

AGENDA

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. PRESENTATIONS

3.1 Soldiers Memorial Hospital Foundation – Anne Crowell

4. MINUTES

4.1 Council Meeting – February 20, 2024

4.2 In-Camera Council Meeting – February 20, 2024

5. ANYTHING BY CITIZENS

Procedure: A thirty-minute period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute period provided there is time remaining within the thirty-minute “Anything by Citizens” period.

6. NEW BUSINESS

6.1 Committee of the Whole Recommendations

a. RFD 011-2024 Water Utility Reserve Account

b. RFD 012-2024 Council Livestreaming Policy

6.2 RFD 010-2024 Noise Bylaw, Amendment to Schedule A – CAO

6.3 RFD 016-2024 Reservoir Mitigation Options - Director of Public Works

6.4 RFD 017-2024 Reservoir Monitoring – Director of Public Works

6.5 RFD 015-2024 Interim Budget Approval for 2024-2024 – CAO

6.6 2023-2024 Capital Projects Update – CAO

6.7 2023-2024 Forecast for Town General and Middleton Water Utility – CAO

7. REPORTS

7.1 Management Report – CAO

7.2 Middleton Fire Department Dispatch Report for February – CAO

7.3 Asset Management Working Group Feb 29/24 Minutes – CAO

7.4 Planning Advisory Committee Jan 24/24 DRAFT Minutes – Mayor Atkinson

7.5 Annapolis County Inter-Municipal Working Group Feb 22/24 DRAFT Minutes –
Councillor LeBlanc

7.6 IMSA Board Feb 21/24 DRAFT Minutes – Mayor Atkinson

7.7 Mayor’s Report

MIDDLETON TOWN COUNCIL
Town Hall – Council Chambers & Facebook Live
Monday, March 18, 2024
7:00 p.m.



8. AN THING BY MEMBERS

9. IN-CAMERA
9.1 Contractual
9.2 Contractual

10. ADJOURNMENT



Partnering for Healthcare

JOHN SMITH CHAIR,

ANNE CROWELL SECRETARY

SOLDIERS MEMORIAL HOSPITAL FOUNDATION



SMHF History/Background

AN OVERVIEW

SMHF History/Background

- ▶ **Soldiers Memorial Hospital Foundation Society was founded in 1972.**
- ▶ **Its Members meet annually to elect a Board of Directors which handles the business of the Foundation.**
- ▶ **The Foundation's purpose is to finance equipment for Soldiers Memorial Hospital, as well as to finance programs that improve the health of the population in the area the served by the Hospital.**
- ▶ **Soldiers Memorial Hospital Foundation works in partnership with Nova Scotia Health to enhance the working environment through purchasing of much needed equipment.**



What we Support

Equipment for the Hospital

- ▶ **New equipment is essential for providing the best care possible to patients. Through partnerships with service clubs, health auxiliaries, and other hospital foundations, we have been able to purchase millions of dollars of equipment over the past 50 years since our inception. Some of the equipment purchased by SMH Foundation includes:**
- ▶ **Automated External Defibrillators (AED)**
- ▶ **High-Level Disinfection Unit for the Ultrasound Department**
- ▶ **Point of Care Ultrasound for the Emergency Department**
- ▶ **Bariatric Exam Table for the Obstetrics Clinic**
- ▶ **Pain Pumps for Palliative Care Unit**
- ▶ **Medication Carts for the Veterans' Unit**
- ▶ **Combi Oven and Blast Chiller for the Cafeteria**
- ▶ **Mobility devices**

Local Programs

- ▶ Our Foundation helps to financially support local programs that benefit health and welfare of the community.
- ▶ Mid Valley Region Physician Recruitment & Retention Committee
- ▶ Annapolis County Seniors' Safety Program
- ▶ Annapolis County Active Kids Healthy Kids Society
- ▶ Kings County Seniors' Safety Society
- ▶ Trans County Transportation Society Medical Shuttle

Joint Projects

- ▶ Through the years, Soldiers Memorial Hospital Foundation has aided in funding campaigns with other foundations. These partnerships have helped to increase the overall health care of patients throughout the Annapolis Valley.
- ▶ 'Sight and Sound of Healing' Campaign (Vision and Hearing Children's Clinics)
- ▶ 'Labour of Love' Fetal Monitor Campaign
- ▶ Health in Harmony Radiothon
- ▶ The purchase of an Echocardiography Machine for Valley Region Hospital
- ▶ The purchase of a Pulmonary Function Testing System for Valley Region Hospital
- ▶ The purchase of a CT Scanner for Valley Region Hospital

New Veteran's Patio Project: TBC July 1, 2024

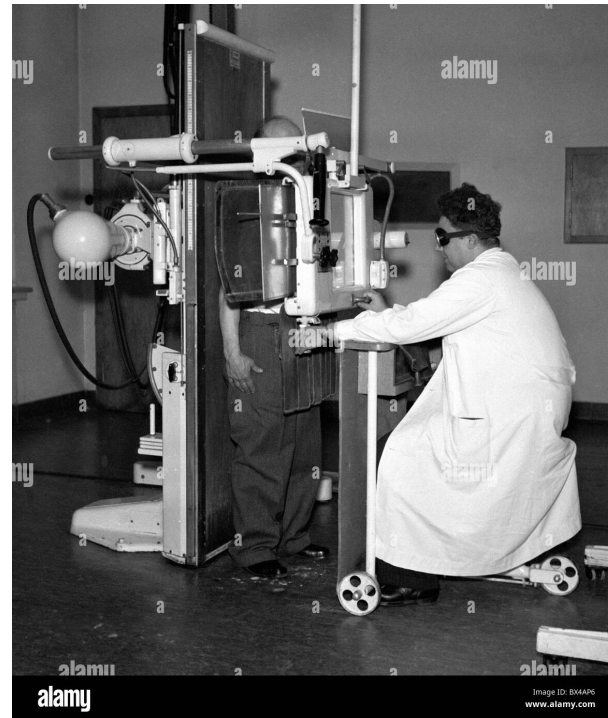
Patio Park
Design





Current Diagnostic Imaging Equipment

OLD Diagnostic Imaging Machine





New Diagnostic Imaging Equipment

STATE OF THE ART EQUIPMENT FOR NOW AND INTO THE FUTURE.

Definium™ 656 HD





Your Assistance and Support

YOUR FINANCIAL CONTRIBUTION WILL MAKE A HUGE DIFFERENCE!

Ways you can Support your Hospital and the Community?

01

Make a Donation
to SMHF of
\$20,000

02

Fundraise for
SMHF

03

Continue to
Share our online
posts

Questions??

REQUEST FOR DECISION
Water Utility Reserve Funds
RFD#: 011-2024



To: COTW and Town Council
From: Ashley Crocker, CAO
Date: March 4, 2024 and March 18, 2024
Subject: Water Utility Reserve Funds

Guiding Principles for Decision-Making

Accountability Transparency Diversity Sustainability Engaged Informed

References/Attachments

- Letter from Municipal Affairs and Housing March 31, 2023
- Sustainable Services Growth Fund – Terms and Conditions

Legislation

- *Utility and Review Board*

Recommendations

That Town Council approve the creation of a new reserve fund for the Middleton Water Utility for the new reservoir.

That Town Council approve setting aside the Sustainable Services Growth Fund grant amount of \$322,915 for the new reservoir, and approve transferring the grant funding to the new Reservoir Reserve in the Middleton Water Utility.

Background

The last Water Rate study was done in 2018. At that time, a capital project for the new reservoir was included in the rates (principal, interest and depreciation). Monies collected from rate payers for the new reservoir have been set aside in the new reserve fund each year.

In addition, the Town received grant funding at the end of fiscal March 2023 which was communicated to Council, and the intention was to use this funding on the new reservoir. A formal motion by Council is required.

Financial Implications

Creating a new reserve account within the Water Utility for the reservoir replacement will help to ensure funds are being set aside properly.

REQUEST FOR DECISION
Water Utility Reserve Funds
RFD#: 011-2024



Strategic Plan/Operating Plan Alignment

Check Applicable	Strategic Priority Area	Comments
	Environment	
x	Infrastructure	Funds need to be set aside for reservoir replacement.
	Economy	
	Community	
	Governance	
	Council Strategic Initiative	

Alternatives

N/A

Community Engagement/Communication

CAO Comments

The CAO approves the creation of a new reserve account and setting money aside for the new reservoir.

CAO Initials: AC

Target Decision Date: 18 March 2024



**Municipal Affairs and Housing
Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902-424-5550 Fax 902-424-0581 • novascotia.ca

Sylvester Atkinson, Mayor
Town of Middleton
VIA E-Mail: satkinson@town.middleton.ns.ca

Dear Mayor Atkinson:

I am pleased to advise the Department of Municipal Affairs and Housing has approved a grant of \$322,915 to support infrastructure investments in your community under the new Sustainable Services Growth Fund (SSGF).

The SSGF can be used to support Municipal services by investing in municipal infrastructure needed to serve a growing population, improve sustainability and provide increased resiliency.

Please refer to the attached Terms and Conditions for more information on the funding approval. If you accept this offer, please sign the Terms and Conditions, and send to the program email listed below.

Should you have any questions, please contact Ahmad Shahwan, Manager of Infrastructure Programs at Ahmad.Shahwan@novascotia.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Lohr".

Honourable John A. Lohr
Minister of Municipal Affairs and Housing

c Ashley Croker, Chief Administrative Officer, acrocker@town.middleton.ns.ca

Attachment

Sustainable Services Growth Fund (SSGF) Agreement Form (Terms and Conditions)

Proponent: Town of Middleton

Approved Funding: \$322,915

Project End Date: March 31, 2025

Funding approval for the above noted program is subject to the acceptance of the following Terms and Conditions. The Municipality agree to:

- 1) Carry out the provision of the project(s) as described in the approval documentation without any material changes.
- 2) Use the grant funds for the purpose of carrying out the project(s) as specified by Schedule A – Eligible Projects and Schedule B – Eligible & Ineligible Expenditures.
- 3) Notify and seek approval from Municipal Affairs and Housing (DMAH) in writing of any significant changes in circumstances that may affect the project(s) timelines.
- 4) Be responsible for any cost over-runs incurred in carrying out the project(s).
- 5) Complete project(s) by the Project End Date unless otherwise agreed to in writing.
- 6) To complete a Request for Amendment at least one month prior to the Project End Date should an extension be needed.
- 7) Follow the intent of the Nova Scotia Government Procurement Policy in awarding contracts.
- 8) Submit a Program Closeout Report for approval within 60 days after the project(s) completion date(s) or the Project End Date.
- 9) Refund any unexpended portion of the Grant and any amounts expended for purposes other than for those specified in Terms and Conditions to the Government of Nova Scotia.
- 10) Maintain proper and accurate accounts and records in respect of all related expenditures for at least six (6) years after completion of project(s) and, upon reasonable notice, make them available to Nova Scotia.
- 11) Record separately and distinctly any SSGF amounts, including any interest earned thereon.

