

APPROVED BY COUNCIL – September 29, 2008

COUNCIL ADVISORY COMMITTEE

August 25, 2008 – 5:30 p.m.

PRESENT

Mayor David Corkum, Deputy Mayor Mark Pearl, Councilor Dennis Kehoe, Councilor Nola Folker-Hill, Councilor Bernie Cooper, Councilor Eric Bolland, CAO Bill Boyd, Solicitor Geoff Muttart, Town Clerk Carol Harmes, (Recording Secretary).

Staff: Keith Robicheau, Finance Director Debra Crowell, Parks and Recreation Director Mark Phillips, Town Engineer Hal Henderson, Returning Officer Al Kingsbury

Mayor David Corkum called the meeting to order at 5:35 p.m. and CAO Boyd reported that all members of Council were present.

APPROVAL OF AGENDA

It was moved by Councilor Dennis Kehoe and seconded by Councilor Eric Bolland

that the Agenda be approved as circulated

MOTION CARRIED

PRESENTATIONS

(a) KEED – Robert Krychuck

An update was given by Mr. Krychuck, the general contractor for the Kings Riverside complex, during which he reported that much of the exterior of this complex has been completed and 29 units are ready for occupancy. He expected that the remaining units (of the 45 in total) will be completed in October and that the common areas will be available for use soon after. Opportunities for public viewing of the facility are available and from these, some units have already been committed.

He added that the facility will hire about 8 full-time employees. (i.e. a chef, maintenance supervisor, nurse/manager, etc.)

Points from Discussion

- The target market is for people needing assisted living, with cooking, medical, housekeeping, etc. being made available.
- There are 45 units in total - 56 bedrooms.
- Although there is parking on the west side on River Street, there is also a private bus services available.
- The units will be leased – not purchased.
- There are 2 elevators in the building

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- The developers are still considering some retail on the second lot, perhaps an apartment unit, pharmacy, medical offices, etc.
- A tour can be arranged for Council through KEED's administration office.

(b) Torgny Vigerstad – Impact of Dyke on Cornwallis River

Torgny Vigerstad, Ph.D (a scientist with Environmental Solutions Remediation Services) and Dr. Cousens, (an Engineer and Senior Specialist with Environmental Science and Engineering Consulting) gave a professional opinion on the impact that the pedway and dyke would have on the waters of the Cornwallis River. They felt that an open house with citizens would be a good opportunity to share information with the public, as to what would happen in flood conditions with the dyke installed.

- Dr. Vigerstad reviewed some slides which showed the waters in the Cornwallis River during normal conditions; how they would look during a 10 meter flood; and then how these would be controlled with the installation of the dyke.
- He noted that the 10.5 m elevation identified the highest measurement anticipated over a RI (Recurrence Interval) of 100 years, stating that this elevation would unlikely ever be reached.
- The recurrence would mean a 63.4% chance of having a 100 year storm within 100 years, and this percentage is determined by a mathematical formula.
- Other influences might be tides, upstream water run-off, wind fetch, water run-off from surrounding hillsides, climate issues, storm surges, etc.
- He noted that the Cornwallis River meanders through a low flood plain, with undulating elevation along its banks.
- Under previous flooding conditions, a “tongue” of water develops from the Cornwallis River, back across the flood plain area on West Main Street (below Great Valley Juices).
- The tongue of water would be contained within the river, with the dyke.

Future Concerns

- Water will be constrained with the dyke but this should not make a significant impact on other areas, like Meadowview.
- Snow dumping from street clean-up has a negligible impact on flood conditions in the river.
- If extensive development takes place on the hillsides in Town, retention ponds should be installed.
- At the present, a natural ditch, along with the newly installed culvert system, can now handle an amount of water flowing to

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the flood plain.

- If a new bridge is installed, a new design should be used, so as to accommodate the amount of rising water in the river.
- Part of the river is a protected habitat for brown trout, so there is limited alteration permitted to the river or around its banks.
- As part of future development, a study must be done to control water flow.

