

**Minutes of Meeting
Committee-of-the-Whole
January 19, 2009**

1. The regular monthly meeting of the Port Hawkesbury Town Council, meeting as a Committee-of-the-whole, was held in the Boardroom of the Civic Centre, on Monday, January 19, 2009, commencing at 4:30 p.m.

2. Present were:

W.J. (Billy Joe) MacLean	-	Mayor
Mark MacIver	-	Deputy-mayor
Jim King	-	Councillor
H. MacDougall	-	Councillor
Colin J. MacDonald	-	C.A.O.
James N. Davis	-	Director of Finance
James W. Pyke	-	Director, P.R.& T.
Larry Evans	-	Town Solicitor

Absent with regrets:

Ken Anderson	-	Councillor
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3. The meeting was called to order by Mayor MacLean and the following agenda of items was attended to.

Gallery Presentation(s)

4. It was agreed to move agenda item #11 *N.S. Municipal Finance Model – Financial Forecast* to this part of the meeting.

5. The Director of Finance provided a power point presentation that exhibited a ten year forecast of the Town's budget. The forecast was predicated on maintaining the residential tax rate and allowing for an adjustment in the commercial rate for one more year to reflect the phase-out of Business Occupancy taxation; and, no further capital program borrowings.

6. Councillor J. King, on the issue of capital expenditures, noted that there are public works demands that need to be addressed in the short term, including a new building, a new 5 tonne truck and another sidewalk plow. Mayor MacLean noted that we will have to a prudent approach to addressing capital expenditures and it will include pay-as-you-go or leasing options.

7. Mayor MacLean noted that now that we have a general forecast of revenues and expenditures that he, as Chair of Finance, would like to meet with the Director of Finance and the C.A.O. to review each year in detail for further presentation to Council.

Community Services Issues

Additions to/Approval of C.S. portion of the Agenda

8. Additions to the Agenda included: ***(a) Sidewalk snow removal; and (b) regrets from the Fire Chief***

9. ***It was moved by Deputy-mayor MacIver and seconded by Councillor King, to approve the additions, as noted, to the Community Services portion of the agenda. Motion carried.***

R.C.M.P. Report

10. Cpl. Jamie Greene provided a statistical report on policing activities for the period September 1 to December 31, 2008. Incidents handled over this period of time represented an 18% decrease over the same period of time last year. The street crime enforcement position, a joint initiative of the Federal and Provincial Governments, will commence on April 1, 2009.

11. Overnight parking enforcement as outlined in the Town's Winter Parking Regulations was discussed. Ticketing, or removal of vehicles, before snowstorms will result in the public being made aware of the need to take their vehicles off the street in respect of the overnight parking ban.

Fire Services Issues

Report of the Fire Chief

12. The Fire Chief was unavailable due to work commitments. Councillor M. MacIver, on behalf of the Chief, inquired about the status of an application for Fire Hall renovations. The CAO reported that an application had been forwarded to SNSMR so that it will be in the queue should additional funds become available for Fire Department upgrades.

Fire Services – Richmond County

13. Councillor J. King noted that he asked to have this matter added to the agenda for the purposes of an update on our request to Richmond County for an increase in the compensation provided to the Town for providing fire coverage in Point Tupper and Port Malcolm.

14. The Mayor indicated that the County has not yet provided a reply to us. The C.A.O. recommended that we contact the County to see if they may agree to the issue being reviewed by an independent third party as the route recently taken by Town of Windsor and the Municipality of the County of West Hants. This falls in line with the study approach as proposed by Mr. Davis.

15. **It was moved by Councillor J. King and seconded by Councillor H. MacDougall to direct a letter to the Warden for Richmond County to advocate that a study be commissioned to determine a level of compensation appropriate to fire service delivery in Point Tupper and Port Malcolm. Motion carried.**

Snow Removal Policy

16. Councillor J. King asked that a policy be adopted to provide that a snowplow be stationed at the firehall at those times when plows are called off the road because of visibility concerns; and, that the public works backhoe remain at the operator's home during forecasted snow events as a backup to insure that fire department vehicles are able to get access to emergency call-outs. Council agreed to this direction.

Superintendent's Report

17. The Council reviewed the Superintendent's report on activities for the period November 1 to December 31, 2008.

18. ***It was moved by Councillor J. King and seconded by Councillor H. MacDougall to approve the reports as received. Motion carried.***

Approved addition to Agenda

Sidewalk Snow Removal on Rose Street

19. Mr. MacDonald reported that he had received a request from a resident of Rose Street who asked that the Council re-visit their current policy on snow removal for sidewalks and to consider adding Rose Street to the priority list for sidewalk snow removal.

20. It was agreed to have the policy remain as is because it does provide for priority snow clearance, and clearance on all other sidewalks on an 'as available' basis.

