



**Truro Town Council Meeting  
Monday, December 1<sup>st</sup>, 2008  
Council Chambers – Civic Building**

57

A regular public meeting of Truro Town Council was held on Monday, December 1<sup>st</sup>, 2008 at 1:00 pm in the Council Chambers of the Truro Civic Building.

Present: Mayor W. R. (Bill) Mills, Deputy Mayor G. MacArthur, Councillors R. Tynes, C. Cox, D. Bennett-Cook, B. Kinsman and S. Byers

In Attendance: CAO J. Langille, Director of Finance R. Putnam, Director of Planning J. Fox, Director of Public Works A. MacKinnon, Director of Parks and Recreation D. MacKenzie, Police Chief D. MacNeil, Fire Chief T. Bremner, Town Solicitor J. Rafferty

**APPROVAL OF AGENDA**

On motion of Councillors C. Cox and B. Kinsman, the agenda was approved as circulated. Motion carried.

**APPROVAL OF MINUTES**

On motion of Councillors S. Byers and D. Bennett-Cook, the minutes of the Public Hearings held on November 3<sup>rd</sup>, 2008 and November 17<sup>th</sup>, 2008 and the minutes of the Public Council Meetings held November 3<sup>rd</sup>, 2008 and November 17<sup>th</sup>, 2008 were approved as circulated. Motion carried.

**MOTIONS AND NOTICES OF MOTIONS**

**13 Laurie Street, Development Agreement Application**

The CAO advised that a Development Agreement Application had been received for 13 Laurie Street. He read a letter received from Juanita Bigelow, Secretary of the Town Planning Advisory Committee. The purpose of the Application is to permit one additional dwelling unit in an existing two-unit dwelling. It was recommended that Council establish a public hearing date to consider entered into a development agreement.

The Mayor pointed out that traditionally, the first Monday after New Year's is not the usual Council meeting date, and that it's been moved to the following week.

On motion of Councillor D. Bennett-Cook and Deputy Mayor G. MacArthur, a public hearing date was set for Monday, January 12<sup>th</sup>, 2009. Motion carried.

**180 Upham Drive, Rezoning Application**

The CAO advised that Rezoning Application had been received for 180 Upham Drive. He stated that today the Director of Planning received a letter from the Applicant stating that they would like Council to postpone a public hearing date until the January meeting of Council pending further discussions on the purchase of the property.

**PETITIONS AND DELEGATIONS**

**Presentation – Colchester Youth Homeless Committee**

Travis Decoste, the new Youth Awareness Coordinator for the Colchester Youth Homeless Committee gave a presentation to Council on the services provided by the Committee.

He provided his two office locations and telephone numbers where youth could contact him for assistance.

Council agreed that they would like to have a report from Mr. Decoste in a couple months when he has more data compiled.

Councillor C. Cox suggested that the Youth Advisory Committee liaise with Mr. Decoste on this issue. The Mayor advised that he would mention this to the Youth Advisory Committee coordinator.

**Presentation – Francis Castein**

Francis Castein of the 2928 Royal Canadian Army Cadet Core gave a presentation on her current project of writing letters to Canadian soldiers on assignment. She stated that she is planning to start a club at CEC to write Christmas letters to the soldiers.

Council thanked Ms. Castein for her presentation, which they all thought was a wonderful project.

**OLD BUSINESS**

**Gero's Walk Way – Update (Lighting)**

The Director of Public Works advised that the light installation is complete and Nova Scotia Power completed their inspection last week. He stated that the only work left on this job is for the official hook up of the power by Nova Scotia Power.

### **Meeting – Downtown Truro Partnership**

The Mayor gave an overview of the issues raised at the meeting of the Downtown Truro Partnership which the Mayor and Councillors were invited to attend in October. One issue raised was smoking on Inglis Place, which will be brought up later in this agenda. The second issue was loitering, which is still under review. Another issue was the benches on Inglis Street and the cigarette receptacles, which for this time will remain and will continue to be monitored. The biggest issue raised at the meeting was the presence of the Police Service on Inglis Street. The Mayor noted that the downtown beat has been reinstated and in the new budget year, discussions will be held on the continuation of the foot patrol on a year round basis.