APPROVAL OF MINUTES

(a) June 23, 2008

It was moved by Councilor Eric Bolland and seconded by Deputy Mayor Mark Pearl

that the Minutes of June 23, 2008 be approved as circulated.

MOTION CARRIED

BUSINESS ARISING FROM MINUTES

(a) RFPs – Investment Advisory Committee – Fund Manager

At a previous meeting of Council, a discussion took place regarding the procedure for selecting a fund manager for the Perpetual Account, and it was felt that further discussion was required on this issue. Director Crowell submitted a copy of the terms and conditions of the RFP, along with notes and comments which were made on the various submissions.

(Note: Councilor Dennis Kehoe wanted to go on record as stating that the process for selecting a Fund Manager through RFPs was flawed and due diligence was not served by the Town.)

Points from Discussion

- Because of the date of the meeting, there was no opportunity at CAC to discuss the various proposals and the rationale of the decision made.
- A low bid is not required for RFPs as many factors (including price) are considered.
- The Town's Purchasing Policy outlines the procedure in awarding tenders or RFPs but this was not followed.
- Explanations should have been provided to Council as to why the lowest bidder was not accepted.
- The management fees differ because of a "buy and hold" approach versus an "active trading" approach.
- The lack of information on what the costs were and how this decision was made resulted in embarrassment to councilors, who found themselves trying to answer questions from the public.
- A volunteer committee, consisting of well-qualified and respected individuals, manages these funds and has done a

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great job in past years.

(Note: Mayor Corkum felt that there was nothing further to add at this time and felt Council should move on. The chair was challenged to allow the debate to continue, however, the motion to continue was defeated.)

FINANCE

(a) Debenture Funding – Fall 2008

Director Crowell presented a recommendation for debenture funding for various capital items, noting that although \$864,500 was approved, only \$599,200 was required to fund the projects.

Therefore, it was moved by Councilor Dennis Kehoe and seconded by Councilor Eric Bolland

Recommendation to Council

that a recommendation be made to Town Council that the attached resolution for Pre-approval of Debenture Issuance, in the amount of \$599,200 for TBR 07/08-01, be approved.

MOTION CARRIED

(b) Utility Account Write-Offs (Sewer)

Director Crowell reported that three utility bills (sewer portion) have remained uncollected in spite of ongoing attempts to recover these funds, as per the collection policy for the Town.

Therefore, it was moved by Councilor Bernie Cooper and seconded by Councilor Nola Folker-Hill

Recommendation to Council

that a recommendation be made to Council that the attached list of utility account write-offs (sewer portion) in the amount of \$79.94 be approved.

MOTION CARRIED

NEW BUSINESS

(a) Update on New School Location

Director Phillips reported that over the last many months, a great deal of work has been done relating to the site for the proposed new school in Kentville. He pointed out that the most suitable site seems to be on Park Street, although no official announcement has been made by the Department of Education. By way of an update, he evaluated the Park Street site from different perspectives:

Recreation Issues

- loss of a soccer field

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- community use of school agreement
- mature tree relocation
- green play space for recess and noon breaks

Transportation – Public Works Issues

- Access to the site
- Park Street – West Main Street connector
- Storm system
- Water and sewer infrastructure
- Future West Main Street extension.

Planning issues

- Permits and land use bylaws
- Land ownership and survey plans
- Appraisal of lands
- Future right-of-ways

Financial Issues

- The draft budget shows expenditures amounting to \$971,009
- Funding sources - \$437,100
- Total project costs - \$533,909
- Some major expenses include the soccer field replacement, Park Street /West Main Street connector road, storm system upgrades, soccer clubhouse demolition, Parks and Recreation/Community Policing offices.
- Purchase of properties on West Main Street
- Some expenditures may be recovered from the Province.

West Main St. Property Issues

- Acquisition of Superior, Shell, Imperial and Ultramar continues.
- The Department of Education has no regulations to prevent the location of the school near these types of oil companies, although, there is a feeling of unease for safety with their continuing existence.
- A road would have to be built across from Park Street to West Main Street to handle additional traffic from the school.
- Future plans are to extend West Main Street to Harrington Crossing, to handle construction traffic from gravel pits and to allow another access to and from this street.

