

Mayor Eddy declared a conflict of interest on the land acquisition items and left the room during these discussions.

It was **moved by Brown, seconded by Boates that the Council returned to regular session at 9:47 p.m. The motion was carried.**

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

It was **moved by Brown, seconded by Smith that, on the advice of the Solicitor, the award of tender for the Sewage Treatment Plant Upgrade Project be tabled to the August 17, 2009 Committee of the Whole meeting. The motion was carried.**

.03 Approval of Bills

It was **moved by Britney, seconded by Boates that the Council approve payment of bills in the amount of \$453,007.62.**

Councillor Smith, noting the payment to Basketball Nova Scotia, questioned whether this invoice was for the Steve Nash program. The CAO is to check with the Director of Recreation on this item.

On question from Councillor den Haan, the CAO advised that the invoice from Sojourn Enterprises Ltd. was for street signs.

Councillor Boates questioned the cheque payable to the Town of Middleton and was advised by the CAO that this was for a Gas Tax Refund advance.

Councillor Smith questioned the invoice for ProCom Data Services Inc. and was advised by the CAO that this is a quarterly billing for the Town's financial computer package.

The motion was carried.

.04 Membership Application – Middleton Fire Department

It was **moved by Smith, seconded by Errington that, on recommendation from the membership of the Middleton Fire Department, the Council approve the appointment of Chad LeBlanc to the membership of the Middleton Fire Department. The motion was carried.**

INFORMATION/DISCUSSION ITEMS

.01 Dangerous and Unsightly Premises

CAO MacMurtry advised that four letters have been sent to residents of the Town whose properties are in need of mowing and trimming.

Deputy Mayor Errington suggested that perhaps the Town should consider cleaning up properties that are consistently unkempt and bill the owner for the clean-up.

Mayor Eddy commented that, historically, a letter from the Administrator of Dangerous and Unsightly Premises usually gets results, noting that a follow-up letter is sometimes required, however, most residents deal with the problem to the satisfaction of the Town.

On question from Councillor Boates, the CAO advised that the old television that has been at roadside on King Street has been removed.

.02 Nova Scotia Power – Renewable Energy Program

A letter from David MacLaughlin, Renewable Program Manager, Nova Scotia Power (NSP), was previously circulated to Councillors.

CAO MacMurtry explained that NSP is focusing on adding more diverse supplies of renewable energy in the Province. The CAO advised that he, the Mayor, and the Deputy Mayor met with Mr. MacLaughlin and that Mr. MacLaughlin explained that NSP is launching a solar thermal energy pilot program this fall and that two Nova Scotia municipalities will be chosen to cooperate with NSP in promoting the use of solar power, noting that NSP will provide funding for the demonstration project on selected municipal infrastructure, which NSP will assess for suitability.

The CAO advised that Middleton is one of three Valley Towns that are being considering for the project.

It was suggested that the Museum may be a good facility for consideration and it was noted that the Museum is not a Town-owned building and that the Society would have to be contacted to see if there is any interest in taking part in the program.

After discussion on the project and possible Town buildings to be suggested, the CAO was directed to contact Mr. MacLaughlin and advise him that the Town is interested and suggest a number of Town-owned facilities for consideration.

09.08.06 REPORTS

.01 Committee of the Whole

Mayor Eddy advised that the July 20, 2009 Committee of the Whole meeting was cancelled and a Special Council meeting was held July 22nd in its place and that all items have been dealt with from this meeting.

.02 Mayor

Mayor Eddy tabled his report for the month of July. 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 July have been circulated to all Council members.

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

Councillor Boates inquired as to whether the Council could be copied the statistics for the County as well as the Town and whether it would be possible to get a copy of the last six months of statistics.

CAO MacMurtry is to contact Corporal Pemberton concerning this request.

09.08.07 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.

09.08.08 ANYTHING BY MEMBERS

Councillor Britney commented that he had delivered a letter to the RCMP, Middleton Office, and did not receive a response. He noted that he contacted the Officer concerned and was advised that he did not receive the letter. Councillor Britney advised that he then e-mailed the Officer and has yet to receive a response.

Councillor den Haan questioned whether all residents had received a copy of the Town's response to the petition submitted by Donald Burgoyne requesting that the Town have a new survey by an independent professional undertaken on the Rotary Park and was advised that a copy of the letter was mailed to all residents who signed the position.

Councillor Smith advised that he has been receiving positive comments on the the Town's Birthday Bash held July 17th and 18th and again passed along his congratulations to the Committee and Town Staff on a job well done.

Councillor Smith noted that there was a fire alarm yesterday and the Power Corporation had traffic held up on School Street. The Councillor noted that the fire trucks went through without incident and questioned whether the Fire Department is notified when a street is not accessible.

CAO MacMurtry advised that it is the responsibility of either the School or Nova Scotia Power to notify emergency vehicles in this type of situation and noted that the Public Works Department, when undertaking work that will close a street or stop traffic, notifies emergency services.

Deputy Mayor Errington advised that the Car Show on the weekend was very successful, with 129 entries and 12-14 vehicles on site which did not register. The Deputy Mayor expressed her thanks to the Public Works Department for their assistance and to the Fire Department for leaving its washrooms open to the public during the event. The Deputy Mayor also noted that Jonathan Archibald, a representative of the Business Community, asked that his appreciation be passed on to the Town Departments for their assistance in making the event such a success.

Councillor Brown questioned whether the Legion has been advised of the Council's decision to rename West Street to Veterans Lane and was advised by the CAO that a letter has been sent.

Councillor Brown requested that the discussion concerning a change in hours for the Town Office be scheduled for a future meeting.

Councillor Brown reminded members of the Picnic in the Park this Saturday.

On question from Councillor Britney, Councillor Brown advised that those willing to help with the corn boil and barbecue should be at the Park between 10:00 a.m. and 11:00 a.m.

Mayor Eddy advised that, in conjunction with the Town's Centennial celebrations, the official opening of the Senior Games took place this afternoon at the Legion. The Mayor noted that the dignitaries present for the opening offered their best wishes on Middleton's centennial and Warden Fred Whalen, County of Kings, presented him with a certificate of congratulations on the Town's 100th birthday.

Mayor Eddy noted that he has heard many positive comments on the various events taking place for the Centennial. The Mayor noted that the Car Show this past weekend was excellent and that there were a number of people who commented that they hoped this would become an annual event.

09.08.09 IN CAMERA (Personnel, Land Acquisition, Legal Advice)

The in camera items were dealt with earlier in the meeting.

It was **moved by Boates, seconded by Smith that the Council adjourn at 10:18 p.m. The motion was carried.**

MAYOR

SECRETARY