### **Review of Council Compensation**

The CAO advised that at the last Council meeting, a motion was passed to permit a recommendation by the CAO on Council compensation to be presented to Council at this meeting. The CAO presented the recommendation to Council, which included an increase in the Mayor's salary to \$31,500, Deputy Mayor's to \$21,000 and Councillors to \$17,000. It was recommended that these changes take place on January 1<sup>st</sup>, 2009 and be increased each year based on the same cost of living calculations used for Town non-union employees.

On motion of Councillors C. Cox and B. Kinsman, the recommendations provided by the CAO will be sent to an independent accounting firm for review and recommendation. The accounting firm will also provide a recommendation as to how future compensation will be decided. Motion carried.

Deputy Mayor G. MacArthur noted that he did not think that Council and non-union staff should be held at the same annual increase.

It was agreed that the report will be provided by January 31<sup>st</sup>, 2009.

### **Request from Truro Industrial Development Society re: Natural Gas**

The CAO advised that the request is for Council to participate in purchasing natural gas by signing a Non-Committal Agreement. The Agreement would be an indication to Heritage Gas that Council would be interested in considering natural gas use for Town properties, but that interest would be subject to cost and availability at whatever time it ends up being available in Truro. A Non-Committal Agreement means that Council is interested, but could decline from actually signing a service agreement when gas is delivered to Truro.

The Mayor advised that a few years ago, on Council's direction, he had sent a request to Earl Casey of Casey Concrete who had recently converted to natural gas in Amherst asking him to provide us with some information on his experience. Mr. Casey's letter advised that he had realized 50% savings on his fuel costs by converting to natural gas.

On motion of Councillors S. Byers and D. Bennett-Cook, it was moved that the Non-Committal Agreement be signed. On agreement of the mover and seconder, the motion was withdrawn.

The Town Solicitor advised that on the face of the actual document, it says "binding". He noted that Heritage Gas has indicated that it is to be a non-binding agreement, but the Town should ensure that the cover letter that goes with the agreement clearly indicates that we are not being bound and are just expressing our non-binding agreement to proceed.

On motion of Councillors B. Kinsman and D. Bennett-Cook, the Town will send a letter to Heritage Gas expressing interest in acquiring natural gas at a future date if it is economically viable. A copy of the letter will be sent to the Truro Industrial Development Society. Motion carried.

### **UNSM Code of Conduct**

The Town Solicitor advised that he had reviewed the UNSM Code of Conduct and he has no difficulty with any of its terms. The UNSM is requesting that Councils consider having all members commit to the Code of Conduct. However, the Town Solicitor noted that he does not believe that Council can impose on any member of Council an obligation to sign this Code of Conduct.

Councillor R. Tynes stated that he will not support something in addition to the oath taken and the rules of a Councillor seat.

Councillor C. Cox asked the Town Solicitor if this Code of Conduct in any way diminishes or increases the powers of any particular office or association. The Town Solicitor advised that he has not done a line by line comparison between this Code and the obligations under the Municipal Government Act and Municipal Conflicts of Interest Act. He believes that this Code is a little bit broader.

On motion of Councillor S. Byers and Deputy Mayor G. MacArthur, it was moved that Truro Town Council sign the UNSM Code of Conduct. Motion carried by 5 votes in favour and 2 nay votes cast by Councillors R. Tynes and C. Cox.

**John Ross & Sons Committee**

The CAO advised that this matter was briefly discussed at the November Council meeting and Deputy Mayor G. MacArthur, as the Chair of the meeting, requested that the discussion be delayed until the December Council meeting when full Council would be present. He advised that Council was looking at transferring the chairmanship of the John Ross & Sons Committee to Councillor S. Byers.

The Mayor noted that he had been Chair of that Committee since it began and if Councillor S. Byers wishes to take over the Committee, he is prepared to step down.