Please return a scan of signed Agreement form to the following program email:
SSGF@novascotia.ca

Name of Signing Authority	
Title	
Phone	
Email	

Signature_____

Date_____

Approval Information

General Conditions and Requirements

Proponents undertaking project(s) with financial assistance through SSGF shall comply with the following general conditions and requirements:

- Funding cannot be applied against costs related to work carried out in violation of conditions set by regulatory authorities.
- Proponents may be required to submit general progress and evaluation reports during the project(s) and will be required to co-operate with DMAH staff in monitoring the implementation.
- The project(s) are considered complete upon approval of the Program Closeout Report.

Program Closeout Report

The Program Closeout Report must include the following:

- Description of all projects funded.
- Confirmation of achieved project(s) outcomes.
- Statement of Funding Expenditures (template to be provided).

SCHEDULE A – Eligible Projects

Projects must demonstrate direct impact to support Nova Scotia’s growing population by investing in the following project categories:

Municipal Services – renewing, increasing capacity or creating services for:

- a. Housing development
- b. Seniors and long-term care
- c. Accessibility
- d. Active transportation

Some examples of eligible projects include:

- Expansion or renewal of water and wastewater treatment, storage and distribution systems
- Solid waste management infrastructure
- Active transportation trails and sidewalks
- Accessibility retrofits to municipal buildings

SCHEDULE B – Eligible & Ineligible Expenditures

Eligible Expenditures include:

- Expenditures associated with planning, designing, constructing, or renovating a tangible capital asset, as defined by generally accepted accounting principles; and
- Municipal contributions towards expenditures related to other cost shared projects which satisfy the terms of SSGF.

Ineligible Expenditures include:

- Expenditures incurred before April 1, 2023;
- Expenditures incurred after the Project End Date;
- Cost of leasing of equipment, overhead costs, salaries and other employment benefits of any employees of the Municipality, the direct or indirect operating or administrative costs of the Municipality;

- Taxes for which the Municipality is eligible for a tax rebate and all other costs eligible for rebates or recoveries;
- Purchase of land or any interest therein, and related costs;
- Legal fees; and,
- Routine repair, maintenance, and operating costs.

REQUEST FOR DECISION
Policy
RFD#: 012-2024



To: COTW and Town Council
From: Ashley Crocker, CAO
Date: March 4, 2024 and March 18, 2024
Subject: Council Livestreaming Policy

Guiding Principles for Decision-Making

Accountability Transparency Diversity Sustainability Engaged Informed

References/Attachments

- Draft Council Livestreaming Policy

Legislation

- N/A

Recommendations

To recommend that Council approve Policy # A 3.13 Council Livestreaming Policy, dated February 29, 2024.

Background

Recently staff were made aware of a technical issue with a livestreamed Council meeting at which viewers had no sound. For this issue, viewers had posted comments on the Town's Facebook page. Other minor technical issues have also been experienced.

Without having a dedicated technical person at each livestreamed meeting, it is not reasonable/feasible for attending staff to attempt to make technical corrections, to monitor Facebook comments, or to respond to incoming emails.

Livestreaming of Council meetings is not required under legislation, and those wishing to attend to make comments or presentations may do so in person.

The proposed policy provides guidelines for livestreaming, roles, and responsibilities of attendees, and that the Town is not responsible for technical issues during a meeting but will make every effort to mitigate them in advance.

REQUEST FOR DECISION
Policy
RFD#: 012-2024



Financial Implications

N/A

Strategic Plan/Operating Plan Alignment

Check Applicable	Strategic Priority Area	Comments
	Environment	
	Infrastructure	
	Economy	
X	Community	Provides opportunity for residents to view meetings from home. Provides guidelines for staff to respond to public inquiries.
	Governance	
	Council Strategic Initiative	

Alternatives

- 1) Maintain status quo and continue to livestream without a specific policy.

Community Engagement/Communication

CAO Comments

CAO Initials: AC

Target Decision Date: 18 March 2024

LIVESTREAMING POLICY

Effective Date	Approved by Council
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1.0 PURPOSE:

1.1 This Policy aims to improve accessibility and community participation in relation to decision making processes. It is predicted that live streaming Council meetings on the Town of Middleton’s Facebook Page will provide more flexible and convenient access of Council debate and decisions to a wider audience.

1.2 Live streaming Council meetings, which also allows for recording, can eliminate geographic and time barriers which may prevent the public from attending meetings in person. It also makes the meetings accessible through live captioning. The result being greater community confidence in the integrity and accountability of the decision-making process.

1.3 The Live Streaming of Council Meetings Policy provides policy direction and guidelines for Councillors, Staff, and the community. This policy reflects Council’s commitment to transparent and accessible decision-making processes, with the introduction of live streaming of Regular and Special Meetings of Council. Any parts of Council’s meetings that are closed to members of the public under Section 239 of the Municipal Act are regarded as confidential and will not be aired or recorded.

2.0 SCOPE:

This Policy applies to:

1. Regular and Special Meetings of Council;
2. Councillors and staff of the Town of Middleton; and
3. Members of the public, both as visitors to the gallery and when invited to speak in the Meeting.

3.0 DEFINITIONS:

Chair - the person who chairs a meeting of the Council, predominantly, the Mayor.

Closed Section of a Council Meeting - A meeting of the council which has been closed to members of the public under Section 239 of the Municipal Act, commonly referred to as ‘in-camera.’

Controls - Any process, policy, device, practice, or other action which impacts on the consequence or likelihood of a particular risk occurring, that is currently in place.

Council Meetings – refers to Committee of the Whole, Council, and Special Council meetings.

Defamation - Intentional false communication which damages the reputation of another individual.

Streaming (Webcasting) The process of delivering multimedia content via the internet, in audio and/or video format from a single content source to multiple listeners/viewers.

4.0 POLICY CONTENT:

4.1 Operating Guidelines

- 4.1.1** Council meetings held in the Town of Middleton’s Council Chamber will be streamed live, on the Town of Middleton’s Facebook channel in accordance with this Policy and will be able to be accessed from the Town’s website: www.discovermiddleton.ca. (or Facebook Page video archive)
- 4.1.2** Any parts of Council’s meetings that are closed to members of the public under Section 239 of the Municipal Act are regarded as confidential and will not be aired or recorded.
- 4.1.3** The Chair and/or the Chief Administrative Officer (CAO) have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances when deemed relevant. Circumstances include, but are not limited to instances:
- a)** where the content of debate is considered misleading, defamatory, or infringing on copyright.
 - b)** that breach the privacy of an individual or unauthorized disclosure of the personal information of an individual.
 - c)** that constitute discrimination, hatred, or vilification of an individual or group of individuals based on race, gender identity, sexual orientation, ability, age, religion, or any other protected human right.
 - d)** which disclose confidential or privileged information, pose a threat to Town infrastructure, personnel, or the security of Town systems.
 - e)** other as deemed necessary.
- 4.1.4** Council will make every effort to ensure that live streaming is available, it takes no responsibility for, and cannot be held liable for technical issues beyond its control. Technical issues may include, but are not limited to, the availability of the internet connection, device failure or malfunction, unavailability of social media platforms, or power outages.

- 4.1.5** The official record of all Council meetings shall be the written minutes in accordance with the Municipal Act Section 239(1). The live stream file will be archived to the Town's Facebook channel. Files will be hosted on the Town's Facebook Page during the current year and for four years thereafter (five years in total).
- 4.1.6** Video files from live streaming on the internet are part of the public realm and as such, are subject to alteration by a member of the public with no municipal control over such alterations. The Town assumes no liability associated with any alterations that may be made by a member of the public on the internet.
- 4.1.7** Viewing live or recorded audio and video over the internet consumes data. The user is responsible for any data charges they may incur.
- 4.1.8** Opinions expressed and statements made during Council meetings are those of the individual making them. Unless set out in a resolution of Council, Council does not support or endorse the views, opinions, statements, or information that may be expressed by an individual at a Council meeting.
- 4.1.9** Council does not accept any responsibility for any oral statements made by the public during Council meetings which may be inaccurate, incorrect, or defamatory, and does not warrant nor represent that the material or statements made by the public during live streamed meetings are complete, reliable, accurate, or free from error.

4.2 Publication of Notices – Informing Attendees

- 4.2.1** It is not the intention of live streaming to capture those attending the meeting in the gallery, however this may occur due to camera angles and seating arrangements. By attending the public meeting, attendees are consenting to their image, voice, or comments being recorded.
- 4.2.2** There will be several notices informing attendees that live streaming will be taking place. At the commencement of each meeting, the Chair will read a statement included in the Council agenda notifying those present that the meeting will be live streamed on the internet and that a link to the Facebook Page can be found on the Town's website.
[Attachment 1]
- 4.2.3** Signage communicating a similar message will be visibly displayed in the foyer of the Council Chambers. [Attachment 2]

4.3 Public Interaction in Council Meetings

- 4.3.1** Public Forum: The Council Meetings and Proceedings Policy and the Presentations by Public to Council Policy set out the requirements for Public Forum guidelines with regards to a Council Meeting. Any attendee who is invited to speak will be recorded and their voice and image will form part of the live stream.



4.3.2 Should an attendee invited to speak not wish to be recorded, they are required to make this request known to Council staff prior to the meeting commencing. This request can be made either by emailing the Chief Administrative Officer (CAO) a minimum of two hours prior to the meeting or in person no later than 30 minutes prior to the meeting.

4.4 Presentation of Awards / Public Acknowledgements

4.4.1 The Council Meetings and Proceedings Policy and the Presentations by Public to Council Policy set out the expected behaviours for participation in Council Meetings. Any attendee who is invited to make or receive a presentation or acknowledgement from Council will be recorded and their voice and image will form part of the live stream.

4.4.2 In circumstances where time permits, correspondence to the attendee shall be made to include the public notice information that Council undertakes live streaming of its Council meetings. (Attachment 2]

5.0 POLICY COMMUNICATION:

The Chief Administrative Officer will be responsible for:

1. Communicating the relevant public notices in Attachments 1 and 2 to be included in:
 - (a) Public Notice in the Council agenda
 - (b) Public Notice Signage at the meeting
2. Publishing Council meeting live stream recording links, to the Town’s website.
3. Setting up, positioning, and testing the video equipment for each Council meeting.
4. Provide ongoing support to ensure the live stream is operational for each meeting.

6.0 POLICY REVIEW:

This policy will be reviewed once per Council term or more often as needed.

7.0 COMPLIANCE:

In cases of policy violation, the Town may investigate and determine appropriate corrective action.

I, _____, **Chief Administrative Officer of the Town of Middleton**, do hereby certify that the Policy, of which the foregoing is a true copy, was duly passed at a duly called meeting of the Town Council of the Town of Middleton held on the ___ day of ___ 2024.

