

**MINUTES OF THE MUNICIPAL COUNCIL MEETING**  
**MAY 10, 2005**

Present:           Chairman       Mayor John P. Prall  
  Deputy Mayor Michael E. Trinacty  
  Councillor Gary W. Whittier  
  Councillor J. Richard Horsburgh  
  Councillor Beth Easson  
  Councillor Anna Ashford-Morton  
  Councillor Donald E. Clarke  
  Ms. Linda Parker, Chief Administrative Officer  
  Ms. Michelle Millett, Recording Secretary

In attendance:                   Mr. Jason Smith, Berwick Register  
  Mr. Ron Reeves, Berwick Kings Transit Representative  
  (left the meeting at 7:21 p.m.)  
  Mr. Andy Patterson, Kings Transit (left the meeting at 7:21  
  p.m.)  
  Mr. Brian Hackett, Manager, Kings Transit (left the  
  meeting at 7:21 p.m.)  
  Mr. Ivor Reese, West Kings Citizens on Patrol (left the  
  meeting at 7:42 p.m.)  
  Ms. Nancy Mattinson, West Kings Citizens on Patrol (left  
  the meeting at 7:42 p.m.)

1. The Chairman called the meeting to order at 7:00 p.m. and welcomed members of the gallery from Kings Transit and the West Kings Citizens Patrol.
2. **Approval of the Agenda**  
The Agenda was amended with the addition of STP and Sanitary Sewer Infrastructure Assessment Steering Committee under Item #7(b), New Business. Letters from Nosco Developments Ltd., Federation of Canadian Municipalities, and Community Symposium on Corrections were added under Correspondence item 8. (b), (c) and (d) respectively. The Agenda was approved as amended. Mayor Prall reminded Councillors of the budget meeting to be held May 18, 2005 at 6:30 p.m.
3. **Approval of the Previous Minutes**  
The Chairman approved the minutes of April 12th, 2005 as circulated.
4. **Presentations**
  - (a) **Kings Transit ~ Ron Reeves, Brian Hackett and Andy Patterson**  
Mr. Hackett distributed the Kings Transit 2005/06 revised budget that detailed the deficit carryover from 2004/05. Mr. Reeves noted that a great deal of change had taken place in this year's budget with the purchase of the new buses.

Discussion took place regarding the \$53,000 deficit from last year and Mr. Hackett said that the deficit was due to an aging bus fleet and resulting maintenance costs plus the rising cost of fuel during the past year. He relayed that with the arrival of the new buses maintenance costs should see a significant decrease.

Councillor Horsburgh expressed his displeasure with deficits that are not accounted for through loss recovery, but through billing the participating municipalities. Mr. Hackett responded by noting that old equipment (buses between 15 to 20 years old) had been used to run a required public transportation service. Ms. Parker drew Councillors attention to the “transfer to operating reserves” and noted that the Authority had kept to budget for a number of years and now had budgeted the replacement of funds to reserves in years that there were no deficits. She indicated that in this fiscal year the need for reserves had been demonstrated and \$15,000 had been budgeted to Operating Reserves. Ms. Parker noted that this reserve will allow flexibility to cushion future unexpected deficits from being funded by municipalities.

Mr. Hackett relayed that the Councils in Kings County had suggested that a bus depot building be put off for now and investigated under a long term funding arrangement. He relayed that the \$110,000 in the 2005/06 Operating Budget would be used for capital reserve for bus replacement and not a bus depot as previously budgeted. Mr. Hackett relayed that the Authority would require some type of facility to house and service buses that were a \$2.0 million investment for the Authority.

Mayor Prall thanked Mr. Patterson for his work during his time with Kings Transit Authority and wished him all the best in his retirement. Mayor Prall also welcomed Mr. Hackett and said he looked forward to working with him in the future.

(b) West Kings Citizen’s Patrol ~ Ivor Reece

Mr. Reece, the spokesperson for the West Kings Citizen’s Patrol was in attendance to request funds through Council’s Grants to Organizations Policy. Mr. Reece reported that the Patrol had been canvassing over the past two years to purchase a speed monitoring and display unit at a price of \$3,400. Ms. Mattison discussed high speed and lack of driver attention as the cause of many accidents and injuries and reported that once motorists become aware of their speeds through this unit they become more conscious of their speed in the future.

