

## **Town of Berwick Special Council Meeting**

July 29, 2024

Town of Berwick Council Chambers

6:30 pm

### **AGENDA**

**1. Call to Order**

**2. Approval of the Agenda**

**3. Approval of the Minutes**

- a. July 9, 2024 Council Meeting Minutes
- b. July 22, 2024 Public Hearing Minutes

**4. New Business**

- a. Second Reading – Municipal Planning Strategy and Land Use Bylaw Plan Review
- b. RFD029-2024 BDVFD Water Storage Tank Phase 2

**5. In-Camera**

**6. Adjournment**

<b>To:</b>	<b>Berwick Town Council</b>
<b>From:</b>	Chrystal Fuller, LPP, MCIP
<b>Date:</b>	2024-07-29
<b>Re:</b>	Supplementary Memo- MPS and LUB Review

## Introduction

On July 22, 2024, Berwick Council held a public hearing for new Municipal Planning Strategy and Land Use Bylaws. This memo summarizes the main concerns and provides options for Council’s next steps.

The public hearing was well attended (85 people) with most expressing concerns with the documents. Of particular and significant concern was the change to the R-1 zone. Several of the concerns expressed are not directly related to the planning documents but are noted for Council’s consideration. In addition to the 85 people in attendance, there were 6 written submissions but most of those people attended the meeting and spoke.

Town staff are providing the full meeting minutes for Council review and should be read in conjunction with this report.

## Main Issues from Public Hearing

Concern	Staff Response	Can the concern be addressed in MPS and LUB?	Options
<b>Concerns about changing the R-1 zone to allow up to 4 units in the zone.</b>	The change in the zoning would allow slightly more density while removing the ability to allow multi unit development in the lower density zone.	Yes, Council can address this concern by making changes to the documents	<ol style="list-style-type: none"> <li>1. Allow fewer units in the R-2 zone by permitting only duplexes and semi-detached. Council could also remove the ability to allow accessory units for duplexes and semis. 4-unit row housing would be removed from the R-2.</li> <li>2. Add the R-1 zone back into the plan. As this is a major change, this change should be referred back to staff before Council provides 1<sup>st</sup> Reading.</li> <li>3. Make no change</li> </ol>

Concern	Staff Response	Can the concern be addressed in MPS and LUB?	Options
<p><b>Concerns about water quality and quantity, and the ability of the aquifer to handle more development</b></p>	<p>Council has received information previous on the aquifer from a hydrologist consulting engineer. Staff is tracking the number of new units and will take appropriate action when the 500-unit threshold is met.</p> <p>Staff have also scoped a monitoring program for residential wells to bring forward for Council consideration during the 2025/26 budget discussions.</p>	<p>Yes- Council could remove the ability to allow new or expanded industrial uses, which often have significant impacts on water. Council could consider more restrictive zoning to allow residential development to occur. Staff would need to explore how these restrictions would be implemented and the impacts of them.</p>	<ol style="list-style-type: none"> <li>1. Send the documents back to staff to make changes that restrict new or expanded industrial development. Also consider changes that restrict new residential growth. This would be accompanied by a staff report to explore impacts.</li> <li>2. Make no changes</li> </ol>
<p><b>The desire for a central, public water system.</b></p>	<p>The draft documents do not consider the implications of a public water system. This was discussed with Council at the beginning of the Plan review, and it was decided that the Plan would be drafted based on the private well system.</p>	<p>No change required to the Plan unless Council proceeds with the necessary studies and budgeting for a public water system.</p>	<ol style="list-style-type: none"> <li>1. Make no change</li> <li>2. Forward central water system consideration to the capital planning budget process. Council could provide this direction for future consideration and not impact the current Plan.</li> </ol>
<p><b>Concerns about the lack of data on potential flood risks in Berwick</b></p>	<p>The Town is working with the province to gather the necessary data. The policies in the new Plan can require a study for any development within the previously established flood zone.</p>	<p>Yes - Planning documents must consider flood risk and climate change impacts.</p>	<ol style="list-style-type: none"> <li>1. Refer back to staff to make policies even more restrictive.</li> <li>2. Initiate a flood risk study</li> </ol>