Chief Administrative Officer

Policy Adoption	
Date of 7-day notification to Council	March 4, 2024
Date of Approval	

Attachment 1

Public Notice to be included in the Council Agenda and to be read out by the meeting Chair

Live Streaming of Council Meetings

Today's meeting is being streamed live on the Town of Middleton Facebook Page. To those present in the gallery today, by attending a public meeting of the Council you are consenting to having your image, voice and comments recorded. Anyone who is invited to speak will be recorded and their voice, image and comments will form part of the live stream.

The Chair and/or the CAO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances when deemed relevant.

DRAFT

Attachment 2

Public Notice to be displayed as signage at the entrance of the Council Meeting

This Council meeting is being streamed live in accordance with Council's Live Streaming in Council Meetings Policy. A copy of the Policy can be viewed on the Town's website.

By attending a public meeting of the Council, you are consenting to your image, voice and comments being recorded. Should you wish to attend and/or speak without being recorded you must make this request to Council staff prior to the meeting commencing. This request can be made either by emailing the CAO a minimum of two hours prior to the meeting or in person no later than 30 minutes prior to the meeting.

The Chair and/or the CAO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances when deemed relevant. Circumstances may include instances where the content of debate is considered misleading, discriminatory, defamatory, or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments.

Whilst Council will make every effort to ensure that live streaming is available, it takes no responsibility for, and cannot be held liable for technical issues beyond its control. Technical issues may include but are not limited to the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages. It should be noted that no protection is afforded to Councillors, Council employees or the public for comments made during Meetings which are subsequently challenged in a court of law and/or determined to be defamatory.

REQUEST FOR DECISION
Bylaw Amendment
RFD#: 010-2024



To: Council
From: Ashley Crocker, CAO
Date: February 20, 2024
Subject: Noise Bylaw Amendment

Guiding Principles for Decision-Making

Accountability Transparency Diversity Sustainability Engaged Informed

References/Attachments

- Amended Noise Bylaw

Legislation

- MGA

Recommendation

That Council give second reading and approval to the Noise Bylaw effective date December 21, 2023.

Background

There are no changes to the text of the bylaw. It was determined that the text in Schedule A of the bylaw be amended by removing the mention of 'persistent barking' as any disturbance caused by dogs is covered by the Animal Control Bylaw. This was brought to our attention by the Animal Control Officer who noted that the removal of this clause better allows them to carry out their duties by eliminating conflicting information/confusion for them and the general public.

Financial Implications

N/A

REQUEST FOR DECISION
Bylaw Amendment
RFD#: 010-2024



Strategic Plan/Operating Plan Alignment

Check Applicable	Strategic Priority Area	Comments
	Environment	
	Infrastructure	
	Economy	
	Community	
X	Governance	
	Council Strategic Initiative	

Alternatives

N/A

Community Engagement/Communication

N/A

CAO Comments

The CAO supports the recommendation of staff.

CAO Initials: AC

Target Decision Date: 20 Feb 2024



NOISE BYLAW

Be It Enacted by the Council of the Town of Middleton, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter (18), as follows:

1. This Bylaw shall be known as, and may be cited as, the “NOISE BYLAW”.

DEFINITIONS

2. In this Bylaw, words take their ordinary dictionary meaning other than those defined below:
 - a) **“Council”** means the Town Council of the Town of Middleton;
 - b) **“Town”** means the Town of Middleton;
 - c) **“Construction”** includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any work in connection therewith; but does not include blasting;
 - d) **“Construction equipment”** means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, hydraulic breakers, excavators, dozers, pile drivers, pneumatic or hydraulic tools, tractors, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, and other material handling equipment
 - e) **“Motor vehicle”** includes an automobile, a motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; gravitational or wind power except a motorized wheelchair; a vehicle running upon rails, a farm tractor or self-propelled implement of husbandry, and an off-highway vehicle as defined from time to time in the Off- Highway Vehicles Act



- f) **"Public address system"** means any system comprised of one or more of the following, and in any combination: loudspeaker, amplifier, microphone, turntable, reproducer, receiver or tuner, where such equipment is part of a system used to reproduce or amplify sound;
- g) **"Emergency response person"** includes police, fire departments or brigades, registered emergency services providers, search and rescue personnel, provincial, regional or municipal Emergency Measures Organizations, ambulance or emergency health services providers and includes volunteer or military personnel responding to an apparent condition of emergency;
- h) **"A-weighted"** means a unit of measure of decibels (dBA) using a weighted sound level meter;
- i) **"Point of reception"** means any point on premises or premises containing a dwelling unit where sound, originating from other premises, including other dwelling units, is received.

PROHIBITIONS AND INTERRUPTIONS

3. No person shall, within the Town boundaries, engage in any activity which is likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighborhood. For this section, evidence that the noise generated can be heard within a dwelling unit located on a neighboring property is prima facie proof that an offence has been committed. Additionally, evidence that a person has operated a vehicle within the Town which produces a noise level higher than the level originally set by the manufacturer because of the removal of the muffler or other noise-dampening device or the modification of the muffler or other noise-dampening device so as to increase the noise level shall constitute prima facie proof that an offence has been committed.
4. Without limiting the generality of section 3, the activities or noises listed in Schedule A and Schedule B, during the proscribed times as set out therein, are deemed to be activities which are likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood if the sound resulting from the activity is audible at a point of reception. Owners and occupiers who create excessive noise shall be liable to a penalty.
5. No person shall operate an off-highway vehicle snowmobile, or dirt bike within Town limits unless on private property or a portion of highway properly designated as a "Road Trial" pursuant to section 5 of the Road Trials Act . The use of these vehicles on private property or designated Road Trail should not cause a noise disturbance to neighboring residents between the hours of 10 p.m. to 7 a.m. No driver shall operate an off-highway vehicle within the Town if the noise level of the vehicle is higher than the level originally



set by the manufacturer because of the removal of the muffler or other noise-dampening device or the modification of the muffler or other noise-dampening device so as to increase the noise level.

6. No person shall generate, or cause or permit to be generated, a noise or sound that is measurable in A-weighted sound pressure level at a point of reception.
 - a) Greater than 70 dBA, before 7:00 am, or after 11:00 pm.
 - b) Greater than 90 dBA, at other times.

FIXED EXEMPTIONS

7. This Bylaw does not apply to:
 - a) emergency response personnel engaged in the execution of their emergency response duties; or
 - b) persons acting at the request of emergency response personnel during an actual or apparent emergency condition.
 - c) without limiting the generality of the foregoing, noises caused by emergency response vehicles and air ambulances are specifically exempt from prosecution.

NOTWITHSTANDING

8. Any other provisions of this Bylaw, this Bylaw shall not apply to or proscribe:
 - a) employees of the Town of Middleton, Government of Canada, Province of Nova Scotia, Middleton Public Service Commission, the Nova Scotia Power or and telecommunications companies and their contractors and employees when acting in the reasonable execution of their duties between 7:00 a.m. and 10:00 p.m. in the day;
 - b) noises in connection with organized athletic or recreational activities in a municipal park area, arenas or community centers between 5:00a.m. and 1:00 am;
 - c) noises from the organized and scheduled activities and events of festivals, parades, street dances, rallies, or other community activities, funded, sponsored or licensed by the Federal or Provincial government or the Town of Middleton until 1:00 am;
 - d) noises emitted by Town-owned machinery or equipment when used in the normal course of performing Town services;
 - e) noises resulting from the operation of any refrigeration unit which is attached to a refrigeration truck if refrigeration truck is parked;



- f) noises emitted by audible pedestrian signals;
- g) the emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
- h) the emission of sound in connection with any organized traditional, festive, or religious activity celebrating:
 - i. Canada Day
 - ii. New Year's Eve or
 - iii. Religious/cultural holidays
 - iv. Town sponsored and/or organized recreational activities and events including, but not limited to, Heart of the Valley Festival, Century Ride, Heart Run, Movies and Concerts in the Park
- (i) the emission of sound in connection with emergency measures that are undertaken for:
 - i. the immediate health, safety, or welfare of an individual
 - ii. the preservation of property

Deleted: ¶

GRANT OF EXEMPTION BY COUNCIL

Deleted: ¶

9. Notwithstanding anything contained in this Bylaw, any person may make application to Council to be granted an exemption from any of the provisions of this Bylaw with respect to any emission of noise from which that person might be prosecuted for a period of no more than six (6) months. Council, by resolution, may grant an exemption or refuse the request. Refer to Appendix C for more information.

PENALTIES

- 10. Any person who contravenes any provision of this Bylaw is guilty of an offence and is punishable on summary conviction by a fine(s) as defined in the Fees and Fines Policy. Subsequent offences are offences that take place after the first offence within the same calendar year.
- 11. This Bylaw shall only have effect with respect to noises emitted within the boundaries of the Town of Middleton.

REPEAL

12. A Bylaw known as the Orderly and Peaceful Conduct Bylaw dated October 8th, 2003, is hereby repealed.



Town of Middleton
Bylaws
Noise Bylaw, Chapter 54

Mayor

CAO/Clerk

This is to certify that this Bylaw, of which the foregoing is a true copy, was duly passed at a duly called meeting of the Town Council of the Town of Middleton held on the ___ day of _____, 2023.

Given under the hand of the Mayor and Chief Administrative Officer of the Town of Middleton this ___ day of _____, 2023.

Bylaw Adoption	
Date of First Reading:	<u>October 16, 2023</u>
Publication of Notice of Intent:	<u>November 2, 2023</u>
Date of 2 nd Reading & Passing:	<u>December 18, 2023</u>
Date of Publication of Notice of Passing:	<u>December 21, 2023</u>
Description: Passing of Original Bylaw	
First Amendment	
Date of First Reading:	<u>February 20, 2024</u>
Publication of Notice of Intent:	
Date of 2 nd Reading & Passing:	
Date of Publication of Notice of Passing:	
Description: <u>Removal of reference to persistent barking in "Schedule A Activities Proscribed at all Times" as it conflicts with Ch. 12 Animal Control Bylaw</u>	



Schedule "A"

ACTIVITIES PROSCRIBED AT ALL TIMES:

1. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device, in good working order and in constant operation. Modified or aftermarket mufflers that create excessive noise are subject to penalty under this bylaw;
2. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or equipment or inadequate maintenance;
3. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
4. The detonation of explosive devices not being used in construction or quarrying. Fireworks may be used for statutory holidays. Any other uses must be given a permit from the Town Clerk with approval from the CAO (See Appendix A);
5. The discharge of firearms except when used as a signaling device in a sporting competition. For other uses, individuals must receive a permit from the Town Clerk with approval from the CAO under such conditions as are set forth in the Provincial Firearms Regulations. (See Appendix A);
6. Prolonged idling of an engine. Exemptions to this clause include: longer idling period per manufacturer's instructions, weather conditions, and not-for-profit vehicle maintenance.
7. The operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation;
8. No person shall, within the limits of the Town of Middleton, do any blasting or cause any blasting to be done without first having obtained a written permit from the CAO / Town Planner. (See Appendix B)

Deleted: <#>Persistent barking, howling or other persistent noise-making by a dog or other animal owned or possessed by the occupant of the premises;¶



Schedule "B"

ACTIVITIES PROSCRIBED BETWEEN THE HOURS OF 11 PM – 7 AM:

1. The operation in the outdoors of any power tool for domestic purposes other than snow removal or emergency repair situations.
2. The loading or unloading of any containers, products, materials or refuse with the exception of private household effects;
3. The operation of any public address system, sound system, or audio/visual equipment in a manner such that the sound from the equipment being operated is audible beyond the bounds of the property from which the noise is emitted;
4. The operation of any motorized conveyance other than on a street or other place intended for its operation;
5. The use or operation of construction equipment, except where such equipment is used or operated on any highways;
6. The use of Off-Highway Vehicles, Snowmobiles, or Dirt Bikes on private property, unless for loading or unloading purposes. This proscription also applies to mechanical work performed on such vehicles.
7. The operation of a garburator, solid waste bulk lift, refuse compacting equipment or hydraulic dumpster associated with a commercial enterprise;
8. Yelling, shouting, outcry, or other amplified sound;
9. Playing of amplified musical instruments and drums in a manner such that the sound from the instruments being played is audible beyond the bounds of the property from which the noise is emitted;
10. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from autoclave, boiler pressure vessel, pipe, valve, machine, device, or system.