Unightly Premises

21. Councillor King reported that he is receiving complaints about a duplex in Tamarac heights and the fact it continues to be unsightly year after year. He suggested that we ask the Planning Commission what is being done about this property.

22. ***It was moved by Councillor J. King, and seconded by Councillor K. Anderson to direct the Planning Commission to take immediate action on the identified property. Motion carried.***

Parks, Recreation and Tourism Issues

23. There were no recorded additions to the agenda as presented.

Director's/Aquatics Reports

24. ***It was moved by Councillor H. MacDougall and seconded by Deputy-mayor M. MacIver to approve the Director's and Aquatics reports, as filed.***

On the question Councillor H. MacDougall pointed out that with the move to the new control centre for the aquatics program that the office near the gymnasium will no longer be staffed. Patrons of the gymnasium will be directed to the gym via signage to be installed and any issues that may arise will be managed by the staff at the aquatics center entrance. ***Motion carried.***

Health Promotion Funding – Soccer/Football Field

25. Mr. Pyke reported that we were unsuccessful in attaining federal agency funding for the proposed upgrades to the soccer/football field and that the Province who have committed one-third of the funding need an answer before mid February if we are going to use the funds they have approved for this project. If the funds are not used then they will be reallocated to other provincial demands.

26. After discussion, it was agreed to wait until the Federal Budget is announced next week to see if there is a new avenue to access funds for this project.

27. Mayor MacLean reported that he is meeting with John Lynn and Marlene Usher (ECBC officials) later on in the week and he will ask if they would re-visit our funding request.

Finance and Policy Issues

Approved Additions to the Agenda

28. Additions to the Agenda included: (a) clarification on drinking water bottles; and (b) waterfront.

29. ***It was moved by Deputy-mayor M. MacIver and seconded by Councillor H. MacDougall to approve the additions to the Finance and Policy portion of the agenda, as noted. Motion carried.***

Policy – Technology Support – Cellular Phones

30. Mr. MacDonald noted that the policy included with the agenda reflects the direction from the previous meeting and is presented for information purposes only.

31. Mayor MacLean apologized for his public remarks on the issue of laptops for Council members as a part of an E-government initiative, as he understood concerns to be with technology and not financial as was clarified. He offered to raise the funds to acquire the technology if Council would like to go forward but is concerned with the cost to the public purse. It was noted that Council have already made a decision on the issue but can re-visit it at another time.

Establishment of a Council Insurance Working Group Committee

32. It was agreed to table this matter until Councillor K. Anderson is in attendance, as this item was placed on the agenda at his request.

Waste Management Collection By-law

33. Mr. MacDonald noted that this item was placed on the agenda for the purpose of addressing the concern of a resident that her recyclables were not being collected because they were placed in a green transparent bag as opposed to the by-law requirement that recyclables be placed in blue bags. He reported that the waste collection enforcement officer along with the Director of Finance who supervises waste management and collection issues are recommending that we stay with the provisions of the by-law as they are written. Council agreed to maintain the status quo.

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Claims

Damage to Vehicle

34. The Council reviewed the claim of an individual who lost control of her vehicle on Phillipott Street and struck a residential dwelling. The claimant alleged that the street was not plowed or salted. Council denied the claim on the basis that the claimant is responsible for the care and control of the vehicle.

Damage to Residence – Sewer Back-up

35. The Council reviewed a claim from a Prince Street resident who experienced damage to her property as a result of a failure in the sanitary sewer lateral to her property, and whose total repair bill exceeded the \$10,000. limit placed on her home insurance for these occurrences. It was noted that the failure of the lateral is not negligence and under terms of the *Municipal Government Act* we are not liable.

Funeral Expenses

36. The request for payment of the funeral expenses of a former employee was denied as there are no provisions within the Municipal Government Act to authorize such this expenditure.

Clarification on ban of individual water sales in the Civic Centre.

37. Mr. MacDonald asked Council to clarify the recently adopted policy that bans the sale of individual bottles of water in the Civic Centre. The YMCA and Cape Breton beverages are asking if they can continue to sell bottles of mineralized and flavoured waters. The Council agreed that the policy targeted so called spring waters and not the mineralized and flavoured brands. The sale of these products is permissible.

Additions to the Finance and Policy portion of the agenda

Waterfront

38. Deputy-mayor M. MacIver reported that the Waterfront is close to finalizing a funding arrangement for Waterfront projects and still requires a contribution of 10% of the projects value as previously approved for financing by the Town Council. A letter verifying the borrowing authority is required to proceed. It was agreed that the Waterfront consult with Mr. Davis prior to dealing with any financial institution to borrow the funds to explore the best and most cost-efficient source of funds.

