

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Tuesday, September 8, 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 7:00 p.m. and left the meeting at 8:47 p.m.

PROCLAMATIONS

.01 Continuing Care Month

Mayor Eddy proclaimed September, 2009, *Continuing Care Month*, in the Town of Middleton.

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09.09.01 CHANGES TO THE AGENDA

Mayor Eddy advised that, under Action Items, item .04 is to be removed from the agenda and will be dealt with on September 21, 2009, at 6:00 p.m.

09.09.02 MINUTES

It was **moved by Errington, seconded by Brown that the minutes of the regular Council meeting of August 4, 2009 be approved as circulated. The motion was carried.**

09.09.03 PRESENTATIONS BY PUBLIC

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

09.09.04 BUSINESS ARISING FROM THE MINUTES

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

Mayor Eddy requested that the Solicitor be moved ahead to this point on the agenda, to deal with items #.03 and #.05 under Action Items and to report on any issues he may have for the Council's attention.

09.09.05 NEW BUSINESS

ACTION ITEMS

.03 Land Purchases (4) - (In Camera – land acquisition)

.05 Course Review – CAO- (In-Camera – personnel)

It was **moved by Britney, seconded by Boates that the Council adjourn to an in-camera session at 7:03 p.m., to obtain legal advice from the Solicitor concerning four proposed land acquisitions and to discuss a personnel item. The motion was carried.**

Mayor Eddy declared a conflict of interest on the first of four land acquisition items and left the room during the discussion.

Mayor Eddy resumed the Chair at 7:25 p.m. and took part in the remainder of the discussions.

It was **moved by den Haan, seconded by Boates that the Council return to regular session at 8:45 p.m. The motion was carried.**

09.09.06 REPORTS**.04 Solicitor**

Solicitor Gillis advised that he has been corresponding with the MacLean's solicitor on several issues. He noted that one issue raised was the tax refund due to the Macleans on the expropriated property, as the taxes had been paid in full for the year on the entire property. The Solicitor advised he would work with the Chief Administrative Officer, to calculate the tax refund due on the expropriated portion.

Upon question from Councillor Smith, the Solicitor advised that it was up to the MacLean's to file a claim for compensation on the expropriated land.

The Solicitor had no further business for the Council's attention.

09.09.05 NEW BUSINESS**ACTION ITEMS****.01 Approval of Engineering Budget – North St. Upgrade/Lift Station**

It was **moved by Britney seconded by den Haan that the Council award the engineering contract, in the amount of \$112,590, to CBCL Limited for the supervision and inspection associated with the sewer extension and lift station, street rebuild, installation of curbs, sidewalk and storm sewer on North Street. The motion was carried.**

.02 Approval of Engineering Budget- STP

It was **moved by Smith seconded by Britney that the Council award the engineering contract, in the amount of \$267,391.37 (\$258,524.00 plus non-rebatable portion of HST), to ABL Environmental Consultants Limited for the supervision and inspection of the project construction. The motion was carried.**

.03 Land Purchases (4) – (In Camera)

This item was dealt with earlier in the meeting.

.04 Pension Review (Staff) – (In Camera)

This item was deleted from the agenda.

.05 Course Review – CAO- (In Camera)

This item was dealt with earlier in the meeting.

.06 Fee Waiver – Rotary Park

It was **moved by Brown, seconded by Smith that, upon recommendation of the Director of Recreation and Community Services, the Council waive the fee for rental of the Rotary Park for the Pee Wee A Provincial Championship Tournament held during the weekend of August 28-30, 2009, per Section C:2:2.3:3 of the Town's policy. The motion was carried.**

.07 Special Reserve Fund Borrowing – 2009 Chev ½ Ton Truck

It was **moved by Brown, seconded by Errington that Council authorize the borrowing of \$21,632.27 from the Land Sale Proceeds-Elementary School Special Reserve Fund, with repayment over a five-year term, at an annual interest rate of 2.78%, to finance the purchase of a 2009 Chev ½-ton truck. The motion was carried.**

.08 Capital Investment Plan

It was **moved by Boates, seconded by den Haan that the Town of Middleton 5-year Capital Investment Plan for the Years 2009 to 2014 be approved as presented. The motion was carried.**

.09 Grant Application – Brooklyn Road

CAO MacMurtry advised that the County of Annapolis did not receive an infrastructure grant for the water and sewer servicing costs for this project. The CAO requested approval to file for a Provincial Capital Assistance Program grant, jointly with Annapolis County, for the water portion of the project. He noted that the total cost for the water main would be approximately \$250,000 and the Town's portion would be \$125,000. The PCAP provides 50% funding, leaving a balance of \$62,500 for the Town to finance.