Appendix A

Application for a Special License to Discharge a Firearm

***This Special License is required to discharge a gun, air rifle, bow and arrow, or any other type of firearm within the Town of Middleton. It also applies to the release of fireworks outside of a statutory holiday.**

Name: _____

Civic Address: _____

Phone Number: _____

Email: _____

Location of Event: _____

Time of Event: _____

Category (check one):

Gun Club	Bow & Arrow	Air Rifle
Fireworks	Re-enactors	Film Industry

Requirements:

Gun Club

- Anyone who wishes to start a gun club must initially meet with the CAO / Town Planner to look at the location of the proposed club to get a letter of permission.
- Applicant must then apply for the proper license through the Department of Justice Provincial Firearms Office (Canadian Firearms Program).
- Applicant must present approved provincial license to the Town and agree to any conditions set by the CAO regarding Noise and hours of operation prior to consideration for a permit.

Bow & Arrow

- Any bow and arrow range application must be presented to the CAO / Town Planner. Drawings of the layout and measurements between buildings required.
- Proof of proper backdrop or netting
- Proof of insurance for recreation groups



Air Rifle

- For pellet guns or air rifles that fire at less than 500 feet per second.
- Permit for target practice and/or pellet gun events.
- Must present proposed location and safety measures to CAO / Town Planner.

Fireworks

- For a special display of fireworks, residents must first be granted permission by their adjacent neighbours and have, on their property, a wide and clear site that is away from all obstacles. Proof of neighbour permission is required.
- Fireworks must not be set off after 11 pm.
- Residents must discuss their fireworks display plan with the Town Clerk or CAO regarding containment and safety. Fireworks must have a base halfway in a container of earth or sand, unless the label indicates otherwise, and should be pointed away from people and structures.

Re-enactors / Museums

- Must present proof of Provincial licensing for weapons (Canadian Firearms Program)
- Must present proof of insurance.

Film Industry

- Replica firearms are prohibited devices in Canada and the proper protocols should be adhered to if using them in a Film. Refer to the Canadian Firearms Program for information about possessing, acquiring, borrowing, storing, and transporting replica firearms.
- If replica firearms or gun powder will be used in filming, a permit is required from the CAO prior to filming. Owners of properties in close proximity will be notified of potential noise. Any explosive noise after 10 pm should be noted in the application.



Appendix B
Blasting Permit

***This Special License is required to conduct any blasting within the Town of Middleton.**

Name: _____

Civic Address: _____

Phone Number: _____

Email: _____

Location of Event: _____

Time of Event: _____

Requirements:

- **Liability Insurance in the minimum amount of Three Hundred Thousand Dollars (\$300,000).**
- **“Blasting Certificate” proof of qualifications.**
- **Blasting Plan which includes a suitable mat to prevent debris from escaping the blasting area.**

All blasting done in the Town of Middleton will be performed in accordance with such standards as may from time to time be imposed by statute or regulation within the Province of Nova Scotia.

Approved by:

CAO

Date of Approval

This license will expire within 3 months of application. Any changes to the project Timeline **MUST** be expressed to the CAO.



Appendix C

Application for a Grant of Exemption by Council

***Town Council may grant an exemption to the Noise Bylaw with respect to any emission of noise from which that person might be prosecuted for a period of no more than six (6) months.**

Name: _____

Civic Address: _____

Phone Number: _____

Email: _____

Reason for Request: _____

Location of Event: _____

Time of Event: _____

Requirements:

- **Abide by any Terms and Conditions set forth by Town Council**
- **Background material for Council review**

Rights of Council:

In deciding whether or not to grant an exemption under section 9 or in determining terms or conditions of the exemption, Council shall give consideration to:

- a) the social or economic benefit of the proposed activity to the Town, the views of any residents of the Town;
- b) volume, nature and consistency of noise emission associated with the proposed activity;
- c) the proximity and nature of abutting or adjacent land uses;
- d) the hours of operation of the proposed activity;
- e) any other factor relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.



Any contravention of the terms or conditions of an exemption shall constitute a contravention of this Bylaw. In addition to any other available remedies for such contravention, the Bylaw Enforcement may on reasonable and probable grounds, without a hearing, suspend an exemption for a period of up to 30 days pending Council review of the exemption or issue a summary of offence ticket.

Any exemption pursuant shall be reviewable by Council at any time upon 10 days' notice to the person exempted, and Council is free to revoke, suspend or restrict the exemption with or without cause having regard to the criteria set forth in this application form.

Public Input:

Applications for an exemption for an activity of less than 14 days duration do not require a public hearing pursuant to this application or notice by the Town, but all other exemptions, renewals of exemptions, or amendments expanding the scope of an exemption shall only be granted after a public hearing at which Council shall give the applicant and any person interested in the application an opportunity to be heard. It is advisable that applicants speak to adjacent property owners prior to application.

For applications that are longer than 14 days, ten (10) days' notice of time, date and purpose of a public hearing shall be mailed by the applicant to the assessed owner or owners, as shown in the records of the Town Office, of each property which contains a building located within 150 meters (492 feet) of the property which will be the subject of the hearing, except that where the exemption is sought for an outdoor event not conducted at a fixed location.

**REQUEST FOR DECISION
RESERVOIR MITIGATION OPTIONS
RFD#: 016-2024**



To: Town Council
From: Adam Verran, Director of Public Works
Date: March 18, 2024
Subject: Town of Middleton – Reservoir Mitigation Options

Guiding Principles for Decision-Making

Accountability Transportation Diversity Sustainability Engaged Informed

References/Attachments

- CBCL proposal – Reservoir Observations and Leak Testing

Recommendation

That Town Council approve engaging CBCL to conduct a Leak Study and coordinate a Dive Team to inspect the reservoir and provide a report on their findings to the Town of Middleton for an amount not exceeding \$18,000 plus HST, to be funded through the Water Utility Operating budget for 2024-2025.

Background

The Town reservoir has been an issue for many years and is showing even more signs of failure. There has not been a visual inspection or video of the inside of the reservoir since 2016 to see if things have deteriorated even further. Based on current water use, the Public Works department thinks the reservoir leakage has increased, and a new study would help confirm that assumption. Recently, the Town has been working on the Emergency Action Plan for the reservoir, and having an engineer conduct another leak test and underwater inspection were recommendations discussed at the February 20, 2024 in-camera meeting of Council.

Financial Implications

The cost of the study is \$18,000 plus HST (see quote attached for scope of work). This is an operating expenditure of the Water Utility Operating fund. Since we are nearing the end of the fiscal year, this work will be done in fiscal 2024-2025. Given that there is no approved budget for 2024-2025, staff are requesting that Council approve this work so that CBCL may begin the testing.

**REQUEST FOR DECISION
RESERVOIR MITIGATION OPTIONS
RFD#: 016-2024**



Strategic Plan/Operating Plan Alignment

Check Applicable	Strategic Priority Area	Comments
X	Environment	Will lead to recommendations that should minimize some of the environmental impacts from the reservoir
X	Infrastructure	Assessing the reservoir gives the Town the opportunity to make more informed decisions in regard to our Water Infrastructure
	Economy	
X	Community	Dwellings near the Reservoir and Gates Mountain Road would be impacted by the reservoir failing
	Governance	
	Council Strategic Initiative	

Alternatives

N/A

Community Engagement/Communication

N/A

CAO Comments

The CAO supports engaging CBCL to conduct a Leak Test and Underwater Inspection of the Town's Reservoir.

CAO Initials: _____AC_____

Target Decision Date: 18 March 2024

February 27, 2024

Adam Verran
Director of Public Works
Town of Middleton
131 Commercial Street
Middleton, NS B0S 1P0

Mr. Verran:

RE: Middleton Reservoir Observations and Leak Testing

CBCL Limited (CBCL) is pleased to offer the following proposal to coordinate a diving inspection, review the video and provide commentary on the observations. We will also undertake a cursory visual assessment along the perimeter of the tank and help conduct a draw down test in an effort to measure leakage.

Background

The earthen reservoir located at 144 Gates Mountain Road was originally constructed, over 50 years ago, using a clay base that formed the basic shape of the tank and a concrete slab placed on the clay layer. The concrete has control joints are on a regular grid to help control cracking of the concrete. Previous diving inspections found the presence of a large crack and some fine cracks along the northwest corner and wall. It was also observed that many of the cold joints were leaking. CBCL prepared drawings and specifications in 2016 for joint sealing, crack repair and piping modifications. However, it is not known if the work was completed. A draw down test was conducted by the CBCL, supported by the Town, in 2018/19 to measure the leakage.

We understand that the Town is planning to replace the reservoir, subject to available funding.

Project Description / Scope of Work

CBCL proposes to provide the following services:

- ▶ Review existing information including record drawings, inspection reports, photos, video inspections, and any other relevant information the Town has available.
- ▶ Perform a site visit to visually assess current site conditions. The assessment will be limited to what is observable from the perimeter of the structure.
- ▶ Perform a draw down test using the same methodology as the previous testing to measure the leakage rate.

Adam Verran
February 27, 2024

- ▶ Hire and coordinate a diving team to conduct an underwater inspection. The diver will be disinfected prior to entry into the reservoir in accordance with AWWA standards. Please note that the diver will require the reservoir to be isolated from the distribution system during entry for safety reasons. The Town will need to have plans in place to operate the system without the reservoir during this period.
- ▶ Review the diver's video and comment on observations regarding joint leaking and observable cracks.
- ▶ Provide commentary on our observations in a report to the Town for review.

