

APPROVED – October 27, 2008

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# COUNCIL ADVISORY COMMITTEE

## September 29, 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 Keith Robicheau, Solicitor Peter Muttart, Town Clerk Carol Harmes, (Recording Secretary).

Staff: Finance Director Debra Crowell, Town Engineer Hal Henderson, Director of Planning and Development Bev Gentleman.

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

**APPROVAL OF AGENDA**

It was moved by Councilor Nola Folker-Hill and seconded by Councilor Eric Bolland

**that the Agenda be approved with the addition of:**

*5 (e) New School Site Development*

*5 (f) Water Resources*

*6 (a) i – Projections*

*6 (a) ii – Police Budget*

*8 (a) Jocelyn Nicholson*

*8 (b) Ken Kenny*

*8 (c) David Reid*

**MOTION CARRIED**

**PRESENTATIONS**

none

**APPROVAL OF MINUTES**

**(a) August 25, 2008**

It was moved by Councilor Nola Folker-Hill and seconded by Councilor Bernie Cooper

**that the Minutes of August 25, 2008 be approved with a change on page 1 – “Mr. Krychuck, the general contractor”**

**MOTION CARRIED**

**BUSINESS ARISING FROM MINUTES**

**(a) Uranium Mining (Resolution to Maintain Moratorium on Mining)**

CAO Robicheau reported that this issue was brought forward as follow-up to a presentation done at the September Council Meeting. Relevant correspondence also supporting the moratorium on uranium

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mining in Nova Scotia was included.

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

**that the correspondence be received.**

**MOTION CARRIED**

**(b) Larry Honey Presentation (update)**

CAO Robicheau reported that Larry Honey has been asked to attend the October 8<sup>th</sup> meeting of Town Council, at which time he will be acknowledged and thanked for his 20 years of service to the Town. It was noted that an aerial photo of Kentville will be presented to him at that time.

**(c) Purchase and Tendering Policy (Review)**

At a previous meeting of Town Council, Councilor Dennis Kehoe asked to have an opportunity to review the Purchase and Tendering Policy for the Town of Kentville.

It was moved by Councilor Dennis Kehoe and seconded by Councilor Nola Folker-Hill

**that the Finance Committee and/or staff review the Purchase and Tendering Policy regarding its relevancy for awarding to the lowest bidder.**

**MOTION DEFEATED**

Points from Discussion

- The policy clearly outlines the Town's option of not taking the lowest bidder for RFPs.
- The policy hasn't been updated for several years and should be reviewed.
- The policy should enforce the process of allowing for council input on awarding tenders, especially when awards are not given to the lowest tender.
- The policy is working and needs no further change.

*(Note: The solicitor was asked to provide a legal opinion at the next meeting regarding whether or not this policy was followed in the case regarding the recent award to the Fund Manager of the Town's Perpetual Account.)*

**(d) Council Remuneration – Recommendation**

CAO Robicheau reported that work continues on the issue of

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remuneration for the Mayor, Deputy Mayor and members of Council. He pointed out that comparisons were carried out with nine other municipal units, however, a report is not yet ready for Council. In the interim, he wished to handout some comparison figures and asked for an extension of time to prepare a report and recommendation.

### Points from Discussion

- This issue must be voted on by *this* council, to ensure that it is making decisions on remuneration for the incoming council.
- The remuneration schedule should be approved at the October Council meeting.

### **(e) New School Site Selection**

Councilor Folker-Hill felt that there was some confusion and lack of communication with the Student Advisory Committee of KCA, regarding the proposed site for the new school.

### Points from Discussion

- Fields 1 and 2 will remain in tact.
- The most westerly field was the site looked at when the Deputy Minister of Education first came to Kentville.
- The field closest to the soccer club house (field 3) is the proposed location for the school.
- The Province will make the final decision on where the location is.
- The location of the school should not jeopardize the quality of these sport fields.
- Any soccer fields removed will be replaced.
- The Site Selection Committee represented the general school population, the school board and the Province.
- This Committee was asked to keep any information private, until the Department of Education has made its final decision.
- Memorial Park is an ideal location, as it is close to Town, and near the recreation facilities, including the walking trails.
- The proposed budget included the acquisition of the West Main Street properties.

### **(f) Water Resources**

Councilor Nola Folker-Hill asked if a study had ever been done on the present water system, to determine if it will meet the needs of future populations. Director Henderson responded that the Canadian Geological Service is presently conducting a study regarding the aquifer for the area and information will be available on that.