Director Phillips asked Council to give him some direction on proceeding forward with the new collector road and acquisition of the properties.

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CAO Boyd pointed out that some of the West Main Street oil companies may be interested in donating the land to the Town, and also that the Department of Transportation calls routinely to determine the value of the property. These issues should be discussed In Camera later in the evening.

(b) Update on New Library Location

Director Phillips asked the Friends of the Library committee members in the audience to introduce themselves. He pointed out that their website is well done and kept up-to-date. Some history about the work done to date was noted, including community information sessions, fund raisers, group discussion, etc. Location was a prime factor and from 7 potential sites, an area was chosen and this is behind the county building, near Justice Way. This was selected as having the highest interest and meeting the criteria established.

Director Mark Phillips asked if Council would support staff and the Friends of the Library to begin negotiations to acquire this land.

Points from Discussion

- This appears to be a good site, in a placid setting, but close enough to the Town centre.
- The county should also be involved and support the project.
- The property of interest is county-owned land.
- Access to the property would be from Justice Way.

In order for the project to proceed at this time, direction was needed from Council and therefore, there was a general consensus

that work would continue on the acquisition of the property designated for the new library.

APPROVED

(c) Resolution – Balsor/Eaglecrest SD Water System

Director Henderson gave an update on the work being done to the water system for this subdivision. He added that the tender for the work has been awarded by the County for \$2.8 million; it has been funded through various sources, and the completion of the project is expected by the end of September.

This extension of the Town's water system will provide water to approximately 130 new households and this new revenue will help offset the expenditures of operating the water system.

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Federal and provincial funding provided through the MRIF/Building Canada Fund requires a resolution of Council for a commitment to take over this infrastructure upon its completion.

Therefore, it was moved by Councilor Dennis Kehoe and seconded by Councilor Bernie Cooper

Recommendation to Council

that a recommendation be made to Town Council that the Town participates in the extension of the Water System to residents of Balsor, Eaglecrest and Ward Avenue Subdivisions and Prospect Road, and upon completion of this construction, takes over ownership, operation and maintenance for the project.

MOTION CARRIED

Points from Discussion

- The Town is expected to take over this system, as per a prior agreement in the 1980s.
- The life of the system would be about 20 years.
- The Town is not expected to financially contribute to this system.
- Extending the lines into the county, helps promote county development. This system has reached its capacity in expanding in the county.
- The more customers the Town has, the larger and more profitable the system can be, and this allows the rates to remain lower.
- The Town should determine by way of a study, the number of customers the system can handle. The growth of the area should be limited to that number.

(d) Recommendation – Purchase of Street Sweeper

Director Henderson reported that under the Capital Equipment budget (approved for \$200,000), 2 tenders were received for the purchase of a new street sweeper. He added that following a comparison of each model, he was prepared to make a recommendation.

Therefore, it was moved by Councilor Bernie Cooper and seconded by Councilor Eric Bolland

Recommendation to Council

that a recommendation be made to Town Council, that following consultation with the Town's mechanic, that the new 2008 Allianz-Johnston VT650 Street Sweeper, for \$198,845, plus HST, be purchased from Saunders Equipment Limited.

MOTION CARRIED

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(e) Recommendation – Capital Work at Riverside Court

Director Henderson reported that the developers at Riverside Court requested the Town to install new sidewalks along a portion of Webster Street and Station Lane, as per the attached sketch and photos.

He added that these costs had not been included in the 2008/2009 capital budget, although they had been included for the following year. As all councilors were polled and a positive response was received, a recommendation was made to proceed with this project as soon as possible.

Therefore, it was moved by Councilor Bernie Cooper and seconded by Councilor Eric Bolland

*Recommendation to
Council*

that a recommendation be made to Town Council that \$35,000 be included in the 2008-2009 Capital Budget for the installation of concrete curb and sidewalk along a portion of Webster Street and Station Lane.