Engineering Fee

We propose to carry out this work for a lump sum fixed fee of **\$18,000** (excl. HST) using CBCL Standard Terms and Conditions, see attached. The proposed fee includes all normally expected expenses and disbursements. Huntley's Diving & Marine Services will be engaged to conduct the underwater inspection. We can complete the scope of work within 4-6 weeks, subject to Huntley's availability.

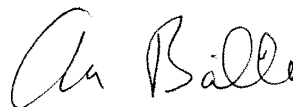
Please feel free to contact me if you have any questions, require clarification, or wish to discuss any aspect of this proposal.

Yours very truly,

CBCL Limited



Prepared by:
Jeffrey Clair, P.Eng
Senior Municipal Engineer
Direct: (902) 421 724,1 Ext. 2427
E-Mail: jclair@cbcl.ca



Reviewed by:
Aaron Baillie, P.Eng
Manager, Municipal Engineering

Attachments: Standard Terms and Conditions

CC: Rob Morrison, P.Eng

Proposal No: 248405.15

This document was prepared for the party indicated herein. The material and information in the document reflects CBCL Limited's opinion and best judgment based on the information available at the time of preparation. Any use of this document or reliance on its content by third parties is the responsibility of the third party. CBCL Limited accepts no responsibility for any damages suffered as a result of third party use of this document.

Attachment A

CBCL Limited Standard Terms and Conditions



SCHEDULE "A"
CBCL Limited ("CBCL") and Client
STANDARD TERMS AND CONDITIONS (NS)

1. **ENTIRE AGREEMENT.** The attached proposal together with this Schedule "A" constitutes the entire agreement between Client and CBCL (this "Agreement"). This Agreement supersedes all prior communications, undertakings and agreements, written or oral made between the parties. Amendments to this Agreement must be in writing, signed by both Client and CBCL.
2. **SCOPE OF WORK.** Upon receipt of notice from Client of a requested change in the scope of the work hereunder, CBCL will promptly notify Client of any estimated impact on the schedule, price or terms of this Agreement resulting from such a change. The parties agree to expeditiously negotiate any such changes to this Agreement and to promptly execute any such agreed upon amendments to this Agreement. Client acknowledges and agrees that its use of any purchase order or other form to procure services is solely for administrative purposes and in no event shall CBCL be bound by any terms or conditions on such purchase order or form regardless of reference to or signature on behalf of CBCL. Client shall endeavor to reference this Agreement on any purchase order (or any other form), but Client's failure to do so shall not operate to modify this Agreement.
3. **SITE INFORMATION AND ACCESS.** Client shall make available to CBCL all relevant information, data and documents under its control regarding past, present and proposed conditions of the work site. The information shall include, but not be limited to, plot plans, topographic survey, hydrologic data and soil and geologic data including borings, field or laboratory tests and written reports. Client shall immediately transmit to CBCL any new or revised information, data or documents that become available. Client shall make all necessary arrangements to ensure ready and uninterrupted work site access for CBCL, its personnel and equipment throughout performance of this Agreement, at no cost to CBCL. Client acknowledges that subsurface conditions may vary from those encountered at the location where borings, surveys or other explorations are made by CBCL and that the data, interpretations and recommendations of CBCL are based solely on such borings, surveys and explorations and on the information provided to it by the Client. CBCL will not be responsible for the interpretation by others of the results of CBCL's borings, surveys or explorations. Similarly, CBCL will not be responsible for the accuracy of Client provided information of any kind nor for the consequences of incorporating such information in the work.
4. **FEES, DISBURSEMENTS AND EXPENSES.** Unless otherwise stated or agreed to in writing by CBCL and the Client, terms of payment for professional services, invoiced expenses, and office disbursements shall be as presented on each invoice submitted by CBCL to the Client. Fees shall be charged at the hourly rates or for the stipulated price specified in the proposal. Fees shall be net of invoiced expenses and office disbursements. Sub-consulting fees shall be subject to a 10% mark-up. Expenses such as hotel, travel, meals and the like shall be charged at cost. Office disbursements such as printing, communication, delivery, internal lab and the like shall be billed at 6% of fees charged.
5. **PERMITS AND UTILITIES.** Client shall obtain all required approvals, permits, licenses and access rights from municipal and other governmental authorities and utilities having jurisdiction over or easements on the work site. The Client shall advise CBCL of the location of all underground utilities and structures at the work site.
6. **TERMS OF PAYMENT.** Unless otherwise stated in the Letter Agreement, invoices will be submitted by CBCL on a period by period basis where a period constitute four (4) weeks (28 days) or, at the option of CBCL upon completion of the services, and will be due and payable on the invoice date. Invoices will be considered past due if not paid within thirty (30) days thereafter (the "overdue date"). Invoices not paid on or before the overdue date shall bear interest at the rate of one and one-half percent (1.5%) per month computed from the overdue date. In addition, any collection fees, legal fees, court costs and other related expenses incurred by CBCL in respect of the collection of delinquent invoice amounts shall be paid by Client.
7. **OWNERSHIP RIGHTS.** All reports, drawings, plans, models, designs, surveys, photographs, specifications, computer files, field data, notes and other documents and instruments produced by CBCL shall be and remain the sole property of CBCL. CBCL shall retain all common law, statutory and other reserved rights therein, including copyright.
8. **LEGAL FEES.** In the event either party makes a claim or commences legal proceedings against the other for any act arising out of the performance or interpretation of this Agreement, including the payment of professional fees, the unsuccessful party shall pay to the prevailing party all reasonable costs incurred by the prevailing party in prosecuting or defending such claim or action, including staff time, court costs, solicitors' fees and other related expenses. In the event of a non-adjudicative settlement of a claim or legal proceedings between the parties or resolution by arbitration, the term "prevailing party" shall be determined by that process.
9. **STANDARD OF CARE.** In the performance of professional services, CBCL will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession practicing in the same or similar localities. CBCL makes no warranties, either expressed or implied, as to its professional services rendered under this Agreement. CBCL will perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the project. Nothing in this Agreement shall be construed to establish a fiduciary relationship between the parties.

10. **INSURANCE.** CBCL will maintain professional liability insurance, comprehensive general liability insurance and automotive insurance throughout the term of this Agreement, with the exception of automotive insurance, for a period of at least one year thereafter.
11. **OPINION OF PROBABLE COST.** CBCL shall, where required, prepare an opinion of probable construction cost. This opinion of probable costs is presented on the basis of experience, qualifications, and best judgment. It has been prepared in accordance with acceptable principles and practices. Market trends, non-competitive bidding situations, unforeseen labour and material adjustments and the like are beyond the control of CBCL Limited and as such we cannot warranty or guarantee that actual costs will not vary from the opinion provided.
12. **ENVIRONMENTAL LIABILITY.** Because Client owns and operates the site where work is being performed, Client has and shall retain all responsibility and liability associated with the environmental conditions at the site and shall be solely responsible for the handling and disposal of any bore samples, asbestos, or other toxic or hazardous materials, substances or products (collectively "Hazardous Waste") located on the worksite or generated on the site as a result of CBCL's performance hereunder. Client agrees to indemnify and save harmless CBCL from any claims, damages or liability whatsoever, arising out of the detection, presence, handling, removal or disposal of Hazardous Waste on or about the worksite.
13. **LIMITATION OF LIABILITY.** Notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of CBCL, its officers, directors and employees or any of them to Client, for any and all claims, losses, costs, demands, damages, including solicitors' fees, expert witness fees and costs of any kind arising under or related to this Agreement or any services provided hereunder, whether based in contract or tort, shall not exceed the total compensation actually paid to CBCL under this Agreement, or the total amount of \$50,000, whichever is less. All claims by Client shall be deemed relinquished unless filed within one (1) year after substantial completion of the services rendered under this Agreement. CBCL's liability shall be absolutely limited to direct damages arising out of the services provided under this Agreement and CBCL shall not be liable in any way for any consequential or indirect loss, injury or damages of any kind incurred by Client, including but not limited to loss of profits, loss of income or loss of use of property. CBCL shall not be liable for any damages or costs arising out of the failure of any manufactured product or any manufactured or factory assembled system of components to perform in accordance with manufacturer's specifications or product literature or otherwise.
14. **DISPUTES.** Any dispute arising hereunder shall be resolved by taking the following steps, where a successive step is taken if the issue is not resolved at the preceding step: (1) by negotiation between the technical and contractual personnel for each party, (2) by negotiation between executive management of each party, (3) by submission to mediation, (4) by arbitration if both parties agree or (5) litigation in the courts of the Province whose laws govern this Agreement, pursuant to Paragraph 21 hereof.
15. **DELAYS.** Client agrees that CBCL shall not be liable for any damages arising, directly or indirectly, from any delays due to causes beyond CBCL or the Client's reasonable control.
16. **COVID-19.** Client agrees that CBCL shall not be liable for any damages arising, directly or indirectly, from any delays related to the existence or impact of COVID-19 or any variant thereof. If any such delay arises, Client and CBCL will work together to devise and implement work around plans as may be reasonably necessary in the circumstances, which may involve mutually agreed upon adjustments to schedule, scope and compensation.
17. **JOBSITE SAFETY.** Client agrees that the responsibility for site safety and construction means and methods remains with the contractor, not the design professional.
18. **TERMINATION.** CBCL may terminate this Agreement upon at least seven (7) calendar days' notice to Client, in the event that (a) Client fails to perform any of its obligations hereunder, including payment of fees for service, in a timely manner, or (b) the parties fail to promptly reach agreement on the compensation and schedule adjustments necessitated by requested changes to the scope of the work hereunder. In the event of such termination by CBCL, Client shall pay to CBCL, in addition to payment for services rendered hereunder to the time of termination and reimbursable costs, all reasonable expenses of CBCL in connection with the orderly and safe termination of its services.
19. **INCONSISTENCY.** In the event that there is any inconsistency or contradiction between any of the provisions of the Proposal and the provisions of this Schedule "A", then in such case, the provisions of the Proposal shall prevail.
20. **ASSIGNMENT.** Neither Client nor CBCL shall assign its interest in this Agreement without the prior written consent of the other except that CBCL may assign its interest in this Agreement to a related or affiliated company of CBCL without the consent of Client.
21. **GOVERNING LAWS.** This Agreement shall be governed by the laws of, and any legal proceedings arising out of this Agreement shall be brought in a court of competent jurisdiction in, the Province in which the work site is located, if applicable, and otherwise, then by the laws of the Province of Nova Scotia.

**REQUEST FOR DECISION
RESERVOIR MONITORING AND CONTROL
RFD#: 017-2024**



To: Town Council
From: Adam Verran, Director of Public Works
Date: March 18, 2024
Subject: Town of Middleton – Reservoir Monitoring and Control

Guiding Principles for Decision-Making

Accountability Transportation Diversity Sustainability Engaged Informed

References/Attachments

- Quote from DeWolfe and Morse

Recommendation

That Town Council direct staff to execute reservoir monitoring and control.