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Currently, however, the Town can meet its present and future needs, with further wells being drilled, if necessary.

**FINANCE**

**(a) (i) Projections**

Finance Director Crowell reported that as of August 31<sup>st</sup>, the revenue from taxes was over budget \$23,900, and that other revenue sources are anticipated to meet the budget. However, she noted that with expenditures, they are expected to be over budget \$107,100, with the Town's Operating Fund reporting a year-end deficit of \$78,900.

It was further noted that there would be a shortfall of \$62,000 in the Police budget, due to the PANS settlement with salary and benefit increases and the final settlement for a former employee.

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

**that the projections from the Finance Director be received.**

**MOTION CARRIED**

Points from Discussion

- All figures were not available at the time the Police budget was set. (?)
- Monies had been set aside in reserves for the PANS settlement.
- 85% of the \$2.3 m. police budget is salary.
- The union contract dictates the salaries.

**(ii) Police Budget**

Councilor Dennis Kehoe (Chairman of the Police Commission) reported that a motion from the Police Commission asked that Council be advised of the over budgeted amount of \$62,000. He asked what direction Council can give to the Board and the Police Department.

Points from Discussion

- This will be discussed at Senior Management meetings
- Some of the deficit may be able to be mitigated from other departments or from reserves.
- It is too early to determine costs relating to snow removal, etc.
- The Chief and his staff should look for ways to cut costs and he should "lead the charge" on this effort.
- The level of service should be reviewed to ensure that the Police Department is operating within its budget.

It was moved by Deputy Mayor Mark Pearl and seconded by

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Councilor Bernie Cooper

*Recommendation to  
Town Council*

**that a recommendation be made to Town Council to advise the Police Department to make every effort to operate within its original budget.**

**MOTION CARRIED**

**(b) TBR – Capital Program 2008-2009 (various)**

Director Crowell reported that a temporary borrowing resolution for the capital program has been received from SNSMR for various purposes like streets, sidewalks, curbs and other work; acquisition of equipment, vehicles, machinery; transportation equipment and for wastewater facilities and storm water systems for \$1,062,700. In addition another TBR in the amount of \$189,900 was received for other equipment, materials, playgrounds, trail, swimming pool, arenas and other facilities.

It was pointed out that a recommendation regarding the costs associated with the dyke construction will be addressed later on the agenda, and therefore, it was moved by Councilor Dennis Kehoe and seconded by Councilor Eric Bolland

**that the recommendation regarding the TBR for the Capital Program (various) be tabled until discussion has taken place on Agenda item 7 (c).**

**MOTION CARRIED**

(6:27 p.m.)

It was moved by Councilor Dennis Kehoe and seconded by Deputy Mayor Mark Pearl

**that the issue regarding the TBR for the Capital Program (various) be returned to the table at 7:06 p.m.**

**MOTION CARRIED**

It was moved by Councilor Dennis Kehoe and seconded by Deputy Mayor Mark Pearl

*Recommendation to  
Town Council*

**that a recommendation be made to Town Council that the following Temporary Borrowing Resolutions be approved:**

<b>TBR 08/09-01</b>	<b>Various Purposes</b>	<b>\$1,062,700</b>
<b>TBR 08/09-02</b>	<b>Various Purposes</b>	<b>\$ 189,900</b>

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**MOTION CARRIED**

**(c) TBR – Sanitary Sewer - \$50,000**

Finance Director Crowell reported that Service Nova Scotia and Municipal Relations has recently sent a Temporary Borrowing Resolution in the amount of \$50,000 to temporarily fund the capital construction of wastewater facilities and storm water systems in Town.

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

*Recommendation to  
Town Council*

**that a recommendation be made to Town Council that the Temporary Borrowing Resolution in the amount of \$50,000 be approved for 2008-2009 Sanitary Sewer Area Services capital projects.**

**MOTION CARRIED**

**(d) Insurance Claims – Report**

Finance Director Debra Crowell gave an update on the status of insurance claims, pointing out that an outstanding bodily injury claim still exists and that the Town has a deductible of \$10,000. She added that a claim for a motor vehicle accident for \$935 and a slip and fall for \$1,107.70, have both been settled. She added that a light pole has been struck by the taxi and payment for this is pending.