Concern	Staff Response	Can the concern be addressed in MPS and LUB?	Options
<b>The Town's infrastructure must be improved before more development occurs.</b>	The Town has a capital planning and budgeting process where Council makes decision about capital infrastructure upgrades and repairs. This is outside the planning process.	No- The planning documents can restrict growth and development but prioritizing certain infrastructure upgrades is not done through planning documents. Planning policies can ensure that the Town maximizes the use of existing infrastructure to make the best use of it and limits, for example, how many new streets are created or other similar issues. Ensuring that Town infrastructure is maximized is an important strategy and Planning policies can support this approach.	<ol style="list-style-type: none"> <li>1. No change directly related to this issue.</li> <li>2. Proceed with an Asset Management Plan</li> </ol>
<b>Public Notification was not sufficient</b>	All public meetings were advertised through a variety of media and the public participation policies of the Town were met.	No	The Town can review its public notification for future large scale planning processes to identify potential improvements.

### Next steps

Since the review process started there has been a great deal of study and engagement (see the First Reading report for full details). However, Council has also heard from the public about concerns particularly related to the changes to the R-1 zone and infrastructure.

Council has several options at this time:

1. Approve for second reading with the following changes:
  - a. Amend the policies and zoning R-2 to allow only duplexes or semi-detached units and not permit accessory dwellings for duplexes or semi-detached units. Check with legal to see if this would require another public hearing.
2. Send the documents back to staff with direction for a staff report and further options on any issues identified by Council where it would like further analysis and changes. If Council so desires, this could include holding one additional engagement opportunity. This would likely trigger the requirement for another public hearing.
3. Make no changes.
4. Other direction as directed by Council

# REQUEST FOR DECISION

## RFD029-2024: BDVFD Water Storage Tank Scope Change



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**To:** Town Council  
**From:** CAO  
**Date:** July 29, 2024  
**Subject:** BDFVD Water Storage Tank Scope Change

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### References/Attachments

- Request for Proposals: BER2023-010 Berwick & District Volunteer Fire Department Water Storage Tank
- Bulletin 3 – Scope Change for Building

### Legislation

Purchasing and Tender Policy

### Recommendation

To approve the scope change for the Water Storage Tank outlined in Bulletin No. 3 to include a revised building size, removal of testing ports and above ground pump floor mounted in the amount of \$98,410.42 plus HST; with the Town's portion being \$39,205 funded by way of debenture with Municipal Finance.

### Background

The Town Council and the Berwick & District Fire Commission approved a Water Storage Tank for the Berwick & District Volunteer Fire Department (BDVFD) as part of the 2023/24 Capital Budget and awarded the project to Roscoe construction on January 9, 2024, in the amount of \$373,480 + HST. The Town's portion, including the non-rebateable HST, was \$194,732 funded from long-term borrowing.

During 2024/25 budget discussions, the BDVFD proposed Phase 2 of the project to construct a storage building above the water storage tank that would also house the electrical and pumping for the tank. Council approved Phase 2 funding in the 2024/25 Capital Investment Plan in the amount of \$72,503, with the Town's portion being \$26,252 being funded through operating reserves. During the time of approval, the BDVFD approved a contribution of \$20,000 towards the project, which is not required per the funding agreement for non-rolling stock capital items.

Since Phase 1 was not near completion with the budget was approved, the Fire Services Sub-Committee met with Roscoe Construction to discuss the scope change and requested a revised quote for the addition to the project. After multiple meetings to discuss the specific needs for the building, the Committee agreed to the following scope change:

- Revise the building footprint to 30' x 40' x 12'
- Remove all testing ports
- Change the pump type from below ground to above ground with a floor mount.

The new scope is an additional cost of \$98,410.42 + HST to the project.