Background

The Town of Middleton has had severe leakage for the past 10 to 15 years at the reservoir. The reservoir is well past its expected useful life. With the leakage comes a variety of issues with stability of soils and failure of structure. Recently the Town has received an inundation map from NSCC. At the in-camera Council meeting on February 20, 2024 it was recommended that the Town set up a monitoring program for the reservoir.

Town staff have received a quote from DeWolfe and Morse to set Control Points around the perimeter of the Reservoir. Staff propose that DeWolfe and Morse monitor settling and movement at regular intervals. Cost of setting control is \$2,300, which can be done by the end of March 2024 funded by the Water Utility operating budget which is currently forecasted to have a surplus. The continued monitoring will cost \$850 per visit. To start, this will be done weekly and become less frequent if there is no movement after 6-8 weeks. Staff will include a budget for the monitoring in the 2024-2025 draft operating budget for the Water Utility.

Financial Implications

If the reservoir containment berm fails on the south side of the road, property damage as well as damage to Gates Mountain Road could occur.

**REQUEST FOR DECISION
RESERVOIR MONITORING AND CONTROL
RFD#: 017-2024**



Strategic Plan/Operating Plan Alignment

Check Applicable	Strategic Priority Area	Comments
X	Environment	Should give the Town an indication if there is movement of the berm and allow the Town to implement remediation to help protect/limit the amount of damage to the environment
X	Infrastructure	The reservoir, even though not doing its intended job, still is needed to operate the Town's water system. If it fails there could be damage to Gates Mountain Road.
	Economy	
	Community	
X	Governance	The Town could share some liability if the reservoir failed and monitoring it on a regular basis ensures due diligence is being taken.
	Council Strategic Initiative	

Alternatives

N/A

Community Engagement/Communication

N/A

CAO Comments

The CAO supports mitigating the risk of the reservoir failing.

CAO Initials: _____AC_____

Target Decision Date: 18 March 2024

From: [Adam Verran](#)
To: [Ashley Crocker](#)
Subject: Reservoir monitoring
Date: Friday, March 15, 2024 1:25:21 PM

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hi Adam,

Here is the process I'd follow for surveying/monitoring the reservoir berm (along with costs):

Step 1 – Set control and measure baseline values:

- a. Set permanent control points on-site, near the berm, at locations that will not move. These control points will be used as the basis for the monitoring measurements.
- b. Set control points along top of berm for monitoring.
- c. Elevations of all monitoring points will be measured using a precise digital level.
- d. Horizontal coordinates will be measured using a 1" robotic total station.
- e. Deliverables will include a sketch showing the location of monitoring points, and an excel spreadsheet with the 3D coordinate values.

Cost to conduct Step 1 is **\$2,300 + HST**.

Step 2 – Monitoring observations (biweekly or monthly):

- a. Same process to be followed (as in step 1) for measurements of monitoring points.
- b. Deliverables to include an excel spreadsheet showing 3D values with dates of observations.

Cost to conduct Step 2 is **\$850 + HST per trip**.

Let me know if you have any questions, or require any further info.

Thanks,

Matt

Matthew J. LeBlanc, NSLS, CLS

DeWolfe & Morse Surveying Ltd.

<i>Middleton Office:</i>	<i>Digby Office:</i>
<u>181 Junction Road</u>	<u>9 Birch Street</u>
<u>PO Box 520 Middleton, NS</u>	<u>Digby, NS</u>
<u>B0S 1P0</u>	<u>Tel: 902-245-2924</u>
<u>Tel: 902-825-2362</u>	

Cell: [902-247-5811](tel:902-247-5811)

Email: matt@demosl.ca

Adam Verran

Director of Public Works

Town of Middleton

131 Commercial Street, PO Box 340

Middleton, NS B0S 1P0

Cell: (902) 840-1694

e: pwdirector@town.middleton.ns.ca | www.discovermiddleton.ca



Sent from my iPhone

**REQUEST FOR DECISION
INTERIM BUDGET FOR 2024-2025
RFD#: 015-2024**



To: Town Council
From: Ashley Crocker, CAO
Date: March 18, 2024
Subject: Town of Middleton – Interim Budget

Guiding Principles for Decision-Making

Accountability Transportation Diversity Sustainability Engaged Informed

[References/Attachments](#)

[Recommendation](#)

That Council approve one-half of the Town General Operating Budget of 2023-2024, in the amount of \$2,108,867, for the purpose of providing spending authority in the new fiscal year 2024-2025.

That Council approve one-half of the Water Operating Budget of 2023-2024, in the amount of \$358,956, for the purpose of providing spending authority in the new fiscal year 2024-2025.

[Background](#)

The approval of an interim budget is required to comply with legislation since the 2024-2025 budget will not be adopted prior to April 1, 2024.

The approval of an interim budget will allow for the payment of expenses for normal operating needs and the provision of services to ratepayers.

Staff are working on the draft 2024-2025 Operating and Capital budgets, but due to vacancies in the Finance Department, a budget will not be ready for Council approval prior to the end of March 2024.

[Financial Implications](#)

There are no direct financial implications.

The approval of the interim budget would allow for a baseline to monitor revenues and expenditures prior to the annual budget being adopted.

No capital expenditures will take place until Council approves the 2024-2025 Capital Budget.

**REQUEST FOR DECISION
INTERIM BUDGET FOR 2024-2025
RFD#: 015-2024**



Strategic Plan/Operating Plan Alignment

Check Applicable	Strategic Priority Area	Comments
	Environment	
	Infrastructure	
	Economy	
	Community	
X	Governance	
	Council Strategic Initiative	

Alternatives

N/A

Community Engagement/Communication

N/A

CAO Comments

CAO supports approving an interim budget so that regular business activities can take place.

CAO Initials: AC

Target Decision Date: 18 March 2024

ToM - Capital Budget
For the Fiscal Year

2023/24

S/N	Project Name	Unit	Asset	Brief Description	Cost	Project #	Cost to date	Status
1	ROTARY PARK PAVILION ROOF	Town	Buildings	Replace leaking roof with partial funding by Rotary Club	50,000	22-03	-	Deferred to 2024/25 due to contractor unavailability
2	COMMUNITY CENTRE & FIRE HALL	Town	Buildings	New firehall & community Centre	6,251,551	22-06-A	-	Awaiting funding
3	COMPUTER PURCHASE ORDER AND WORK ORDER SYSTEM	Town	Computer technology	Cost share with Town of Annapolis Royal	8,000.00	23-01	3,776	Completed
4	PLATE COMPACTOR	Town	Heavy equipment	Safer and more efficient compactor - save on equipment rental	12,000.00	23-07	11,471	Completed
5	ELECTRIC JACK HAMMER/HAMMER DRILL	Town	Heavy equipment	End of life replacement	3,500.00	23-08	1,417	Completed
6	BACKHOE	Town	Heavy equipment	End of life replacement	250,000.00	23-10	234,814	Completed
7	CHAIN LINK FENCE AROUND PW YARD	Town	Land improvements	Reduce opportunity for theft & vandalism (3 incidents this year)	50,000.00	23-02	38,064	Completed
8	FACILITIES ACCESSIBILITY PLAN IMPLEMENTATION	Town	Other equipment	Accessibility Committee annual implementation recommendation - must complete by 2030	10,000	22-02	-	Composite picnic tables/benches could not be delivered by end March. Staff working on ordering wooden picnic tables/benches.
9	HIGHWAY SIGNS	Town	Other equipment	DTIR requires 2 replacements by August	24,000	22-13	-	Deferred to 2024/25 due to contractor unavailability
10	LIFT STATION PUMP REPLACEMENT	Town	Sewer lift stations	Begin replacing 1 pump per year. 6 of 10 pumps are well past end-of-life - replacement lead time up to 1 year	10,000	23-05	8,265	1 purchased. 1 deferred to next year (both will be installed next year).
11	SIDEWALK REPLACEMENTS	Town	Sidewalks	Annual budget to replace small segments of sidewalk	25,000	22-14	22,844	Completed
TOTAL TOWN					6,694,051		320,651	
S/N	Project Name	Unit	Asset	Brief Description	Cost	Project #	Cost to date	Status
1	FIRE HYDRANT REPLACEMENTS	Water	Water hydrants	Annual budget to replace 5 per year	30,000	22-10	3,269	1 Replaced, Insurance to replace another 1 by end of the year
2	WATER METER REPLACEMENTS	Water	Water meters	Replace 50 broken meters with RF technology + reader & software	49,000	22-11	8,948	RFD to purchase 66 metres and the remainder of project deferred to 2024/25
3	WATER RESERVOIR - assuming ICIP grant for portion of cost	Water	Water reservoir	Replace broken reservoir	6,284,274	22-12-A	2,308	New Project amount updated. Awaiting funding from DMAF or MCGP. Grant application completed
4	SITE WORK & PAVING AROUND 2 WATER VALVES	Water	Water services	Prevent breakage from vehicles driving over top	15,000.00	23-06	9,448	Completed
TOTAL WATER					6,378,274		23,973	
Supplemental Capital Budget as approved by the Council				2023/24				
S/N	Project Name	Unit	Asset	Brief Description	Cost	Project #	Cost to date	Status
1	WELL #2 SERVICE AND UPGRADE	Water	Other equipment	Replacement of outdated Well Pump	20,018	23-11	21,965	Completed
2	MARSHALL STREET WASTEWATER PIPE AND MANHOLE REPLACEMENT	Town	Other equipment	Aging Infrastructure and integrity failure	126,000	23-12	-	Deferred to 2024/25 due to contractor unavailability and cost overrun
3	MOULD CLEANING/CEILING TILE REPLACEMENT FOR TOWN HALL	Town	Building	Repairs & Upgrade of Facilities	15,651	23-12A	15,651	Completed
TOTAL					161,669		37,616	
Grand Total					13,233,995	-	382,240	

Town of Middleton
Town General Forecast Summary
For Fiscal Year Ended March 31, 2024
Forecast uses actuals to end of December