On motion of Councillor C. Cox and Deputy Mayor G. MacArthur, Councillor S. Byers was appointed as the new Chair of the John Ross & Sons Committee. Motion carried.

**Addition of Agenda Items**

The CAO advised that at the November Council meeting the issue was raised of whether or not Council should add items to the agenda at the public forum. The Town Solicitor was asked to do research on this issue and prepare a report for this meeting.

The Town Solicitor stated that he looked at both Robert's Rules of Order and the Council Meetings By-law to determine if there was any prohibition against adding agenda items on short notice, or at the meeting. He advised that there is nothing in either of those documents which prohibits this action. The Town Solicitor did note that he spoke with the former Town Solicitor, Mr. John Akerman, who advised him that there was a motion of Council a few years ago that items would not be added to the agenda unless they were presented on or before Thursday of the week preceding the Council meeting. However, this motion was always subject to the proviso that if something came up that was time sensitive and only came up a few days before the Council meeting, that it could go on the agenda.

It was noted that this motion applies to all standing communities of Council.

**Appeal of Taxi License – James Martin**

The Mayor advised that Mr. Martin gave a presentation to Council on November 17<sup>th</sup>, 2008 regarding his appeal of a denial of a taxi license. Council had agreed that they would render a decision 10 business days later.

The Town Solicitor advised that he had legal advice to give Council before they rendered their decision and recommended that this matter be moved to the in-camera meeting for discussion.

On motion of Councillors S. Byers and D. Bennett-Cook, this matter was referred to the in-camera meeting following the public meeting.

**IN-CAMERA SUMMARY REPORT**

The CAO advised Council that there were four personnel issues and two legal issues discussed by Council at the last In-Camera meeting. An in-Camera meeting will be held following this Public Council Meeting.

**COMMITTEE REPORTS****Finance Report**

The Finance for the month of November was presented to Council.

The Mayor noted that he signed a cheque recently for \$1,031,560.00, as outlined in the Finance Report, which represented the Town of Truro's share of the unfunded liability of the Police Association Nova Scotia Pension Plan. It was also noted in the report that amortization payments for \$8,950 monthly in special payments have to be made until September, 2011. The Mayor stated that he is quite upset about this as a number of years ago, the Police Association of Nova Scotia was formed and as a result, came to the opinion that they would be better managers of their pension plan than the Town of Truro and other municipal units across the Province. The Police Association took their pension money and formed their own pension plan, against the Town's advice. Now there is a huge, underfunded, pension plan which is no fault of the Town of Truro or other municipal units. He stated that he believes there should be an investigation, and he questions how the whole pension plan was administered over the years, as the Town had no involvement in the administration of the pension plan.

Council agreed that they all support the Truro Police Service and the Police Association of Nova Scotia.

The Town Solicitor noted that the one million dollar unfunded liability was incurred when the market was flying. This is not of a result of the recent recession.

The CAO noted that there is superintendent of pensions for Nova Scotia and that office is where statements on the pension are submitted. The acceptance of the pension by the superintendent indicates that there have not been any improprieties with respect to that pension plan. The Mayor advised that he is prepared to write a letter to the superintendent requesting an investigation.

On motion of Deputy Mayor G. MacArthur and D. Bennett-Cook, it was moved that the Finance report for the month of November, 2008 be approved as presented. Motion carried.

### **Fire Report**

The Fire Report for the month of November was presented to Council.

On motion of Councillor D. Bennett-Cook and Deputy Mayor G. MacArthur, it was moved that the Fire Report for the month of November, 2008 be approved as submitted. Motion carried.

### **Planning and Development Report**

The Planning and Development report for the month of November was presented to Council.