# REQUEST FOR DECISION

## RFD029-2024: BDVFD Water Storage Tank Scope Change



The Fire Commission has approved their portion of the funding for the scope change.

### **Financial Implications**

The approved 2024/25 Capital Budget included \$72,503 for Phase 2 of the Water Storage Tank project; with the Town's portion being \$26,252.

Bulletin No. 3 Total	\$103,611.22
Change in Pump	\$ 4,799.20
Donation from Roscoe Construction	(\$ 10,000.00)
Total before tax	\$ 98,410.42

Per the funding agreement for fire department assets (non-rolling stock), the Town is responsible for 50% of these costs. The BDVFD approved a contribution of \$20,000 with the remainder being split 50% between the Town and the Fire Commission, or \$39,205 before tax. This is an increase of \$15,063, inclusive of the non-rebateable HST, funded by way of operating debt. As the debenture has yet to be placed, staff is recommending funding the entire portion of our commitment through the placement of a debenture, resulting in a savings to the operating reserve of \$26,252.

### **Priority Alignment**

Check Applicable	Strategic Priority Area	Comments
X	Economic	
	Environmental	
X	Social	
	Cultural	

### **Alternatives**

Council could decide not to approve the additional funding or chose another funding source.

### **Community Engagement/Communication**

N/A

### **CAO Comments**

I support the approval of this project.

**REQUEST FOR DECISION  
RFD029-2024: BDVFD Water  
Storage Tank Scope Change**



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CAO Initials: JB

Target Decision Date: July 29, 2024

**BULLETIN NO. 3**

**TO:** Town of Berwick

**ATTENTION:** Jennifer Boyd

**PROJECT:** BER2023-010 BDVFD Water Storage Tank  
Berwick, NS

**PROJECT MANAGER:** Lucas Schurman

**DATE:** July 17, 2024

**QUOTATION:** Revise building size to 30' x 40' x 12'  
Remove all testing ports  
Pump to be above ground / floor mounted.

To provide all necessary labour, materials and equipment to complete the work as noted above will adjust the contract amount by the Total Bulletin amount outlined below.

**BREAKDOWN**

**Sub-contractors Forces**

Engineering			\$ 1,500.00	
RCL Equipment			\$ 2,100.00	
Kinsman Construction			\$ 4,000.00	
JAG Trusses			\$ 6,343.56	
Old World Stucco			\$ 2,000.00	
Apex			\$ 5,449.00	
Vaughn Gates Plumbing and Heating			-\$ 22,409.00	
Larry Morse Electrical			\$ 3,766.00	
			<u>\$ 2,749.56</u>	
	G.C. O/H & P	12%	\$ 329.95	
			<u>\$ 3,079.51</u>	\$ 3,079.51

**Own Forces**

Equipment			\$ 48,445.05	
Labour			\$ 50,892.05	
Materials			<u>\$ 99,337.10</u>	
	G.C. O/H & P	12%	\$ 11,920.45	
			<u>\$ 111,257.55</u>	\$ 111,257.55

**TOTAL THIS BULLETIN + HST \$ 114,337.06**

Labour- Credit from original tender submission -\$ 4,079.70  
Material- Credit from original tender submission -\$ 6,646.14

**Total of this bulletin including credit + HST \$ 103,611.22**

THIS BULLETIN WILL RESULT IN AN INCREASE OF 40 WORKING DAYS FROM DATE OF LATEST COMPLETION DATE.  
TIME EXTENSIONS TO THE CONTRACT MAY RESULT IN ADDITIONAL OVERHEAD COSTS WHICH ARE NOT INCLUDED IN THIS BULLETIN.  
EXECUTION BY THE OWNER IS ACCEPTANCE FOR WORK TO PROCEED AT THE QUOTED PRICE.

ROSCOE CONSTRUCTION LIMITED

DATE

OWNER (REPRESENTATIVE)

DATE

KEVIN ROSCOE, PRESIDENT

July 17/24

FOR