

MINUTES OF THE COUNCIL MEETING
13 MAY 2003

Present: Chairman Mayor John P. Prall
 Deputy Mayor Michael E. Trinacty
 Councillor Gary W. Whittier
 Councillor Donald E. Clarke
 Councillor J. Richard Horsburgh
 Ms. Linda Parker, Chief Administrative Officer
 Mrs. Stella Settle, Recording Secretary

Absent: Councillor Thomas S. Banks (on leave)

In attendance: Ms. Sara Keddy, Berwick Register

1. The Chairman called the meeting to order at 6:33 p.m.

2. **Approval of the Agenda**

The following items were added to the Agenda: 6(c) Drug Safety Net Program; 6(d) UNSM and 6(e) Police Week. Hearing of no further additions or changes, the Chairman approved the Agenda as amended.

3. **Approval of the Previous Minutes**

Hearing of no errors or omissions, the Chairman approved the previous Minutes of 8 April 2003.

4. **Recommendations from Committee of the Whole**

(a) **Inter-Fund Loan**

Ms. Parker read the recommendation and discussion followed regarding paying the Inter-Fund Loan off in one year versus paying over a number of years and being able to bring forward a surplus from last year to help pay this year's operating expenses. Ms. Parker explained that if the loan is not paid off in one year, then not only is the surplus brought forward, but the outstanding loan is also brought forward. The result will still be zero whether the surplus is used to pay the loan in one year or over a number of years. Deputy Mayor Trinacty inquired if Council could use some of the surplus to offset the budget this year. Ms. Parker recommended that, as there may not be a surplus every year, Council should not rely on an operating surplus to pay yearly operating expenses. She further recommended that an operating surplus should only be used to pay a one-time expense.

**IT WAS MOVED and seconded to approve payment of the entire
Inter-Fund Loan of \$42,007.00 using 2002/2003 fiscal year
revenues.**

Motion Carried

(b) **Fire Inspector**

Ms. Parker read the recommendation.

**IT WAS MOVED and seconded to approve the appointment of the Senior Building Inspector for the County of Kings as the Fire Inspector for the Town of Berwick as set out in the *Fire Safety Act*.
Motion Carried**

Deputy Mayor Trinacty inquired whether or not the Fire Inspection Services would change. Ms. Parker explained that it is too early to give a definitive answer at this time. Ms. Parker reviewed her report noting that in the first year the focus is on putting in place a Municipal Fire Inspector and developing the Fire Inspection Services, ensuring the requirements of the *Fire Safety Act* are met.

Ms. Parker reviewed the proposed Letter of Understanding from the County of Kings in which the Town would contract Fire Inspection Services from the County. Ms. Parker indicated that at the end of the first year, Council will evaluate the Fire Inspection Services and decide whether or not to enter into a formal contract.

**IT WAS MOVED and seconded to approve the Letter of Understanding with the Municipality of the County of Kings for the provision of Fire Inspection Services for the fiscal year 2003/04.
Motion Carried**

5. Recommendations from Other Committees

(a) Recreation Advisory Committee

(i) **Community Recreation Assistance Program**

Ms. Parker informed Council that Mr. Burgess was unable to attend due to another commitment. Ms. Parker reviewed the Community Recreation Assistance Program and the Recreation Advisory Committee Report and discussion followed. The Committee requested that more research be done to get an understanding of why the participant costs for programs were so different from one Town to the next. Also, more research into the eligible costs for funding for facilities and adult programs was requested.

**-IT WAS MOVED and seconded to accept the Report approved by the Recreation Advisory Committee pending further research concerning participant costs for the Towns and eligible expenses.
Motion Carried**

Council agreed that if the results prove not to be significant, the above two conditions are not to be added to the RAC Report.

(b) Planning Advisory Committee

(i) **Application to Amend LUB - Commercial Self-Storage**

Deputy Mayor Trinacty summarized his report and Mr. Millier's report and discussion followed regarding the proposed amendment and the potential this could have for the future.

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IT WAS MOVED and seconded to approve proceeding to a Public Hearing on June 10, 2003 at 6:30 p.m. for an amendment to the Town's Land Use By-law to include a definition for commercial self-storage and its inclusion as a permitted use for Industrial Light (M-1) and Commercial Warehouse (C-3).

Motion Carried

(ii) **Municipal Planning Strategy Amendment - Commercial Designations**

Deputy Mayor Trinacty reviewed his report and the attached map indicating that the recommendation was initiated by Mr. Lutz when he put in a request to rezone to allow him to expand his business. Ms. Parker explained that it is not possible at this time for Mr. Lutz to rezone as his request does not comply with the Municipal Planning Strategy.

Deputy Mayor Trinacty noted that there should be restrictions on the lot size to encourage small businesses to be up-Town and larger industry/businesses to be in the areas as stated in his report.

Mayor Prall inquired whether or not the residential zoning in these areas would remain residential. Deputy Mayor Trinacty explained that this is for future development and does not change the residential zones now, although residents will be eligible to change the zone if they choose to.

Councillor Bezanson questioned the amount of time that is required to approve a rezoning. Ms. Parker explained that the process and timeframes are set out in Provincial Legislation and are intended to ensure all stakeholders are given equal opportunity for input before a final decision of Council. Deputy Mayor Trinacty also explained that Council asks the residents what they want, as Council does not want to spot zone and have different zones grouped together.