Deputy Mayor Trinacty asked what amount was needed to purchase the piece of equipment and Mr. Reece said that if Councils contributed what they had last year, they would be \$600 short of the purchase. Councillor Horsburgh suggested that a municipality could purchase the equipment and realize a break on the

applicable taxes that could be taken as that Council's donation to the organization.

**5. Recommendations from Other Committees**

(a) Committee of the Whole

Ms. Parker read the motions.

(i) Business Occupancy Tax Write-Off

**IT WAS MOVED and seconded** that Council approve the list of outstanding taxes to be written off totaling \$5,440.01 and that these accounts be submitted to a collection agency for final collection efforts.

**Motion Carried**

(ii) Annapolis Valley Housing Authority Citizen Representative

**IT WAS MOVED and seconded** that Council approve Mr. Murray Bezanson as the Town's representative on the Annapolis Valley Housing Authority Board for a three year term, ending June 2008.

**Motion Carried**

(iii) Chief Administrative Officer By-law

**IT WAS MOVED and seconded** that Council approve the first reading of the CAO By-law.

**Motion Carried**

Councillor Easson enquired as to the conditions and timeline of the contract with the CAO. Councillor Clarke noted that the CAO's job description is detailed in a by-law and an employment contract is utilized to detail terms of the employment relationship.

Ms. Parker further discussed how three documents were utilized in this process that included the CAO By-law (job description), the employment contract that details terms of employment such as vacation time, professional development, and sick leave and the performance evaluation tool.

(b) Recommendations from Planning Advisory Committee

(i) Avon Foods Application for Signage

Deputy Mayor Trinacty reviewed the report and relayed that Avon Foods requested the signage be posted until September 2, 2005 or until the property was sold, whichever ever occurred first. He noted that the signage would be on the west side of the street at the north entrance to the Town from the #101 Highway. Ms. Parker reported that the sign would be on the public right-of-way and thus required Council approval.

**IT WAS MOVED and seconded** that Council approve the application for signage as submitted by Avon Foods.

**Motion Carried**

(ii) Lot Grading and Drainage By-law

Deputy Mayor Trinacty reported that prior to recommending this proposed by-law to Council, the Planning Advisory Committee had lengthy discussions and debate. He outlined the purpose of the by-law as an administrative tool to manage storm water runoff that may occur as the result of new development.

Deputy Mayor Trinacty detailed types of development that had been exempted under the by-law and would not require a Lot Grading and Drainage Plan. He reported that Lot Grading and Drainage Plans would require a technical format compiled by an engineer, landscape architect, or land surveyor. Deputy Mayor Trinacty relayed that this requirement had been an issue of concern at the PAC level for smaller developers who were developing single lots and the expense incurred by being required to hire this type of service. He noted these concerns had been addressed in the By-law through exemptions listed under item 3. of the by-law

Ms. Parker noted that AMEC had recommended this Policy as part of the Storm Water Management Strategy and relayed that this by-law would ensure proper drainage of lots and detailing of storm water system capacities for proposed future developments in the Town.

Discussion took place regarding single lot developments as opposed to subdivision of lots and the requirement to provide Lot Grading and Drainage Plans. Ms. Parker explained that if a single family homeowner had plans to build on an already existing sub-divided lot, there would be no Lot Grading and Drainage Plans required. However, the developer who subdivided the land would be required to submit a plan as part of their application for subdivision approval.

**IT WAS MOVED and seconded** that Council approve the first reading of the Lot Grading & Drainage By-law.

**Motion Carried**

(iii) Development Control and Planning Fees By-law

Deputy Mayor Trinacty reviewed the schedule of costs to apply for a Lot Grading and Drainage Plan as recommended as an amendment to the Development Control and Planning Fees By-law.

**IT WAS MOVED and seconded** that Council approve an amendment to the Development Control and Planning Fees By-law that includes the addition of a fee for a Lot Grading Certificate as enabled in the draft Lot Grading and Drainage By-law of \$150.00 for applications containing 1-5 lots inclusive and \$150.00 plus \$30.00 for each additional lot above five lots.