The CAO also advised that the debt service costs for the sanitary sewer portion of this project could be financed from the taxes received on the proposed development.

Councillor Smith expressed his concern that applying for another grant might jeopardize the Town's chances to receive funding on the overrun for the Sewage Treatment Plant project.

Mayor Eddy stated that he had concerns with funding the Town's portion of money to take part in a County project, with all the other capital projects currently ongoing.

The CAO noted that it was not only the current development that is being proposed, but all future developments at this site, that the Town is eligible to receive 50% of all tax revenues, in addition to a sewer charge.

It was **moved by Errington, seconded by Boates that the CAO proceed to make a joint PCAP grant application with the Municipality of Annapolis County for the water main installation, estimated at a total cost of \$250,000, for the proposed development on Brooklyn Road. The motion was carried.**

.10 Bills

It was **moved by Britney, seconded by Errington that, on recommendation from the Committee of the Whole, the Council approve payment of bills in the amount of \$237,768.27. The motion was carried.**

INFORMATION/DISCUSSION ITEMS

.01 ICSP Committee Membership

Councillors den Haan, Errington and Boates volunteered to be Council members on the ICSP Committee.

The CAO advised that the first meeting will be held on September 10, 2009, at 3:00 p.m., and future meetings will likely be held in the evenings. Councillor Boates advised that, due to work, he will be unable to attend the first meeting.

.02 Town Hall Hours/Staffing

CAO MacMurtry advised that it is currently extremely busy at the Town Office and they are short-staffed. The Town Hall Executive Assistant is on her fifth week of sick leave. The Utility Clerk is busy preparing for the next water billing at the end of September, and the Director of Finance has three reports due to the Province by the end of the month. He also noted that taxes are due on September 30, 2009, and the front counter is busy.

It was **moved by Errington, seconded by Britney that the Receptionist position, filled by Lisa Weaver, be extended for one month and that the situation be reassessed at the October Council meeting. The motion was carried.**

The CAO reported that the Town of Wolfville had been considering not opening to the public until 10:00 a.m. but has not yet gone ahead with the idea. He advised that there were concerns about the public's reaction to the cutback in hours for public access.

09.09.06 REPORTS

.01 Committee of the Whole

All items from the Committee of the Whole meeting of August 17, 2009, were dealt with earlier in the meeting.

.02 Mayor

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

09.09.07 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.

09.09.08 ANYTHING BY MEMBERS

It was **moved by Boates, seconded by Brown that the Council adjourn to an in-camera session at 9:25 p.m., to discuss a personnel item. The motion was carried.**

It was **moved by Brown, seconded by Boates that the Council return to regular session at 9:40 p.m. The motion was carried.**

Councillor Brown advised that the Town Criers' International Demonstration will take place on September 12 at the Macdonald Museum. He noted that there were fifteen town criers registered to take part.

Mayor Eddy noted that this year is Gary Long's twenty-fifth anniversary as Town Crier for the Town of Middleton, and he will be making a presentation to Gary and his wife, Sara, on Saturday.

Councillor Brown advised that the Middleton Fire Department is fundraising by organizing a 100 Club, which will take place at the Capitol Lounge and Grill. Tickets are \$20, and the event will be held on the second Thursday of every month, beginning October 8, 2009. The funds raised will be used to purchase fire equipment.

Deputy Mayor Errington advised that she attended a Middleton and Area Business Association meeting this morning. She noted that she received positive comments on the Town and the Town staff.

Councillor Smith reported that he attended the last Annapolis Digby Economic Development Agency meeting, along with the CAO. Three items of note arising from the meeting were the fact that the Director is currently working without a contract; the Warden of Annapolis County

will be going to Scotland on an exchange program; and a presentation by Dr. Bob Mahar, advising on the Mapping Creative Economy project. The project is being done through the Nova Scotia Community College at a total cost of \$200,000, and grant funding of \$180,000 has been received. He advised that ADEDA partners are to be approached to fund the \$20,000 balance over the next two years.

Councillor Britney expressed his concern about the speed of ATV traffic on the trail in front of the Memory Lane Railway Museum. He questioned whether concrete dividers could be staggered in front of the Museum to slow down the traffic.

The CAO is to talk to the Trail Society on this matter.

Councillor Britney also questioned whether two power poles in the center of the Rotary Park parking lot could be removed. He noted that he observed a vehicle accidentally backing into one of the poles and feels they are a hazard. If the poles cannot be moved, he suggested that perhaps tires could be placed around the base.

The CAO is to look into this matter, to see what can be done.

It was moved by Britney, seconded by Smith that the Council adjourn at 9:52 p.m. The motion was carried.

MAYOR

SECRETARY