It was moved by Councilor Nola Folker-Hill and seconded by Councilor Dennis Kehoe

**that the report on the status of insurance claims be received.**

**MOTION CARRIED**

**NEW BUSINESS**

**(a) Kings Transit Request – Re: Garage**

A letter from General Manager of KTA, Ron Mullins, asked Council to consider allowing this operation to use the old police station on Cornwallis Street for its operation. Mr. Mullins pointed out that this would be a central location, saving time and money.

Deputy Mayor Mark Pearl added that:

- KTA is pushed for space for both the garage and office space.
- Currently, the lease with the garage in Cambridge is due to be renewed, however will allow a month-to-month lease, at an escalated rate.

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- The office space is inefficient.
- This operation should be in downtown Kentville, as most routes start in Kentville.
- Preliminary work can be done and a partial move could be made prior to the library moving out.
- The capital costs would be the responsibility of Kings Transit and this would involve building the garage.
- The Town might be persuaded to lease the property to KTA for a nominal fee, with KTA undertaking all improvements.
- If Council gave tentative approval, then preliminary work could begin this fall.

### Points from Discussion

- The library will not start construction until next year at the earliest.
- The library may be willing to relocate temporarily to allow Kings Transit to take this space.
- Construction projects will be held up because of lack of construction workers.
- This is a regional operation and other municipalities should share the costs of KTA's operation, including the purchase of the property.
- A status report on the condition of this building should be prepared, along with the costs of demolition.
- Expressions of interest in purchasing the property should be conducted.
- It might be appropriate to have an appraisal conducted on this building.

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

### ***Recommendation to Town Council***

**that a recommendation be made to Town Council that it consider the disposal of the former Police Station/Library building, with the selling price to be determined at a later date.**

**MOTION CARRIED**

### **(b) Amendments LUB/MPS Re: Crows Nest Golf Course**

Director Bev Gentleman reported that Crow's Nest Golf Course has been for sale and that a potential buyer has come forth with plans to develop the property into a commercial use and a multi-residential complex. There is a purchase and sale agreement presently on the table.

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When this was reviewed at Planning Advisory Committee, issues were still outstanding on the sewer and the traffic study, so at this point in time, this report is only for the purposes of information. Director Gentleman added that a recommendation, along with additional information would be anticipated at the next meeting of Council Advisory Committee.

**(c) Projected Over-budget – Capital Projects (Dyke Construction)**

Town Engineer Hal Henderson reported that a further report from Consulting Engineers, Hiltz and Seamone, identified cost overruns in some aspects of this construction project. He noted that the amount of \$450,000 had been approved in the 2008-09 budget, however, the latest estimate, dated September 15<sup>th</sup>, indicated that \$328,450 has been expended. This included \$181,250 for new concrete pipe and additional structures, topsoil, seeding and armour rock for \$80,000, and that the installation of the small dyke at Great Valley Juice at \$40,000, the extension of power to the site would at \$40,000 and the pumps and electrical work costing \$150,000. The Consulting Engineers anticipate that with all things considered, the estimate cost of the dyke has increased to \$665,650.

However, Director Henderson added that with engineering fees and HST, the actual amount would be close to \$750,000. Therefore, this leaves a shortfall of \$300,000. Lastly, Director Henderson noted that these overruns have been reviewed by the Director of Finance.

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

*Recommendation to  
Town Council*

**that a recommendation be made to Town Council that an additional \$300,000 be approved in the 2008-2009 capital works budget to allow for the completion of the dyke and the electrical system and pumps.**

**MOTION CARRIED**

Points from Discussion

- Funding for this would be through a TBR for River Street and the dyke at \$256,000 (to be approved tonight)
- An additional \$500,000 as a TBR has been requested from SNSMR for the Gas Tax project relating to River Street.
- This TBR funding will include the dyke project and acquisition of the Welton property.

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- Presently from the sale of property to Shannex, money exists in the bank and untapped funds exist in unexpired borrowing resolutions.
- The Irving clean-up will tap the funds from borrowing resolutions.

### **(d) Gordon McIntosh (Training Session)**

CAO Robicheau reported that an email has been received from Gordon McIntosh, who is expecting to be in the area from March 2 until March 6<sup>th</sup>. Mayor Corkum felt that this might be an opportune time to work with him on a strategy session for new Council members or to work with neighbouring municipalities for a joint training program.

Some agenda issues might involve new priority setting sessions, organizational success factors, council/staff relations, roles and responsibilities and a number of other options.