Deputy Mayor Trinacty suggested that, although the Planning Advisory Committee recommends lots 1, 2, 3 & B be designated as Commercial, all lots should be discussed at the first meeting, as there are many options for discussion.

IT WAS MOVED and seconded to grant authority to proceed with a Public Participation Program to present the proposed MPS changes to designate lands 1, 2, 3 and B in the attached map to Commercial and gather public input and feedback on the proposed changes.

Motion Carried

The Public Consultation is scheduled for June 25, 2003 at 7:00 p.m. in Council Chambers.

(iii) **Union Street Café - Encroachment Request**

Deputy Mayor Trinacty reviewed his report indicating that the proper process is to establish a By-law; but, so as not to delay the Union Street Café's request to set up a sidewalk café, the issue is to grant their request for the 2003 Summer only until the By-law is in place.

Ms. Parker circulated a copy of the site plan and confirmed that she has received a notice of consent from the property owner. Ms. Parker indicated that Corporal Allen (Traffic Authority) and Mr. Gould (Public Works Department) have not yet assessed the proposed location for the sidewalk café. Councillor Clarke questioned whether or not there would be any issues for the Berwick Electric Commission. Ms. Parker will check with the Berwick Electric Commission.

Ms. Parker indicated that if Council approves the sidewalk café, she will draft a Letter of Understanding, subject to the list of conditions, as discussed.

Councillor Clarke raised a question regarding liability and a fee. Ms. Parker will raise this issue with Mr. Millier.

IT WAS MOVED and seconded to grant permission for a sidewalk café, part of which will be located on the Town's right-of-way in front of the Union Street Café's new location on Commercial Street pending the signing of a Letter of Understanding between the Town and Union Street outlining the conditions of the approval.

Motion Carried

6. New Business

(a) E-Chem Study at STP

Mayor Prall reviewed the report of Mr. Gould and reported the following:

- Mr. Bill McLellan, the Town's STP Operator, will be trained to do the testing program for both the algae and bean odor;
- permission from Mr. Craswell of Avon Foods Inc. has been received to do the testing regarding the bean odor, which tests will be done both before and after the bean production commences;
- most of the samples will be sent to Alberta for testing; and
- the cost of the study and testing is estimated to be \$10,000.00, which is an operating cost shared through the sewer funding formula.

Ms. Parker advised Council that the contract was reviewed by legal counsel and the suggestions submitted have been accommodated by E-Chem.

Councillor Clarke questioned if the Sewer Charges By-law indicates that an industry is responsible to pay the full amount if it is proven that the industry is responsible. Mayor Prall advised that there is nothing stating this in the By-law. Ms. Parker advised that the Town has determined that both Avon Foods Inc. and Larsen Packers Ltd. are meeting the guidelines regarding wastewater going into the sewer system and the algae problem is a separate issue.

IT WAS MOVED and seconded to approve to proceed with the testing program with E-Chem.

Motion Carried

(b) Amendment to Sewer Charges By-law - Grand View Manor

Ms. Parker reviewed her report and advised that a copy of the proposed By-law amendments was not available. A brief discussion followed regarding the options stated in Ms. Parker's report.

IT WAS MOVED and seconded to approve first reading of an amended Sewer Charges By-law with second reading to be advertised as required under the MGA for Council's regular monthly meeting in June.

Motion Carried

(c) Drug Safety Net Program

Mayor Prall passed around a Drug Safety Net Program Book that has been set up for Amherst and explained how the Book will look. Mayor Prall advised the following:

- the Book is distributed to schools;
- as the Book is sponsored, there is no cost to the Town; and
- Mayor Prall's recommendation is that Council approve the Town's logo being put in the Book.

Discussion followed regarding if this program is in partnership with other programs.

IT WAS MOVED and seconded to participate in the Drug Safety Net Program and to approve the Town of Berwick's logo being put in the Book, subject to no conflict with the RCMP.

Motion Carried

(d) UNSM

Councillor Clarke advised that the next UNSM executive meeting is May 14, 2003 and the UNSM Conference follows on May 15 and 16, 2003.

Councillor Clarke also advised that the UNSM Valley Regional meeting is scheduled for June 16, 2003. UNSM is asking for issues to be put forth, which will be passed on to the UNSM Annual Conference. Discussion followed regarding the inequities between municipalities and towns; the provincial government downloading on municipalities and towns and the need to educate the public.

Ms. Parker noted that a report should be drafted for COTW recommending Council approve a list of specific issues that are important to educate the public.

Councillor Clarke asked if all members had received the e-mail regarding the Twelve-Month Notice Clause and the possibility of a change to the Equalization Program. A short discussion followed.

(d) Police Week

Deputy Mayor Trinacty reminded Council that the Kings Detachment is hosting an event on Saturday, May 17, 2003, at the Berwick Arena, commencing at 10:00 a.m. and requested that members of Council attend if possible.

7. Correspondence

(a) Victorian Order of Nurses – Annapolis Valley Branch

Ms. Parker indicated that the correspondence is for information purposes and their request is handled in the budget process.

8. Council took a short break at 8:30 p.m. before going into an in-camera meeting at 8:40 p.m. to discuss matters of a confidential nature. Regular Council reconvened at 9:20 p.m.

~~8.9.~~ Hearing of no further business the Chairman adjourned the meeting at 9:20 p.m.

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John P. Prall
Chairman

Stella Settle
Recording Secretary