

Present:

MINUTES OF THE REGULAR COUNCIL MEETING - MAY 13, 1997

In attendance:

Mayor John W. Rainforth Deputy Mayor Michael J. Munday Councillor Bruce H. Morse Councillor  
John P. Prall Councillor Michael E. Trinacty Councillor Ronald G. Reeves Councillor Gary W. Whittier  
Judith Mitchell, Town Clerk

Chairman

Sara White, Berwick Register Robert Stewart, Town Solicitor

1.

The chairman called the meeting to order at 7: 02 p. m .

2.

APPROVAL OF PREVIOUS MINUTES

(a)

Hearing of no errors or omissions, the Chairman approved the minutes of the Regular Council of April 08, 1997 and the minutes of the Special Council of April 22, 1997, as circulated.

(b)

The following minutes were distributed as noted:

(i) (ii) (ill) (iv) (v) (vi)

3.

Fire Committee  
Special Police Commission Special Council  
Special Police Commission Personnel Committee Recreation Committee

Apr 17/97, circulated  
Apr 21/97, not circulated yet Apr 22/97, circulated  
Apr 29/97, not circulated yet May 06/97, circulated  
May 08/97, circulated

BUSINESS ARISING FROM PREVIOUS MINUTES

Any items to be discussed will likely arise under committee Reports.

4.

## COMMITTEE REPORTS

(a)

### Social Services

Councillor Morse reported on Social Assistance activity for the month of April; generally down from this time last year. The Employment Resource Centre had three referrals from Municipal Assistance; bringing total up to six active clients.

(b)

Kings C.E.D. Agency

Deputy Mayor Munday informed Council of a recent presentation he had attended on the concept of setting up local software development and production in conjunction with the new Horton High School project. The C. E. D. Agency is interested because of possible job creation aspects; also ties in with small business, home offices, etc. The consultant, Mr. Gus Ausberg, has previous experience consulting in Silicone Valley. The Annapolis Valley was chosen because of the interest received and facilities that will soon be available here. The development officer for the C. E. D. Agency has been requested for secondment to assist the project in its initial stages.

(c)

"Back to the Future" Planning Conference

Deputy Mayor Munday reported on a recent workshop on planning that he had attended in Halifax. The workshop focused on "developing a sense of community" and "doing more with less". One issue of particular concern was that of maintaining a sense of community in the face of larger amalgamated boards, such as school boards, health boards, and some municipalities. Also discussed new ways of looking at residential planning to try and get away from the planned subdivision and into more mixed zones. Need to get away from over-regulation as a planning concern; a related issue was the concern that urban development guidelines are being forced on rural or smalltown Nova Scotia. Other recommendations were that Community Based Groups should have linkage with elected Municipal Officials to increase accountability; there should be more regular communication between the UNSM and the Province; mechanisms should be established within the Province to increase communication between their Departments; and Municipalities need a Charter of Rights. The P. A. C. Chairman concluded that it was a good seminar; well worth attending.

(d)

Planning Advisory Committee

(i)

Re-zoning: Larsen Packers Ltd., R1 to M2

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Deputy Mayor Munday updated Council on a Public Hearing held earlier this evening to review a tentative rezoning approval for Larsen Packers Ltd. to rezone the former Ralph Chase property, situated at 344 Main Street, from R1 (Single Family Residential) to M2 (Heavy Industrial). In attendance at the Public Hearing were Mr. & Mrs. Paul Martin, and Mrs. Everett Richards, all of Bog Road, and Mr. Les Stright,

Finance Director for Larsen Packers Ltd. The residents of Bog Road had raised concerns earlier to the Municipality of the County of Kings' Planning Department and Councillors concerning the proximity of the rezoning to their properties.