### Points from discussion

- Mr. McIntosh provides an excellent training session and if there are many changes in Council, then he should be brought in to deal with long range projects and priorities of Kentville Council.
- If there are not a lot of changes on Council, than it would be appropriate to share the costs and knowledge with members of the Kings Partnership Steering Committee.

It was the general consensus

**that the Chief Administrative Officer would contact Mr. McIntosh and tentatively arrange for his engagement.**

**AGREED**

### **(e) Citizen Appointments (Status for November 2008)**

With citizen appointments being made in November of each year, a review of those retiring and eligible to reapply has been carried out. It appears that there will be a vacancy on Parks and Recreation Advisory Committee, Planning Advisory Committee and Transportation Services Committee. KVFD representative Carl Knox may reapply for the Water Commission. Those eligible to serve a second term were phoned, following a poll of department heads and council members, who all agreed that the individuals identified should be offered a second term.

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An advertisement was placed in the local newspaper and on the Town's webpage to seek replacements for three vacancies. The closing date will be October 24<sup>th</sup> and the Selection Committee will chose the replacements to begin in November.

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

***Recommendation to  
Town Council***

**that a recommendation be made to Council that the process for appointing those citizen appointees (who are eligible to return to a second term of service) proceed as proposed this year, however, that the policy be reviewed in the future to incorporate any amendments in the procedure.**

**MOTION CARRIED**

Point from Discussion

- Telephone contact (rather than writing a letter) has been made with those individuals who are eligible to return for a second term, to establish their interest in reapplying.
- As all were interested in serving another term, only those positions with vacancies from retiring individuals were advertised.
- This deviation from past practices (and the policy) was intended to eliminate the false impression of available vacancies on the committees.
- This procedure had been supported by both department heads and those chairpersons of the committees in question.

**CORRESPONDENCE**

**(a) Jocelyn Nicholson**

CAO Robicheau reported that late correspondence today from this resident expressed concern about the completion of the dyke project, which has been resolved earlier this evening with increases in the budget. He noted that there has been some misunderstanding about the availability of future emergency funding for citizens of West Main Street. He pointed out that residents would be eligible to apply for funding under the Disaster Financial Assistance program, should the need arise.

CAO Robicheau also mentioned correspondence from West Main Street resident, Mike MacLean who expressed concern regarding the dykes and he has corresponded with this resident.

It was the general consensus

**that CAO Robicheau send a letter to the Nicholsons**

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**(following Council approval of the additional funds to the budget), clarifying how the new dykes and pumping system will help West Main Street residents during flooding conditions. Copies of this letter should be sent to the press, following a legal opinion.**

**AGREED**

Points from discussion

- Over \$750,000 will have been spent on the dyke to alleviate the possibility of future flooding.
- Much of the damage on West Main Street resulted from spilled oil barrels and when these were replaced, they were installed in such a way that they would not float around should basements flood again.
- It seems clear that the residents do not understand that they are better off now than they were 5 years ago.

**(b) Ken Kenny**

Councilor Eric Bolland reported that Mr. Kenny (an activist for the disabled) contacted the Town Clerk making verbal threats, as he felt that the Idling Control Bylaw discriminates against the disabled and he plans to pursue the matter. He (Councilor Bolland) contacted Mr. Kenny himself, however, felt that he had not been successful in convincing him that he would not be penalized under this bylaw.

Points from Discussion

- Unless a citizen is prepared to submit a written concern to Council, it is difficult to deal with the matter.
- The bylaw has dealt with concerns such as this.

**(c) David Reid**

A letter to Council from businessman, Dave Reid, indicated that there has been poor communication between Town staff and the downtown business community, especially as it relates to the Harvest Festival. He also suggested that information meetings should be held from time to time.

Mayor Corkum responded to Mr. Reid, pointing out that advertisement and communication on Harvest Festival events have been carried out as they have been in past years.

Points from discussion

- The business community extends beyond the downtown core.
- KCDC should resume information sessions with the business community when that committee continues once again.

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- A lack of staff at this point in time is prohibiting the forward movement of these types of communications.

**ADJOURNMENT**

It was moved by Councilor Bernie Cooper and seconded by Councilor Nola Folker-Hill

**the meeting adjourn to go In Camera to discuss land negotiation and personnel.**

**MOTION CARRIED**

**IN CAMERA**

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

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

**ADJOURNMENT**

Having no further business to discuss, the meeting adjourned at 8:19 p.m.