39. On a related note, ***it was moved by deputy-mayor M. MacIver and seconded by Councillor H. MacDougall to return control of the Creamery building to the Waterfront Development Society for their management. Motion carried.***

40. Mayor MacLean commented on an electrical contractor who installed a Phase III electrical service in the Creamery for the former Isle Madame Confections operations suggesting that if the service is of no use to the Creamery that he be allowed to recover the electrical panels. Deputy-mayor MacIver noted he would bring this issue to the Society when it meets this evening.

Wastewater Treatment Plant – Flood Damages

Civic Centre Operations

Approved additions to the Agenda

29. Mayor Maclean asked the Council to review a draft of a proposed Press Release/Letter to the Editor developed as a response to concerns of the Chamber of Commerce as outlined in their letter to the Council dated October 31, 2008, as they relate to decisions made by the Town Council on Civic Centre operations and the financial

challenges of operating costs for the Centre. After discussion it was agreed to hold any comment until such time as the Chamber have made their presentation and Council have discussed an appropriate response.

30. The C.A.O., C. MacDonald requested clarification on the attendance of the Civic Centre Management Team to the meeting with the Chamber. He noted that the Chamber had asked to meet with the management team as well as Council, yet the motion of Council authorizing the meeting, references Town Council, only, would meet.

31. After discussion, ***it was moved by Councillor K. Anderson and seconded by Councillor J. King to include the C.A.O. and the Directors of Finance and P.R. & T. into the meeting with the Chamber and to have the balance of the Management team on standby should their input be required. Motion carried. Mayor Maclean is recorded as voting against the motion as he believes the whole of the Management team should be included.***

Correspondence - Eascan Arbitration

32. The Council was presented, for information purposes, with a copy of correspondence from George MacDonald, legal counsel for Eascan, to Doug Caldwell, legal counsel for the Town, regarding a proposed settlement of legal costs.

33. It was at this point in the meeting that Mr. Davis seized the opportunity to inform the Council that he has received a Notice of Bankruptcy for Isle Madame Confections. On being questioned, the Solicitor, verified that these actions provide preference to Landlords and that taxes and other costs need to be clearly identified and presented to the Receiver.

34. ***It was moved by Councillor K. Anderson and seconded by Councillor J. King that the Director of Finance and the Council representative on the Waterfront development Society, Deputy-mayor M. MacIver, meet with the Solicitor to ensure that all costs associated with IMC be identified for claim against the bankruptcy proceedings. Motion carried.***

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Snow Removal Tender

35. The Council received a report and recommendation from the Civic Centre Maintenance Manager, G. Snook, to have the snow removal tender for the Civic Centre awarded to TAZ Construction for the tendered price of \$4, 870.

36. ***It was moved by Deputy-mayor MacIver and seconded by Councillor J. King to accept the recommendation of the Maintenance Manager re: snow removal for the Civic centre. Motion carried.***

Management Team Report

37. The Council reviewed the Management Team report that refers a couple of issues to the Council for direction:

- (a) Environmental Policy on Drinking Water Bottles - The Management Team noted that in respect of marketing the Centre as a "green" building that we consider the elimination of bottled water in the centre. Mr. Davis asked the Council to consider retention of the 10 liter jugs being used for drinking water cooling apparatuses with a provision that they be filled with town-produced water. Mayor MacLean noted that Clean Nova Scotia is recommending that the Province ban drinking water being sold by the bottle.

38. ***It was moved by Councillor K. Anderson and seconded by Deputy-mayor M. MacIver to approve a policy that eliminates bottled water use in the Civic centre with the exception of the large water cooler containers that can be replenished with Town produced water. Motion carried.***

- (b) Linen Service - The Management Team asked the Council to consider going out to a Request for Proposals for the provision of linen service for the centre. It was agreed that the C.A.O. meet with the current provider of this service to address cleaning quality issues.

Appointment to C.C. Board of Directors

39. The C.A.O., C. MacDonald, reported that he received only one reply to an advertisement that called for an expression of interest in serving as an advisor to the C.C. Board of Directors, that being from Sean Miller.

40. ***It was moved by Deputy-mayor M. MacIver and seconded by Councillor J. King to appoint Mr. Sean Miller as an advisor to the C.C. Board of Directors and to re-advertise for further expressions of interest.***

Figure Skating Account

41. The Council discussed the matter of the outstanding account of the Figure Skating Club for ice rental costs incurred last year

42. ***It was moved by Deputy-mayor M. MacIver and seconded by Councillor K. Anderson to take all measures necessary to collect the outstanding account of the Figure Skating Club and to follow through on a meeting with the Club's executive for the purpose of developing a schedule for repayment. Motion carried.***

Sewer Claim

43. Mr. MacDonald presented a claim from a resident of Prince Street who maintains that her basement was damaged as a result of a failure in the Town's sewer system. Council agreed to table the letter until we are in receipt of a report from the Superintendent of Public Works.

Adjournment

44. On motion the meeting adjourned at 7:40 p.m.

Approval

Date:

Colin MacDonald, Recorder