(i)

Re-zoning: Larsen Packers Ltd., R1 to M2 (continued)

They also presented a copy of a letter to Mr. Martin from County Councillor, Mr. Donald Trites, questioning why the property needs to be rezoned, whether the Town of Berwick is interpreting its Municipal Planning strategy and Land Use Bylaw correctly, and whether all necessary criteria had been adequately considered. When questioned, the Martin IS concerns appeared to focus on access in/out of Bog Road, traffic safety, hazardous traffic conditions, hazardous drivers, obstruction of the roadway, expansion of the plant closer to their properties, volatile emissions of smoke or ammonia (leakage?) and the possibility of contaminating the river. Deputy Mayor Munday pointed out that both the Director and the adjacent Municipality of County of Kings had been notified of the re-zoning application; no objections had been raised by either party, and the Development Officer had received no calls or letters to date. He also pointed out that the matter had been carefully discussed and considered at P . A. C. with the Town's relevant Municipal Planning Strategy and Land Use Bylaw policies in mind; and that it had also been discussed at the April Council, and tentatively approved by Council, without objection. Therefore, to hasten discussion of the matter, it was moved by Deputy Mayor Munday and seconded by Councillor Reeves that the property situated at 344 Main street be rezoned from R1 (Single Family Residential) to M2 (Heavy Industrial) .

The following discussion took place:

Deputy Mayor Munday: In our discussion with the Planning Advisory Committee, the biggest thing was it's a small piece of land, just over 10, 000 square feet; not really suitable for any other use; and in relation to the Larsen Packers Ltd.

( existing) site, is a relatively small piece of property.

The Martin's are concerned about smoke, ammonia, and particularly traffic issues. Mr. Stright indicated that Larsen Packers Ltd. has no immediate plans however, one granted, the re-zoning would stand regardless. Larsen Packers Ltd. once owned this property, and basically, they've gotten it back.

Councillor Reeves: I think what I hear was that safety is a bigger concern than the re-zoning, which is a separate issue.

The traffic situation should be followed up by the Town. As far as the zoning part; don't think we can do a whole lot. If the application (for re-zoning) meets our Municipal Planning Strategy and Land Use Bylaw guidelines, there's no good reason to deny the application.

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Councillor Prall: In hindsight, our annexation should probably have included the two properties across the bridge; the residents are isolated and off to themselves. Last time I referred to this, I didn't mean it negatively. The matter before us tonight is about a small piece of land. Don't feel rezoning Larsen Packers Ltd. 's land is the real issue for these folks, but rather, their frustration at feeling isolated and cut off from the Town and the County. However, I would support the re-zoning.

Mayor Rainforth: Regarding annexation, the focus was the golf course and the need to stick to just one main issue. Also felt higher taxes might become an issue if the two properties had been annexed.

Councillor Trinacty: I think there's two separate issues: (1) safety and (2) chunk of land. Perhaps the two are related. Do we need to look at the people first and deal with their safety concerns, and then rezone the property later on if Larsen Packers Ltd. is not in a hurry? Perhaps if we make the safety issue a more immediate concern, it will be dealt with and not forgotten once the rezoning is granted.

Mayor Rainforth: I don't feel we're rushing things; we're following a very regulated process laid out by the Province. What do you mean by safety concerns?

Councillor Trinacty: We're not rushing things, I agree; but if there's no hurry to expand, we can take our time to be thorough. Think safety issues are of concern: truck traffic, stop signs, possible traffic hazards.

Mayor Rainforth : direct connection.

I don't see the connection myself, as a

Councillor Whittier: I don't see a direct connection, either, but I know we can 't withhold a re-zoning approval to force Larsen Packers Ltd. to act a certain way. However, it is two different issues. It is a very small piece of property and I don't see the need to delay it.

councillor Morse: Personally, I have no problem with the motion before Council. Pleased to see that the Martin and Richards families took the time to come to the Hearing and make their views known. This matter is also compounded by Town and County (Land Use) Bylaws, and the fact that Larsen Packers Ltd. wish to re-zone but have no immediate plans to expand. I don't oppose the re-zoning, but think safety concerns should be addressed.

\_\_ Councillor Reeves: Is the pond there (at Larsen Packers Ltd. ) at the request of the Fire Department?

Councillor Prall: I don't know.

Mayor Rainforth: I think it is there to help reduce the cost of fire insurance for the company.

Councillor Prall: Are Larsen Packers Ltd on the north and need this piece of land to expand?

Mayor Rainforth : They own land on the west, too. always expand without re-zoning.

Can

Deputy Mayor Munday: If the motion is approved, I think we should address the concerns raised by the Martin's. Not sure if this is part of the process, but I could, as the chairman of the P . A. C ., try to contact Karl to discuss the safety concerns.