**Motion Carried**

Councillor Clarke noted that although he was not in agreement with the Lot Grading and Drainage By-law he was satisfied with the proposed fee. Mayor Prall requested that staff investigate what the Town of Kentville and the Municipality of the County of Kings charge. Ms. Parker replied that the Municipality of the County of Kings and Town of Kentville have in-house expertise to review plans and that this expertise does not exist at the Town of Berwick and would require outsourcing. Ms. Parker agreed to find out if the Town of Kentville and the Municipality of the County of Kings were charging for this application and what the fee was.

**6. Business Arising**

(a) Kings Transit Budget

Ms. Parker reviewed her report from the April Council meeting noting that Council concerns had been addressed during the Kings Transit presentation regarding their budget.

**IT WAS MOVED and seconded** that Council approve the 2005/06 Kings Transit Authority budget.

**Motion Carried**

**7. New Business**

(a) Canada Games Working Committee ~ Letter of Support

Deputy Mayor Trinacty requested that the letter to the Working Group be addressed to Wendy Bedingfield. Ms. Parker noted that including a Council motion for the Letter of Support would show the full support of Council. Mayor Prall noted that the spin-offs would be invaluable to the Town and surrounding areas should the bid to host the Games be accepted.

**IT WAS MOVED and seconded** that Council approves a Letter of Support be sent to the Canada Winter Games 2011 Working Group Committee regarding the Annapolis Valley's bid to host the Canada games.

**Motion Carried**

(b) Sanitary Sewer Infrastructure Committee

Councillor Easson agreed to sit on the Sanitary Sewer Infrastructure Committee along with Mayor Prall, Ms. Parker, and Mr. Gould. This group would review tenders received for the STP and Sanitary Infrastructure Assessment.

**8. Correspondence**

(a) Government of Canada ~ Minister Goodale

For the information of Council.

(b) Nosco Developments Ltd.

Ms. Parker relayed that Mr. Arnold Bouter, of Nosco Developments had approached her regarding a piece of Town property in Berwick Acres adjacent to a lot that he owned that he requested be deeded to Nosco's name. She reviewed the letter and map with Council noting that Mr. Bouter had been deeded one parcel of land (Parcel X) and required another parcel (Parcel F) in order to have the required road frontage for an approved lot.

Mr. Bouter would provide the Town with the Deed for signature, would incur all costs to have the parcel of land deeded to him, and would continue to allow the Town's right-of-way over the property to the Berwick Electric Commission's pond. Ms. Parker explained that the acquisition of this parcel of land would allow Mr. Bouter to create a lot. She explained that this parcel is important to Mr. Bouter proceeding with his development.

Councillor Clarke and Councillor Ashford-Morton wanted a clearer understanding why this parcel was important to his development and Ms. Parker agreed to investigate further with Mr. Bouter.

**IT WAS MOVED and seconded** to deed Parcel F to Nosco Developments subject to further investigation by Ms. Parker as an agent of Council.

**Motion Carried**

(c) FCM ~ Response to Today's Letter from the Leader of the Official Opposition

For the information of Council.

(d) Community Symposium on Corrections

Ms. Parker requested that Councillors interested in participating in the Symposium contact Ms. Millett or herself.

(e) FCM ~ Response to Today's Letter from the Leader of the Official Opposition

For the information of Council.

**9. Other Business**

Ms. Parker discussed some of the ramifications that may result from the Fair and Equitable Committee Funding Review. She briefly reviewed the recommendations regarding Public Housing, Corrections, and mandatory contributions to education. Mayor Prall noted that key issues are education and roads and the report did not address these issues.

Ms. Parker reported that if the report received UNSM support, the provincial government would be lobbied. Ms. Parker said the report recommends fair and equitable funding across the board. She also relayed that the report provides an excellent overview of the fiscal evolution between the Province and the municipalities in Nova Scotia.

**10. Next Meeting Date**

The next meeting of Council would be held June 14, 2005 at 7:00 p.m.

**11. Hearing of no further business the Chairman adjourned the Council meeting at 9:27 p.m.**

---

John P. Prall  
Chairman

---

Michelle Millett  
Recording Secretary