MOTION CARRIED

Points from Discussion

- This project may be started in September.
- The developers at the property have installed ornamental lighting at their costs.
- They have also done some work on the trail system and this can be tied in nicely with the existing trail.

(f) Recommendation – Draft Sewers Bylaw

Director Henderson gave an update on this bylaw, pointing out that a Public Meeting and the First Reading of the proposed bylaw took place in July. Public Feedback expressed concern regarding some inconsistencies with other jurisdictions, the impact of discharge, permits and surcharges, fines and penalties, BOD levels and some language. Pretreatment equipment, confusion with measurements and other areas, also created some concern for some manufactures in the Industrial Park.

During a discussion with the solicitor, Director Henderson agreed that these would constitute significant changes, and therefore, the bylaw approval process would have to begin over again.

Therefore, it was moved by Councilor Dennis Kehoe and seconded by Councilor Bernie Cooper

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*Recommendation to
Council*

that a recommendation be made to Town Council that another Public Meeting be scheduled, along with First Reading of the revised bylaw, and further, that the effective date of the bylaw be changed to March 31, 2009.

MOTION CARRIED

Points from Discussion

- Approval of this bylaw has been dragging on and appears to continue to drag on.
- Some companies are prepared to pay an on-going fine; these fines are established by the Town.
- The continued abuse of this system will shorten the life of the regional treatment plant.
- It appears that Apple Valley Foods will reduce their load by half, Eastern Protein will reduce theirs by 75%, however the Westin Group plan to reduce their load internally, but this remains to be seen.
- Biological treatment may be required to reduce the load at the pie plant by more than 50%, but this would be very costly.
- To start this bylaw approval process again means the effective date of the bylaw will be delayed by 3 months.
- The Town has been more than co-operative with these companies and must move forward.

(g) Recommendation – Returning Officer

Al Kingsbury reported that the Municipal Elections Act dictates that municipalities must publish an announcement of the municipal election and the names of the candidates in the newspaper, and by one other means (i.e. flyers, cards, etc.).

Subsequently, he had priced the cost of mailing flyers to individual households and lockboxes, and recommended that this mode of communication be used. This would supplement another announcement in the local paper.

Therefore, it was moved by Deputy Mayor Mark Pearl and seconded by Councilor Bernie Cooper

*Recommendation to
Council*

that a recommendation be made to Council that a one page flyer be distributed by Canada Post to all letter carrier walks and lockboxes in Kentville, for the production and distribution cost of approximately \$700, plus HST.

MOTION CARRIED

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(h) Kentville & Area Youth Association – Request for Funding

A letter from Jocelyn Nicholson, chairperson of KAYA was reviewed. In this, she asked that the Town consider funding of \$2,000, for the Girls-on-the-Go and Guys-on-the-Go programs.

CAO Bill Boyd reported that he has sent this organization \$1,000 when the letter was received in late June, however, asked Council to consider payment of the additional funds. It was noted that this request was received long after the due date for submissions.

Therefore, it was moved by Councilor Nola Folker-Hill and seconded by Councilor Dennis Kehoe

Recommendation to Council

that a recommendation be made to Town Council that a letter be sent to the Kentville and Area Youth Association with regrets that the additional \$1,000 has not been budgeted and therefore, cannot be paid.

MOTION CARRIED

Points from Discussion

- The request was not received in time to be reviewed with the others.
- Other funds are available to allow this organization to continue.
- The programs allow those children to participate in recreational opportunities who would normally not have access to mainstream programming.
- The Town's policy is clear as to how these grants are handled, and there is no apparent reason why this group has not met the Town's deadlines.

(i) Student Bursary Policy Statement G-18 (review)

Councilor Nola Folker-Hill stated that although Council approved recent changes to the Student Bursary Policy, she felt that an additional amendment might provide some clarification on the number of bursaries granted each year.

Although this point was made in the policy and a schedule for payout was included, she felt that the Selection Committee may not have fully understood, and therefore, an amendment might be in order.

Points from Discussion

- Private enterprise (i.e. Michelin) can restrict who is eligible and therefore, support children of their employees.