		Forecasted	Budget	Variance (\$)	Variance (%)	Variance Explanation
REVENUES						
	Mapping-TG					
Assessable property taxes	TAX	3,589,395	3,673,372	(83,977)	-2.29%	Sewer rate was miscalculated in budget and tax bills, to be corrected April 2024
Grants in lieu of taxes	GIL	147,413	154,946	(7,534)	-4.86%	Sewer rate was miscalculated in budget and tax bills, to be corrected April 2024
Services provided to other governments	SVCS-GOVT	141,559	148,830	(7,272)	-4.89%	Contract ended with Town of Annapolis Royal for DPW
Sales of services	SVCS-SLS	41,434	39,150	2,284	5.83%	Nothing to report
Other revenue from own sources	OTH-R	107,461	64,554	42,907	66.47%	Some interest needs to be allocated to Water Utility
Unconditional transfers from other governments	UN-TRANS	387,951	373,838	14,113	3.78%	Interest earned on tax arrears and bank account
Conditional transfers from federal or provincial governments or agencies	CON-TRANS	86,403	83,482	2,921	3.50%	Nothing to report
TOTAL REVENUE		4,501,615	4,538,173	(36,558)	-0.81%	
EXPENSES						
General government services	GEN-GOV	590,540	544,369	(46,171)	-8.48%	Mould remediation at Town Hall, RCMP office repairs, elevator maintenance
Protective services	PROTECT	1,241,772	1,274,520	32,749	2.57%	RCMP Contract came in slightly lower than budget (budget 7.5%, actual 6% increase)
Transportation services	TRANSPORT	779,521	789,887	10,366	1.31%	Nothing to report
Environmental health services	ENV-H	368,923	372,529	3,606	0.97%	Nothing to report
Public health services	PUB-H	150,000	150,000	-	0.00%	Invoice from Regional Housing not yet received. It could come in over budget.
Environmental development services	ENV-D	251,881	230,515	(21,366)	-9.27%	\$20k savings in recreation events/grants, \$27k overbudget on Secondary Plan, \$17k overbudget on planning contract due to new Planning Services RFP issued mid-year
Recreation and cultural services	REC	372,677	397,723	25,046	6.30%	Savings in some recreation events and lawn care
Mandatory education contributions	MAND-EDU	408,498	393,468	(15,030)	-3.82%	Invoice came in higher than budgeted
Interest (MFC)	INT	41,662	54,868	13,206	24.07%	Budget included interest on a loan for the backhoe, which was delayed
Interest (Inter-fund)	INT-IF	9,855	9,855	-	0.00%	Nothing to report
TOTAL EXPENSES		4,215,328	4,217,734	2,406	0.06%	
ANNUAL SURPLUS / (DEFICIT)	SURPLUS	286,286	320,439	(34,153)	-10.66%	
FINANCING AND TRANSFERS						
Capital out of revenue	COR	-	-	-	0.00%	Nothing to report
Principal repayments (MFC)	DEBT	225,573	250,573	25,000	9.98%	Budget included \$25k loan payment for the backhoe, which was delayed
Principal repayments (Inter-fund)	DEBT-IF	77,950	77,950	-	0.00%	Nothing to report
Transfer to Sewer Reserve	TRSF	50,000	50,000	-	0.00%	Nothing to report
Use of prior year surplus		(67,237)	(58,084)	9,153	-15.76%	Less surplus funds are forecasted to be used than budgeted
		286,286	320,439	34,153	10.66%	
TOTAL AFTER TRANSFERS	note 1	0	0	0		
Use of Surplus from General Operating Reserves:						
2023-24 Approved Budget	BUDGET	(58,084)				
Town Hall Mould Cleaning	RFD-064-2023	(24,194)				
Total		(82,278)				
Forecasted Use		(67,237)				
Savings		(15,041)				

Town of Middleton
Water Utility Forecast Summary
For Fiscal Year Ended March 31, 2024
Forecast uses actuals to end of December

		Forecast	2023/24 Approved Budget	Variance (\$)	Variance (%)
REVENUES	Mapping-Water				
Metered sales	METER	597,197	617,613	(20,416)	-3%
Flat rate sales	FLAT	1,053	900	153	17%
Public fire protection	FIRE	239,630	239,213	417	0%
Sprinkler service	SPRINK	3,600	2,933	667	23%
Other operational revenue	OTH-REV	6,811	4,782	2,030	42%
Non-operating revenue	OTH-R NON	41,950	400	41,550	10388%
TOTAL REVENUE		890,241	865,840	24,401	3%
EXPENSES					
Source of supply	SOS	65,855	69,455	3,600	5%
Power and pumping	POWER	71,640	80,691	9,051	11%
Water treatment	WT	47,501	43,306	(4,196)	-10%
Transmission and distribution	TD	197,322	205,056	7,734	4%
Admin and general	ADMIN	183,286	246,487	63,201	26%
Taxes	TAX-EXP	44,809	47,812	3,004	6%
Interest (MFC) - Reservoir	R-INT	-	72,928	72,928	100%
Amortization	W-AMORT	66,999	66,999	-	0%
TOTAL EXPENSES		677,412	832,734	155,322	19%
ANNUAL SURPLUS / (DEFICIT)		212,829	33,107	179,723	543%
FINANCING AND TRANSFERS					
Capital out of revenue	W-COR	-	-	-	0%
Principal repayments (MFC)	W-DEBT	-	-	-	0%
Principal repayments (MFC) - Reservoir	R-DEBT	-	72,928	72,928	100%
Principal repayments (Inter-fund)	W-DEBT-IF	-	-	-	0%
Transfer to reserves	W-TRSF	89,948	-	(89,948)	0%
		89,948	72,928	(17,020)	-23%
TOTAL AFTER TRANSFERS		122,881	(39,821)	162,703	-409%

Variance Explanation

Needs to be investigated. May be due to broken meters and using estimates.
Nothing to report
Nothing to report
Nothing to report
Nothing to report
Interest rates higher than budget

Nothing to report (INCLUDES SUPPLEMENTAL BUDGET FOR WELL 2)
Staff vacancies
Extra chlorine used to get pump #2 back online
nothing to report
Staff vacancies
Nothing to report
Reservoir loan not required as construction deferred
Nothing to report

Nothing to report
Nothing to report
Reservoir loan not required as construction deferred
Nothing to report
Transfer to Reservoir Reserve not budgeted

Management Report

March 18, 2024



To keep the report short, but informative, only strategic priorities and capital projects that have an update will be mentioned in this report. A complete update on the strategic priorities and capital projects will be delivered quarterly in the future.

COUNCIL'S STRATEGIC INITIATIVES

#	STRATEGIC INITIATIVE	UPDATE
1	Community Centre & Fire Hall To build a new accessible and inclusive Community Centre & Fire Hall	<ul style="list-style-type: none">• Staff have explored three different grant programs to help fund the new Community Centre Fill Hall• The CCFHC instructed staff to explore a phased approach with JOST and the low bidder.• Received phased approach. Exploring funding options.
2	New Reservoir To build a new reservoir to serve the customers of the Middleton Water Utility	<ul style="list-style-type: none">• A grant application for DMAF for the new reservoir was submitted July 19th. Expecting to hear in the January/24 timeframe• Land swap for reservoir is now complete• A grant application for the MCGP program for the new reservoir was submitted on December 13th.
3	Economic Development Initiatives To concentrate on economic development initiatives that support business park growth, brand awareness and small business	<ul style="list-style-type: none">• COMPLETE – the final plan document on the Business Park Expansion Study was received and presented to Council on Nov 21st• There is one vacant lot left in the business park. Staff are working with a realtor to get this listed.
4	Public Safety To address public safety concerns in the downtown and public spaces	<ul style="list-style-type: none">• Concerns that are brought forward by Mayor and Council during COTW and Council meetings continue to be communicated to public works for investigation. Many of these concerns relate to safety of sidewalks, crosswalks, and roads.
5	Infrastructure Maintenance To develop an asset management plan focused on improving the maintenance of town infrastructure	<ul style="list-style-type: none">• Final Asset Management Report was received from AIM in 2020• Staff have completed 3/5 courses through AIM• The Asset Management Plan is being updated as the courses are taken, and the Working Group is meeting to review the updates that were made• A maintenance plan is in the process of being drafted and will be finalized after the AMP is complete

Management Report

March 18, 2024



OPERATIONAL PRIORITIES

#	STRATEGIC INITIATIVE	UPDATE
1	Boundary Review Prepare RFP and Award RFP	<ul style="list-style-type: none">• COMPLETE: the UARB have approved Council's request to maintain the Council size at 7, with 6 Councillors and 1 Mayor, all elected at large
2	Secondary Plan Finalize scope of work and award work to third party	<ul style="list-style-type: none">• Land swap has been executed with the developer• Developer submitted a request to amend the MPS/LUB via a Secondary Planning Strategy• Staff have applied to the Housing Accelerator Fund• Secondary Plan is being conducted by Fathom Studio• Jan 9th - Kick-off meeting, Feb. 1st – Public Workshops• Feb 20th – presentation to Council
3	Main Street/Taylor Drive Crosswalk Move crosswalk	<ul style="list-style-type: none">• COMPLETE: The Crosswalk Light has been installed, and the overhead light is now working.
4	Second Lake Agree on key points for partnership agreement with AEA Club	<ul style="list-style-type: none">• No further update - staff have met with the AEA Club to further build the draft of the new lease agreement

Management Report

March 18, 2024



OPERATIONAL UPDATES

ADMINISTRATION		
Completed	In Progress	Issues
<p>Staffing:</p> <ul style="list-style-type: none"> Contracts for new Financial Analyst and Accounting Clerk 	<p>Staffing:</p> <ul style="list-style-type: none"> Working on formalizing employment contracts for some staff Management and the union are preparing for contract negotiations Recruitment for new Executive Assistant/Planning Coordinator Contracts, recruitment, and training for multiple positions 	<p>Staffing:</p> <ul style="list-style-type: none"> Need to secure a new Returning Officer for the 2024 Election
<p>Project Work:</p> <ul style="list-style-type: none"> Bruce Auto draft DA (amendment) is now complete, fees are paid, and Planner is working on staff report for PAC March 27th Management Team completed AIM training on 3 courses. 2 are left to complete. 	<p>Project Work:</p> <ul style="list-style-type: none"> ICIP Status report for Community Centre Fire Hall – this funding expires March 31, 2024, have requested process on how to get an extension Working on 2024-25 Operating Budget due to no Director of Finance 	<p>Project Work:</p> <ul style="list-style-type: none"> Three leaks at Town Hall need to be further addressed in the Spring
<p>Other Items:</p>	<p>Other Items:</p> <ul style="list-style-type: none"> High Risk Action Plan items Management team reviewing priorities, policies, by-laws Ordering new flags for Council Chambers 	<p>Other Items:</p> <ul style="list-style-type: none"> Affordability Study of keeping certain assets and services will be completed after: <ul style="list-style-type: none"> Asset Management Plan is updated Standard maintenance schedules for all assets are created Agreements and legislation have been reviewed

Management Report

March 18, 2024



FINANCE

Completed	In Progress	Issues
<ul style="list-style-type: none"> • New Financial Analyst Dayle Crook will be starting March 18th • New Accounting Clerk will be starting March 18th • T4s for 2023 were filed with CRA and circulated • 2023/24 Forecast for Town General and Water Utility 	<ul style="list-style-type: none"> • Recruitment for Director of Finance is underway • HST remittance for April to September • T4A's for 2023 • Review bank accounts to determine which ones to keep and which ones to close pending till financial close • AP & AR Reconciliations ongoing • 2024/25 Operating and Capital Budgets • Inputs for Water Rate Study • Geralyn is retiring at the end of March but will be staying on part-time to provide training and a smooth transition for new Finance staff • Need to review the Insurance Renewal documents • Bank recs for January and February • Reconciliation of pension and benefits accounts 	<ul style="list-style-type: none"> • Update financial policies to reflect actions of High-Risk Action Plan • Creation of consolidated balance sheet, income statement and FCI calculations to use as part of strategic decision-making process • Finance Department will all be new – need to train new staff • Director of Finance is vacant putting pressure on other staff. A contract accountant is helping in the interim but only part-time. • 2023-24 Audit has been delayed from mid-May to mid-July due to staffing issues at the Town • 2022-23 FIR was due March 7th. Province only gave one month to complete. De-prioritized due to other items that need completion (payroll, T4s, recruitment)