Councillor S. Byers expressed her concern over the proposed Nova Scotia Building Code Regulations noted in the report. She asked the Director of Planning if he is anticipating that these inspections will be carried on in real estate, regarding sales and purchases. The Director of Planning advised that usually the private real estate companies and the property owner would contract out to have an inspection done; it is not done by Town staff. Most of the changes have to do with municipal inspections, new construction, upgrading requirements to deal with energy efficiencies, higher R values for insulation, more detailed plans to be submitted to Planning in order to ensure compliance. It would add to the cost of new home construction. Building inspectors across the province have some serious concerns about the implications of the changes, but end result is construction is expected to be more energy efficient.

The CAO advised that he had received correspondence from the Town Building Inspector, Mr. MacLeod, indicating his concern regarding the amendments to the new building regulations. Staff are preparing a statement that the Mayor will consider forwarding to the Minister asking for a delay in implementation until a full understanding of the implications of the recommendations are identified.

Councillor R. Tynes suggested that the Chair of the Town Caucus write a letter to UNSM asking why the Province did not come to the UNSM and asking for input with regards to the changes.

Councillor R. Tynes asked for an update on the development agreement for the property that was the old Emmanuel Baptist Church. The Director of Planning advised that he did not know the exact timelines, but that they had requested an extension. Councillor R. Tynes asked the Director to follow up on this and let Council know what the status is at the next Council meeting.

On motion of Councillors S. Byers and D. Bennett-Cook, it was moved that the Planning and Development report for the month of November, 2008 be approved as submitted. Motion carried.

### **Police Report**

The Police Report for the month of November was presented to Council for review.

On motion of Councillors S. Byers and D. Bennett-Cook, it was moved that the Police Report for the month of November, 2008 be accepted as presented. Motion carried.

### **Public Works Report**

The Public Works report for the month of November was presented to Council for consideration.

Councillor D. Bennett-Cook noted that since the snowstorm last week, she has heard a lot of compliments about Town staff from the Public Works Department.

Deputy Mayor G. MacArthur asked the CAO to repeat the part of the report regarding the disposal of Christmas trees. The CAO stated that Christmas trees may be disposed of, free of charge, at Verboom Grinders located on Willow Lane. They are not to be dropped off at the former landfill site on Young Street.

Councillor S. Byers asked the Director of Public Works if there was an update on the dam. The Director of Public Works advised that he had just received the final report on Friday and are currently trying to organize a meeting with the engineers for this week. Members of Council are invited to attend this meeting.

Councillor S. Byers also noted that years ago, the pilot project was completed on a section of the 104 near Amherst, where concrete was applied instead of asphalt. She asked if there was any possibility of the Town doing any street pilot projects. The Director of Public Works advised that they could look into this request. The last time the Public Works Department looked at using concrete, it was a very high capital cost to do concrete work instead of asphalt.

Councillor R. Tynes asked for an update on the new exit into the Industrial Park. The Mayor advised that the Regional Transportation Committee had not met. They have taken some steps to rejuvenate it, but it has not been something they have confirmed. Some of the traffic issues were discussed in cooperation with Millbrook with regards to Willow Street. He understood that it had been turned down by the Province. The Mayor noted that there is expected to be a

major announcement on an infrastructure program, or there was supposed to be, in the next week or two, but given the current state of the Federal Government, was not sure it would proceed.

The Mayor advised that tomorrow he was meeting at CoRDA to discuss results of the transportation conference that was held a month ago.

On motion of Deputy Mayor G. MacArthur and R. Tynes, it was moved that the Public Works Report for the month of November, 2008 be accepted as presented. Motion carried.

#### **Parks and Recreation Report**

The Parks and Recreation Report for the month of November was presented to Council.

Councillor C. Cox stated that while cross country skiing recently, he noticed that where the access point is for skiing at the top of Young Street, there is a parking lot up there and he notes that people will ski along the edge of the parking lot and he has noticed that there are several pipes sawed off and sticking up above the snow. He was concerned about people tripping over them. The Recreation Director advised that he would look into the issue.

Councillor S. Byers asked what the status was on more fencing at the Skate Park. The Recreation Director advised that the scheduled and budgeted work has been completed, and was unaware of any direction to install more fencing. However, there may be direction to budget for that in the next year. The Recreation Director advised that the Skate Park Action Team re-committed to an action plan to look at raising the approximately \$10,000 still needed.