Mayor Rainforth: Maybe not a legal concern, but perhaps a moral concern; and a courtesy to have the safety issue followed up on. Where you pay taxes does not really matter where safety is concerned.

Councillor Prall: Berwick "and District" is the key. Many people who live near by the Town of Berwick consider Berwick their home.

Mayor Rainforth: At school, often see that people in surrounding areas are not quite sure if they live within town limits or in the county.

Councillor Whittier: How can we address a response in the event of another fire or an ammonia leak?

Deputy Mayor Munday: I'm sure our Emergency Response Team would find a way. . .

(General discussion on Emergency Exits in the event of an evacuation. )

Councillor Reeves: If we approve the rezoning, could the P.A.C. Chairman contact the Martin's to see that they are informed of what's been decided?

Councillor Trinacty: Can we delay the motion until the safety issue is addressed?

Mayor Rainforth: Personally, I don't think that's part of the same issue, especially if the Deputy Mayor plans to contact Karl Larsen to discuss safety concerns. Let's get back to the motion. . .

MOVED by Deputy Mayor Munday and seconded by Councillor Reeves that the Larsen Packer's Limited property situated at 344 Main st. be re-zoned from R1 (Single Family Residential) to M2 (Heavy Industrial), as requested.

Motion carried. \_

1 nay vote (11. fnnNfv;)

(e)

#### Fire Department

councillor Prall indicated that the Town had sent off a letter of concern about changes proposed in the Fire Prevention Act, and had now received a reply from the Department of Labour acknowledging receipt of the Town's response. The letter reads that, "the Town's feedback is particularly important... because it is difficult to foresee all of the potential effects of the changes being suggested." The letter concludes that the Fire Prevention Advisory Council will be meeting in the next few weeks and will consider all submissions then.

The Berwick and District Volunteer Fire Department is working on its annual budget; per bylaws, must meet on or before June 15th to submit its budget for approval. Tentative date set is for May 27th.

(f)

#### Solid Waste Management

Councillor Prall advised that the group of eight elected representatives, in conjunction with Clerks/CAe'S, met earlier this week to further review the draft Inter-municipal Agreement for Region 5 (Annapolis County and Kings County: all the municipal units contained therein). The draft Inter-municipal Agreement is targeted to come to June council for preliminary discussion, back to the Committee for revision, and back to July Council for approval.

(g)

Recreation

Councillor Trinacty reported that the Summer Intern position has now been filled; this year the Intern will be Mr. Colin Brewster. The Recreation Department is in the process of recruiting members for the Tourism Action Committee, and would appreciate any support from the public. Spring weather has been too wet to get much field work done, especially the soccer field. will proceed as soon as possible once the equipment can get out on the field. ( Councillor Prall queried whether or not drainage would be a problem: perhaps while the field's dug up, it might be useful to add drainage tile.

Councillor Trinacty noted the point for followup, he's not sure what has been planned). Still trying to move ahead to establish a pathway on Bezanson Drive area to cottage street. Also looking at the possibility of establishing a youth program through the local Toastmasters club.

(h)

streets

Councillor Whittier reported that it was very busy at the Public Works Department: Spring Clean Up is taking longer than planned. Even though specifics of what is allowed for pickup (and what is not allowed) were spelled out in Public advertisements, many people are still putting out tires or cardboard. There needs to be more public education by Department of Environment so people will know what can be put out. Any unsuitable items will be left at the curb.

One of the Public works employees has been off work due to poor health; a temporary employee has been hired in his absence. The

Apple Blossom Float has been started, a great deal of work left to be done however between now and the Parade. Superintendent is also preparing his annual budget.

Deputy Mayor Munday asked if paving priorities had been set yet for the new fiscal year? He indicated that the residents of Lawrence Avenue extension have expressed concern that their section of road is still not paved; it's difficult to plow it adequately where it's gravel. If not in the budget, this item should be included for consideration. councillor Whittier agreed to pass it on to the Superintendent.

(j)

5.

(i)

#### Finance

Councillor Reeves indicated that he had nothing new to report. The administrative office has been working steadily on year-end procedures in preparation for the Annual Year-End Audits. Budget meetings will also be getting formally underway soon.