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- There should be 4 - \$500 bursaries, if they qualify.
- 3 outstanding individuals, with educational backgrounds, sit on this committee and give freely of their time.
- This committee provides an arm's length process from the Council and removes this responsibility and potential public criticism.
- Councilor's children and staff's children may not be considered because of the perception.
- Although this perception may exist, all students would be eligible for consideration, but would not qualify unless they meet the criteria, regardless of who their parents are.
- The policy is clear in that if there are 4 eligible students, each should receive \$500.
- Perhaps this should be explained more clearly to the committee members, although it appears clear in the policy.

It was moved by Deputy Mayor Mark Pearl and seconded by Councilor Nola Folker Hill

Recommendation to Council

that a recommendation be made to Town Council that 4 bursaries in the amount of \$500 each be made annually to eligible applicants.

MOTION CARRIED

(j) Retention / Destruction of Records – Policy Statement G-53

A report and draft policy regarding the retention and destruction of records was presented for consideration and adoption. Town Clerk Carol Harnes pointed out that a bylaw – *Chapter 48 – Destruction of Documents* (which addresses this issue somewhat) is out-of-date and incomplete. She further noted that record management is an operational procedure and should be addressed through a policy, not a bylaw.

Therefore, it was moved by Deputy Mayor Mark Pearl and seconded by Councilor Bernie Cooper

Recommendation to Council

that a recommendation be made to Town Council that Policy Statement G-53 Retention and Destruction of Records, (attached) be approved, and further, that Chapter 48 – Destruction of Documents be rescinded.

MOTION CARRIED

(k) Standards for Recording Secretaries – Policy Statement G-

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Town Clerk Carol Harnes reported that the attached policy represents an updated version of an existing policy. The amendments include a format change, along with revisions to the section that deals with electronic audio records. Additional information to clarify some functions was also included.

Therefore, it was moved by Councilor Dennis Kehoe and seconded by Councilor Bernie Cooper

***Recommendation to
Council***

that a recommendation be made to Town Council that the amendments in *Policy Statement G-30 Standards for Recording Secretaries*, be approved

MOTION CARRIED

Points from Discussion

- This document appears to be comprehensive and well researched.
- The policy applies to all committees of Council.

(l) Travel, Meal and Miscellaneous Expenses – Policy Statement G-4 (revised)

CAO Boyd noted that the attached policy includes several amendments from the previous policy of the same name. Issues like the potential to rent a vehicle, an increase for meal allowances, HST breakdowns, etc. were identified. In addition, a Schedule for Travel and Meals and an Expense Claim Form were included in the policy.

Therefore, it was moved by Councilor Dennis Kehoe and seconded by Councilor Eric Bolland

***Recommendation to
Council***

that a recommendation be made to Town Council that the amendments to the *Policy Statement G-4 Travel, Meal and Miscellaneous Expenses*, be approved

MOTION CARRIED

(m) Valley Waste Resource Management – Re: Service Level

A memo from Valley Waste General Manager, Ross Maybee, urged Councilors to contact the authority should they have any suggestions on improvements, enhancements or additions to the service, which would benefit the public and/or the environment. Any comments can be passed along to the CAO or the town's representative, Deputy Mayor Mark Pearl.

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CORRESPONDENCE (a) Grace McCullough

A letter from this student thanked the Town for selecting her as a recipient of a student bursary.

ADJOURNMENT

It was moved by Councilor Dennis Kehoe and seconded by Councilor Bernie Cooper

that with no further business to discuss, the meeting adjourn at 8:35 p.m. to go In Camera to discuss litigation and land negotiation.

MOTION CARRIED

IN CAMERA

It was moved by Councilor Eric Bolland and seconded by Councilor Bernie Cooper

that the In Camera Meeting adjourn and that the regular meeting of CAC resumes.

MOTION CARRIED

ADJOURNMENT

Councilor Nola Folker-Hill moved to adjourn the regular meeting of Council Advisory Committee at 9:40 p.m., as there was no further business on the agenda.