On motion of Councillors D. Bennett-Cook and R. Tynes, it was moved that the Parks and Recreation Report for the month of November, 2008 be accepted as presented and that the recommendation from the Recreation Director that the original bid for the Armour Truck Building be approved. Motion carried.

#### **Safety Coordinators Report**

The Safety Coordinators Report for the month of November was presented to Council.

On motion of Deputy Mayor G. MacArthur and Councillor D. Bennett-Cook, it was moved that the Safety Coordinators Report for the month of November, 2008 be accepted as presented. Motion carried.

#### **QUESTIONS BY MEMBERS**

Councillor R. Tynes noted that he was not in attendance for the presentation by Travis Decoste. The Mayor briefed him on Mr. Decoste's presentation. The Chief of Police stated that sometimes the police allow someone to stay in the lobby of the police station over night if they have nowhere else to stay.

Deputy Mayor G. MacArthur asked if the Director of Public Works had looked back at the minutes regarding the water flow at the top of Lyman and Burnyeat Streets. The Director of Public Works advised that he did take a look at the minutes, but did not find a Council decision. He noted that he had proposed that Council leave it as a private issue, that property owners buy and supply their own pumps if they want to increase their own pressure. Deputy Mayor G. MacArthur noted that because of where these homes are situated on the hill, they do not get the same water pressure that the rest of the Town receives.

It was agreed that the issue of the pumps and cost of installation will be considered during budget discussions next year.

Councillor S. Byers noted that a few months back at a Council meeting, she had requested that Council get together with the business community. At that time, a meeting was going to be arranged with the Downtown Truro Partnership, the Chamber of Commerce, CoRDA and Council and discuss what has to be done to attract business to the Town of Truro. She would like to see this meeting happen sometime in January, perhaps the third week of the month.

Councillor S. Byers asked about the status of the development on Victoria Street, the old junior high. The Director of Planning advised that the application is still active, but no plans have been submitted at this point. There is no timing provision that is set to expire. Councillor S. Byers requested that an update be prepared for the January Council meeting to give Council an idea of what the future plans are for that property.

#### **NEW BUSINESS**

##### **Report – Fire Service Equipment**

The CAO advised that Council had initiated this issue during budget discussions early in 2008. The Director of Finance and the Fire Chief have completed a proposal for Council's consideration, a copy of which Council received a few months ago.

The Director of Finance advised that the Fire Chief had reported on the five main pieces of fire fighting apparatus, their years of service and estimated cost of replacement. Based on the estimates, the report shows a recommended replacement schedule of 12 years for the 5 units. It also shows an annual budget allocation needed to fund that replacement schedule. Council has allocated two reserves of funds to replace the first unit in the schedule and it is

recommended that a tender be completed as soon as possible for that replacement. Town staff requests that Council accepts the report and give the replacement schedule favourable consideration during the budget deliberations for the upcoming fiscal year. Staff will review the estimates annually.

On motion of Councillors R. Tynes and D. Bennett-Cook, it was moved that Council accept the recommendation of staff to purchase the first unit using the funds available. Motion carried.

On motion of Councillor R. Tynes and Deputy Mayor G. MacArthur, it was moved that Council accept the recommendation of the Fire Report as presented to be dealt with at budget time. Motion carried.

#### **1<sup>st</sup> Reading – Non-Smoking By-law**

The CAO advised that this proposed By-law is a result of the meeting held recently by the Downtown Truro Partnership.

The Town Solicitor noted that the By-law would be enforceable by the police and the Town By-law officer.

On motion of Councillors S. Byers and C. Cox, it was moved that Council approve the first reading, with second reading to take place at the January Council meeting. Motion carried.

#### **Town Safety Policy**

The CAO reviewed a letter from Andrew MacKinnon, Chair of the Joint Occupational Health & Safety Committee regarding amendments to the Town Safety Policy. The Committee was recommending that Council adopt the new policy statement as the new Town of Truro Safety Policy. This would be considered the start of Council's seven day notice. Council will be asked at the January meeting to consider the adoption of this Safety Policy with amendments.