(As an aside, the Mayor congratulated Councillor Reeves for his recent award received from the West Kings Memorial Health Centre for his long term of office and service to the Board and the community. The award was presented at the ceremony to re-dedicate the memorials and plaques at the re-modelled Health Facility. A very nice event. )

#### Mayor's Report

The Mayor indicated that he had little news to report. The Berwick Electric Commission was also in the process of gearing up for the audit. There will be a meeting of Mayors/Wardens/CAO's next Thursday at the Municipality of County of Kings. Education funding will be one of the key items on the agenda; and presents a serious increase to municipal government's already limited resources.

#### CORRESPONDENCE

(ii )

(i)

Received from the Mr. Ken Redden, Operations Manager for the Municipality of Kings' Department of Environmental Services, a notification that effective April 1, 1997, contaminated soil will no longer be accepted for disposal at the landfill site. For the information of Council.

Received a UNSM Memo from Warden Steven Stoddard regarding an agreement between the Province and Municipalities on HST, included in the Provincial Budget announcement. The agreement is that: (1) Municipalities will be eligible for a 57.14% rebate on the 15% *HST*; (2) Municipal Units will not be subject to the Transitional Tax on new vehicles; and (3) a harmonization offset fund will be made available to Municipalities based on revenues collected by the Province from N. S . Power Inc. and re-distributed to all N. S . Municipalities.

Although announced as a \$50 million fund, the fund actually totals \$50 million over an a-year period; made up of a \$6 million allocation for the first 6 years and balance thereafter. The Agreement itself is to be reviewed at the end of three years. For the information of Council.

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(vi)

Received from the Municipal Clerk of the District of West Hants, a copy of a letter to the Honourable Don Downie, Minister of Dept. of Transportation for the Province. The letter urges that repairs and upgrades be made to public highways to bring them to a safe and usable condition, especially where the Province is promoting Tourism within Nova Scotia. For the information of council.

Received a UNSM Memo from warden steven Stoddard concerning Community Service Funding. Apparently, an agreement in principle has been reached between the Province and the UNSM to implement a province-wide, provincially delivered program of community services, effective April 1, 1998. Municipalities will be required to pay to the Province a fixed contribution equal to their 1996/97 program costs, or their 1997/98 projected costs, whichever is lower. This contribution will not exceed \$42.8 million per annum (the amount currently paid by municipal units). This agreement is to be set up for four years, and then reviewed. For the information of Council.

Received from Department of Housing & Municipal Affairs, a six-page directive informing the Town that Equalization Grants have been increased by 3%. (Of note: Town of Berwick's Equalization Grant was cut to nil last year. 3% of zero is still zero.) The Capital Grant has been cut by a further 5%; the Provincial billing to Municipal Units for correctional Services has been increased by almost 3%. For the information of Council.

Received from Mrs. Robin Bustin, President of the Berwick & District School Bank Parent's Association, a fund-raising request to help the Concert and Stage Bands take part in the 25th Canadian National Music Festival being held in Ottawa from May 20th to 26th. No amount has been specified; however, the Clerk noted that the last donation for a trip was for \$1000 in February 1992. After brief discussion, it was moved by Councillor Morse and seconded by Councillor Whittier that an amount of \$500 be donated towards the Band's trip to the Ottawa Music Festival.

Motion carried. (Mayor Rainforth abstained)

- (vii) Received a booklet from the Tobacco Control Unit of the N. S. Department of Health, asking that the enclosed discussion paper be reviewed by members of council, and the community. Seeking any input to define an appropriate and effective way to address the issue of smoke-free public places. After brief discussion, it was agreed to post the booklet on the Town's bulletin board, and make available copies of the questionnaire to the public (at the front counter). Councillor Trinacty noted that additional booklets are available, should the need arise.

(viii)

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6.

Received from N. S. Department of Education & Culture, a letter from the Deputy Minister advising Berwick that education costs would be \$303666 for 1997/98, based on the uniform assessment figure for 96/97. This was followed by a second letter from the Deputy Minister, Mr. Douglas Nauss, a few days later, indicating that the 1997/98 Education Cost would be \$289749, based on the existing practice in Kings county to allocate costs based on student enrolment figures. This second figure of \$289749 was later confirmed in writing by Mr. stuart Jamieson of the Annapolis Valley Regional School Board. (Note: The 96/97 cost was \$282676, so this reflects an increase of \$7073 or just over 2.5%.) For the information of Council.