Management Report

March 18, 2024



RECREATION & COMMUNITY DEVELOPMENT

Completed	In Progress	Issues
<ul style="list-style-type: none">• Recreation application completed for 2024 Canada Summer Jobs• Open Gym continues at the two schools we hope to get a bigger uptake at the elementary school after March Break• Free skating wrapped up during March Break• Learn 2 Run session wrapped up March 9th• County MPAL, and Middleton MPAL partnered to do a 6-week sledge hockey Try It in partnership with Sport Nova Scotia Accessibility Program - upwards of 140 youth were able to take advantage• Our MPAL attended the Nova Scotia Walks leader training in Nictaux along with 8 others who are now certified to lead group walks with the Hike Nova Scotia• Successful staff bowling afternoon• Rec Staff seminar at CORAH• Three successful Lunch 'n Learns (Wellness Grant)	<ul style="list-style-type: none">• Master transportation plan meetings and Draft plan review• Asset Mgmt. Plan participation• Preparing wetland for official launch. Signposts in, signage is next as soon as ground in proper shape.• Participation in review and update of old policies and bylaws• Walking with our seniors at CORAH is going extremely well, we have approximately 50 people registered for the weekly indoor walk. We typically get 25 at a time.• Open Gym continues at the two schools we hope to get a bigger uptake at the elementary school after March Break.• Staff REMO training	

Management Report

March 18, 2024



PLANNING

Completed	In Progress	Issues
<ul style="list-style-type: none">• Building and fire inspection files have been transferred to the County of Annapolis and processes are being fine tuned.	<ul style="list-style-type: none">• Voysey Development Agreement (DA) - application to convert a building from four residential units to five residential units• Planner working on draft (DA)• Applicant working on consolidation of lots.	
<ul style="list-style-type: none">• Housekeeping 2 amendments were approved by the Province and the ad was placed in the paper and amendments are effective January 17, 2024.	<ul style="list-style-type: none">• Griff DA - application for grouped dwellings on School Street was approved by Council on July 17 and no appeals were lodged• Due to health reasons, the applicant is not going to proceed with the project but is looking to sell the land and the project.	
<ul style="list-style-type: none">• 5 Development and Building Permits have been issued.• 14 building inspections have been conducted.• 31 fire inspections were conducted, and deficiency letters sent• 14 fire inspections were closed out	<ul style="list-style-type: none">• IF Holdings DA – application for a development on Commercial Street which will add one commercial unit and 6 residential units to an existing building was approved by Council on July 17 and no appeals were lodged.• Planner has completed draft DA.• Applicant, as per conditions of approval, will submit revised plans.	
<ul style="list-style-type: none">• New Subdivision Bylaw was passed by Council on January 15, 2024, and has been sent to the Province for approval	<ul style="list-style-type: none">• 438 Main Developments Ltd. has requested an amendment to the DA for 438 Main Street.• Staff have reviewed the document and will be presenting to the PAC on March 27.	
<ul style="list-style-type: none">• Bruce Auto Group DA: approved by Council on September 5 and no appeals were submitted.• DA has been signed and sent to the solicitor for registering the document with the Land Registry Office.		

Management Report

March 18, 2024



PUBLIC WORKS

Completed	In Progress	Issues
<p><u>General Public Works:</u></p> <ul style="list-style-type: none"> • Tree Clearing Complete for the year 	<p><u>General Public Works:</u></p> <ul style="list-style-type: none"> • Surplus Equipment Auction is ongoing • Arborist in the process of tree trimming and removal around town 	<p><u>General Public Works:</u></p> <ul style="list-style-type: none"> • Sink hole at Rotary Park needs to be dug out and repaired when the ground dries up
<p><u>Public Works Equipment:</u></p>	<p><u>Public Works Equipment:</u></p> <ul style="list-style-type: none"> • Old backhoe going into surplus sale 	<p><u>Public Works Equipment:</u></p>
<p><u>Roads, Streets, Sidewalks:</u></p> <ul style="list-style-type: none"> • Replaced crosswalk lights at King and Main and Main and Gates 	<p><u>Roads, Streets, Sidewalks:</u></p> <ul style="list-style-type: none"> • Replace streetlight at 300 Main, waiting on a part 	<p><u>Roads, Streets, Sidewalks:</u></p> <ul style="list-style-type: none"> • Cross walk light by Gates and Main needs a new sensor - it's on order • Multiple potholes within town that need to be repaired when things dry up and warm up
<p><u>Water & Equipment</u></p> <ul style="list-style-type: none"> • Some of the failing meters have been replaced with the IPearl models. They are not leaking. • Met with CBCL about the state of our reservoir and a plan moving forward 	<p><u>Water & Equipment</u></p> <ul style="list-style-type: none"> • Failing water meters are in the process of being replaced with new meters that have been tested • Continue to install new meters • Putting a plan in place to monitor the reservoir 	<p><u>Water & Equipment</u></p> <ul style="list-style-type: none"> • Well #1 Pump needs to be cleaned. Possibly replace pump (2024-25 Budget) • Leak on Veteran's Lane – it's isolated and needs to be repaired in the spring
<p><u>Wastewater & Equipment</u></p> <ul style="list-style-type: none"> • Loomer's cleaned out manholes • Flow issues at manhole off Magee was cleaned out by Loomer's and the line was flushed, staff continue to monitor 	<p><u>Wastewater & Equipment</u></p> <ul style="list-style-type: none"> • Wastewater infrastructure survey is 90% complete 	<p><u>Wastewater & Equipment</u></p> <ul style="list-style-type: none"> • Need to order new UV lights in the 2024/25 year • A chain on one of the pumps in the STP chamber broke and needs to be repaired in the spring

Management Report

March 18, 2024



FIRE DEPARTMENT

Completed	In Progress	Issues
<ul style="list-style-type: none">• 1 new member voted in• Monthly truck inspections completed• 1 training night of breathing air pack training @ Kingston fire dept (they let us use their training facility)• 6 members completed a full weekend of hazmat awareness• 2 members attended a Medical First Responder 1 day symposium in Truro• February 26 - Chief attended opening of the Annapolis County fire services review RFP• March 6 - Chief attended a meeting at Town Hall regarding fire services with Town and County staff• March 11 - Deputy Chief Spidle attended a Chiefs meeting in Lawrencetown	<ul style="list-style-type: none">• Hazmat operations course coming up at our fire hall, another full weekend• March 18 - Annapolis County Chiefs and Municipality of Annapolis meeting to review the full fire services review with discussions• March 21 – will attend the Annapolis County Inter-Municipal Working Group meeting to discuss fire services	<ul style="list-style-type: none">• None to report

Incident Summary
From Feb 1 24 to Feb 29 24

Date/No.	Address/Type	Minutes	Responders	Injuries	Fatalities
Feb 1 24 09:09:50 24-00775	17 Commercial St, MIDDLETON Commercial Fire Alarm	0	0		
Feb 1 24 11:59:45 24-00779	12232 Highway 1, BRICKTON Power Lines Down, Arcing	105	0		
Feb 10 24 17:08:27 24-01030	14089 Highway 1, WILMOT Propane	68	0		
Feb 17 24 14:36:11 24-01185	462 Main St, MIDDLETON Commercial Fire Alarm	31	0		
Feb 20 24 12:43:53 24-01247	230 Marshall St, MIDDLETON Medical	28	0		
Feb 22 24 22:58:33 24-01312	846 Gates Mountain Rd, MOSHERS CORNER Electrical	45	0		
Feb 23 24 13:03:36 24-01320	204 Commercial St, MIDDLETON Residential Fire Alarm	5	0		
Feb 23 24 19:56:16 24-01328b	375 Carleton Rd, LAWRENCETOWN Mutual Aid to the Scene	43	0	Assistance to 24-01328	
Feb 26 24 00:05:34 24-01390	277-2 Commercial St, MIDDLETON Medical	16	0		
Feb 28 24 18:17:27 24-01455d	2572 Arlington Rd, ARLINGTON EAST Mutual Aid to the Scene	205	0	Assistance to 24-01455	
Feb 28 24 21:17:17 24-01459	26 Commercial St, MIDDLETON Commercial Fire Alarm	25	0		
Feb 29 24 17:17:58 24-01484	277-2 Commercial St, MIDDLETON Medical	9	0		
12 incidents for Middleton		9 hrs 40 mins	0		
		9 hrs 40 mins	0		



**Asset Management Working Group MINUTES
Thursday, February 29, 2024, 2:00pm – 3:00pm
Council Chambers, Town of Middleton**

Present: Deputy Mayor Gail Smith
Adam Verran, Director of Public Works
Ashley Crocker, CAO, Town of Middleton
Andy Kerr, Director of Recreation and Community Development

Regrets: Abiodun Ayeni, Director of Finance

1) DOCUMENTS CIRCULATED PRIOR TO THE MEETING

- a. Climate Change Adaptation Workbook
- b. Minutes from February 14, 2024 meeting

2) PREVIOUS MEETING MINUTES

The Working Group reviewed the minutes from the February 14, 2024 meeting. The Working Group accepted the minutes.

3) PREVIOUS MEETING DOCUMENTS

The High Level Risk Analysis, Level of Service Report, Portfolio Risk Analysis were reviewed by working group members prior to February 23rd and no changes were recommended. The Working Group accepted the documents as final until the next update is required.

4) CLIMATE CHANGE ADAPTATION WORKBOOK

The document was circulated prior to the meeting. Andy Kerr provided comments prior to the meeting and the Group reviewed the proposed changes.

The Working Group accepted the document as final until the next update is required.

5) UPDATE ON ASSET MANAGEMENT PLAN

The 5 Courses through AIM were supposed to be completed by February 23rd. Adam and Ashley only were able to complete Courses 1, 2 and 3.

There was confusion as to what course would actually take us through the process of our asset list, updating it as well as the condition of the asset, updating the risk level for each asset, the costs, and replacement timeframe.

Ashley spoke with Matt Delorme at AIM on Friday February 24 regarding the above two items. Matt indicated that the Town of Middleton has completed these courses faster than any other municipal unit. He is willing to extend the deadline on the courses so we can complete Course 4 and 5. He will reach out to us in the next couple of weeks to set up a meeting with us.

At this meeting, he will discuss how to update our Asset Management Plan so we can use it to guide capital planning. Matt also indicated that the cost estimates for replacement in our current file are now all too low. He has an updated file that he will discuss with us in the meeting.

MAYOR'S REPORT
March 2024

February 20 Council meeting

February 21 IMSA

February 28 Policing (Lawrencetown)

March 4 Committee of the Whole

March 4 PAC