#### **Purchase Policy Amendments**

The CAO advised that amendments had been made to the current Purchase Policy of the Town. The intent of the proposed amendments is to permit the issuance of a Request for Proposal as requested by Council at a previous meeting. This would be considered the start of Council's seven day notice. Council will be asked at the January meeting to consider the adoption of this Purchase Policy with amendments.

#### **Update – Civic Centre**

Deputy Mayor G. MacArthur gave an update on the Civic Centre project.

The Mayor reiterated that the Premier of Nova Scotia had presented the Town of Truro and the County of Colchester with ten million dollars for the Civic Centre project.

#### **Appeal – Development Agreement, 100 Victoria Street**

The CAO advised that an appeal had been received regarding the development agreement application for 100 Victoria Street.

#### **Letter – Truro Sport Heritage Society**

The CAO reviewed a letter from the Truro Sport Heritage Society in which they requested the Town's sponsorship for the 2009 Annual Sports Awards Dinner.

On motion of Deputy Mayor G. MacArthur and Councillor C. Cox, it was moved that Council support the request from the Truro Sport Heritage Society for a \$1,000 contribution.

#### **Letter – Angela Reid**

The CAO reviewed a letter from Angela Reid regarding the Truro Cenotaph. She was pleased with the relocation of the benches and picnic benches, as this has helped the problem with loiters.

#### **Letter – Municipal Development Officers Association of Nova Scotia**

The CAO reviewed a letter from the Municipal Development Officers Association of Nova Scotia, which congratulated Town employee, Ken MacLeod, on his certification as a General Development Officer.

#### **Integrated Community Sustainability Plan**

The CAO advised that the Planning Department is developing an Integrated Community Sustainability Plan, as required by the Municipal Funding Agreement. The first meeting will be January 15<sup>th</sup>, 2009 and all members of Council are invited to attend.

On motion of Councillor D. Bennett-Cook and Deputy Mayor G. MacArthur, it was moved that the Town of Truro develop an Integrated Community Sustainability Plan that reflects our vision of a sustainable community. Motion carried.

#### **Letters (2) – Harmony Heights Elementary School**

The CAO reviewed two letters received from the principal of the new Harmony Heights Elementary School.

On motion of Councillor S. Byers and Deputy Mayor G. MacArthur, it was moved that the recommendation of the addition of walking trails is accepted and the funds necessary for that addition are approved. Motion carried.

**Deputy Mayor and Committee Appointments**

The Mayor advised that this agenda items was for Council's information. The selections for the Committee appointments will be prepared for the January Council meeting.

On motion of Councillor R. Tynes and Deputy Mayor G. MacArthur, it was moved that Deputy Mayor G. MacArthur remain the Deputy Mayor for the next year. Motion defeated by 4 votes against the motion cast by Councillors B. Kinsman, D. Bennett-Cook, S. Byers and C. Cox to 3 votes in favour of the motion cast by Councillor R. Tynes, Deputy Mayor G. MacArthur and the Mayor. Therefore the selection of the Deputy Mayor will be conducted in the incamera meeting immediately following this Council meeting.

**MUNICIPAL GRANT REQUESTS**

**Truro & District Lions Club**

The CAO reviewed a request from the Truro & District Lions Club for a convention to be held in Truro. He noted that it is staff's recommendation that Council refer the request to budget consideration.

On motion of Councillors R. Tynes and D. Bennett-Cook, it was moved that the request be referred for budget consideration. Motion carried.

**ACCOUNTS**

It was moved by Councillors C. Cox and B. Kinsman that Council pay the accounts as approved for the month of November, 2008. Motion carried.

**ADJOURNMENT**

On motion of Councillors R. Tynes and C. Cox, it was moved that the meeting be adjourned at approximately 4:30 pm. Motion carried.

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W. R. (Bill) Mills  
Mayor

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J.K. Langille  
CAO