Received from Warden steven stoddart, a 2-page Memo concerning the Mandatory Municipal Tax Rate for Education. Cabinet has set the municipal education tax rate at \$0.39 per \$100 of uniform assessment; which will see municipal units contributing \$1.5 million more to public education in 97/98, than in the previous fiscal year. The Minister of Education has since advised that the Department of Housing and Municipal Affairs is prepared to individually review cases for municipal units which will be adversely affected, and may provide "bridge loan financing" .

The UNSM is also very concerned about what will take place in 98/99 when the higher assessment values will affect the uniform assessment figures. For the information of Council.

Received a letter from the Berwick & District Board of Trade asking if the Town is interested in putting together an attractive web-page for Berwick on the Internet. The letter suggests that perhaps the Recreation Department and/or Tourist Bureau would be interested in pursuing this project, in conjunction with the Board of Trade. Attached to the letter is a local quote for a one-time cost of \$540, plus a yearly cost of \$312, plus taxes. After brief discussion by Council, it was agreed to examine a cost-sharing arrangement with the Board of Trade, and submit a provision in the annual budget.

Received a request from WebCraft Consultants of Kentville to put the Berwick Apple Blossom Princess on a web page, along with local ads, as part of a promotion being done for all princesses of the Apple Blossom Festival. Cost is \$50. After brief discussion, it was agreed that the Town already makes a substantial contribution to the Apple Blossom Festival; we've spent all we can afford. Request declined.

BILLS AND ACCOUNTS

It was moved and seconded by Councillor Reeves and Councillor Prall that the attached list of Bills and Accounts in the amount of \$204117. 15 be approved for payment.

Motion carried.

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7.

## NEW BUSINESS

(a)

### Infrastructure Application: WKMHS

Councillor Reeves introduced an Infrastructure Application prepared for the Western Kings Memorial Health Society in the amount of \$535000, towards renovations, and asked Council for Municipal Concurrence for the project, (Le. Council requires authority to sign the application indicating that the project applied for is acceptable to the municipality). Mayor Rainforth added that the early deadline for Infrastructure applications was April 15, 1997; however, can still apply. Obviously, there are only so many dollars, and would just like to point out that as a municipal unit, we may find ourselves competing for limited dollars. Deputy Mayor Munday felt that it wouldn't hurt to submit the application: We need to continue to show interest in the (WKMHS) building and in the community, and some money would be better than none at all. After further discussion, it was moved by Councillor Reeves and seconded by Councillor Morse that the Town of Berwick provide municipal concurrence to the Infrastructure application for the Western Kings Memorial Health Society, and hereby authorize the Town Clerk to sign the application where required.

Motion carried.

(b)

### Kings C.E.D. Board

Deputy Mayor Munday advised Council that his 2-year term was coming to an end on the Kings c. E . D. Board; need to renew or name another representative. As an aside to that, part of new package is to set up RDA's (Regional Development Agency) and complete a new term; regardless of whether or not an elected representative gets reelected. (Apparently, under the new bylaw, a nominee must sit for a specified term. May need to change this. )

After general discussion, it was moved by Councillor Reeves and seconded by Councillor Whittier to re-appoint Deputy Mayor Munday to the position of elected representative for the Kings C. E . D . Agency, for term as required.

Motion carried.

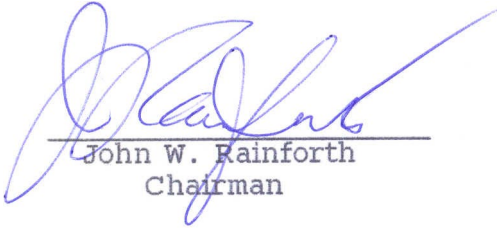
Deputy Mayor Munday agreed to accept the re-appointment, and reminded all present that the Annual General Meeting of the Kings C . E . D. Agency will be held on Wednesday, May 21st at the Cornwallis Inn in Kentville.

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8.

There being no further meeting at 8:28 p.m.



John W. Rainforth  
Chairman

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Town Clerk